

Labor Standards Advisory Commission

Meeting Minutes

Minutes prepared by: Jenee Jahn, Jenni Wong

May 6, 2020

2:30-4:00pm

Online – MS Teams

Attendees

Commissioners Present

Position No.	Name	Present
1	Elizabeth Ford	X
2	Anthony Burnett	X
3	Anna Boone	Absent
4	Vacant	
5	Vacant	
6	Andrew Beane	Absent
7	Betsy McFeely	Absent
8	Artie Nosrati	X
9	William Pitz	X
10	Samantha Grad	X
11	Gay Gilmore	X
12	Mona Smith	X
13	Marilyn Watkins	X
14	Alia Abboud	X
15	Janet Chung	Absent

Guests/Presenters:

Kerem Levitas, Policy Analyst, Office of Labor Standards

Jenee Jahn, Interim Director, Office of Labor Standards

Jasmine Marwaha, Policy Analyst, Office of Labor Standards

Darius Foster, Outreach Manager, Office of Labor Standards

Ahmed Abdi, Labor Standards Engagement Specialist, Office of Labor Standards

Jenni Wong, Assistant Enforcement Manager, Office of Labor Standards

Katie Jo Keppinger, Enforcement Manager, Office of Labor Standards

A. Call to Order - Elizabeth Ford and Mona Smith, Co-Chairs

1. Welcome
2. Announcement regarding Governor's Executive Order and Open Public Meeting Acts. Due to EO and OPMA, only matters that are **necessary and routine matters or are matters necessary to respond to the COVID-19 outbreak** and the current public health emergency may take place.

B. OLS COVID-19 Update

- i. **Staffing & Operations.** OLS reception is closed, but we remain open by phone and online and will go in for accessibility purposes. Most OLS staff have been telecommuting since early March and will

- continue to do so until further notice. But, we have one staff member going into the office periodically to check mail and process settlement checks.
- ii. **Hiring.** Due to economic impacts of COVID, City is currently under a hiring freeze. As a result, our hiring for 2 policy analysts and 3 senior investigators is currently on hold until further notice. The Director search/hiring process is also currently on hold.
 - iii. **Enforcement.** Please see attached report from Enforcement. We saw an increase in the number of intakes related to several ordinances, including PSST, WT, and Secure Scheduling. We also fielded COVID-19 related questions around unemployment and a handful of questions on the federal emergency leave (FFCRA). Our investigators continue to carry out their pending investigations. COVID-19 has posed some challenges during our investigations, e.g. difficulty reaching parties and witnesses due to business closures and the need to isolate/quarantine – sometimes outside the country.
 - iv. **Policy**
 - a. **Hotel Employee Protections.** HEP laws go into effect July 1. We completed the stakeholder engagement on proposed rules prior to COVID. But, we are delayed in issuing proposed rules for notice and comment is slightly delayed. We anticipate announcing those in the next weeks so that final rules can be published prior effective date.
 - b. **Commuter Benefits.** Tabled until next meeting
 - c. **Domestic Workers Ordinance and Domestic Workers Standards Board (DWSB)**
 - i. Outreach has been constrained due to COVID. Most domestic workers are not considered essential unless they are nannies of essential workers or homecare workers. As a result, there has been a shift in outreach focus to include both DWO protections as well as access to Pandemic Unemployment Assistance/Unemployment Insurance (PUA/UI) and the importance of personal protective equipment (PPE) for those who are working.
 - ii. In the PUA/UI, ESD is delayed in creating accessible, translated materials, which has presented a challenge to ensure information reaches workers who might have different language access needs. We are working with partner departments (Office of Immigrant and Refugee Affairs and Office of Economic Development) to fill the information gap, especially to domestic workers (and others).
 - iii. DWSB has continued to meet to work on COVID-19 related work
 - v. **TNC.** Two policy areas: 1) minimum compensation; 2) deactivation protections ordinance. Deactivation ordinance passed in November. Minimum compensation (where we were relying on outside economists/consultants for report), timeline has been delayed. For the Deactivation Protections Ordinance, we were still determining the effects on overall timeline and what implementation looks like.
 - vi. **COVID-19 Policy Development - PSST.** In March, Council made several amendments to PSST ordinance, expanding types of uses for PSST. In April, we issued an emergency rule that impacted the documentation/verification that employer may request after 3 consecutive days of use, which will be in effect for 60 days. **Outreach efforts** have included updated websites, newsletters, and other interpretive guidance. We have Issued new or updated labor standards materials, including an updated comprehensive Q&A, a COVID-19 Edition Paid Sick and Safe Time Q&A in **12** languages and audio-recorded in **6** languages, an updated PSST Fact Sheet in **11** languages, and a new new PSST Balance Paystub Guide in **2** languages. As a result of interdepartmental (OED, OIRA, DON), COEF, BOEF, and other community partnerships, we have also done a significant number of webinars in multiple languages (on labor standards) and other emerging issues (e.g. unemployment, domestic violence, etc.)

