



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19762

Proposed No. 2023-0310.3

Sponsors Zahilay, Dembowski, Kohl-
Welles, McDermott, Barón and Mosqueda

1 AN ORDINANCE establishing an hourly minimum wage
 2 rate for employees of employers in unincorporated King
 3 County, employees of certain county contractors, and
 4 county employees; amending Ordinance 17909, Section 4,
 5 as amended, and K.C.C. 3.18.010 and Ordinance 17909,
 6 Section 6, as amended, and K.C.C. 3.18.030, adding a new
 7 chapter to K.C.C. Title 2, adding a new chapter to K.C.C.
 8 Title 12, repealing Ordinance 17909, Section 5, as
 9 amended, and K.C.C. 3.18.020, Ordinance 17909, Section
 10 7, and K.C.C. 3.18.040, Ordinance 17909, Section 8, and
 11 K.C.C. 3.18.050, Ordinance 17909, Section 9, and K.C.C.
 12 3.18.060, Ordinance 17909, Section 10, and K.C.C.
 13 3.18.070, Ordinance 17909, Section 11, as amended, and
 14 K.C.C. 3.18.080, and Ordinance 17909, Section 12, and
 15 K.C.C. 3.18.090, and establishing an effective date.

16 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

17 **SECTION 1. Findings:**

18 A. In 2016, state of Washington voters passed Initiative 1433 to increase the
 19 state's hourly minimum wage rate and have it annually adjusted for inflation. Initiative

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20 1433 also required state of Washington employers to provide paid sick leave to
21 employees. The 2024 hourly minimum wage rate for Washington state is \$16.28 per
22 hour.

23 B. According to the 2023 National Low Income Housing Coalition's Out of
24 Reach data, an employee making Washington's minimum wage would have to work 103
25 hours each week to afford a modest one-bedroom rental home at fair market rent in King
26 County.

27 C. According to The Self-Sufficiency Standard for Washington State, developed
28 in partnership with the University of Washington's Center for Women's Welfare and the
29 Workforce Development Council of Seattle-King County, the state's minimum wage is
30 insufficient to meet the basic needs of working families in King County. In 2023, for a
31 dual-income household of two working adults and two school-aged children living in
32 King County and earning the state's minimum wage, the family would fall short on
33 average \$36,442 to meet the basic needs of the household. In other words, both working
34 adults would need to have a minimum wage of \$24.50 per hour to meet the basic needs of
35 the household.

36 D. In King County, falling short to meet the basic needs of the household
37 disproportionately impacts Black, Indigenous, and People of Color, which are also known
38 as BIPOC, communities. According to 2021 census data, in King County, 23 percent of
39 households earn less than the state's minimum wage, however, for Black households this
40 increases to 46 percent; for Indigenous households it is 42 percent; and for Latinx
41 households it is 32 percent. Moreover, the median household income for King County is
42 \$110,586, which is 109 percent of the Self-Sufficiency Standard for a dual-income

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43 household of two working adults and two school-aged children, however, for Black
44 households it is \$57,437, which is 56 percent of the Self-Sufficiency Standard; and for
45 Latinx households it is \$74,357, which is 73 percent of the Self-Sufficiency Standard.

46 E. RCW 49.46.120, codified by Initiative 1433, declares that the state's minimum
47 standards for wages, paid sick leave, and working conditions are supplementary to local
48 law or ordinance which may be more favorable to employees and therefore the more
49 favorable minimum standards shall be in full force and effect and enforced.

50 F. In 2013, before Initiative 1433 was adopted by the state of Washington, voters
51 from the city of SeaTac approved local Proposition 1 that established an hourly minimum
52 wage rate of \$15.00 per hour and other benefits and rights for employees in the
53 hospitality and transportation industries, including those that were employed in the
54 Seattle-Tacoma International Airport. The city of SeaTac was one of the first local
55 jurisdictions in the country to increase the hourly minimum wage rate. The city of
56 SeaTac's 2024 hourly minimum wage rate is \$19.71 per hour for employees in the
57 hospitality and transportation industries.

58 G. In 2014, the city of Seattle enacted Ordinance 124490 to increase the hourly
59 minimum wage rate and minimum compensation rates for employees performing work in
60 the city. The city of Seattle's 2024 hourly minimum wage rate for employers with 501 or
61 more employees is \$19.97 per hour.

62 H. On May 19, 2014, the council adopted Motion 14131 to affirm that it is
63 county policy that a living wage should be paid to county employees and to the
64 employees of persons, businesses, organizations, and other entities that receive
65 procurement contracts, tax exemptions or credits, or other financial benefits from the

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66 county. Subsequently, on October 6, 2014, the county enacted Ordinance 17909 to
67 require that a living wage be paid to county employees and to the employees of certain
68 county contractors. To avoid conflicts for county employees who work in the city of
69 Seattle and reduce the administrative burden on county contractors, the ordinance
70 followed the city of Seattle's minimum wage ordinance by setting variable living wage
71 rates based on the size, which is the number of employees, of the contractor, and whether
72 health benefits were provided to employees by the contractor. The county's 2024 hourly
73 living wage rate for county employees and contractors with 501 or more employees is
74 \$19.97 per hour.

