

**Labor Standards Advisory Commission  
Meeting Minutes**

Minutes prepared by: Megan Jackson  
February 5th, 2020  
2:30-4:00pm  
City Hall, Room 370

**Attendees**

Commissioners Present

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

Commissioners Absent

Position No.	Name
2	Anthony Burnett
6	Andrew Beane
7	Betsy McFeely
9	William Pittz
10	Samantha Grad

Vacant Positions

Position No.	Name
4	Vacant
5	Vacant

**Guests/Presenters:**

Jeneé Jahn, Interim Director, Office of Labor Standards  
Jasmine Marwaha, Policy Analyst, Office of Labor Standards  
Darius Foster, Outreach Manager, Office of Labor Standards

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

- Welcome
- Vote on approval of November minutes
  - Unanimous approval of November minutes

**OLS Update – Jeneé Jahn, Interim Director, OLS**

- **Director Search**
  - Initial interviews will take place the week of February 3rd with smaller stakeholder group interviews the week of February 10<sup>th</sup> with the intention of naming the new director by the end of February
    - Some LSAC commissioners have been invited to be part of the stakeholder process
- **Staffing Update**

- Hiring two additional policy analysts by end of March
- Three senior investigator positions currently posted
- **Enforcement Update**
  - Assessed 2.5 million last year with 30k to the City in penalties
  - Most prevalent violations-
    - PSST related to use and accrual, notice of balance, and lack of written policy
    - WT related to failure to pay minimum wage and general compensation for wage theft
  - Dismissals- 14 dismissals pertaining to 11 employers. Most dismissals were due to lack of jurisdiction.
  - 17 investigations in which no violation was found.
  - Hearing examiner affirmed case against NI Painting- Employer retaliated against employee for prevailing wage complaint. Examiner upheld our decision and remedy of just over 8k to the affected worker.
- **Policy Update**
  - **Hotels**
    - Stakeholder engagement meetings are completed.
    - Preparing for proposed comment period- anticipating that rules will be available for a 20-day public comment period in March.
    - 4 new hotel employee protection ordinances go into effect July 1, 2020 and the hope is to have rules finalized 2-3 months in advance of that.
  - **Commuter Benefits**
    - Law went into effect on Jan 1.
    - Rules were published shortly before the end of 2019.
    - Q&A doc coming in the next few weeks.
    - There has been a spike in employer inquiries re the CB ordinance since the rules were published. Employers are receiving technical assistance from our office as well as implementation guidance from Commute Seattle.
    - The gap between effective date and enforcement date has been helpful in conversations with employers.
  - **Domestic Workers**
    - Q&A is still under review and will be published as soon as possible.
    - Plan to develop a number of outreach materials with the Q&A language.
    - Domestic Workers Standards Board is focused on hiring entities to help them understand obligations under the law.
    - DWSB close to finalizing work plan for the next two years. They are also working on their first set of recommendations which should be presented to Council in April or May.
    - Recent issue- Does the ordinance apply to au pair programs?
      - J1 Visa program allows for people from some countries to come to the US for 1-2 years for a cultural exchange. The host families get 45 hours a week of childcare and are subject to the Fair Labor Standards Act.
      - The question is whether local labor standards apply or the federal minimum wage and regulations.
      - OLS has gotten a number of public comments from households who feel that Seattle labor standards shouldn't apply to au pairs.
        - The first circuit court of appeals recently ruled that the Massachusetts domestic workers bill of rights does apply to au pairs. This means the au pairs receive the Massachusetts minimum wage and there are limitations on what can be deducted

in lodging. Under federal regulations, workers were only paid \$4.35/hour due to ability to deduct for lodging and meals.

- The first circuit ruling has been appealed to the Supreme Court. We'll know in March whether it has been accepted.

- **TNC**

- COS fielded survey to more than 30k drivers and received response from at least 3k. This survey will serve as base of economic analysis.
- COS engaging in driver engagement process and will be launching stakeholder process to inform the request for proposal for the driver resolution center.
  - This survey will serve as base of economic analysis. COS engaging in driver engagement process. City will be launching stakeholder process to inform the request for proposal for the driver resolution center.

**Committee Updates- Jeneé Jahn, Interim Director, OLS, Jasmine Marwaha, Policy Analyst, OLS, Kerem Levitas, Policy Analyst, OLS, Darius Foster, Outreach Manager, OLS, Ahmed Abdi, Engagement Specialist, OLS**

- **Outreach Committee**

- First meeting held in December. Received feedback from the business community that OLS is limited in what we are providing to the community to support compliance.
- Future meetings will be scheduled now that Jeneé Jahn is serving as Interim Director.
- Want to make sure that OLS is providing necessary tools to support compliance.
- Thinking about best practices for engaging employers and process to develop tools and resources that includes employers.
- How do we remove the barrier that prevents employers from reaching out for technical assistance?
- We need data about what industries are most closely related to certain ordinances and the questions employers ask about those ordinances.
- Commissioner recommendation to look into systems for large businesses to disseminate information down from the top (for instance, HR engaging all their lower level managers for a large business)

- **Misclassification Committee**

- Recommendations formed in response to a City Council resolution-
  - Proposing that certain information related to payment arrangement be provided to vulnerable workers in independent contractor relationships. For example- who is the hiring entity? What is the pay scale? Is the worker being paid hourly? When will the worker be paid?
    - Commissioner suggestion to Committee to be specific about where this applies. How will exemptions be framed?
      - Commissioner suggestion to Committee to add that the hiring entity should have a profit interest.
      - OLS suggestion to Committee that the key is figuring out what defines a hiring entity. The Domestic Workers Ordinance gives a good example of defining the hiring entity.
    - Committee will talk about framing exclusions and will send draft to commissioners.

- **Nomination Committee**

- Has reached out to MO and Council. Committee will engage in recruitment efforts and suggest names.

- Currently one vacant seat for business and one vacant seat for labor. At the end of April, there will be three other termed out business vacancies and one other termed out labor vacancy.
- Commissioners in business seats will defer to commissioners in labor seats and vice versa re recommendations.

**Retreat Planning Volunteers- Elizabeth Ford and Mona Smith, Co-Chairs**

- Seeking volunteers for retreat planning who are not terming out.
- Will solicit volunteers via email.
  - Artie volunteers for Committee

**Adjourn- Elizabeth Ford and Mona Smith, Co-Chairs**

**Next Commission Meeting: TBD**