

SEATTLE OFFICE OF LABOR STANDARDS
Seattle Human Rights Rules Chapter 260

Practices for administering App-Based Worker Deactivation Rights Ordinance requirements under Seattle
Municipal Code 8.40

SHRR 260-010	Purpose
SHRR 260-020	Practice Where Rules Do Not Govern
SHRR 260-030	Construction of Rules
SHRR 260-040	Severability
SHRR 260-050	Force of Law
SHRR 260-060	More Generous Practices
SHRR 260-070	Employment Status
SHRR 260-080	Other Legal Requirements
SHRR 260-090	Definitions
SHRR 260-100	App-Based Worker Coverage
SHRR 260-110	Deactivation Requirements
SHRR 260-120	Right to Challenge Deactivation
SHRR 260-130	Notice of Deactivation
SHRR 260-140	Notice of Rights
SHRR 260-150	Accessible System
SHRR 260-160	Access to Records Substantiating Deactivation
SHRR 260-170	Affirmative Production of Records
SHRR 260-180	Records Retention
SHRR 260-190	Practice and Procedure for Enforcement of Ordinance
SHRR 260-200	Effective Date

SHRR 260-010 Purpose

These Rules govern the practices of the Seattle Office of Labor Standards in administering the requirements of the App-Based Worker Deactivation Rights Ordinance, Seattle Municipal Code (SMC) 8.40.

SHRR 260-020 Practice Where Rules Do Not Govern

If a matter arises in administering the App-Based Worker Deactivation Rights Ordinance that is not specifically covered by these Rules, the Director shall specify the practices to be followed.

SHRR 260-030 Construction of Rules

These Rules shall be liberally construed to permit the Seattle Office of Labor Standards to accomplish its administrative duties in implementing the App-Based Worker Deactivation Rights Ordinance, including providing technical assistance, determining if a violation has occurred and prescribing penalties and remedies.

SHRR 260-040 Severability

These Rules are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection or portion of these rules or the application thereof to any hiring entity, independent contractor, or person or circumstance, is held to be invalid, it shall not affect the validity of the

remainder of these Rules, or the validity of the application of the Rules to other persons or circumstances.

SHRR 260-050 Force of Law

These Rules supplement the provisions of the App-Based Worker Deactivation Rights Ordinance and shall have the force and effect of law.

SHRR 260-060 More Generous Practices

Nothing shall be construed as discouraging or prohibiting any hiring entity from adopting or retaining practices that provide more generous app-based worker labor standards than the protections established by SMC 8.40.

SHRR 260-070 Employment Status

No provision of these Rules shall be construed as providing any determination regarding the legal status of app-based workers as employees or independent contractors.

SHRR 260-080 Other Legal Requirements

The App-Based Worker Deactivation Rights Ordinance defines requirements for app-based worker protections and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for greater requirements; and nothing in SMC 8.40 shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall SMC 8.40 be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under SMC Chapter 8.40 affecting such person.

SHRR 260-090 Definitions

1. Creative services or works.

- a. In general. “Creative services or works” means labor that results in or contributes to the creation of original works, as well as the works resulting from such labor.
- b. Original works. Original works are artistic, literary, or intellectually created works that are created through processes such as fiction and non-fiction writing, art, photography, graphic design, marketing, and related consulting services, and that exist in a tangible medium (such as paper, canvas, film, or digital format).

2. Deactivation.

- a. Material restriction in access.
 - i. Consistent with SMC 8.40, “deactivation” means the blocking of an app-based worker’s access to the worker platform, changing an app-based worker’s status from eligible to accept offers to perform services to ineligible, or other material restriction in access to the worker platform that is effected by a network company.
 - ii. “Material restriction in access” means any significant reduction in relevant offers made available to an app-based worker, which may include limitation to access to categories of offers that the app-based worker is otherwise eligible to perform.
 - iii. “Material restriction in access” does not include (i) a reduction in relevant offers that is due to a decrease in the total number of offers or number of a type of offer available to the app-based worker that is unrelated to the action or behavior of the app-based worker (e.g., due to reduction in offers available to be

facilitated by the network company or due to variations in the availability of other eligible app-based workers); or (ii) a reduction in relevant offers that is due to loss of access to a single customer or third-party business.

b. Temporary suspension.

- i. Consistent with SMC 8.40, “deactivation” does not include temporary suspensions lasting less than 48 hours when the worker platform is unavailable to an app-based worker due to reasons unrelated to the action or behavior of the app-based worker.
- ii. **Communication related to temporary suspension.** In the event of such temporary suspension, the network company shall clearly communicate the following information to the app-based worker at the time of the temporary suspension via the worker platform or, if the worker platform is not accessible, via text message and/or email:
 1. Reason for the temporary suspension;
 2. Expected duration of the temporary suspension (if known); and
 3. Description of accounts impacted by the temporary suspension (e.g., all accounts in geographic area; accounts nationwide using particular technology).

