

# NY servers seek raise as restaurant owners defend tip system

By DEEPTI HAJELA AND DAVID KLEPPER  
The Associated Press



AP Photo/Richard Drew

**A bartender works behind the bar at an establishment in New York. New York is considering raising the sub-minimum to \$7 an hour to decrease the reliance on tips. But restaurant owners are fighting the proposal, which they say would lead to higher menu prices and hurt the very employees it's designed to help.**

require all employees to earn the full minimum wage per hour, currently at \$9.25. Washington is also one of only seven states that require servers to get minimum wage, set at \$9.47 now. The federal minimum wage is \$7.25 an hour.

Now New York is considering raising the sub-minimum to \$7 an hour to decrease the

reliance on tips. But restaurant owners are fighting the proposal, which they say would lead to higher menu prices and hurt the very employees it's designed to help.

Seven states including California have eliminated their tipped wage altogether, requiring all tipped workers to be paid the minimum wage before tips.

Supporters and opponents of higher wages see the tipped wage debate as a preview of a larger legislative fight over the standard minimum wage. In 2013, New York lawmakers voted to gradually raise it from \$7.25 to \$9 per hour at the end of 2015. New York Mayor Bill de Blasio and other supporters now want lawmakers to raise it to \$10.10 and authorize local governments to set it even higher. On Sunday, New York Gov. Andrew Cuomo reiterated his support for the overall minimum wage to increase to \$10.50.

New York's tipped wage hasn't gone up since 2011. It's up to Cuomo's labor commissioner to decide whether to raise it again, and a state wage board was tasked with coming up with a recommendation. This month the board voted against eliminating the wage entirely and is expected to vote on the increase to \$7 in the coming weeks.

Restaurant owners argue a hike would dramatically increase labor costs, putting some out of business.

Dominic Ruzzine runs the Rock Bottom Eatery outside of Buffalo — home to what one

local publication calls the "Best Burger in Buffalo." He said significantly higher wages would — over time — erode the American tipping tradition, prompting diners to tip less, knowing their server makes more in an hourly wage.

"In Canada, they make more, they tip less," he said. "It's ingrained in us, tip 15, 20 percent. That's how it works."

Those who work in the industry say tips can be hit-or-miss. Some days bring in more tips than others, and sometimes they're required to split the tip take with other employees.

Marco Soto, 43, from Ecuador, has worked as a waiter, a bar runner, a bus boy and a food deliveryman. Through a translator, he said he never got all the tips he was due. For example, when he worked making deliveries and the bill was paid by credit card, he didn't always get those tips.

"Sometimes I used to work five or six shifts. I used to go home with \$200 a week," he said.

The federal tipped wage of \$2.13 per hour hasn't changed in 20 years. A White House report

this year recommended raising that wage, and noted that women make up nearly three-quarters of tipped workers. Restaurant servers are almost three times as likely to experience poverty as workers in other industries.

The median wage for New York's 133,550 waiters and waitresses is \$19,103.

Opponents of a higher tipped wage say enforcement of labor laws is a better way to ensure employers are following the law, which requires employers to make up the difference if an employee's tips don't add up to the minimum wage.

Heather Briccetti, president of the Business Council of New York State, serves on the state wage board and said raising the tipped wage too high would significantly disrupt restaurants' finances. She urges caution.

"The average wage in many of these establishments is already well above the minimum wage," she said. "Tipped wage workers have always operated under a different structure (than other workers). A dramatic increase would certainly harm employment in the industry."

## Washington lawmakers introduce unusual proposals

By COOPER INVEEN  
WNPA Olympia News Bureau

OLYMPIA — Would your legislator ever consider decriminalizing heroin possession? Or maybe turning the Supreme Court justices' elections partisan? What about allowing teenagers to taste alcohol?

The 2015 legislative session is just getting started, but already some proposed bills are likely to turn a few heads.

