

## **Labor Standards Advisory Commission**

### **Meeting Minutes**

Minutes prepared by: Megan Jackson

May 5th, 2021

2:30-4:30pm

Zoom Meeting

### **Attendees**

Commissioners Present

<b>Position No.</b>	<b>Name</b>
1	Elizabeth Ford
3	Afeworki Ghebreiyesus
5	Tracy Taylor
7	Paola Ochoa
9	Will Pittz
10	Samantha Grad
11	Gay Gilmore
12	Ilona Lohrey

Commissioners Absent

<b>Position No.</b>	<b>Name</b>
2	Alexis Rodich
4	Annie Wise
6	Andrew Beane
8	Artie Nosrati
13	Marilyn Watkins
14	jeanie chunn
15	Joel Shapiro

### **Guests/Presenters:**

Alex Clardy, Legislative Assistant to Councilmember Herbold

Cristal Barragan, Spanish Interpreter

Courtney Velazquez, Engagement Specialist, Office of Labor Standards

Dana Barnett, Domestic Workers Standards Board

Kerem Levitas, Policy Analyst, Office of Labor Standards

Jasmine Marwaha, Policy Analyst, Office of Labor Standards

Jeneé Jahn, Policy Manager, Office of Labor Standards

Katie Jo Keppinger, Enforcement Manager Office of Labor Standards

Kristian Alcaide, Outreach Manager, Office of Labor Standards

Nancy Chupp, Sr. Investigator and Assistant Enforcement Manager, Office of Labor Standards

Sage Wilson, Campaigns Director, Working Washington

Silvia González, Domestic Workers Standards Board

Steven Marchese, Acting Director, Office of Labor Standards

Tina Sigurdson, Research and Policy Analyst, SEIU 775

### **Call to Order- Co-Chairs**

- Introductions and welcome
- Vote on approval Q2 2021 minutes
  - Minutes unanimously approved

### **Leadership Transition- Co-Chairs**

- Will Pittz is nominated as Co-Chair
- Will Pittz is unanimously voted Co-Chair

### **I/C Protections Update- Elizabeth Ford**

- I/C Protections Ordinance passed unanimously in Council
- Legislation includes LSAC transparency recommendations plus OLS enforcement component
- Mayor didn't sign the ordinance but also didn't veto
- LSAC may choose to engage further as part of workplan

### **Other Commission and Campaign Updates**

- **Pay Up-** Sage Wilson, Alex Clardy
  - Intended to make sure app-based workers are being paid minimum wage after expenses
    - Cost factor to account for payroll taxes, etc. that an employer would be paying in an employer/employee relationship
    - Apply a baseline per minute and per mile
  - The goal is not reclassification, but to make sure workers classified as contractors are making minimum wage
  - Questions to be worked out
    - What should the mileage rate be? There is pushback on the standard IRS rate.
    - Should the standard apply per job or by week?
      - Per week poses enforcement issues and creates opportunities for companies to change algorithms to create a pay ceiling rather than a pay floor.
  - Other Goals
    - Protection of right to choose when to work and how many hours to work
    - Ability to reject offers without being deactivated because of acceptance rate.
      - Mechanisms are focused on deactivation prevention.
    - Discrimination and harassment protections.
    - Ensuring access to restrooms.
    - Regulation on use of background checks.
  - Commissioner Questions
    - Gig workers don't have much time to respond to offers. Is there anything in the ordinance that sets minimum time?
      - Yes, intention is to set a minimum amount of time to review.
    - How will the ordinance be defining coverage (how do you get away from the classification question)?
      - Workers who are not paid in accordance with Seattle minimum wage (will mimic gig workers ordinance language)
    - How do we make sure OLS has what they need to enforce? This could exacerbate the backlog.
      - OLS has been included in stakeholder conversations to flag issues. The current proposal aims to lower the burden of enforcement as much as possible.
    - Timeline?
      - Hope to have package ready in December.
    - Does LSAC have a role to play in this?