3. **Egregious misconduct.**

- a. In general. Consistent with SMC 8.40, “egregious misconduct” means an action or behavior by an individual app-based worker that: (1) endangers the physical safety of a customer, a third person, a network company or a network company representative, or an animal; or (2) intentionally causes economic harm to a customer, a third person, or a network company; or (3) is threatening, harassing, or abusive to a customer, a third party, or a network company or a network company representative.
- b. Economic harm. “Economic harm” means a monetary loss that does not arise from physical or emotional injury to a person. “Intentionally causing economic harm” means:
 - i. the worker is culpable either due to desiring to bring about the harm or the app-based worker should have known that the economic harm was substantially certain to result; and
 - ii. the economic harm is caused by conduct that is wrongful, including but not limited to, dishonesty, fraud, or theft.
- c. Threatening, harassing, or abusive behavior. Actions or behaviors that are “threatening, harassing, or abusive” to a customer, third party, network company, or network company representative do not include:
 - i. Statements that are merely critical of the network company; and
 - ii. Attempts to resolve issues through designated network company contacts (e.g., “customer service”), absent actions or statements that would be reasonably construed as threatening, harassing, or abusive.
- d. Egregious misconduct includes but is not limited to the following actions or behaviors:
 - i. **Assault.** “Assault” means:
 1. an attempt, with unlawful force, to inflict bodily injury upon another;
 2. an unlawful touching with criminal intent; or
 3. putting another in apprehension of harm whether or not the actor actually intends to inflict or is incapable of inflicting that harm.

- ii. **Discrimination.** "Discrimination" means, as defined in SMC 14.04.030, any act, by itself or as part of a practice, that is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, genetic information, political ideology, creed, religion, ancestry, caste, national origin, citizenship or immigration status, honorably discharged veteran or military status, an individual's actual, potential, perceived, or alleged pregnancy outcomes, or the presence of any disability.
 - iii. **Fraud.** "Fraud" means any willful activity that is intentionally misleading, deceptive, or dishonest for the purpose of gaining something or causing harm.
 - iv. **Sexual assault.** "Sexual assault" means actual or attempted physical contact that is sexual in nature and that is without consent. This includes, but is not limited to, attempted or actual non-consensual sexual penetration; attempted or actual non-consensual touching or kissing of sexual body parts (defined as the mouth, breasts, buttocks, groin area, or genitalia); and attempted or actual non-consensual touching or kissing of non-sexual body parts that is sexual in nature.
 - v. **Sexual harassment.** "Sexual harassment" means unwelcome and offensive behavior directed at a customer, third party, app-based worker, or network company representative because of their gender or gender identity, including, but not limited to, sexual advances, requests for sexual favors, "quid pro quo" proposals (e.g., offering discounts or tips in exchange for sexual favors), or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment does not have to be of a sexual nature. It can include offensive remarks about a person's sex or gender identity.
- e. Exclusion of certain moving violations and collisions. Conduct related to non-criminal moving violations or traffic collisions may be considered "egregious misconduct" when an app-based worker has accumulated a combined total of more than three non-criminal moving violations or at-fault collisions in the previous three years.
- 4. **Make available via the worker platform.** Information is "made available via the worker platform" when (a) a document in a commonly used electronic format is displayed on the worker platform (e.g., PDF), or (b) a link to the content is available on the worker platform, and the link is not password-protected or can be accessed using the same log-in credential that an app-based worker uses for the worker platform.
- 5. **Marketplace network company.**
 - a. In general. Consistent with SMC 8.37 and SMC 8.40, marketplace network company means a network company primarily engaged in facilitating or presenting pre-scheduled offers in which (a) the application or platform enables the prospective customer and app-based worker to exchange information about the scope and details of services to be performed, prior to the customer placing the online order for those services or the app-based worker accepting the offer; (b) the app-based worker sets their own rates; and (c) the network company does not monitor offers by mileage or time. On-demand network companies and companies that primarily provide delivery services are not marketplace network companies.
 - b. Primarily engaged in facilitating or presenting pre-scheduled offers.
 - i. "Primarily engaged in facilitating or presenting pre-scheduled offers" that meet the criteria outlined in SMC 8.37.020 ("marketplace network company")

