

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, ACKNOWLEDGING RECEIPT OF AN INITIATIVE PETITION TO ADOPT AN ORDINANCE TO ESTABLISH A WORKERS' BILL OF RIGHTS FOR LABOR STANDARDS CONCERNING WORK SCHEDULING, A MINIMUM WAGE IN THE CITY OF OLYMPIA, A SAFE WORKPLACE ENVIRONMENT, AND OTHER LABOR REGULATIONS, AND ENACTING SAID INITIATIVE PETITION'S ORDINANCE WITHOUT ALTERATION INTO THE OLYMPIA MUNICIPAL CODE**

**WHEREAS**, RCW 35A.11.100 and Olympia Municipal Code (OMC) Chapter 1.16 provide the legal authority to Olympia voters to directly initiate and enact legislation through the initiative process; and

**WHEREAS**, upon meeting the minimum standards for registered voters needed to sign a petition for initiative in RCW 35A.11.100 which shall be fifteen (15) percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election; and

**WHEREAS**, an initiative petition for submission to the Olympia City Council to adopt an Ordinance Concerning Labor Standards for Certain Employees was signed by registered voters and filed with the Olympia City Clerk on June 24, 2025, with additional petition signatures filed with the City Clerk on June 30, 2025; and

**WHEREAS**, the City Clerk scanned each signature petition filed with the City of Olympia, and subsequently submitted the petition signatures for review and verification to the Elections Division of the Thurston County Auditor to ascertain whether such initiative petition had secured the requisite number of valid signatures of registered voters within the City of Olympia; and

**WHEREAS**, on July 14, 2025, Mary Hall, Thurston County Auditor, issued a Certificate of Sufficiency, declaring the initiative had secured 5,796 verified signatures of registered City of Olympia voters, and that this number was in excess of fifteen percent (15%) of the total number of registered voters (38,591) in the City of Olympia on the day of the last preceding city general election; and

**WHEREAS**, RCW 35.17.260 requires that the Olympia City Council must either pass the proposed initiative petition ordinance without alteration within twenty (20) days after the county auditor's certificate of sufficiency is received by the city, or cause to be called a special election to be held on the next election date, as set forth in RCW 29A.04.330, provided that the resolution deadline for that election has not passed, for submission of the proposed ordinance without alteration, to a vote of the people unless a general election will occur within ninety (90) days, in which event submission must be made on the general election ballot; and

**WHEREAS**, on July 17, 2025, the Olympia City Council held a special study session to investigate, review, learn, and explore issues raised in the proposed Workers' Bill of Rights initiative ordinance to establish labor standards concerning work scheduling, a minimum wage in the City of Olympia, a safe workplace environment, and other labor regulations; and

**WHEREAS**, the Olympia City Council finds there is strong support in the City of Olympia for the petition's Ordinance to establish a Workers' Bill of Rights for labor standards concerning work

scheduling, a minimum wage in the City of Olympia, a safe workplace environment, and other labor regulations; and

**WHEREAS**, state law requires that the Olympia City Council must either pass the proposed initiative ordinance without alteration or submit the proposed initiative ordinance to an election of the registered voters of the City of Olympia; and

**WHEREAS**, the Olympia City Council hereby finds and declares that the initiative petition's proposed "Ordinance Concerning Labor Standards for Certain Employees" is consistent with the City's values and promotes proper protections for work scheduling, a minimum wage in the City of Olympia, a safe workplace environment, and other labor regulations;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

**SECTION 1.** Adoption of Initiative Petition Ordinance Concerning Labor Standards for Certain Employees. The City Council adopts, without alteration as required by law, the following ordinance into the Olympia Municipal Code:

**AN ORDINANCE concerning labor standards for certain employees.**

**LABOR STANDARDS FOR CERTAIN EMPLOYEES**

Section 1. A new chapter is added to the Olympia Municipal Code to read as follows:

XXX.010. Findings

- A. The people of the City of Olympia hereby adopt the Workers Bill of Rights to establish labor standards and enforcement mechanisms for employees in the City. These labor standards work together and serve a unified goal of protecting workers from existing and emerging threats in today's economy. The Workers Bill of Rights also ensures that workers know their rights and gives them tools to enforce these rights.
- B. In passing this Workers Bill of Rights, the voters express the following intent:
1. Workers deserve fair and secure scheduling, with sufficient advanced notice of their work schedules, so they can plan their lives and family budgets.
  2. Workers deserve a fair opportunity to move into full time work when those hours become available, and those additional hours should be distributed in a reasonable, transparent, and non-discriminatory manner.
  3. Workers deserve a fair wage for their work. The initiative raises the minimum wage so that Olympia workers get paid fairly, like employees in other major Puget Sound cities, and allows the minimum wage to increase with the cost of living.
  4. Workers deserve a safe workplace environment. The Workers Bill of Rights protects workers through basic safety planning and precautions.
  5. Workers deserve to know their rights and have tools to enforce them.
- XXX.020. Giving workers the right to fair scheduling so they can plan their lives and family budgets.
- A. This section is designed to provide workers with sufficient advance notice of their work schedules so they can plan their lives and family budgets.

- B. At time of hire or during employment, an employee may identify any limitations or changes in work schedule availability. The employee has the right to request not to be scheduled for work shifts during certain times or at certain locations and the right to identify preferences for the hours or locations of work. All employers are encouraged to accommodate employee requests to the greatest extent possible.
- C. Sections C through H of this section apply only to large employers, except that contractors as defined under RCW Chapter 18.27 are exempt.
- D. Large employers shall provide their employees with a written work schedule at least 14 calendar days before the first day of the work scheduling period. The employer shall post the written work schedule in a conspicuous and accessible location at the workplace, in English and in the primary language(s) of the employee(s) at the workplace.
- E. Large employers shall notify the employee of any employer-requested change to the work schedule as soon as possible.
- F. An employee of a large employer may decline a work shift for which they received less than 14 days advanced notice. If the employee consents to work such a shift, the employee shall be entitled to an unfair scheduling payment equal to one hour of pay at the employee's regular rate of pay for each shift worked with less than 14 days advanced notice. Example: An employer asks an employee earning \$22 per hour to work a shift with only 4 days' notice. The employee may decline the shift. If the employee accepts and works the shift, the employee would be entitled an additional unfair scheduling payment equal to \$22 (one hour of the employee's regular rate of pay).
- G. An employee of a large employer may decline a shift that begins less than ten hours after the end of a previous work shift. If the employee consents to work such a shift, the employee shall be entitled to an unfair scheduling payment equal to one half of the employee's regular rate of pay for each hour the employee works which is less than ten hours after the end of the previous shift. Example: An employee asks an employee earning \$22 per hour to work an opening shift that begins only 6-hours after the employee completed a closing shift. The employee may decline the opening shift. If the employee accepts and works the opening shift, the employee would be entitled to an additional unfair scheduling payment of \$44 (\$11 for each of the four hours worked that were less than ten hours from the previous shift.)
- H. If an employee is entitled to an unfair scheduling payment under this section, it shall be in addition to the employee's regular rate of pay.

XXX.030. Part-Time Employees Shall Have Fair Access to Additional Hours.

- A. Before hiring additional employees or subcontractors, including hiring through the use of temporary services or staffing agencies, large and medium employers must (1) offer additional hours of work to existing employees who, in the employers good faith and reasonable judgment, have the skills and experience to perform the work, (2) notify all such employees when additional hours are available, and (3) use a reasonable, transparent, and non-discriminatory process to distribute the hours of work among those existing employees. This requirement applies even if the number of additional hours is more than any one existing employee can work and hours must be distributed among multiple existing employees.
- B. This section shall not be construed to require any employer to offer an employee work hours if the employer would be required to compensate the employee at time-and-a-half, an unfair scheduling

payment or other penalty under this chapter, or other premium rate under any law or collective bargaining agreement, nor to prohibit any employer from offering such work hours.

C. This section takes effect 90 days after the effective date.

XXX.040. Large Employers Shall Pay Minimum Wages Comparable to Other Puget Sound Cities.

A. Upon the effective date, the minimum wage for every employee in the City of Olympia is increased from that set by the state minimum wage to the higher City of Olympia minimum wage established in this ordinance.

B. Upon the effective date, every large employer must pay to each employee an hourly wage of at least twenty dollars (\$20.00) per hour.

C. The minimum wage established under .040(B) shall stay in effect until the end of the calendar year in which it becomes effective. On January 1 of the next calendar year, and each January 1 thereafter, the hourly minimum wage must increase by the annual rate of inflation to maintain employee purchasing power.

XXX.050. Medium and Small Employers Shall Have a Multiyear Phase-In Period.

