

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, RELATING TO EMPLOYMENT IN EDMONDS; ESTABLISHING LABOR STANDARDS REQUIREMENTS FOR ADDITIONAL COMPENSATION FOR GROCERY EMPLOYEES WORKING IN EDMONDS; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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WHEREAS, the coronavirus 19 (COVID-19) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout Washington State and remains a significant health risk to the community, especially members of our most vulnerable populations; and

WHEREAS, the Brookings Metropolitan Policy Program has reported that the United States' top retail companies, including grocery businesses, have earned record-breaking profits during the pandemic; and

WHEREAS, grocery employees have been supporting grocery businesses' operations and facilitating community access to food during the pandemic, despite facing a clear and present danger of workplace exposure to COVID-19 and receiving limited or inconsistent additional pay in recognition of this hazard; and

WHEREAS, countless grocery employees have been assaulted, spit on, pepper sprayed, harassed, and threatened from customers frustrated with COVID-19 safety measures; and

WHEREAS, the dangers of working during the pandemic are especially significant for Black, Indigenous, and People of Color (BIPOC) employees who are overrepresented among the retail frontline workforce and who are disproportionately impacted by COVID-19; and

WHEREAS, establishing a requirement for grocery employees to receive hazard pay for work performed in Edmonds during the COVID-19 emergency will promote job retention,

compensate them for the risks of working on the frontlines of a global pandemic, improve their financial ability to access resources for protecting themselves and their families from catching or spreading the virus or coping with illness caused by the virus, and support the welfare of the greater community that depends on grocery employees for safe and reliable access to food; and

WHEREAS, the City Council intends to consider modifying or eliminating hazard pay requirements after three months of implementation and review of the current health, safety, and economic risks of frontline work during the COVID-19 emergency; and

WHEREAS, the City encourages employers of essential frontline workers to help facilitate the distribution of COVID-19 vaccines to their employees as vaccines become available; and

WHEREAS, recognizing the ongoing threat to frontline grocery employees, King County, the City of Seattle, Burien, and several California cities, including Berkeley, Long Beach, Los Angeles, and San Francisco, as well as Los Angeles County, have announced legislative efforts to require hazard pay of \$4 to \$5 per hour for grocery employees during the COVID-19 emergency, and more cities are expected to announce similar legislation in 2021; and

WHEREAS, the City is interested in promoting wage, labor, and workforce practices that improve workers' lives, support economic security, and contribute to a fair, healthy, and vibrant economy; and

WHEREAS, establishing a labor standard that requires hazard pay for grocery employees is a subject of vital and imminent concern to the community and requires appropriate action by the City Council; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN  
AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. In the exercise of The City of Edmonds' police powers, the City is granted authority to pass regulations designed to protect and promote public health, safety, and welfare.

B. This ordinance protects and promotes public health, safety, and welfare during the new coronavirus 19 (COVID-19) emergency by requiring grocery businesses to provide hazard pay for grocery employees performing work in Edmonds, thereby increasing retention of employees who provide essential services on the frontlines of a global pandemic and paying additional compensation to those employees for the hazards of working with significant exposure to an infectious disease.

C. On January 30, 2020, the World Health Organization (WHO) declared that COVID-19 constituted a public health emergency of international concern, WHO's highest level of alarm.

D. On February 29, 2020, Washington Governor Jay Inslee issued proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of COVID-19, and directing state agencies to use all resources necessary to prepare for and respond to the outbreak.

E. On March 5, 2020, Mayor Mike Nelson proclaimed a civil emergency in response to new cases of COVID-19.

F. On March 23, 2020, Washington Governor Jay Inslee issued Proclamation 20-25, a "Stay Home – Stay Healthy" order closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. This order was extended multiple times. The "Stay Home – Stay Healthy" proclamation identified grocery employees as "Essential Critical Infrastructure Workers" performing work to protect communities and ensure continuity of functions critical to public health and safety, as well as economic and national security.

G. On May 4, 2020, Washington Governor Jay Inslee announced a "Safe Start" plan to start on June 1, 2020 to reopen Washington's economy in phases with adequate social distancing measures and health standards in place.

