City of Burien
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burienwa.gov

Burien Administrative Rules #2026-01 Fair Labor Standards Under BMC 5.16		
Approval Date:		
Authors and Contributors:		

SECTION 1: PURPOSE AND CONSTRUCTION

1.1 Purpose

The purpose of these Administrative Rules is to provide rules and procedures to implement and ensure compliance with chapter 5.16 of the Burien Municipal Code and BMC 5.05.141 (collectively, "Ordinance" or "BMC Chapter 5.16") and to ensure that the employees as specified in the Ordinance who work in the City of Burien ("City") (1) receive at least a minimum wage comparable to employees in neighboring cities of SeaTac, Seattle, and Tukwila ("Wage Requirement"); and (2) have fair access to additional hours of work ("Additional Hours Requirement").

1.2 Construction

These Administrative Rules do not cover every requirement of the Ordinance. If a matter arises in administering the Ordinance that is not specifically covered by these rules and procedures, the City Manager, or designee, shall specify the practices to be followed. These rules and procedures shall be liberally construed to permit the City to accomplish its administrative duties in implementing the Ordinance, including providing technical assistance, determining if a violation has occurred, and proscribing penalties and remedies. These rules and procedures are declared to be separate and severable. If any chapter, clause, sentence, paragraph, subdivision, section, subsection, or portion of these rules and procedures or the application thereof to any employer, employee, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of these rules and procedures, or the validity of the application of the rules and procedures to other persons or circumstances. The Ordinance shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater requirements; and nothing in the Ordinance or in these rules and procedures shall be interpreted or applied to create any power or duty in conflict with federal or state law.

SECTION 2: RULES AND PROCEDURES SPECIFIC TO THE MINIMUM WAGE REQUIREMENT

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2.1 - Intent

This Chapter provides rules and procedures explaining the minimum wage rate requirements.

2.2 - Minimum Wage Rates

Large employers *(501 or more employees)*	• 2025 Burien large employer minimum wage hourly rate: $21.10 • **2026 Burien large employer minimum wage hourly rate:$21.78** • 2027 and beyond Burien large employer minimum wage hourly rate: prior year's rate + CPI[1]
Medium employers *(16-500 employees)*	• 2025 Burien medium employer minimum wage hourly rate: $19.10 • **2026 Burien medium employer minimum wage hourly rate: $20.78** • 2027 and beyond Burien medium employer minimum wage hourly rate: Equal to the then-current large employer rate
Small employers *(15 or fewer employees)*	• 2025 Burien small employer minimum wage hourly rate: $18.10 • **2026 Burien small employer minimum wage hourly rate: $19.28** • 2027 Burien small employer minimum wage hourly rate: 2027 large employer rate minus $2.00 • 2028 Burien small employer minimum wage hourly rate: 2028 large employer rate minus $1.50 • 2029 Burien small employer minimum wage hourly rate: 2029 large employer rate minus $1.00 • 2030 Burien small employer minimum wage hourly rate: 2030 large employer rate minus $0.50 • 2031 and beyond Burien small employer minimum wage hourly rate: Equal to the then-current large employer rate

[1] "CPI" refers to the Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the 12-month period ending in August

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A. Other Minimum Wage Requirements

Nothing in the Ordinance shall be interpreted or applied to create any power or duty in conflict with federal or state law.

B. Questions and Answers regarding Minimum Wage Rates

Question 1: How can employers find out what the minimum wage is for 2025 and subsequent years?

Answer: The City Manager, or designee, will establish and publish the applicable hourly minimum wage rate for the following year by October 15 of each year. The City has posted the minimum wage for 2026 on its website at burienwa.gov/MinimumWage. The City anticipates using its website to post the minimum wage in the future. If the link above is broken, or if you would like a copy of the applicable wage rate, contact the City by email at MinimumWage@burienwa.gov.

Question 2: Is the index used by the City of Burien to calculate the Burien minimum wage different from the index that is used to calculate the state minimum wage?

Answer: Yes. The state uses the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), which is the average for U.S. cities, and the City of Burien uses the CPI-W for the Seattle-Tacoma-Bellevue Area.

SECTION 3: ENFORCEMENT

3.1 Intent

This Chapter is to provide rules and procedures to assist in understanding: 1) who can bring a civil action to enforce the Ordinance; 2) who can be sued for a violation of the Ordinance; 3) what remedies are available to a person or a class of persons that suffers financial injury or prohibited retaliation as a result of a violation of the Ordinance; 4) the process for submitting a complaint to the City Attorney; and 5) administrative actions the City may pursue for violations of the Ordinance.

3.2 Civil Actions for Violation of the Ordinance

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Any person or class of persons that suffers financial injury as a result of a violation of BMC Chapter 5.16 or is the subject of prohibited retaliation under BMC 5.16, or any other individual or entity acting on their behalf, may bring a civil action in a court of competent jurisdiction against the employer or other person violating BMC Chapter 5.16. A civil action must be filed within five years of the date of the violation of BMC Chapter 5.16.

3.3 Complaints to the City Attorney for Violation of the Ordinance

Complaints that any provision of the Ordinance has been violated may also be presented to the City Attorney (cityattorney@burienwa.gov), who is hereby authorized to investigate and, if they deem appropriate, initiate legal or other action to remedy any violation of the Ordinance. The City will follow up if additional information is needed or if the City intends to take action on such complaints. Filing a complaint with the City Attorney is not a prerequisite for filing a civil action.

SECTION 4: EMPLOYER NOTICES, RECORDKEEPING, AND COMPLIANCE CERTIFICATION

4.1 Intent

This Chapter is to provide rules and procedures that explain what records must be maintained for purposes of compliance and enforcement of BMC Chapter 5.16, and the steps employers must take to certify compliance with BMC Chapter 5.16.

4.2 Records Retention Requirements

A. Types of Records that Employers Should Retain

Under BMC 5.16.080(3), employers must retain records as required by RCW 49.46.070.

4.3 Certification Requirements

A. Annual Certification

BMC 5.16.110 requires employers to annually certify their compliance with BMC Chapter 5.16. The annual certification shall be made using a form provided or a method approved by the City.

B. Questions and Answers regarding Certification

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Question 1: How do employers transmit the certification of compliance to the City?

Answer: Development of certification process is currently in progress and will be shared out when available.

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