



REMEDY PACKAGE

As a condition of settlement or as a term of any Director's order after a finding of a violation, OLS has authority to assess the following remedies:¹²³

- Unpaid wages
 - Unpaid wages due to all employees.
- Interest
 - Interest at a rate of 12% per annum, calculated monthly.
- Equitable relief
 - Appropriate equitable relief.
- Liquidated damages
 - First violation = Discretionary damages of up to three times the unpaid wages.
Subsequent violations = Mandatory damages of three times the unpaid wages.
- Retaliation remedies
 - Any appropriate relief at law or equity, including reinstatement, front pay in lieu of reinstatement, payment of unpaid wages plus interest.
 - A penalty to the aggrieved party of up to \$5,149.
- Notice and Posting
 - First willful violation = Mandatory \$772 civil penalty.
 - Subsequent willful violations = Mandatory \$1,030 civil penalty.
- If Respondent willfully hinders, prevents, impedes, or interferes with the Director or Hearing Examiner
 - A mandatory \$1,030 to \$5,149 civil penalty.

¹ Fair Chance employment remedies do not include unpaid wages, interest, equitable relief, or liquidated damages.

² Damages, penalties, and fines are applicable to Director's Orders. Settlement agreements can also include damages, penalties, and fines, depending on the circumstances.

³ These remedies apply from January 16, 2016, forward. If the investigation includes events that occurred prior to that date, different remedies will apply.

- Violation – Civil Penalties to City
 - First Violation – Discretionary penalty **up to** \$515 per aggrieved party.
 - Second violation – Mandatory penalty **up to** \$1,030 per aggrieved party or up to 10% of unpaid wages, whichever is greater.
 - Subsequent violation – Mandatory penalty **up to** \$5,149 per aggrieved party or 10% of total unpaid wages, whichever is greater.
 - Maximum penalty for violation = \$20,596 per aggrieved party or 10% of unpaid wages, whichever is greater.

- Fines to City – OLS may assess fines for the employer’s failure to comply with the following requirements:^{4 5}
 - Written notice of rights - \$515.
 - Notification of PSST balance - \$515 (PSST).
 - Written PSST policy and procedure - \$515 (PSST).
 - Records for three years - \$515 per missing record (PSST/MW/WT).
 - Prohibitions against retaliation - \$1,030 per aggrieved party.
 - Notice of investigation to employees - \$515.
 - Notice of failure to comply with final order - \$515.
 - Written notice of employment information - \$515 per aggrieved party (WT).
 - Written notice of pay information - \$515 per aggrieved party (WT).

- Retroactive Paid Sick and Safe Time Remedy
 - OLS typically uses the following formula to compensate employees who were never provided PSST:
 - (a) Payment for 30 PSST hours for each year of noncompliance at the employee’s rate of pay on the last day of each year of noncompliance, plus 12 percent interest per annum, calculated monthly.
 - (b) Access to sick leave hours each employee should have accrued each year minus the number of hours paid out in (a) above.
 - This remedy may be prorated if the employee does not work full time.

⁴ The fines are available under all laws that OLS enforces except where specific law(s) are listed in parenthesis after the fines (For example, the Notification of balance fine applies only under PSST).

⁵ Fines increase by 50% for each subsequent violation; fine maximum each year for each type of violation is \$5,149 (\$20,596 for retaliation).