A. Starting upon the effective date, and through the end of that calendar year, medium employers must pay their employees an hourly minimum wage rate as established in section .040 minus two dollars per hour. The two-dollar reduction must decrease annually by one dollar on January 1 of each year thereafter until the reduction is zero.

B. Starting upon the effective date, and through the end of that calendar year, small employers must pay their employees an hourly minimum wage rate as established in section .040 minus three dollars. The three-dollar reduction must decrease annually by fifty cents on January 1 of each thereafter until the reduction is zero.

XXX.060. Coverage and Employer Classifications.

A. Employers must pay employees at least the minimum wage established by this chapter for each hour worked within the City. In addition to the minimum wage set forth herein, an employer must pay to its employees (1) all tips and gratuities; (2) all service charges as defined under RCW 49.46.160 except those that, pursuant to RCW 49.46.160, are itemized as not being payable to the employee or employees servicing the customer; and (3) any unfair scheduling payment or hazardous workplace premium required under this chapter.

B. Employer classification for a calendar year will be calculated based upon the average number of employees during all weeks in the previous calendar year in which the employer had at least one employee. For employers that did not have any employees during the previous calendar year, classification will be based upon the average number of employees during the most recent three months of the current year. In this determination, all employees will be counted, regardless of their location, and including employees who worked in full-time employment, part-time employment, joint employment, temporary employment, or through the services of a temporary services or staffing agency or similar entity.

C. For the purposes of employer classification, separate entities will be considered a single employer if they form an integrated enterprise or are under joint control by one of those entities or a separate entity. The factors to consider in making this assessment include but are not limited to: (1) degree of interrelation between the operations of multiple entities; (2) degree to which entities share common management; (3) centralized control of labor relations; and (4) degree of common ownership or financial control over the entities.

XXX.070 Protecting workers through safety planning and precautions.

- A. Every large employer must create a workplace safety plan to protect workers and consumers in the event of violence or natural disaster, pursuant to this section
- B. Every large employer must consult with workers in developing the workplace safety plan or to update the existing plan to comply with the requirements of this section. The employer shall have discretion about the content of the plan, provided the plan must meet and the large employer must comply with the following minimum safety standards:
  - 1. Large employers must protect workers in isolated or dangerous areas by providing them access to panic buttons installed in such areas or that are worn by the worker.
  - 2. Large employers must establish and document at least an annual training or drill of an evacuation plan to be used in the event of violence or natural disaster.
  - 3. Large employers must protect employees from injury by establishing and maintaining a safe staffing level for workplaces containing over 15,000 square feet of retail space.
- C. Large employers covered by a collective bargaining agreement must seek input from the employees' union on the workplace safety plan, notify the union of training or drill schedules and allow a union representative to participate.
- D. If a large employer fails to meet the requirements of this section, it shall be a violation of this chapter, and the large employer must pay each of its employees a hazardous workplace premium in an amount set by rulemaking until such violation is corrected.

XXX.080 Retaliation Prohibited.

- A. No employer or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected by this chapter.
- B. No employer or any other person shall take any adverse action against any person because the person has exercised in good faith the rights under this chapter, including but not limited to claiming the minimum wage, unfair scheduling payment, or unsafe conditions premiums to which they are entitled under this chapter, or participating in the workplace safety planning under this chapter.
- C. For the purpose of this section, an adverse action means any action taken by a person that would dissuade a reasonable person from exercising any right protected under this chapter.
- D. No employer or any other person shall communicate to a person exercising rights protected under this chapter, directly or indirectly, the willingness to inform a government employee that the person is not lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of the person or a family member of the person to a federal, state, or local agency because the person has exercised a right under this chapter.
- E. It shall be a rebuttable presumption of retaliation if an employer or any other person takes an adverse action against a person within 90 days of the person's exercise of right protected by this chapter. However, in the case of seasonal work that ended before the close of the 90-day period, the presumption also applies if the employer fails to rehire a former employee at the next opportunity to work in the same position. The employer may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.
- F. The protections afforded under this section shall apply to any person who mistakenly but in good faith alleges violations of this chapter.

XXX.090. Noticing and Posting.

- A. Employers shall give notice of the rights afforded by this chapter.
- B. The Director shall create and make available to employers a model notice, hereinafter referred to as the "Notice," 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 must 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.

XXX.100. Enforcement.

