



WEEKLY REPORT TO THE CITY COUNCIL

August 24, 2017

Members of the City Council
City of Tacoma, Washington

Dear Mayor and Council Members:

ITEMS OF INTEREST

1. Planning and Development Services Director Peter Huffman reports that the Planning Commission will conduct **three public hearings in September**, as listed below, to receive public comment on some important, high-priority planning projects before making its recommendations to the City Council. Public notifications for these hearings have been or are being broadly disseminated to the community and project-specific stakeholders.
 - **Tacoma Mall Neighborhood Subarea Plan and EIS:**
Public hearing is scheduled for Wednesday, September 6, 2017, 5:00 p.m., at Asia Pacific Cultural Center, 4851 South Tacoma Way. There is also an informational meeting scheduled for August 30th, at 5:00 p.m., at the same location, for interested citizens to learn more about the subject. For more information, visit www.TacomaMallNeighborhood.com.
 - **Marijuana Use Buffers Code Amendment:**
Public hearing is scheduled for Wednesday, September 6, 2017, 5:00 p.m., at Asia Pacific Cultural Center, 4851 South Tacoma Way. For more information, visit www.cityoftacoma.org/Planning and click on "Recent and Completed Projects" and then "Marijuana Regulations".
 - **Tideflats Interim Regulations (see attached letter and public hearing notice):**
Public hearing is scheduled for Wednesday, September 13, 2017, 6:00 p.m., at Greater Tacoma Convention Center, Exhibition Hall A. There is also an informational meeting scheduled for September 6th, at 5:00 p.m., in the Council Chambers, for interested citizens to learn more about the subject. For more information, visit www.cityoftacoma.org/tideflatsinterim.
2. **A Request for Proposals was issued by the City on August 22nd, to solicit a third party to operate Beacon Senior Activity Center** for a period of 14 months (November 2017 to December 2018). The contract will not exceed the current authorized budget. Submittals will be evaluated in mid-October and a vendor will be selected by November. Senior participants at Beacon will be involved in the process to select an operator.

3. **Economic Development Weekly Update Report** – Please see the attached update report on projects and initiatives from the Community and Economic Development Department for the week of **August 21, 2017**.

STUDY SESSION/WORK SESSION

4. The **City Council Study Session** of Tuesday, August 29, 2017, will be held in Room 16 of the Tacoma Municipal Building North, at Noon. Discussion items will include: (1) **Disparity Causation Analysis Study**; (2) **Proposed Amendment to Tacoma Municipal Code 18.10 “Paid Leave”**; (3) **Other Items of Interest**; (4) **Committee Reports**; and, (5) **Agenda Review and City Manager’s Weekly Report**.

At the June 20th City Council meeting, Purchase Resolution No. 39748 was adopted to award a contract to Griffin & Strong for the completion of a Disparity Causation Analysis Study. At Tuesday’s Study Session, the Consultant will provide an overview of the **study being conducted on the last five years of contracting services**, including our current programs, **to determine if the Small Business Enterprise and Local Employment and Apprenticeship Training Programs and the City’s contracting policies are effective and if a disparate impact exists within the marketplace.**

In November 2016, voters approved Washington State Initiative 1433, changing statewide employment standards by increasing state minimum wage and adding paid sick leave. Tacoma’s local minimum wage will not be impacted until at least 2019; however, **amendments to Tacoma Municipal Code (TMC) Title 18 will be needed this year to align City code with the State’s paid sick leave law** within a timeframe that will allow the City to educate businesses and workers on the changes that impact them before the new State laws take effect on January 1, 2018.

The Government Performance and Finance Committee received a presentation at their May 31st meeting on this topic. At Tuesday’s Study Session, staff will address the questions and concerns raised by the Committee and share the Finance Department’s recommendation for a proposed ordinance for your consideration. Finance Director Andy Cherullo provides the attached memorandum which summarizes the background and Council action requested. Additional information in response to the Committee Members questions is attached for your review prior to the Study Session discussion.

5. The updated **Tentative City Council Forecast and Consolidated Standing Committee Calendars** are attached for your information.

GRANT APPLICATIONS

6. The City has applied for the following grant:

- **Byrne Justice Assistance Grant** - Each year the City and Pierce County complete a joint application submission for the Byrne Justice Assistance Grant (JAG). The City and County are disparate jurisdictions and will apply for a combined total of \$284,308 with no City match required. Should this grant be awarded, Tacoma's portion would be \$142,154, and this communication is to notify the City Council of intended use of the funds.

The Neighborhood and Community Services and Tacoma Police Department would partner to use the City's funds for Police Specialized Emphasis Team Missions for identified priorities of the Tacoma Police Department. In addition, the funding will be used for a Human Services Intern who specializes in crime prevention, domestic violence and youth intervention contracts and initiatives and gaps/needs analysis for domestic violence.

MARK YOUR CALENDARS

7. You have been invited to the following events:

- **Safe Streets: The Bridge that Connects Us Breakfast on Wednesday, September 13th, 7:30 a.m.**, at the Landmark Convention Center, located at 47 St. Helens Avenue.
- **Annual Laureate Recognition Banquet Honoring Pennye Nixon, 2017 Peace Prize Laureate, on Thursday, September 28th, 5:30 p.m.**, at Pacific Lutheran University Scandinavian Cultural Center, located at South 122nd and South Park Avenue.
- **The Power of Here South Sound Luncheon on Wednesday, October 4th, 11:30 a.m. to 1:15 p.m.**, at the Courtyard Marriott-Tacoma, located at 1515 Commerce Street.
- **Eastside Community Center Construction Celebration on Saturday, September 23rd, 2:00 p.m.**, at the First Creek Middle School, 1801 East 56th Street.
- **Citizens for a Healthy Bay's 2nd Annual Breakfast for the Bay on Thursday, October 12th, 7:30 a.m. – 9:00 a.m.**, at the Museum of Glass, located at 1801 Dock Street.

- **Tacoma Historical Society's 11th Annual Destiny Dinner "Fighting for Dreams That Matter: Honoring Tacoma's Civil Rights Pioneers" on Saturday, October 14th, 5:00-7:00 p.m.**, at the University of Puget Sound Memorial Fieldhouse, located at 1500 North Warner.
- **Korean Women's Association 45th Anniversary Celebration on Saturday, October 14th, 6:00 p.m.**, at the Greater Tacoma Convention Center's 3rd Floor Ballroom, located at 1500 Broadway.
- **Graduate Tacoma 2017 Cradle to Career Lunch on Tuesday, October 24th, 11:30 a.m. to 1:00 p.m.**, at the Greater Tacoma Convention Center, located at 1500 Commerce Street.

Sincerely,



Elizabeth A. Pauli
City Manager

EAP:crh
Attachments



TO: Elizabeth A. Pauli, City Manager
FROM: Peter Huffman, Director, Planning and Development Services
Stephen Atkinson, Senior Planner, Planning and Development Services
SUBJECT: **Draft Tideflats Interim Regulations – Planning Commission Public Hearing**
DATE: August 24, 2017

The Planning Commission will conduct a public hearing concerning the proposed Tideflats Interim Regulations on Wednesday, September 13, 2017, starting at 6:00 p.m., at the Greater Tacoma Convention Center, Exhibition Hall A. The public hearing record will remain open through September 15 to accept written comments.

To provide an addition opportunity for interested citizens to learn more about the subject of the hearing and be prepared for providing comments, planning staff will conduct an informational meeting on Wednesday, September 6, 2017, at 5:00 p.m., in the Council Chambers, Tacoma Municipal Building.

Developed in response to Amended Resolution No. 39723, adopted by the City Council on May 9, 2017, the proposed interim regulations are intended to limit the establishment of certain new industrial uses with a potential for high risk or high off-site impact, limit potential residential encroachment on industrial uses within the Port of Tacoma Manufacturing/Industrial Center (M/IC), and prevent the conversion of industrial lands to non-industrial uses until such time as the proposed Tideflats Subarea Plan is complete.

Attached is the Planning Commission's public hearing notice, which will be distributed to approximately 14,000 individuals and entities. Staff has also compiled a Public Review Book that includes the full text of the proposed interim regulations, the Planning Commission's draft findings of fact concerning the need for the interim regulations, and relevant background information. The public hearing notice and the Public Review Book are posted on the project's website at www.cityoftacoma.org/tideflatsinterim.

If you or Council Members have any questions, please contact Stephen Atkinson, project manager, at 253-591-5531 or satkinson@cityoftacoma.org, or Brian Boudet, Planning Services Division Manager, at 253-573-2389, or bboudet@cityoftacoma.org.

Attachment



PUBLIC NOTICE

Tideflats Interim Regulations

PLANNING COMMISSION PUBLIC HEARING

Subject: Tideflats Interim Regulations
(Proposed Amendment to the Tacoma Municipal Code, including the Shoreline Master Program)

Date/Time: Wednesday, September 13, 2017, 6:00 p.m.

Location: Greater Tacoma Convention Center, Exhibition Hall A
1500 Commerce Street
Tacoma, WA 98402

How to provide comments?

1. Testify at the hearing on September 13; and/or
2. Provide written comments by 5:00 p.m. on Friday September 15, 2017, via:

- E-mail: planning@cityoftacoma.org; or
- Letter: Planning Commission
747 Market Street, Room 345
Tacoma, WA 98402

Informational Meeting:

Learn more about the proposed interim regulations and how they may affect you and your property. The informational meeting is NOT a public hearing. There will be a Q&A with staff.

Wednesday, September 6, 5:00 pm
747 Market Street
City Council Chambers

Website

For more background information, please visit
www.cityoftacoma.org/tideflatsinterim

Staff Contact

Stephen Atkinson, Senior Planner,
satkinson@cityoftacoma.org, (253) 591-5531

Environmental Review

Interim regulations are exempt from SEPA review, per WAC 197-11-800.19 Procedural actions and WAC 197-11-880 Emergencies.

Intent of the Proposed Interim Regulations

On May 9, 2017, the Tacoma City Council adopted Resolution No. 39723 initiating a subarea planning process for the Port Tideflats and requested that the Planning Commission consider the need for interim regulations.

On August 16, 2017 the Planning Commission determined that interim regulations are warranted.

The intent of the proposed interim regulations is to limit the establishment of certain new industrial uses with a potential for high risk or high off-site impact, limit potential residential encroachment on industrial uses within the Port of Tacoma M/IC, and prevent the conversion of industrial lands to non-industrial uses until such time as the subarea plan is complete.