- definition) means, for all offers requiring services performed in Seattle, the ratio of the offers that meet the criteria outlined in the “marketplace network company” definition compared to total offers facilitated or presented by a network company equals or exceeds 65% during the preceding calendar year. For a network company that did not facilitate or present an offer during the preceding calendar year, the calculation shall be based on the first 90 calendar days of the current year in which the network company engaged in business.
- ii. The Agency may review the network company’s marketing materials, promotional materials, or public statements (e.g., public company filings and investor presentations). In the event that a network company describes itself in a way that is inconsistent with the definition of “marketplace network company” in SMC 8.37.020, the Agency may request evidence of compliance with SMC 8.40 and these Rules.
- c. The application or platform enables the customer and app-based worker to exchange information. “The application or platform enables the customer and app-based worker to exchange information” means that the network company does not limit either
- i. the types of information the customer and app-based worker can exchange about the scope and details of the service; or
 - ii. the time periods and length during which the app-based worker can communicate with the customer through the network company’s messaging platform. Provided, however, that the network company may limit the exchange of information before the prospective customer initiates communication or contact with the app-based worker (e.g., initiates a request that the app-based worker perform a service, sends the app-based worker a message, or solicits responses from interested app-based workers related to an online order) and after the app-based worker begins performance of services in furtherance of the offer.
- d. App-based worker sets their own rates.
- i. “App-based worker sets their own rates” means that app-based workers list their own rates or rate ranges on their individual profiles, and there is no network company policy that impedes app-based workers from setting their own rates. A network company that allows customers to set the rate paid for an offer does not meet the definition of “worker sets their own rates.” A functionality enabling customers to search or sort results based on service price does not impede app-based workers from setting their own rates.
 - ii. A network company is permitted to set minimum rates for app-based workers on its platform.
 - iii. A network company is permitted to set maximum rates for app-based workers on its platform as reasonably necessary for regulatory compliance, fraud mitigation, and security management purposes. A network company shall publish a clear rationale when setting a maximum rate for such a purpose.
- e. Network company does not monitor offers by mileage or time.
- i. A network company “monitors offers by mileage or time” when it collects and tracks data that give the company knowledge of the time(s) or mileage when an app-based worker begins, performs work in furtherance of, and/or completes an offer.
 - ii. Collection of data includes, but is not limited to, requiring an app-based worker or customer to inform the network company regarding the information outlined

in SHRR 240.100.9.e.i or using the worker or customer facing platform or other technology to gather such information (e.g., by using GPS tracking).

- iii. Tracking data includes, but is not limited to, taking actions to compile or analyze the data specific to individual app-based workers and/or making decisions with respect to individual app-based workers that include consideration of the data. Tracking data does not include accessing an individual app-based worker's data or making a decision that considers the data, when the action and/or decision is:
 - 1. ordered by a court or administrative agency;
 - 2. required by applicable federal, state, or local law;
 - 3. reasonably necessary to protect the worker's or the public's safety;
 - 4. reasonably necessary to remedy or prevent fraudulent use of the application or platform; or
 - 5. reasonably necessary to respond to a question from an app-based worker about their user account.
- iv. In determining whether a network company monitors offers by mileage or time, the Agency may consider what information regarding offer mileage or offer time a network company knows before, during, and after performance of an offer. If a network company collects data that give the company knowledge of the time(s) or mileage when an app-based worker begins, performs work in furtherance of, and/or completes an offer, the Agency presumes that the network company also tracks the data unless the network company explicitly informs the customers and app-based workers on its platforms that the network company does not conduct the behaviors defined in SHRR 240.100.9.e.iii (e.g., publishes a policy regarding use of such data on its website).
- f. Network companies that primarily provide delivery services are not marketplace network companies. "Primarily provide delivery services" means, for all offers requiring services performed in Seattle, the ratio of the offers for delivery services relative to the total offers facilitated or presented by the network company equals or exceeds 65% during the preceding calendar year. For a network company that did not facilitate or present an offer during the preceding calendar year, the calculation shall be based on the first 90 calendar days of the current year in which the network company engaged in business.

6. **Network company.**

- a. In general. Consistent with SMC 8.40, a network company that does not fall within any of the exclusions listed in subsection 8.40.020 is subject to the requirements of SMC 8.40.
- b. Facilitation of orders excluded from coverage.
 - i. **Coverage exclusion of network company due to facilitating excluded online orders.** A network company is excluded from coverage if it exclusively facilitates online orders within the excluded categories in the definition of "online order" in SMC 8.40.020. If any of the transactions facilitated by an otherwise covered network company meets the definition of an "online order," the network company is covered by SMC 8.40.
 - ii. **Network companies that facilitate both covered and excluded online orders.** A network company that facilitates both covered and excluded online orders must provide app-based workers with a policy that describes how the network company differentiates offers that it considers to be associated with covered and with excluded online orders. The policy must be available to the app-based worker via the worker platform.

7. **On-demand network company.**

- a. In general. An on-demand network company is defined by SMC 8.37.020 and means a network company that is primarily engaged in facilitating or presenting on-demand offers, as defined by SMC 8.37.020, to app-based workers.
 - b. Primarily engaged in facilitating or presenting on-demand offers. When determining whether a network company is “primarily engaged in facilitating or presenting on demand offers,” OLS will consider whether:
 - i. For all offers requiring services performed in Seattle, the ratio of on-demand offers relative to total offers facilitated or presented by the network company equals or exceeds 65%, during the preceding calendar year. For a network company that did not facilitate or present an offer during the preceding calendar year, the calculation shall be based on the first 90 calendar days of the current year in which the network company engaged in business; and
 - ii. The company’s marketing materials, promotional materials, and public statements (e.g., public company filings and investor presentations) describe the company as meeting the definition of “on-demand network company” in SMC 8.37.020.
8. **Online order.**
- a. In general. Consistent with SMC 8.40, online order means an order for services that is placed through an online-enabled application or platform and is facilitated or presented by a network company for its own benefit.
 - b. Exclusion of services subject to professional licensure.
 - i. **Excluded professional licenses.** The term “online order” excludes transactions for services subject to the following professional licenses: license to practice law and license to practice medicine.
 - ii. **Criteria for exclusion of additional professional licenses.** The Director may issue rules excluding additional categories of professional licenses based on the Director’s evaluation of the professionals’ bargaining power and influence over their compensation and working conditions when performing app-based work, the average earnings in the industry, information provided by professionals, trade groups, and/or industry representatives, and existing labor standards protections in relevant statutory and/or regulatory frameworks.
9. **Primary language.** “Primary language” means the language in which the app-based worker feels most comfortable communicating. Each network company shall make a good faith effort to determine the primary languages of app-based workers accessing its worker platform.
10. **Records substantiating a deactivation.** “Records substantiating a deactivation” or “records relied upon to substantiate deactivation” means all records and evidence that a network company considered in a decision regarding deactivation. This includes but is not limited to all records specified in SMC 8.40.080.A and any evidence considered by the network company regardless of whether the evidence may be interpreted as exculpatory or supporting a decision to deactivate an app-based worker.

