

It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0215 05/06/27 PM 12:34:13

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

SHARON JOHNSON, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Kevin Jordan</u>	4/7/15	8729 ARKINGTON KC, MO	64138	KEVIN JORDAN
<u>Richard Davis</u>	4/7/15	8709 E. 53RD TERR	64129	RICHARD DAVIS
<u>Scott Land</u>	4/7/15	8409 E 49th Ter	64129	SCOTT LAND
<u>Bernice James Cole</u>	4/7/15	7506 S 52nd Ter	64129	Bernice James Cole
<u>Glory Young</u>	4/7/15	7809 E 52 <sup>nd</sup> ST	64129	Glory Young
<u>Jason Robins</u>	4/7/15	7152 EASTERN AVE	64129	JASON ROBINS
<u>Derrick Garner</u>	4-7-15	5154 Palmer Dr KCMO	64129	Derrick Garner
<u>Tom Ross</u>	4/7/15	BRAMSTAD	64129	TOM ROSS
<u>Sylvia McCree</u>	4-7-15	7404 E. 53 <sup>rd</sup> St.	64129	Sylvia McCree
<u>Latondra Jones</u>	4-7-15	6550 Fairway	64129	Latondra Jones

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sharon Johnson  
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





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To: Mayor and Council City of Kansas City, Missouri &  
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City Clerk of Kansas City, Missouri  
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Phone: (816) 513-3360  
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State of Missouri )

County of Jackson )

SHARON JOHNSON

Circulator's Printed Name

being duly sworn, under oath state that the following person, to wit:

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Nayden Brown</u>	4-7-15	4961 Wallace	64129	NAYDEN BROWN
<u>Rodney Williams</u>	4-7-15	8770 Trivium	64129	RODNEY WILLIAMS
<u>Just S. Austin</u>	4-7-15	5440 Blue Ridge	64133	JUST S. AUSTIN
<u>Shelia Walker</u>	4-7-15	8714 E. 52nd St	64129	SHELIA WALKER
<u>Marvin L. Walker</u>	4-7-15	8714 E. 52nd St	64129	MARVIN L. WALKER
<u>Josh R. Evans</u>	7-7-15	8651 E. 52nd	64129	JOSEPH R. EVANS
<u>Sherril Harvel</u>	4/7/15	7801 E 52nd St	64129	Sherril Harvel
<u>Gwen Taylor</u>	4/7/15	8648 E. 53rd St	64129	Gwen Taylor
<u>Rosalind Holland</u>	4/7/15	4915 Wallace	64129	Rosalind Holland
<u>William Holland</u>	4/7/15	4915 Wallace	64129	William Holland

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sharon Johnson  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

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B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

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### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

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25<sup>th</sup> Floor, City Hall  
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State of Missouri )  
County of Jackson )

I SHARON JOHNSON, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. <u>Joyce Haray</u>	<u>4/7/2015</u>	<u>8603 E. 52nd</u>	<u>64129</u>	<u>Joyce Haray</u>
2. <u>Donovan Brown</u>	<u>4/7/15</u>	<u>8716 E. 52nd St</u>	<u>64129</u>	<u>Donovan Brown</u>
3. <u>Pearline Arterbery</u>	<u>4-7-15</u>	<u>5006 Skiles KCMO 64129</u>	<u>64129</u>	<u>Pearline Arterbery</u>
4. <u>Queen Sanders</u>	<u>4/7/15</u>	<u>7601 E. 50th Trce K.C. MO. 64129</u>	<u>64129</u>	<u>Queen Sanders</u>
5. <u>Bobby Sanders</u>	<u>4-7-15</u>	<u>7601 E. 50th Trce K.C. MO. 64129</u>	<u>64129</u>	<u>Bobby Sanders</u>
6. <u>Commodore Collins</u>	<u>4/7/15</u>	<u>2608 E 52nd St</u>	<u>64129</u>	<u>Commodore Collins</u>
7. <u>Floxx Collins</u>	<u>4/7/15</u>	<u>7808 E. 52nd</u>	<u>64129</u>	<u>Floxx Collins</u>
8. <u>Janet Leigh</u>	<u>4/7/15</u>	<u>8300 Shi-A-Bon Rd</u>	<u>64129</u>	<u>Janet Leigh</u>
9. <u>C. E. Leigh</u>	<u>4-7-15</u>	<u>8300 Shi-A-Bon Rd</u>	<u>64129</u>	<u>C. E. Leigh</u>
10. <u>John Smith</u>	<u>4-7-15</u>	<u>5127 Rinker Rd kcmo</u>	<u>64129</u>	<u>John Smith</u>

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Sharon Johnson  
Circulator's Signature

Subscribed and sworn to before me this April day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

- A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0218 05:06:27 PM 12/31/2015

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Marilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Cathy Stewart, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Toni Lindley</i>	4/7/15	8914 E 52nd St. KCMO 64133	64133	Toni Lindley
<i>Juana Grewes</i>	4/7/15	490 Brandon Ave	64113	Juana Grewes
<i>Delira Dedeaux</i>	4/7/15	4946 Evanston Ave	64133	Delira Dedeaux
<i>Toni Lindley</i>	4/7	8914 E 52nd St.	64133	Toni Lindley
<i>Mary Ferguson</i>	4/7	4812 Hodges	64133	Mary Ferguson
<i>Kami Woodard</i>	4/7	10646 E 46th Terr	64133	KAMI WOODARD
<i>RON CARROLL</i>	4/7	9121 E 51st Terr	64133	RON CARROLL
<i>James Alexander</i>	4/7	9031 E 52 <sup>nd</sup> St	64133	JAMES ALEXANDER
<i>Shardun C Woodard</i>	4/7	10646 E 46th Terr	64133	Shardun C Woodard
<i>George Ellis</i>	4/7	5716 Hemis	64133	George Ellis

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Cathy Stewart  
Circulator's Signature

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

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**SECTION 2 - DEFINITIONS.**

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B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

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E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



**SECTION 10 - NOTICE POSTING.**

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0219 05/06/2015 PM 12:34:33

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

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Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Cathy Stewart, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
Joy Hood	4/7/15	4702 Maywood	64133	Joy L Hood
Linner Young	4/9/15	11718 E. 60 <sup>th</sup>	64133	Linner Young
Roxanne Bly	4/7/15	10303 E 45 <sup>th</sup> Terr.	64133	ROXANNE BLY
Terry Winbush	4/7/15	5209 Wilkove	64133	Terry Winbush
Lillian Daniels	4/7/15	4900 Raytown Rd	64133	LILLIAN DANIELS
Dixie Boyice	4/7/15	10623 S 46 <sup>th</sup> Street	64133	DIXIE BOYICE
Aubrey Smith	4/7/15	9728 E 50 <sup>th</sup> St.	64133	Aubrey Smith
Deborah K. Page	4/7/15	4414 Appleton	64133	DEBORAH K. PAGE
Jerry A. Page	4/7/15	4414 Appleton	64133	Jerry A. Page
Alex Thomas	4/7/15	74312 E 45	64133	ALEX THOMAS

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Cathy Stewart  
Circulator's Signature

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

[SEAL]



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0220 05/06/2017 PM 12:34:37

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Cathy Stewart being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Mary Alexander</i>	4-7-15	9031 E 52nd R CANO	64133	Mary Alexander
<i>Tenia Blanks</i>	4-7-15	4820 Evanston Ave KC, MO	64133	Tenia Blanks
<i>Rich Osborn</i>	4-7-15	9208 E. 50th Terr. KANS	64133	Rich Osborn
<i>Cheryl Black</i>	4/7/15	4844 EVANSTON AVE	64133	CHEYL BLACK
<i>Glenda Johnson</i>	4/7/15	10520 E 45 <sup>th</sup> Pl	64133	Glenda Johnson
<i>Sherry Thomas</i>	4/7/15	10662 E 46 <sup>th</sup> Jen	64133	Sherry Thomas
<i>Gregg</i>	4/7/15	11109 e 42nd	64133	Gregg
<i>Latonia</i>	4/7/15	15935 E 76 <sup>th</sup>	64133	Latonia
<i>Mark Cunningham</i>	4-7-15	5120 Willow Ave	64133	Mark Cunningham
<i>Donna Cunningham</i>	4/7/15	5120 Willow Ave	64133	Donna Cunningham

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Cathy Stewart  
Circulator's Signature

Subscribed and sworn to before me this 4th day of April, 2015.

