

D.C. Politics

Majority of D.C. Council moves to overturn tipped-wage ballot measure

by [Peter Jamison](#) July 10 [✉ Email the author](#)

A majority of the D.C. Council on Tuesday backed repeal of a ballot measure approved by voters last month that would force businesses to pay more to servers, bartenders, bellhops and other hourly workers who depend on tips.

Seven of the council's 13 members co-introduced a bill that would overturn Initiative 77, which was passed by 56 percent of District voters in June's [primary election](#).

The initiative would stop businesses from counting the tips received by employees toward the minimum wage they must earn under law. The District's minimum hourly wage is now \$13.25 and is on track to reach \$15 by 2020. Currently, employers are allowed to pay tipped workers just [\\$3.89 per hour](#) if tips make up the difference.

Initiative 77 was backed by liberal activists and some workers who argued that some workers did not receive enough in tips to earn the minimum wage and that their employers failed to fill the gap.

The ballot question was strongly opposed by the city's restaurant industry and some servers who said it would raise labor costs and force businesses to cut jobs, reduce hours or even close. The restaurant association began lobbying for repeal just moments after votes were counted on election night.

The repeal bill's backers were D.C. Council Chairman Phil Mendelson (D) and council members Jack Evans (D-Ward 2), Brandon T. Todd (D-Ward 4), Kenyan R. McDuffie (D-Ward 5), Anita Bonds (D-At Large), Vincent C. Gray (D-Ward 7) and Trayon White Sr. (D-Ward 8).

[Tipping the scales: Initiative 77 could dramatically affect D.C. restaurants]

"Initiative 77 passed in every single one of these Council members' districts," Jeremy Slevin, director of antipoverty advocacy at the Center for American Progress, wrote on Twitter. "How do they explain to their constituents who elected them that they openly ignored their votes?"

Diana Ramirez of the Restaurant Opportunities Center DC, which sponsored the initiative, called the council's repeal effort "flat-out voter suppression."

Reva Schwartz, a Ward 4 resident, said in an interview that she wrote letters to both Mendelson and Todd on Tuesday after learning of the repeal bill.

Schwartz, 45, said that while she had voted for the ballot measure, she believes a separate principle was at stake.

"They're talking about throwing my vote away," she said. "That's honestly how it feels. And everybody, regardless of how they voted, should be upset about that."

Mendelson said in an interview that the wording of the ballot initiative was misleading — implying that tipped workers were not already subject to the minimum wage — and that he had heard from a large number of workers opposed to the measure.

"For a measure that is advertised as helping workers, to have so many workers opposed is striking," he said.

Mendelson said he felt "a lot of hesitation" in overturning the decision of voters but noted that despite his public opposition to the measure, he won the Democratic primary last month with 63 percent of the vote.

"Voters voted for somebody who was opposed while at the same time voting for the initiative," he said. "I think that's an important dynamic here."

With the council about to break for a summer recess, the [repeal legislation](#) will not advance until the fall. It was nevertheless an ominous development for supporters of Initiative 77, who have suggested they may be willing to compromise with opponents rather than face a total repeal.

The council has overturned successful ballot initiatives at least four times since the 1980s. In 1996, lawmakers reversed a 1992 initiative that tightened limits on local campaign contributions, and in 2001, they overturned a measure that established term limits.

The council's move against Initiative 77 is part of a national trend in which more states are exercising their power to annul voter-approved ballot measures, said Kellie Dupree of the Ballot Initiative Strategy Center, which advocates the use of direct democracy to advance progressive causes. In the last two years, ballot measures in [Maine](#) and [South Dakota](#) have been threatened by legislators after victory at the ballot box.

"A lot of state legislatures have the ability to overturn," Dupree said. "But up until a few years ago you didn't see it used as often."

Initiative 77 won in every ward except Ward 3, which includes some of the city's most affluent neighborhoods. Oddly enough, that ward's council member, Mary M. Cheh, was [the only District lawmaker](#) to publicly support the measure.

[D.C. voters approve wage increase for restaurant workers]

Not all elected officials who fought the initiative on the campaign trail now support repeal. Council member Brianne K. Nadeau (D-Ward 1) said that she had opposed Initiative 77 based on the input of tipped workers but that she also felt obligated to respect the election results.

"While I didn't support this initiative at the ballot box, Ward 1 voters did," Nadeau said in a statement. "The bill introduced today would be a full repeal of the initiative, which I do not feel comfortable with."

Ramirez, of the Restaurant Opportunities Center DC, said she hopes to be able to lobby council members over the summer to craft compromise legislation that preserves key parts of the initiative while softening its impact on restaurants — for example, by adjusting the law's phase-in period.


"Whatever they think would be helpful, we're willing to talk about that, and we're willing to get there," Ramirez said. "We just want to get there."

Reis Thebault contributed to this report.

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