

**City of Tacoma** Office of the City Clerk

July 10, 2025

Honorable Mayor Woodards and Members of the City Council

SUBJECT: Citizens' Initiative Measure No. 2025-02 – Labor Standards for Certain Employees

Please be advised that the Pierce County Auditor has found that the petition entitled "Labor Standards for Certain Employees", which concerns protections for certain employees, contained the necessary 4,207 signatures, which have been verified as to sufficiency. In accordance with City Charter Section 2.19(j), the number of valid signatures represents 10 percent of the total number of votes cast in the last Mayoral election.

Attached is a copy of the letter from the Pierce County Auditor's Office confirming the number of valid signatures on the petition, a copy of the initiative petition filed in this office, the ballot title, and a copy of the City Charter section relating to the initiative petition process.

In accordance with Section 2.19 of the City Charter of the City of Tacoma, I submit this matter to you.

Respectfully submitted,

Nicole Emery City Clerk



Auditor's Office 2401 S. 35th St., Rm 200 Tacoma, WA 98409

**Election Center** 2501 S. 35th St., Ste. C Tacoma, WA 98409 Auditor's Office

**Elections** 253-798-VOTE (8683) Website PierceCountyAuditor.org Email Auditor@PierceCountyWa.gov

July 9, 2025

Nicole Emery City of Tacoma Clerk 747 S. Market St, Room 220 Tacoma, WA 98402

RE: Labor Standards for Certain Employees: A Workers' Bill of Rights

We have completed our review of the petition pages submitted to our office on June 26, 2025. A total of 2,000 pages were received, and the signature verification process began on July 7, 2025.

Upon reaching the required threshold of 4,207 valid signatures, we concluded our review. The petition contains a total of 4,425 valid signatures, surpassing the necessary requirement.

It is now the responsibility of the city to call for the election and take all necessary actions to place this measure on the ballot. Please note that the deadline to submit items for the November 4, 2025 ballot is August 5, 2025.

If you have any questions regarding this petition, please feel free to contact me at (253) 798-2146.

Sincerely,

Ryle Haugh

Kyle Haugh, JD, MPA, CERA Pierce County Elections Manager

# A Workers **LABOR STANDARDS FOR CERTAIN EMPLOYEES: A CITIZEN PETITION TO ADOPT THE Bill Of Rights**

### FOR SUBMISSION TO THE TACOMA **CITY COUNCIL**

To Nicole Emery, City Clerk, City of Tacoma: We, the undersigned citizens and legal voters of Tacoma, Washington, respectfully direct that the proposed measure known as Citizens' Initiative Measure [Ballot #] entitled:

[Ballot Title]

Warning: Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement,

shall be guilty of a misdemeanor. By signing this petition, your information written below is subject to disclosure

A full true and correct copy of which is printed on the reverse side of this petition, be transmitted to the City Council of the City of Tacoma, and we respectfully petition the City Council to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter in the State of Washington in the city written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

FEB 0 4 2025

## **City of Tacoma Voters**

please sign this initiative petition.

Date	Signature (as registered)	Print Name (for identification purposes)	Street Address (where registered to vote—no PO Boxes)	City & Zip Code	Phone
1					
2					
3					
4					
5					
6					

#### AN ORDINANCE concerning labor standards for certain employees CHAPTER 18.20

#### LABOR STANDARDS FOR CERTAIN EMPLOYEES

Section 1, A new chapter 18,20 is added to the Tacoma Municipal Code to read as follows:

#### 18.20.010 Ebdbage

. The people of the City of Tacoma hereby adopt the Workers Bill of Rights to establish labor standards and enforcement mechanisms for employees in the City. These labor standards work together and serve a unified goal of protecting workers from existing and emerging threats in today's economy. The Workers BIII of Rights also ensures that workers know their rights and gives them tools to enforce these rights.

B In passing this Workers Bill of Rights, the voters express the following intent:

- Workers deserve fair and secure scheduling, with sufficient advanced notice of their work schedules, so they can plan their lives and family budgets.
- Workers deserve a fair opportunity to move into full time work when those hours become available, and those additional hours should be distributed in a reasonable transparent, and non-discriminatory manne Workers deserve a fair wage for their work. The initiative raises the minimum wage so that Tacoma workers get paid fairly, like employees in other major Puget Sound
- cities, and allows the minimum wage to increase with the cost of living Workers deserve a safe workplace environment. The Workers Bill of Rights protects workers through basic safety planning and precautions.
- Workers deserve to know their rights and have tools to enforce them.