SHRR 260-100 App-based Worker Coverage

- 1. **In general.** Consistent with SMC 8.40, an app-based worker is covered under SMC 8.40, except for Section 8.40.100, when during the previous 180 days, at least 25 percent of their completed offers, or offers cancelled with cause, involved performing services in Seattle for a covered network company, or the app-based worker’s deactivation is related to an incident or incidents that occurred while performing services in Seattle for a covered network company.

2. **Services performed in Seattle.** Consistent with SMC 8.40, an app-based worker performs services in Seattle when they begin or continue performance of an offer, and the work activity occurs in whole or in part within Seattle (e.g., travels toward a pick-up location pursuant to an on-demand offer, shops for supplies requested by a customer while performing a repair service, etc.).
 - a. If an offer is not facilitated or presented by an on-demand network company, nor is an on-demand offer, both as defined in SMC 8.37.020, “performance of an offer” does not include time spent travelling to the location where performance of the offer begins.
 - b. “Performance of an offer” includes any preparatory and concluding activities that are necessary to complete performance of the offer, that are directed by the network company, or, for offers where the customer is required or permitted to provide direction, that are directed by the customer. Such activities may include, but are not limited to commercial stops related to the provision of services associated with the offer (e.g., returning contents of an online order to the pickup location when required by the network company or purchasing an item that is required to complete a task associated with the offer and that the worker is not already expected to supply when performing offers generally, such as hardware needed to build or mount furniture, or paint or a cleaning product requested by a customer).
3. **Completed offer.** For the purposes of determining app-based worker coverage under SMC 8.40, except for Section 8.40.100, calculation of offers completed and cancelled with cause during the previous 180 days will be based on the number of such offers without regard to the relative value of such services.
4. **Calculating coverage.**
 - a. An app-based worker is covered by SMC 8.40 when 25% of the combined total of their offers completed and cancelled with cause during the previous 180 days involved performing services in Seattle. Coverage is determined independently for each network company.
 - b. Cancellation with cause. Cancelled offers subject to network company review pursuant to SMC 8.37.080.D and SHRR 240-200.7 shall not be counted for the purposes of determining coverage pursuant to SMC 8.40.030.A.1 prior to a determination as to whether the offer was cancelled with or without cause.
5. **Activation.** For the purposes of determining app-based worker coverage under SMC 8.40, the network company must have previously made the app-based worker eligible to perform services.
6. **Notice of rights.** An app-based worker is covered by Section 8.40.100 if the app-based worker performs services in Seattle facilitated or presented by a network company covered by SMC 8.40.

SHRR 260-110 Deactivation Requirements

1. **Notice of deactivation policy.**
 - a. In general. A network company must inform the app-based worker in writing of the network company’s deactivation policy prior to deactivating an app-based worker.
 - b. Contents of policy. In addition to the requirements described in SMC 8.40.050.A.1, the deactivation policy shall describe actions that may result in deactivation, including clear examples of egregious misconduct as defined in SMC 8.40 and these Rules. The policy shall include the effective date.
 - c. Required languages for its translation. A network company shall make the deactivation policy available to the app-based worker in English and any language that the network company knows or has reason to know is the primary language of the app-based worker.
 - d. Manner of distribution. The deactivation policy shall be made available to the app-based worker via email and in one of the following two formats: text message or a message via

the worker platform. A network company shall affirmatively provide each app-based worker with the deactivation policy within 24 hours of their first completed offer that involved performing services in Seattle, facilitated or presented by the network company. If the network company updates its deactivation policy, the network company shall provide the updated policy to the app-based worker 14 days before the new policy will take effect. The manner of distribution shall be the same manner that communications are typically sent from the network company to the app-based worker.

2. Reasonable deactivation policy.

- a. In general. Consistent with SMC 8.40, a network company's deactivation policy must be reasonably related to the network company's safe and efficient operations.
- b. Application to marketplace network companies. All requirements of SMC 8.40.50 apply to a marketplace network company. This includes the requirements specified in SMC 8.40.050.A.2.a, b, and c, which apply for the sole purpose of determining whether the marketplace network company has a reasonable deactivation policy.
- c. Customer ratings. A network company need not ignore aggregate customer ratings of an app-based worker's performance in determining that a deactivation is warranted. If customer ratings are identified as a factor in determining that a deactivation is warranted, the network company must also identify other factor(s) that are reasonably related to the network company's safe and efficient operations.

