



Seattle
Office of Labor Standards

BEFORE THE SEATTLE OFFICE OF LABOR STANDARDS

Office of Labor Standards,

Charging Party,

vs.

RESPONDENT NAME,

Respondent.

CASE NO.

FINAL ORDER

Pursuant to the Notice of **[First, Second, Third]** Violation of the XX provisions of the **(Wage Theft Ordinance - Seattle Municipal Code (SMC) Chapter 14.20, Minimum Wage Ordinance - SMC Chapter 14.19, Paid Sick and Safe Time Ordinance - Seattle Municipal Code (SMC) Chapter 14.16, and Fair Chance Employment Ordinance - Seattle Municipal Code (SMC) Chapter 14.17)** (Ordinances) issued on _____, the Director orders the following remedies.

1. **Complete Compliance.** Respondent shall comply with all provisions of the Ordinance(s).
2. **Financial Remedy.** The complete financial remedy in this case is \$____, which includes \$____ in back wages plus interest, \$____ in monetary remedies/damages to aggrieved parties, and \$____ in civil penalties and fines to the City of Seattle.
3. **Poster.** Within 30 days of the execution of this Order by the Director, and on an ongoing basis, Respondent shall post the poster attached to this Order as Attachment A, in English and any other language spoken by employees on **[SPECIFY LOCATION WHERE EMPLOYEES WILL SEE IT]**.
4. **Notice to Employees.** Within 30 days of the execution of this Order by the Director, Respondent shall distribute the notice attached to this Order as Attachment B to each Seattle employee in the employee's primary language.
5. **Record Retention.** Within 30 days of the execution of this Order by the Director, Respondent shall start maintaining the following payroll records for each employee, consistent with the requirements of the Ordinances:
 - a. Name;
 - b. Address;
 - c. Occupation;

- d. Dates of employment;
- e. Rate(s) of pay;
- f. Amount of pay each pay period;
- g. Hours worked;
- h. Date of birth for employees under 18 years of age;
- i. Time of day and day of week that each employee's workweek begins;
- j. Hours worked each day and work week;
- k. Total daily or weekly earnings;
- l. Total overtime earnings;
- m. Date of payments;
- n. Dates the pay period covered;
- o. Total payment and tips for each pay period;
- p. Deductions, additions, and a record of each;
- q. (Only for employers who are paying a lower minimum wage due to payments toward employee medical benefits) Total payment toward employee's medical benefits for each pay period, and records demonstrating the actuarial value of the medical benefits;
- r. Paid tips and service charges;
- s. Paid sick and safe time used; and
- t. Deductions, additions, and a record of each.

6. **Civil Penalties and Fines.** Respondent shall make a check payable to the City of Seattle in the amount of \$____ for the following civil penalties and fines and mail it to OLS within 30 days of the Director's execution of this Order:
[See [Civil Penalties and Fines document](#) for range of amounts.]

7. **MITIGATION OF PENALTIES:** If, within 10 days of receiving this Order, Respondent pays the remedy due to employees and any former employees, which totals \$____, the Director will waive [____ **amount of**] the civil penalties and fines due to OLS. If, within 15 days of receiving this Order, Respondent pays the remedy due to employees and any former employees, which totals \$____, the Director will waive [**half or other amount**] the amount of civil penalties and fines due to OLS. [Remove this paragraph if Director is not offering mitigation]

Minimum Wage and Wage Theft

8. **Back Wages.** Respondent shall pay back wages and interest to employees totaling \$____, as outlined in Attachment C. Respondent shall make the checks payable to the employees and [**mail them to OLS, ATTN: INVESTIGATOR NAME OR distribute them to the recipients**] within 30 days of the Director's execution of this Order.
9. **Liquidated Damages.** Respondent shall pay liquidated damages to employees totaling \$____, which is two times the amount of back wages due, as outlined in Attachment C. Respondent shall make the checks payable to the employees

and [mail them to OLS, ATTN: INVESTIGATOR NAME OR distribute them to the recipients] within 30 days of the Director's execution of this Order.

