



Initiative 2 FAQs

Initiative Process

What is the process established in the Tacoma City Charter for Tacoma residents to use an initiative to ask voters to approve or reject an ordinance or amendment to existing ordinance ?

The Tacoma City Charter establishes a process for residents of Tacoma to ask voters to approve or reject proposed ordinances or proposed amendments to existing ordinances through an initiative petition. The process involves multiple steps. The following is a summary of the steps required for an initiative that are outlined in the Charter:

- Filing the Initiative Petition and proposed ordinance with the City Clerk who will then forward the petition to the City Attorney;
- The City Attorney reviews the petition to determine if it meets requirements for the proper form and style. If it does not, the City Attorney will notify the petitioners that the petition has been rejected. If the petition meets requirements, the City Attorney will write a statement of purpose of the measure which will be filed with the City Clerk as the official ballot title;
- The City Clerk will assign an initiative number to the ballot title, notify petitioners when signature gathering may begin, and post the notification of the ballot title;
- Persons dissatisfied with the ballot title will have ten days to seek judicial review;
- Petitions must include the final, approved ballot title; initiative number; the full text of the ordinance, or amendment to existing ordinance, that the petitioners seek to refer to the voters; and all other text and warnings required by state law;
- If there is no appeal of the ballot title, petitioners have 180 days to collect valid signatures from registered voters and must collect enough signatures to equal ten percent of the votes cast in the last election for the office of Mayor;
- Once the signatures are submitted to the City Clerk, the Clerk will forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the Clerk will determine the validity of the petition meaning that there are enough verified signatures to qualify for the ballot;
- If the petition is validated, the City Council may enact or reject the initiative, but may not modify it. If the Council rejects the initiative, or within thirty (30) calendar days fails to take final action on it, the City Council shall submit the proposal to the people at the next Municipal or General Election that is not less than ninety (90) days after the date on which the signatures on the petition are validated.

- The City Council may also place on the ballot a competing measure that will be considered by the voters as an alternative to the initiative measure.

When is Initiative 2 effective?

If Initiative 2 receives a majority of the votes cast in the November election, its provisions will be effective on January 1 of the immediately following year. If the ordinance is enacted at a different time, it takes effect pursuant to the Charter which would be ten days after the certification of the results of the election. The fair access to hours section of Initiative 2 is effective 90 days after the effective date of the other provisions in the Initiative.

The minimum wage requirements become effective on the effective date of the Initiative and will automatically increase by the annual rate of inflation on January 1st of the following year. If, for example, the effective date is in December of 2025, the \$20.00 per hour minimum wage for large employers will automatically increase by the annual rate of inflation on January 1 of 2026 and the reductions in minimum wage for medium and small employers will also begin decreasing on the same date.

Initiative Requirements

What are the primary requirements of Initiative 2? (See below under “What businesses do Initiative 2 requirements apply to?” for definitions of large, medium, and small employers.)

- **Fair Scheduling (18.20.202)**
 - (Applies to All Employers): Employees may identify limitations or changes in work schedule availability, and have the right to request not to be scheduled for certain times or locations and scheduling preferences. Employers are encouraged to accommodate the requests.
 - (Applies to Large Employers): Large employers must provide employees with their written work schedule at least 14 calendar days in advance. The written schedule must be posted in a conspicuous location at the workplace in English and in the employees(s) primary language(s).
 - (Applies to Large Employers): Large employers must notify the employee of any change to the employee’s work schedule as soon as possible. The employee may decline a work shift if they receive less than 14 days advance notice. If the employee consents to work the shift, the employee is entitled to payment equal to one hour of pay at the employee’s regular rate of pay for each shift worked with less than 14 days advanced notice.
 - (Applies to Large Employers): An employee may decline a shift that begins less than ten hours after the end of a previous work shift. If the employee consents to work the shift, the employee is entitled to payment equal to one half of the employee’s regular rate of pay for each hour worked which is less than ten hours after the end of the previous shift.
- **Fair Access to Additional Hours (18.20.030) (Applies to Large and Medium Employers)**
 - Before hiring additional employees or subcontractors, large and medium employers must:

- Offer the additional hours of work to existing employees if they have the skills and experience to perform the work;
 - Notify the employees when the hours are available; and
 - Use a reasonable, transparent, and non-discriminatory processes to distribute the hours of work among the existing employees.
- **Minimum Wage (18.20.040)**
 - **Large Employer:** Beginning on the effective date of Initiative 2, large employers must pay an hourly wage of at least twenty dollars per hour and must increase by the annual rate of inflation each year.
 - **Medium Employer:** Beginning on the effective date of Initiative 2, medium employers must pay an hourly wage of two dollars per hour less than the large employers (\$18). This difference is reduced by one dollar per hour each year until the difference is zero.
 - **Small Employer:** Beginning on the effective date of Initiative 2, small employers must pay an hourly wage of three dollars per hour less than the large employers (\$17). This difference is reduced by fifty cents each year until the difference is zero.
- **Safety Planning and Precautions (18.20.070) (Applies to Large Employers)**
 - Every large employer must create a workplace safety plan to protect workers and customers in the event of violence or natural disaster and must consult with employees on the development of the plan. Additional specific requirements and obligations are included in the Initiative.
- **Retaliation (18.20.080) (Applies to All Employers)**
 - Employers are prohibited from interfering with, restraining, denying the exercise or attempted exercise of, any rights under Initiative 2. No employer may take adverse actions against an employee for exercising their rights under Initiative 2 or communicate a willingness to report the person's immigration status because of the exercise of their rights under Initiative 2.
 - A rebuttable presumption of retaliation is created if an adverse action is taken against an employee within 90 days of the employee exercising their rights. If the employee is a seasonal worker, if the work ends before the 90 day time period, the presumption applies if the employer fails to rehire the former employee at the next opportunity to work in the same position.
- **Enforcement** (See below for more information on enforcement provisions)
 - The City is authorized to implement and enforce the provisions in Initiative 2. Complaints of violations may be presented to the City Attorney who has the authority to investigate and initiate legal action.

- A private right of action is created to permit any person or class of persons to bring a civil action if they suffer financial injury as a result of a violation or are the subject of prohibited retaliation.

Initiative 2 Applicability

How does Initiative 2 classify different types of workers?

Initiative 2 defines an “employee” as the having the same definition as contained in the state Minimum Wage Act, [RCW 49.46.010](#), which includes any individual employed by an employer with some exclusions identified in statute:

- Initiative No. 2 classifies workers based upon the definition of employee under the state Minimum Wage Act (Chapter 49.46 RCW). The Minimum Wage Act contains a complex multi-part definition of “employee” with 17 exemptions, but generally, most employees would be covered under Initiative 2 with the exception of persons employed in an executive, administrative or professional capacity who have salaries that exceed the minimum thresholds.

Initiative 2 does not distinguish between part and full-time employees; however, the fair access to hours provisions of 18.20.03(E)(3) do not require that additional hours of work be offered to employees in circumstances in which it would require payment of overtime. Accordingly, it appears these provisions are intended to benefit only part-time employees.

For the purposes of determining the size of the employer, all employees are counted regardless of their work location and include employees who worked in full-time, part-time, joint, or temporary employment, or through the services of a temporary services or staffing agency. Though all employees are included to determine the size of the business, the Initiative 2 requirements only apply to those employees who are working in the City of Tacoma.

What businesses do Initiative 2 requirements apply to?

Initiative 2 requirements apply to employers differently based on the size of the employer. (Please see above under the “Initiative Requirements” section for the specific Initiative provisions. This section also identifies which employers each section applies to depending on whether they are a large, medium or small employer.)

Initiative 2 divides employers into three categories:

- Large Employer: An employer that employs more than 500 employees, regardless of where those employees are employed, including all franchisees that are associated with a franchise that employs over 500 employees in aggregate.
- Medium Employer: An employer that employs more than 15 employees but not more than 500 employees, regardless of where those employees are employed, including all

franchisees that are associated with a franchise that employs more than 15 employees but not more than 500 employees in aggregate.

