

<b>Respondent Names</b>
City of Burien
<b>Complainant Name</b>
Nancy Kick
<b>Complaint Description</b>
<p>Nancy Kick</p> <p>Wed, 18 Sep 2024 at 10:06 AM</p> <p>The City of Burien has spent city resources on a negative campaign against the ballot measure initiative to raise the minimum wage for the city of Burien. This appears to be in conflict with RCW 42.17A.555.</p> <p>This is an official statement from the city of Burien:  <a href="https://www.burienwa.gov/news_events/city_newsroom/news_announcements/buriens_new_minimum_wage_among_highest_in_nation">https://www.burienwa.gov/news_events/city_newsroom/news_announcements/buriens_new_minimum_wage_among_highest_in_nation</a></p> <p>In fact nearly every statement in the chart provided is false. Burien passed a minimum compensation law, not a minimum wage (addressed more thoroughly below), Burien voters will determine the wage by voting, they state an exemption will “keep jobs in Burien” which is a politicization that raising the minimum wage results in job loss which is not supported by evidence, and that their ordinance addresses wage theft and the proposed ballot measure does not. The proposed ballot measure does, in fact, have at minimum as strong or stronger protections against wage theft. It is clear that these claims amount to a concerted opposition campaign against the proposed ballot measure. This was created by city staff, and would require using city funds to create.</p> <p>No official opposition to the ballot measure has been declared so no public comment for both sides has been offered. There has been no resolution, simply some members of the council directing city staff (and funds) to be used in opposition to a ballot measure, without input from the entire council or the public.</p> <p>The city of Burien is not providing educational materials about an ordinance passed by the city, it contains misinformation and mischaracterizations and is directly oppositional to a local ballot measure. In addition, they are even mischaracterizing what their own ordinance is in order to position it politically in opposition.</p> <p>The oppositional campaign led by the city of Burien is not factual, and is purely political. This is not a request for the PDC to litigate the proper definitions of a component of worker protection legislation, rather included to illustrate the politicization of the materials and misinformation intentionally provided to the city to voters, workers, and employers, in efforts</p>

purely to cloud the perceptions of what ordinance was passed, and how it compares to the proposed ballot measure.

This is the information page for the ordinance (effective January 1st 2025)

<https://www.burienwa.gov/cms/one.aspx?portalId=11046019&pageId=20176719>

The city of Burien is characterizing the ordinance passed by the City of Burien as a “Minimum Wage.” Their legislation is not, even by their own definition, a minimum wage. The ordinance language contains definitions which cite the state definition of “wage”

“Wage(s)” has the same meaning as in RCW 49.46.010(7); bonuses, commissions, and piece-rate are included in wages. [Ord. 837 § 2, 2024]

And the RCW cited does not include tips or benefits as wages. Later in the initiative, it describes “total compensation” or “minimum compensation” which can include tips and benefits in what they are incorrectly describing as a “minimum wage.” While a city may perhaps be able to define wages differently from the state, they explicitly cite the state definition, and then further indicate that what is required of employers is not a minimum wage, rather minimum compensation, and this is defined separately.

“Minimum compensation” means the minimum wage in addition to received employee tips and reported to the Internal Revenue Service, and money paid by the employer towards an individual employee’s medical benefits plan

#### 5.15.190 Total compensation. Revised 5/24

Wages, as defined above, shall not include tips and medical benefits plans for the state level of the minimum wage, but for the Burien-required additional minimum wage under this chapter wages employers may, but are not required to, include tips and medical benefits plan expenses as a part of the Burien-required additional minimum wage if the employer meets the applicable state and Burien minimum wage requirements. [Ord. 837 § 8, 2024]

This indicates that the city is aware that the ordinance passed by the city of Burien does not meet either the state’s or their own definition of wage, and is disambiguated with this additional definition, specifying that the state minimum wage applies, but there is a total compensation requirement instead for all wages above the state minimum wage. They even go so far as to say “The City of Burien’s adopted minimum wage is comparable to those of the cities mentioned” which is simply not true, as the other cities have an actual minimum wage, in monetary compensation, provided to a worker.

There are no examples of other cities using a definition of “wage” that includes tips and benefits. Nearby municipalities of Tukwila, Renton, and Seattle do not. The inclusion of “minimum compensation” as a separate definition implies that the city of Burien is aware that these terms are distinct and non-synonymous.

As an example, and the only similar minimum compensation, Seattle has a minimum compensation requirement for some employers during the phase in period. Note that “wage” is never including tips or benefits. This maintains a definition of “wage” that is in line with the state’s definition, and again as defined within the legislation of Seattle, much like how Burien’s legislation defines it.

This misinformation is confusing to workers and employers, as well as voters. Nowhere on the official statement or the information page is there mention of total compensation. A worker or employer viewing the pages will conclude they are owed or must pay a minimum wage of \$3 over the state minimum wage. Voters will believe they are merely voting on a difference of roughly \$1 minimum wage, but because it is a total compensation ordinance, and not minimum wage ordinance, most workers are not due an increase in wages at all. This includes workers at some of the largest employers, such as Safeway, where workers receive modest benefits, their minimum wage will not change.

#### **What impact does the alleged violation(s) have on the public?**

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The oppositional campaign led by the city of Burien is not factual, and is purely political. This is not a request for the PDC to litigate the proper definitions of a component of worker protection legislation, rather included to illustrate the politicization of the materials and misinformation intentionally provided to the city to voters, workers, and employers, in efforts purely to cloud the perceptions of what ordinance was passed, and how it compares to the proposed ballot measure. This is the information page for the ordinance (effective January 1st 2025)

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#### **List of attached evidence or contact information where evidence may be found**

This is an official statement from the city of Burien:

[https://www.burienwa.gov/news\\_events/city\\_newsroom/news\\_announcements/buriens\\_new\\_minimum\\_wage\\_among\\_highest\\_in\\_nation](https://www.burienwa.gov/news_events/city_newsroom/news_announcements/buriens_new_minimum_wage_among_highest_in_nation)

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<b>List of potential witnesses with contact information to reach them</b>
<b>Certification (Complainant)</b>
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.