H. In October 2020, The British Medical Journal, Occupational & Environmental Medicine, reported that grocery employees face a serious risk of COVID-19 infection and associated psychological distress. A study of 104 grocery employees at a grocery store in Boston,

Massachusetts found that 20 percent tested positive for COVID-19 despite 91 percent of employees reporting wearing a face mask at work and 77 percent of employees reporting wearing masks outside of work. The positive rate of infection among grocery employees was five times as likely for those who interacted with customers than for those who did not. Additionally, the study found that 76 percent of employees had no symptoms, suggesting that these employees could be an important reservoir of asymptomatic infection. Further, 24 of the 99 employees who filled out a related medical health questionnaire also reported experiencing anxiety, and eight employees were deemed depressed from their questionnaire answers.

I. In November 2020, the Brookings Metropolitan Policy Program reported that the profits of top retail companies, including grocery businesses, soared during the pandemic while their employees earned low wages and, with few exceptions, failed to receive consistent or meaningful additional compensation for performing life threatening work. The report found that the top retail companies in their analysis earned on average an extra \$16.7 billion in profit compared to the previous year – a 40 percent increase. Frontline retail employees experienced little of this windfall, averaging a 10 percent pay increase on top of wages that were often too low to meet a family’s basic needs.

J. On January 28, 2021, the Center for Disease Control (CDC) reported that multiple COVID-19 variants are circulating globally. Scientists are working to learn more about these variants to better understand how easily they might be transmitted and the effectiveness of currently authorized vaccines against them.

K. In the United Kingdom (UK), a new variant of SARS-CoV-2 (known as 20I/501Y.V1, VOC 202012/01, or B.1.1.7) emerged with a large number of mutations. This variant has since been detected in numerous countries around the world, including the United States (US). In January 2021, scientists from UK reported evidence [1] that suggests the B.1.1.7 variant may be associated with an increased risk of death compared with other variants. More studies are needed to confirm this finding. This variant was reported in the US at the end of December 2020.

L. In South Africa, another variant of SARS-CoV-2 (known as 20H/501Y.V2 or B.1.351) emerged independently of B.1.1.7. This variant shares some mutations with B.1.1.7. Cases

attributed to this variant have been detected in multiple countries outside of South Africa. This variant was reported in the US at the end of January 2021.

M. In Brazil, a variant of SARS-CoV-2 (known as P.1) emerged that was first identified in four travelers from Brazil, who were tested during routine screening at Haneda airport outside Tokyo, Japan. This variant has 17 unique mutations, including three in the receptor binding domain of the spike protein. This variant was detected in the US at the end of January 2021.

N. On March 8, 2021, the CDC stated that preliminary evidence suggests that the currently authorized COVID-19 vaccines may provide some protection against a variety of strains, including B.1.1.7 (originally identified in the United Kingdom). However, reduced antibody neutralization and efficacy have been observed for the B.1.351 strain (originally identified in South Africa). The CDC further stated that the risks of SARS-CoV-2 infection in fully vaccinated people cannot be completely eliminated as long as there is continued community transmission of the virus. Vaccinated people could potentially still get COVID-19 and spread it to others.

O. As of February 27, 2021, three vaccines are authorized for emergency use by United States Food & Drug Administration.

P. DOH's COVID vaccine timeline made all grocery employees eligible for vaccination on March 17, 2021. While some grocery workers may now be vaccinated, as noted above, the risks of SARS-CoV-2 infection in fully vaccinated people cannot be completely eliminated as long as there is continued community transmission.

Q. As of April 1, 2021, the Snohomish Health District was reporting an increasing transmission rate in Snohomish County, notwithstanding the availability of the various vaccines.

R. As of March 29, 2021, the Snohomish Health District reported a total of 30,410 confirmed positive cases, 2,191 probably positive cases, and 559 deaths in Snohomish County as a result of COVID-19.

S. Throughout the entirety of the COVID-19 emergency, grocery businesses have been operating in Edmonds and relying upon the work of grocery employees who are highly vulnerable to health and safety risks.