10. **Notice of Employment Information.** Within 30 days of the execution of this Order by the Director, Respondent shall provide notices of employment information to Seattle employees [“.” OR “who were hired or had a change in employment since April 1, 2015],” and continue to do so pursuant to the requirements of the Wage Theft Ordinance. The notice shall include:
- a. Name of employer and any trade ("doing business as") names used by the employer;
 - b. Physical address of the employer's main office or principal place of business and, if different, a mailing address;
 - c. Telephone number and email of the employer;
 - d. Employee's rate or rates of pay and eligibility to earn overtime rate(s) of pay;
 - e. Employee's tip policy, including any tip sharing, pooling, or allocation policies;
 - f. Pay basis (e.g. hour, shift, day, week, commission);
 - g. Employee's established pay day for compensation.

11. **Wage Payment Notification.** Within 30 days of the execution of this Order by the Director, Respondent shall provide wage payment notification to Seattle employees and continue to do so pursuant to the requirements of the Wage Theft Ordinance. The notice shall include:
- a. All hours worked, showing regular and overtime hours separately;
 - b. Rate(s) of pay;
 - c. Paid tips and service charges
 - d. Pay basis;
 - e. Gross wages; and
 - f. All deductions for the pay period.

Paid Sick and Safe Time

12. **Paid Sick and Safe Time Notification.** Within 30 days of the execution of this Order by the Director, and on an ongoing basis, Respondent shall notify employees of their paid sick and safe time balance of hours with each pay period.

13. **Paid Sick and Safe Time Accrual and Use.** Within 30 days of the execution of this Order by the Director, Respondent shall provide employees the paid sick and safe time balances outlined in Attachment D, permit employees to use the balance without limit until [date], and carry any remaining balance into [year] without capping it.

- 1 14. **Paid Sick and Safe Time Policy.** Within 30 days of the execution of this Order
2 by the Director, Respondent shall develop and implement a written policy to
3 comply with PSST.
- 4 15. **Paid Sick and Safe Time Payout.** Within 30 days of the execution of this
5 Order by the Director, Respondent shall make checks payable to the
6 employees in the amounts indicated in Attachment E, for payout of paid sick
7 and safe time, and **[mail them to OLS, ATTN: INVESTIGATOR NAME OR
8 distribute them to the recipients]**.
- 9 16. **Back Wages.** Respondent shall pay back wages and interest to employees
10 totaling \$____, as outlined in Attachment E. Respondent shall make the checks
11 payable to the employees and **[mail them to OLS, ATTN: INVESTIGATOR
12 NAME OR distribute them to the recipients]** within 30 days of the Director's
13 execution of this Order.
- 14 17. **Liquidated Damages.** Respondent shall pay liquidated damages to employees
15 totaling \$____, which is two times the amount of back wages due, as outlined in
16 Attachment E. Respondent shall make the checks payable to the employees
17 and **[mail them to OLS, ATTN: INVESTIGATOR NAME OR distribute them
18 to the recipients]** within 30 days of the Director's execution of this Order.

14 **Fair Chance Employment**

- 15 18. **Monetary Remedy.** Respondent shall pay a monetary remedy to _____
16 totaling \$____. Respondent shall make the check(s) payable to _____ and
17 **[mail it to OLS, ATTN: INVESTIGATOR NAME OR distribute it to the
18 recipient(s)]** within 30 days of the Director's execution of this Order.
- 19 19. **Back Wages.** Respondent shall pay back wages and interest to _____
20 totaling \$____, as outlined in Attachment _____. Respondent shall make the check
21 payable to _____ and **[mail it to OLS, ATTN: INVESTIGATOR NAME
22 OR distribute it to the recipient(s)]** within 30 days of the Director's execution
23 of this Order.
- 24 20. **Liquidated damages.** Respondent shall pay liquidated damages to _____
25 totaling \$____, which is two times the amount of back wages due, as outlined in
26 Attachment _____. Respondent shall make the checks payable to _____ and
27 **[mail it to OLS, ATTN: INVESTIGATOR NAME OR distribute it to the
28 recipient(s)]** within 30 days of the Director's execution of this Order.
- 21 21. **Fair Chance Employment Policy.** Respondent shall comply with The Seattle
22 Use of Criminal History in Employment Decisions Ordinance, SMC 14.17.
23 Within thirty (30) days of the execution of this Order by the Director,
24 Respondent shall develop, implement, and provide a copy of a written policy to

assure that its practices comply with SMC 14.17. OLS invites Respondent to contact the OLS Business Liaison at 206.684.4500 for technical assistance.

22. **Job Application**. Within 30 days of execution of this Order by the Director, Respondent shall modify its job application to comply with SMC 14.17 and provide a copy of the modified application to OLS Investigator <<Investigator Name>>.