3. Timely investigation and application of deactivation policy.

- a. In general. A network company must conduct a fair and objective investigation prior to deactivating an app-based worker. In the case of allegations of egregious misconduct, or when immediate deactivation is required to comply with any applicable court order or local, state, or federal laws or regulations, the network company may deactivate the app-based worker before completing an investigation. Except in extraordinary circumstances, the investigation shall not take longer than 14 days. The investigation must be sufficiently thorough to justify the deactivation and provide timely opportunity or opportunities for the app-based worker to meaningfully participate in the investigation and provide relevant information. If the app-based worker does not participate in the investigation or provide relevant information, the network company may complete the investigation based on available sources of information.
- b. App-based worker participation in investigation.
 - i. An app-based worker under investigation for violation of a network company's deactivation policy must be given the opportunity to provide relevant information as part of that investigation.
 - ii. An app-based worker under investigation shall be permitted to provide relevant information verbally and/or in writing, in the primary language of the worker.
 - iii. If an app-based worker is not provided a timely opportunity to provide relevant information, the investigation will not be considered to be sufficiently thorough.

SHRR 260-120 Right to Challenge Deactivation

1. Internal deactivation challenge procedure.

- a. In general. A network company shall create an internal deactivation challenge procedure available to an app-based worker. The internal deactivation challenge procedure shall be available to the app-based worker to initiate a challenge for 90 days after receipt of notice of deactivation.

- b. Method of contact. A network company shall provide the app-based worker a designated email and, if available, a phone number, where the app-based worker can directly communicate with the network company personnel on issues related to their notice of deactivation, deactivation, the deactivation challenge procedure, and/or overall issues related to deactivation.
- 2. **Reinstatement**. If applicable, if a network company determines that the app-based worker did not violate the network company's deactivation policy, the network company shall include in their response to the app-based worker's challenge the date when the app-based worker will be reinstated.
- 3. **Internal deactivation challenge procedure policy**.
 - a. In general. A network company shall create a policy describing the network company's internal deactivation challenge procedure. The internal deactivation challenge procedure policy shall be available to the app-based worker for at least 3 years after deactivation.
 - b. Content of internal deactivation challenge procedure policy. A network company shall describe what the network company's internal deactivation challenge procedure entails, including easy to understand instructions for the internal deactivation challenge procedure. The instructions shall include a description of the process and timeline for the network company's review and response to challenges, and information for the app-based worker to be able to:
 - i. Locate the accessible system to access receipts for each offer performed, if applicable;
 - ii. Follow detailed steps the app-based worker can take to initiate a challenge, including but not limited to all methods of contact and how to submit relevant information and records; and
 - iii. Access the network company's deactivation challenge procedure.
 - c. Required languages for its translation. A network company shall make the deactivation challenge procedure policy available to the app-based worker in English, and any language that the network company knows or has reason to know is the primary language of the app-based worker.
 - d. Manner of distribution. A network company shall make the written internal deactivation challenge procedure policy available to the app-based worker via email and in one of the following two formats: text message or message via the worker platform.

SHRR 260-130 Notice of Deactivation

- 1. **In general**. A network company shall provide an app-based worker with a notice of deactivation 14 days in advance of the deactivation and on the effective date of the deactivation. For deactivations involving egregious misconduct, the network company shall provide the app-based worker with the notice of deactivation no later than the effective date of deactivation.
- 2. **Content of notice**. The written notice of deactivation shall include the following information:
 - a. Date of the notice of deactivation;
 - b. Reason(s) for the deactivation, including the alleged violation(s) as described in the network company's deactivation policy, and the specific incident or pattern of incidents that violated the network company's deactivation policy;
 - c. The network company's deactivation policy (or policies) in effect at the time of the alleged violation(s);
 - d. Date of the start of the deactivation;