- **Small Employer:** An employer that employs 15 or fewer employees, regardless of where those employees are employed.

To be considered an “employer” under Initiative 2, an employer must meet the definition under the state Minimum Wage Act.¹ This definition does not exclude or exempt public employers from the definition of employer. Accordingly, it would apply to federal, state, as well as local government employers such as the Port of Tacoma.

- In the event that the Initiative 2 language may conflict with federal or state law, the initiative contains a savings clause at 18.20.120(D) that precludes interpretation or application of the provisions of the initiative that would be in conflict with federal or state law. This savings clause appears to be intended to protect Initiative 2 from legal challenge in the event its provisions conflict with federal or state law. For example, under the supremacy clause of the U.S. Constitution, state and local minimum wage laws are not binding on the federal government whose employees are covered under the Fair Labor Standards Act (29 U.S.C 201, et seq.) With respect to other government employees, the Washington Minimum Wage Act (Chapter 49.46 RCW) provides that any standards relating to wages, hours, paid sick leave or other working conditions established by local laws and regulations that are more favorable than the minimum standards applicable under this statute shall apply and may be enforced. Thus, it would appear that the legislature intended that local governments may enact and enforce regulations that are more favorable than those regulations found in this statute. However, beyond the minimum wage requirements, the extent to which Initiative 2 would apply to government employees working in Tacoma requires further examination.

Do the definitions of large, medium, and small businesses align with state and federal definitions?

Generally, the Washington Minimum Wage Act and the Fair Labor Standards Act do not differentiate between and among employers based on size. However, some state laws include requirements based upon the size of the employer. For example, salary thresholds for executive, administrative, professional and certain other categories of employees are based upon the size of employer, distinguishing between employers of more than 50 employees and 50 or fewer employers. SSB 5525 added a new chapter to title 49 RCW effective on July 27, 2025 that will require employers with 50 or more full-time employees to provide advance notice of business closings and mass layoffs and other requirements. Additionally, employee family and medical leave protections under state law also apply only to employers with 50 or more employees.

¹ Under RCW 49.46.010(4), “Employer” includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.

Do Initiative 2 requirements apply to businesses that have employees who work in the City of Tacoma as well as employees who work outside of the City?

The requirements established in Initiative 2 apply to all employers that meet the classifications for employee hours worked in Tacoma.

If the employer has employees working in the City of Tacoma, the Initiative 2 requirements apply regardless of whether the employer is located within the geographic boundaries of the City of Tacoma; however, the requirements only apply to those employees who work within the City. If an employer has employees who work both within the City of Tacoma and outside of the City limits, we interpret Initiative 2 to require the employer to follow the Initiative 2 requirements only with respect to those employees working within the City. It is unclear whether the hours worked within the City requires a physical presence in the City of Tacoma to be subject to the minimum wage requirements.

It is unclear the extent to which the fair scheduling and fair access to hours provisions would apply to employers located outside of the City with respect to employees who may perform work in the City of Tacoma and how it may apply to employers within the City of Tacoma who have employees that work beyond the City limits.

How many businesses meet the definitions of small, medium, and large size businesses under Initiative 2?

The City does not have reliable data on the number of employees a business may employ; therefore, we cannot determine which businesses would meet the definition of small, medium or large.

Do we know how many employees are employed at these businesses?

The City does not have reliable data on the number of employees a business may employ; therefore, we are not able to determine how many employees are employed at these businesses.

Do we know how much of the Tacoma workforce is works in the City as opposed to outside the City limits?

The City does not collect data from businesses on where employees live; therefore, we are not able to provide an analysis of the data related to how much of the Tacoma workforce work within the City as opposed to outside the City limits.

Do we know how many City of Tacoma employees work outside the City limits?