75 I. In 2022, voters from the city of Tukwila, approved local Initiative Measure 1
76 that established a minimum wage equal to the minimum wage rate in the city of SeaTac
77 for employees performing work in the city. However, the city of Tukwila's 2024
78 minimum wage rate is \$20.29 per hour, due to the varied approach on calculating the
79 annual inflation rate. Currently, the city of Tukwila has the highest minimum wage rate
80 in the country according to the University of California, Berkley Labor Center.

81 J. According to the department of local service's 2022 Business Survey, an online
82 survey for the unincorporated King County business community, sixty-seven percent of
83 the respondents supported an increase in the hourly minimum wage rate, with many
84 respondents saying they already paid employees above the hourly minimum wage rate or
85 that the owner was the only employee and therefore the business would not be affected
86 by an hourly minimum wage rate increase.

87 K. Some employers, particularly small businesses and nonprofit organizations,
88 may have initial difficulty accommodating the increased costs due to the increased hourly

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89 minimum wage rate and a gradual phase-in approach may be beneficial.

90 L. K.C.C. 2.10.210.B. defines the county's fourteen determinants of equity as the
91 social, economic, geographic, political, and physical environment conditions in which
92 people in our county are born, grow, live, work, and age that lead to the creation of a fair
93 and just society. Access to the determinants of equity is necessary to have equity for all
94 people and inequities are created when barriers exist that prevent individuals and
95 communities from accessing these conditions and reaching their full potential. Access to
96 jobs that have the ability to make sufficient income for the purchase of basic necessities
97 to support themselves and their families is one of the fourteen county determinants. The
98 council finds that it is necessary for the county to enact policies to ensure the well-being
99 of all residents by ensuring their access to the determinants of equity.

100 SECTION 2. Sections 3 through 6 of this ordinance should constitute a new
101 chapter in K.C.C. Title 2.

102 NEW SECTION. SECTION 3. The definitions in this section apply throughout
103 this chapter unless the context clearly requires otherwise.

104 A. "Contract" means a mutually binding legal relationship or any modification
105 thereof obligating the county to pay a contractor one hundred thousand dollars or more to
106 provide professional services, technical services, or services, as defined in K.C.C
107 2.93.030 to, or at the direction of, the county. "Contract" does not include: a contract
108 between a contract-awarding authority and another government or public entity; a
109 contract that the county enters into as the administrator of grants received from a third
110 party; a contract for public works; an architectural or engineering contract; or a collective
111 bargaining agreement.

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112 B. "Contract-awarding authority" means the county officer, department,
113 commission, employee, or board authorized to enter into or to administer contracts on
114 behalf of the county.

115 C. "Contractor" means any person that enters into a contract with the county, or
116 negotiates the extension of an existing contract with the county, after October 27, 2014,
117 or that is a subcontractor performing services under such a contract.

118 D. "Employ" means to engage, suffer, or permit to work.

119 E. "Employee" means any individual employed by an employer, whether on a
120 full-time, part-time, temporary, or seasonal basis, including temporary workers,
121 contracted workers, contingent workers, and persons made available to work through a
122 temporary services, staffing, or employment agency or similar entity.

123 F. "Employer" includes any individual, partnership, association, corporation,
124 business trust, or any entity, person or group of persons, or a successor thereof, that
125 employs another person and includes any such an entity or person acting directly or
126 indirectly in the interest of an employer in relation to an employee. More than one entity
127 may be the "employer" if employment by one employer is not completely disassociated
128 from employment by the other employer if the economic reality of the relationship
129 between the entities and the employee or employees is that of employer and employee.
130 The economic reality of the relationship is to be determined by the circumstances of the
131 whole activity, not a mechanical weighing of relevant factors.

132 G. "Hourly minimum wage" means the minimum wage due to an employee under
133 this chapter for each hour worked during a pay period.

134 H. "Person" means one or more individuals, partnerships, associations,

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135 organizations, corporations, cooperatives, legal representatives, trustees, trustees in
136 bankruptcy, receivers, or groups or persons, limited liability companies, sole
137 proprietorships, joint adventures, estates, trusts, or other entities, groups, or combinations
138 acting as units, and the individuals constituting the groups or units.

139 I. "Wage" means compensation due to an employee by reason of employment,
140 payable in legal tender of the United States or checks on banks convertible into cash on
141 demand at full face value.

