

APPENDIX A

SECTION 1. BACK PAY AND INTEREST AWARDS

- (1) Back Pay. Once it has been determined that an awardee has sustained economic loss from a violation under the Seattle Labor Standards Ordinances, back pay shall be awarded. The issue in determining whether a back pay award is appropriate is whether the awardee was economically injured and requires back pay to be made whole.
- (2) Computation. Back pay awards shall be computed to include all earnings and benefits that would be due the awardee but for the respondent's unlawful acts or practices. The award shall be equal to what the awardee would have earned from the respondent plus interest, less legal deductions due as a result of the award.
 - (a) Interest. Interest shall accrue at the rate of twelve (12) percent per annum on the amount of back pay due and may, at the discretion of the Director based on the circumstances of the case, be computed on a monthly basis. Interest shall be assessed on all back pay awards. Such interest shall run from the date the back pay became due to the awardee as wages until the date the back pay is paid.
 - (b) Legal Deductions. Legal deductions due as a result of the award include mandatory contributions, such as FICA, that are required by law to be withheld from wages. The amount deducted under this section shall be paid to the appropriate fund on the awardee's behalf.
 - (c) Compensation Period. The compensation period for the calculation of back pay shall commence on the date the unlawful act or practice occurred or began, and shall continue until the date the unlawful act or practice ends or the date a Director's order under SHRR 140-140 is issued, whichever occurs first.

SECTION 2. REMEDIES IN PAID SICK AND SAFE TIME (PSST) CASES

- (1) Remedies to Aggrieved Parties.

Table 2-1. Remedies to Aggrieved Parties Under SMC 14.16.080

Violation	Remedy to Each Aggrieved Party
First and subsequent violations of the PSST Ordinance (any provision)	Liquidated damages of up to twice the unpaid wages.
Violation of PSST accrual requirements	For full-time employees, back pay for 30 PSST hours ¹ for each year of noncompliance for up to three (3) years preceding the initiation of the investigation through the date of the Determination and Order or Pre-Determination Settlement, paid at the employee's rate of pay on the last day of each year of noncompliance, plus interest.
Violation of PSST use requirements (preclusion of use; nonpayment for use)	For part-time, temporary, and occasional basis employees working fewer than 2080 hours per year, the number of hours to be paid out will be prorated based on hours worked.
Violation of PSST carry-over requirements	This remedy may be prorated for the length and extent of noncompliance. For partial noncompliance where full-time employees are permitted to accrue and use at least 30 PSST hours per year (or the prorated equivalent for employees working fewer than 2080 hour per year), employees will receive back-PSST hours (see below), but not back pay.

¹ To calculate the equitable remedy, OLS will adjust number of hours paid out annually using the most recent data regarding "the frequency of work-loss days" for adults aged 18 and over as published by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), Summary Health Statistics for U.S. Adults.

	<p>Accrued PSST hours based on the applicable accrual rate and hours worked during each year of noncompliance for up to three (3) years preceding the initiation of the investigation through the date of the Determination and Order or Pre-Determination Settlement, less the number of PSST hours paid out as back pay, where applicable (see above).</p> <p>In cases where payroll records have not been maintained or provided, the maximum number of accrued PSST hours that the employee could have accrued during the period of noncompliance shall be awarded without carryover restrictions.</p> <p>This remedy may be prorated for the length and extent of noncompliance.</p>
Violation of PSST use requirements (where respondent is generally providing PSST but wrongfully denies use)	Full payment of unpaid wages due, plus interest.
Retaliation	Appropriate relief at law or equity, including but not limited to: reinstatement; front pay in lieu of reinstatement with full payment of unpaid wages plus interest; liquidated damages of up to twice the unpaid wages; and a penalty of up to \$5,000.

(2) Fines to the City of Seattle.

Table 2-2. Fines and Penalties to the Agency under SMC 14.16.080	
Violation	Civil Penalties/Fines
First, second, or subsequent violations of the PSST Ordinance (any provision)	<p>First violation: Up to \$500 per aggrieved party.</p> <p>Second violation: Up to \$1,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater.</p>

	Subsequent violations: Up to \$5,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. ²
Willful failure to display the Labor Standards Ordinance poster	First violation: \$750. Subsequent violations: \$1,000.
Failure to provide notification each time wages are paid stating an updated amount of paid time available for use as PSST	\$500.
Failure to provide employees with written notice of rights under notice and posting requirements	\$500.
Failure to provide employees with employer's written policy and procedure for meeting PSST requirements	\$500.
Failure to comply with prohibitions against retaliation	\$1,000 per aggrieved party.
Failure to maintain employer records documenting hours worked by employees and PSST used by covered employees for three years	\$500 per missing record.
Failure to provide notice of investigation to employees	\$500.
Failure to provide notice of failure to comply with final order to public	\$500.
Willful interference with the investigation	Between \$1,000.00 and \$5,000.00.