### 18,20,020, Giving workers the right to fair scheduling so they can plan their lives and family budgets.

Sections 18 20.020 and 18,20.030 shall apply to all employers, except that contractors as defined under RCW Chapter 18.27 are exempt from both Sections. For new employees, the employer shall provide the employee with a written good faith estimate of the employee's work schedule at time of hire. The good faith estimate shall include the median number of hours the employee can expect to work each work week, and whether the employee can expect to work on-call shifts. Prior to the start of employment, an Employer shall provide a new Employee with a good faith estimate in writing of the Employee's expected minimum number of scheduled shifts per month, and the days and hour of those shifts, For existing employees, the employer shall revise the good faith estimate: once every year calculated from the point of the last good faith esomate; when there is a significant change to the employee's work schedule due to changes in the employee's availability; when there is a significant change to the employee's work schedule required for bona fide business reasons. The employer shall initiate an interactive process with the employee to discuss any significant change from the good (aith estimate, and if applicable establish a bona fide business reason for the change consistent with paragraph 1. At time of hire and during employment, the employee may identify any limitations or changes in work schedule availability. The employee has the right to request not to be scheduled for work shifts during certain times or at certain locations and the right to identify preferences for the hours or locations of work, if the employee's request is due to a major life event, the employer shall engage in an interactive process with the employee to discuss the request and may require verifying information from the employee with adequate notice and reasonable time to respond. The employer shall grant the request unless the employer has a bona fide business reason for denial and shall provide a written response. In the event of a denial, the employer's written response shall provide an explanation of the complete or partial denial of the request, and the bona fide business reason for the decision. If the employee's request is not due to a major life event, the employer shall engage in an interactive process with the employee to discuss the request. The employer may grant or deny the request for any reason that is not unlawful\_Unless the employee requests or consents to work such hours, the employer shall not schedule or require the employee to work less than ten hours after the end of a previous work shift. The employer shall compensate the employee who works hours under subsection C at one and one-half times the employee's scheduled rate of pay for the hours worked that are less than ten hours apart. Subject to the provisions of subsection F, the employer shall provide employees with a written work schedule at least 14 calendar days before the first day of the work schedule. For new employees at time of hire, and for existing employees returning to work after a leave of absence, the employee may provide the employee with a written work schedule that runs through the last date of the currently posted schedule. Thereafter, the employer shall include these employee (s) in the schedule for existing employees. The employer shall post the written work schedule in a conspicuous and accessible location, in English and in the primary language(s) of the employee(s) at the particular workplace. For employer-requested changes to the written work schedule that occur after the advance notice required in Sections E-6. The employer shall provide the employee with timely notice of the change by in person conversation, telephone call, email, text message, or other accessible electronic or written format; and The employee may decline to work any hours not included in the employee's work schedule. For employee-requested changes to the written work schedule that occur after the advance notice required in Section E-G: The employee shall provide notice of the request per the employer's usual and customary notice and procedural requirements for foreseeable changes, or as soon as practicable for unforeseeable circumstances; and The employee shall comply with the employer's reasonable normal nothication requirements and/or call in procedures, provided that such requirements do not interfere with the purposes for which the work schedule change is needed if it is due to a reason covered by another local state, or federal law or is due to a major life event. Subject to the provisions of this subsection, the employer shall compensate employees for each employer-requested change to the employee's written work schedule that occurs after the advance notice required in Sections E-6. The employer shall compensate the employee with one hour of pay at the employee's scheduled rate of pay, in addition to wages earned, for the following reasons: Adding hours of work; or Changing the date or start or end time of a work shift with no loss of hours. The employer shall compensate the employee with no less than one-half times the employee's scheduled rate of pay per hour for any scheduled hours the employee does not work for the following reasons: Subtracting hours from a regular work shift before or after the employee reports for duty; Changing the date or start or end time of a work shift resulting in a loss of hours; Cancelling a work shift; or Scheduling the employee for an on-call shift for which the employee does not need to report to work. The requirements for additional compensation in subsection J shall not apply under the following circumstances: Mutually agreed upon work shift swaps or coverage among employees. Employee-requested changes including additional or subtracted hours that the employee voluntarily makes to the employee's work schedule and documents in writing. The employer shall not engage in a systemic pattern or practice of significant underscheduling where the