142 NEW SECTION. SECTION 4.

143 A. A contractor shall pay their employees an hourly minimum wage rate of not
144 less than twenty dollars and twenty-nine cents per hour or the hourly minimum wage rate
145 established by federal or state law, whichever is greater. Beginning January 1, 2025, the
146 hourly minimum wage rate shall increase annually on a percentage basis to reflect the
147 annual rate of inflation and calculated to the nearest cent on January 1 of each year
148 thereafter. For purposes of this section, "the annual rate of inflation" means one hundred
149 percent of the annual average growth rate of the U.S. Department of Labor, Bureau of
150 Labor Statistics Seattle-Tacoma-Bremerton Area Consumer Price Index for urban wage
151 earners and clerical workers, CPI-W, or a successor index, for the twelve month period
152 ending in August, but the percentage increase shall not be less than zero.

153 B. An employee is covered by this chapter for each hour the employee is
154 performing a measurable amount of work under a contract with the county.

155 C. For the purposes of this chapter, temporary employment agency employees
156 who perform, for an employer, a measurable amount of work under a contract with the
157 county, shall be paid no less than the hourly minimum wage rate required to be paid to

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158 employees as specified in subsection A. of this section.

159 D. A contract-awarding authority shall not execute a contract with a contractor
160 unless the contract includes provisions requiring the contractor to comply with the hourly
161 minimum wage rate as specified in subsection A. of this section and containing
162 appropriate remedies for the breach of the contracts as prescribed in section 5 of this
163 ordinance.

164 NEW SECTION. SECTION 5.

165 The executive shall:

166 A. Adopt public and administrative rules in accordance with this chapter
167 establishing standards and procedures for effectively carrying out this chapter;

168 B. Determine when and how any notice and opportunity to cure a violation of this
169 law should be afforded;

170 C. Determine and impose appropriate sanctions or remedies, or both, and
171 procedures for administrative review, for violation of this chapter by contractors,
172 including but not limited to:

173 1. Disqualification of the contractor from bidding on or being awarded a county
174 contract for up to two years;

175 2. Remedies allowable by contract including, but not limited to, liquidated
176 damages and termination of the contract;

177 3. Remedial action after a finding of noncompliance, as specified by rule; and

178 4. Other appropriate civil remedies and sanctions allowable by law; and

179 D. Administer other requirements specified by this chapter or that are necessary
180 to implement the purposes of this chapter.

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181 SECTION 6. Ordinance 17909, Section 4, as amended, and K.C.C. 3.18.010 are
182 hereby amended to read as follows:

183 A. (~~"Actuarial value" means the percentage of total average costs for covered~~
184 ~~benefits that a health benefits package will cover.~~

185 B. ~~"Bonuses" means non-discretionary payments in addition to hourly, salary,~~
186 ~~commission or piece-rate payments paid under an agreement between an employer and~~
187 ~~employee.~~

188 C. ~~"Commissions" means a sum of money paid to an employee upon completion~~
189 ~~of a task, usually selling a certain amount of goods or services.~~

190 D. ~~"Compensation" means wages together with the money paid by an employer~~
191 ~~towards an individual employee's health benefits plan.~~

192 E. ~~"Contract" means a mutually binding legal relationship or any modification~~
193 ~~thereof obligating the county to pay a contractor one hundred thousand dollars or more to~~
194 ~~provide professional services, technical services or services, as defined in K.C.C 2.93.030~~
195 ~~to, or at the direction of, the county. "Contract" does not include: a contract between a~~
196 ~~contract awarding authority and another government or public entity; a contract that the~~
197 ~~county enters into as the administrator of grants received from a third party; a contract for~~
198 ~~public works; an architectural or engineering contract; or a collective bargaining~~
199 ~~agreement.~~

200 F. ~~"Contract awarding authority" means the county officer, department,~~
201 ~~commission, employee or board authorized to enter into or to administer contracts on~~
202 ~~behalf of the county.~~

203 G. ~~"Contractor" means any person that enters into a contract with the county, or~~

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204 ~~negotiates the extension of an existing contract with the county, after October 27, 2014,~~
205 ~~or that is a subcontractor performing services under such a contract.~~

206 ~~H. "Division" means the finance and business operations division of the~~
207 ~~department of executive services.~~

208 ~~I. "Director" means the manager of the finance and business operations division~~
209 ~~of the department of executive services, or the manager's designee. J.) "Employ" means~~
210 ~~to engage, suffer, or permit to work.~~

211 B. "Employee" means any individual employed by an employer, whether on a
212 full-time, part-time, temporary or seasonal basis, including temporary workers,
213 contracted workers, contingent workers, and persons made available to work through a
214 temporary services, staffing, or employment agency or similar entity.

215 ~~((K. "Employer" includes King County and any individual, partnership,~~
216 ~~association, corporation, business trust or person or group of persons acting directly or~~
217 ~~indirectly in the interest of an employer in relation to an employee.~~

218 ~~L. "Health benefits plan" means a silver or higher level essential health benefits~~
219 ~~package, as defined in 42 U.S.C. Sec. 18022, or an equivalent plan that is designed to~~
220 ~~provide benefits that are actuarially equivalent to seventy percent of the full actuarial~~
221 ~~value of the benefits provided under the plan, whichever is greater.~~

222 ~~M. "Hourly minimum compensation" means the minimum compensation due to~~
223 ~~an employee under this chapter for each hour worked during a pay period.~~

224 ~~N.)~~ C. "Hourly minimum wage" means the minimum wage due to an employee
225 under this chapter for each hour worked during a pay period.

