

## Employer Guide to Recordkeeping Requirements

The Office of Labor Standards (OLS) is committed to creating a culture of compliance with all labor standards. A key part of that commitment is providing employers with information to help employers follow the laws.

Seattle’s labor standards ordinances require employers to keep records that show their compliance with the law. This Guide lists the minimum records that employers must keep for the Minimum Wage, Wage Theft, Paid Sick and Safe Time, Fair Chance Employment, Commuter Benefits, Secure Scheduling, and Grocery Employee Hazard Pay Ordinances, as well as all four hotel employee protection laws. Employers may need to keep other documents as well and OLS encourages employers to think about what would show their adherence to each law.

If you have additional questions or need more information, please:

- Visit our website at [www.seattle.gov/laborstandards](http://www.seattle.gov/laborstandards);
- Call us at 206-256-5297; and
- Email us at [business.laborstandards@seattle.gov](mailto:business.laborstandards@seattle.gov).

This Guide does not cover the Domestic Workers, Paid Sick and Safe Time for Gig Workers, Premium Pay for Gig Workers, the Transportation Network Company (TNC) Driver Minimum Compensation or TNC Driver Deactivation Rights Ordinances.

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## **General Documents and Best Practice Recordkeeping**

Some of the documents listed below are required by law while retaining others are a best practice. For example, notices of labor standards rights are required by all the ordinances.

1. Notices of labor standards rights given to employees (workplace posters);
2. Collective bargaining agreements;
3. A copy of employee manuals or handbooks;
4. A list of employees who currently work and have worked for you in the past three years in the Seattle location of your business. The list must include the position, phone number, and address of these employees; and
5. Records of any employee discipline, warnings, performance improvement plans, demotions, reassignments, and pay rate or salary changes.

## **Recordkeeping Requirements that Apply to Most Employers**

The Minimum Wage, Wage Theft, Fair Chance Employment, Paid Sick and Safe Time, and Commuter Benefits Ordinances apply to most employers in Seattle. The following section outlines requirements for each of these laws.

### **Commuter Benefit Ordinance**

Applies to: Employers with 20 or more employees worldwide. [SMC 14.30](#).

1. Written documentation of the employer's offer of pre-tax deduction to individual employees;
2. Documentation of an employee's response to the offer as it will be required to show compliance;
3. Written documentation of the employer's program for subsidizing all or part of the purchase price of a transit price (if applicable); and
4. Employers must keep these records for three years.

### **Fair Chance Employment Ordinance**

Applies to: Employers with one or more employees working inside Seattle city limits. [SMC 14.17](#).

1. All materials received, used, considered, and sent in employment decisions;
2. All hiring policies effective at any time during the previous three years;
3. Any policies and procedures for conducting, or using criminal background checks; and
4. All job postings and job applications used at any time during the previous three years.

### **Minimum Wage and Wage Theft Ordinances**

Applies to: Employers with one or more employees working inside Seattle city limits. [Seattle Municipal Codes \(SMC\) 14.19](#) and [SMC 14.20](#).

1. Statement of the number of employees employed per year worldwide for each of the three previous years;

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2. List of current and former employees who work or have worked in Seattle, and for each employee, copies of:
  - a. Written “Notice of Employment Information” that must be provided at time of hire and before any change in employment information occurs;
  - b. Original timecards that show the hours worked each day;
  - c. Payroll records for each employee,<sup>i</sup> which must include:
    - Employee’s full name, or the employee’s identifying symbol or number if this is used in place of name on any time, work, or payroll records;<sup>ii</sup>
    - Home address;
    - Employee’s occupation;
    - Date of birth if employee is under eighteen years old;
    - Time of day and day of week on which the employee’s workweek begins;<sup>iii</sup>
    - Dates of employment;
    - Rate(s) of pay;
    - Hours worked each workday (any consecutive 24 hours) and total hours worked each workweek;
    - Total daily or weekly straight-time earnings or wages;
    - Total overtime compensation for the workweek;
    - All additions to or deductions from wages paid each pay period;
    - Total wages paid each period, including bonuses, commissions, and piece-rate;
    - Date of payment and the pay period covered by payment; and
    - Records of tips, service charges, payments toward medical benefits, and the actuarial value of medical benefits.

### **Paid Sick and Safe Time Ordinance**

Applies to: Employers with one or more employees working inside Seattle city limits. [SMC 14.16](#).

1. Statement of the total number of hours worked by employee worldwide for each of the previous three calendar years;<sup>iv</sup>
2. Written Paid Sick and Safe Time policies and other paid leave policies effective at any time during the previous three years;
3. Records of employees’ accrual, use, and carry over of PSST;
4. Notices given to employees of their PSST balance each time wages are paid; and
5. Documentation collected from employees to support their use of PSST.

### **Recordkeeping Requirements for Laws that Apply to Specific Employers**

Multiple labor standards apply to only a specific group of employers, often by industry. The following sections describe the recordkeeping requirements for these laws.

#### **Retail and Food Service Establishments, including Grocery: Secure Scheduling Ordinance**

Applies to: Retail or food service employers with 500 or more employees and full-service restaurants with 40 locations worldwide. [SMC 14.22](#).