#### 18 20 030 Part-Time Employees Shall Have Fair Access to Additional Hours

Before hiring new employees from an external applicant pool or subcontractors, including hiring through the use of temporary services or staffing agencies, an employer must offer additional hours of work to existing employees when those hours become available at their place of work as defined by the employer's usual and customary business practice. Additional hours must be offered to existing employees when they become available in their existing position or job title and when additional hours become available in a different job tille or position. Except as provided in this subsection, the employer must post written notice of available hours of work for at least five consecutive calendar days, The notice must contain the following information: Description and title of the position; Required qualifications for the position; Total hours of work being offered; Schedule of available work shifts; Whether the available work shifts will occur at the same time each week; and Length of time the employer anticipates requiring coverage of the additional hours. The employer must post the notice in a conspicuous and accessible location where employee notices are customarily posted. If the employer posts the notice in electroni format, all employees in the workplace must have access to it on-site. The employer shall offer additional hours of work to an existing employee who has responded to the offer of work, and who, to a reasonable employer acting in good faith is qualified with the skills and experience to perform the work. The employer shall give the employee at least four consecutive calendar days, running from the date of the employer's offer, to accept the additional hours of work. If more than one qualified employee responds to the offer of additional hours of work, the employer may distribute the hours among interested employees or may offer all the available hours to one qualified employee. The employee may limit distribution of hours to full work shifts rather than parceling hours among employees. The employer may choose among qualified internal candidates following the employer's usual and customary hiring procedures. If the employee accepts additional hours of work for seasonal employment, the employer may reasonably delay scheduling such hours and permit new employees to start working for training purposes, provided that the employer follows the employer's usual and customary practices for training new employees and the employer provides the existing employee with a prospective start date for the additional hours. The employer shall make reasonable efforts to offer employees training opportunities to gain the skills and experience to perform work for which the employeer typically has additional needs... If no employee responds to the written notice of additional hours of work following the five consecutive calendar day posting requirement or accepts an offer of additional hours during the four consecutive calendar day acceptance period, the employer may immediately proceed with hiring new employees from an external applicant pool or subcontractors to work the additional hours. This Section shall not apply, in whole or in part, as follows: If the employer provides notice of additional hours to all employees and receives written confirmation from all such omployees that they are not interested in accepting additional hours of work, the employee may immediately proceed with hising new employees from an external applicant pool or subcontractors to work the additional hours. Section (schedule change compensation) does not apply when an employee consents to work additional hours, on less than 14 days' notice, when the employee is accepting a long-term schedule change based on an access to hours posting. This Section shall not be construed to require the employer to offer employees work hours paid at the overtime premium (i.e., one and one-half times the regular rate of pay) nor to prohibit any employer from offering such work hours.

18 20.040, Large Employers Shall Pay Minimum Wages Comparable to Other Puget Sound Cities.

hours that employees actually work are significantly above the hours in the written work schedule required by Section IV.

A Upon the effective date, the minimum wage for every employee in the City of Tacoma is Increased from that set by the state minimum wage to the higher City of Tacoma minimum wage established in this ordinance.

B. Upon the effective date, every large employer must pay to each employee an hourly wage of at least twenty dollars (\$20.00) per hour

C. The minimum wage established under 18,20,040(B) shall stay in effect until the end of the calendar year in which it becomes effective. On January 1 of the next calendar year, and each January 1 thereafter, the hourly minimum wage must increase by the annual rate of Inflation to maintain employee purchasing power

#### 18,20,050, Medium and Small Employers Shall Have a Multivear Phase-In Period.

A. Starting upon the effective date, and through the end of that calendar year, medium employers must pay their employees an hourly minimum wage rate as established in section 18,20,040 minus two dollars per hour. The two-dollar reduction must decrease annually by one dollar on January 1 of each year thereafter until the reduction is zero. B Starting upon the effective date, and through the end of that calendar year, small employers must pay their employees an hourly minimum wage rate as established in section 18,20,040 minus three dollars. The three-dollar reduction must decrease annually by fifty cents on January 1 of each year thereafter until the reduction is zero.

#### 18.20.060. Coverage and Employer Classifications

A Employers must pay employees at least the minimum wage established by this chapter for each hour worked within the City. In addition to the minimum wage set forth herein, an employer must pay to its employees (1) all tips and gratulties; (2) all service charges as defined under RCW 49.46,160 except those that, pursuant to RCW 49.46,160, are itemized as not being payable to the employee or employees servicing the customer; and (3) any payment required under this chapter.