226 ~~((O.))~~ D. "Person" means ~~((any))~~ one or more individuals, partnerships,

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227 associations, organizations, corporations, cooperatives, legal representatives, trustees,
228 trustees in bankruptcy, receivers, or groups or persons, limited liability ((company))
229 companies, sole proprietorships, ((association,)) joint adventures, estates, trusts, or other
230 ((entity)) entities, groups, or combinations acting as ((a)) units, and the individuals
231 constituting the groups or units.

232 ~~((P. "Piece rate" means a price paid per unit of work.~~

233 ~~Q. "Rate of inflation" means one hundred percent of the annual average growth~~
234 ~~rate of the bi-monthly Seattle Tacoma Bremerton Area Consumer Price Index for urban~~
235 ~~wage earners and clerical workers, termed CPI-W, for the twelve month period ending in~~
236 ~~August, provided that the percentage increase shall not be less than zero.~~

237 ~~R. "Schedule 1 employer" means an employer that employs more than five~~
238 ~~hundred employees in the United States, regardless of where those employees are~~
239 ~~employed in the United States.~~

240 ~~S. "Schedule 2 employer" means an employer that employs five hundred or fewer~~
241 ~~employees in the United States, regardless of where those employees are employed in the~~
242 ~~United States.~~

243 ~~T. "Subcontractor" means any person, not an employee, that enters into a contract~~
244 ~~with a contractor or subcontractor, and that employs employees for that purpose, to assist~~
245 ~~the contractor or subcontractor in performing a contract with the county.))~~

246 ~~((U.)) E. "Wage" means compensation due to an employee by reason of~~
247 ~~employment, payable in legal tender of the United States or checks on banks convertible~~
248 ~~into cash on demand at full face value ((, subject to such deductions, charges or~~
249 ~~allowances as may be permitted by rules of the director. "Wages" include commissions,~~

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250 ~~piece-rate compensation and bonuses, all of which shall be counted as wages in the work-~~
251 ~~week in which they were earned. An employer payment toward a health benefits plan~~
252 ~~does not constitute a "wage.").~~

253 SECTION 7. Ordinance 17909, Section 6, as amended, and K.C.C. 3.18.030 are
254 hereby amended to read as follows:

255 The county shall pay its employees ~~((at a rate no less than the))~~ an hourly
256 minimum wage ((for Schedule 1 employers, except for short-term temporary employees
257 who are employed in social service programs designed to help youth gain basic work
258 training skills)) rate of not less than twenty dollars and twenty-nine cents per hour or the
259 hourly minimum wage rate established by federal or state law, whichever is greater.
260 Beginning January 1, 2025, the hourly minimum wage rate shall increase annually on a
261 percentage basis to reflect the annual rate of inflation and calculated to the nearest cent
262 on January 1 of each year thereafter. For purposes of this section, "the annual rate of
263 inflation" means one hundred percent of the annual average growth rate of the U.S.
264 Department of Labor, Bureau of Labor Statistics Seattle-Tacoma-Bremerton Area
265 Consumer Price Index for urban wage earners and clerical workers, CPI-W, or a
266 successor index, for the twelve month period ending in August, but the percentage
267 increase shall not be less than zero. An employee is covered by this chapter for each hour
268 the employee is performing a measurable amount of work as a county employee.

269 SECTION 8. The following are hereby repealed:

- 270 A. Ordinance 17909, Section 5, as amended, and K.C.C. 3.18.020;
271 B. Ordinance 17909, Section 7, and K.C.C. 3.18.040;
272 C. Ordinance 17909, Section 8, and K.C.C. 3.18.050;

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273 D. Ordinance 17909, Section 9, and K.C.C. 3.18.060;

274 E. Ordinance 17909, Section 10, and K.C.C. 3.18.070;

275 F. Ordinance 17909, Section 11, as amended, and K.C.C. 3.18.080; and

276 G. Ordinance 17909, Section 12, and K.C.C. 3.18.090.

277 SECTION 9. Sections 10 through 15 of this ordinance should constitute a new

278 chapter in K.C.C. Title 12.

279 NEW SECTION. SECTION 10. The definitions in this section apply throughout

280 this chapter unless the context clearly requires otherwise.

281 A. "Department" means the department of local services or designee.

282 B. "Director" means the director of the department of local services or designee.

283 C. "Employ" means to engage, suffer, or permit to work.

284 D. "Employee" means any individual employed by an employer, whether on a

285 full-time, part-time, temporary, or seasonal basis, including temporary workers,

286 contracted workers, contingent workers, and persons made available to work through a

287 temporary services, staffing, or employment agency or similar entity.

