



## **Seattle** Office of Labor Standards

January 17, 2019

Dear Friends,

As we enter a new year, I want to give you a brief overview of our office's accomplishments in 2018, and a quick preview of the coming year.

It's been an incredibly busy and productive year, which was my first year as Director and our second as a stand-alone department. Our staff (which will grow from 23 to 28 in 2019) is a wonderful group, and each one is dedicated to help OLS achieve its mission of improving the lives of workers employed in Seattle.

Our efforts make a real difference for workers and their families. In just one example, restaurant employee Qossay Issa received \$30,000 in back pay from

a settlement of an OLS investigation involving unpaid tips. Mr. Issa was thrilled with the outcome: “Now I have time and money to learn English, take nursing classes and visit my family. I came here, and I didn’t know English. I tell everyone, if you have a problem [at work], you have a place to go and people who will help you.”

### **Seattle’s Eight Labor Standards**

As a reminder, OLS is responsible for educating businesses and employees, as well as enforcing, eight different labor standards, two of which were enacted just this past year. They are:

- *Paid Sick and Safe Time Ordinance (PSST)*, requiring employers to provide paid leave for absences due to medical conditions, domestic violence, or other critical safety issues;
- *Fair Chance Employment Ordinance*, restricting how employers can use conviction and arrest records during the hiring process and course of employment;
- *Minimum Wage Ordinance*, establishing a minimum hourly wage that rises with the annual rate of inflation;

- *Wage Theft Ordinance*, requiring employers to pay all compensation due by reason of employment (including wages and tips);
- *Secure Scheduling Ordinance*, establishing predictable scheduling requirements for large retail and food service establishments;
- *Hotel Employees Health and Safety Initiative*, establishing protections for the health and safety of hotel employees (however, note that on December 24, 2018, the Washington State Court of Appeals held the Initiative to be invalid; the City is appealing this ruling);
- *Domestic Workers Ordinance*, establishing protections for independent contractors and employees who provide domestic worker services in and around the homes of thousands of Seattle families; and
- *Commuter Benefits Ordinance*, requiring employers to provide commuter benefits on a pre-tax basis.

I list below some of the 2018 accomplishments from our different teams in the office. Each team works hard to align its efforts in the City's commitment to eliminate racial disparities through the Race and Social Justice Initiative:

***Highlights from the Enforcement Team:***

- **Significant reduction of backlog.** When 2018 started, we had a total of 206 investigations that were initiated in 2015, 2016, or 2017. By the end of 2018, we reduced this backlog by resolving all 2015 cases, 78% of the 2016 matters, and 63% of the 2017 investigations. In all, we closed 193 investigations; and we opened 114 new investigations.
- **Significant increase in money for workers.** And, we closed these older investigations without sacrificing effectiveness. In total, we assessed \$2,130,619 for the benefit of 2,521 workers. To put this perspective, for the period between 2013 through 2017, we assessed a total of \$1,120,605. Thus, OLS assessed nearly *twice* as much in this past year as we did in our previous five years of existence.
- **New approach to strategic enforcement involving collaboration across all teams.** Our office has developed a more unified approach for enforcement. “Strategic enforcement” employs a multi-faceted approach in enforcement, policy and communications so that our efforts generate the greatest possible impact. We have eliminated, wherever possible, the “silos” that previously separated teams with the result that these teams now work in a more coordinated fashion.

### ***Highlights from the Policy Team:***

- **Hotel Employees Health and Safety Initiative:** We held 19 stakeholder meetings and then issued rules (that went into effect in July 2018) as well as other informational materials to assist employers and employees. However, on December 24, 2018, the state Court of Appeals invalidated the law on the basis that it covered too many topics. The City plans to appeal the decision to the state Supreme Court, and there is talk of replacement legislation. OLS staff will be deeply involved in these developments.
- **Domestic Workers and Commuter Benefits:** We worked closely with City Council to develop the Domestic Workers and Commuter Benefits Ordinances, and created a summary of the laws and Q/As.
- **Paid Sick and Safe Time:** We issued rules and detailed Q/As on the revised PSST ordinance to make it consistent with the recently passed statewide paid sick leave requirements (except for certain portions that remain more protective of workers).
- **Technical Assistance and Trainings:** We responded to over 1,000 inquiries from employers and other organizations (policy groups,

government entities, academics, unions), and have conducted 86 labor standards presentations and trainings.

***Highlights from our Community and Business Partners:***

- Our office funds and coordinates the efforts of Community Outreach and Education Fund (COEF) and the Business Outreach and Education Fund (BOEF), which provide resources for organizations to educate and train vulnerable workers as well as small businesses owned by immigrants and people of color. In total, we helped 20 community organizations and 17 business organizations spread the word about our labor standards.
- Our COEF and BOEF partners conducted a multitude of outreach activities (community events, flyering, tabling, etc.), close to 800 trainings, and hundreds of individual consultations. In total, these actions reached many thousands of workers and small business owners and helped them to understand their rights as workers and obligations as employers.
- Also, we make our materials accessible to every employee and business regardless of language differences. We have translated our most critical

materials into 18 different languages, and our COEF partners have conducted trainings in 20 different languages.

***A Peek At 2019:***

We already know that this will be another busy and productive year! Our new Domestic Worker law goes into effect on July 1, 2019, and we will be preparing for it by issuing new rules, supporting the new Domestic Worker Standards Board, and reaching out to domestic workers and hiring entities to ensure the widest possible dissemination of information about the law. We also plan to create rules and informational materials for our Wage Theft Ordinance and the new Commuter Benefits law. Finally, with the recent ruling invalidating the Hotel Employees Health and Safety Initiative, there will be efforts to ensure that hotel workers remain protected during this period of legal uncertainty.

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Thank you for your interest in our work. From all of us at OLS, we wish you a peaceful and healthy new year.

Martin S. Garfinkel, Director

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