B. Employer classification for a calendar year will be calculated based upon the average number of employees during all weeks in the previous calendar year in which the employer had at least one employee. For employers that did not have any employees during the previous calendar year, classification will be based upon the average number of employees during the most recent three months of the current year. In this determination, all employees will be counted, regardless of their location, and including employees who worked in full-time employment, part-time employment, joint employment, temporary employment, or through the services of a temporary services or staffing agency or

C. For the purposes of employer classification, separate entities will be considered a single employer if they form an integrated enterprise or are under joint control by one of those entities or a separate entity. The factors to consider in making this assessment include but are not limited to: (1) degree of interrelation between the operations of multiple

entities; (2) degree to which the entities share common management; (3) centralized control of labor relations; and (4) degree of common ownership or financial control over the

#### 18,20,070, Protecting workers through safety planning and precautions.

A Every large employer must create a workplace safety plan to protect workers and consumers in the event of violence or natural disaster, pursuant to this section. B. Every large employer must consult with workers in developing the workplace safety plan or to update the existing plan to comply with the requirements of this section. The employer shall have discretion about the content of the plan, provided the plan must meet and the large employer must comply with the following minimum safety standards: 1, Large employers must protect workers in isolated or dangerous areas by providing them access to panic buttons installed in such areas or that are worn by the worker. 2. Large employers must establish and document at least an annual training or drill of an evacuation plan to be used in the event of violence or natural disaster. 3 Large employers must protect employees from injury by establishing and maintaining a safe staffing level for workplaces containing over 15,000 square feet of retail space.

C. Large employers covered by a collective bargaining agreement must seek input from the employees' union on the workplace safety plan, notify the union of training or drill schedules and allow a union representative to participate.

D if a large employer falls to meet the requirements of this section, it shall be a violation of this chapter, and the large employer must pay each of its employees a hazardous workplace premium in an amount set by rulemaking until such violation is corrected.

13.20 080, Retaliation Prohibited

A. No employer or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this chapter B No employer or any other person shall take any adverse action against any person because the person has exercised in good faith the rights under this chapter, including but not limited to claiming the minimum wage, unfair scheduling payment, or unsafe conditions premiums to which they are entitled under this chapter, or participating in the workplace safety planning under this chapter.

C. For the purposes of this section, an adverse action means any action taken by a person that would dissuade a reasonable person from exercising any right protected by this chanter

D. No employer or any other person shall communicate to a person exercising rights, protected under this charter, directly or indirectly, the willingness to inform a government employee that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of the person or a family member of the person to a federal, state, or local agency because the person has exercised a right under this chapter E It shall be a rebuttable presumption of retailation if an employer or any other person takes an adverse action against a person within 90 days of the person's exercise of any right protected in this chapter. However, in the case of seasonal work that ended before the close of the 90-day period, the presumption also applies if the employer fails to rehire a former employee at the next opportunity to work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose

F. The protections afforded under this section shall apply to any person who mistakenly but in good faith alleges violations of this chapter.

#### 18.20,090. Notice and Posting

A Employers shall give notice of the rights afforded by this chapter.

B. The Director shall create and make available to employers a model notice, hereinafter referred to as the "Notice," for their use in complying with this subsection. The Notice shall be printed in English and Spanish and any other languages that the Director determines are needed to notify employees of their rights under this chapter. C Employers may comply with this section by posting the Notice in a conspicuous and accessible place in each establishment where employees are employed D, Employers may also comply with this section by including the Notice in employee handbooks or other written guidance to employees concerning employee benefits or leave

rights, or by distributing a copy of the Notice to each new employee upon hiring. In either case, distribution may be accomplished electronically. 18.20.100. Enforcement

A, The City is authorized to implement and enforce this chapter, including promulgating regulations. Any regulations the City promulgates shall have the force and effect of law and may be relied on to determine rights and responsibilities under this chapter.

B. Any person or class of persons that suffers financial injury as a result of a violation of this chapter or is the subject of prohibited retaliation under this chapter, or any other Individual or entity acting on their behalf, may bring a civil action in a court of competent jurisdiction against the employer or other person violating this chapter and, upon prevailing, shall be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation. the payment of any unpaid wages plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid wages; compensatory damages; and a penalty payable to any aggrieved party of between \$1,000 and \$5,000 if the aggrieved party was subject to prohibited retaliation. For the purposes of this section, a aggrieved party means an employee or other person who suffers tangible or intangible harm due to an employer or other person's violation of this chapter. Wages as used herein Includes unfair scheduling payments. Interest shall accrue from the date the unpaid wages were first due at the higher of twelve percent per annum or the maximum rate permitted under RCW 19 52 020