Bank C. McDonald  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

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### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

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#### **SECTION 11 - PROCEDURE.**

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#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0221 05/06/2017 PM 12:34:40

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101<sup>st</sup> Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

CATY STEWART, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Tiffany Holloway</i>	4/7/15	11109 E 4 <sup>th</sup> St Per	64133	Tiffany Holloway
<i>John Solomon</i>	4/7	5215 Colston	64123	John Solomon
<i>Stephanie Fama</i>	4/7	4500 Pittman Rd	64133	Stephanie Fama
<i>Stephanie Wene</i>	4/7	3009 Willow	64133	Stephanie Wene
<i>Cassie Williams</i>	4/7	10109 E 47 <sup>th</sup> St	64133	Cassie Williams
<i>Tracie McLendon</i>	4/7	4739 Heintz	64133	Tracie McLendon
<i>Christian Volk</i>	4/7	4340 Northern Ave	64133	Christian Volk
<i>Janice Ucker</i>	4/7	4316 Northern Ave	64133	Janice Ucker
<i>Jamesetta Lenoir</i>	4/7	4320 Northern Ave	64133	Jamesetta Lenoir
<i>Thyllis Woodson</i>	4/7	10417 E 43 <sup>rd</sup> St #411	64133	Thyllis Woodson

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Caty Stewart  
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0222 05/06/2017 PM 12:34:44

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Cathy Stewart, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4/9/15	4706 HARVARD AVE	64133	BARBARA J BROWN
	4/7/15	4706 HARVARD AVE	64133	ROBERT M. BROWN
	4/7/15	1104 W. 101 <sup>st</sup> TERR	64133	RODNEY WILLIAMS
	4/7/15	9040 E 5 <sup>th</sup> ST	64133	TEX SAMPLE
	4-7-15	10501 E. 4 <sup>th</sup> ST Terr.	64133	CHARLES A. FIELDS
	4/7/15	10674 E 46 <sup>th</sup> SL	64133	TAKEISHA BROWN
	4/7/15	50006 Hawthorne	64133	NIACLE MCCREARY
	4-7-15	"	64133	BRADLEY A. MCCREARY
	4-7-15	9125 E 51 <sup>st</sup> TERR	64133	NIKE FRANKLIN-MCMURRY
	4-7-15	4305 DITZLER AVE	64133	SHICKY SCOTT

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Cathy Stewart  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

(NOTARY PUBLIC) (SEAL)

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

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### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8 - PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

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A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

0223 05:06H27 PM12:34:50

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
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<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Mackel T. Hicimow, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Terrell McClendon</u>	<u>4/7/15</u>	<u>12212 E 57th KCMO</u>	<u>64133</u>	<u>Terrell McClendon</u>
<u>Joseph E. Poarch</u>	<u>4/7/15</u>	<u>11912 E. 54th Terr.</u>	<u>64133</u>	<u>Joseph E. Poarch</u>
<u>Shelley C. Poarch</u>	<u>4/7/15</u>	<u>11912 E 54th</u>	<u>64133</u>	<u>Shelley C. Poarch</u>
<u>Jeffrey A. Byrd</u>	<u>4/7/15</u>	<u>12312 E 57th KCMO</u>	<u>64133</u>	<u>Jeffrey A. Byrd</u>
<u>Timothy Black</u>	<u>4-7-15</u>	<u>5801 Crysler Ave KCMO</u>	<u>64133</u>	<u>TIMOTHY BLACK</u>
<u>Janet Bendaue</u>	<u>4/7/15</u>	<u>12600 E 58th KC</u>	<u>64133</u>	<u>Janet Bendaue</u>
<u>James M. Tucker</u>	<u>4/7/15</u>	<u>12517 E. 58 Terr</u>	<u>64133</u>	<u>James M. Tucker</u>
<u>Chris A. Keil</u>	<u>4/7/15</u>	<u>12517 E 58 Terr</u>	<u>64133</u>	<u>Chris A. Keil</u>
<u>Winston Hughley</u>	<u>4/7/15</u>	<u>5729 Vernon Ct.</u>	<u>64133</u>	<u>Winston Hughley</u>
<u>James M. Tucker</u>	<u>4/7/15</u>	<u>12405 E 54th St</u>	<u>64133</u>	<u>James M. Tucker</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Mackel T. Hicimow  
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

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**BE IT ORDAINED BY THE CITY COUNSEL:**

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B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0224 05/06/2015 PM 12:34:53

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Floyd Allred, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Anna E Hardy</u>	4/7/15	11200 E 50th St	64133	Anna E Hardy
<u>Molly Eaton</u>	4/7/15	11203 E 49th	64133	Molly Eaton
<u>Krista Burchfield</u>	4/7/15	2855 E 49th	64133	Krista Burchfield
<u>Marsha Briones</u>	4/7/15	11315 E 48th	64133	Marsha Briones
<u>MICAH HUSEREAUX</u>	4-7-15	11214 E 47th KCMO	64133	MICAH HUSEREAUX
<u>Robert W. Koop</u>	4-7-15	11205 E 50th KCMO	64133	Robert W. Koop
<u>Curtis Coleman</u>	4-7-15	11212 E 50th KCMO	64133	Curtis Coleman
<u>James R Blanks</u>	4-7-15	11809 E 48 St	64133	JAMES R BLANKS
<u>Mary Blanks</u>	4-7-15	11814 E 48 St	64133	Mary Blanks
<u>Diane Plave</u>	4/10/15	11218 E 51 St	64133	Diane Plave

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 5 day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

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(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

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(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

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#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

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The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

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This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0225 05/06/2015 PM 12:34:57

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101<sup>st</sup> Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I FLOYD ALLEN, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Linda L. Wood</u>	<u>4/7/2015</u>	<u>11202 E. 49<sup>th</sup> St</u>	<u>64133</u>	<u>LINDA L. WOOD</u>
<u>Carolotta Perry</u>	<u>4/7/2015</u>	<u>4960 Olive Ridge KCMO</u>	<u>64133</u>	<u>Carolotta PERRY</u>
<u>Richard Davis</u>	<u>4/7/2015</u>	<u>11316 E. 48<sup>th</sup> Terr Kcmo</u>	<u>64133</u>	<u>Richard Davis</u>
<u>Sandra Stanley</u>	<u>4/7/15</u>	<u>4705 Vermont KCMO</u>	<u>64133</u>	<u>Sandra Stanley</u>
<u>Mona Taliferro</u>	<u>4/7/15</u>	<u>4301 Clearmont Ave Kcmo</u>	<u>64133</u>	<u>Mona Taliferro</u>
<u>Debbi L. Hayes</u>	<u>4/7/15</u>	<u>5008 N. Wood Ave Kcmo</u>	<u>64133</u>	<u>Debbi L. Hayes</u>
<u>Mike Wright</u>	<u>4/7/15</u>	<u>4405 Sterling Ave</u>	<u>64133</u>	<u>Mike Wright</u>
<u>Carmen Myers</u>	<u>4/7/15</u>	<u>2515 Monte Drive</u>	<u>64133</u>	<u>Carmen Myers</u>
<u>Jerome Taliferro</u>	<u>4/7/15</u>	<u>4301 Clearmont</u>	<u>64133</u>	<u>Jerome Taliferro</u>
<u>Harvey Kerin</u>	<u>4/7/15</u>	<u>11300 E. 49<sup>th</sup> St</u>	<u>64133</u>	<u>HARVEY KERIN</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