- e. The length of the deactivation;
 - f. Clear steps an app-based worker can take to remedy the deactivation, if applicable;
 - g. Any and all records relied upon to substantiate deactivation, subject to rules regarding anonymization and summarization of records pursuant to SMC 8.40.080.D and SHRR 260-160.5, including but not limited to:
 - i. the date, time, and location of all incidents supporting the deactivation decision;
 - ii. a copy of all evidence considered; and
 - iii. a certified statement from an individual at the network company with authority to reinstate the app-based worker, attesting that these are true and accurate records to the individual's knowledge.
 - h. The app-based worker's right to challenge such deactivation including that the app-based worker has 90 days to initiate a challenge via the internal challenge procedure;
 - i. Date of the last day the app-based worker may initiate a challenge;
 - j. The network company's internal deactivation challenge procedure policy; and
 - k. All methods of contact available to the app-based worker to initiate an internal challenge.
3. **Format of records.** Records and the network company's internal deactivation challenge procedure policy may be provided via a link to file storage, when the link is not password-protected or can be accessed using the same log-in credential that an app-based worker uses for the worker platform.
 4. **Notice of deactivation due to alleged egregious misconduct.** If the basis for deactivation is an allegation of egregious misconduct, the network company shall provide the notice of deactivation to the app-based worker no later than the effective date of deactivation and may deactivate the app-based worker before completing an investigation. The network company shall provide all relevant information in the notice of deactivation, as described in SMC 8.40.070.A.1-8 and these Rules, including a copy of the evidence the network company is considering. If the network company must anonymize and/or summarize records pursuant to SMC 8.40.080.D and SHRR 260-160.5, the network company shall provide the anonymized and/or summarized records as soon as practicable and no later than 48 hours after providing the notice of deactivation. The notice of deactivation shall clearly explain to the app-based worker when and how the app-based worker can expect to receive such records.
 5. **Notice of deactivation due to legal requirements.** If the basis for deactivation is compliance with an applicable court order or local, state, or federal laws or regulation, the network company shall provide the notice of deactivation to the app-based worker no later than the effective date of deactivation. The network company shall provide all relevant information in the notice of deactivation, as described in SMC 8.40.070.A.1-8 and these Rules, including clear steps an app-based worker can take to remedy the deactivation, if applicable. If the network company must anonymize and/or summarize records pursuant to SMC 8.40.080.D and SHRR 260-160.5, the network company shall provide the anonymized and/or summarized records as soon as practicable and no later than 48 hours after providing the notice of deactivation. The notice of deactivation shall clearly explain to the app-based worker when and how the app-based worker can expect to receive such records.
 6. **Required languages for its translation.** A network company shall make the written notice of deactivation available to the app-based worker in English, and any language that the network company knows or has reason to know is the primary language of the app-based worker.
 7. **Manner of distribution.** A network company shall make the notice of deactivation available via email. The network company shall alert the app-based worker of the notice of deactivation via text message or message in the worker platform.

SHRR 260-140 Notice of Rights

1. **In general.** Consistent with SMC 8.40, a network company shall provide each app-based worker with a written Notice of Rights. The Agency shall create and distribute a model Notice of Rights in English and other languages. Network company shall provide the Notice of Rights in an electronic format that is readily accessible to the app-based worker.
2. **Required languages for its translation.** A network company shall make the Notice of Rights available to the app-based worker in English, and any language that the network company knows or has reason to know is the primary language of the app-based worker. If the Agency creates a model Notice of Rights in English and other languages, the network company shall make the model Notice of Rights available in all such languages to all app-based workers on the worker platform.
3. **Manner of distribution.** A network company shall make the written Notice of Rights available to the app-based worker via email and in one of the following two formats: text message or via a message in the worker platform. The network company shall affirmatively provide each app-based worker with the written Notice of Rights within one month of the effective date of SMC 8.40. For each app-based worker hired by the network company after this date, the network company shall provide the Notice of Rights within 24 hours of the first completed offer that involved performing services in Seattle, facilitated or presented by the network company. No less than annually, the network company shall affirmatively provide the app-based worker with the Notice of Rights via email and in one of the following two formats: text message or via a message in the worker platform. The manner of distribution shall be the same manner that communications are typically sent from the network company to the app-based worker.

SHRR 260-150 Accessible System

1. **Accessible system.**
 - a. In general. Consistent with SMC 8.40 a network company that is not a marketplace network company shall establish an accessible system for app-based workers to understand their eligibility to challenge a deactivation.
 - b. Requirements for the accessible system.
 - i. The network company shall make the link to the accessible system available via the worker platform and email.
 - ii. The network company shall make the accessible system and its contents, except for the contents described in SHRR 260-150.1.b.iv.9, available in English and any language the network company knows or has reason to know is the primary language of the app-based worker.
 - iii. The network company shall make the accessible system accessible to the app-based worker from any location.
 - iv. The accessible system shall include the following information:
 1. Statement as to whether the app-based worker currently meets the threshold for coverage described in SMC 8.40.030.A.1 and these Rules;
 2. Statement that the app-based worker may be covered regardless if a deactivation is related to an incident that occurred while performing services in Seattle;
 3. The number of offers completed and cancelled with cause in the previous 180 days;

4. The number of offers completed and cancelled with cause that involved performing services in Seattle in the previous 180 days;
 5. The overall percentage of offers completed and cancelled with cause that involved performing services in Seattle in the previous 180 days;
 6. The network company's deactivation policy;
 7. The network company's internal deactivation challenge procedure policy;
 8. The designated email and/or phone number where the app-based worker can directly communicate with network company personnel about issues related to the deactivation; and
 9. Receipts pursuant to SMC 8.40.080.E.
2. **Marketplace network companies.** A marketplace network company shall make the information listed in SHRR 260-150.1.b.iv.1-8 available in English via email upon request from the app-based worker. A marketplace network company may inform the app-based worker in writing that the app-based worker can request translation of the information in the app-based workers primary language. The marketplace network company will strive to fulfill any request for translation within 72 hours of receipt of request.