C. If the employer is found to have committed violations of this chapter, the City, or court of competent jurisdiction on behalf of the City, shall assess a fine in the amounts set forth below adjusted for inflation from the effective date:

alure to comply with prohibitions against retaliation for mercising protected rights	51,000-55000 per aggrieved par
allure to provide employees with written notice of rights	\$500
ailure to offer additional hours of work to existing employees	\$500
ailure to comply with prohibition against systemic pattem or practice of significant underscheduling	\$500
alure to compensate employee with additional compensation for work schedule changes	\$500
allure to provide notice of work schedule changes under Section	\$500
allure to provide at least 14 calendar days of advance notice of work schedule under Section	\$500
ailure to compensate employee at one and one-half times pay for working hours that are separated by less than ten hours from the previous hift	\$500
failure to provide a written response for denial of the employee's request for a limitation or change in work schedule due to a major Na event	\$500
ailure to provide a good faith estimate of work schedule	\$500

D. For purposes of determining membership within a class of persons entitled to bring an action under this section, two or more employees are similarly situated if they; a., Are or were employed by the same employer or employers, whether concurrently or otherwise, at some point during the applicable statute of limitations period; b. Allege one or more violations that raise similar questions as to llability; and c. Seek similar forms of relief. Employees shall not be considered dissimilar solely because their claims seek damages that differ in amount, or their job titles or other means of classifying employees differ in ways that are unrelated to their claims

Each employer must retain records as required by RCW 49.46.070, as well as such information as the City may require to confirm compliance with this chapter. If an employer

falls to retain such records, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this chapter for the periods and for each employee for whom records were not retained. F. Employers must permit authorized City representatives access to work sites and relevant records for the purpose of monitoring compliance with the chapter and investigating

complaints of noncompliance, including production for Inspection and copying of employment records. The City may designate representatives, including city contractors and representatives of unloss or worker advocacy organizations, to access the worksite and relevant records.

G. Complaints that any provision of this chapter has been violated may also be presented to the City Attorney, who is hereby authorized to investigate and, if they deem

appropriate, initiate legal or other action to remedy any violation of this chapter.

H. The City has the authority to issue administrative citations and to order injunctive relief including reinstatement, restitution, payment of back wages, or other forms of relief. I The City may, in the exercise of its authority and performance of its functions and services, agree to participate jointly or in cooperation with Washington State, or any county, city, town, or other incorporated place, or subdivision thereof, or engage outside coursel, to enforce this chapter. 1. The remedies and penalties provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies or penalties, including existing

remedies for enforcement of Tacoma Municipal Code chapte K. The statute of limitations for any enforcement action shall be three [3] years.

#### 18.20.110. Definitions

For the purposes of this chapter, the following terms shall have the following meanings

"Annual rate of inflation" means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners

and Clerical Workers, termed CPI-W, for the 12-month period ending in August, provided that the percentage increase shall not be less than zero "At time of hire" means the period alter offer and acceptance of employment, and on or before the commencement of employment

#### "Bona fide business reason" means:

A. An action that would cause the employer to violate a law, statute, ordinance, code and/or governmental executive order, or

B A substantial and identifiable burden of additional costs to the employer; or

C. A substantial and identifiable detrimental effect on the employer's ability to meet organizational demands

"City" means the City of Tacoma-"Effective date" is the effective date of this ordinance

"Employee" is defined as set forth in RCW 49.46.010. An employer bears the burden of proof that the individual is, as a matter of economic reality, in business for oneself rather

than dependent upon the alleged employer

"Employer" is defined as set forth in RCW 49.46.010.

"Employer classification" includes the determination of whether an employer is a large employer, a medium employer, or a small employer

"Franchise" means an agreement, express or implied, oral or written by which:

A. A person is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by the grantor or its attiliate;

8. The operation of the business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designating, owned by, or licensed by the grantor or its affiliate; and C, The person pays, agrees to pay, or is required to pay, directly or indirectly, a franchise fee. The term, "franchise fee" is meant to be construed broadly to

include any instance in which the grantor or its affiliate derives income or profit from a person who enters into a franchise agreement with the grantor, "Hour worked within the City" is to be interpreted according to its ordinary meaning, including all hours worked within the geographic boundaries of the City, excluding time spent in the City solely for the purpose of travelling through the City from a point of origin outside the City to a destination outside the City, with no employment-related or commercial stops in the City except for refueling or the employee's personal meals or errands.