The City of Tacoma does not discriminate on the basis of disability in any of its programs, activities, or services. To request this information in an alternative format or to request a reasonable accommodation, please contact the Planning and Development Services Department at (253) 591-5056 (voice) or (253) 591-5820 (TTY).

Description of the Proposed Amendments:

The public review draft of the Tideflats Interim Regulations includes four general categories of potential amendments:

Category 1: Expanded Notification for Heavy Industrial Uses

- Area of Applicability: See Map 3, all zoning districts that allow heavy industrial uses.
- These amendments would expand notification of heavy industrial use permits to taxpayers and interested parties.
- The notification distances are expanded to 2500' from the subject parcel. For projects located within a designated manufacturing and industrial center, the 2500' notification distance is measured from the boundary of the applicable M/IC boundary.
- This expanded notification applies to all heavy industrial projects city-wide that require a discretionary permit or SEPA determination.

Category 2: Non-industrial Uses in the Port of Tacoma M/IC

- Area of applicability: See Map 1, Port of Tacoma Manufacturing and Industrial District
- These amendments would prohibit new non-industrial uses within the Port of Tacoma M/IC.
- Existing non-industrial uses would be prohibited from expansion.

Category 3: Marine View Drive Residential Development Restrictions

- Area of applicability: See Map 2, slopes above Marine View Drive.
- These amendments would prohibit all new residential development including residential platting and subdivision of land.
- Residential development within the S-11 Shoreline District would be prohibited.
- The restrictions are not intended to limit existing development from expanding, remodeling, or adding accessory uses.

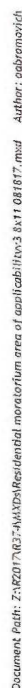
Category 4: Heavy Industrial Special Use Restrictions

- Area of applicability: See Map 3, zoning districts that permit heavy industrial uses.
- These amendments would prohibit certain new heavy industrial uses with a potential for high risk or impact to neighboring areas.
- Prohibited uses would include the following.
 - Coal terminals and bulk storage facilities
 - Oil or other liquefied fossil fuel terminals, bulk storage, manufacturing, production, processing or refining
 - Bulk chemical storage, production or processing, including acid manufacture
 - Smelting
 - Mining and quarrying
- Existing uses would be considered allowed and not subject to limitation on expansion.
- Unlisted uses would be prohibited and subject to TMC 13.05.030 Director Decision Making Authority.
- The changes would be made to Tacoma Municipal Code 13.06.400 and create a new Section 13.06.580 Interim Industrial Use Restrictions that applies to all industrial zoning districts

Non-industrial Use Restrictions: Area of Applicability

The area outlined in dark blue is the boundary for the regionally designated Port of Tacoma Manufacturing and Industrial Center. Within this area, the proposed amendments would prohibit the establishment of new non-industrial uses and expansion of existing non-industrial uses, as specified in the amendments to the district use table in TMC 13.06.400.





City of Tacoma | Planning and Development Services
Expanded Notification + Industrial Use Restrictions: Area of Applicability

Map 3

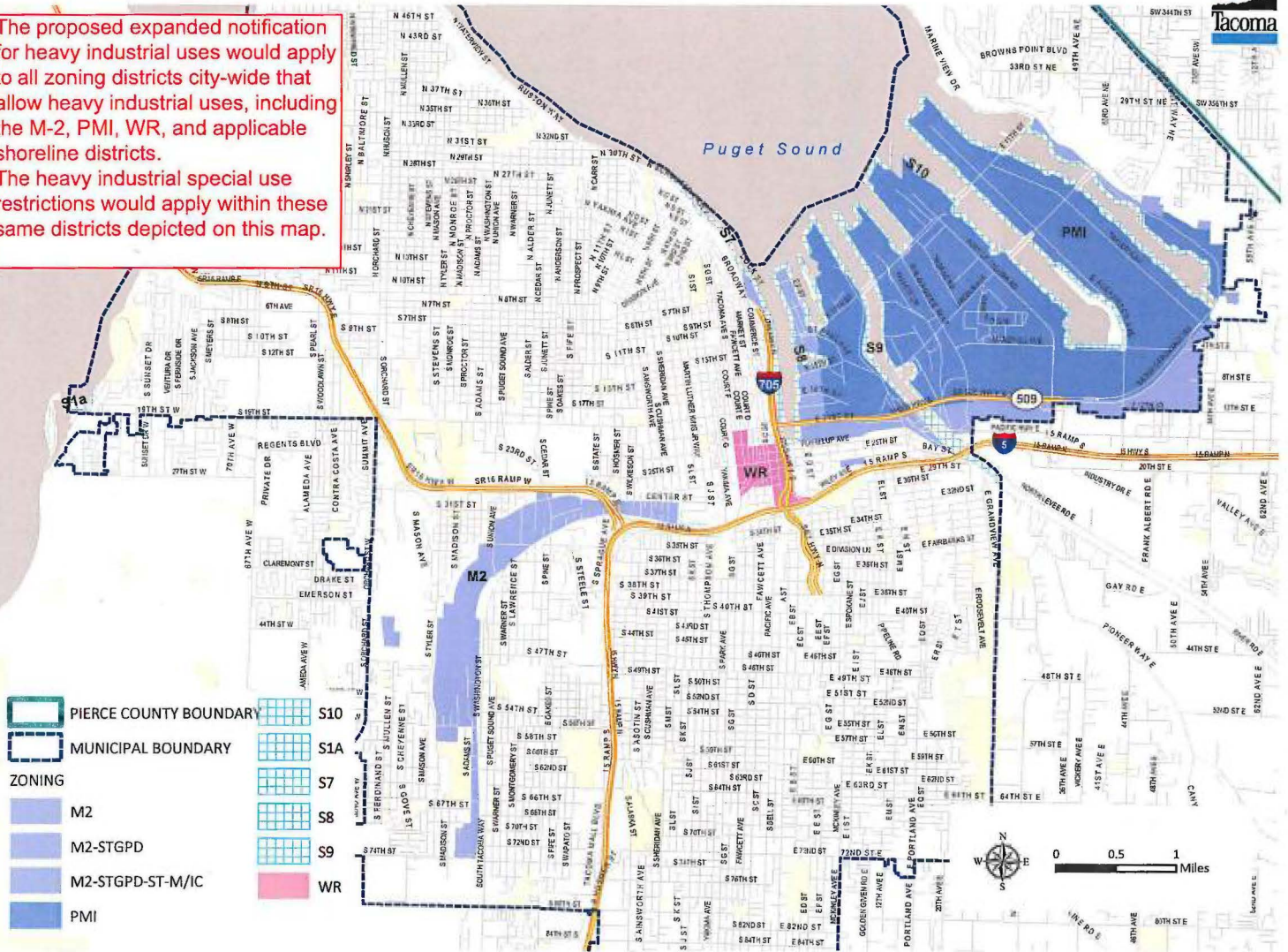


The proposed expanded notification for heavy industrial uses would apply to all zoning districts city-wide that allow heavy industrial uses, including the M-2, PMI, WR, and applicable shoreline districts.

The heavy industrial special use restrictions would apply within these same districts depicted on this map.

Author: aabramovich

Document Path: Z:\2020\7\637-4\Map3\area of applicability Zoning 8x11 082217.mxd



Public Notice



City of Tacoma
Planning Commission
747 Market Street – Room 345
Tacoma, WA 98402

PLANNING COMMISSION PUBLIC HEARING

INTERIM REGULATIONS TO:

PORT OF TACOMA MANUFACTURING AND INDUSTRIAL CENTER

HEAVY INDUSTRIAL USES

RESIDENTIAL DEVELOPMENT ALONG MARINE VIEW DRIVE

ECONOMIC DEVELOPMENT WEEKLY UPDATE REPORT

Week of August 21, 2017

National Export Conference for 2018

The Northwest Seaport Alliance recently announced that Tacoma was awarded the hosting of the National Exported Conference for 2018, on June 12-15, 2018. This annual conference brings together approximately 400 exporters representing the Agricultural Industry from across the country. It will be hosted at the Tacoma Convention Center and local hotels stand to gain quite a bit of business from this 3-Day event. Planning is already underway and being headed up by the Port of Tacoma and the Northwest Seaport Alliance representatives from Pierce County, TravelTacoma, Tacoma Venues and Events, the Economic Development Board, and the City's Community and Economic Development Department will serve on the planning committee. More to come...



TO: Elizabeth Pauli, City Manager
FROM: Andy Cherullo, Director, Finance Department
COPY: City Council and City Clerk
SUBJECT: Title 18 Amendments – Employment Standards – Paid Sick Leave
DATE: August 23, 2017

SUMMARY:

In November 2016, voters approved Washington State Initiative 1433, changing statewide employment standards by increasing state minimum wage and adding paid sick leave. Tacoma's local minimum wage will not be impacted until at least 2019; however, amendments to Tacoma Municipal Code (TMC) Title 18 will be needed this year to align City code with the State's paid sick leave law. Taking prompt action on this item would allow City staff to educate employers and workers on the changes that impact them before the new State laws take effect on January 1, 2018. Staff received a recommendation from the Government Performance Finance Committee on May 31, 2017 for the amendments to be considered by the full council. First reading of the proposed ordinance was pulled from the August 15, 2017 Council Agenda to allow staff to provide additional background information and answer any questions the Council may have before taking action.

BACKGROUND:

Since the passage of the Paid Leave Ordinance in January 2015, the City has built an employment standards program that focuses on public education, while providing a high level of support to businesses and protections for precariously-employed workers. Five key factors shaped the City's current employment standards practices: 1.) Emerging best practices; 2.) Academic research findings; 3.) Retaining the flexibility that allows the laws to be adapted to a variety of workplaces; 4.) A drive to provide outstanding service; and 5.) Effective enforcement of the laws that provide increased community health and economic stability for vulnerable workers. As a result of this work, the city has been recognized as a national model for paid sick leave implementation.

ISSUE:

The primary issue facing Tacoma's Employment Standards is the fact TMC 18.10 "Paid Leave" will not align with new state law as of January 1, 2018. The greatest differences between the City and State are: 1.) The enforcement models used by the two agencies; and 2.) The amount of sick leave provided under each law.

Enforcement

Across the country, agencies of all sizes have routinely adopted workplace-wide investigations that offer confidentiality for workers who fear losing their job. This model has emerged as a best practice both for incentivizing voluntary compliance and for restoring the rights of workers who may not feel secure enough in their employment to come forward with a complaint, a topic of heightened importance due to changes in immigration practices. Tacoma uses workplace-wide investigations when a complaint is received.