- (3) Attorney's Fees. In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing SMC 14.16, including but not limited to reasonable attorneys' fees.

² Maximum penalty for a violation is \$20,000 per aggrieved party or 10% of unpaid wages, whichever is greater.

SECTION 3. REMEDIES IN FAIR CHANCE EMPLOYMENT (FCE) CASES

(1) Remedies to Aggrieved Parties.

Table 3-1. Remedies to Aggrieved Parties under SMC 14.17.055	
Violation	Remedy to Each Aggrieved Party
First, second, and subsequent violations of the FCE Ordinance (any provision) ³	First violation: Up to \$500 to each aggrieved party. Second violation: Up to \$1,000 to each aggrieved party. Subsequent violations: Up to \$5,000 to each aggrieved party.
Retaliation	Appropriate relief at law or equity, including: reinstatement; front pay in lieu of reinstatement with full payment of unpaid wages plus interest; liquidated damages of up to twice the unpaid wages; and a penalty of up to \$5,000.

(2) Fines to the City of Seattle.

Table 3-2. Fines and Penalties to the Agency under SMC 14.17.055	
Violation	Fine
Failure to provide employees with written notice of rights under notice and posting requirements	\$500.
Failure to comply with prohibitions against retaliation	\$1,000 per aggrieved party.
Willful failure to display the Labor Standards Ordinance poster	First violation: \$750 Subsequent violations: \$1,000.
Failure to provide notice of investigation to employees	\$500.
Failure to provide notice of failure to comply with final order to public	\$500.

³ If there is no aggrieved party, the penalty for a first, second, or subsequent violation shall be paid to the Department as a civil penalty. See SMC 14.17.055(F).

Willful interference with the investigation	Between \$1,000 and \$5,000.
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- (3) Attorney's Fees. In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing SMC 14.17, including but not limited to reasonable attorneys' fees.

SECTION 4. REMEDIES IN MINIMUM WAGE (MW) CASES

- (1) Remedies to Aggrieved Parties.

Table 4-1. Remedies to Aggrieved Parties under SMC 14.19.080	
Violation	Remedy to Each Aggrieved Party
First and subsequent violations of the MW Ordinance	Liquidated damages of up to twice the unpaid wages.
Failure to pay minimum wage or minimum compensation	Full payment of unpaid wages plus interest.
Retaliation	Appropriate relief at law or equity, including but not limited to: reinstatement; front pay in lieu of reinstatement with full payment of unpaid wages plus interest; liquidated damages of up to twice the unpaid wages; and a penalty of up to \$5,000.

- (2) Fines to the City of Seattle.

Table 4-2. Fines to the City of Seattle under SMC 14.19.080	
Violation	Fine
First, second, and subsequent violations of the MW Ordinance	<p>First violation: Up to \$500 per aggrieved party.</p> <p>Second violation: Up to \$1,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater.</p> <p>Subsequent violations: Up to \$5,000 per aggrieved party, or an amount equal to ten</p>

	percent of the total amount of unpaid wages, whichever is greater. ⁴
Willful failure to display the Labor Standards Ordinance poster	First violation: \$750. Subsequent violations: \$1,000.
Failure to provide employees with written notice of rights under notice and posting requirements	\$500.
Failure to comply with prohibitions against retaliation	\$1,000 per aggrieved party.
Failure to maintain employer records documenting minimum wages and minimum compensation paid to each employee for three years	\$500 per missing record.
Failure to provide notice of investigation to employees	\$500.
Failure to provide notice of failure to comply with final order to public	\$500.
Willful interference with the investigation	Between \$1,000 and \$5,000.

- (3) **Attorney's Fees.** In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing SMC 14.19, including but not limited to reasonable attorneys' fees.

SECTION 5. REMEDIES IN WAGE THEFT (WT) CASES

- (1) Remedies to Aggrieved Parties.