T. Grocery employees are essential workers performing services that are fundamental to the economy and health of the community during the COVID-19 crisis. They face clear and present dangers at their jobs and continue to risk their lives and the health of their families to keep the community's food supply chain operating.

U. Grocery employees cannot choose to work from home and must come to work to perform their jobs, which can involve substantial interaction with customers and/or ventilation systems that could potentially spread the virus. They are wearing masks, trying as much as possible to social distance, performing safety protocols, and learning new skills to decrease transmission of the virus to protect themselves and the public.

V. The risks of working during the pandemic are especially significant for BIPOC employees because they are overrepresented among the retail frontline workforce and are disproportionately impacted by COVID-19. Data shows that people of color are disproportionately experiencing hospitalization and dying of COVID-19.

W. The CDC reports that Black and Indigenous people, followed by Pacific Islanders and Latinx people, are disproportionately affected by COVID-19 due to long-standing inequities in social determinants of health, including overrepresentation in jobs that require customer contact such as grocery stores; lower incomes and barriers to wealth accumulation; lack of access to quality healthcare and fair treatment in the healthcare system; difficulties in finding affordable and quality housing; and inequities in access to high-quality education. The CDC reports that these determinants may increase risk of COVID-19 exposure, illness, hospitalization, long-term health and social consequences, and death. To stop the spread of COVID-19, the CDC states that resources must be equitably available for everyone to maintain physical and mental health.

X. Science in the News (SITN), a graduate student group at the Harvard Graduate School of the Arts and Sciences, reports that it is more difficult for BIPOC communities to stay safe during the pandemic and notes the importance of keeping these vulnerable populations in mind as the country slowly reopens the economy. SITN states that social distancing is a privilege that

many people of color cannot afford because they work and reside in situations with higher risk of exposure to the virus: people of color are more likely to live in densely populated areas; reside in multigenerational and multifamily households; and use public transportation. Furthermore, SITN reports that many inequalities that pre-dated the pandemic have worsened, including limited access for Black and Latinx communities to primary care physicians, medical facilities, and COVID testing.

Y. Grocery businesses are profiting during the pandemic from the labor of employees who are working under dangerous conditions.

Z. Hazard pay, paid in addition to regular wages, is an established type of additional compensation for employees performing hazardous duties or work involving physical hardship that can cause extreme physical discomfort and distress.

AA. Grocery employees working during the COVID-19 emergency merit hazard pay because they are performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress due to the significant risk of exposure to the COVID-19 virus.

BB. Grocery employees have been working under hazardous conditions month after month. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat, including the threat of more contagious variants, for an uncertain period.

CC. Ensuring that grocery employees are compensated for the substantial risks of working during the COVID-19 emergency promotes retention of these vital workers. Retention of grocery employees is fundamental to protecting the health of the community as these employees directly support public purchase of groceries and facilitate community access to food.

DD. This ordinance is immediately necessary in response to the COVID-19 emergency because the health threats that grocery employees face remain significant, COVID-19 variants may further increase transmission of the virus and reduce therapeutic treatments, and vaccinations may not be readily available, even for those who are eligible. This is a rapidly

evolving situation, with disproportionate risks and adverse impacts for BIPOC communities, that must be addressed without delay.

EE. Grocery employees are necessary to protect the public health because their work sustains access to groceries; hazard pay is one step to recognize the dangers facing these employees as they support our community, encourage them to continue their vital work, and provide them with additional financial resources.

FF. An immediate requirement to provide grocery employees with hazard pay promotes retention of essential workers, improves the financial ability of grocery employees to access resources they need to stay safe and healthy, and ultimately supports the greater community that depends on grocery employees for consistent, safe and reliable access to food.

Section 2. As the substantive effects of this ordinance are not permanent, this ordinance is not intended to be codified. Section numbers are for ease of reference within this ordinance, and section and subsection references refer to numbers in this ordinance unless stated otherwise.

#### **100.005 Short title**

This ordinance shall constitute the “Hazard Pay for Grocery Employees Ordinance” and may be cited as such.