Sixteen Republicans and three Democrats have sponsored House Bill 1051, which would require Supreme Court justices — but no other judicial officer in the state — to declare a partisan affiliation when running for election. One sponsor, Rep. Hans Dunshie, D-Snohomish, has called the bill more of a poke at the Supreme Court than a genuine attempt to pass legislation.

The bill comes in response to the Supreme Court's 2012 McCleary decision, which requires legislators to pass fundamental reforms to state education funding. The bill's sponsors believe the Supreme Court violated the separation of powers by telling legislators explicitly what to do, and therefore "should be considered partisan like the Legislature," according to the bill's first section.

Sen. Jan Angel, R-Port Orchard, has sponsored Senate Bill 5008, which would amend the state definition of a "beverage" to exclude beer and other malt drinks. The proposal is all about the container, though not the liquid inside. The bill would allow business owners to sell beer in a new type of container with a recyclable lid. That type of bottle is prohibited under current law.

HB 1004, co-sponsored by Rep. Larry Springer, D-Kirkland, and nine others, would allow community colleges and universities to hold alcohol tastings for those over the age of 18. It would also allow people between the

ages of 18 and 21 to taste alcohol in relevant courses, such as viticulture.

Rep. Sherry Appleton, D-Poulsbo, co-sponsored HB 1024, which would remove the felony classification from drug possession charges, reducing them to simple misdemeanors. The bill is set to be presented to the House Public Safety Committee on Jan. 16, but Appleton believes it's too early to predict how the proposal will do.

"I expect that moving this through the Legislature will be a big challenge, and I can't predict whether we'll make it this year or not," she said via email. "What I hope to accomplish is to improve on the situation we now have, which finds us with people still incarcerated in our state for simple possession."

Appleton's identical bill last year never made it to the House floor. But proposing the same bill multiple times is not uncommon in the Legislature.

"All ideas need to start somewhere," said independent pollster Stuart Elway. "If they know it's not going to pass this time, maybe next time or five years down the road it'll gain traction. There's a lot of [bills] that take two or three sessions before they ever make it further along."

Among other interesting bills is a measure to outlaw breed-based dog bans, which some dog owners believe unfairly target certain breeds without the science to back up the bans. Another proposed bill would create an advisory committee to set East Asian-medicine standards.

The fate or future of any of these proposals rests with the legislative process that opened Monday in Olympia. For the curious, bills filed and their hearing schedule if referred to committee may be accessed at <http://app.leg.wa.gov/billinfo/>. For Legislature committee schedules, go to <http://leg.wa.gov/legislature/pages/calendar.aspx>

## Library: Project tops the list at City Council's goal-setting session

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Friday for next fiscal year, however, Councilor Drew Herzig objected to the use of the word "renovation" given the public concern about the Waldorf, so councilors only agreed to include a library project on their wish list.

Mayor Arline LaMear, a former librarian who favors the library renovation plan, said the City Council would hold a work session to sort through the issue.

Brett Estes, the city manager, said city staff is awaiting direction on the library from the new mayor and council.

"I think that's why he's asking us for some direction, because we don't know where everybody is on this council," LaMear said after the goal-setting session. "And, in fact, the preliminary discussions I've had with the two new members — they're not sure how they're going to vote."

"So I think we need to have a whole lot more discussion. And I think that's why a work session is going to be helpful, because we really need to know where everybody on the council stands."

"Are we going reverse what the former council decided to do?" she asked. "If so, we're going to go back to step one in a lot of ways. And we did put several years and a lot of money into this plan as it is right now."

Herzig believes the city is at a good point with the library project "because the community has awakened to the plans that were being discussed and is giving us very definite input on what they would like to see and what they would not like to see."

"So I'm glad that we were able to take a step back. I don't think it's a waste. I think it's a very important step to make sure that we're moving this in the direction that the community can really support, because without community support, there's no way we can finance a new library for the city."

"We truly need one," Herzig said. "But we truly need one that as many community members as possible can support."

