**File #:** CB 119220, **Version:** 1

## CITY OF SEATTLE

## ORDINANCE _____

### COUNCIL BILL _____

AN ORDINANCE relating to the Office of Labor Standards; amending Section 14.19.025 of the Seattle Municipal Code to remove the authority to pay a subminimum wage to people with disabilities as set forth in RCW 49.46.060(2).

WHEREAS, in 2015 The City of Seattle (City) established a citywide minimum wage; and

WHEREAS, the City modeled its ordinance on the State Minimum Wage Act, chapter 49.46 RCW; and

WHEREAS, RCW 49.46.060 provides that the director of Labor and Industries, "to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations provide for…the employment of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, under special certificates issued by the director, at such wages lower than the minimum wage applicable under RCW 49.46.020 and for such period as shall be fixed in such certificates"; and

Whereas, on June 21, 2017 the Seattle Commission for People with Disabilities sent a letter to the Council and Mayor stating, "The Seattle Commission for People with Disabilities unanimously urges you and the City to uphold Seattle's commitment to equal rights and protections for people with disabilities, and end the exemptions to pay workers with disabilities subminimum wages."; and

WHEREAS, the City supports an inclusive workplace and equity for all workers; and

WHEREAS, the City of Seattle Office of Labor Standards (OLS) Director's Rules, adopted in September 2017, prohibit the OLS Director from issuing special certificates to pay a subminimum wage for people described in RCW 49.46.060(2); and

WHEREAS, the City agrees with these Rules and believes Seattle Municipal Code Section 14.19.025 should be amended accordingly; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 14.19.025 of the Seattle Municipal Code, enacted by Ordinance 124960, is amended as follows:

**14.19.025 Special certificate and minors**

A. The Director shall have the authority to issue a special certificate authorizing an employer to pay a wage less than the City of Seattle minimum wage, as defined in this Chapter 14.19, but above the Washington State minimum wage, as defined in RCW 49.46.020. Such special certificates shall only be available for the categories of workers defined in RCW 49.46.060(1) and shall be subject to such limitations as to time, number, proportion, and length of service as the Director shall prescribe. The Director shall not grant special certificates authorizing employers to pay less than the City of Seattle minimum wage to workers described in RCW 49.46.060(2). Prior to issuance, an applicant for a special certificate must secure a letter of recommendation from the Washington State Department of Labor and Industries stating that the application has a demonstrated necessity pursuant to ((WAC)) chapter 296-128 WAC.

B. The Director shall by rule establish the minimum wage for employees under the age of 18 years, provided that any percentage of the hourly rate established by rule shall not be lower than the percentage applicable under state statutes and regulations.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

_____

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

_____

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A - Minimum Wage Ordinance Rule Revisions - September 29, 2017