

**Testimony to the DC City Council Hearing on the Proposed Repeal of
Voter-Approved Ballot Measure INITIATIVE 77
17 September, 2018**

Thank-you Chairman Mendelson, Committee members and all members of the DC Council for this opportunity today to share my views and experiences, the reasons I voted for Initiative 77 to phase out the sub-minimum wage for tipped workers, and the reasons I think the proposed Bill 22-913 to repeal the resulting Minimum Wage Amendment Act of 2018 would be both a terrible injustice on the issues, and a grave political error in our current context.

My name is Ann Eveleth. I live in Petworth, as a resident of Ward 4, where I am a registered voter. I am also currently employed as a restaurant server, and I have worked in the industry for more than 15 years spread across my working life, including nearly six years here in the District. The proposal to overturn the will of the majority of voters who supported Initiative 77 not only threatens the benefits I expected to gain as a restaurant worker by having my industry (finally!) upgraded to 21st century labour standards, but also directly threatens to flush my own vote in favour of the initiative down the toilet, along with those of the other 47,229 voters who will be retroactively disenfranchised by such a move, especially in most of the NE and SE quadrants of the District. Those are, by the way, the quadrants whose demographics are most represented as workers in the restaurant industry here.

I am here to testify strongly in favour of Initiative 77, and equally to strongly oppose the proposal to OVERTURN THE WILL OF THE VOTERS in a District where we are already subject to the inequity of taxation without representation in Congress; already subject to a semi-colonial "caretaker" relationship with our federal government as a result of this lack of statehood, and currently ruled by a semi-literate proto-fascist in the White House, whose own party cannot even hold back his dalliance with noxious forces ranging from the Charlottesville KKK to Russia's modern Czar Putin. Even before discussing the reasons why Initiative 77 and especially the underlying commitment to the "radical notion" that the BOSSES HAVE TO PAY THEIR WORKERS is important, I am first compelled to express the shock and outrage - and deep concern - that I felt upon hearing that this Council was even considering overturning a popular vote. Here. In this Solid Blue District. Now. Under This Administration. This Lawless Administration that is flushing everything but the kitchen sink down the toilet. Except the one thing it can't yet flush - Our Right To Vote. Unless we let them take that too. Unless this Blue Council wants to hand THAT privilege to THIS White House? Has anyone involved in this current proposal stopped for a moment to consider what else might be inside this Pandora's Box? With all due respect, I must ask: Really?

I began my first restaurant job as a high school student in downriver Detroit, as soon as I was old enough to legally work in something better than the farming jobs that we were able to find as kids. The so-called "tipped minimum wage" then, in the 1980s, was about \$1.85/hr federally. Today, in 2018, more than 30 years later, it still sits at \$2.13/hr. That's basically an increase of ONE PENNY A YEAR OVER THREE DECADES in the federal minimum wage for tipped workers. Which is an interesting time period for that to happen - or shall we say, for nothing to happen, to change the archaic practice of enabling employers across large swathes of the service sector of our economy to simply NOT PAY WORKERS ANY SIGNIFICANT WAGES, FORCING US TO RELY (EXCLUSIVELY IN PRACTICE) ON THE WHIMS OF CONSUMERS FOR OUR LIVELIHOODS. It's an interesting period because its also roughly the same period in which the service economy massively outpaced, and replaced, the manufacturing base of our economy as a source of employment. We've seen a microcosm of this in the shorter time-span since the Great Recession of 2008, as many people who lost jobs across the economy mostly ended up finding

their recovery somewhere in the service sector - and often in the restaurant industry. Especially women. Women just like me.

I worked my way through college on a string of service jobs as a mostly tip-based worker. Then I went to the UK and worked in pubs for a solid hourly wage plus tips, while I worked my way into my chosen fields. And then I moved on to other work, in other places. I moved back to the US right into the headwinds of the recession, and when the job that brought me to DC went pear-shaped, I headed back into the restaurant industry, like many others. If I hadn't generally been one of the luckier workers in the industry to the extent that on balance I have earned above minimum wage, and sometimes well above it, I would not have relied on it to finance my education, nor would I have returned to it after other years spent in salaried work with real benefits. So my story is not one of consistently low earnings, but I have definitely passed through places in the industry where the combination of low price points, poor location, inept management and economic fluctuations ensure that many of the most vulnerable categories of workers DO CONSISTENTLY STRUGGLE TO MAKE THE MINIMUM WAGE. And I have personally worked MANY shifts where low volume and over-staffing by management have ensured I earned less than half the minimum wage, so I do know how that feels.

However, speaking of consistency, the fact that I cannot be sure from one day to the next, one week to the next, let alone one month to the next, what my income will be makes it almost impossible to manage long-term questions like debt or other financial planning. The oft-cited provision that employers of tipped workers "have to make up the balance" if our tips do not bring us up to minimum wage is basically a joke - on us. They get to average it out over a pay period, so even if you work an entire week in a dead zone (like a snowstorm or a hurricane where you are sometimes still expected to get to work even tho there are no busses or trains, and taxis can charge you a \$15 fee just to get into the cab, only to wait out your shift with no customers), as long as you have a couple of good days the next week, your paycheck will still be a big fat ZERO!

