



City of Seattle Chapter 140 Administrative Rules for conducting Directed Investigations - Questions & Answers

Revised rules in [Chapter 140](#) set out procedures that reflect labor standards ordinance revisions from the Wage Theft Prevention and Harmonization Ordinance of 2015, including company-wide investigations that protect the identifying information of complainants and witnesses, and an updated employee appeal process.

The Directed Investigation program as outlined in Chapter 140 clarifies the Office of Labor Standards' (OLS) ability to initiate an investigation without a complaint. Directed investigations may occur if the Director has reason to believe that a violation has occurred or will occur, or when circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of low-income employees who are vulnerable to labor standards violations or because the workforce is unlikely to volunteer information regarding such violations.

Our Q&A document addresses some of the most common questions about Directed Investigations.

1) What is a Directed Investigation?

A Directed Investigation is an investigation that is launched without a complaint, where data and/or information is used to focus on industries or employers where there is reason to believe there are labor standard violations taking place.

2) Where does the Office of Labor Standards (OLS) get the data and information?

OLS will gather and analyze data and information from a number of sources, including: its own enforcement data gathered from the past two years; data and information from the United States Department of Labor, New York City, and other agencies and jurisdictions that have incorporated directed investigations into their practices; information from the public, community organizations, employees, and employers; and research on industries that employ large numbers of vulnerable and low-income workers, including workers of color, women, immigrants, refugees, people with disabilities and other groups. We also consulted with Janice Fine, Associate Professor of Labor Studies and Employment Relations at Rutgers University, and a national expert on labor standards enforcement.

3) What is the difference between a directed investigation and a complaint based investigation?

The main difference between directed investigations and complaint based investigations is the source of information that leads to the initiation of an investigation.

- a. A complaint based investigation is initiated after OLS receives a complaint from a worker(s) or a worker advocacy group.
- b. A directed Investigation is initiated without a complaint. Directed investigations may be initiated when the Director has reason to believe that a violation has

occurred or will occur, or when circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of low-income employees who are vulnerable to labor standards violations or because the workforce is unlikely to volunteer information regarding such violations.

4) Why is OLS doing directed investigations?

Directed investigations make it possible to better reach low income vulnerable workers including people of color, women, immigrants, refugees, people with disabilities and other groups by targeting businesses and industries where data show violations are likely to occur and the workforce is unlikely to make complaints.

5) How will OLS conduct a directed investigation?

The procedures that OLS will follow in directed investigations do not substantially differ from its procedures used in complaint based investigations. Like complaint based investigations, OLS will follow the procedures as set out in the proposed [Chapter 140 Administrative Rules](#). OLS provides resources and educational support including trainings, templates, question and answer sheets, fact sheets and an accessible description of its investigative process to employers on the OLS website.

6) What industries does OLS plan to focus on?

The primary industries of focus may include construction, food services and drinking places, health care, home health care, hotel and motel, manufacturing, transportation, warehousing, personal and repair services, retail trade, security, building and grounds services, social assistance, education, and childcare.

7) Which labor laws will OLS enforce using directed investigations?

OLS will use directed investigations to enforce the following labor laws:

- a. Minimum Wage ([SMC 14.9](#))
- b. Wage Theft ([SMC 14.20](#))
- c. Paid Sick and Safe Time ([SMC 14.16](#))
- d. Fair Chance Employment ([SMC 14.17](#))

*OLS does not plan to conduct directed investigations involving the Secure Scheduling Ordinance until July 1, 2018.

8) How does confidentiality apply?

OLS will maintain its policy not to disclose the source of information that led to the investigation, unless those people or entities choose to make their identities known. OLS will also continue its policy to protect the identities of employees and witnesses who request

non-disclosure during and after an investigation, to the extent permitted by law.

9) What is OLS doing to make enforcement procedures more accessible and less burdensome to employers?

OLS stopped beginning investigations with a “charge” and will no longer use the adversarial naming convention of “OLS vs. Name of Employer” to describe an investigation. OLS has revised its information-request form for employers to make it easier to use and less intrusive for businesses; in addition, OLS will aim to visit workplaces within the first two weeks of the formal initiation of an investigation to review records and conduct interviews, to reduce the length of time businesses must wait to resolve a complaint.

10) Who do I call if I have a question not answered by this document, or if I have information I would like to provide to OLS?

For more information, please visit our [Chapter 140 page](#) or visit our [website](#). To ask a question or provide information please call 206-256-5297 or email us at workers.laborstandards@seattle.gov.

Note - The questions and answers in this document should not be used as a substitute for laws and regulations. Businesses are responsible for complying with all legal requirements.