C. Subcommittee Updates-

1. **Outreach Subcommittee.** The original intent of Committee was to outreach to small businesses. The recent meeting focused on how OLS can plug into support provided to small businesses about labor standards and other resources (like PPP and federal support for paid leave) during the pandemic ensure that BOEF members are fully up to speed and provide resources; and explore more 1:1 support. The plan was to check in with OED to ensure their weekly webinars include this kind of information, Check with GSBA and others about what kind of materials exist already and be able to distribute those broadly; and determine what 1:1 resources exist.
 - i. **OLS:** Will be also building an outreach strategy (a “roadmap”) to reopening and what information might be most helpful as workplaces begin to reopen (connected to the Governor’s phased approach, for instance)
 - ii. **Note:** Planting a seed related to discharge protections (both in retaliation, for instance, and generally) as this could be a logical progression of needs as workplaces open back up.

2. **Misclassification Committee:** Document: Updated Transparency Proposal Draft.
 - i. **Background:** Previously, the subcommittee presented a set of transparency recommendations to the full commission for its approval. The commission was supportive, but asked clarification around the types of contractual relationships that would not require these disclosures. The updated proposal contains a revision to this effect.
 - ii. **Overlap with forthcoming proposal.** Will there be overlap/conflict between this proposal and the forthcoming TNC Minimum Compensation work and the possibility of overlapping or conflicting transparency requirements. It may be reasonable to assume that the forthcoming legislation would include some sort of disclosure about wage information, but it will be fairly tailored to the industry itself. In terms of a transparency policy, I think we would have to determine what is overlapping and what is not based on the proposal that comes forward. OLS will be able to help with ensuring that the two are not divergent.
 - iii. **Vote & Amendment of 3(a)(b).** The Commissioners present unanimously voted to approve the proposal with an amendment to 3(a)(b) related to expenses: Substitute language: "Typical expenses incurred in the course of the work, if any, and which ones will be paid or reimbursed by the hiring entity."

Position No.	Name	Present/Absent	Amendment
1	Elizabeth Ford	Yes	Yes
2	Anthony Burnett	N/A	Yes
3	Anna Boone	N/A	
4	Vacant	N/A	
5	Vacant	N/A	
6	Andrew Beane	N/A	
7	Betsy McFeely	N/A	
8	Artie Nosrati	Yes	Yes
9	William Pitz	Yes	Yes
10	Samantha Grad	Yes	Yes
11	Gay Gilmore	Yes	Yes
12	Mona Smith	Yes	Yes
13	Marilyn Watkins	Yes	Yes
14	Alia Abboud	N/A	N/A
15	Janet Chung	N/A	

- iv. **Next steps:** Submit to OLS and maintain Subcommittee active.

Adjourn- Elizabeth Ford and Mona Smith, Co-Chairs
Next Commission Meeting: August 5, 2020