[Signature]  
Circulator's Signature

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2015

[Signature]  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

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This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

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B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

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E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8 - PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0226 05/06/2015 PM 12:05:02

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I Mackel T Hickman being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Mackel T Hickman</i>	04/7/15	5327 So Bental KCMO	64130	Mackel T. Hickman
<i>Roger W Tudor</i>	4/7/15	12401 E 54th St. KCMO	64133	ROGER W. TUDOR
<i>Dave S Buler</i>	4/7/15	5836 MARION KCMO	64133	Dave S Buler
<i>Marvin McIdonold</i>	4/7/15	12523 E 58th KCMO	64133	Marvin McIdonold
<i>Dorri Rowan</i>	4/7/15	12508 E. 57th KCMO	64133	Dorri Rowan
<i>Cedric Rowan</i>	4/7/15	12508 E. 57th KCMO	64133	Cedric Rowan
<i>Kennae Gigsby</i>	4/7/15	12523 E 58th St KCMO	64133	Kennae GIGSBY
<i>Todd Chevrolet</i>	4/7/15	11604 E 56th St KCMO	64133	Todd Chevrolet
<i>Erica Byrd</i>	4/7/15	12312 E. 57th Terr	64133	Erica Byrd
<i>Steen Dork</i>	4/7/15	12200 E. 57th Terr	64133	Steen Dork

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*[Signature]*  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015.

*[Signature]*  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0227 05/06/27 PM 12:35:06

To: Mayor and Council City of Kansas City, Missouri  
 The Honorable Marilyn Sanders  
 City Clerk of Kansas City, Missouri  
 25<sup>th</sup> Floor, City Hall  
 414 East 12<sup>th</sup> Street  
 Kansas City, Missouri 64106

Phone: (816) 513-3360  
 Fax: (816) 513-3353  
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
 County of Jackson )

I Markel T. Hickman, being duly sworn, under oath state that the following person, to wit:  
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Richard Smith</i>	4/7	12004 E 56 <sup>th</sup> street	64133	Richard Smith
<i>Reggie Jones</i>	4/2	5518 Cuyler	64133	Reggie Jones
<i>Rose M. Mitchell</i>	4/7	12302 E. 56 <sup>th</sup> TERR.	64133	Rose M. Mitchell
<i>Barbara Rodgers</i>	4/7	12113 E 55 <sup>th</sup> Ter	64133	Barbara Rodgers
<i>Dennis Sandker</i>	4/7	5708 Ridgeway Ave	64133	Dennis Sandker
<i>Marcine Wells</i>	4/7	12304 E 56 <sup>th</sup>	64133	MARCINE WELLS
<i>Tracy Samuels</i>	4/7	12005 E 54 <sup>th</sup> ST KCMO	64133	TRACY SAMUELS
<i>Danyelle Baker</i>	4/7	12415 E 54 <sup>th</sup> St. KCMO	64133	Danyelle Baker
<i>Antonia Jones</i>	4/7	12410 E 55 <sup>th</sup> Ter KCMO	64133	ANTONIA JONES
<i>Kara Sandker</i>	4/7	11912 E 58 <sup>th</sup> Terr	64133	KARA SANDKER

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*Markel T. Hickman*  
 Circulator's Signature

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2015

*Pamela C. McDonald*  
 (NOTARY PUBLIC)

**PAMELA C. McDONALD**  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Jackson County  
 My Commission Expires: 5/22/2017  
 Commission # 13504912

[SEAL]



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

To: Mayor and Council City of Kansas City, Missouri  
 The Honorable Marilyn Sanders  
 City Clerk of Kansas City, Missouri  
 25<sup>th</sup> Floor, City Hall  
 414 East 12<sup>th</sup> Street  
 Kansas City, Missouri 64106

Phone: (816) 513-3360  
 Fax: (816) 513-3353  
 E-mail: Mayilyn.Sanders@kcmo.gov

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

- |                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| Rev. Samuel E. Mann   | 3665 Harrison Blvd, Kansas City, MO 64109                       |
| Lloyd Fields          | 7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134         |
| Rodney Williams       | 1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114 |
| Tex Sample            | 4219 N. Jarboe CT., Kansas City, MO 64116                       |
| Wallace S. Hartsfield | 2843 Benton Blvd., Kansas City, MO 64128                        |

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
 County of Jackson )

*Michael T. Hickman*

being duly sworn, under oath state that the following person, to wit:

Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Lee E. Casanova</i>	4/17/15	12519 S 58 <sup>th</sup> St (KCMO)	64133	LEE E CASANOVA
<i>Stella Dudley</i>	4/17/15	11919 E. 56th St (KCMO)	64133	STELLA DUDLEY
<i>Judy Wright</i>	4/7/15	11918 E 56 TER KCMO	64133	JUDY WRIGHT
<i>Linda LAMETTE</i>	4-7-15	12005 E 56 TER KCMO	64133	LINDA LAMETTE
<i>Marlene Epps-Curry</i>	4-7-15	12200 E. 56th Lane KCMO	64133	MARLENE EPPS-CURRY
<i>William Brown</i>	4/7/15	5841 Maklon KCMO	64133	WILLIAM BROWN
<i>Pat Porter</i>	4/7/15	12416 E 58 <sup>th</sup> PL KCMO	64133	PAT PORTER
<i>Sharon Fink</i>	7/7/15	12412 E 58 <sup>th</sup> TER KCMO	64133	SHARON FINK
<i>Sheila ISAAC</i>	7/7/15	5519 Crystal Dr KCMO	64133	SHEILA ISAAC
<i>Lolita Willis</i>	4/7/15	12205 E. 56th St KCMO	64133	LOLITA WILLIS

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

*Pamela C. McDonald*  
 (NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Jackson County  
 My Commission Expires: 5/22/2017  
 Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8 - PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

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Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

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A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0229 05/06/27 PM 12:35:14

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I William J Smith, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Prentice Johnston</i>	4/7/15	4118 E. 16 <sup>th</sup> CT	64127	Prentice Johnston
<i>Melissa P. Hazley</i>	4/7/15	1908 Myrtle	64127	Melissa P. Hazley
<i>Jane Mitchell</i>	4/7/15	3813 E 18 <sup>th</sup> St	64127	Jane Mitchell
<i>Frances Forbush</i>	4/7/15	2029 Kennington	64127	Frances Forbush
<i>Anna J. Gardenhire</i>	4/6/15	1817 Myrtle Ave	64127	ANNA J. Gardenhire
<i>Theodore Gardenhire</i>	4/7/15	1817 Myrtle Ave	64127	Theodore Gardenhire
<i>Stacy Jax</i>	4/7/15	4100 E 16 <sup>th</sup> TER	64127	QUINNETIA FRISBEE
<i>Robert Stevenson</i>	4/7/15	2417 JACKSON	64127	Robert Stevenson
<i>Bella Bryant</i>	4/7/15	2543 Chelsea 64127	64127	Bella Brinstew
<i>Newton Ruffin</i>	4/7/15	1813 Myrtle	64127	Newton Ruffin

signed the foregoing petition paper and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*William J Smith*  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

