

## Labor Standards Advisory Commission

### Meeting Minutes

Minutes prepared by: Jasmine Marwaha, Kerem Levitas

August 12, 2020

2:30-4:00pm

Online – MS Teams

### Attendees

Commissioners Present

Position No.	Name	Present
1	Elizabeth Ford	X
2	Anthony Burnett	Absent
3	Anna Boone	Resigned
4	Vacant	
5	Vacant	
6	Andrew Beane	Absent
7	Betsy McFeely	Absent
8	Artie Nosrati	X
9	William Pitz	X
10	Samantha Grad	Absent
11	Gay Gilmore	X
12	Mona Smith	X
13	Marilyn Watkins	Absent
14	Alia Abboud	X
15	Janet Chung	Resigned

### Guests/Presenters:

Kerem Levitas, Policy Analyst, Office of Labor Standards

Jeneé Jahn, Interim Director, Office of Labor Standards

Jasmine Marwaha, Policy Analyst, Office of Labor Standards

Darius Foster, Outreach Manager, Office of Labor Standards

Jenni Wong, Assistant Enforcement Manager, Office of Labor Standards

#### A. Call to Order - Elizabeth Ford and Mona Smith, Co-Chairs

1. Welcome

#### B. Minutes not voted on due to lack of quorum, will revisit later in the meeting if more Commissioners show up

#### C. OLS Director's update (Jeneé Jahn)

- a. Director search will resume in the coming month
- b. Quarter Two brought many developments for OLS: two new temporary ordinances passed (Gig Worker Premium Pay and PSST), the largest settlement in OLS history, for example
- c. It also brought budget reductions in response to the financial impact of COVID-19. We identified cuts that would not impact staff, our community partners, and language access work. These

reductions comprised of salary savings and budget for travel expenses, consistent with the hiring and travel freezes that had been imposed. We note that the landscape of 2020 could still shift.

- d. Question from Liz: Does that mean FTEs are gone for good? Concern about new laws that are being passed.
  - i. No, those are salary savings but the positions still exist. Can't give updates on how 2021 budgeting process will unfold, other than to say that next year's budget shortfall forecasts are significant. It doesn't necessarily mean that 2020 reductions would result in permanent elimination of the positions.
  - ii. Council has expressed some intent to add funding back in to hire for 2020, but not sure if it will be actionable.
  - iii. Liz: perhaps there is a role for LSAC to inform the expectations/pace of the work given OLS capacity and budget

#### **D. Enforcement update – Jenni Wong**

- a. So far in 2020, 52 investigations closed. 575 worker-related questions (spike has dropped)
- b. \$3 million for 2,000 workers just this year mostly from one case
- c. Enforcement changes during COVID
  - i. Around end of Q2, initiated formal investigations again after brief pause. Initiated payment plans and other flexibility
  - ii. Continue to recover 100% of back wages and penalties in all case
  - iii. Do not plan to initiate investigations against businesses that remain closed or are in bankruptcy
- d. Large cases:
  - i. Macy's: settled for \$2 million for 800 workers, overwhelming majority from failure to pay premium pay.
  - ii. Fred Meyer: also premium pay, \$615,000 to 900 employees
  - iii. Secured Scheduling cases are complicated and involve a lot of resources, but significant wins
- e. Sometime soon will be unveiling new interactive dashboards, so that users will be able to filter for type of ordinance, time period, etc. and create custom visualizations. Will do brief demo at the next meeting.
- f. Question: Are you going to go after companies that are in bankruptcy, particularly for wage theft?
  - i. A: Will likely not go after businesses where chances of recovery are low.
- g. Q: how much do you anticipate is the amount owed to workers from companies in bankruptcy?
  - i. A: not sure, and currently none of the companies are in bankruptcy
- h. Q: what is waitlist?
  - i. 51 employers, with 100 investigations, but it's by ordinance so could represent the same companies with multiple ordinance violations
  - ii. Q: how many company wide?
    - 1. A: Most are, except for FCE and retaliation cases, which are a handful.
- i. Q: How many hours do you spend on these different cases? What is involved in getting all this done?
  - i. A: 8 investigators with full caseloads, not sure how many hours of work involved in closing investigations
  - ii. A: each case is different depending on volume of records, each investigator carries about 8-11 cases at any given time. So roughly if we had about 2-3 more investigators might be able to clear waitlist
- j. Q: How old is the oldest case on the waitlist?
  - i. A: We will have to review and follow up with you.