SHRR 260-160 Access to Records Substantiating Deactivation

1. **In general.** A network company shall provide an app-based worker with the records relied upon by the network company to substantiate deactivation, unless contrary to local, state, or federal law. The records are provided upon notice of deactivation from the network company to the app-based worker.
2. **Further records.** If applicable, any records substantiating deactivation that are obtained by a network company after the network company issues a notice of deactivation shall be provided to the app-based worker as soon as practicable and no later than 14 days from the date of the network company's receipt.
3. **Internal challenge procedure records.** If an app-based worker challenges a deactivation, the network company must provide all records of that challenge and any responses to the worker within 14 days of each submittal or response.
4. **Manner of distribution.** All records and responses shall be provided via email. Records may be provided via a link to file storage, when the link is not password-protected or can be accessed using the same log-in credential that an app-based worker uses for the worker platform.
5. **Anonymizing and summarizing information.** Records provided to the app-based worker shall include date, time, and location of incidents supporting the deactivation decision as well as a copy of the evidence the network company considered in the deactivation decision. If disclosure of records substantiating deactivation involves information related to a customer or a third party and the network company reasonably believes that information could compromise the customer or third party's safety, the network company may take measures to anonymize information related to that customer or third party. If a complaint from a customer or third party is the sole basis for deactivation, the network company may provide a summary description of the records substantiating the deactivation.
 - a. Measures to anonymize. When the network company reasonably believes that information could compromise a customer or third party's safety, the records provided to the app-based worker by the network company may anonymize personally identifying information such as the name of the customer or third party and the date, time, and

location where the incident was alleged to have occurred. If inclusion of full records substantiating the deactivation would allow the app-based worker to identify the customer or third party at risk, the network company may summarize such records to the extent necessary to deidentify the customer or third party. The records shall be detailed enough such that the app-based worker has sufficient information to understand the incident and is provided a meaningful opportunity to respond to any allegations.

- b. Measures to summarize. If a complaint from a customer or third party is the sole basis for deactivation, the records provided to the app-based worker by the network company may summarize records substantiating the deactivation. However, the records shall be detailed enough such that the app-based worker has sufficient information to understand the incident. The summary shall include date, time, location, and specific details regarding the incident such that the app-based worker is provided a meaningful opportunity to respond to any allegations. When the network company reasonably believes that information could compromise a customer or third party's safety, the network company may also anonymize the records pursuant to SMC 8.40.080.D and SHRR 260-160.5.a.
6. **Requesting translation of records.** A network company must provide the records relied upon to substantiate deactivation to the app-based worker in English and may provide such records in the worker's primary language. A network company may inform the app-based worker in writing that the worker can request translation of records upon sharing the notice of deactivation. The network company will strive to fulfill any request for translation within 72 hours of receipt of request.
7. **Egregious misconduct or legal requirement.** If a network company deactivates an app-based worker prior to completing an investigation due to an allegation of egregious misconduct, or as required to comply with any applicable court order or local, state, or federal laws or regulations, any records substantiating deactivation shall be provided to the app-based worker via email as soon as practicable and no later than 14 days from the date of the network company's receipt (unless contrary to local, state or federal law). Records substantiating deactivation that the network company has in its possession at the time of the notice of deactivation must be provided to the app-based worker pursuant to SHRR 260.130.2.g.

SHRR 260-170 Affirmative Production of Records

1. **In general.** Consistent with SMC 8.40, a network company shall routinely and affirmatively transmit to the Agency the following records in a form and format to be specified by the Agency.
2. **Frequency of transmission.** The records shall be transmitted quarterly according to a schedule provided by the Agency until July 1, 2026, and at least every six months thereafter. Network companies shall make the first transmission by July 31, 2025. In the transmission submitted July 31, 2025, network companies shall also retroactively provide the records required by SHRR 260 for the period between the effective date of SMC 8.40, January 1, 2025, and the effective date of SHRR 260.
3. **App-based workers.** A network company shall transmit the following records of app-based workers:
 - a. Total weekly number of app-based workers who performed services in Seattle;
 - b. Total weekly number of app-based workers where at least 25 percent of completed offers and offers cancelled with cause during the previous 180 days, involved performing services in Seattle;