*Pamela C McDonald*  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

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It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0230 05/06/2017 PM 12:35:18

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd. Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, William J. Smith, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>James Nelson</i>	4-7-15	6135 Bellefontaine	64130	JAMES NELSON
<i>Willie Dawson</i>	4-7-15	2417 PONDAR	64127	WILLIE DAWSON
<i>Willie Clark</i>	4/7/15	4004 E 18th Pl KCMO	64127	Willie Clark
<i>Martin Clark</i>	4-7-15	4204 E 18th Pl KCMO	64127	M Clark
<i>Lorrie K. Stock</i>	4-7-15	1640 Cypress	64117	LORRIE K. STOCK
<i>Samuel Brown</i>	4/7/15	1600 JACKSON, #712	64127	SAMUEL BROWN
<i>Sean Tyler</i>	4/7/15	1825 Myrtle	64127	Sean Tyler
<i>Bryan L Sneed</i>	4/7/15	3904 E 19 <sup>th</sup>	64127	BRYAN L SNEED
<i>Harvey L. White Jr</i>	4-7-15	4109 E. 19th KCMO	64127	Harvey L. White Jr
<i>Carly Jackson</i>	4-7-15	2704 E 18th Pl	64127	CARLY JACKSON

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*William J. Smith*  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

*Pamela C. McDonald*  
(NOTARY PUBLIC)

(SEAL)

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0231 05/06/2015 PM 12:35:23

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
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Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

William J Smith, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Carol M. Johnson</u>	04/07/15	4100 E. 19 <sup>th</sup> St.	64127	Carol M. Johnson
<u>Valerie Henderson</u>	4/7/15	2522 Quincey KCMO	64127	VALERIE HENDERSON
<u>Harold Lucas</u>	4/7/15	2317 Lawn Ave KCMO	64127	Harold Lucas
<u>Dianna Johnson</u>	4/7/15	1912 North	64127	Dianna Johnson
<u>Rita Humphrey</u>	4/7/15	4007 E. 16 <sup>th</sup> Court	64127	Rita Humphrey
<u>Sammy Borning</u>	4-7-15	2449 Kensington	64127	SAMMY BORNING
<u>Leonard Richardson</u>	4-7-15	4109 E 16 <sup>th</sup> Terr	64127	LEONARD RICHARDSON
<u>Carlton McClain</u>	4/7/15	1811 Norton Ave	64127	Carlton McClain
<u>Philip Wayne</u>	4/7/15	4017 E 16 <sup>th</sup> Court	64127	PHILIP WAYNE
<u>Irene Wayne</u>	4/7/15	4017 E 16 <sup>th</sup> Court	64127	Irene Wayne

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

William J Smith  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015  
Pamela C. McDonald  
(NOTARY PUBLIC)

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

(SEAL)





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

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D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

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B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

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Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0232 05/06/2015 PM 12:35:29

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I WILLIAM J. SMITH being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. Robert Clay	4-7-15	3801 E 19 <sup>th</sup>	64127	Robert Clay
2. Michaela Curls	4-7-15	1404 Myrtle	64127	Michaela Curls
3. Rosa S. Powell	4-7-15	3904 E. 18 <sup>th</sup> Ct	64127	Rosalyn S. Powell
4. Sandra K. Curls	4-7-15	1909 Myrtle Ave	64127	Sandra K. Curls
5. Mary Robinson	4-7-15	3901 Bernard	64127	Mary Robinson
6. Victoria Duncan	4/7/15	2313 Brighton	64127	Victoria Duncan
7. Jessie Green	4/7/15	1709 Elmwood	64127	Jessie Green
8. Phyllis J. Pearson	4-7-15	4002 E. 16 <sup>th</sup> Ct	64127	Phyllis J. Pearson
9. Cornelius Bolton	4-7-15	1906 Emerson	64127	Cornelius Bolton
10. Carole Bolton	4/7/15	1908 Emerson	64127	Carole Bolton

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

William J. Smith  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

**SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

**SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

**SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0233 05/06/27 PM 12:35:33

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
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State of Missouri )  
County of Jackson )

I, William J. Smith, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>[Signature]</i>	4/7/15	3912 E. 19th Kansas	64127	BRIGIDA A. JORDAN
<i>[Signature]</i>	4/7/15	4011 E. 16th Kansas	64127	TAWEEB MOHAMMAD
<i>[Signature]</i>	4/7/15	2531 Lister Ave	64127	Maggie Schow
<i>[Signature]</i>	4/7/15	1816 Norton Ave	64127	Ronald S. S. S.
<i>[Signature]</i>	4/7/15	1804 Kensington	64127	YARVENIA PROCTOR
<i>[Signature]</i>	4/7/15	3807 Sennard Parkway	64127	David L. Cobbins
<i>[Signature]</i>	4/7/15	3809 Sennard Parkway	64127	VERLINE COBBINS
<i>[Signature]</i>	4/7/15	4006 E 16 CT	64127	DENNIS EVERETT
<i>[Signature]</i>	4/7/15	4009 E 16th	64127	Bruce Walker
<i>[Signature]</i>	4/7/15	4009 E 16th Terr	64127	CAROLYN WALKER

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

William J. Smith  
Circulator's Signature

Subscribed and sworn to before me this 7th day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

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**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0234 05/06/2015 PM 12:35:38

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
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State of Missouri )  
County of Jackson )

Curtis Hopper, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>James R. Smith Sr.</u>	4-7-15	9325 Cleveland Ave. <sup>K.C.Mo</sup>	64132	James R. Smith Sr.
<u>Deirdre E. Edwards</u>	4-7-15	9536 Prairie Ave <sup>306</sup>	64137	Deirdre Edwards
<u>M. H. Garrett</u>	4-7-15	3608 E. 93 <sup>rd</sup> St	64132	M. H. Garrett
<u>Cecelia Roberts</u>	4-7-15	9110 Parkwood	64137	Cecelia Roberts
<u>Elijah Walker</u>	4-7-15	9347 Bates Ave	64132	Elijah Walker
<u>Monique Edwards</u>	4/7/15	10719 Hillcrest rd	64134	Monique Edwards
<u>Chris L. Williams</u>	4-7-15	6419 Manchester Av.	64133	Chris L. Williams
<u>Rick K. Holly</u>	4-7-15	9518 Cambridge Ave	64131	Rick Holly
<u>Darnell King</u>	4-7-15	10220 Gray	64137	Darnell King
<u>Marla Hodge</u>	4-7-15	9321 Cleveland apt 108	64132	Marla Hodge

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Curtis Hopper  
Circulator's Signature

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0235 05/06/27 PM 12:35:42

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I Clymatius Gilbert, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4-7-15	1217 QUEEN'S PL	64131	TARA L. VERNY
	4-7-15	9734 Shepherds	64131	Marilyn L. Hancock
	4-7-15	10225 Tracy	64131	James B. Williams
	4/7/15	10225 Tracy	64131	Norma Simpson
	4/7/15	1846A E. 97TH ST	64131	JOHNNIE LEE JR
	4/7/15	1312 E. 101ST ST	64131	DANIEL S. PARKER
	4/7/15	1201 Quinn Pl	64131	Carol Betheny
	4-7-15	10136 Virginia Ave	64131	HERMAN BANKHEAD
	4/7/15	9801 Woodland Ln	64131	Roy M. Gonzales
	4/7/15	9835 Howe Cir	64131	BARBARA J. FULK

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Clymatius Gilbert  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

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### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

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(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

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A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

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It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0236 05/06/27 PM 12:35:46