1. Written “Good Faith Estimates” of employee work schedules;
2. Documentation of the business reason for denying an employee’s schedule change request when the request is due to a major life event;
3. Work schedules and any changes made to work schedules;
4. Payroll records showing additional compensation paid to employees for schedule changes or opening and closing shifts worked that were separated by less than 10 hours;
5. Documentation of employee-requested changes to the employee's work schedule;
6. Mass communications regarding the availability of additional hours of work;
7. Documentation of any discipline that resulted in a reduction of employee hours;
8. Notices of additional hours of work made pursuant to the Access to Hours provisions of [SMC 14.22.055](#); and
9. Documentation of employees who did not want to receive written notice of additional hours of work (i.e. access to hours list);
10. Written confirmation from all employees, or employees on the access to hours list, that they are not interested in accepting additional hours of work if the employer elects to reduce the notice requirements for access to hours pursuant to the Access to Hours provisions of [SMC 14.22.055](#).

#### **Grocery Businesses: Grocery Employee Hazard Pay Ordinance**

Applies to: Grocery businesses that employ 500 or more employees worldwide. The hazard pay requirement will be in effect from 12:01 AM on February 3, 2021 until the end of the COVID-19 civil emergency. Sections [3.02.125](#) & [6.208.020](#).

1. Records that show compliance with this ordinance for each employee for three years. These could include: a copy of the Wage Theft Notice of Employee Information, paystubs that show increase in hazard pay, etc.

#### **Hotels and Related Businesses: Protecting Hotel Employee from Injury Ordinance**

Applies to: Hotel employers that own, control, or operate a large hotel in Seattle and any employers that contract to provide room cleaning at a large hotel in Seattle. [SMC 14.27](#).

1. The total square footage that each employee cleans each workday;
2. The total number of strenuous room cleanings performed by each employee each workday;
3. The number of hours worked by each employee that workday;
4. The number of hours the employee performed room cleanings that workday, including the amount of time the employee performed room cleaning in excess of the workload limit;
5. Each employee’s gross pay for that workday;
6. Documentation demonstrating any exceptions to additional pay requirements; and

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7. Records documenting an employee's consent to team clean and any subsequent withdrawal of consent.

### **Hotels and Related Businesses: Hotel Employee Safety Protections Ordinance**

Applies to: Hotel employers (employers that own, control, or operate a Seattle hotel or motel) and ancillary hotel businesses. [SMC 14.26](#).

Notice: Employers must keep records that show compliance with the ordinance. These records must be kept for five years. At a minimum, these include:

1. The employer's written policy against violent or harassing conduct by guests;
2. Written notices that an employer must provide a guest and an employee if the employer receives an allegation or learns that a guest engaged in violent or harassing conduct towards an employee;
3. The necessary steps taken by an employer to safeguard employees from future violent or harassing conduct by an accused guest;
4. An employer's reassignment of an employee after a report of violent or harassing conduct; and
5. Documentation of any paid time taken by an employee that was afforded by this law.

### **Hotels and Related Businesses: Improving Access to Medical Care for Hotel Employees Ordinance**

Applies to: Hotel employers (employers that own, control, or operate a Seattle hotel or motel with 100 or more guest rooms) and ancillary hotel businesses with 50 or more employees worldwide. [SMC 14.28](#).

1. Proof of each required healthcare expenditure that was made each month to each current and former employee; and
2. Records related to Waiver Forms, including:
  - a. Copies of any signed forms,
  - b. Copies of signed cancellations (revocation) of waivers, and
  - c. For Waivers described in SMC 14.28.060, evidence of proof of service of the waiver form and, when applicable, records proving that the employee continued to decline the healthcare expenditure.

### **Hotels and Related Businesses: Hotel Employees Job Retention Ordinance**

Applies to: Hotel employers (employers that own, control, or operate a Seattle hotel or motel with 60 or more guest rooms) and ancillary hotel businesses with 50 or more employees worldwide. [SMC 14.29](#).

1. A written copy of the preferential hiring list given to the incoming employer;
2. Written verification of offers extended to employees on the preferential hiring list, including the employee's name, address, date of hire, and employee occupation classification; and

### 3. Written records of performance evaluation given to covered employees.

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<sup>i</sup> Employers are required to maintain these records under Washington state law. [WAC 296-128-010.](#)

<sup>ii</sup> This shall be the same name as that used for Social Security record or federal tax return filing purposes.

<sup>iii</sup> If the employee is part of a workforce or employed in or by an establishment all of whose workers have a workweek beginning at the same time on the same day, a single notation of the time of the day and beginning day of the workweek for the whole workforce or establishment is sufficient. If, however, any employee or group of employees has a workweek beginning and ending at a different time, a separate notation shall then be kept for that employee or group of employees.

<sup>iv</sup> Tier size under the PSST ordinance is based on the average number per calendar week of full-time equivalents (FTEs) who worked for compensation during the previous calendar year for any and all weeks during which at least one employee worked for compensation. SMC 14.16.020.B. While the PSST Ordinance only requires employers to maintain records for three years, an employer would need the average number of FTEs from four prior ago to determine its tier size three years prior.