

**Labor Standards Advisory Commission  
Meeting Minutes**

Minutes prepared by: Megan Jackson  
February 24, 2021  
2:30-4:30pm  
Microsoft Teams Meeting

**Attendees**

Commissioners Present

Position No.	Name
1	Elizabeth Ford
8	Artie Nosrati
10	Samantha Grad
11	Gay Gilmore
12	Ilona Lohrey
13	Marilyn Watkins
14	jeanie chunn

Commissioners Absent

Position No.	Name
6	Andrew Beane
7	Betsy McFeely
9	Will Pittz

Vacant Positions

Position No.	Name
2	Vacant
3	Vacant
4	Vacant
5	Vacant
15	Pending confirmation

**Guests/Presenters:**

Karina Bull, Council Central Staff  
Alex Clardy, Office of Councilmember Herbold  
Jeneé Jahn, Policy Manager, Office of Labor Standards  
Steven Marchese, Acting Director, Office of Labor Standards  
Jasmine Marwaha, Policy Analyst, Office of Labor Standards  
Kerem Levitas, Policy Analyst, Office of Labor Standards  
Claudia Paras, Engagement Specialist, Office of Labor Standards  
Joel Shapiro, Co-CEO/Founder, Dumpling  
Jennifer Wong, Assistant Enforcement Manager, Office of Labor Standards

**Call to Order- Co-Chairs**

- Introductions and welcome
- Vote on approval Q4 2020 minutes
  - Minutes were unanimously approved

**Nominations Update- Co-Chairs**

- LSAC appointed position
  - Co-Chairs' recommendation for commissioner is Joel Shapiro, Co-CEO and founder of Dumpling
    - Motion to put Joel Shapiro's nomination to Council is seconded.
    - Motion unanimously passes.
    - Joel Shapiro is appointed to Position 15, subject to Council confirmation.
- Mayoral appointed positions
  - Co-Chairs worked on recruitment with LSAC's authorization following the Q4 meeting
    - Received 9 applications in total for 5 Mayoral appointed positions and 1 LSAC appointed position.
    - Co-Chairs sent recommendations to the Mayor's office.
    - Mayor's office has indicated plans to fill positions in April.

**OLS Director's Welcome and Update-** Steven Marchese

- Introduction to Acting OLS Director Steven Marchese.
  - Council will vote on Director Marchese's confirmation on 3/1

**Independent Contractor Transparency Protections-** Karina Bull, Alex Clardy

- LSAC subcommittee created recommendations based on this question- If you're an independent contractor, how do you know what you're supposed to be paid?
  - Recommendations included disclosures required in the employer/employee relationship.
  - CM Herbold hopes to pass legislation with consideration of LSAC recommendations this year
  - Karina Bull of Central Staff will be drafting a memo to the Finance and Housing Committee and has communicated questions to Co-Chairs, OLS, and DWSB for feedback by 3/5 as committee discussion is tentatively scheduled for 3/16.
    - Commissioners will individually provide feedback to the questions in a shared document and meet on 3/3 to discuss LSAC responses.
    - LSAC will form a subcommittee for engagement moving forward. Subcommittee size to be determined per ordinance and bylaw rules- Ilona Lohrey, Joel Shapiro, Elizabeth Forde, Gay Gilmore, Jeanie Chunn, and Artie Nosrati express interest.
    - Alex Clardy will follow up with LSAC to confirm if discussion will be on the committee's agenda for 3/16.
  - Commissioner clarifying question- What's the goal for this legislation?
    - Empower contractors, freelancers, workers, etc. to understand if they have been misclassified and are being paid appropriately. Contracting workers should be informed of their rights much like renters are given a specific set of information when they sign a lease with a landlord.
  - Commissioner clarifying question- The subcommittee that created the recommendations tried to avoid overlap with other legislation. How will this legislation coordinate with other legislation?
    - LSAC, DWSB, OLS feedback will inform this in part.
    - DWSB's current work intersects with the recommendations. Suggestion that LSAC discuss with DWSB and decide if there's opportunity for partnership.

**LSAC Workplan Discussion-** Co-Chairs

- This discussion is moved to the Q2 meeting as LSAC should have a full complement of commissioners at that time.

**OLS Update**

- Policy Update- Jeneé Jahn, Kerem Levitas, Jasmine Marwaha
  - Grocery Employee Hazard Pay
    - City Council passed GEHP ordinance in January and it went into effect 2/3.
    - Requires large grocery stores to pay \$4 an hour in hazard pay in addition to other compensation to grocery employees who work in a retail store.
    - Initial elements of coverage include stores with 500+ employees worldwide. The law excludes convenience stores or food markets selling a limited line of goods as well as farmers markets.
  - Employee coverage- Employees who perform work for a covered grocery business at a retail location in Seattle are covered. A forthcoming Q&A will lay out factors to determine if certain employees are covered or not.
  - DWSB
    - Will issue recommendations as mandated by the Domestic Workers Ordinance by the end of March.
    - Gave the Mayor's office a preview of recommendations on 2/23.
      - Recommendations fall under three categories- greater investment in outreach and education, more resources for contracts and pre-contract disclosures, and a policy proposal for mandating portable benefits for domestic workers.
  - TNC Minimum Compensation
    - Went into effect 1/1.
    - Drivers are reporting increased pay.
    - The law provides a guaranteed minimum pay rate on a per minute and per mile basis.
    - OLS is currently engaged in administrative rulemaking (the law was passed with an effective date that didn't allow rulemaking prior).
      - Formal stakeholder meetings have concluded and OLS is preparing draft rules for formal notice and comment. The draft rules should be available mid-March with final rules by late April or early May.
    - A driver pay calculator is now available on the OLS website.
  - TNC Deactivation Rights Ordinance
    - Law provides TNC drivers with protections related to platform deactivation.
    - OLS received public comment in November and is considering. If there are material changes, there will be another public comment period. LSAC will be informed of progress.
    - The ordinance effective date was amended and will now be 7/1/21.
- Enforcement Update- Jennifer Wong
  - Assessed over 7.8 million in 2020 for nearly 10,000 affected workers.
  - A quarter of the 650 total inquiries received last year were COVID related.
  - There are 4 active investigations under Gig Worker PSST.
  - Enforcement of GEHP is ongoing. There have been 12 inquiries so far and 2 investigations are being initiated.
  - Case spotlight on Little Sheep Mongolian Hotpot-
    - Largest financial remedy for any case to date totaling 3.5 million under multiple ordinances.
    - The respondent filed for bankruptcy during the investigation. The case is ongoing with the City Attorney's Office to recover money for workers.
  - The Enforcement Team is shifting toward a more strategic focus in 2021-
    - Prioritizing cases that involve PSST and Wage Theft.

- Taking a more direct approach with DWO as fear of retaliation impedes complaints.
- Outreach Update- Claudia Paras
  - The three main components of OLS outreach-
    - Community and business partnerships (COEF and BOEF funds and Domestic Workers Hiring Entities outreach)
    - Technical assistance for businesses- any business in Seattle can call the office or submit a web inquiry for labor standards information. Employer inquiries never trigger an investigation.
    - Trainings and materials for employer audiences and worker audiences.
  - Partner spotlight-
    - Casa Latina created PPE advising that workers have rights to PSST.
  - Trainings-
    - GEHP- a recorded webinar will be on the OLS website next week.
    - The DWO recorded webinar is posted.
    - COEF partners will attend a GEHP training on February 26th.