By contrast, Labor and Industries' (L&I) State Wage and Hour Division conducts individual investigations, seeking information on what is owed only to the individual worker that came forward to file a complaint. Individual investigations do not allow confidentiality for witnesses. When individual investigations are used, it can be less expensive for an employer to remain non-compliant.

Data from actual cases demonstrate that the City's workplace-wide model of enforcement returned thirty-six (36) times the amount of wages/paid sick leave hours that would have been collected by the State if they had



a similar caseload. Workplace-wide enforcement also resulted in remedies being provided to roughly thirty (30) times as many workers during the period analyzed. See Attachment 2 for details.

Paid Sick Leave Provisions

The differences between the City and State paid sick leave laws can be found in a detailed table in Attachment 1. In general, the law passed by state voters is more generous because there is no cap on the number of hours that can be accrued or used. However, there are some areas where the City paid leave law provides broader protections:

- ***Who's covered? – State paid sick leave does not cover exempt employees***

The State paid sick leave law has broad exemptions for workers “employed in a bona fide executive, administrative, or professional capacity” or classified as an “outside salesperson.” Because of this, exempt workers and some workers in sales have no right to paid sick leave under the State law.

- ***Reasons for Use – State paid sick leave has more limited uses***

Initiative 1433 did not include bereavement of a close family member. The leave provided by state law also cannot be used to care for a child when there is a school closure unless that school closure is for health reasons (e.g., it cannot be used to care for a child who is at home due to school closures related to a burst water main or inclement weather). State law does expand covered family members to include siblings and grandchildren.

ALTERNATIVES:

The alternative to modifying Tacoma’s existing paid leave law is to repeal TMC 18.10 and rely on State laws and State enforcement to determine paid sick leave outcomes within the City.

RECOMMENDATION:

Staff recommends amending TMC 18.10 to retain Tacoma’s local outreach and enforcement models, the provision of paid sick leave to exempt employees, and the flexibility currently offered to employers wherever allowable under State law with an effective date of January 1, 2018.

The City’s minimum wage, set by voter initiative, would require a vote of the public to enact any amendment prior to February 1, 2018 (two years following the initiative’s effective date). Staff recommends deferring action on Tacoma’s minimum wage law until the end of 2018.

FISCAL IMPACT:

There is no fiscal impact in the 2017/2018 biennium.



ADDITIONAL INFORMATION

The following attachments respond to questions raised by the Council and provide general information on the City's paid leave law:

1. TABLE: Side-by-Side Comparison of Paid Sick Leave Laws
2. City & State Enforcement Models
3. Employment Standards Enforcement Overview
4. Education, Outreach, & Community Partnerships
5. Equity Impact Statement from the Office of Equity & Human Rights (OEHR)
6. Summary of Primary Changes in TMC 18.10 "Paid Leave"
7. Proposed amendment to TMC 18.10
8. Council questions on Paid Sick Leave
9. TABLE: Employment Standards Case Data



ATTACHMENT 1: SIDE-BY-SIDE COMPARISON OF PAID SICK LEAVE LAWS

An overview of the differences between existing City and State paid sick leave laws is captured in the following table.

Provision	City of Tacoma	Statewide Initiative 1433
Effective Date	February 1, 2015	January 1, 2018
Accrual rate	Minimum of 1 hour for every 40 worked	Minimum of 1 hour for every 40 worked
Accrual annual limit	24 hours per year	Law sets no limit on accrual
Carry over annual limit	24 hours	40 hours
Annual limit on use	40 hours	Law sets no limit on use
When does employee become eligible to use accrued time?	180 th day after hire	90 th calendar day after hire
Reasons for use	Various reasons related to health, safety, and some kinds of family care	Differences: <ul style="list-style-type: none">• I-1433 does not include bereavement• School closures by public official are not covered by I-1433 unless for health reasons• I-1433 does include siblings and grandchildren as covered family members
Rehires & leave balances	Must reinstate paid leave benefits when rehired within six months and within the same benefit year	Must reinstate when rehired within 12 months
Payout of unused leave	Not required	Not required
Can employers require employees to provide documentation when using leave?	Yes, but must currently accept a personal statement	For absences exceeding three days, "if not an unreasonable burden"



Employees exempted	City ordinance exempts government employers and employees covered by work study agreements.	Salaried workers and outside salespersons are exempted: The law uses the state's minimum wage definition of employee, which has broad exemptions for workers "employed in a bona fide executive, administrative, or professional capacity" (e.g., Overtime-exempt/salaried employees) or classified as an "outside salesperson." Specifically does apply to "individual providers" (defined by RCW 74.39A.240(s)) paid by the state.
Enforcement	<p>Workplace-wide investigations.</p> <p>Workplace-wide investigations are conducted unless the allegations are specific to an individual worker (most commonly retaliation). Non-disclosure of witness identity is offered in workplace wide investigations when a complainant or witness fears harm to personal property (e.g., lost job or wages). TMC 18.10 directs staff to "conciliate and settle by agreement any alleged violation or failures to comply." Settlement agreement has been used to resolve all cases to date. Remedies include restoration of hours/wages owed to all employees at the worksite. The City has the authority to assess civil penalties. There is also authority to revoke business license in egregious situations. No right to private action.</p>	<p>Individual Investigations.</p> <p>L&I conducts individual investigations on behalf of the worker who comes forward to file a complaint. Remedies include restoration of hours/wages owed to individual complainants. Non-disclosure of the complainant's identity is not offered. L&I also utilizes settlement agreements as a tool for resolving cases. Private action and/or workplace wide investigations are available options, but they are uncommon.</p>
CBA Waiver	City code allows employees to explicitly waive their right to paid leave in a Collective Bargaining Agreement.	I-1433 does not include mention of a CBA waiver. I-1433 does not permit "any agreement between such employee and the employer allowing the employee to receive less than what is due" under state law. This language could limit the City's ability to retain 100% of its flexible policy options.



ATTACHMENT 2: CITY & STATE ENFORCEMENT MODELS

Data from actual cases demonstrated that workplace wide investigations (the City's current enforcement model) returned thirty-six (36) times the amount of wages/paid sick leave hours that would have been collected by the state if they worked the same caseload. Workplace-wide enforcement also provided remedies to roughly thirty (30) times as many workers than individual investigations would have during the period analyzed.

Comparison of City & State Enforcement Outcomes

Figures based on actual Tacoma case data from February 1, 2016 – July, 28 2017

	# of Workers receiving owed wages or leave	Value of wages/leave returned to workers
Workplace Wide Enforcement	595	\$168,927
Individual Enforcement	20	\$4,672

Investigations restoring the rights of the complainant only (State Model) resulted in roughly 3% of the impact of workplace-wide investigations.

When individual investigations are used, it can be less expensive for an employer to remain non-compliant. The \$4,672 that employers would have paid if the City conducted individual investigations is much less than the cost of complete compliance with the law (\$168,927).

As striking as these figures are, the actual variance between State- and City-led enforcement may be even greater. The figures used in the analysis assume that the state receives the same volume of complaints as the City. Historically, this has not been the case. L&I indicated that they received just two (2) minimum wage complaints within all Tacoma zip codes in a 12-month period. By comparison, the City of Tacoma received 42 complaints in the first 12 months of enforcement; roughly half (52%) included an alleged minimum wage violation.

Academic papers indicate that trust is an essential piece of effective enforcement, particularly in a complaint-based system like Tacoma's. Complaint-based investigations rely on a witness being willing to come forward and report violations. We have worked strategically to build this kind of trust with workers. In addition to conducting workplace-wide investigations and offering confidentiality to witnesses, we work with local community partners to reach those who are most likely to be working in lower wage, non-benefitted positions. We seek one-on-one contacts in the community to build relationships with workers.

In 2017, federal statements related to immigration have created additional barriers to trust at all levels of government. The City's rules explicitly indicate that questions will not be asked about a witness's documentation or right to work, providing a level of security for groups known nationally to be at higher risk for workplace wage violations. Currently, we have a bilingual staff member that allows the City to conduct direct outreach to Spanish-speaking workers and business owners. Academic findings indicate that this work to build trust will increase workers' willingness to report violations when they take place.

An Issue of Equity. Complaint-based systems of enforcement can reflect inequities and result in decreased protections for the most vulnerable workers. Initiating a workplace wide investigation when a complaint is received can restore the rights of precariously-employed workers who may not otherwise come forward.

**ATTACHMENT 3: EMPLOYMENT STANDARDS ENFORCEMENT OVERVIEW****EMPLOYMENT STANDARDS OVERVIEW***Enforcement totals through July 2017*

Employees receiving owed Leave/Wages	Total Value of Recovered Leave/Wages	Paid Leave Hours Recovered	Value of Recovered Paid Leave Hours	Back pay recovered for Minimum Wage
595	\$168,927	8,890	\$158,557	\$10,371

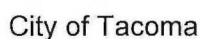
*NOTE: Does not include impacts resulting from voluntary compliance.***Employment Standards Case Snapshot***Totals through July 2017*

	Notifications Received	Closed: No Jurisdiction	Resolved: Courtesy Letter	Resolved: Withdrawn	Resolved: No Violation	Resolved: Settlement Agreement
Total	61	5	7	6	7	27
Total Resolved	52					
Total In Process	9					

*Of the 61 notifications, roughly 52% were PL only, 25% were PL&MW, and 23% were MW only.***Impacts on the rise**

At the time of the GPFC presentation, City of Tacoma employment standards investigations had resulted in just over \$38,000 worth of owed wages/leave being returned to 287 workers. Those numbers have increased greatly, with \$168,927 being returned to 595 workers as of July 2017. While the program is still in its infancy and case volumes at maturity remain unknown, increases in the amounts being returned to workers are predicted over time for two reasons:

1. ***The first reason is purely mathematical.*** Many employers found in violation have been failing to follow the law since February 1, 2016. As the number of months in violation increases, the amount of back pay or leave owed to workers will also increase.
2. ***Trust is an essential piece of effective enforcement.*** As mentioned in Attachment 1, Complaint-based investigations rely on a witness being willing to come forward and report violations. Academic sources indicate that both trust and case volumes build over time. City staff are working with community partners to strategically to build this kind of trust with workers.



EDUCATION & SUPPORT:
Employer & Worker Inquiries through June 2017

Paid Leave	Minimum Wage	Total
957	121	1078

NOTE: Only includes contacts received by phone, email, TF311. Does not capture outreach/education efforts.