#### **100.010 Definitions**

For purposes of this ordinance:

“Adverse action” means reducing compensation, garnishing gratuities, denying a job or promotion, demoting, terminating, failing to rehire after a seasonal interruption of work, threatening, penalizing, retaliating, engaging in unfair immigration-related practices, filing a false report with a government agency, or otherwise discriminating against any person for any reason prohibited by Section 100.050. “Adverse action” for an employee may involve any aspect of employment, including compensation, work hours, responsibilities, or other material



change in the terms and conditions of employment. “Adverse action” also encompasses any action by the employer or a person acting on the employer’s behalf that would dissuade a reasonable person from exercising any right afforded by this ordinance.

“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 ordinance.

“City” means the geographic jurisdiction of the City of Edmonds.

“Compensation” means the payment owed to an employee by reason of employment, including but not limited to, salaries, wages, tips, service charge distributions, overtime, commissions, piece rate, bonuses, rest breaks, promised or legislatively required pay or paid leave, and reimbursement for employer expenses.

“Employ” means to suffer or permit to work;

“Employee” means any individual employed by an employer, including but not limited to full-time employees, part-time employees, and temporary workers. An alleged employer who disputes that an individual is an employee bears the burden of proving that the individual is not, as a matter of economic reality, economically dependent upon the employer, but instead is in business for him, her, or their self (i.e., an independent contractor).

“Employer” includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee. More than one entity may be the “employer” if employment by one employer is not completely separate from employment by any other employer.

“Franchise” means an agreement by which:

1. A person is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by the grantor or its affiliate;
2. The operation of the business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designated, owned by, or licensed by the grantor or its affiliate; and

3. The person pays, agrees to pay, or is required to pay, directly or indirectly, a franchise fee.

“Franchisor” means a person who grants a franchise to another person.

“Grocery business” means a retail store operating in Edmonds, WA that is either:

1. Over 10,000 square feet in size and that is primarily engaged in retailing groceries for offsite consumption, including but not limited to the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned and frozen foods, dry foods, beverages, baked foods, and/or prepared foods. Other household supplies or other products shall be secondary to the primary purpose of groceries sales; or

2. Over 85,000 square feet and with 30 percent or more of its sales floor area dedicated to sale of groceries, including but not limited to the sale of fresh produce, meats, poultry, fish, deli products, dairy products, canned and frozen foods, dry foods, beverages, baked foods, and/or prepared foods.

“Grocery business” does not include convenience stores or food marts primarily engaged in retailing a limited line of goods that generally includes milk, bread, soda, and snacks. “Grocery business” also does not include farmers’ markets.

“Grocery employee” means an employee employed by a grocery business.

“Hazard pay” means additional compensation owed to an employee on top of the employee’s other compensation, including but not limited to salaries, wages, tips, service charge distributions, overtime, commissions, piece rate, bonuses, rest breaks, promised or legislatively required pay or paid leave, and reimbursement for employer expenses, that has been specifically designated as additional compensation being paid due to the increased risk of contracting COVID-19 that is inherent in being a grocery employee.

“Primary language” means the language in which the employee feels most comfortable communicating.

“Written” or “writing” means a printed or printable communication in physical or electronic format, including but not limited to a communication that is transmitted through email,

text message, or a computer or mobile system, or that is otherwise sent and maintained electronically.

#### **100.015 Employee coverage**

For the purposes of this ordinance:

A. Covered employees are limited to those who perform work for a covered employer at a retail location in the City.

B. Time spent by an employee 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 within the City except for refueling or the employee's personal meals or errands, is not covered by this ordinance.

#### **100.020 Employer coverage**

A. For the purposes of this ordinance, covered employers are limited to grocery businesses that employ 500 or more employees statewide regardless of where those employees are employed, including but not limited to chains, integrated enterprises, or franchises associated with a franchisor or network of franchises that employ 500 or more employees in aggregate.