23. **Job Advertisement**. Within 30 days of execution of this Order by the Director, Respondent shall modify its job advertisements to comply with SMC 14.17 and provide a copy of the modified advertisements to OLS Investigator <<Investigator Name>>.

Overall

24. **Proof of Compliance**. Within 30 days of the execution of this Order by the Director, Respondent shall provide written documentation to OLS Investigator <<Investigator Name>> to show that its practices comply with the Ordinance(s), including proof that Respondent complied with the above Paragraphs, specifically:

- a. Respondent's declaration under penalty of perjury indicating that Respondent distributed the notice in Paragraphs _ and _, posted the poster, provided the notification in Paragraph __, amended the application as Paragraph __ provides and advertisement as Paragraph __ provides, awarded the PSST balance outlined in Attachment D, and paid the money outlined in Paragraph __ and Attachments C and E;
- b. A photograph of the poster as posted;
- c. A copy of the check and pay stub provided to each employee in the amount outlined in Attachments C and E;
- d. A written copy of the policies required by Paragraphs __ and __; and
- e. Any other information that will demonstrate Respondent's compliance with the Ordinance(s).

25. **Compliance Monitoring**. For [SPECIFY PERIOD OF TIME FOR MONITORING] after the execution of this Order by the Director:

- a. Respondent shall permit OLS to visit Respondent's place of business, review records and interview employees;
- b. Respondent shall submit the documents set forth in this paragraph to OLS twice a year for two years or until Respondent no longer does business, whichever is first. The submission of documents shall be no later than [Two dates, 6 and 18 months from time of drafting]. The documents shall include:
 - i. An employee roster with personal phone numbers and addresses for each employee;
 - ii. A payroll summary covering the preceding six months; and

- iii. A declaration with a personal certification under penalty of perjury by Respondent stating: "INCLUDE ASSERTIONS NECESSARY TO SHOW COMPLIANCE WITH ORDER/LAW;"
- iv. **[Copies of employment information provided to new employees and employees who have had a change in employment (include if only if this was an issue)].**
- v. **[ADD DOCS TO SHOW COMPLIANCE W WHATEVER THE ISSUES WERE – PSST NOTIFICATION, ACCRUAL, CARRYOVER, FCE JOB POSTING, ETC.]**

26. **Training.** Within 30 days of the Director's execution of this Order, Respondent shall contact an OLS Business Liaison at laborstandards@seattle.gov to schedule training. Within six months of the Director's execution of this Order, Respondent's Management at that time shall attend training hosted by the OLS Business Liaison. **Management** includes each individual who supervises or will supervise any of Respondent's employees. Currently, Respondent's management includes: **[POSITIONS]**. Respondent shall count training as hours worked for trainees.

27. **No Retaliation.** There shall be no discrimination or retaliation of any kind against any person because of opposition to any practice prohibited under SMC 14.16, 14.17, 14.19 or 14.20, or because of the filing of a charge, giving of testimony or assistance, or participation in any manner in any investigation, proceeding or hearing thereunder. Respondent shall distribute copies of this Order, including this prohibition on discrimination and retaliation, to each of Respondent's Management employees as defined in Paragraph ____.

28. **Remedies if Respondent Fails to Comply.** In the event Respondent fails to promptly comply with any term of this Order, the Director may take appropriate steps to secure compliance.

29. **Public Disclosure.** This Order can be disclosed to the public, in accordance with RCW 42.56.070 and SHRR 40.065.

30. **Director's Order.** This is a Final Order.

PROCESS

Respondent has 15 days from receiving this Director's Order to appeal the remedies issued by making a written request for a contested hearing before the Seattle Hearing Examiner.¹ If Respondent fails to file such appeal, the Director's Order will be final and enforceable. Interest will continue to accrue on the amounts Ordered at a rate of 12 percent per annum, calculated monthly.

¹ For more information, call the Hearing Examiner at 206-684-0521 or <http://www.seattle.gov/examiner/>.

1 If Respondent fails to pay the full remedy of \$____ defined in this Director's Order within
2 30 days of receiving the Order, OLS will pursue recovery of the listed amounts, plus
3 attorney's fees and costs through any means available.

4 Please contact _____, Investigator, at 206-____ - ____ with any questions.
5

6 _____
Date

Dylan Orr, Director
Office of Labor Standards