"Interactive process" means a timely, good faith process that includes a discussion between the employer and the employee for the purpose of arriving at a mutually beneficial arrangement for a work schedule that meets the needs of the employee and the employer. The discussion may include the proposal of alternatives by the employee and the avolnms

"Large Employer" means an employer that employs more than 500 employees, regardless of where those employees are employed, including all franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 500 employees in aggregate,

"Major life event" means a major event related to the employee's access to the workplace due to changes in the employee's transportation or housing; the employee's own serious health condition; the employee's responsibilities as a caregiver; the employee's enrollment in a career-related educational or training program; or the employee's other job or jobs,

"Medium employer" means an employer that employs more than 15 employees but not more than 500 employees, regardless of where those employees are employed

including all franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 15 but not more than 500 employees in aggregate. "On-call shift" means any time that the employer requires the employee to be available to work, contact the employer or the employer's designee, or wait to be contacted by the employer or the employer's designee, for the purpose of determining whether the employee must report to work. During such time, on-call status applies regardless of whether the employee is located on or off the employer's premises.

"Panic button" means a physical button that when pressed immediately contacts the local 9-1-1 public safety answering point ("PSAP"), provides that PSAP with employee location information, and dispatches local law enforcement to the workplace. A panic button may be a button that is installed in an easily accessible location in the workplace, or wearable or mobile phone-based button

'Regular rate of pay" means the hourly rate that is used to determine the employee's overtime premium under the Fair Labor Standards Act li.e., one and one-half times the regular rate of pay) for all hours worked more than forty per work week

Scheduled rate of pay" means the hourly rate that the employee is entitled to earn for an hour worked in a particular work shift.

'Seasonal employment" means a period of employment that is cyclical in nature, occurs at approximately the same time each year, often to accommodate a seasonal increase in business, and lasts for a duration of less than twelve months during any year.

"Small employer" means an employer that employs 15 or fewer employees, regardless of where those employees are employed.

"Tips" means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the employee receiving the tio. "Wage" is defined as set forth in RCW 49.46.010.

"Work week" means a fixed and regularly recurring period of 168 hours or seven consecutive 24-hour periods; it may begin on any day of the week and any hour of the day and need not coincide with a calendar week.

"Work schedule" means the hours, days and times, including regular and on-call shifts, when the employee is required by the employer to perform dutles of employment for which the employee will receive compensation for a given period of time,

Work schedule change" means any employer-requested modification to the employee's work schedule that occurs after the advance notice required in Section 18.20.020 E-G , including but not limited to: the addition or reduction of hours; cancellation of a work shift or portion of a work shift; a change in the date or time of a work shift by the employer; or scheduling the employee for an on-call shift for which the employee does not need to report to work.

"Work shift" means the specific and consecutive hours the employer requires the employee to work or to be on call to work

#### 18.20.120. Miscellaneou

Nothing in this chapter shall be construed to discourage or prohibit the employer from the adoption or retention of policies more generous than the ones required herein

8. Nothing in this chapter shall be construed as diminishing the obligation of the employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous policies to an employee than required herein

C. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding policies as provided under federal or Washington state law or the Tacoma Municipal Code

D. This chapter shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides greater protection for workers; and nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor hall this chapter be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this chapter affecting such person.

E. Except as to the minimum wage, the requirements of this chapter shall not apply to any employees covered by a bona fide collective bargaining agreement to the event that such requirements are expressly walved in the collective bargaining agreement, or in an addendum to an existing agreement including an agreement that is open for negotiation, in clear and unambiguous terms and the employees have ratified an alternative structure to meet the public policy goals of this chapter. F. Any waiver by an individual employee of any provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

#### 18.20.130, Other Legal Requirements,

his chapter shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater wages or compensation; and nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

#### Section 2: Enforcement by licensing action

A new section is added to Tacoma Municipal Code Chapter 6B 10 as follows:

A. The city manager or designee may deny, suspend, or revoke any license under this chapter for repeated or Intentional violations of Chapter 18, 20

8. The city manager or designee must deny, suspend, or revoke any license under this chapter for repeated Intentional violations of Chapter 18.20

All sections of this ordinance except section 2 (enforcement by licensing action) shall be codified in a new chapter of the Taroma Municipal Code Title 18

This ordinance shall be construed to support workers' rights to fair scheduling, fair access to hours, fair wages, and fair notice and tools to enforce their rights

C. Any action by the city manager or designee under this section shall be subject to the procedures and requirements of Chapter 68.10, including appeals, as well as other due process rights that a court may require

maintain adequate records and to annually certify compliance with this chapter. The City must seek feedback from worker organizations and employers before finalizing the rules

For constitutional purposes, this measure's subject "concerns labor standards for certain employers." See Filo Foods, LLC v. City of SeaTac, 183 Wash. 2d 770, 783, 357 P.3d 1040,

If this ordinance is enacted during a November general election, it shall take effect on January 1 of the immediately following year. If this ordinance is enacted at a different time

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or

the application thereof to any employee, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance or the validity of its

#### Section 3: Rulemaking Within 120 days after the effective date, the City must adopt rules and procedures to implement and ensure compliance with this chapter, which shall require employers to and procedures

1047 (2015)

Section 5. Codification

Section 6. Effective Date

Section 7. Construction

Section 8. Severability.

