

**Labor Standards Advisory Commission
Meeting Minutes**

Minutes prepared by: Megan Jackson
May 5th, 2021
2:30-4:30pm
Zoom Meeting

Attendees

Commissioners Present

Position No.	Name
1	Elizabeth Ford
2	Alexis Rodich
3	Afeworki Ghebreiyesus
4	Annie Wise
5	Tracy Taylor
7	Paola Ochoa
8	Artie Nosrati
9	Will Pittz
10	Samantha Grad
11	Gay Gilmore
12	Ilona Lohrey
13	Marilyn Watkins
14	jeanie chunn
15	Joel Shapiro

Commissioners Absent

Position No.	Name
6	Andrew Beane

Guests/Presenters:

Kerem Levitas, Policy Analyst, Office of Labor Standards
Jasmine Marwaha, Policy Analyst, Office of Labor Standards
Jeneé Jahn, Policy Manager, Office of Labor Standards
Jennifer Molina, Engagement Specialist, Office of Labor Standards
Katie Jo Keppinger, Enforcement Manager Office of Labor Standards
Sage Wilson, Campaigns Director, Working Washington
Steven Marchese, Acting Director, Office of Labor Standards

Call to Order- Co-Chairs

- Introductions and welcome
- Vote on approval Q1 2021 minutes
 - Minutes unanimously approved

I/C Transparency Update- Co-Chairs

- I/C Transparency was discussed at committee
- History of LSAC involvement
 - LSAC was tasked with making recommendations re the misclassification of workers.

- LSAC recommended a Notice of Rights for independent contractors including pre-contract disclosures and enforcement for violations of payment terms.

Gig Worker Pay Standard- Jeanie Chunn, Sage Wilson

- Coverage: Workers who are dispatched to do work on app-based platforms like DoorDash, Uber Eats, etc.
 - Not intended to cover Uber and Lyft drivers.
- Pay is almost entirely opaque in the industry.
 - Some workers make less than \$2/hour after accounting for expenses.
- Key points of policy
 - Pay floor that ensures every worker on app-based platforms is earning at least min wage plus expenses.
 - Per minute and per mile floor
 - Direct pay for engaged time
 - Mileage pay at the IRS minimum standard
 - Protections for flexibility and meaningful transparency

OLS Update

- Director's Update- Steven Marchese
 - Staffing
 - New staff at OLS
 - Policy Analyst
 - 2 Senior Investigators
 - Civil Rights Analyst
 - Positions posted or to be posted in near future
 - Senior Investigator
 - Outreach Manager
 - Data and Enforcement Strategist for TNC work
 - Planning and Development Specialist for DRC work
 - Director Marchese Introductory Meetings
 - 1x1s with COEF/BOEF partners as well as Hand in Hand and KCSARC
 - Small Business Advisory Committee
 - Driver Resolution Center RFP went out and applications are under review
- Policy Update- Jeneé Jahn, Kerem Levitas, Jasmine Marwaha
 - I/C Transparency- Kerem Levitas
 - Current proposal from Council
 - Disclosure of employment terms
 - If payment isn't timely, the worker would have recourse through OLS enforcement or filing in court
 - New enforcement mechanisms
 - Abbreviated enforcement- facilitating resolution by notifying parties of complaint
 - Assisting complainant in filing court claim
 - Coverage
 - Workers
 - All independent contractors excluding lawyers, medical professionals, and other similar workers