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd. Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I Clymatus Gilbert, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>[Signature]</i>	4-7-15	1315 E 101 <sup>st</sup> Terr K.C. Mo	64131	Virgian U. Goodwin
<i>[Signature]</i>	4/7/15	9610 Lydia Apt. A	64131	Gaylen W Lewis
<i>[Signature]</i>	4/7/15	1140 Queens Pl. KCMO	64116	Randall C. Bennett
<i>[Signature]</i>	4-7-15	9520 CHARLOTTE ST	KCMO 64131	ROBERT MAY
Clarra Schlotter	4-7-15	1803 E 97 <sup>th</sup> St.	64131	Clarra Schlotter
Emilia Akitunde	4/7/15	9719 shepherds Dr	64131	EMILIA AKITUNDE
Anthony Akitunde	4/7/15	9719 shepherds Dr	64131	Anthony Akitunde
Gilbert Marzett	4/7/15	1315 E 102 Terr KCMO	64131	<i>[Signature]</i>
Antonio Allen	4/7/15	1534 E 97 <sup>th</sup> St #A KCMO	64131	Antonio Allen
Andrew Warron	4/7/15	1106 Queens Pl Kmo	64131	Andrew Warron

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*[Signature]*  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

*[Signature]*  
(NOTARY PUBLIC)

[SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0237 05/06/2015 PM 12:35:50

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Marilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Clymatus Gilbert, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Joyce M. Warren</u>	4/7/15	1106 Queens Plz (mo)	64131	Joyce M Warren
<u>J Ford</u>	4/7/15	1202 E 108 <sup>th</sup> Ter (mo)	64131	J Ford
<u>Bertha Alexander</u>	4/7/15	9940 Campbell, (mo)	64131	Bertha Alexander
<u>Luberta Washington</u>	4-7-15	1707 E 97 <sup>th</sup> terrace (mo)	64131	Luberta Washington
<u>Hester Washington</u>	4-7-15	1707 E 97 <sup>th</sup> terrace	64131	Hester Washington
<u>Tracey Vogel</u>	4-7-15	7611 Collier Ave	64132	Tracey Vogel
<u>Glenn D. Vogel</u>	4/7/15	9500 Harrison	64131	Glenn D. Vogel
<u>Stan M. Moody</u>	4/7/15	1113 Queens Pl, KCMO	64131	Stan M. Moody
<u>Carole Forte</u>	4/7/15	1715 E 97 <sup>th</sup> Terr	64131	Carole Forte
<u>Dean H. ...</u>	4/7/15	1306 E 108 <sup>th</sup> Ter	64131	Dean H. ...

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Clymatus Gilbert  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

[SEAL]



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0238 05/06/2017 PM 12:35:54

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
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Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Clymatus Gilbert, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4/7	9732 Colony Pl.	64131	D. W.
	4/7	1100 Queens A	64131	Richard A. Gaska
	4/7	1746 E 97 <sup>th</sup> St	64131	Veronica M. Bell
	4/7	9831 Shepherds Circle	64131	Quentin Randle
	4/7	3800 Lydia A.	64131	Dean Wasjow
	4/7	3709 E 101st	64113	Stephen Polch
	4/7	9808 Harrison Cir	64131	HERBERT SMITH
	4/7	1424 <sup>east</sup> 97 <sup>th</sup> St	64131	Julia Smith
	4-7	9909 Harrison	64131	TAMMY COOK
	4-7	9812 Colony Pl	64131	S. Fowler

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

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**NOW, THEREFORE,**

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A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8 - PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0239 05/06/27 PM 12:35:58

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd. Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Gloria Jack, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Dorothy Greer</i>	4/7	4809 E 40 <sup>th</sup> Terr.	64130	Dorothy M. Greer
<i>Wiley H. Neal</i>	4/7	5221 E 40 <sup>th</sup> Terr	64130	WILEY H. NEAL
<i>Clifford English</i>	4/7	4209 E 39 <sup>th</sup> St	64128	CLIFFORD ENGLISH
<i>Renee Buffington</i>	4-7	4800 E 40 <sup>th</sup> Place	64130	Renee Buffington
<i>Dorothy Gatson</i>	4-7	5000 E 42 <sup>nd</sup> St	64130	DOROTHY GATSON
<i>Janice M. Byers</i>	4-7	5006 E. 42 <sup>nd</sup> St	64130	JANICE M. BYERS
<i>Toni White</i>	4-7	4419 E 43 <sup>rd</sup> St	64130	Toni White
<i>Bethie Lucas</i>	4-7	4009 Leona	64130	BETHIE LUCAS
<i>Walter Moore</i>	4-7	3937 Vineyard Rd	64130	Walter Moore
<i>Shatara Sneed</i>	4-7	3007 E 39 <sup>th</sup> St	64128	Shatara Sneed

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*Glora Jack*  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

*Pamela C. McDonald*  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;



B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

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(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0240 05/06/27 PM 12:36:01

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Gloria Jack, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
	4/6/15	10207 Hillcrest	64134	Mari Foster
	4/6/15	PO Box 270533	64128	Robin Frazier
	4/6/15	30th	64124	KARIM Flores Torres
	4/6/15	30th Morris	64128	Ethel Higgins
	4-6-15	8000 E 118th St	64134	Betty Dewberry
	4-7-15	4701 E. 40th Pl. b.c	64130	Candace Collins
	4/7/15	9625 Wallace Ave	64131	Candace Collins
	4/7/15	460 E. 43rd Terr.	64130	Candace Hopkins
	4/7/15	4150 E 43rd Terr.	64130	Dominique Harper
	4/7/15	4904 E 40th Terr	64130	Paul R. Cunningham

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Circulator's Signature

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

Subscribed and sworn to before me this

day of April, 2015  
  
(NOTARY PUBLIC)

[SEAL]



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

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(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



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(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0241 05/06/2015 PM 12:36:05

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd. Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

*Gloria Jack*

being duly sworn, under oath state that the following person, to wit:

Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Collette Byers</i>	7-4-15	4815 East 41 <sup>st</sup> K.C.MO.	64130	COLLETTE BYERS
<i>Stanley Byers</i>	4-7-15	4815 E 41 <sup>st</sup> N.C.M	64130	STANLEY BYERS
<i>Denise Williams</i>	4-7-15	7940 Olive.	64132	Denise Williams
<i>Janice Wofford</i>	4-7-15	5275 801 <sup>st</sup> Ave	64130	Janice Wofford
<i>Billie Shaw</i>	4-7-15	4714 E 44 <sup>th</sup> St	64130	Billie Shaw
<i>Jason Bridgwater</i>	4-7-15	4837 E 43 <sup>rd</sup> St KCMO	64130	Jason Bridgwater
<i>Barbara Watts</i>	4-7-15			Barbara Watts
<i>Maggie Watts</i>		4719 E 39 <sup>th</sup>	64128	Maggie Watts
<i>Willie Watts</i>			64128	WILLIE WATTS
<i>Ronald Wilson</i>	4-7-15	4026 LAW N	64130	RONALD H. WILSON

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*Gloria Jack*  
Circulator's Signature

Subscribed and sworn to before me this

day of *April*, 2015  
*Pamela C. McDonald*  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

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#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

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C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

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#### **SECTION 10 - NOTICE POSTING.**

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0242 05/06/2017 PM 12:36:08

To: Mayor and Council City of Kansas City, Missouri &  
 The Honorable Marilyn Sanders  
 City Clerk of Kansas City, Missouri  
 25<sup>th</sup> Floor, City Hall  
 414 East 12<sup>th</sup> Street  
 Kansas City, Missouri 64106

