

**Labor Standards Advisory Commission
Meeting Minutes**

Minutes prepared by: Megan Jackson

August 7, 2019

2:30-4:30pm

Central Building Conference Room- 810 3rd Ave Seattle, WA 98104

Attendees

Commissioners Present

Position No.	Name
1	Elizabeth Ford
3	Anna Boone
7	Betsy McFeely
8	Artie Nosrati
10	Samantha Grad
11	Gay Gilmore
12	Mona Smith
13	Marilyn Watkins
14	Alia Abboud
15	Janet Chung

Commissioners Absent

Position No.	Name
2	Anthony Burnett
4	Nicole Grant
6	Andrew Beane
9	Will Pittz

Vacant Positions

Position No.	Name
5	Vacant

Guests/Presenters:

Ahmed Abdi- Business Engagement Specialist, Office of Labor Standards

Darius Foster, Business Engagement Specialist, Office of Labor Standards

Martin Garfinkel, Director, Office of Labor Standards

Cathy Garza, Investigator, Office of Labor Standards

Jeneé Jahn, Policy Analyst, Office of Labor Standards

Kerem Levitas, Business Engagement and Policy Specialist, Office of Labor Standards

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

- Welcome and Introductions
- Vote on approval of May Minutes
 - Minutes are approved.

Co-Chair Transition Update- Elizabeth Ford and Mona Smith, Co-Chairs

OLS Enforcement Update- Martin Garfinkel, Director, OLS and Cathy Garza, Investigator, OLS

- Case Updates
 - LeadPoint- Staffing agency for recycling and waste management based out of Phoenix but hiring workers for two recycling facilities in Seattle.
 - Failed to pay MW as large employer.
 - Largest settlement in the history of OLS- \$686,202.67 in back wages, liquidated damages, and interest for 358 current and former employees.
- Q2 Dashboard
 - Total amount assessed in Q1 and Q2 of '19 is 1.5 million, more than the total assessed in all of 2018.
 - Most older cases are now closed. One 2016 case remains open and is soon to close.
 - Commissioner Questions
 - The majority of worker and employer inquiries are about PSST- are those questions mostly related to interaction with state PSST?
 - OLS does get a lot of questions about differences between state and City of Seattle PSST.
 - Do the dismissed claims on the dashboard include claims that are outside of OLS's jurisdiction?
 - No, the dismissed claims are from vetted complaints that relate to our ordinances.
 - Do the types of inquiries from employers and workers impact where outreach and education spending goes?
 - Yes- for example, webinars were created for PSST and Secure Scheduling in response to the amount of questions OLS received about those ordinances.
 - Do you track billable hours that investigators spend on each case?
 - No, just the number of days that an investigation is open.
 - Do you track keywords for inquiries to identify the specific area within an ordinance that someone is asking about?
 - Yes, we have subcategories for issues and allegations.

OLS Policy Update- Jeneé Jahn, Acting Policy Manager, OLS and Jasmine Marwaha, Policy Analyst, OLS

- **Hotels**
 - Seattle City Council is considering 4 bills that would cover the provisions in the Hotel Workers Health and Safety Initiative with amendments proposed by some Councilmembers. If these bills pass, the underlying law would be repealed.
 - I-124 was approved by voters in 2016. Division 1 then appealed I-124 on the basis of the single subject rule.
 - The single subject rule is part of Washington State's constitution- Initiatives must deal with a single subject for transparency and to properly determine the will of the people.
 - The Washington Supreme Court will hear the case in December.
 - Commissioners can sign up for the HHEWR mailing list to receive meeting agendas regarding the bills under consideration.
- **Domestic Workers**
 - The Domestic Workers Ordinance passed last year and went into effect 7/1/19.
 - DWO secures minimum wage and meal and rest breaks for domestic workers regardless of status as employee or independent contractor. When complaints are investigated,