COMMUNITY PRESENTATIONS & OUTREACH EVENTS

62

WE HAVE NOT DONE THIS WORK ALONE

Community Partnerships have been essential to outreach, education, and trust building efforts. In the course of this work, we have relied deeply on local collaboration. In addition to utilizing a number of advertising outlets, we partnered with more than 164 community organizations and local businesses on public education. Tacoma's innovative, community-based approach to outreach and trust building is a key part of what led to Tacoma becoming a national model for paid sick leave implementation.

The threat of civil penalties or the possibility of job loss can make it difficult for businesses with questions to come forward. By working with trade organizations and business leaders, staff have been building a positive reputation within the business community and sharing the word that Tacoma's employment standards hotline offers one-on-one support for employers.





ATTACHMENT 5: Equity Impact Statement from the Office of Equity & Human Rights (OEHR)

The City of Tacoma is committed to equitable service delivery to all residents and supporting human rights and opportunities for everyone to achieve their full potential. The City's Employment Standards' workplace wide enforcement model is an exemplary standard of what can be achieved when making purposeful and intentional equitable decisions. While individual complaint based investigations are vital and serve their purpose, work place wide investigation provides the City of Tacoma another alternative: the ability to reach everyone in the workplace and not limit service to only the few who bring a complaint forward. Individual complaint-based models tend to serve only those who are trusting of government and have a clear understanding of the law. Tacoma's model addresses the institutional inequities for those who do not feel empowered to expect and/or request what is permitted to them by law.

By retaining the current workplace wide enforcement model, the City is able to both protect and serve underrepresented individuals (those who specifically complain) and be able to identify and eliminate underlying drivers within Tacoma that perpetuate racial and socio-economic inequity. The City's Office of Equity and Human Rights (OEHR) is committed to assisting all departments as they develop sustainable methods to build capacity in achieving equitable outcomes and services. The critical test of equitable service delivery is that services are designed in a way that works for the public in its entirety, not just a certain few. Workplace wide enforcement of work standards helps to create a work environment free of discrimination and assists in the OEHR's enforcement of Tacoma Municipal Code 1.29.



ATTACHMENT 6: SUMMARY OF PRIMARY CHANGES IN TMC 18.10 “PAID LEAVE”

Chapter Title

- Chapter title changed to “Paid Sick Leave” to align with state law and to avoid confusion with paid family leave and other kinds of time off.

18.10.10 – Definitions

- Clarifications of existing terms.
- Updates to align with state law, including:
 1. Sibling & Grandchild added to definition of family
 2. Government employers are not exempt from definition of employer
 3. Align hourly rate of pay with State regulations

18.10.020 – Accrual

Edits have been made to create alignment with State law:

- Removed 24 hour cap on accrual
- Adapted Premium Pay Program requirements to meet state requirements
- Accrued leave will be reinstated for employees rehired within 12 months
- Frontloading language aligned with State rules

18.10.030 – Use

- Various edits made to add greater clarity.
- Language related to shifts of indeterminate length was moved from the rules to TMC 18.10.
- Various edits have been made to create alignment with State law, including:
 1. Employees are eligible to use their leave 90 days after hire.
 2. Employees can carry over of up to 40 hours of leave to a subsequent year.
 3. Leave can be used in the case of all health-related worksite closures.
 4. Employers can require documentation for absences exceeding 3 days.
 5. Increment of use will be guided by State WAC.

18.10.040 – Retaliation Prohibited

No amendments were made.

18.10.050 – Notice & Posting

Minor edits to provide clarity and align with enforcement practices.



18.10.060 – Employer Responsibilities

- Gives investigators the ability to request witness names and contact information.
- Language related to successor employer was moved from the rules to TMC 18.10.

18.10.070 – Enforcement

- Continues to mandate efforts to conciliate and settle by agreement before filing a charge when an employer has failed to comply due to reasonable cause, but provides the ability to file a charge immediate for more egregious offenses, such as willful, repeat violators.
- Adds State language related to investigative authority.
- Minor edits to provide clarity and align with current enforcement practices.

18.10.080 – Effective Date

Effective date would be set by the Ordinance itself and not within the code.

18.10.090 – Waiver

This section is written to allow waivers to be used whenever permitted by state law while retaining existing conditions for these waivers.

18.10.100 – Severability

No amendments.



ATTACHMENT 7: PROPOSED AMENDMENT TO TMC 18.10

**TITLE 18
MINIMUM EMPLOYMENT STANDARDS**

Chapters:

- 18.10 Paid Sick Leave
- 18.20 Minimum Wage

**CHAPTER 18.10
PAID SICK LEAVE**

Sections:

- 18.10.010 Definitions.
- 18.10.020 Accrual of Paid Sick Leave.
- 18.10.030 Use of Paid Sick Leave.
- 18.10.040 Exercise of Rights Protected; Retaliation Prohibited.
- 18.10.050 Notice and Posting.
- 18.10.060 Employer Responsibilities.
- 18.10.070 Enforcement.
- ~~18.10.080 Effective Date.~~
- 18.10.090 Waiver.
- 18.10.100 Severability.

18.10.010 Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

- A. "Adverse action" means any unfavorable action taken or threatened by an employer against an employee for any reason prohibited by Section 18.10.040. ~~means to discharge, suspend, discipline, transfer, demote, or deny promotion, or threaten to do any of the prior listed actions, by an employer of an employee for any reason prohibited by an employer of an employee for any reason prohibited by Section 18.10.040.~~
- B. "Benefit year" means a 12-month period beginning January 1; a 12-month period beginning on the date of hire; the fiscal year; or any other fixed consecutive 12-month period established and used consistently by the employer or collective bargaining agreement in the ordinary course of the employer's business for the purpose of calculating wages or benefits. Unless otherwise established by the employer, the default definition of "benefit year" is the standard calendar year.
- C. "Business" has the same meanings as in Tacoma Municipal Code ("TMC") 6A.30.030.
- C. "~~Calendar year~~" ~~means the 12-month period beginning January 1; the 12-month period beginning on the date of hire; or the fiscal year, as elected by the employer.~~
- D. "Charging party" means the person aggrieved by an alleged violation of this chapter, the person making a charge on another person's behalf, or the Director, when the Director files a charge.



E. "Citation" means a notice provided in writing identifying a violation or violations of this chapter, which may direct the respondent to take such corrective action as is necessary to comply with the requirements of TMC Title 18.

F. "City" means the City of Tacoma.

G. "Civil penalty" means a fine assessed for a violation of this chapter, payable to the City of Tacoma except that the Director may choose to allocate some or all of a civil penalty to an employee or employees when financial damages to employees, including job loss, cannot be recovered as part of a Notice of Assessment.

E. "Charging party" means the person aggrieved by an alleged violation of this chapter or the person making a charge on another person's behalf, or the Director, when the Director files a charge.

FH. "Dating relationship" means a social relationship of a romantic nature.

GI. "Determination of Compliance" means a notice provided in writing indicating that an employer's practices meet the minimum standards set by TMC 18.10 or that the evidence is insufficient to determine whether a violation took place.

I. "Director" means the Finance Director, or designee.

HK. "Domestic violence" means:

1. Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
2. Sexual assault of one family or household member by another; or
3. Stalking, defined as set forth in RCW 9A.46.110, of one family or household member by another family or household member.

HL. "Eating and/or drinking establishment" means a place where food and/or beverages are prepared and sold at retail for immediate consumption, either on- or off-premise.

JM. "Employee" means any individual employed by an employer, and shall include traditional employees, temporary workers, and part-time employees. Employees supplied by an employment or staffing agency shall be deemed an employee of the agency absent a contractual agreement otherwise.

1. For purposes of this chapter, "employee" does not include ~~persons performing services under a work study agreement or as~~ independent contractors.

2. An employee who performs work in Tacoma on an occasional basis is covered by this ordinance only if ~~there is reasonable expectation that the~~ employee ~~will~~ performs more than 80 hours of work in Tacoma within a ~~calendar~~ benefit year. ~~Employees who fall below this threshold shall retain any and all rights to paid sick leave under Washington State law, RCW 49.46 as currently enacted or hereinafter amended.~~

KN. "Employer" means any person who has one or more employees. For purposes of this chapter, "employer" does not include:

~~1. The United States government;~~

~~2. The state of Washington, including any office, department, agency, authority, institution, association, society, or other body of the state, including the legislature and the judiciary;~~

~~3. Any county or local government;~~

~~4. An or any~~ single-person business.



LQ. “Employment agency” or “staffing agency” means any person undertaking, with or without compensation, to procure opportunities to work or procure, recruit, refer, or place individuals with an employer or employment.

MP. “Family member” includes the following:

1. “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis is a legal guardian, or is a de facto parent, regardless of age or dependency status, who is:

a. Under 18 years of age; or

b. Eighteen years of age or older and incapable of self-care due to a mental or physical disability.

2. “Grandparent” means a parent of a parent of an employee.

3. “Parent” means a biological ~~or~~, adoptive, de facto, stepparent, or foster parent of an employee, or an individual who stood in loco parentis to an employee when the employee was a minor child.

4. “Spouse” means husband, wife, or registered domestic partner. For purposes of this chapter, the terms spouse, marriage, marital, husband, wife, and family shall be interpreted as applying equally to city or state registered domestic partnerships or individuals in city or state registered domestic partnerships, as well as to marital relationships and married persons. Where necessary to implement this chapter, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender-neutral and applicable to individuals in city or state registered domestic partnerships.

5. “Grandchild” means a child of a child of an employee.

6. “Sibling” means one of two or more children related either by sharing a common parent or when a spousal relationship, as defined by TMC 18.10.010.P.4., exists between the children’s parents.

NQ. “Household member” means, spouses; domestic partners; former spouses; former domestic partners; persons who have a child in common, regardless of whether they have been married or have lived together at any time; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship; and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

OR. “Notice of Assessment” means a notice issued when a violation has occurred, that includes the amount of paid sick leave hours an employer must credit to an employee’s bank of accrued paid sick leave and/or pay to one or more employees with interest of one percent per month. The assessment may not include any amount owed more than three years before the date the charge was filed.

S. “Paid sick leave” means accrued hours of paid sick leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in this chapter, for which time an employee shall be compensated by the employer at the same hourly rate or the effective minimum wage (as required by Washington State law and/or TMC 18.20), whichever is greater, and with the same benefits, including health care benefits, as the employee would have earned during the time the paid sick leave is used. For purposes of this chapter, “paid leave” does not include compensation for lost tips or commissions, and compensation shall only be required for hours that an employee is scheduled to have worked.