- c. Total weekly number of app-based workers whose deactivation is related to an incident or incidents that occurred while performing services in Seattle;
 - d. Preferred or primary languages of app-based workers, as input by app-based workers, and the number of app-based workers in each language group, if available, during the reporting period;
 - e. The number of app-based workers whose primary addresses (as provided to the network company) are within each Census Tract and the name of the Census Tracts; and
 - f. Five-digit zip codes as well as first one and last four digits of phone numbers during the reporting period for all app-based workers who performed services in Seattle
4. **Deactivations.** A network company shall transmit the following records of deactivations covered by SMC 8.40:
- a. Total weekly number of deactivations;
 - b. Total weekly number of reinstatements;
 - c. Total weekly number of deactivations for which the timeframe for initiating a challenge ended without the app-based worker initiating a challenge;
 - d. Total weekly number of deactivation challenges necessitating a delayed network company response due to extraordinary circumstances;
 - e. Percentiles (10th, 25th, 50th, 75th, and 90th), mean, and sum of length of time that deactivated app-based workers were active on the platform prior to deactivation for each quarter during the reporting period;
 - f. Total weekly number of internal challenges initiated by app-based workers;
 - g. Percentile (10th, 25th, 50th, 75th, 90th), mean, and sum of length of completed deactivation challenge procedure for each quarter during the reporting period:
 - i. For each deactivation substantiated during the reporting period;
 - ii. For each deactivation reinstated during the reporting period.
 - h. Percentile (10th, 25th, 50th, 75th, 90th), mean, and sum of length of deactivation challenge procedure for each deactivation necessitating a delayed response due to extraordinary circumstances for each quarter during the reporting period;
 - i. Total quarterly number of app-based workers that initiated any legal action alleging violation of SMC 8.40, including all civil actions and requests to arbitrate; and
 - j. Total quarterly number of legal actions initiated alleging violation of SMC 8.40, including all civil actions and requests to arbitrate.
5. **Categories for deactivation.** A network company shall transmit the following records of deactivations as well as percentiles (10th, 25th, 50th, 75th, and 90th), mean, and sum of length of deactivation for each quarter during the reporting period for the following categories:
- a. Total weekly number of deactivations for which aggregate customer ratings were identified as a contributing factor;
 - b. Total weekly number of immediate deactivations;
 - c. Total weekly number of deactivations resulting from app-based worker background check results;
 - d. Total weekly number of deactivations based on allegations of egregious misconduct as defined in SMC 8.40 and SHRR Chapter 260;
 - e. Total weekly number of deactivations resulting from insufficient documentation from the app-based worker and/or issues related to verifying documentation; and
 - f. Other reasons for deactivation named, in list format.
6. **Deactivation policy.** A network company shall send the Agency the network company's current deactivation policy, as well as copies of any earlier versions of its deactivation policy that were in effect during the reporting period, including effective date(s) of the policy or policies.

7. **Records not for transmission.** A network company shall not transmit to the Agency any personally identifiable app-based worker information, including name, date of birth, home address, social security number, vehicle license plate number, driver's license number, or other similar records.
8. **Agency authority.**
 - a. Form, format, and security protocols. The Agency is authorized to order that each network company produce records in a particular form or format and to order particular security or privacy protocols.
 - b. Frequency of transmission. The Agency is authorized to order that each network company produce records more or less frequently than quarterly. Notice of such orders will be provided directly to each network company or via posting on the Agency website.
 - c. Sample periods. The Agency is authorized to require a network company to produce sample data that is more precise than the data otherwise required to be produced in SHRR 260-170, including disaggregated records to verify the quality and/or accuracy of the aggregated records. The Agency shall specify the scope of the sample, as well as the form and format for transmission.
9. **Privacy principles.** The Agency shall use, store, and maintain records produced under SHRR 260 in accordance with the City of Seattle's Privacy Principles.

SHRR 260-180 Records Retention

1. **In general.** Each network company shall retain records that document compliance with SMC 8.40 and SHRR Chapter 260 for each app-based worker.
2. **Technical error.** SMC 8.40.110.A.4 contains a technical error. That section reads, in part, "Whether the deactivation investigation includes extraordinary circumstances pursuant to subsection **8.40.050.B...**"(emphasis added). The section is properly read as "Whether the deactivation investigation includes extraordinary circumstances pursuant to subsection **8.40.050.D...**"(emphasis added).
3. **Compliance file.** Consistent with 8.40.110, Each network company shall maintain a compliance file for each deactivation covered by 8.40, including:
 - a. The complete deactivation notice provided to the app-based worker, including records indicating date and manner of distribution to the worker;
 - b. The network company's deactivation policy in effect on the date of the deactivation notice, including records indicating date and manner of distribution to the worker;
 - c. The worker's primary language, including any information the worker provided to the network company indicating their primary language;
 - d. Date of completion of investigation;
 - e. Whether the deactivation investigation includes extraordinary circumstances, pursuant to SMC 8.40.050.D and, if so, the extraordinary circumstances at issue;
 - f. Whether the deactivation involved egregious misconduct and, if so, the egregious misconduct at issue;
 - g. Number of offers completed in the 180 days prior to deactivation notice;
 - h. Number of completed offers that involved performing services in Seattle in the 180 days prior to deactivation notice;
 - i. Number of offers canceled with cause that involved performing services in Seattle in the 180 days prior to deactivation notice;
 - j. Date of deactivation challenge according to the network company's internal deactivation challenge procedure; and

- k. All responses to an app-based worker regarding a deactivation challenge, pursuant to SMC 8.40.060.B and 8.40.080.C.
4. **Model compliance file.** The Agency may create a model compliance file template, form or checklist. If the Agency creates such a model compliance file, a network company must use the model compliance file to provide records required under subsection SHRR 260-180.3 upon request by the Agency.
5. **Retention period.** Each network company shall retain the records required by section SHRR 260-180 for a period of three years.

SHRR 260-190 Practice and Procedure for Enforcement of Ordinance

1. **In general.** Consistent with SMC 8.40, practice and procedure for enforcement of this ordinance (SMC 8.40) are determined by the Seattle Office of Labor Standards Rules: Practice and Procedure for Labor Standards Enforcement, (SHRR) Chapter 140.

SHRR 260-200 Effective Date

1. These Rules shall take effect on June 24th, 2025.