Tacoma Water has 44 full time employees who are assigned to locations outside City of Tacoma. Tacoma Power has 96 full time employees and 38 temporary/seasonal employees who are assigned to locations outside City of Tacoma and Pierce County. For awareness, TPU operates infrastructure in seven western Washington Counties.

For General Government, the Tacoma Fire Department staffs two fire stations in connection with Fircrest and Fife with approximately 11 staff and additional rovers or overtime used to backfill as needed. These are the primary staff for General Government that work outside the city limits. The other staff who might be included are those that telework. Other staff work outside the Tacoma city limits to attend trainings, conferences, meetings, to acquire materials such as fleet parts, or to travel through other jurisdictions to reach a location for their employment that is within the city limits.

How will Initiative 2 provisions be implemented if there is a collective bargaining agreement?

If Initiative 2 passes, it will become the governing law upon the effective date; however, if it conflicts with a state law, the state law takes precedence over the local ordinance.

Initiative 2 contains a savings clause which appears intended to be applied so that if there is a conflict between the initiative language and a state or federal law, only that part of the initiative that conflicts will not be enforceable, and that the remaining portions of the initiative will remain effective.

Washington collective bargaining laws control over any local laws that may be in conflict. To the extent that Initiative 2 may conflict with Washington State bargaining laws, the state law will prevail.

Impacts of Initiative 2

How can we better understand the impacts to businesses, including which industries may experience the greatest impacts, whether businesses might change how they hire staff to avoid Initiative 2 requirements, and potential job losses for businesses within the City? How long would it take to conduct an assessment, including talking with businesses and labor unions who might be impacted by the requirements, initiative proponents, and the public?

Industries likely to experience the greatest immediate impacts include retail, healthcare, government, education, manufacturing, hospitality, construction, and organizations reliant on seasonal or shift-based labor. However, determining which sectors will be most affected requires further research due to the interdependent nature of the initiative's provisions. For example, a hospital paying higher wages may face hiring constraints, compounded by limits on shift scheduling and worker refusals, which in turn reduces patient capacity and revenue. Businesses may adjust hiring practices to mitigate these risks, but effects will vary by size, structure, and sophistication.

Further research is also required to understand the potential for job or business losses within the City. Research could include impacts related to contractors and developers, and whether they would be conducting business outside the city and/or whether businesses are indicating being

discouraged from locating in the City. Additionally, further research could assist with assessing actual and/or potential job losses and reduced investment in Tacoma.

An assessment using independent, scientifically relevant data is necessary to better understand the impacts to businesses. The City estimates approximately \$75,000 to conduct an assessment that would include the costs for project management; print, mail, and/or digital survey costs, data collection and assessment, as well as the report containing findings. The assessment may take approximately three to five months to complete.

Enforcement of Initiative 2

Who will enforce Initiative 2 requirements?

Initiative 2 authorizes the City of Tacoma to implement and enforce the laws established under the Initiative. The City must adopt rules and procedures to implement the laws under the Initiative within 120 days after the effective date. The rules are to include the requirement for employers to maintain adequate records and to annually certify compliance with the requirements. Employers must permit the City to access work sites and relevant information, including inspection of records. Complaints related to violations of the laws under the Initiative may be presented to the City Attorney who is authorized to investigate and, if appropriate, initiate legal or other action to remedy any violations.

There are no other jurisdictions that would have authority to enforce the laws under the Initiative such as another state or local government agency. Laws enacted by the City of Tacoma are enforceable only within the City limits. Generally, local laws may only be enforced by the local government that enacted those laws unless there has been a lawful delegation of enforcement authority to another jurisdiction. For example, under the Interlocal Cooperation Act, the City could contract with another jurisdiction to enforce Initiative 2 within the City limits of Tacoma.

In addition to the enforcement authority provided to the City under the Initiative, Initiative 2 also creates a civil cause of action for any person or class of persons that suffer financial injury as a result of a violation of the laws under the Initiative, or is the subject of prohibited retaliation under the Initiative provisions. The aggrieved person may bring a civil cause of action against an employer or other person violating the laws, and if they prevail may be awarded attorney fees and costs, and other relief such as damages in an additional amount up to twice the unpaid wages, compensatory damages, and a penalty to the aggrieved party of between \$1000 to \$5000 if the aggrieved party was subject to prohibited retaliation.