PT. “Party” includes the person charging or upon whose behalf a charge is made alleging a violation of this chapter, the person alleged or found to have committed a violation of this chapter, and the Director.

QU. “Person” means one or more individuals, partnerships, associations, organizations, trade or professional associations, labor unions, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, firms, institutions, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons.

RV. “Premium pay program” means a plan offered by an employer pursuant to which an employee receives extra pay in-lieu of ~~benefits paid time off~~.

SW. “Sexual assault” shall be defined as set forth in RCW 49.76.020, as now enacted or as hereafter amended.

18.10.020 Accrual of Paid Sick Leave.

A. Employers shall provide employees with a minimum of one hour of paid sick leave for every 40 hours worked within the City, ~~up to a total of 24 hours~~, except as otherwise provided herein, ~~unless RCW 49.46.210, as it exists or is hereinafter amended, provides greater protection of benefits to an employee, in which case state law will control.~~

B. Nothing herein shall be construed as prohibiting or discouraging an employer from the adoption or retention of a paid sick leave policy that exceeds the requirements as stated herein.

C. In the case of employees who are exempt from overtime payment under Section 213(a)(1) of the Fair Labor Standards Act of 1938, approved June 25, 1938 (52 Stat. 1060; 29 U.S.C. § 201 et seq.) (hereinafter referred to as “FLSA-exempt” employees) and under the Washington State Minimum Wage Act, no employer shall be required to accrue leave for such employees for hours worked beyond a 40-hour work week. If an exempt employee’s normal work in a work week is less than 40 hours, paid sick leave accrues based upon the employee’s normal work week.

D. Paid sick leave shall begin to accrue as outlined in this section for existing employees on the effective date of this ordinance, and for all new employees, on the commencement of employment,

E. An employer with a combined or universal paid sick leave policy, such as a paid time off (“PTO”) ~~or premium pay program policy~~, is not required to provide additional paid sick leave under this chapter, provided that:

1. All ~~available paid leave~~ PTO may be used for the same purposes and under the same conditions as set forth in Section 18.10.030;

2. ~~Paid leave is provided at the rate of at least one hour paid leave for every 40 hours worked.~~ PTO meets the minimum standards of accrual outlined in Section 18.10.020.A-D; and

3. ~~The employer has a written policy, readily available to employees, informing employees that:~~

~~a. (1) PTO may be used for the same purposes outlined in Section 18.10.030.C.; and~~

~~b. (2) That the employer is using its PTO program to comply with the City of Tacoma Paid Sick Leave Ordinance. Use of paid leave is limited to no less than 24 hours in a calendar year, or~~

F. An employer with a premium pay program is not required to provide additional paid sick leave under this chapter if it meets the following conditions, unless RCW 49.46, as it exists or is hereinafter amended, provides greater protection of benefits to an employee, in which case state law will control:



41. The premium pay program is approved by the Director, and is consistent with the rules and regulations adopted by the Director; and

2. Employees retain their right to take unpaid time off for the reasons and under the conditions specified in this chapter.

FG. When there is a separation from employment and the employee is rehired within ~~six~~¹² months ~~in the same calendar year~~ of separation by the same employer, including different business locations of the employer, previously accrued unused paid sick leave shall be reinstated. Further, the previous period of employment shall be counted for purposes of determining the employee's eligibility to use paid sick leave ~~the employee shall be entitled to use any reinstated accrued paid leave and newly accrued paid leave immediately upon the recommencement of employment, provided that the employee had previously been eligible to use paid leave. If the period of time an employee is separated from employment extends into a subsequent benefit year, the employer is not required to reinstate more than 40 hours of accrued but unused time.~~ If there is a separation of more than ~~six~~¹² months ~~or reinstatement does not occur within the same calendar year~~, an employer shall not be required to reinstate accrued paid sick leave and, for the purposes of this chapter, the rehired employee shall be considered to have newly commenced employment.

HG. Front loading hours. ~~Subject to the terms and conditions established by the employer, the employer may, but is not required to, provide paid sick leave in advance of accrual, provided that such front-loading hours meets or exceeds the requirements of this chapter for accrual, use, and carryover of paid sick leave. loan paid leave time to the employee in advance of accrual by such employee. Such terms and conditions shall address what happens if the employee is discharged or terminates employment prior to accruing paid leave time equivalent to the amount of paid leave time advanced by the employer and used by the employee.~~

18.10.030 Use of Paid Sick Leave.

A. Employees shall be entitled to use accrued paid sick leave beginning on the ~~180th~~^{90th} calendar day after the commencement of their employment.

~~B. Subject to the carryover provision below, employees shall be entitled to use up to 24 hours of accrued paid leave in any calendar year. Employers shall allow employees to carry over any accrued and unused hours, up to 2440 hours, to the following calendar benefit year, unless RCW 49.46.210, as it exists or is hereinafter amended, provides greater protection of benefits to an employee, in which case state law will control. Employees may use hours carried over for a total not to exceed 40 hours in the calendar year.~~

C. Employees shall be entitled to use paid sick leave provided by the employer for the following reasons, unless RCW 49.46.210, as it exists or is hereinafter amended, provides greater protection of benefits to an employee, in which case state law will control:

1. An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or preventive medical care;
2. To allow the employee to care for a family member with a mental or physical illness, injury, or health condition; care for a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.
3. When the employee's place of business has been closed by order of a public official ~~to limit exposure to an infectious agent, biological toxin, or hazardous material~~ for any health-related reason.



4. To allow the employee to care for a child whose school or place of care has been closed by order of a public official.
 5. To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family members, including, but not limited to, preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking.
 6. To enable the employee to obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking.
 7. To enable the employee to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.
 8. To enable the employee to take leave for bereavement for the death a family member.
- D. Paid sick leave shall be provided upon the request of an employee, and the request shall include the expected duration of the absence when possible. An employer may require an employee to comply with the employer's usual and customary notice and procedural requirements for absences and/or requesting leave, provided that such requirements do not interfere with the purposes for which the leave is needed.
1. If the paid sick leave is foreseeable, a written request shall be provided at least ten days, or as early as possible, in advance of the paid sick leave, unless the employer's normal notice policy requires less advance notice.
 2. If the paid sick leave is unforeseeable, the employee must provide notice as soon as it is practicable and must generally comply with an employer's reasonable normal notification policies and/or call-in procedures.
3. Verification of Authorized Use. For absences exceeding three days, an employer may require verification that an employee's use of paid sick leave is for an authorized purpose. If an employer requires verification, verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law. If an employer requires employees to give reasonable notice of an absence from work for the use of paid sick leave for an authorized purpose under the Domestic Violence Leave Act, any such reasonable notice requirements must comply with the provisions outlined in WAC 296-135- 0 60.
- E. Employers may establish a minimum increment of ~~require a minimum~~ use of accrued paid sick leave time according to the terms established by the State of Washington in WAC 296-128 as currently enacted or hereinafter amended, subject to the FLSA, ~~provided that the~~ ~~If the~~ employer ~~does shall~~ not ~~establish a minimum use policy for require~~ employees covered by the overtime requirements of the FLSA; to use accrued paid sick leave time ~~may be used in~~ increments greater than one hourly increments unless necessary due to a reasonable business need. For FLSA-exempt employees, the employer may make deductions of paid sick leave in accordance with the FLSA or in accordance with a pay system established by statute, ordinance, or regulation.
- F. When the need for use of accrued time is foreseeable, the employee shall make a reasonable effort to schedule the use of paid sick leave in a manner that does not unduly disrupt the operations of the employer.



G. Upon mutual consent by the employee and the employer, an employee may work additional hours or shifts during the same or next pay period without using available paid sick leave for the original missed hours or shifts. However, the employer may not require the employee to work such additional hours or shifts. Should the employee work additional shifts, the employer shall comply with any applicable federal, state, or local laws concerning overtime pay.

H. Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may voluntarily exchange assigned hours or "trade shifts."

I. An employer may not require, as a condition of an employee taking paid sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is on paid sick leave.

IJ. When paid leave is requested by an employee who works in an eating and/or drinking establishment, the employer may offer the employee substitute hours or shifts unless prohibited by RCW 49.46, as it exists or is hereinafter amended, in which case state law will control. If the employee accepts the offer and works these substitute hours or shifts, the amount of time worked during the substitute period or the amount of time requested for paid leave, whichever is smaller, may, at the discretion of the employer, be deducted from the employee's accrued leave time. However, no employer is required to offer such substitute hours or shifts, and no employee is required to accept such hours or shifts if they are offered.

JK. Nothing in this chapter shall be construed to prohibit an employer from establishing a policy whereby employees may donate unused paid sick leave to another employee.

KL. Not less than once per month, employers shall provide, either electronically or in writing, information stating the updated amount of paid sick leave available to each employee. Employers shall ~~may~~ choose ~~any~~ a reasonable system for providing this notification, including, but not limited to, listing remaining available paid time on each pay stub or developing an online system where employees can access their own paid sick leave information.

M. When an employee uses paid sick leave for a shift of indeterminate length (e.g., a shift that is defined by business needs rather than a specific number of hours), the employer may base the number of hours of paid sick leave used and payment on the hours worked by a replacement employee in the same shift or a similarly situated employee who worked that same or similar shift in the past.

LN. Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment, for accrued paid sick leave that has not been used.

* * *

18.10.050 Notice and Posting.

A. Employers shall give notice that employees are entitled to paid sick leave; the amount of paid sick leave and the terms of its use guaranteed under this chapter; that adverse action against employees who exercise any right under this chapter is prohibited; and that each employee has the right to file a charge complaint if the earning, use, or payment of paid leave, as required by this chapter, is denied by the employer or the employer takes an adverse action against an employee for requesting or using paid leave employee is denied paid sick leave, experiences retaliation for exercising any right granted by TMC 18.10, or otherwise suspects a violation of this chapter.

B. The Director shall create and make available to employers a model notice, hereinafter referred to as the "Notice," which contains the information required under paragraph A of this subsection 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.

18.10.060 Employer Responsibilities.

A. Employers shall certify compliance with this chapter upon application for and renewal of their City of Tacoma business license.

B. Employers shall retain records documenting hours worked by employees in the City of Tacoma, accrued paid sick leave, and paid sick leave used by employees. Employers shall retain such records for a period of three years, and shall allow the Director access to such records, as well as a complete roster of employee names and contact information when requested, with at least five business days' notice and at a mutually agreeable time, to investigate potential violations and to audit compliance with the requirements of this chapter. Employers shall make copies of these records available to employees upon request and within a reasonable period of time.