- Communications re resource allocation to Council have been and are appreciated. OLS sends a letter to Council in September articulating needs. LSAC could produce a letter to Council in the first couple weeks of October supporting OLS asks. Efforts should be synchronized.
    - Volunteers solicited from business, community, and worker advocacy.
- **Domestic Workers Standards Board Update-** Silvia Gonzalez
  - Board comprised of hiring entities and domestic workers
  - Excited to bring voices of most vulnerable and marginalized forward
  - Monthly meeting at Casa Latina in which 80-100 domestic workers meet to discuss their needs. These are brought to the board resulting in recommendations to Council including-
    - All hiring entities should receive a letter informing them of domestic worker rights and hiring entity obligations.
    - Legislation for portable benefits (PTO) for domestic workers.
    - A mandated notice of rights for domestic workers.
  - Coalition of domestic worker focused orgs is working on portable benefits legislation.
    - Philadelphia approved portable benefits for domestic workers but has yet to implement so there's no lead to follow at this time.
  - CM Mosqueda has responded to recommendations specifically regarding portable benefits (PTO). Proposes resolution requesting that OLS in partnership with community develop draft legislation for consideration in 2022.
    - This work will require additional OLS resources.
- **SBAC-** Tracy Taylor
  - No current work majorly overlapping with work of LSAC so tabling this due to time constraints.

### **LSAC Orientation, Structure & Workplan Discussion**

- Tabling conversation for a special meeting.

### **OLS Update**

- **Director's Update**
  - New Staff & Staff Changes
    - Kristian Alcaide- Outreach Manager
    - Courtney Velazquez- Labor Standards Engagement Specialist (TNC)
    - Soon Lee- Data & Enforcement Strategist (TNC)
    - Ashley Harrison- promoted to Sr. Investigator (her Investigator position is now open)
    - Jennifer Wong, Assistant Enforcement Manager, has left the office- Nancy Chupp and Margaret Weihs, Sr. Investigators, will be filling in on supervisory duties during the transition.
  - Driver Resolution Center RFP was awarded to Drivers Union
  - Return to office- MO has set 9/13 as return to office. Discussions about return schedules/hybrid model continue.
- **Enforcement Update-** Katie Jo Keppinger, Nancy Chupp
  - Q2
    - Assessed \$5,237,402.95

- Remedied more than 20k workers
  - Resolved 13 investigations
  - Started 22 new investigations
  - Settlements with Kell's Irish Restaurant and Bar, Uber, Compass Group USA, Safeway, Amante Pizza, Luciano's Pizza, Post Mates
- Uber Settlement
  - Over 15k workers received a remedy under a recent OLS settlement with Uber under the Gig Worker Paid Sick and Safe Time Ordinance, a temporary ordinance which will expire 180 days after emergency order is lifted.
    - The law gives 1 day of PSST for every 30 days worked in Seattle.
    - Law went into effect last summer.
  - OLS launched investigation initially focused on five drivers who had complained to the company multiple times without resolution. Each individual had different issues associated with accessing/using PSST.
    - After conducting various audits, Uber found software glitches that went beyond the individuals' claims and identified over 2,300 workers affected by similar issues. Uber fixed each problem as it was discovered during the investigation.
    - Settlement totaled over \$3.4 million to 15,717 workers and included back wages, interest, liquidated damages, civil penalties and fines for the 2,300 workers as well as a payout for a day of accrued PSST related to a problem with Uber's PSST policy.
      - During the investigation it was found that workers not only had to stay off the app for 24 hours after requesting PSST in order to get paid, but that the 24-hour period didn't start until the next day at 4 a.m. This resulted in workers having to stay off the app even longer than the 24-hours allowed by the law.
- **Policy Update**
  - Admin rules for TNC minimum comp were posted on Monday 8/2.
  - I/C Protections- beginning implementation work on OLS side. Starting enforcement and outreach planning. Effective date isn't until September 2022.
  - Grocery Employee Hazard Pay- Amendment passed out of H&F committee to require suspending hazard pay requirement. Would still allow OLS to enforce cases during the covered period for up to three years. Full Council will consider amendment at next meeting (August 9).
- **Outreach Update**- Claudia Paras, Courtney Velazquez
  - 3 pillars of Outreach at OLS
    - Tech Assist
    - Trainings
    - Community outreach via partners
  - 17 trainings in Q2
  - July is the 2-year anniversary of the Domestic Workers Ordinance.
    - OLS launched online campaign for month of July.
  - Drivers Union was awarded the Driver Resolution Center contract.
    - Drivers Union has had contact with about 1,000 people so far
  - RFP for Community Outreach and Education Fund coming up.
  - Pilot project- COEF partners are working across organizations in industry clusters.
    - Residential construction
    - Domestic workers

- App-based workers
  - Large retail and restaurants
- DWO
  - Hand in Hand held a continuing education workshop in which a hiring entity participant was so moved and excited by the work that they joined Hand in Hand.
- Outreach Spotlight
  - In honor of May Day, Latino Community Fund created a one-minute video featuring Latino business owners talking about why workers are important to them.