- k. Q: how many open investigator positions are open?
      - i. A: 3 open positions
    - l. Q: Is this the same team of investigators that will investigate the new gig worker ordinances? So there could be an increase in work?
      - i. A: yes. There is also another ordinance in the pipeline for TNCs and not clear there will be additional staff for implementation.
- E. Approval of Q1 minutes:
  - a. Gay moves, Liz seconds, unanimous vote
- F. Approval of q2
  - a. Will moves Gay Gilmore seconds, unanimous vote
- G. **Outreach update (Darius Foster)**
  - a. Contracting with KSARC on hotel protections outreach and implementation for sexual harassment provisions
  - b. After RFP, the driver's union receiving \$50,000 for assistance
  - c. Gearing up to create training materials for new ordinances, including webinars
    - i. Gig worker protections – recorded/video
    - ii. Hotel employees will have live webinars
  - d. Producing dashboard of quarterly report
  - e. Issuing an RFP for the 2021 BOEF contract, contingent on the budget process.
  - f. Q: Are webinars geared toward what audience?
    - i. GW will be more general audience
    - ii. Hotel protections would be towards hiring entities
  - g. Q: How are you planning on reaching entities?
    - i. A: We have a list of hiring entities that are covered under GW protections
    - ii. A: Hotel protections will have a series of announcements, will also be reaching out to those who have engaged.
- H. **Policy Update (Jeneé Jahn, Jasmine Marwaha, Kerem Levitas)**
  - a. Hotel: trainings will go out, OLS finalized and published rules, laws went into effect July 1<sup>st</sup>.
    - i. Q and As for each of those laws, 2 workplace posters (1 towards hotel employers, one towards ancillary businesses)
    - ii. All required notices articulated in the ordinances have been drafted and are either final or out for translation
    - iii. Preparing inflation adjustment rate for health insurance
  - b. DWO, DWSB updates: Jasmine reported that the DWO Model Notice of Rights is published online. DWSB meets 1-3 times a month in 2 subcommittees. The Outreach subcommittee is focused on awareness about DWO rights as well as COVID-19 health and safety guidelines. The Portable Benefits Subcommittee is looking at recommending policies or tools for domestic workers to have portable benefits. Currently meeting with National Domestic Workers Alliance on their efforts and circulating a worker survey on experience and recommendations regarding portable benefits.
  - c. Gig Worker Protections: Jasmine summarized the Gig Worker PSST Ordinance and the Gig Worker Premium Pay ordinance, will send along fact sheets of both ordinances for the Commission's review.
  - d. TNC Fare Share: report recommends a pay rate of .57 cents per minutes, \$1.17 per mile, taking that recommendation to create policy, likely by the end of the month the Mayor will transmit legislation to City Council
    - i. Q: what is the interaction between this and premium pay? Is .57/minute \$33 per hour?
      - 1. Answer: GWPP only applies to FDNCs, and .57 minute only applies to time when there is a passenger in the car (plus miles).

**I. Nominations update**

- a. Mona: these are challenging times for executive and council, has understandably not been prioritized. But please encourage people you know to get engaged with LSAC. Janet Chung has resigned.
- b. Liz: how can we help move things along?
  - i. Mona: Maybe if we got a package of people it could create efficiency for folks.
- c. Kerem: reached out to MO about this. Due to staffing change in MO there may be some more delay.
- d. If commissioners have ideas for names, send them to Mona.
- e. Liz: might be good to post the commission position on the website and inviting applications?
- f. OLS will send out to our listserve.

**J. Workplan discussion**

- a. Q: can we get an update on the transparency recommendations?
- b. OLS response: provided the recommendation to MO and City Council, haven't gotten much response, but have embedded principles in Fare Share and Gig Worker protections
- c. Any additional items to the workplan would be difficult for OLS to implement given their budget/capacity constraints
- d. There's a mismatch between quantity of work and staff, we could talk about conversation regarding shifting funds from public safety into labor standards enforcement.
- e. There's a possibility that the new ordinance comes with funding to support the capacity of the agency. Makes sense overall to make the case to fund OLS, at least protect what we have.
- f. City Council often pushes new ordinances without fiscal notes, need to have money to enforce. Also with ordinances that we have had on books for 5-6 years, could look at what we needs updating
- g. Regardless of whether there is funding to enforce, the existence of an ordinance can still be valuable. Already the GWPSST and GWPP have helped a lot of workers.
- h. Commissioners agreed to work on letter to Council and the Mayor to support sufficient funding to OLS.
- i. Commissioners will also solicit interest from other commissioners in a lookback to longstanding labor standards

**Liz adjourned the meeting at 3:58pm**