If an employer is found to have violated the laws under the Initiative, the City or the Court must assess a fine as set out in the schedule provided in the Initiative.

Potential Costs

What would be the costs to the City to enforce the provisions of Initiative 2?

The cost of enforcing this initiative would depend on many factors such as the rules and regulations that would be put in place, the number and complexity of complaints filed by employees working within Tacoma, the number of appeals and the appeal process, and the City staffing available to implement the enforcement process. Due to the uncertainties of the process to be implemented, and the complaints that might be filed, it is difficult to provide an accurate estimate of the costs of enforcement of the initiative; however, for the sake of comparisons, when the City implemented a minimum wage and paid sick leave program in 2015-2016, the costs of enforcement were approximately \$1.5M per year.

What are the options for how the City can address the fiscal impacts in the budget?

If this initiative passes in November, the City Council would need to amend the budget to include funds related to the increased costs anticipated to be incurred. The City Council would either need to repurpose or re-direct current spending or find additional revenue sources to cover the increased costs.

Fiscal impacts for TPU divisions will be addressed in retail power, water, and rail rate increases and/or longer response times meaning service disruptions may last longer if employees refuse to respond to emergencies.

Other Questions

Under current law, can employers ask employees to identify their primary language?

The City Attorney's Office will provide an answer to this question in a separate confidential memorandum.

Are there any other jurisdictions who have implemented similar requirements that could serve as a model for the City?

The following are other cities or localities (in WA State) that have passed laws with requirements similar to some or all of the provisions of Initiative 2:

- Olympia: A similar initiative has been presented to the Olympia City Council. The Council approved the measure to be included on the ballot in the November 2025 election.
- Seattle: In 2016 the City of Seattle adopted an ordinance (codified at chapter 14.22 SMC) that implements worker protection requirements relating to scheduling and fair access to hours; however, the provisions of this ordinance are not as favorable to employees as Initiative 2. Additionally, the protections of this ordinance apply only to retail and food service establishments that employ 500 or more employees worldwide. Seattle also adopted minimum wage requirements in 2015 (codified at chapter 14.20

SMC). It should be noted that the City of Seattle has a stand-alone Office of Labor Standards.

- SeaTac: A voter initiative was adopted in 2013 (codified at chapter 7.45 SMC) that implements hospitality and transportation worker protection requirements that include requirements for payment of minimum wage and fair access to hours but does not include scheduling requirements.
- Tukwila: A voter initiative was adopted in 2022 (codified at chapter 5.63 TMC) that implements worker protection requirements that include requirements for payment of minimum wage and fair access to hours but does not include scheduling requirements.
- Renton: A voter initiative was adopted in 2024 (codified at chapter 5.28 RMC) that implements worker protection requirements (employers with 15 or more employees and over \$2 mill in annual gross revenue) that includes requirements for payment of minimum wage and fair access to hours but does not include scheduling requirements.
- Burien: The Burien City Council in 2024 adopted a worker protection ordinance (codified at chapter 5.15 BMC) that imposes minimum wage requirement but does not address other labor standards such a fair access to hours and scheduling.
- Everett: A voter initiative was adopted in 2024 (codified at chapter 5.08 EMC) that implements worker protection requirements (employers with 15 or more employees and over \$2 mill in annual gross revenue) that includes requirements for payment of minimum wage and fair access to hours but does not include scheduling requirements.
- Bellingham: A voter initiative was adopted in 2023 (codified at chapter 6.07 BMC) that implements worker protection requirements that includes requirements for payment of minimum wage but does not include fair access to hours or scheduling requirements.
- King County (Unincorporated): In 2023, the King County Council adopted an ordinance (codified at chapter 2.94 KCC) implementing minimum wage requirements in unincorporated King County, but does not include fair access to hours or scheduling requirements.