



Signature Report

Ordinance 19009

Proposed No. 2019-0422.2

Sponsors Upthegrove, von Reichbauer,
Balducci, Kohl-Welles, Dembowski and
Gossett

1 AN ORDINANCE prohibiting the county and its
2 contractors from paying disabled employees a subminimum
3 wage; amending Ordinance 17909, Section 5, and K.C.C.
4 3.18.020 and adding a new section to K.C.C. chapter 3.18.

5 STATEMENT OF FACTS:

- 6 1. King County established living wage requirements for King County
7 employees and employees of certain county contractors in Ordinance
8 17909.
9 2. However, the living wage ordinance did not apply to certain categories
10 of employee, including individuals impaired by a physical or mental
11 disability.
12 3. In furtherance of the county's equity and social justice policies, and to
13 support inclusive workplaces, this ordinance ensures equal pay for
14 employees impaired by a physical or mental disability

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 3.18 a
17 new section to read as follows:

18 The county shall not pay any employee with a disability as defined in K.C.C.

19 12.16.010. less than any applicable minimum wage.

20 SECTION 2. Ordinance 17909, Section 5, and K.C.C. 3.18.020 are hereby
21 amended to read as follows:

22 A. An employee is covered by this chapter for each hour the employee is
23 performing a measurable amount of work as a county employee or under a contract with
24 the county. An employee who is not covered by this chapter is still included in
25 determining the size of the employer.

26 B.1. For the purpose of determining whether an employer is a Schedule 1
27 employer or a Schedule 2 employer, separate entities that form an integrated enterprise
28 shall be considered a single employer under this chapter. Separate entities are considered
29 an integrated enterprise and a single employer under this chapter if a separate entity
30 controls the operation of another entity. The factors to consider in making this
31 assessment include, but are not limited to:

- 32 a. The degree of interrelation between the operations of multiple entities;
- 33 b. The degree to which the entities share common management;
- 34 c. Centralized control of labor relations; and
- 35 d. The degree of common ownership or financial control over the entities.

36 2. There shall be a presumption that separate legal entities, which may share
37 some degree of interrelated operations and common management with one another, are
38 considered separate employers for purposes of this section as long as: the separate legal
39 entities operate substantially in separate physical locations from one another; and each
40 separate legal entity has partially different ultimate ownership.

41 3. The determination of employer schedule for the current calendar year is

42 calculated based upon the average number of employees employed per calendar week
43 during the preceding calendar year for any and all weeks during which at least one
44 employee worked for compensation. For an employer that did not have any employees
45 during the previous calendar year, the employer schedule is calculated based upon the
46 average number of employees employed per calendar week during the first ninety
47 calendar days of the current year in which the employer engaged in business.

48 C. For purposes of this chapter, temporary employment agency employees who
49 perform, for a Schedule 1 or Schedule 2 employer, a measurable amount of work under a
50 contract with the county, shall be paid no less than the minimum wage required to be paid
51 to covered employees of the Schedule 1 or Schedule 2 employer.

52 D. This chapter does not apply to the payment of wages to(~~(employees in the~~
53 ~~categories listed))~~ individuals defined in RCW 49.46.010(3)(~~or employees~~), individuals
54 employed in the categories listed in RCW 49.46.060(1) or individuals less than eighteen
55 years of age ((and defined in chapter 296-128 WAC for whom their employer has secured a
56 letter of recommendation from the Washington state Department of Labor and Industries
57 stating that the employer has demonstrated necessity in accordance with chapter 296-128
58 WAC)).

59 E. The county's human resources director shall establish by rule the minimum
60 wage for employees under the age of eighteen years, but any percentage of the hourly rate
61 established by rule shall not be lower than the percentage applicable under state statutes
62 and regulations.

63 SECTION 3. This ordinance shall apply only to those county employees hired on
64 or after the effective date of this ordinance and to county contracts, except real property

65 sale and lease transactions and government agency contracts entered into on and after
66 January 1, 2020.
67

Ordinance 19009 was introduced on 10/9/2019 and hearing held/closed and passed by the Metropolitan King County Council on 11/13/2019, by the following vote:

Yes: 8 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
Excused: 1 - Mr. Dunn



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this 26th day of NOVEMBER, 2019.

Dow Constantine, County Executive

Attachments: None

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CLERK
KING COUNTY COUNCIL