288 E. "Employer" means any individual, partnership, association, corporation,

289 business trust, or any entity, person, group of persons, or a successor thereof, that

290 employs another person and includes any such entity or person acting directly or

291 indirectly in the interest of an employer in relation to an employee. More than one entity

292 may be the "employer" if employment by one employer is not completely disassociated

293 from employment by the other employer if the economic reality of the relationship

294 between the entities and the employee or employees is that of employer and employee.

295 The economic reality of the relationship is to be determined by the circumstances of the

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296 whole activity, not a mechanical weighing of relevant factors.

297 F. "Franchise" means an agreement, express or implied, oral or written, by

298 which:

299 1. A person is granted the right to engage in the business of offering, selling, or

300 distributing goods or services under a marketing plan prescribed or suggested in

301 substantial part by the grantor or its affiliate;

302 2. The operation of the business is substantially associated with a trademark,

303 service mark, trade name, advertising, or other commercial symbol; designating, owned

304 by, or licensed by the grantor or its affiliate; and

305 3. The person pays, agrees to pay, or is required to pay, directly or indirectly, a

306 franchise fee. "Franchise fee" is meant to be construed broadly to include any instance in

307 which the grantor or its affiliate derives income or profit from a person who enters into a

308 franchise agreement with the grantor.

309 G. "Franchisee" means a person to whom a franchise is offered or granted.

310 H. "Franchisor" means a person who grants a franchise to another person.

311 I. "Person" includes one or more individuals, partnerships, associations,

312 organizations, corporations, cooperatives, legal representatives, trustees, trustees in

313 bankruptcy, receivers, or groups of persons, limited liability companies, sole

314 proprietorships, joint adventures, estates, trusts, or other entities, groups, or combinations

315 acting as units, and the individuals constituting the groups or units.

316 J. "Service charge" means a separately designated amount collected by employer

317 from a customer that is for services provided by employees, or is described in such a way

318 that a customer might reasonably believe that the amounts are for such services. "Service

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319 charge" includes but is not limited to a charge designated on receipts as a "service
320 charge," "gratuity," "delivery charge," or "portage charge."

321 K. "Tip" means a verifiable sum to be presented by a customer as a gift or
322 gratuity in recognition of some service performed for the customer by the employee
323 receiving the tip.

324 L. "Unincorporated King County" means those areas outside any city or town and
325 under King County's jurisdiction.

326 M. "Wage" means compensation due to an employee by reason of employment,
327 payable in legal tender of the United States or checks on banks convertible into cash on
328 demand at full face value.

329 NEW SECTION. SECTION 11.

330 A. All employers in unincorporated King County shall pay their employees an
331 hourly minimum wage rate of not less than twenty dollars and twenty-nine cents per hour
332 or the hourly minimum wage rate established by federal or state law, whichever is
333 greater. Beginning January 1, 2025, the hourly minimum wage rate shall increase
334 annually on a percentage basis to reflect the annual rate of inflation and calculated to the
335 nearest cent on January 1 of each year thereafter. For purposes of this section, "the
336 annual rate of inflation" means one hundred percent of the annual average growth rate of
337 the U.S. Department of Labor, Bureau of Labor Statistics Seattle-Tacoma-Bremerton
338 Area Consumer Price Index for urban wage earners and clerical workers, CPI-W, or a
339 successor index, for the twelve month period ending in August, but the percentage
340 increase shall not be less than zero. Tips, gratuities, and service charges paid to an
341 employee shall be in addition to, and not count towards, the hourly minimum wage rate.

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342 B. All employers in unincorporated King County shall pay to its employees the
343 following:

344 1. All tips, and gratuities; and

345 2. All service charges except those that, under RCW 49.46.160, are itemized as
346 not being payable to the employee or employees servicing the customer.

347 C. By October 1 of each year, the director shall make available to the public on
348 the county's website, the hourly minimum wage rate determined in accordance with this
349 section.

350 D.1. The following are exceptions to subsection A. of this section:

351 a. Beginning January 1, 2025, employers that employ fifteen employees or
352 fewer and have an annual gross revenue less than two million dollars shall pay their
353 employees an hourly minimum wage rate as established in subsection A. of this section
354 minus three dollars. The three-dollar reduction shall decrease annually by fifty cents on
355 January 1 of each year thereafter until the reduction is zero;

356 b. Beginning January 1, 2025, employers that employ fifteen employees or
357 fewer and have an annual gross revenue of two million dollars or greater shall pay their
358 employees an hourly minimum wage rate as established in subsection A. of this section
359 minus two dollars per hour. The two-dollar reduction shall decrease annually by one
360 dollar on January 1 of each year thereafter until the reduction is zero; and

361 c. Beginning January 1, 2025, employers that employ more than fifteen
362 employees but fewer than five hundred employees shall pay their employees an hourly
363 minimum wage rate as established in subsection A. of this section minus two dollars per
364 hour. The two-dollar reduction shall decrease annually by one dollar on January 1 of

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365 each year thereafter until the reduction is zero.