C. Records and documents relating to medical certifications, recertifications, or medical histories of employees or employees' family members created for purposes of this chapter are required to be maintained as confidential medical records in separate files and/or records from the usual personnel files. If the Americans with Disabilities Act ("ADA") applies, then these records must comply with ADA confidentiality requirements.

D. Unused paid sick leave shall be retained by the employee if the employer sells, transfers, or otherwise assigns the business to another employer and the employee continues to work in the City.

18.10.070 Enforcement.

A. Powers and duties of Director.

1. The Director is authorized to enforce this chapter, and may promulgate rules and regulations consistent with this chapter, provided that the Director shall hold one or more public hearings prior to adoption of ~~final~~ rules and regulations.

2. The Director shall attempt to conciliate and settle by agreement, any alleged violation or failures to comply with the provisions of this chapter prior to filing a charge when there is reason to believe that the employers' failure to comply was due to reasonable cause and not willful neglect.

3. The Director may investigate and gather data regarding the paid sick leave, wages, hours, and other conditions and practices of employment, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters deemed necessary or appropriate to determine whether any person has violated any provision of this chapter, or which may aid in the enforcement of the provisions of this chapter

B. Charge filing.

1. A charge alleging a violation of this chapter shall be in writing, on a form or in a format determined by the Director and signed by or on behalf of a charging party, and shall describe the violation complained



of and shall include a statement of the dates, places, and circumstances and the persons responsible for the alleged violation.

2. A charge alleging a violation of this chapter may also be filed by the Director whenever the Director has reason to believe that any person has been engaged or is engaging in a violation of this chapter.

C. Citations, ~~and~~ Notices of Assessment, Determinations of Compliance and Civil Penalties.

1. The Director shall issue either (a) a citation, ~~and with, if applicable, a~~ notice of assessment or (b) a determination of compliance no later than 60 calendar days ~~after receipt~~ after the filing of ~~the~~ a charge, unless the Director extends the response date. Notice of the extended date will be provided by the Director to the parties in writing.

2. The citation and any applicable notice of assessment or determination of compliance shall be delivered in writing to all parties by personal delivery or first-class mail.

~~3. If the Director determines that a violation has occurred and issues a citation and notice of assessment, the assessment shall include a determination of all paid leave amounts that need to be credited, or, in the event paid leave was denied, the amount of paid leave that shall be paid, plus interest of 1 percent per month. The assessment may not include any amounts owed more than three years before the date the charge was filed.~~

~~43.~~ If the Director finds any violation of this chapter, the Director may issue a civil penalty in the amount of \$250, provided the Director may waive or reduce the civil penalty if the employer comes into compliance within ten calendar days of the notice or shows that its failure to comply was due to reasonable cause and not willful neglect.

If the Director finds a willful violation of this chapter which results in a citation and notice of assessment, the Director may issue a civil penalty that shall not be less than \$250 or an amount equal to two times the total value of unpaid sick leave the employer failed to credit or pay the employee, whichever is greater, provided the Director may waive or reduce the civil penalty if the employer has not previously been found by the Director to have willfully violated this chapter, and the employer provides payment and/or credits to the employee for all paid sick leave owed, and interest due when applicable, ~~to the employee of all amounts of unpaid leave and interest due in the event paid leave was denied or not paid, or credits the employee for paid leave if credit was denied,~~ all as determined in the citation and notice of assessment, within ten business days of receipt of the citation and notice of assessment.

~~45.~~ Payment, or credit, by the employer, ~~and acceptance by the employee~~ of all paid sick leave and interest ~~or credit assessed by the department in a citation and notice of assessment and compliance with any and all terms outlined in the citation and notice of assessment,~~ shall constitute full and complete satisfaction by the employer of all ~~payment~~ requirements in the citation and any associated notice of assessment.

~~56.~~ Nothing in this chapter shall be construed as creating a private cause of action for employees to file suit against an employer.

D. Administrative Review by Director

1. General.

The charging party or a person to whom a Citation and, if applicable, a Notice of Assessment (~~hereinafter Citation~~) or a Determination of Compliance (hereinafter Determination) or civil penalty (hereinafter Penalty) is assessed may request an administrative review of the Citation, Notice of Assessment, Determination, or Penalty.



2. How to request administrative review.

A person may request an administrative review of the Citation, Notice of Assessment, Determination, or Penalty by filing a written request with the Director within ten calendar days from the date of the Citation, Notice of Assessment, Determination, or Penalty. The request shall state, in writing, the reasons the Director should review the Citation, Notice of Assessment, Determination, or Penalty. Failure to state the basis for the review in writing shall be cause for dismissal of the review.

Upon receipt of the request for administrative review, the Director shall review the information provided.

3. Decision of Director.

After considering all of the information provided, the Director shall determine whether a violation has occurred and shall affirm, vacate, suspend, or modify the Citation, Notice of Assessment, Determination, or Penalty.

The Director's decision shall be delivered, in writing, to all parties by first-class mail.

D. Appeals to the Hearing Examiner of Director's Decision.

Appeal of the Director's decision shall be made within ten calendar days from the date of the Director's decision by filing a written notice of appeal, clearly stating the grounds that the appeal is based upon, with the Hearing Examiner, which appeal shall be governed by TMC 1.23.- The Hearing Examiner shall notify all parties, by mail, of the time and place of hearing.

~~18.10.080 Effective Date.~~

~~This ordinance shall take effect on February 1, 2016.~~

18.10.090 Waiver.

The provisions of this chapter shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that the requirements of this ordinance are expressly waived in the collective bargaining agreement in clear and unambiguous terms, except when prohibited by RCW 49.46 and/or WAC 296-128, as currently enacted or hereinafter amended, in which case state law will control.

* * *

**ATTACHMENT 8: COUNCIL QUESTIONS ON PAID SICK LEAVE**

Two questions were received related to budget:

- “Articles suggest and staff suggested that our City rules enforce 36 times the regular enforcement (Per Tacoma Weekly Article) is the office self sustaining? What is the cost to our current effort?”
- “I would like to know what was predicted (and allocated) by way of costs for enforcement and as we passed these rules and where we are in actual expenditures and predicted future expenditures based on current staffing. This might be something that most appropriately comes from our Budget Director.” (Received in June)

\$700,000 was budgeted in the 2017/2018 biennium for enforcement and education of the minimum wage and paid sick leave laws (see table below for detail).

The program was not designed to be self-sustaining. While enforcement efforts through July 2017 yielded \$168,927 worth of remedies, these remedies were paid directly to employees in the form of back wages or banked hours of paid leave available for future use. TMC Title 18 “Minimum Employment Standards” contains language that directs staff to “conciliate and settle by agreement” any alleged violation of the City’s paid sick leave and minimum wage laws. We have used this method to resolve all substantiated cases to date and have assessed no civil penalties or fines payable to the City. In addition to TMC Title 18’s focus on settlement by agreement, there are also broad permissions for the Finance Director to waive or reduce civil penalties.

	2017	2018	Biennium	Actual BTD Expenses	Anticipated Future Expenses
2.5 FTE's	250,000	250,000	500,000	105,000	395,000
- Program Manager					
- Investigator					
- Customer Service Rep (.5 shared with T&L)					
Advertising/Outreach	20,000	20,000	40,000	2,000	33,000
Professional Services	80,000	80,000	160,000		6,000
- Translation Services					
- Possible Contracted Outreach Services					
- Possible Contracted Investigation Services					
	350,000	350,000	700,000		

Advertising/Outreach

Advertising/outreach costs are associated with notification and education related to the paid leave law and the annual change in minimum wage, notification of rules hearings, employer information sessions, and translation and printing of brochures and posters, all of which will hit the last half of the year in 2017.

Professional Services

While this program is in its infancy stage, we cannot predict future case load. Rather than hire two permanent investigators on staff, we set aside dollars to potentially contract for additional services if needed. In addition, we recently learned about Seattle’s success with contracted community outreach to particularly vulnerable workers which we plan to explore in 2018 once we have a better idea of other professional services needs.



- **"The Hospitality Association is curious what our timeline is for the administrative rule-making process, given the state's autumn timeline."** (Received in June)

State law was finalized with voter approval of I-1433. In August, we plan to present an amendment to the City's Paid Leave code (TMC 18.10) for Council's consideration that would align City and State laws.

In stakeholder meetings, the state has indicated that they plan to finalize their administrative rules in October. If the Council amends TMC 18.10 in August, staff plans to conduct the City's administrative rules process in November. Timing our rules process directly after the State's will allow us to give the business community as much notice and support as possible while they update their sick leave policies for 2018. Delaying City processes further would have a damaging effect on our ability to conduct education and outreach.

- **"One of the things that was a little frustrating about the (GPFC) presentation was the fact we seemed to be consistently comparing 12 month state numbers with 18 month city numbers. Can you provide a true comparison for like time periods? Can you also provide data on how mature the state rules are for the period we are comparing (how long have they been in place)."**
(Received in June)

Additional information:

This table is being provided to clarify statements on the number of minimum wage complaints received by the two agencies.

Minimum Wage complaints received in 12-month period

State L&I	2
City of Tacoma	22

State complaints are for all Tacoma zip codes.

Some of city complaints included allegations related to both minimum wage and paid leave.

Original response:

Thank you for giving me the opportunity to clarify some of the timelines that were included in the GPFC presentation. The comparison data that was presented (graphic below) was based on a 13-month period. This data was compiled prior to formulating a recommendation for GPFC consideration. It's an awkward length of time, but thirteen months was all the data available at that time. All of the data comes from City investigations. It compares what we collected for the individual worker who complained verses what we recovered for all workers throughout the company after opening a case. The data was intended to highlight the impact of workplace wide investigation (City model) vs investigation of only an individual workers complaint (State model). We hope to update this comparison data before this topic goes before the full Council (**NOTE: The table below was from the GPFC presentation and is now out of date; updated data is included in Attachment 2**).



Enforcement Outcomes: Individual v. Workplace Wide

Workplace wide investigations provided remedies to 25 times more workers than individual investigations (State Model) would have.

	# of Workers receiving owed wages or leave	Value of wages/leave returned to workers
Workplace Wide	257	\$33,144
Individual Enforcement	11	\$1,444

Figures taken from actual Tacoma case data from Feb 2016 – Feb 2017

During the presentation, I shared that L&I had notified us previously that they received just two minimum wage complaints in Tacoma zip codes in the 2015 Fiscal Year. This information was not intended to be a direct comparison; it was only meant to demonstrate that the number of complaints we had in 13 months may have been lower if we did not offer confidentiality to witnesses. The state has been enforcing a minimum wage law for more than 50 years, although it has changed over time (<http://www.lni.wa.gov/WorkplaceRights/Wages/Minimum/History/>).