Section 4: Constitutional Subject.

it shall take effect pursuant to the City Charter

application to other persons or circumstance

# **BALLOT TITLE**

# **CITY OF TACOMA**

# **CITIZEN INITIATIVE MEASURE NO. 2**

Citizen Initiative Measure No. 2 concerns protections for certain employees.

If enacted, this measure would add new provisions to the Tacoma Municipal Code adopting labor standards, workplace safety requirements, employer compliance certification requirements and enforcement mechanisms that, implement a \$20.00 hourly minimum wage and other compensation obligations, prohibit retaliatory actions by employers, require employers to provide notice of work schedules and changes in work schedules, protect employee's right to reject work schedule changes, and authorize revocation, suspension and denial of business licenses, penalties for violations, and private enforcement actions.

Date: February 18, 2025

Prepared By: Christopher D Bacha

Chris Bacha, City Attorney

Should this measure be enacted into law?

No .....

least six Council Members. No ordinance granting any franchise, right, or privilege shall ever be passed as an emergency measure.

(Amendment approved by vote of the people November 4, 2014)

**Section 2.13** – A summary of every ordinance shall, within ten days after its passage, be published once in the official newspaper of the City. Ordinances passed as emergency measures, or relating to local improvements and assessments and authorization of bonds therefore, or adopting annual budgets, or levying taxes, or making appropriations shall take effect immediately upon passage. Ordinances granting a franchise, right, or privilege, or authorizing the issuance of revenue bonds in an amount exceeding five million dollars, shall take effect at such time after publication as the City Council shall determine by ordinance. All other ordinances shall take effect only after the expiration of ten days from publication, subject always to the provisions of this charter concerning referendum.

(Amendments approved by vote of the people November 2, 2004, and November 4, 2014)

**Section 2.14** – No ordinance or section thereof shall be revised, reenacted or amended by reference to its title, but the ordinance or section to be revised, reenacted, or amended shall be reenacted at length as revised or amended. No ordinance or section thereof shall be repealed, suspended, or any person exempted from the provisions thereof, except by ordinance repealing the same.

**Section 2.15** – All ordinances and their amendments shall be recorded in a book to be called the "Ordinance Record," which record of each ordinance shall be authenticated by the signatures of the Mayor and the City Clerk.

### **Compilation and Codification of Ordinances**

**Section 2.16** – Within three years of the effective date of this charter, and at least every ten years thereafter, the Council shall arrange for the compilation or codification of the charter and all ordinances of a general, public, or permanent nature, or imposing a fine, penalty, or forfeiture, and shall file the same with the City Clerk. When adopted by the Council by ordinances, such codification shall become the official code of the City. All ordinances of like nature, not affecting private or contract rights passed prior to such adoption and not contained in such code, shall be deemed prima facie to have been repealed thereby.<sup>9</sup>

### Penalties for Non-compliance with Ordinances

**Section 2.17** – The Council may provide in any ordinance penalties for its violation; in the absence of a specific penalty provision for violation of an ordinance or a provision of this charter, such penalty shall be a fine of not to exceed three hundred dollars or imprisonment not to exceed ninety days, or both in the discretion of the court.

### **Powers of the People**

**Section 2.18** – Amendments to this charter may be submitted to the voters by the City Council or by initiative petition of the voters in the manner provided by the state constitution and laws.

(Amendment approved by vote of the people November 2, 2004)

**Section 2.19** – Residents of Tacoma may by initiative petition ask the voters to approve or reject ordinances or amendments to existing ordinances, subject to any limitation on topics in state law, by the following process:

(a) The petitioners shall file an Initiative Petition with the City Clerk.

<sup>&</sup>lt;sup>9</sup> See RCW 35.21.520 regarding procedures and requirements for Codification of Official City Code.

- (b) The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- (c) Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local initiatives. The statement will be phrased in the form of a positive question.
- (d) The City Attorney shall file this concise statement with the City Clerk as the official ballot title.
- (e) The City Clerk shall assign an initiative number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page.
- (f) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning the Pierce County Superior Court within ten (10) working days of the notification of the ballot title having been posted as required under (e). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.
- (g) 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.
- (h) Petitioners have one hundred and eighty (180) calendar days to collect signatures from registered voters.
- (i) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.
- (j) The City Clerk shall forward the signatures to the County Auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council may enact or reject the Initiative, but shall not modify it. If it 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.