- A. The City is authorized to implement and enforce this chapter, including promulgating regulations. Any regulations the City promulgates shall have the force and effect of law and may be relied on to determine rights and responsibilities under this chapter.
- B. Any person or class of persons that suffers financial injury as a result of a violation of this chapter or is the subject of prohibited retaliation under this chapter, or any other individual or entity acting on their behalf, may bring a civil action in a court of competent jurisdiction against the employer or other person violating this chapter, and upon prevailing, shall be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any unpaid wages plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid wages; compensatory damages; and a penalty payable to any aggrieved party of between \$1,000 and \$5,000 if the aggrieved party was subject to prohibited retaliation. For the purposes of this section, an aggrieved party means an employee or other person who suffers tangible or intangible harm due to an employer or other person's violation of this chapter. Wages as used herein includes unfair scheduling payments and hazardous workplace premiums. Interest shall accrue from the date the unpaid wages were first due at the higher of twelve percent per annum or the maximum rate permitted under RCW 19.52.020.
- C. If the employer is found to have committed violations of this chapter, the City, or court of competent jurisdiction on behalf of the City, shall assess a fine in the amounts set forth below adjusted for inflation from the effective date:

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| <u>Failure to pay an employee an unfair scheduling payment.</u>        | <u>\$500 per failure.</u>                     |
| <u>Failure to offer additional hours of work to existing employees</u> | <u>\$500 per failure.</u>                     |
| <u>Failure to provide employees with written notice of rights</u>      | <u>\$500</u>                                  |
| <u>Failure to provide employees with written notice of rights</u>      | <u>\$1,000 to \$5,000 per aggrieved party</u> |

- D. For purposes of determining membership within a class of persons entitled to bring an action under this section, two or more employees are similarly situated if they: 1. Are or were employed by the same employer or employers, whether concurrently or otherwise, at some point during the applicable statute of limitations period; 2. Allege one or more violations that raise similar questions as to liability; and 3. Seek similar forms of relief. Employees shall not be considered dissimilar solely

because their claims seek damages that differ in amount, or their job titles or other means of classifying employees differ in ways that are unrelated to their claims.

- E. Each employer must retain records as required by RCW 49.46.070, as well as such information as the City may require to confirm compliance with this chapter. If an employer fails to retain such records, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this chapter for the period and for each employee for whom records were not retained.
- F. Employers must permit authorized City representatives access to work sites and relevant records for the purpose of monitoring compliance with the chapter and investigating complaints of noncompliance, including production for inspection and copying of employment records. The City may designate representatives, including city contractors and representatives of unions or worker advocacy organizations, to access the worksite and relevant records.
- G. Complaints that any provision of this chapter has been violated may also be presented to the City Attorney, who is hereby authorized to investigate and, if they deem appropriate, initiate legal or other action to remedy any violation of this chapter.
- H. The City has the authority to issue administrative citations and to order injunctive relief including reinstatement, restitution, payment of back wages, or other forms of relief.
- I. The City may, in the exercise of its authority and performance of its functions and services, agree to participate jointly or in cooperation with Washington State, or any county, city, town, or other incorporated place, or subdivision thereof, or engage outside counsel, to enforce this chapter.
- J. The remedies and penalties provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies or penalties, including existing remedies for enforcement of Olympia Municipal Code chapters.
- K. The statute of limitations for any enforcement action shall be three (3) years.

#### XXX.110. Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

"Annual rate of inflation" means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W for the 12-month period ending in August, provided that the percentage increase shall not be less than zero.

"City" means the City of Olympia.

"Effective date" is the effective date of this ordinance.

"Employee" is defined as set forth in RCW 49.46.010. An employer bears the burden of proof that the individual is as a matter of economic reality, in business for oneself rather than dependent upon the alleged employer.

"Employer" is defined as set forth in RCW 49.46.010.

"Employer classification" includes the determination of whether an employer is a large employer, a medium employer, or a small employer.

"Franchise" means an agreement, express or implied, oral or written by which:

- A. A person is granted the right to engage in the business offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by the grantor or its affiliate;

- B. The operation of the business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designating, owned by, or licensed by the grantor or its affiliate; and
- C. The person pays, agrees to pay, or is required to pay, directly or indirectly, a franchise fee. The term, "franchise fee" is meant to be construed broadly to include any instance in which the grantor or its affiliate derives income or profit from a person who enters into a franchise agreement with the grantor.