- Domestic workers will be included if working through commercial hiring entity
 - Employers
 - Commercial hiring entities including non-profits
 - Individuals will not be covered
 - Potential Changes
 - No explicit coverage for domestic workers
 - May only cover contracts over a certain value
 - Requirement of written contract
 - Timeline-
 - One more committee meeting in May and a possible committee meeting in June.
 - Questions from Commissioners
 - Has definition of independent contractor changed since previous version?
 - Draft from yesterday seems broader and possibly broad enough to include some people who are currently classified as employees. This could create some confusion.
 - What constitutes disclosing pay when pay can be so changeable in app-based work?
 - Feedback was provided on the draft to Council and this informed phrasing that captures things like surge pricing.
- TNC Minimum Compensation- Kerem Levitas
 - Draft rules have been issued for public comment, now evaluating comments
 - Final rules will then be issued unless substantive changes follow review in which case there will be a second public comment period.
- Other
 - Please spread information re City resources for accessing the COVID-19 vaccine including the OLS flyer letting workers know they may use their paid sick and safe time to get vaccinated
- TNC Deactivation Rights Ordinance- Jeneé Jahn
 - Law passed in late 2019
 - Protects against driver deactivation for unwarranted reasons and gives a pathway to challenge deactivations with a neutral arbitrator to settle disputes
 - Administrative rules were issued for public comment last year
 - Led to changes to a couple select rules so currently in a second public comment period that closes 5/7 at 5:00pm.
 - Rules should be finalized late May/early June with an anticipated effective date of 7/1
- Domestic Workers- Jasmine Marwaha
 - DWSB issued recommendations to Council and will present those on May 18th
 - Since mid-2019 OLS has received only 15 DWO worker inquiries resulting in only 1 investigation- this was concerning to the board.
 - Barriers to complaints
 - Reaching community- language barriers and confusion about ordinance
 - Community that's not accustomed to regulation
 - Worker anxiety around immigration status, job security, references for future jobs
 - Scale of population and amount of hiring entities

- Workers have low wages and no benefits so are already at a disadvantage
 - COVID
 - 4 basic recommendations
 - Targeted and scalable materials
 - Provide mailings to workers- domestic workers don't have a work break room where this information will be posted
 - Focus on information for third party platforms
 - Find ways to encourage access to healthcare for all low wage workers including domestic workers- healthcare navigators
 - Implement policy changes
 - Eliminate exceptions
 - All hiring entities should be required to provide notice of rights to domestic workers- it is currently optional
 - Engage domestic workers when considering I/C Transparency proposal
 - Pass a right to portable PTO for domestic workers
 - Allow workers to have a PTO bank from various hiring entities
 - A third party would hold this account for the worker to draw from
 - Program modeled after ALIA- voluntary program run by National Domestic Workers Alliance
 - Deeply invest in community expertise and building trust
 - More funding for outreach
 - Compensate workers who are on the board for the time they invest in OLS
 - More investment in compensating workers who provide feedback
- Enforcement Update- Katie Jo Keppinger
 - Dashboard- 2021 to date
 - OLS has assessed approx. \$663,027 for 1,349 workers
 - 212 workers inquiries
 - 20 investigations resolved
 - 37 investigations filed
 - Investigations under new ordinances- Gig worker premium pay, gig worker PSST, grocery employees hazard pay, domestic workers ordinance
 - Gig Worker Premium Pay- closed investigation of Go Puff in Q1
 - Settlement to 1 complainant alleging retaliation
 - Gig worker PSST- 3 open investigations, 1 closed
 - DoorDash
 - Voluntarily settled and agreed to pay over \$15,000 to 10 workers
 - Voluntary payout of approximately \$145,000 for accrued unused PSST to 891 workers from Caviar (DoorDash had ceased operations with Caviar)
 - Grocery Employees Hazard Pay
 - 2 open investigations
 - DWO
 - Opening directed investigation of Handy.com next week

- HEP
 - 2 open investigations
- Outreach Update- Jennifer Molina
 - COEF partners have been grouping into industry clusters to find ways to support each other
 - BOEF partners have been engaging with small businesses digitally including in-language videos
 - DWO
 - Collaborating with partners to increase awareness among hiring entities
 - Developing DWO webinars and infographics that will be distributed by OLS and partners in July
 - Celebrating May Day the entire month with an online campaign- App-Based Workers Appreciation Month
 - Comms Manager has been posting words of appreciation from OLS staff on social media
- **LSAC Discussion on I/C Transparency next steps**
 - Motion that commission set special meeting for purposes of determining any comments LSAC wants to make to Council.
 - Seconded
 - Motion unanimously passes
 - Kerem will schedule prior to next H&F committee hearing