



Legislation Text

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Clerk 11/05/2019

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

STATEMENT OF FACTS:

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

The county shall not pay any employee with a disability as defined in K.C.C. 12.16.010. less than any applicable minimum wage.

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

A. An employee is covered by this chapter for each hour the employee is performing a measurable amount of work as a county employee or under a contract with the county. An employee who is not covered by

this chapter is still included in determining the size of the employer.

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

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

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

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

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

D. This chapter does not apply to the payment of wages to(~~(= employees in the categories listed))~~)

individuals defined in RCW 49.46.010(3)~~((; or employees)), individuals employed in the categories listed in RCW 49.46.060(1) or individuals less than eighteen years of age ((and defined in chapter 296-128 WAC for whom their employer has secured a letter of recommendation from the Washington state Department of Labor and Industries stating that the employer has demonstrated necessity in accordance with chapter 296-128 WAC)).~~

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

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

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