366 2. For the purposes of this subsection D. of this section, the following shall

367 apply:

368 a. The employers that are subject to the exceptions in this subsection D. of this

369 section shall not include franchisees associated with a franchisor or a network of

370 franchises with franchisees that employ five hundred employees or more in aggregate,

371 regardless of the geographic location of the franchises;

372 b. "Gross revenue" means the total revenue generated by the employer

373 regardless of geographic location; and

374 c. The number of employees shall be calculated by determining the average

375 number of employees employed by the employer during the last twelve months regardless

376 of the location of employment of each employee.

377 E. All employers in unincorporated King County shall maintain adequate records

378 to provide proof of compliance and either have it available upon request by the

379 department or have it available for a proceeding involving an aggrieved employee

380 bringing a civil action in a court of competent jurisdiction against an employer for

381 violating this chapter as described in section 14 of this ordinance, or both. Adequate

382 records shall include, but not be limited to:

383 1. The number of employees employed by the employer during the previous

384 year;

385 2. The number of employees paid the minimum wage as required by subsection

386 A. of this section during the previous year;

387 3. Wages paid by the employer to all employees during the previous year;

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- 388 4. The number of work hours of each employee during the previous year;
- 389 5. Wages paid to each employee during the previous year; and
- 390 6. The amount of any deductions from the wages paid to each employee during
- 391 the previous year.

392 NEW SECTION. SECTION 12.

393 A. Beginning January 1, 2026, the manager of the office of performance,

394 strategy, and budget, or its designee, shall annually convene a workgroup to: evaluate

395 whether the current hourly minimum wage rate as established by this chapter is sufficient

396 to meet the basic needs of working households in King County; and analyze the current

397 hourly minimum wage rate's impact to the region's economy. The workgroup's

398 evaluation and analysis shall include, but not be limited to, the following considerations:

- 399 1. The Self-Sufficiency Standard for Washington State, developed in
- 400 partnership with the University of Washington's Center for Women's Welfare and the
- 401 Workforce Development Council of Seattle-King County;
- 402 2. Impacts to the county labor market including, but not limited to, employment
- 403 rates, small business labor costs, and ability to attract new businesses to the region;
- 404 3. Impacts on the number of county residents that receive the federal Earned
- 405 Income Tax Credit, the Washington State Working Families Tax Credit, and any other
- 406 government benefits that are provided to low- and middle-income households; and
- 407 4. Disproportionate impacts to Black, Indigenous, and People of Color
- 408 communities, if any.

409 B. Workgroup membership shall include, but not be limited to, the following:

- 410 1. The manager of the office of performance, strategy, and budget, or designee;

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- 411 2. The county's chief economist, or designee;
- 412 3. The manager of the finance and business operations division, or designee;
- 413 4. The director of the department of local services, or designee;
- 414 5. The director of the department of human resources, or designee; and
- 415 6. The chair of the budget and fiscal management committee, or its successor, or
- 416 designee.

417 C. The workgroup shall seek input from the community on its evaluation and

418 analysis work as described in subsection A. of this section. The community shall include,

419 but not be limited to, the following:

- 420 1. Economists and wage experts from accredited colleges and universities in the
- 421 state of Washington;
- 422 2. Representatives from the King County Coalition of Unions;
- 423 3. Employers that contract with the county or have showed interest in
- 424 contracting with the county; and
- 425 4. Organizations that represent employees and employers in unincorporated
- 426 King County.

427 D. On behalf of the workgroup, the executive shall transmit a report of its

428 findings and a recommendation, if any, to modify the hourly minimum wage rate

429 established by this chapter. The executive shall electronically file the report and any

430 proposed ordinance that would amend this chapter and any other chapters related to the

431 hourly minimum wage rate of county employees and county contractors to implement the

432 hourly minimum wage rate as recommended by the workgroup no later than June 30 of

433 each year with the clerk of the council, who shall retain an electronic copy and provide an

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434 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
435 transportation, economy, and environment committee, or its successor. The executive
436 shall electronically distribute the report to all government entities in the county and to
437 relevant state and federal agencies, including, but not limited to, the Washington state
438 Department of Labor and Industries, or its successor.

439 NEW SECTION. SECTION 13.

440 A. An employer shall not interfere with, restrain, or deny the exercise of, or the
441 attempt to exercise, any right protected under this chapter by an employee. Also, an
442 employer shall not take any adverse action against an employee or to discriminate against
443 an employee because the employee has exercised in good faith the rights under this
444 chapter. The rights shall include, but are not limited to, the right to:

- 445 1. File a complaint with any entity or agency about an employer's alleged
446 violation of this chapter;
- 447 2. Inform the person's employer, union, or similar organization, the person's
448 legal counsel, or any other person about an alleged violation of this chapter;
- 449 3. Cooperate in any investigation of alleged violations of this chapter;
- 450 4. Testify in a proceeding related to violations of this chapter; and
- 451 5. Inform other employees of the rights protected under this chapter.