Phone: (816) 513-3360  
 Fax: (816) 513-3353  
 E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101<sup>st</sup> Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
 )  
 County of Jackson )

I, Gregory Valliant, being duly sworn, under oath state that the following person, to wit:  
 Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Breanna Johnson</u>	<u>4/15/15</u>	<u>3228 Olive Street</u>	<u>64124</u>	<u>Breanna Johnson</u>
<u>JACQUIN GARNETT</u>	<u>4-7-15</u>	<u>3209 BRIGHTON ST</u>	<u>64128</u>	<u>Jacquie Garnett</u>
<u>Lorice Randolph</u>	<u>4-7-15</u>	<u>3425 Colorado</u>	<u>64128</u>	<u>Lorice Randolph</u>
<u>Cornelia Gaudreau Jr.</u>	<u>4-7-15</u>	<u>3316 Colorado Ave</u>	<u>64128</u>	<u>Cornelia J. Gaudreau</u>
<u>Danyel Davis</u>	<u>4-7-15</u>	<u>3704 Cypress</u>	<u>64128</u>	<u>Danyel Davis</u>
<u>Marian Reed</u>	<u>4-7-15</u>	<u>5620 E 36<sup>th</sup> Ter</u>	<u>64128</u>	<u>Marian Reed</u>
<u>Bennie M. Williamson</u>	<u>4-7-15</u>	<u>3384 Colorado</u>	<u>64128</u>	<u>Bennie M. Williamson</u>
<u>Bernadette Arden</u>	<u>4/7/15</u>	<u>3610 Cypress</u>	<u>64128</u>	<u>Bernadette ARDEN</u>
<u>Robert Murphy</u>	<u>4/7/15</u>	<u>3610 Cypress</u>	<u>64128</u>	<u>ROBERT MURPHY</u>
<u>Robert Murphy</u>	<u>4-7-15</u>	<u>5112 36<sup>th</sup> St</u>	<u>64128</u>	<u>ROBERT MURPHY</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory Valliant  
 Circulator's Signature

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2015  
Pamela C. McDonald  
 (NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
 Notary Public - Notary Seal  
 STATE OF MISSOURI  
 Jackson County  
 My Commission Expires: 5/22/2017  
 Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

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### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

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(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0243 05/06/27 PM 12:36:13

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Gregory Valliant, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. Maggie Kaley	4/7/15	3401 QUINCY AVE	64128	MAGGIE KALEY
2. Victor Scott Sr	4/7/15	3388 Colorado Ave	64128	VICTOR SCOTT SR
3. Lauren Monroy	4/7/15	3225-Denver Dr, Apt 4	64128	Lauren Monroy
4. Janice Brown	4/7/15	3621 Cypress	64128	Janice Brown
5. Deborah Davis	4/7/15	3508 SPRUCE AVE	64128	DAVIS, Deborah C
6. Cherisa Davis	4/7/15	3508 Spruce Ave	64128	Cherisa Davis
7. Anita Bell	4-7-15	3711 Jackson 16	64128	ANITA BELL
8. Patricia Moran	4-7-15	3522 Cypress	64128	PATRICIA MORAN
9. Jananda Davis	4-7-15	3704 Cypress	64128	JANANDA DAVIS
10. Greg Valliant	4/7/15	3520 HARVESTY	64128	GREG VALLIANT

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gregory Valliant  
Circulator's Signature

Subscribed and sworn to before me this 7 day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.

(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

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tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0244 05/06/2017 PM 12:36:16

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

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<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
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<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

Gloria Jack being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Emma C. Moore</u>	<u>4/7/15</u>	<u>3927 Lawn</u>	<u>64130</u>	<u>EMMA C. MOORE</u>
<u>Phyllis Brown</u>	<u>4/7/15</u>	<u>5709 E. 37<sup>th</sup> Terr.</u>	<u>64130</u>	<u>Phyllis P. Brown</u>
<u>Robert Black</u>	<u>4/7/15</u>	<u>5209 E 41<sup>st</sup></u>	<u>64130</u>	<u>ROBERT BLACK</u>
<u>Lee Black</u>	<u>4-7-15</u>	<u>5209 E. 41<sup>st</sup> St.</u>	<u>64130</u>	<u>Lee Black</u>
<u>Donald Shirley</u>	<u>4-7-15</u>	<u>5225 E. 40<sup>th</sup> TER</u>	<u>64130</u>	<u>DONALD SHIRLEY</u>
<u>Raymond L. Decker</u>	<u>4-7-15</u>	<u>4300 Elmwood</u>	<u>64130</u>	<u>RAYMOND L. DECKER</u>
<u>Lenora E. Crowder</u>	<u>4/7/15</u>	<u>4041 Lawn Ave</u>	<u>64130</u>	<u>LENORA E. CROWDER</u>
<u>Gregory B. Barnes</u>	<u>4/7/15</u>	<u>4218 Vineyard Rd</u>	<u>64130</u>	<u>Gregory B. Barnes</u>
<u>Fredie M. Barnes</u>	<u>4/7/15</u>	<u>4218 Vineyard Rd</u>	<u>64130</u>	<u>Fredie M. Barnes</u>
<u>Sammie M. Harris</u>	<u>4/7-15</u>	<u>4218 Vineyard Rd</u>	<u>64130</u>	<u>SAMMIE M. HARRIS</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gloria Jack  
Circulator's Signature

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC)

[SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

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**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

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### **SECTION 3 - APPLICABILITY.**

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

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B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0245 05/06/2017 PM 12:36:21

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, GLORIA JACK, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
1. Clayton McDaniel	4/7/15	4332 Elmwood	64130	CLAYBORN MCDANIEL
2. Bessie Canady	4/7/15	4803 E 40 <sup>th</sup> Place	64130	BESSIE CANADY
3. Pamela McKinney	4/7/15	4701 E. 40 <sup>th</sup> St	64130	Pamela McKinney
4. Cecil Kendrick	4/7/15	4224 Hardisty	64130	Cecil Kendrick
5. Maggie Green	4/7/15	4641 E 43 <sup>rd</sup> Terr	64130	MAGGIE GREEN
6. Jonas Byers	4/7/15	4921 E. 41 <sup>st</sup> St	64130	Jonas Byers
7. Nellie S Byers	4-7-15	4921 E 41 <sup>st</sup> St	64130	Nellie S Byers
8. Betty Byers	4-7-15	4214 Vineyard Rd	64130	Betty BYERS
9. Dana Byers	4-7-15	4214 Vineyard rd	64130	Dana BYERS
10. Teresa Williams	4-7-15	4212 Hardisty	64130	TERESA WILLIAMS

I signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gloria Jack  
Circulator's Signature

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]

**PAMELA C. McDONALD**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient



tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.

#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.