B. To determine the number of employees for the current calendar year:

1. The calculation is based upon the average number per calendar week of employees who worked for compensation during the preceding calendar year for any and all weeks during which at least one employee worked for compensation. For employers that did not have any employees during the preceding calendar year, the number of employees(s) for the current calendar year is calculated based upon the average number per calendar week of employees who worked for compensation during the first 90 calendar days of the current year in which the employer engaged in business.

2. All employees who worked for compensation shall be counted, including but not limited to:

- a. Employees who are not covered by this ordinance;
- b. Employees who worked in the City;
- c. Employees who worked outside the City; and
- d. 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. Separate entities that form an integrated enterprise shall be considered a single employer under this ordinance. Separate entities will be considered an integrated enterprise and a single employer under this ordinance where a separate entity controls the operation of another entity. The factors to consider in making this assessment may include, but are not limited to:

- 1. Degree of interrelation between the operations of multiple entities;
- 2. Degree to which the entities share common management;
- 3. Centralized control of labor relations;
- 4. Degree of common ownership or financial control over the entities; and
- 5. Use of a common brand, trade, business, or operating name.

D. An alleged employer bears the burden of proof to show that the employer is not a “grocery business” as defined in Section 100.010.

E. When determining whether an employer is “primarily engaged in retailing groceries” according to the definition of “grocery business” under Section 100.010, all relevant factors may be taken into account, including but not limited to the following: grocery sales as a percentage of the retail store’s overall sales; sales floor area dedicated to grocery sales; marketing or promotional materials from the employer; or other public statements from representatives of the employer.

### **100.025 Hazard pay requirements**

A. Employers shall provide each employee with hazard pay at a rate of four dollars per hour for each hour worked in the City.

1. No employer shall, as a result of this ordinance going into effect, take steps to reduce employee compensation so as to prevent, in whole or in part, employees from receiving hazard pay at a rate of four dollars per hour for each hour worked in the City in addition to those employees' other compensation. Employers shall maintain records to establish the reason(s) for any reduction in employee compensation, pursuant to Section 100.040.

2. Employers providing hazard pay, as defined under Section 100.010, on the effective date of this ordinance may use the hourly rate of that hazard pay to offset the amount due under this subsection 100.025.A.

a. Employers shall comply with requirements for providing compensation in Section 100.025.B for the entire amount due under Section 100.025.A.

b. Employers bear the burden of proof to show that the additional compensation is hazard pay as defined in this ordinance.

B. With respect to payment of hazard pay as set forth in this ordinance, employers shall comply with all requirements related to the payment of wages otherwise set forth by law.

C. Employers shall comply with the hazard pay requirements in this Section 100.025 until the Governor of the State of Washington has declared this State of Emergency in our state has been lifted.

### **100.030 Notice and posting**

A. Within 30 days of the effective date of this ordinance, employers shall display a written notice of rights established by this ordinance in a conspicuous and accessible place at any workplace or job site where any of their employees' work. Employers shall display the notice of rights in English and in the primary language(s) of the employee(s) at the workplace or job site. Employers shall make a good faith effort to determine the primary languages of the employees at

the workplace or job site. If display of the notice of rights is not feasible, including situations when the employee does not have a regular workplace or job site, employers may solely provide the notice of rights on an individual basis in the employee's primary language in a physical or electronic format that is reasonably conspicuous and accessible.

B. The notice of rights shall provide information on:

1. The right to hazard pay guaranteed by this ordinance;
2. The right to be protected from retaliation for exercising in good faith the rights protected by this ordinance; and
3. The right to bring a civil action for a violation of the requirements of this ordinance, including an employer's denial of hazard pay as required by this ordinance and an employer or other person's retaliation against an employee or other person for asserting the right to hazard pay or otherwise engaging in an activity protected by this ordinance.

C. Employers are responsible for providing employees with the notice of rights required by subsection 100.030.A and 100.030.B in a form and manner sufficient to inform employees of their rights under this ordinance.

#### **100.040 Employer records**

A. Employers shall retain records that document compliance with this ordinance for each employee.

B. Employers shall retain the records required by subsection 100.040.A for a period of three years.

C. If an employer fails to retain adequate records required under subsection 100.040.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this ordinance for the periods and for each employee for whom records were not retained.