City councilors were flooded with coordinated outreach by preservationists about the Waldorf before the goal-setting session. A makeshift appeal also appeared on a window of the dilapidated hotel between City Hall and the library that read: "Save the Merwyn."

In a letter earlier this month to the mayor and City Council, Ted Osborn, the president of the Lower Columbia Preservation Society, urged the city to cease any consideration of razing the



JOSHUA BESSEX — The Daily Astorian

**A woman walks by a sign pasted on the window of the Waldorf Hotel Friday. Last January, the City Council voted to accept a renovation plan that involved expanding the Astoria Library into the Waldorf Hotel. That plan is now in doubt after efforts by the Lower Columbia Preservation Society and after councilors Cindy Price and Zetty Nemlowill said they want more information about the plan.**

### CITY COUNCIL'S OTHER PRIORITIES

- Work toward a strategic plan.
- Improve Heritage Square.
- Promote positive economic development through strengthening partnerships and streamlining processes.
- Improve the safety and efficiency of the transportation system by: advocating for an Astoria bypass; evaluating the retaining wall system under downtown streets; addressing pedestrian safety; and considering two-way traffic on Bond Street.
- Promote housing Astorians can afford.
- Implement the Riverfront Vision Plan.
- Develop a parks and recreation master plan.
- Address maintenance and operations issues at the city's Ocean View Cemetery.
- Develop an improvement plan for the western gateway to the city.
- Hold a public presentation on the city's emergency-preparedness plan.

hotel. He suggested that the library might be expanded into the ground floor or basement of the hotel or the nearby Elks building. The city could also pursue other alternatives, such as expanding up or down at the library's existing location.

"If the Merwyn Hotel is

razed, another important piece of Astoria's unique heritage will be lost forever," Osborn said. "If, on the other hand, it is spared and its presence beside City Hall revered and recognized by the City Council as the community asset it once was and can be again, those people

whose passion it is to repurpose old structures could see the city as a potential partner, and viable solutions could and would be given a chance to follow."

Estes assured councilors Friday that the city has not discussed an acquisition price with the Waldorf's private owner, Groat Brothers Inc., a transportation and demolition firm in Washington state. An attempt to demolish the hotel a few years ago was rejected by the city's Historic Landmarks Commission. At that time, there were public estimates about the cost of demolition and what the city might be willing to pay for the property.

The library project topped the list at the City Council's goal-setting session, an annual planning and relationship-building exercise — moderated by Wes Hare, the city manager of Albany — meant to help focus the council's policy agenda for the upcoming fiscal year.

## Drones record seagull nests in California

PACIFIC GROVE, Calif. (AP) — A California seaside community plans to deploy drones to record video of rooftop nests that need to be removed to protect seagulls.

The Monterey Herald reports (<http://bit.ly/1J9fWFP>) that business property owners have until Feb. 20 to remove

the birds' nests on their buildings or face fines.

Seagulls are a federally protected species and can't be disturbed once they settle into nests and lay eggs.

A few falcons will also be released by trainers to sweep over rooftops too. Officials say the idea with the rap-

tors and drones is to give the birds a safe place to lay their nests.

Once the drone video is in, property owners will be sent photos of the nests and told to remove them.

Officials say drones and raptors will not fly over residential areas.

## PUBLIC NOTICE

### CMH ENT/Cosmetic Surgery Clinic to close Feb. 20, 2015

After two years of dedicated service, Dr. Christopher Nyte will be leaving Astoria and the CMH ENT/Cosmetic Surgery Clinic will be closing.

Dr. Nyte will continue to keep scheduled appointments until Feb. 20, 2015, and will ensure that his patients have alternative options if they have been under his care. Any patients who have seen Dr. Nyte in the CMH ENT/Cosmetic Surgery Clinic in the past 2 years will be able to access their records through the CMH Medical Records department; the phone number is 503-338-7528.

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