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**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0246 05/06/2015 PM 12:36:24

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

<u>Rev. Samuel E. Mann</u>	<u>3665 Harrison Blvd, Kansas City, MO 64109</u>
<u>Lloyd Fields</u>	<u>7500 E. 110<sup>th</sup> Street, Kansas City, MO 64134</u>
<u>Rodney Williams</u>	<u>1104 W. 101<sup>st</sup> Terrace Apt. C, Kansas City, MO 64114</u>
<u>Tex Sample</u>	<u>4219 N. Jarboe CT., Kansas City, MO 64116</u>
<u>Wallace S. Hartsfield</u>	<u>2843 Benton Blvd., Kansas City, MO 64128</u>

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann,

State of Missouri )  
County of Jackson )

I, Gloria Jack, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<u>Willie E. Esty</u>	<u>4-7-15</u>	<u>4645 E 43rd Terr</u>	<u>64130</u>	<u>WILLIE ESTES</u>
<u>Ruben Esty</u>	<u>4-7-15</u>	<u>4645 E 43rd Terr</u>	<u>64130</u>	<u>RUBEN ESTES</u>
<u>Francis Robie</u>	<u>4-7-15</u>	<u>4037 Lawn</u>	<u>64130</u>	<u>FRANCIS ROBIE</u>
<u>Reahlene D. Ingram</u>	<u>4-7-15</u>	<u>53934 Chelsea</u>	<u>64130</u>	<u>Reahlene D. Ingram</u>
<u>Charles V. Burnett</u>	<u>4-7-15</u>	<u>5114 E. 39th Terrace</u>	<u>64130</u>	<u>CHARLES V. BURNETT</u>
<u>Melvie D. George</u>	<u>4-7-15</u>	<u>4644 E 43 Terr</u>	<u>64130</u>	<u>Melvie D. George</u>
<u>Barbara J. Cruse</u>	<u>4-7-15</u>	<u>4732 E. 40th Place</u>	<u>64130</u>	<u>BARBARA J. CRUSE</u>
<u>Thomas L. Cruse Jr.</u>	<u>4-7-15</u>	<u>4732 E. 40th Place</u>	<u>64130</u>	<u>THOMAS L. CRUSE JR.</u>
<u>Jerry T. Linn</u>	<u>4-9</u>	<u>WANKUM 4009 Linn</u>	<u>64130</u>	<u>Jerry T. Linn</u>
<u>Linda A. Winn</u>	<u>4-9</u>	<u>4317 Jackson</u>	<u>64130</u>	<u>Linda A. Winn</u>

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

Gloria Jack  
Circulator's Signature

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912

Subscribed and sworn to before me this 7<sup>th</sup> day of April, 2015

Pamela C. McDonald  
(NOTARY PUBLIC) [SEAL]





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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

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(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

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#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

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D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

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It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

#### **SECTION 8- PROSPECTIVE APPLICATION.**

Nothing in this Ordinance shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Missouri Constitution, Article 1, Section 13.

#### **SECTION 9 - SEVERABILITY.**

The requirements and provisions of this Ordinance are severable. In the event that any requirement, provision, part, subpart or clause of this Ordinance, or the application thereof to any person or circumstance, is held by a court of competent jurisdiction to be invalid or unenforceable, it is the intent of the Council that the remainder of the Ordinance be enforced to the maximum extent possible consistent with the objective of ensuring a living wage.



#### **SECTION 10 - NOTICE POSTING.**

Any holder of a City of Kansas City, Missouri business license shall, as a condition of obtaining or holding a business license, post and display in a prominent location next to its business license a notice that the business is in compliance with the provisions of this Ordinance and shall include the text of Sections 3 and 5 of this Ordinance. Failure to comply with this Section shall be construed as a violation of this Ordinance and, in addition, shall be considered grounds for suspension, revocation, or termination of the business license.

#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

This Ordinance shall become effective the later of September 1, 2015 or sixty (60) days after its adoption by the City Council.





It is unlawful for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or sign a petition when such person knows he or she is not a registered voter, or encourage anyone to do so.

**PETITION FOR INITIATIVE TO ESTABLISH A LIVING WAGE IN THE CITY OF KANSAS CITY, MISSOURI**

0247 05/06/27 PM 12:36:27

To: Mayor and Council City of Kansas City, Missouri &  
The Honorable Marilyn Sanders  
City Clerk of Kansas City, Missouri  
25<sup>th</sup> Floor, City Hall  
414 East 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Phone: (816) 513-3360  
Fax: (816) 513-3353  
E-mail: Mayilyn.Sanders@kcmo.org

The undersigned, being duly registered voters of the City of Kansas City, Missouri, respectfully request that the Code of Ordinances of the City of Kansas City, Missouri, be amended to enact a new Section establishing a living wage within the City of Kansas City, Missouri; specifying employers subject to the living wage; making findings as to the necessity of a living wage; establishing a prohibition against retaliation for reporting violations of the living wage; providing for remedies and penalties; providing the process to be employed upon complaints of violations; establishing severability; and providing an effective date; and that it be submitted to the qualified voters of the City of Kansas City, Missouri, for their approval or rejection at the next municipal, state, or general election, or as may otherwise be provided by law. A copy of the proposed Ordinance is attached hereto.

The following five electors of the City, as the Committee of Petitioners, shall be regarded as filing the Petition:

Rev. Samuel E. Mann	3665 Harrison Blvd, Kansas City, MO 64109
Lloyd Fields	7500 E. 110 <sup>th</sup> Street, Kansas City, MO 64134
Rodney Williams	1104 W. 101 <sup>st</sup> Terrace Apt. C, Kansas City, MO 64114
Tex Sample	4219 N. Jarboe CT., Kansas City, MO 64116
Wallace S. Hartsfield	2843 Benton Blvd., Kansas City, MO 64128

Each of the undersigned agrees that this Petition may be filed in counterparts, without the presentation of other signed counterparts to those who have signed below. Any questions or comments regarding this Petition may be directed to Rev. Samuel E. Mann.

State of Missouri )  
County of Jackson )

I, Gloria Jack, being duly sworn, under oath state that the following person, to wit:  
Circulator's Printed Name

Name (signature)	Date Signed	Registered Voting Address	Zip Code	Name (printed or typed)
<i>Beuford R. Robins</i>	4-7-15	3959 Chelsea Kc. Mo.	64130	BEUFORD ROBINSON
<i>Lula R. Luster</i>	4/7/15	4332 Spruce	64130	Lula R Luster
<i>Charles H. Pearson</i>	4/7/15	5000 E. 41 <sup>st</sup> TERR.	64130	CHARLES H. PEARSON
<i>Goldie Pearson</i>	4/7/15	5000 E 41 Terr	64130	Goldie P Pearson
<i>Caroline Williams</i>	4/7/15	4100 So. Benton <sup>WV</sup>	64130	Caroline William
<i>Gregory Gohlston</i>	7/7/15	4212 HARVEST	64130	GREGORY GOHLSTON
<i>Linda Baker</i>	4-7-15	4653 E. 43 <sup>rd</sup> Terr	64130	LINDA BAKER
<i>Albert H. Collins</i>		4657 E 43 <sup>rd</sup> Terr	64130	Albert H. Collins
<i>Barry G. Taylor</i>	4/7/15	4707 E. 45 <sup>th</sup> Terr	64130	Barry G. Taylor
<i>Ruth E. Roe</i>	4-7-15	3918 Quincy Ave	64130	Ruth E. Roe

signed the foregoing petition paper and each of them signed his or her name thereto in my presence. I believe that each has stated his or her name and address correctly, has signed the petition only once, and that each signer is an elector of Kansas City, Missouri.