The GPFC memo also included City of Tacoma's total enforcement numbers to date. I apologize for any confusion based on difference between the 13-month research timeframe and the 15-month time period of our overall program data.

- **"Will you please provide any information you have on rate of case load and anticipated case load as the rules become more completely understood (something that should be greatly helped by the consistency of rules due to the statewide adoption of the initiatives)."** (Received in June)

Sick leave laws are very new in most jurisdictions across the country, but we can draw some information on violation rates from other types of employment standards, such as minimum wage. In an October 2015 paper by the UCLA Center for Labor Research and Education, the authors state that:

"Cities cannot expect a high volume of complaints immediately. During the first few years of implementation, a low volume of complaints may stem from workers' lack of knowledge about the new law or their rights or the risks in filing a complaint. It takes time to build the trust necessary for effective enforcement. Trust grows by developing strong relationships with worker and community groups... and creating a track record of successfully winning back wages for workers." (Paper: Enforcing City Minimum Wage Laws in California)

This aligns with the experience of our peers in San Francisco, which have the oldest paid sick leave program in the nation: "Initial education might result in a surge but, there is nothing like word of mouth -- of successful complaints that OLSE adjudicates and/or helps to settle -- that motivates other workers to then come forward." After building community trust, complaint volumes may plateau. Seattle has contracted for community outreach to particularly vulnerable worker groups, and reports that their case volumes remain steady, with 84 new paid sick leave investigations in 2015 and 86 in 2016. Seattle's law took effect in September 2012.

The number of complaints received seems more closely tied to worker trust than the prevalence of non-compliance. San Francisco reports that they have experienced a notable decrease in all employment



standards complaints (they have seven employment standards laws) since the change in federal administration and the dialogue around immigration issues, indicating to them that worker trust among some vulnerable worker populations is a significant driver of workload in their office.

Our particular rate of case load did show an initial spike during the first months of implementation, but has overall been consistent (**NOTE: table has been updated since the original response was drafted to include June, July, and partial August data**):

Month	Notifications Received
January 2016	1
February	9
March	3
April	7
May	4
June	0
July	0
August	2
September	4
October	4
November	4
December	2
January 2017	2
February	4
March	3
April	4
May	2
June	3
July	3
Aug (to date)	3

- “In the presentation you mentioned one organization that, by your description, seemed to be in open defiance of the program(s). Along the same lines, please provide the result numbers separated out to include (1) aggregated results culminating from complaint driven investigations and (2) results from the investigation into a reluctant participant.” (Received in June)

Thank you for asking about complaint driven investigations verses investigations with reluctant participants. I understood the “reluctant participants” to be workers who may not have initiated a complaint. In our cases that were not initiated by an employee, we have worked directly with the employer to get information and find a resolution to the case by settlement agreement. Worker interviews would only be used in cases where disputed facts could not be resolved by agreement with evidence presented by



the employer; we have not had any cases where that was necessary to date. Please let me know if I misunderstood the question.

- **"Additionally, it would be helpful to know whether the results of complaint-driven investigations determined willful non-compliance or lack of understanding."** (Received in June)

The Paid Leave Ordinance directs staff to attempt to "conciliate and settle by agreement, any alleged violations or failures to comply." We have successfully used the settlement agreement process to resolve all substantiated cases to date. The settlement agreement process does not include findings, and it focuses on what needs to be changed rather than why the violation has occurred. Because of this, we are unable to sort case data based on employer motivation or intent.

- **"I would also like to see a totality of all investigations (individually sans identifying information that might be protected such as company name and employee names) and the results. For example: Case 1289; 90 employees; no violation OR case 1392; 5 employees; back pay in the amount of \$500 paid to 2 employees or some such accounting."** (Received in June)

Thank you for your patience while I pulled data on individual investigations. I hope I captured everything you were looking for in the attached spreadsheet (***NOTE: This spreadsheet data can be found in Attachment 9***). It has been updated to include case information through yesterday, so totals will be different from the comparison chart that was presented to GPFC. You'll note that we have ten cases currently open, with final outcomes pending. I also included information on how the case was opened (e.g., worker complaint, peer-to-peer complaint, etc) in case that information is of interest.



ATTACHMENT 9: EMPLOYMENT STANDARDS CASE DATA (through July 2017)

KEY

CMP = Complainant

EE = Employees

Notice = Workplace Poster

Notification = Info on Paid Leave Hours Accrued

MW = Minimum Wage

Peer-to-Peer = Business Complaint

PL = Paid Leave

W/D = Withdrawn

* = Case is open

** = Workplace size is a new data point as of 2016, and complete data is not available.

Case	Type	Resolution Type	Impetus	# of CMP	# of CMP who received \$ remedy	Workplace Size**	#EE who Received \$ Remedy	# Banked Leave Hours Restored	Value of Banked Leave	# Leave Hours Paid Out	Value of Hours Paid	Back Wages Paid	Total Financial Value of Remedy	Amount Paid to CMP	Other Remedy
1 200000000	PLMW	Settlement Agreement	Worker CMP	1	1	32	32	85	\$879			\$865	\$1,745	\$7	Policy change, Notice, Notification, Supervisor Training
2 200000010	PL	Courtesy Letter	Worker CMP	1		Unknown									NA
3 200000011	PLMW	No Case - No jurisdiction	Worker CMP	1		Unknown									NA
4 200000012	MW	No Violation	Worker CMP	1		Unknown									NA
5 200000020	PL	Settlement Agreement	Worker CMP	2	2	Unknown	124	228	\$4,424				\$4,424	\$71	Notification, Policy change
6 200000021	PLMW	Courtesy Letter	Worker CMP	1		Unknown									NA
7 200000022	MW	No Case - Untimely	Worker CMP	1		Unknown									NA
8 200000030	PLMW	Settlement Agreement	Worker CMP	1	1	8	8	38	\$393			\$660	\$1,053	\$184	Notification, Notice, Notification
9 200000031	MW	Settlement Agreement	Worker CMP	1	1	25	1					\$12	\$12	\$12	Notification, Notice, Notification, Wage Monitoring, Training
10 200000040	PLMW	Settlement Agreement	Worker CMP	2	2	5	4	22	\$228				\$228	\$114	Notice, Notification, Policy change, Training
11 200000050	PLMW	Settlement Agreement	Worker CMP	1	1	30	9	216	\$2,236				\$2,236	\$248	NA
12 200000060	MW	Courtesy Letter	Worker CMP	1		Unknown									NA
13 200000061	MW	W/D - CMP non-responsive	Worker CMP	1		Unknown									NA
14 200000070	PL	W/D - CMP non-responsive	Worker CMP	1		1510									NA
15 200000071	PL	Settlement Agreement	Worker CMP	1		12									Notice, Notice, Notice
16 200000072	PL	Settlement Agreement	Peer-to-Peer	0		20									NA
17 200000080	PL	Settlement Agreement	Peer-to-Peer	0		1	3	14	\$156				\$156	NA	NA
18 200000090	PL	W/D - CMP non-responsive	Worker CMP	1		1									NA
19 200000100	PLMW	Courtesy Letter	Worker CMP	1		Unknown									NA
20 200000101	PLMW	W/D - CMP non-responsive	Worker CMP	1		Unknown									NA
21 200000110	PL	W/D - CMP non-responsive	Worker CMP	1		10									NA
22 200000111	MW	No Case - No jurisdiction	Worker CMP	1		Unknown									NA
23 200000112	PLMW	Settlement Agreement	Worker CMP	1		5									Notice, NA
24 200000120	PLMW	Courtesy Letter	Worker CMP	1		45									NA
25 200000130	MW	CMP W/D to file w/ L&I	Worker CMP	1		1									NA
26 200000131	MW	No Violation	Worker CMP	1		50									NA
27 200000132	PL	No Violation	Worker CMP	1		25									NA
28 200000140	PL	Settlement Agreement	Worker CMP	1		12									Policy change, Notice, Notification
29 200000150	PLMW	Settlement Agreement	Anonymous CMP	1	Unknown	4	6			38	\$624		\$624	Unknown	Policy change
30 200000160	PL	Settlement Agreement	Worker CMP	1		25									Notice, Policy change
31 200000161	PL	Settlement Agreement	Peer-to-Peer	0		15	19			315	\$3,519	\$108	\$3,627	NA	NA
32 200000170	PL	No Violation	Worker CMP	1		126									NA
33 200000180	PL	No Violation	Worker CMP	1		184									Notice, Notification, Training
34 200000190	PL	Settlement Agreement	Public Publication	0		17	20	45	\$540	337	\$5,999		\$6,539	NA	Notice, Policy Changes, Training
35 200000200	PL	Settlement Agreement	Worker CMP	1	1	362	113	3745	\$86,704	116	\$2,727		\$89,431	\$1,128	Policy change
36 200000210	PL	Settlement Agreement	Worker CMP	2		302									NA
37 200000220	PLMW	W/D - Duplicate	Peer-to-Peer	0		15									NA



EMPLOYMENT STANDARDS CASE DATA, PAGE 2

KEY		
CMP = Complainant	MW = Minimum Wage	* = Case is open
EE = Employees	Peer-to-Peer = Business Complaint	** = Workplace size is a new data point as
Notice = Workplace Poster	PL = Paid Leave	of 2016, and complete data is not available.
Notification = Info on Paid Leave Hours Accrued	W/D = Withdrawn	