452 B. For the purposes of this section, "adverse action against an employee"
453 includes, but is not be limited to actions:

- 454 1. Relating to an employee's employment including pay, work hours,
455 responsibilities, or other material change in the terms and conditions of employment;
 - 456 2. Relating to an employee's immigration or citizenship status; and
-

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457 3. Dissuading an employee from exercising any right afforded by this chapter.

458 NEW SECTION. SECTION 14.

459 A. An aggrieved employee may bring a civil action in a court of competent
460 jurisdiction against an employer for violating this chapter and, upon prevailing, may be
461 awarded reasonable attorneys' fees and costs and such legal or equitable relief as is
462 appropriate to remedy, which shall include, but not be limited to, the payment of any
463 unpaid wages plus interest, as specified in subsection D. of this section, due to the
464 employee and liquidated damages, which shall include, but not be limited to, up to twice
465 the unpaid wages. An aggrieved employee shall be entitled to liquidated damages
466 without a finding that the violation of this chapter was willful and an aggrieved employee
467 may recover both liquidated damages and prejudgment interest. If the court finds that an
468 employer's violation of this chapter was willful then a penalty shall be payable to any
469 aggrieved employee of up to five thousand dollars.

470 B. Before filing a civil action against an employer for violating section 11 of this
471 ordinance, an aggrieved employee or the employee's representative shall give notice by
472 certified U.S. mail with return receipt requested or a comparable method to the employer
473 demanding that the employer pay the hourly minimum wage rate as required by section
474 11 of this ordinance and provide payment of any unpaid wages plus interest, as specified
475 in subsection D. of this section, to the aggrieved employee. An employer's refusal to
476 accept or read the letter is not a failure to send the letter. If the employer fails to pay the
477 unpaid wages plus interest within fourteen days of the return receipt date of the notice,
478 then the aggrieved employee may file a civil action as specified in subsection A. of this
479 section.

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480 C. For the purposes of this section, an aggrieved employee means an employee
481 who claims to have been injured by an employer's violation of this chapter.

482 D. For the purposes of this section, interest shall be twelve percent per year or the
483 maximum rate permitted under RCW 19.52.020, whichever is higher, and accrue from
484 the date the unpaid wages were first due.

485 NEW SECTION. SECTION 15.

486 A. The director is authorized to enforce and implement this chapter.

487 B. The director may adopt rules and procedures, in accordance with K.C.C.
488 chapter 2.98, to implement this chapter and ensure compliance of this chapter. If the
489 director adopts appropriate rules and procedures, before giving public notice of the rules
490 and procedures as required by K.C.C. chapter 2.98, the director shall seek feedback of the
491 rules and procedures from organizations that represent employees and employers in
492 unincorporated King County.

493 C.1. If the executive determines that the enforcement and implementation of this
494 chapter by the county is cost prohibitive due to the budgetary constraints of the county's
495 general fund, the executive is requested to explore other enforcement and implementation
496 methods. As part of this effort, the executive shall also explore methods to support
497 aggrieved employees who may be reluctant to bring a civil action.

498 2. If the executive determines a cost effective approach to implementing and
499 enforcing this chapter, other than what is required by subsections A. and B. of this
500 section, then the executive shall transmit a letter notifying to the council of the
501 executive's plans for implementation and enforcement. The executive shall electronically
502 file the letter with the clerk of the council, who shall retain an electronic copy and

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503 provide an electronic copy to all councilmembers, the council chief of staff, and the lead
504 staff for the transportation, economy, and environment committee, or its successor.

505 SECTION 16.

506 A. The executive shall transmit a report providing recommendations to
507 strengthen the county's commitment to sustainable farm-to-plate pipeline, advance equity,
508 and support the agricultural sector in unincorporated King County as the agricultural
509 sector complies with the hourly minimum wage rate as required by this ordinance. The
510 executive shall consult with the community to inform the report. The community shall
511 include, but not be limited to, the following:

512 1. Representatives from King County farming organizations which shall
513 include, but not be limited to, the following:

- 514 a. King County agriculture commission;
- 515 b. SnoValley Tilth;
- 516 c. Snoqualmie Valley Preservation Alliance;
- 517 d. Sammamish Valley Alliance; and
- 518 e. Snoqualmie Valley Farmers Cooperative;

519 2. Small-farm owners and small-farm employees in the following Agricultural
520 Production Districts in King County:

- 521 a. Sammamish River;
- 522 b. Snoqualmie River;
- 523 c. Lower Green River;
- 524 d. Upper Green River; and
- 525 e. Enumclaw Plateau;

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526 3. Representatives from the King Conversation District; and

527 4. The chair of the local services and land use committee, or its successor, or

528 designee.