Zero paychecks! That's what I get mostly. In August (a slow month for the DC restaurant industry) I got my first two direct deposits ever from the job I have worked for nearly three years. One was \$4 (for two weeks' pay); the other was \$40. Only because it was a really slow month. Do you really think in three years there were no other slow periods? But at least my current employers are trying - thanks to ROC and others who fought (against the same people who are leading this fight to suppress our wages) to force the industry to pay us sick leave - I actually received my first paid sick leave ever in this industry a little while back. It was only the minimum wage, but I was really grateful to have that money to make up for the days I couldn't work. So many other times over the years I've just worked when I was sick, coughing and spluttering and feverish and vomiting. The same people who are leading the fight against one fair wage for all also fought against paying us sick leave.

Then there's the restaurant owners who really are not trying at all. I had one who paid us all as "independent contractors". Yes, of course it's illegal. And you can make a career out of taking that fight through the system - or you can just find another job and keep moving. If you can.

The idea that restaurant workers have the time, or the power, to individually fight their employers over the calculations of every single paycheck is a fantasy. We shouldn't have to. If they were required by law to pay us a regular minimum wage that was not dependent on our tip income, we wouldn't - there wouldn't be so many slippery loopholes for our money to fall through. And we also shouldn't have to compete with our co-workers over shifts, sections and other inequities that are exacerbated by the fact that every shift brings the question: "To earn or not to earn? Will I make enough to pay for my transport today?"

Restaurant service work is a highly-skilled profession. Servers and bartenders are not typically the high-school kids you might find working the till at a counter. We are expected to bring knowledge, skills and experience with us to the job, and to acquire more of all three in short order to keep our new jobs. These are not minimum wage-level positions. We deserve to be paid BOTH a full minimum wage AND tips - and the people behind this push to suppress our wages are saying we are not worth it, so we have to choose. They are wrong!

I sympathise with those of my co-workers in the industry who think they are on the right side of this issue by opposing Initiative 77 on the grounds that they fear losing more lucrative tip income if our wages are normalised. It's a reasonable fear - but it is also unfounded, and heavily propagandised by the very people who have been suppressing our wages forever!

The National Restaurant Association ("the other NRA") has been representing big corporate restaurant interests on K St for decades. They - and their notorious one-time head and ill-fated Republican presidential contender Herman Cain - have been single-minded in their loyalty to the grand ole antebellum "tradition" of building an entire industry's business model around the principle of unpaid labour. And they have buttered a lot of politicians' coffers to keep it that way. For decades. They are behind this push to OVERTURN THE WILL OF THE VOTERS OF THIS DISTRICT. And they have been behind every push to undermine voters in every state that has attempted to flush out this antiquated system, from Maine to Minnesota to Michigan, and now DC. Their fingerprints - inclusive of an extraordinary amount of anti-union, anti-labour rhetoric - have been all over the so-called "Save Our Tips" campaign from Day 1!

I also have sympathy for those decent employers among the small business owners of the industry - for the bosses whose workers like them so much they want to defend them. In an industry with more than its fair share of scoundrels, it's only natural to want to protect an establishment where things are better than most. But if not paying workers, and making all workers rely on the whims of customers for their livelihood, was really the only possible business model, it would already be extended to other industries. It's not. (Although who knows - the NRA and its allies on the far-right of the political spectrum are still promising to rescind the minimum wage entirely, so maybe if they get their way here, it'll give the whole idea a boost?)

Where there is a will to find a workable business model that does not rely on unpaid labour, there will be a way to make it work. I am confident that those owners who really do have the best interests of their workers at heart will start working on finding it when they have a definite time-frame in which they must do so. But I am also confident that despite its propaganda, the NRA and its multiplicity of sub-groups, front-groups and astroturf groups in DC (and coming in from other states to muddy our waters here) do NOT have the interests of these "better than most" genuine small business owners at heart. They certainly do not have our interests as workers in the faintest reaches of their sights.

This issue both IS and IS NOT about the DC restaurant industry. It's about us because we stand to benefit from a process that will finally end a vestige of our feudal past, and because we will have to find a way to sit down and make a roadmap to ensure the best possible outcomes for everyone. But it's also not about us, because this is a national issue. It's about the rights of workers across this country, across a service industry that is gobbling up all employment prospects, and shunting us between relying solely on the whims of customers through tips, on the one hand, and radical casualisation, outsourcing and "the gig economy" on the other. A booming service economy in which workers literally have NO RIGHTS. While the NRA and other K Street lobbyists spin tales about non-profits like ROC "building unions" (horrors!).

And it's about MUCH MORE than us if this Council votes to OVERTURN THE WILL OF THE VOTERS in this solid blue district, inviting every single red dot on the map to do the same.

I urge this Council to abandon this proposed act to disenfranchise DC voters in respect of the vote to approve Initiative 77, and to instead work with the relevant parties to find a path to implementation that addresses all legitimate concerns.

Thank-you for your time and consideration.

Ann Eveleth