Table 5-1. Remedies to Aggrieved Parties under SMC 14.20.060	
Violation	Remedy to Each Aggrieved Party
First and subsequent violations of the WT Ordinance	Liquidated damages up to twice the unpaid wages.
Failure to pay all compensation owed to an employee by reason of employment on an established regular	Full payment of unpaid compensation plus interest.

⁴ Maximum penalty for a violation is \$20,000 per aggrieved party or 10% of unpaid wages, whichever is greater.

pay day at no longer than monthly payment intervals	
Retaliation	Appropriate relief at law or equity, including but not limited to: reinstatement; front pay in lieu of reinstatement with full payment of unpaid wages plus interest; liquidated damages of up to twice the unpaid wages; and a penalty of up to \$5,000.

(2) Fines to the City of Seattle.

Table 5-2. Fines and Penalties to the Agency under SMC 14.20.060	
Violation	Fine
First, second, and subsequent violations of the WT Ordinance	First violation: Up to \$500 per aggrieved party. Second violation: Up to \$1,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. Subsequent violations: Up to \$5,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. ⁵
Willful failure to display the Labor Standards Ordinance poster	First violation: \$750. Subsequent violations: \$1,000.
Failure to provide employees with written notice of rights under notice and posting requirements	\$500.
Failure to provide employees with written notice of pay information each time wages are paid	\$500 per aggrieved party.
Failure to provide written notice of employment information	\$500 per aggrieved party.
Failure to comply with prohibitions against retaliation	\$1,000 per aggrieved party.

⁵ Maximum penalty for a violation is \$20,000 per aggrieved party or 10% of unpaid wages, whichever is greater.

Failure to maintain employer records for three years	\$500 per missing record.
Failure to provide notice of investigation to employees	\$500.
Failure to provide notice of failure to comply with final order to public	\$500.
Willful interference with the investigation	Between \$1,000 and \$5,000.

- (3) Attorney's Fees. In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing [SMC 14.20](#), including but not limited to reasonable attorneys' fees.

SECTION 6. REMEDIES IN SECURE SCHEDULING (SS) CASES

- (1) Remedies to Aggrieved Parties.

Table 6-1. Remedies to Aggrieved Parties under SMC 14.22.095	
Violation	Remedy to Each Aggrieved Party
First and subsequent violations of the SS Ordinance	Liquidated damages of up to twice the unpaid compensation. Full payment of unpaid compensation plus interest.
Retaliation	Appropriate relief at law or equity, including but not limited to: reinstatement; front pay in lieu of reinstatement with full payment of unpaid wages plus interest; liquidated damages of up to twice the unpaid wages; and a penalty of up to \$5,000.

- (2) Fines to the City of Seattle.

Table 6-2. Fines and Penalties to the Agency under SMC 14.22.095	
Violation	Fine
First, second, and subsequent violations of the SS Ordinance	First violation: Up to \$500 per aggrieved party. Second violation: Up to \$1,000 per aggrieved party, or an amount equal to ten

	percent of the total amount of unpaid compensation, whichever is greater. Subsequent violations: Up to \$5,000 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater. ⁶
Failure to provide good faith estimate of work schedule	\$500.
Failure to provide a written response for denial of employee's request for a limitation or change in work schedule due to a major life event	\$500.
Failure to compensate employee at one and a half times pay for working hours that are separated by less than 10 hours from the previous shift	\$500.
Failure to provide at least 14 calendar days of advance notice of work schedule	\$500.
Failure to provide notice of work schedule changes	\$500.
Failure to comply with prohibitions against asking or requiring an employee to find coverage for scheduled hours if the employee is unable to work for a reason covered by other laws or a major life event	\$500.
Failure to compensate employee with additional compensation for work schedule changes	\$500.
Failure to comply with prohibition against systemic pattern or practice of significant underscheduling	\$500.

⁶ Maximum penalty for a violation is \$20,000 per aggrieved party or 10% of unpaid wages, whichever is greater.

Failure to offer additional hours of work to existing employees	\$500.
Willful failure to display the Labor Standards Ordinance poster	First violation: \$750 Subsequent violations: 1,000.
Failure to provide employees with written notice of rights under notice and posting requirements	\$500.
Failure to comply with prohibitions against retaliation	\$1,000 per aggrieved party.
Failure to provide notice of investigation to employees	\$500.
Failure to provide notice of failure to comply with final order to public	\$500.
Willful interference with the investigation	Between \$1,000 and \$5,000.

- (3) Attorney's Fees. In addition to the unpaid wages, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing SMC 14.22, including but not limited to reasonable attorneys' fees.