- there will be opportunity to assess if independent contractors are in fact employees, creating opportunity for misclassified employees to also receive paid sick and safe time.
- OLS working on clarifying rules. There will be a community rulemaking meeting on 8/20 from 12-2 in the Central Building.
 - Commissioner Questions
 - Websites and apps that connect workers with jobs have different levels of interaction with the worker. Is there any kind of chart that will come out of OLS explaining the different relationships and list apps that fall under those relationships?
 - OLS is working on a test to determine the nature of the relationship.
 - Is it the employer's responsibility to know the rules and make sure they are being followed?
 - Yes. The Domestic Workers Standards Board is exploring tools and resources for employers to help them understand and comply with the law.
 - What constitutes casual basis?
 - It is defined from the worker's perspective. Even if a worker is coming to your house to clean only once a month, if that worker makes their living doing so, you are responsible for paying them the minimum wage.
 - How will OLS keep track of homes and if they are in compliance?
 - Enforcement will be complaint based. OLS is looking at the option of sending an informational letter to households when a worker complains and worries they will lose their job for doing so because it isn't possible to complain anonymously.
 - Is any licensing required for households?
 - No.
 - How are you reaching workers for whom English is a second language?
 - A multi-pronged approach including bi-lingual DWO outreach staff, working with community groups such as Casa Latina and Chinese Information Services Center, and translated materials. We are working on a plan to engage ESL and non-English speaking members of East African communities, as well.
 - On a related note, we are looking at ways to do intake and co-enforcement with community groups for workers who are afraid to approach government due to their immigration status.
 - Commissioner Comments
 - It will be very important for workers to understand their rights when they enter into working for a household as households will be harder to reach through engagement and less likely to understand their obligations.

Misclassification Subcommittee Update- Artie Nosrati, Commissioner

- About the subcommittee
 - The statewide bill to address employees misclassified as independent contractors didn't move forward but may be considered again next year. City Council asked LSAC to create a subcommittee and make recommendations regarding misclassification in Seattle.
 - The subcommittee's goal is to make recommendations that labor and business advocates can find agreement on and have success with those recommendations so that Council will come to LSAC when crafting legislation.
 - The subcommittee is focusing on how to close the gap between independent contractor and employee rights as opposed to formally reclassifying independent contractors as

employees. Choosing to focus on lower income independent contractors- gig economy workers, for example.

- Notification at Time of Hire
 - Subcommittee proposes notifications at time of hire for independent contractors. This notice wouldn't be identical to the notification employees receive, but the subcommittee would like to see some level of disclosure mandated.
 - The idea is to give clarity to independent contractors and provide terminology. This is a small step but can serve as foundation of subcommittee's work

Outreach Subcommittee- Darius Foster, Business Engagement Specialist, OLS, Martin Garfinkel, Director, OLS, Elizabeth Ford and Mona Smith, Co-Chairs

Co-Chairs

- LSAC creating a subcommittee that will put together recommendations for outreach with a focus on small businesses and immigrant owned businesses.
- Marilyn Watkins, Anna Boone, and Elizabeth Ford have agreed to serve on subcommittee. Mona Smith encourages other commissioners from business advocacy to let her know if they are interested in joining.

Darius Foster, Business Engagement Specialist, OLS

- Employers are hesitant to contact OLS directly for fear that what they share or questions they ask will be used against them.
- OLS is trying to maximize the impact of business outreach with the mission to educate rather than enforce.
 - Visiting businesses door to door to talk with owners about how they want to receive information.
 - Darius is building a relationship with the Office of Economic Development as there's a direct path between our offices in terms of services provided and crossover in communities we're trying to reach. Not sure what this relationship will look like yet.
 - Offices may team up to identifying professional services providers- CPAs, payroll providers, legal clinics, etc. to provide multiple services at once.
 - Looking into a more extensive partnership with Finance and Administrative Services- we partner with them in a minimal way right now but there may be ways to maximize outreach with their office.

Martin Garfinkel, Director, OLS

- Our outreach team has significantly grown in staff recently.
- Ahmed Abdi will be taking over Darius' BOEF work.
- Darius will be transitioning into outreach with other organizations outside of BOEF.
- Darius will likely staff the Outreach Subcommittee

OLS Staffing Update- Martin Garfinkel, Director, OLS

- Karina Bull recently left OLS and is now Legislative Analyst at City Council Central Staff.
- Jeneé Jahn is the Acting Policy Manager.
- Policy Manager is currently posted and will be through 8/20.
- Outreach Manager is currently posted and will be through 8/20.
- Vanessa Haralson is new Paralegal. This frees up our former Paralegal now Data Specialist.
- We have two open investigator positions.

Announcements/Public Comment Period- Elizabeth Ford and Mona Smith, Co-Chairs

Adjourn- Elizabeth Ford and Mona Smith, Co-Chairs

Next Commission Meeting

November 6, 2019 location TBD