



REVISED 9/3/15

The following is a list of questions that the City has either received or anticipates receiving. The Frequently Asked Questions section includes questions most commonly posed. Others sections relate directly to specific sections of the ordinance. This document is meant merely to serve as a guide for those interested in information regarding the ordinance. The City will update the list as we continue to field and answer more questions.

FREQUENTLY ASKED QUESTIONS

Q: When does the ordinance take effect?

A: January 1, 2014.

Q: What can I do if I am an employee and I believe my employer is violating the ordinance?

A: Any employee claiming violation of the ordinance may bring an action against the employer in King County Superior Court. Also, employees claiming a violation of the ordinance may submit a claim (see <http://EmploymentStandards.CityofSeaTac.com> for claim form) to the City. The City Attorney is authorized to investigate and, if it deems appropriate, initiate legal or other action to remedy any violation. However, the City Attorney is not obligated to expend any funds or resources in the pursuit of such a remedy.

Q: When will auditing procedures be established?

A: The initial audit period will be from January 1, 2014 to December 31, 2014. As such, the City will have audit procedures established before December 31, 2014.

Q: How do I know if this ordinance applies to my business/employer?

A: The City has posted a list of NAICS (North American Industry Classification Systems) codes (see <http://EmploymentStandards.CityofSeaTac.com>) that correspond to the codes associated with your UBI (Unified Business Identifier) with the State of Washington that may assist you in making this determination. You can search for your NAICS codes on the Department of Revenue website here:

<http://dor.wa.gov/content/doingbusiness/registermybusiness/brd/Default.aspx#brdResults>

Q: Does the ordinance apply to businesses at the Sea-Tac International Airport?

A: Pursuant to the Supreme Court decision filed on August 20, 2015, the Ordinance does apply to businesses at the airport. This Supreme Court decision reversed the Superior Court decision entered on December 27, 2013.

Q: Does the recent Supreme Court decision apply retroactively to January 1, 2014, which was the effective date of the Ordinance?

A: The City is researching the issue to determine when this Ordinance is effective relative to the affected employers at SeaTac International Airport. Since there are differing opinions related to this issue, the City's opinion may not be determinative. Additionally, the City's opinion may change as new information becomes available. It is important to note that any opinions expressed by the City regarding the minimum wage ordinance should not be substituted for that of your own legal counsel.

Q: Is my business considered a "transportation employer" as defined in the ordinance if:

- It has a qualifying NAICS code;
- And, it has more than 25 qualified employees outside of SeaTac;
- *But*, it has less than 25 qualified employees in SeaTac and;

A: No

Q: Who can I contact to clarify whether someone is an employee, a contractor or an employer?

A: The Small Business Liaison at Washington State Department of Labor and Industries is a resource for answers to questions about small businesses. Call 800-987-0145 or visit www.SmallBusiness.Lni.wa.gov.

Q: How can I tell if my business is within the city limits of SeaTac?

A: Follow this link

(<http://www.ci.seatac.wa.us/Modules/ShowDocument.aspx?documentid=115>) to find a map of the City of SeaTac.

Q: Can employees waive their rights to protections under the Ordinance?

A: No, individual employees cannot waive their rights under the Ordinance unless the waiver is clearly stated in a bona fide collective bargaining agreement.. .

Q: May an employer retaliate against a covered worker who is attempting to exercise their rights as part of the ordinance?

A: No. Federal law prohibits such retaliation. Pursuant to a recent King County Superior Court decision, SECTION 7.45.090 (Prohibiting Retaliation Against Covered Workers For Exercising Their Lawful Rights) is void, given that Federal law preempts this section of the SeaTac Municipal Code.

PAID LEAVE FOR SICK AND SAFE TIME (SECTION 7.45.020)

Q: Are applicable hospitality and transportation employers responsible for paying covered workers sick or safe time?

A: Yes, at least one hour of paid sick and safe time shall accrue for every 40 hours worked.

Q: How soon can a covered employee use any accrued hours of compensated time?

A: As soon as those hours are accrued.

Q: Does a covered worker need to present certification of illness to claim compensated sick and safe time?

A: No.

Q: May a covered worker be disciplined for use of accrued paid sick and safe time?

A: No.

Q: What happens if a covered worker has not used all of his/her accrued compensated time by the end of a calendar year?

A: The employer shall pay the worker a lump sum payment at the end of the calendar year equivalent to the compensation due for any unused compensated time.

Q: When can a covered worker use accrued paid sick time?

A: If there is an absence resulting from mental or physical illness, injury or health condition, preventative care or to provide care for a family member who for the same reasons listed above.

Q: When can a covered worker use accrued paid safe time?

A: A covered worker can use accrued safe time when a place of business (or child's school or place of care) has been closed by a public official to limit exposure to an infectious agent, biological toxin or hazardous material or for any reasons related domestic violence, sexual assault or stalking.

Q: Does the ordinance cover employees based outside of SeaTac who work in SeaTac on an occasional basis?

A: Yes, the ordinance applies to "occasional basis employees"—employees who work primarily outside the City of SeaTac, but who work inside the city limits on an ad hoc, irregular basis. Only the hours worked in SeaTac count toward accrual of sick and safe time, and an employee who wants to use accrued sick and safe time hours can do so only if s/he is working in SeaTac during that time.

PROMOTING FULL-TIME EMPLOYMENT (SECTION 7.45.030)

Q: If a covered employer has additional hours of work that need to be accomplished in positions held by covered workers, may they hire additional part-time employees or subcontractors?

A: The employer may only hire additional employees or subcontractors after additional hours are offered to existing qualified part-time employees.

Q: Does this employment section apply to covered employers in all facilities in SeaTac?

A: Yes, but it does not mean a master list will be used to, for example, give a part-time hotel custodial worker additional hours working in a fast-food restaurant. The ordinance will be applied relative to the discrete facilities and services of an employer, not citywide.

REQUIRE THAT SERVICE CHARGES AND TIPS GO TO THOSE PERFORMING THE SERVICE (SECTION 7.45.040)

Q: Who retains or gets paid the tips or service charges for services rendered?
A: Covered workers

ESTABLISHING A LIVING WAGE FOR HOSPITALITY WORKERS AND TRANSPORTATION WORKERS (SECTION 7.45.050)

Q: How much will covered workers be paid upon enactment of this ordinance
A: \$15 per hour worked

Q: Will the \$15 per hour wage ever be adjusted?
A: Yes, on January 1 of each year, the current wage will be increased by the rate of inflation. Inflation shall be calculated using the CPI-W for the twelve months prior to each September 1st.

Q: Can tips, gratuities, service charges and commissions be credited as being part of be offset against the prescribed wage rates?
A: No

EMPLOYEE WORK ENVIRONMENT REPORTING REQUIREMENTS (SECTION 7.45.070)

Q: Who is responsible for records documentation?
A: Employers shall retain records documenting hours worked, paid sick and safe time taken, and wages and benefits provided, for a period of two years.

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