529 B. The recommendations to address the impacts shall consider, but not be limited

530 to, the following:

531 1. Capital programs to acquire land, access farm equipment, and develop

532 housing for farm workers such as:

533 a. connecting farmers with affordable farmland to lower acquisition costs and

534 build farmland equity through ownership; for example, the Agrarian Trust and more

535 specifically the Vermont Agrarian Commons;

536 b. establishing a farm equipment access program to provide affordable leasing

537 of farm equipment purchased by the county; and

538 c. developing housing facilities using county resources to provide workforce,

539 congregate, and pallet housing for farm workers in proximity to their place of work;

540 2. Transportation programs to provide mobility for farm workers such as:

541 a. providing vouchers that can be used for local and regional transportation

542 providers operating in areas with access to agricultural jobs;

543 b. establishing shuttles, similar to the Metro transit department's Trailhead

544 Direct; and

545 c. subsidies for easier access to the Metro transit department's Vanpool and

546 Vanshare programs, similar to the Metro transit department services provided to

547 Snoqualamie Casino employees; and

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548 3. Other programs to support the agricultural sector in unincorporated King
549 County such as:

- 550 a. establishing health care programs for farm workers;
- 551 b. providing fee waivers for farmers market booths;
- 552 c. supporting farm worker recruitment and retention;
- 553 d. supporting the retention of existing farm owners;
- 554 e. developing internship and apprenticeship programs for the youth,
555 underrepresented communities in the agricultural sector, and historically underserved
556 communities in the agricultural sector;
- 557 f. providing grants to food banks to purchase surplus food from local farms;
- 558 g. expanding the county's Local Food Initiative; and
- 559 h. developing a multimedia, multichannel public awareness campaign on the
560 necessity of supporting county farmers and their products and educating the public on the
561 quality and cost of producing farm products.

562 C. The executive shall electronically file the report and any proposed ordinance
563 to implement the recommendations identified in the report no later than June 30, 2025,
564 with the clerk of the council, who shall retain an electronic copy and provide an
565 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
566 transportation, economy, and environment committee, or its successor.

567 SECTION 17.

568 A. The executive shall transmit a report evaluating the impacts of the hourly
569 minimum wage rate as required by this ordinance for unincorporated King County. The
570 executive shall make an effort to evaluate the impacts by various demographics such as

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571 income, race, gender, and industry sector for both employees and employers to determine
572 any disproportionate impacts. The report shall include, but not be limited to, the
573 following:

574 1. Evaluation of whether the hourly minimum wage rate is achieving the goal of
575 increasing employees' wages to meet the basic needs of the household, in particular the
576 Black, Indigenous, and People of Color communities whose household income are
577 disproportionately lower;

578 2. Evaluation of the impact of the hourly minimum wage rate on employees
579 such as reduction in either work hours or other benefits provided by the employer, or
580 both;

581 3. Evaluation of the impact of the hourly minimum wage on employers, in
582 particular small businesses, which shall include, but not be limited to, revenue, cost,
583 profit, business longevity, and decisions related to divestments and investments;

584 4. Impacts to the region's economy, which shall include, but not be limited to,
585 employment rate, median household income, taxable sales, inflation, industry
586 diversification, and ability to attract new businesses; and

587 5. Impacts due to the inconsistent hourly minimum wage rates across the
588 county.

589 B. The executive shall conduct activities to ensure the collection of any data that
590 will be necessary to inform the report but are not readily available or accessible. Data
591 collection activities shall be conducted as earliest as feasible to provide the best data to
592 inform the report.

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593 C. The report shall also be informed by the findings compiled by the workgroup
594 as established in section 12 of this ordinance.

595 D. The executive may contract with an external organization to conduct the
596 evaluation and produce the report.

597 E. The executive shall electronically file the report no later than June 30, 2028,
598 with the clerk of the council, who shall retain an electronic copy and provide an
599 electronic copy to all councilmembers, the council chief of staff, and the lead staff for the
600 transportation, economy, and environment committee, or its successor.

601 SECTION 18. This ordinance takes effect January 1, 2025.

602 SECTION 19. If any provision of this ordinance or its application to any person

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603


604 or circumstance is held invalid, the remainder of the ordinance or the application of the

605 provision to other persons or circumstances is not affected.

Ordinance 19762 was introduced on 9/12/2023 and passed as amended by the Metropolitan King County Council on 5/14/2024, by the following vote:


Yes: 7 - Balducci, Barón, Dembowski, Mosqueda, Perry, Upthegrove and Zahilay
No: 2 - Dunn and von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...


Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...

Melani Hay, Clerk of the Council

APPROVED this _____ day of 5/28/2024, _____.

DocuSigned by:

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Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Gavin Muller
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	gavin.muller@kingcounty.gov
	IP Address: 146.129.133.54

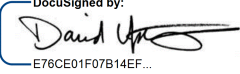
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Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
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Melani Hay
melani.hay@kingcounty.gov
Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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Dow Constantine
Dow.Constantine@kingcounty.gov
King County Executive
Security Level: Email, Account Authentication (None)

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Certified Delivery Events	Status	Timestamp
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Ames Kessler
akessler@kingcounty.gov
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King County
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	5/28/2024 3:23:20 PM

Payment Events	Status	Timestamps
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

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- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.