**100.050 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 under this ordinance.

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 protected under this ordinance. Such rights include, but are not limited to, the right to make inquiries about the rights protected under this ordinance; the right to inform others about their rights under this ordinance; the right to inform the person's employer, the person's legal counsel, a union or similar organization, or any other person about an alleged violation of this ordinance; the right to bring a civil action for an alleged violation of this ordinance; the right to testify in a proceeding related to this ordinance; the right to refuse to participate in an activity that would result in a violation of city, state or federal law; and the right to oppose any policy, practice, or act that is unlawful under this ordinance.

C. No employer or any other person shall communicate to a person exercising rights protected in this Section 100.050, directly or indirectly, the willingness to inform a government worker that the person is not lawfully present or employed 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 an employee or family member of an employee to a federal, state, or local agency because the employee has exercised a right under this ordinance.

D. 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 rights protected in this Section 100.050. 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 for 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.

E. Proof of retaliation under this Section 100.050 shall be sufficient upon a showing that an employer or any other person has taken an adverse action against a person and the person's exercise of rights protected in this Section 100.050 was a motivating factor in the adverse action,

unless the employer can prove that the action would have been taken in the absence of such protected activity.

F. The protections afforded under this Section 100.050 shall apply to any person who mistakenly but in good faith alleges violations of this ordinance.

G. A complaint or other communication by any person triggers the protections of this Section 100.050 regardless of whether the complaint or communication is in writing or makes explicit reference to this ordinance.

#### **100.060 Private right of action**

A. Any person or class of persons that suffers financial injury as a result of a violation of this ordinance, or is the subject of prohibited retaliation under Section 100.050, may bring a civil suit in any court of competent jurisdiction against the employer or other person violating this ordinance and, upon prevailing, shall be awarded such legal or equitable relief as may be appropriate to remedy the violation including, without limitation: the payment of any unpaid compensation plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid compensation; and a penalty payable to any aggrieved party of up to \$5000 if the aggrieved party was subject to prohibited retaliation, as well as reasonable attorney fees and costs. Interest shall accrue from the date the unpaid compensation was first due at 12 percent per annum, or the maximum rate permitted under RCW 19.52.020.

B. For purposes of this Section 100.060, a “person that suffers financial injury as a result of a violation of the ordinance” includes any entity a member of which has suffered financial injury or retaliation, or any other individual or entity acting on behalf of an aggrieved party that has suffered financial injury or retaliation.

#### **100.065 Waiver**

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



**100.070 Encouragement of more generous policies**

A. Nothing in this ordinance shall be construed to discourage or prohibit an employer from the adoption or retention of hazard pay policies more generous than the one required herein.

B. Nothing in this ordinance 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 hazard pay policies to an employee than required herein.

**100.080 Other legal requirements**

This ordinance provides minimum requirements for hazard pay for covered employees during the COVID-19 emergency and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for hazard pay, or that extends other protections to employees; 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. Nothing in this ordinance shall be construed as restricting an employee's right to pursue any other remedies at law or equity for violation of their rights.

**100.090 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, person, 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 3. Automatic Repeal. This ordinance shall be automatically repealed without subsequent Council action three years after the Governor of the State of Washington has lifted the COVID-19 State of Emergency in our state.

Section 4. Emergency Declaration. Based on the findings of fact set forth in Section 1 of this ordinance, the city council hereby declares that an emergency exists necessitating that this ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the council (RCW 35A.12.130), and that the same is not subject to a referendum.

Section 5. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 4, as long as it is approved by a majority plus one of the entire membership of the council, as required by RCW 35A.12.130. If it is not adopted by a majority plus one of the entire membership of the council, then the language declaring an emergency shall be disregarded, in which case, this ordinance, is subject to referendum and shall take effect thirty (30) days after final passage of this ordinance.

APPROVED:

\_\_\_\_\_  
MAYOR MIKE NELSON

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
JEFF TARADAY

Attachment: Draft grocery hazard pay ordinance [Revision 1] (Hazard Pay for Grocery Employees Emergency Ordinance)