

PROPOSED RULES FOR NOTICE AND COMMENT

SEATTLE OFFICE OF LABOR STANDARDS Seattle Human Rights Rules (SHRR) Chapter 140

Background: The Independent Contractor Protections (ICP) ordinance gives the agency the authority to respond to alleged violations of the law through a complaint procedure in which an independent contractor's complaint is provided to a hiring entity for response. See SMC 14.34.165. Members of the public are invited to comment on the proposed rules in writing. Written comments must be received no later than **5 PM PT on June 27, 2022**.

Summary of Proposed Changes: The proposed rule would incorporate the complaint procedure in the ordinance into the agency's procedural rules for enforcement. Additionally, SHRR 140-086(1) Ordinance Specific Procedures would set a 20-day deadline for a hiring entity to respond to a notice of an alleged violation from OLS.

The proposed amendment appears on the following pages, signaled by underline. The original Chapter can be viewed in its entirety on the OLS website by clicking [here](#).

Practice and Procedure for Labor Standards Enforcement

INVESTIGATIONS

SHRR 140-065. WHERE TO MAKE A COMPLAINT

SHRR 140-070. STATUTE OF LIMITATIONS

SHRR 140-075. REQUEST TO TERMINATE THE INVESTIGATION

SHRR 140-080. CONSOLIDATION OF INVESTIGATIONS

SHRR 140-085. COMPLAINT BASED AND DIRECTED INVESTIGATIONS

SHRR 140-086. ORDINANCE SPECIFIC PROCEDURES

SHRR 140-186. ORDINANCE SPECIFIC PROCEDURES

1. **Independent Contractor Protections Ordinance**
 - a. In the Director's discretion, the Agency may initiate a complaint procedure as an alternative enforcement method in response to a report or complaint of a violation of the Independent Contractor Protections (ICP) Ordinance, SMC 14.34.
 - a. After receiving such report or complaint, the Director may issue notice to a hiring entity of alleged violation(s) of the ICP Ordinance.
 - a. The hiring entity will have 20 days from the date of the notice to respond to the allegation(s).
 - a. After such time, the Agency may send:
 - i. a notice to the complainant of the response from the hiring entity, if any, in addition to other information which may include but not be limited to the information outlined in SMC 14.34.165.D.3; and
 - i. if no response is received from the hiring entity in the prescribed time, the Agency may send a notice of no response to the hiring entity, including proof that the Agency previously sent notice of the alleged violation(s) to the hiring entity.
 - a. As part of the notice(s) described in subparagraph (d) or following the issuance of such notice(s), the Director may:

- i. send the complainant and hiring entity notice of the Agency's completion of the complaint procedure and/or closure of the case; or
- i. initiate an investigation as provided in SHRR 140-085.

Proposed