*Gloria Jack*  
Circulator's Signature

Subscribed and sworn to before me this 6<sup>th</sup> day of April, 2015

*Pamela C. McDonald*  
(NOTARY PUBLIC) [SEAL]

PAMELA C. McDONALD  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Jackson County  
My Commission Expires: 5/22/2017  
Commission # 13504912



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

**AN ORDINANCE ESTABLISHING A LIVING WAGE WITHIN THE CITY OF KANSAS CITY, MISSOURI; SPECIFYING EMPLOYERS SUBJECT TO THE LIVING WAGE; MAKING FINDINGS AS TO THE NECESSITY OF A LIVING WAGE; ESTABLISHING A PROHIBITION ON RETALIATION FOR REPORTING VIOLATIONS OF THE LIVING WAGE; PROVIDING FOR REMEDIES AND PENALTIES; PROVIDING THE PROCESS TO BE EMPLOYED UPON COMPLAINTS OF VIOLATIONS; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, to safeguard the public welfare, health, safety, and prosperity of the people in the City of Kansas City, Missouri, it is essential that working persons earn wages that ensure a decent and healthy life; and

**WHEREAS**, a number of Kansas City, Missouri families live below the poverty level, and many who are employed do not earn sufficient wages to be self-sufficient; and

**WHEREAS**, when businesses do not pay a livable wage the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services; and

**WHEREAS**, an increase in the minimum wage paid to employees could potentially increase workplace productivity, save costs through reduced employee turnover, boost income for families, restore work/family balance, enhance the local tax base, and reduce certain health care costs; and

**WHEREAS**, the Council now desires to adopt an ordinance to increase the Minimum Wage to be provided to employees working in the City of Kansas City, Missouri;

**NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNSEL:**

**SECTION 1 - AUTHORITY.**

This Ordinance is enacted pursuant to its general police powers and the authority to provide for the general health and welfare of its citizens as established by the Missouri Constitution, Article VI, Section 19(a), giving a charter city all powers which are consistent with the Missouri Constitution and that are not limited or denied by the City of Kansas City, Missouri Charter or by statute.

**SECTION 2 - DEFINITIONS.**

A. "Apprentice" means a person bound to serve another for a specified time in order to learn some art, trade, profession, or business;

B. "Base wage" means the minimum hourly rate of compensation that an employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips shall be paid pursuant to this Ordinance;

C. "Commission" means a payment based on a percentage of the value of sales or other business done;

D. "Living wage" means the minimum hourly rate of compensation that an employee shall be paid; and

E. "Tip" means a gratuity earned by an employee for providing good service.

### **SECTION 3 - APPLICABILITY.**

A. This Ordinance shall be effective within the corporate limits of the City of Kansas City, Missouri, established by Article 1, Section 101 of the Kansas City, Missouri Charter.

B. Employees of the City of Kansas City, Missouri shall be paid the living wage established by Section 5 of this Ordinance. However, the provisions of this subsection are expressly limited by and subject to collective bargaining agreements between the City of Kansas City, Missouri and any bargaining unit.

C. As of the effective date of this Ordinance, contracts entered into by the City of Kansas City, Missouri for services, including construction services, shall require the contractor to pay the living wage established by this Ordinance.

D. Businesses required by the City of Kansas City, Missouri to have a business license from the City of Kansas City, Missouri shall pay the living wage established by this Ordinance.

E. For purposes of identifying who shall be paid the living wage established by this Ordinance, all individuals employed in the corporate limits of the City of Kansas City, Missouri, whether on a part-time, full-time or temporary basis, shall be considered to be an employee for purposes of this Ordinance. Also considered an employee for purposes of this Ordinance are contingent or contracted workers, and persons working through a temporary service, staffing or employment agency or similar entity. However, the following shall not be considered employees entitled to the living wage established by this Ordinance:

(1) An individual employed by the United States, the State of Missouri or any political subdivision of the State other than by the City of Kansas City, Missouri;

(2) An individual engaged in the activities of an educational, charitable, religious or nonprofit organization where the employer-employee relationship does not, in fact, exist or where the services rendered to such organizations are on a voluntary basis;

(3) Apprentices in a registered apprentice program recognized by the State of Missouri or the Federal Bureau of Apprenticeship and Training, as well as any apprentice participating in an apprenticeship program providing significant instructional and practical experience and offered by the City of Kansas City, Missouri.



(4) Temporary employees of an educational, charitable or religious youth camp or retreat where room and board are provided to the employee, or if a day camp, where board only is provided. To qualify under this exemption the employer must hold a valid certificate issued annually by the Director of the Missouri Department of Labor pertaining to exemption of seasonal employees;

(5) Any employee that is the parent, spouse, child or other member of the employer's immediate family; for purposes of this subsection, the employer shall include the principal stockholder of a family corporation;

(6) Interns working for a business for academic credit in connection with a course of study at an accredited school, college or university; and

(7) Persons working for a business in connection with a court-ordered community service program.

#### **SECTION 4 - FINDINGS.**

A. The City Council finds that the public welfare, health, safety and prosperity of citizens of the City of Kansas City, Missouri requires that citizens be paid a living wage sufficient to ensure a decent and healthy life;

B. The City Council finds that establishing a mandatory minimum hourly wage will promote the public welfare, health, safety and prosperity by ensuring that citizens can better support and care for their families through their own efforts;

C. The City Council finds that when businesses do not pay adequate wages, the community bears the cost in the form of increased demand for taxpayer-funded social services;

D. The City Council finds that it is in the public interest to require that employers benefiting from the opportunity to do business in the City of Kansas City, Missouri pay employees a living wage that is adequate to meet the basic needs of living in the City of Kansas City, Missouri.

#### **SECTION 5 - LIVING WAGE PAYMENT REQUIREMENTS.**

A. Except as provided in subsection B, the living wage paid to an employee not excluded as set forth above, shall be ten dollars (\$10.00) per hour, effective September 1, 2015. Beginning September 1, 2017, the living wage shall be increased by \$1.25 each year thereafter for the next four years. The City of Kansas City, Missouri shall post the living wage established by this Ordinance on its website after this Ordinance becomes effective and at least ninety (90) days prior to each adjustment of the living wage.

B. An employee who customarily and regularly receives more than thirty dollars (\$30.00) a month in tips and/or commissions shall be paid at least a base wage equivalent to sixty percent of the living wage established by this Ordinance. Initially the base wage rate shall be six dollars (\$6.00). That wage will increase simultaneously and proportionately with each living wage increase. The employer may consider tips and commissions as part of wages, but the tips and commissions combined with the employer's payment of wages to the employee shall not equal less than the living wage as provided in subsection A of this section. In the event an employee earns insufficient

tips and/or commissions combined with the base wage to receive a wage at least equal to the living wage established by this Ordinance, the employer shall pay the employee the difference to ensure the employee receives a wage equal to the living wage established by this Ordinance. All tips received by such employee shall be retained by the employee, except that nothing in this section shall prohibit the pooling of tips among employees. Where employees practice tip pooling or splitting (as where staff give a portion of their tips to bus persons), only the amount actually retained by each employee shall be considered part of that employee's wages.

#### **SECTION 6 - PROHIBITION AGAINST RETALIATION AND CIRCUMVENTION.**

It shall be unlawful for any employer or employer's agent or representative to discharge, demote, deny promotion to or in any way discriminate against an employee in the terms or conditions of employment in retaliation for the person asserting a claim or right pursuant to this Ordinance or assisting another person to do so.

#### **SECTION 7 - REMEDIES AND PENALTIES.**

A. A person violating this Ordinance shall be subject to a fine of \$500. Any person violating any of the requirements of this Ordinance shall be guilty of a separate offense for each day or portion thereof and for each worker or person as to which any such violation has occurred.

B. The City, any individual aggrieved by a violation of this Ordinance, or any entity whose members have been aggrieved by a violation of this Ordinance, may bring a civil action in a court of competent jurisdiction to restrain, correct, abate or remedy any violation of this Ordinance and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, reinstatement, the payment of any wages due, an additional amount as liquidated damages equal to twice the amount of any wages due, injunctive relief, and reasonable attorney's fees and costs.

C. The remedies provided in this Ordinance are not exclusive, and nothing in this Ordinance shall preclude any person from seeking any other remedies, penalties, or relief provided by law.

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#### **SECTION 11 - PROCEDURE.**

A complaint form for use in reporting violations of this Ordinance shall be available on the City webpage for use in reporting violations.

#### **SECTION 12 - EFFECTIVE DATE.**

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