Case	Type	Resolution Type	Impetus	# of CMP	# of CMP who received \$ remedy	Workplace Size**	#EE who Received \$ Remedy	# Banked Leave Hours Restored	Value of Restored Banked Leave	# Leave Hours Paid Out	Value of Hours Paid	Back Wages Paid	Total Financial Value of Remedy	Amount Paid to CMP	Other Remedy
38 200000230	PLMW	Settlement Agreement	Worker CMP	1	1	6	13			145	\$1,634	\$623	\$2,257	\$191	Notice,
39 200000231	PL	Settlement Agreement	Worker CMP	1	1	17	18			423	\$10,244		\$10,244	\$616	Policy/CBA
40 200000232	PLMW	No Case - No jurisdiction	Worker CMP	1		Unknown									NA
41 200000250	PL	Settlement Agreement	Worker CMP	1	1	17	8	17	\$480	86	\$2,459		\$2,939	\$260	Notice,
42 200000260	MW	Settlement Agreement	Worker CMP	1	1	11	16					\$87	\$87	\$8	None except
43 200000270	PL	Settlement Agreement	Worker CMP	1	0	57	57	684	\$8,373	155	\$1,899	\$0	\$10,272	\$0	Notice,
44 200000280	PL	Settlement Agreement	Worker CMP	1	1	25	2			14	\$701		\$701	\$611	Notification,
45 200000281	PL	Settlement Agreement	Worker CMP	1	1	7	4	96	\$1,070	96	\$1,070		\$2,140	\$267	Policy change
46 200000291	MW	Settlement Agreement	Worker CMP	2	2	44	44					\$7,552	\$7,552	\$408	Notice,
47 200000292	PL	No Case - No jurisdiction	Worker CMP	1		Unknown									None except
48 200000300	PL	Settlement Agreement	Worker CMP	1	1	30	79	532	\$6,213	1443	\$15,986		\$22,199	\$397	future compliance
49 200000310	MW	No Violation	Worker CMP	1		14									NA
50 200000320	MW	Settlement Agreement	Worker CMP	1	1	Unknown	1					\$122	\$122	\$122	Notification,
51 200000330	MW	Settlement Agreement	Worker CMP	1	1	20	14					\$341	\$341	\$27	Training
52 200000340	PL	No Violation	Worker CMP	1		Unknown									NA
53 200000360	MW	No Violation	Publication	0		Unknown									Referred to
54 200000201*	PL	NA - Open / Pending	Worker CMP	1		402									Auditors:
55 200000240*	PL	NA - Open / Pending	Worker CMP	1		1510									Change in
56 200000261*	PL	NA - Open / Pending	Worker CMP	1											practices, Training
57 200000282*	PL	NA - Open / Pending	Worker CMP	1		50									
58 200000290*	PL	NA - Open / Pending	Worker CMP	1											
59 200000331*	PLMW	NA - Open / Pending	Worker CMP	1		18									
60 200000332*	PL	NA - Open / Pending	Worker CMP	1											
61 200000350*	PL	NA - Open / Pending	Worker CMP	1		5									
				59	20	5075	695	5722	\$111,696	3,168	\$46,861	\$10,371	\$168,927	\$4,672	

**City of Tacoma 2017
City Council Forecast Schedule**

Date	Meeting	Subject	Department	Background
August 29, 2017	Study Session (TMBN 16, Noon)	Disparity Causation Analysis Study	CED	Consultant overview on the study being conducted on five years of contracting services to determine the SBE and LEAP programs' and City's contracting policies effectiveness and if a disparate impact exists within the marketplace.
		Proposed Amendment to TMC 18.10 "Paid Leave"	Finance	In order to align City's TMC with the State's statewide employment standards (minimum wage & paid sick leave) the City will need to amend Title 18 based on the State's paid sick leave law.
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
September 5, 2017	CANCELLED			
September 12, 2017	Joint Utility Board Study Session (TMBN 16, Noon)	Quarterly Joint Meeting	TPU	
		Closed Session - Labor Negotiations	HR	
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
September 19, 2017	Study Session (TMBN 16, Noon)	Environmental Services Strategic Plan Update	ESD	Update on the next steps to implement an Environmental Services Strategic Plan for 2018-2025, which supports the Tacoma 2025 Citywide Vision & Strategic Plan.
		Financial Planning Update	OMB	Update on approaches utilized for financial planning and updated financial forecast through 2020.
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
September 26, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			

**City of Tacoma 2017
City Council Forecast Schedule**

Date	Meeting	Subject	Department	Background
October 3, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
October 10, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
October 17, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
October 24, 2017	Study Session (TMBN 16, Noon)			
October 31, 2017	Study Session (TMBN 16, Noon)	3rd Quarter Financial Report, Mid-biennium Budget Adjustments, and Capital Projects Report	OMB	2017 3rd Quarter Budget Actuals Report, including initiative tracker and performance management, mid-biennium budget modifications and Capital Projects Report.
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
November 7, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
November 14, 2017	Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
November 21, 2017	City Council Study Session (TMBN 16, Noon)			
	City Council Meeting (TMB Council Chambers, 5:00 PM)			
November 28, 2017	Study Session (TMBN 16, Noon)			

Community Vitality and Safety				
Committee Members: Blocker (Chair), Campbell, Lonergan, Walker Lee, Alternate-Mello Executive Liaison: Linda Stewart; Staff Support - Will Suarez		2nd and 4th Thursdays 4:30 p.m. Room 248		CBC Assignments: • Citizen Police Advisory Committee • Human Services Commission • Human Rights Commission • Housing Authority • Commission on Disabilities • Library Board • Tacoma Community Redevelopment Authority
September 14, 2017				
Future:				
September 28, 2017	Proposed Affordable Housing Strategies [Policy Direction]	<i>Daniel Murillo, Housing Division Manager, Community and Economic Development</i>		Staff will bring proposed affordable housing policy recommendations for City Council to review and discuss
October 12, 2017				

Economic Development Committee				
Committee Members: Campbell (Chair), Mello, Strickland, Thoms, Alternate-McCarthy Executive Liaison: Mark Lauzier; Staff Support - India Adams		2nd, 4th, and 5th Tuesdays 10:00 a.m. Room 248	CBC Assignments: •Tacoma Arts Commission •Greater Tacoma Regional Convention Center Public Facilities District •Foss Waterway •City Events and Recognition Committee	
CBC Assignments: <ul style="list-style-type: none"> • Tacoma Arts Commission • Greater Tacoma Regional Convention Center Public Facilities District 		<ul style="list-style-type: none"> • Foss Waterway • City Events and Recognition Committee 		
August 29, 2017	Small Business and Revitalization Update [Informational Briefing]	<i>Daniel Murillo, Housing Division Manager;</i> <i>Carol Wolfe, Community and Economic Development Supervisor, Community and Economic Development</i>	Staff will present an update on the activities and policies to date for the Small Business Development and Neighborhood Revitalization unit which includes the Neighborhood Business District and Neighborhood Council Programs, Neighborhood Revitalization Project Areas, Special Event Permitting Office.	
Future:				
September 12, 2017	Cancelled			
September 26, 2017	Economic Development Dashboard Report	<i>Debbie Bingham, Program Development Specialist, Community and Economic Development</i>	This is the regularly occurring update relating to economic trends, opportunities, and challenges through Q2 2017.	
	SBE/LEAP Proposed Code Changes	<i>Keith Armstrong, SBE & LEAP Supervisor, Community and Economic Development</i>	CEDD staff will present proposed code changes to streamline the LEAP code.	

Government Performance and Finance Committee			
Committee Members: Lonergan (Chair), Campbell, Ibsen, Walker Lee, Alternate-Strickland Executive Liaison: Andy Cherullo; Staff Support - Chris Bell		1st, 3rd, and 5th Wednesdays 4:30 p.m. Room 248	CBC Assignments: •Public Utility Board •Board of Ethics •Audit Advisory Board •Civil Service Board
August 30, 2017	Telecom Franchise Agreement [Request for Approval by Council]	<i>Jeff Lueders, Information Technology Supv, MCO</i>	This item is a request for an ordinance related to telecommunications and franchise services, granting a ten-year Telecommunications Franchise Agreement to Seattle SMSA, Limited Partnership dba Verizon Wireless to construct, operate, maintain, remove, replace, and repair small cell wireless communications facilities within public right-of-way areas within the City of Tacoma. This is a new agreement and is needed for them to move forward with Pole Attachment agreement negotiations, gain permits, and operate within the City's public right-of-way, which will allow for technology growth in Tacoma.
	Tacoma's Records Management System Implementation Efforts	<i>Jack Kelanic, Director, IT</i>	Staff will provide information regarding update on Tacoma's Records Management System Implementation Efforts
	Workforce Central Line of Credit [Request for Approval by Council]	<i>Linda Nguyen, CEO, Workforce Central</i>	Workforce Central, operated under an interlocal agreement between Pierce County and the City, is requesting a \$500,000 line of credit to be split equally between the City and County.
Future:			
September 6, 2017			
September 20, 2017	2016 CAFR Review	<i>Susan Calderon, Assistant Finance Director, Finance Department</i>	

Infrastructure, Planning and Sustainability Committee			
Committee Members: Mello (Chair), Ibsen, McCarthy, Thoms, Alternate-Blocker Executive Liaison: Mark Lauzier; Staff Support - Rebecca Boydston		2nd and 4th Wednesdays 4:30 p.m. Room 16	CBC Assignments: •Sustainable Tacoma Commission •Planning Commission •Landmarks Preservation Commission •Board of Building Appeals •Transportation Commission
September 13, 2017	Tacoma Mall Neighborhood Subarea Plan Update (Tour) [Informational Briefing]	<i>Elliott Barnett, PDS</i>	IPS committee members will be touring the mall subarea plan area
Future:			
September 27, 2017	Transportation Commission Interviews [Request for Recommendation]	<i>Doris Sorum, City Clerk</i>	4 expiring vacancies
	Model Traffic Ordinance Update [Informational Briefing]	<i>Josh Diekmann, Engineer, PS</i>	
	Parking Initiative Update [Informational Briefing]	<i>Dana Brown, Parking Services, PW</i>	Parking Services will provide it's annual status report to the IPS committee. Our report will include current and projected parking revenues and expenses, status of the revised Residential Parking Permit program, the improved capabilities of the new parking enforcement system, highlights of our successes in 2016, and a discussion about a commercial parking tax. Other topics may come up from the other three committee members or PW Director.
October 11, 2017	2018 Amendments Progress and Key Issues	<i>Stephen Atkinson, Sr Planner, PDS</i>	needs 1 hour, only schedule 2 topics
	Transportation Master Plan Proposed Amendments	<i>Jennifer Kammerzell, Engineer, PW</i>	Public Works staff will present proposed Transportation Master Plan Amendments to the Infrastructure, Planning, and Sustainability Committee meeting. The presentation will include an overview of the proposed amendments and timeline for adoption.
	Biogas Project [Informational Briefing]	<i>Jim Parvey, OEPS</i>	The Office of Environmental Policy and Sustainability will provide an update on the status of the bio-gas project at the Central Treatment Plant. This project will purify bio-gas from the wastewater treatment plant so that it can be used for vehicle fuel. This fuel is known as Compressed Renewable Natural Gas (CRNG) and is used to replace geological natural gas resulting in greatly reduced greenhouse gas emissions.