"Hour worked within the City" is to be interpreted according to its ordinary meaning, including all hours worked within the geographic boundaries of the City, excluding time spent in the City solely for the purpose of travelling through the City from a point of origin outside the City to a destination outside the City, with no employment-related or commercial stops in the City except for refueling or the employee's personal meals or errands.

"Large Employer" means an employer that employs more than 500 employees, regardless of where those employees are employed, including all franchisees associated with a franchisor or network franchises with franchisees that employ more than 500 employees in aggregate.

"Medium employer" means an employer that employs more than 15 employees but not more than 500 employees, regardless of where those employees are employed, including all franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 15 but not more than 500 employees in aggregate.

"Panic button" means a physical button that when pressed immediately contacts the local 9-1-1 public safety answering point ("PSAP"), provides that PSAP with employee location information, and dispatches local law enforcement to the workplace. A panic button may be a button that is installed in an easily accessible location in the workplace, or a wearable or mobile phone-based button.

"Regular rate of pay" means the hourly rate that is used to determine the employee's overtime premium under the Fair Labor Standards Act (i.e., one and one-half times the regular rate of pay) for all hours worked more than forty per work week.

"Small employer" means an employer that employs 15 or fewer employees, regardless of where those employees are employed.

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

"Wage" is defined as set forth in RCW 49.46.010.

#### XXX.120. Miscellaneous

A. Nothing in this chapter shall be construed to discourage or prohibit the employer from the adoption or retention of policies more generous than the ones required herein.

B. Nothing in this chapter shall be construed as diminishing the obligation of the employer to comply with any contract, collective bargaining agreement, employment benefit plan, or other agreement providing more generous policies to an employee than required herein.

C. Nothing in this chapter shall be construed as diminishing the rights of public employees regarding policies as provided under federal or Washington state law or the Olympia Municipal Code.

D. This chapter shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides greater protection for workers; and nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall this chapter be construed to preclude any person aggrieved from seeking



judicial review of any final administrative decision or order made under this chapter affecting such person.

E. Except as to the minimum wage, the requirements of this chapter shall not apply to any employees covered by a bona fide collective bargaining agreement to the extent that such requirements are expressly waived in the collective bargaining agreement, or in an addendum to an existing agreement including an agreement that is open for negotiation, in clear and unambiguous terms and the employees have ratified an alternative structure to meet the public policy goals of this chapter.

F. Any waiver by an individual employee of any provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

#### XXX.130. Other Legal Requirements.

This chapter shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater wages or compensation; and nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law.

#### **Section 2. Enforcement by licensing action.**

Olympia Municipal Code Chapter 5.02.050 A amended to add:

9: the business has repeated or intentional violations of this Chapter

#### **Section 3. Rulemaking.**

Within 120 days after the effective date, the City must adopt rules and procedures to implement and ensure compliance with this chapter, which shall require employers to maintain adequate records and to annually certify compliance with this chapter. The City must seek feedback from worker organizations and employers before finalizing the rules and procedures.

#### **Section 4. Constitutional Subject.**

For constitutional purposes, this measure's subject "concerns labor standards for certain employers." See *Filo Foods, LLC v. City of SeaTac*, 183 Wash. 2d 770, 783, 357 P.3d 1040, 1047 (2015).

#### **Section 5. Codification**

All sections of this ordinance except section 2 (enforcement by licensing action) shall be codified in a new chapter of the Olympia Municipal Code.

#### **Section 6. Effective Date.**

If this ordinance is enacted during a November general election, it shall take effect on January 1 of the immediately following year. If this ordinance is enacted at a different time, it shall take effect 60 days after the election.

**Section 7. Construction.** This ordinance shall be construed to support workers' rights to fair scheduling, fair access to hours, fair wages, and fair notice and tools to enforce their rights.

#### **Section 8. Severability.**

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**SECTION 2. Severability.** If any provision of this Ordinance is declared by any court of competent jurisdiction to be invalid, then such provision shall be null and void and shall be severable from the remaining provisions of this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance.

**SECTION 3. Effective Date.** This Ordinance shall take effect and be in full force immediately upon passage as provided by RCW 35A.11.090(1).

**SECTION 4. Ratification.** Any action taken consistent with the authority of this Ordinance after its passage but prior to the effective date, is ratified, approved and confirmed.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

**Mark Barber**

CITY ATTORNEY