

## **OLS Investigative Process**

### **Intake**

OLS begins an investigation when it has reason to believe that a specific violation occurred or is occurring under Seattle's labor laws: [Minimum Wage \(MW\)](#), [Wage Theft \(WT\)](#), [Paid Sick and Safe Time \(PSST\)](#), [Fair Chance Employment \(FCE\)](#), [Secure Scheduling \(SS\)](#), or [Hotel Employees Health and Safety Initiative \(HEHS\)](#). This information may come from one or more sources including but not limited to an employee or former employee, a member of the public, a union or employee advocacy group. As part of the directed investigation program, OLS also pursues investigations without a complainant when there is a reason to believe a violation occurred.

People can [contact OLS](#) by phone, website, email, or in person. OLS protects the name and identifying information of a complaining individual, witnesses, and others involved in the investigation from public disclosure.<sup>1</sup> OLS provides free language interpretation at no charge on request. People are welcome to bring a friend, colleague, community organization representative, or union representative as support to the Intake interview.

When OLS receives information about a possible violation from a complainant, the OLS intake investigator reviews it and contacts the complainant within one to three business days to set up a time to gather more information. If the situation falls outside OLS's jurisdiction, the intake investigator refers the complainant to the appropriate agency. If the complainant does not want to pursue an investigation, the investigator informs the complainant that the matter can be pursued later with OLS if the issue is not remedied.

If a complainant or OLS decides to pursue an investigation, an OLS investigator interviews relevant parties and gathers relevant documents such as pay stubs or policies. OLS then decides if the matter falls within OLS enforcement priorities. OLS determines how it will proceed based on the circumstances involved, including the gravity of the allegations, vulnerability of the employees, number of employees impacted, and the complaining party's interests. If the matter falls outside of OLS priorities, the intake investigator will provide alternatives to the complainant. If OLS investigators are at capacity, the Enforcement Supervisor may put the investigation on a waitlist.

### **Investigation**

OLS notifies the employer that it has begun an investigation, and asks the employer to provide specific information within 10 days. Depending on the investigation, the employer may need to provide information such as an employee roster with personal phone numbers, records of employees' accrual and use of paid sick and safe time, time cards, and/or payroll records.

The investigator reviews the records from the employer, and interviews relevant employees and representatives of the employer. If the employer's response was not

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<sup>1</sup> In some situations, OLS can investigate only if it reveals the name of the complainant and the nature of the allegations.

complete or OLS needs more information, the investigator may request supplemental information. During the investigation, OLS posts a notice at the employer's place of business, informing employees of the investigation and inviting them to contact OLS to participate. OLS may also ask community organizations to help OLS get in touch with employees. OLS always offers to protect the names and identifying information of employees and other witnesses.

### **Settlement**

Throughout the process, OLS investigators discuss settlement with the parties to the investigation. This may start as early as intake, if the situation is straightforward and involves just one person or a policy change. At the start of an investigation, OLS evaluates the issues and the goals of the parties to see if there is a way to settle the issues that will fulfill the employees' rights under the law. Investigators may discuss settlement throughout the investigation, either at the request of a party or by initiating discussions themselves.

The goal of any settlement is to ensure that the employer completely complies with the ordinances at issue, employees are made whole, and the employer is educated about its legal obligations under the ordinances. Settlement terms cover issues such as back accrual and payout of paid sick and safe time, a paid sick and safe time policy, notice of rights to employees, restitution for retaliation, a commitment not to retaliate in the future, training, and compliance monitoring. Most settlement agreements stipulate that the employer's actions count as a violation of the ordinances involved. Some settlement agreements include penalties and count toward debarment as a city contractor, depending on the circumstances. See a sample settlement agreement [here](#).

### **Closure**

OLS strives to complete investigations within 180 days, but an investigation can last longer depending on the investigator's workload, the complexity of the issues, and the level of cooperation of parties involved. If the parties have not agreed to a settlement, OLS will close the investigation by issuing a finding of a violation or no violation.

A finding of no violation ends the inquiry. For MW and WT investigations, the initial complainant may request reconsideration. For PSST and FCE investigations of alleged violations that occurred prior to January 16, 2016, the initial complainants may file an appeal with the Seattle Human Rights Commission; for PSST and FCE investigations of alleged violations that occurred after January 16, 2016, the initial complainant may file an appeal with OLS for an internal appeal process.<sup>2</sup>

If OLS issues a finding of a violation, OLS will discuss potential remedies with the parties, and evaluates appropriate remedies under the law. [Remedies](#) can include all back-recovery to parties, which may be up to three times the wages owed plus interest, as well as appropriate equitable relief, civil penalties, and fines. A finding of a violation may result in either a final Director's Order or settlement agreement. Because the

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<sup>2</sup> OLS is currently pursuing changes to the employee appeal process for all labor standards ordinances, per changes made in the recent Wage Theft Prevention and Harmonization Ordinance.

employer has had numerous opportunities to settle the matter, OLS imposes more conditions and penalties after finding a violation.

If OLS finds a violation, the employer may seek review of the decision with the Hearing Examiner. The process can differ depending on the timing of the charge and the ordinances involved.

If the employer does not follow the terms of the Director's Order, OLS will take appropriate action to enforce it, including enforcing the order in court, garnishing wages, filing a lien, sending the matter to collections, posting a notice of failure to comply in a public place at the employer's place of business, seeking revocation of the employer's business license, and/or moving toward debarment for city contractors.

### **Data**

OLS tracks comprehensive data about the types and resolutions of its inquiries, technical assistance, and open and closed investigations on a [monthly dashboard](#), which is available to the public.

If you have any questions about this process, please [contact OLS](#).