(Amendments approved by vote of the people November 2, 2004, and November 4, 2014)

**Section 2.20** – Residents of Tacoma may ask that ordinances passed by the City Council, except for ordinances which take effect immediately as allowed in Section 2.13 of the Charter, or as otherwise prohibited by state law, be referred to the voters for approval or rejection by the following process:

- (a) The petitioners shall file a Referendum Petition with the City Clerk not later than ten (10) calendar days after the City Council approved the ordinance.
- (b) The filing of a Referendum Petition, and progression by the petitioners through the steps outlined as follows, causes the suspension of the effective date of the ordinance.
- (c) The City Clerk shall forward the petition to the City Attorney within one (1) working day of receipt.
- (d) Within ten (10) working days of receipt, the City Attorney shall review the petition and make contact with the petitioner as necessary, and if the petition is proper in terms of form and style, the City Attorney will write a concise, true, and impartial statement of the purpose of the measure, not to exceed the number of words as allowed under state law for local referendums. The statement will be phrased in the form of a positive question.
- (e) The City Attorney shall file this concise statement with the City Clerk as the official ballot title.
- (f) The City Clerk shall assign a referendum number to the ballot title and notify the petitioner that the ballot title becomes final and signature gathering may begin in ten (10) working days if there is no judicial review. Notification of the ballot title shall be posted at City Hall and on the City's web page.
- (g) Persons dissatisfied with the ballot title prepared by the City Attorney may seek judicial review by petitioning Pierce County Superior Court within ten (10) working days of the notification of the ballot

title having been posted as required under (f). The Court shall endeavor to promptly review the statements and render a decision as expeditiously as possible. The decision of the Court is final.

- (h) Petitions must include the final, approved ballot title, referendum number, the full text of the ordinance that the petitioners seek to refer to the voters, and all other text and warnings required by state law.
- (i) Petitioners have thirty (30) calendar days to collect signatures from registered voters.
- (j) The number of valid signatures shall be equal to ten percent (10%) of the votes cast in the last election for the office of Mayor.
- (k) The City Clerk shall forward the signatures to the County auditor to be verified. Based on the Auditor's review, the City Clerk shall determine the validity of the petition. If the petition is validated, the City Council shall immediately reconsider the ordinance, and if it does not repeal the ordinance, 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.

(Amendments approved by vote of the people November 2, 2004, and November 4, 2014)

Section 2.21 - Any ordinance initiated or referred may be submitted to the qualified electors for their approval or rejection at a special municipal election to be called in the manner provided by law for the submission of questions or propositions to the qualified electors.

**Section 2.22** – The Council by its own motion may submit any proposed ordinance to the qualified electors for their approval or rejection in the same manner as provided for its submission upon petition.

**Section 2.23** – If a majority of the qualified electors voting upon any ordinance initiated or referred shall vote in favor thereof, the same shall take effect ten days after the certification of the result of the election thereof or at the time fixed therein; provided, that if the provisions of two or more proposed ordinances approved at the same election are inconsistent, the provisions of the ordinance receiving the highest vote shall prevail. Any ordinance initiated or referred failing of such majority shall be rejected. All initiative and referendum elections shall be conducted and publication of the proposed ordinance shall be had in the same manner as elections submitting questions or propositions to the qualified electors.

**Section 2.24** – No ordinance heretofore or hereafter enacted by vote of the people shall be amended or repealed by the Council within two years after enactment, unless such amendatory or repealing ordinance shall be submitted to the qualified electors for their approval or rejection in the same manner as is required by this charter in respect to the submission of an ordinance initiated or referred.

**Section 2.25** – The City Council shall commence a review of this charter no less frequently than once every ten years, by appointing Tacoma residents to a charter review committee, or by the election of a board of freeholders in the manner provided in state law. Any freeholders shall be nominated and elected by position and by district. The charter review committee, which shall be provided with sufficient staff and budget to perform a comprehensive review, shall report any recommended amendments to the City Council. The City Council may accept, reject or modify the recommended amendments and may submit any recommended charter amendments to the voters in the manner provided in state law. The recommendations of a board of freeholders shall be placed before the voters in the manner provided in state law. Nothing in this section shall limit the right of Tacoma residents to initiate amendments to this charter in any other manner allowed by state law.

(Amendments approved by vote of the people November 2, 2004, and November 5, 2024)