Ordinance No. 124644

Council Bill No. 118248

AN ORDINANCE relating to employment in Seattle; amending sections 14.16.010, 14.17.010, 14.19.010 and 14.19.060 of the Seattle Municipal Code to reflect the creation of the Office of Labor Standards within the Office for Civil Rights as a centralized source for administering and enforcing all City labor standards ordinances; making technical changes; and revising provisions related to enforcement.

Related Legislation File: _____

Date Introduced and Referred: 10.27.14	To: (committee): Budget
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 11/24/14	Date Presented to Mayor: 11/26/14
Date Signed by Mayor: 12/2/14	Date Returned to City Clerk: 12/2/14
Published by Title Only X Published in Full Text _____	Date Vetoed by Mayor:
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Licata

Committee Action:

Date	Recommendation	Vote
11/14/14	Pass	9-0

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
Nov. 24, 2014	Passed	9-0

Law Department

Karina Bull
OCR Labor Standards Amendments ORD
October 17, 2014
Version #8

CITY OF SEATTLE

ORDINANCE 124644

COUNCIL BILL 118248

AN ORDINANCE relating to employment in Seattle; amending sections 14.16.010, 14.17.010, 14.19.010 and 14.19.060 of the Seattle Municipal Code to reflect the creation of the Office of Labor Standards within the Office for Civil Rights as a centralized source for administering and enforcing all City labor standards ordinances; making technical changes; and revising provisions related to enforcement.

WHEREAS, the City Council adopted City Council Green Sheet 15-1-A-2 with the 2014 Adopted Budget which appropriated money to the Department of Finance and Administrative Services (FAS) to support work of an advisory group convened by the Council and Mayor to assess how to gain greater compliance by businesses with labor standards; and

WHEREAS, the Labor Standards Advisory group met throughout 2014 and presented a number of policy options for the Mayor and Council to consider; and

WHEREAS, the Office for Civil Rights has successfully implemented two labor standards ordinances, paid sick and safe time and the use of criminal history in employment decisions, and has well-established procedures for rule-making, outreach, case investigation and mediation, with high settlement rates; and

WHEREAS, based on the consideration of the options presented by the Labor Standards Advisory Group, the Mayor proposes the Council create the Office of Labor Standards within the Office for Civil Rights; and

WHEREAS, the Office of Labor Standards shall be managed by a Division Director appointed by the Director of the Office for Civil Rights and subject to approval by the Mayor; and

WHEREAS, in June 2014, Ordinance 124490, which establishes minimum wage and minimum compensation rates for employees working in Seattle, was passed by the City Council and signed by the Mayor; and

WHEREAS, simultaneously, the City Council passed Resolution 31524 requesting that FAS work with the City Council and other appropriate City departments and stakeholders to strengthen implementation of local minimum wage ordinances; and

WHEREAS, administration and enforcement of the minimum wage and minimum compensation ordinance was originally placed at Department of Finance and Administrative Services

but should be part of the portfolio of the Office of Labor Standards in the Office for Civil Rights; and

WHEREAS, all labor standards ordinances, including paid sick and safe time (Ordinance 123698), use of criminal history in employment decisions (Ordinance 124201), and minimum wage and minimum compensation rates (Ordinance 124490), should reflect the creation of the Office of Labor Standards in the Office for Civil Rights; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 14.16.010 of the Seattle Municipal Code, enacted by Ordinance 123698, is amended as follows:

14.16.010 Definitions

For purposes of this chapter

((~~A.~~)) "Adverse action" means the discharge, suspension, discipline, transfer, demotion or denial of promotion by an employer of an employee for any reason prohibited by 14.16.040.

((~~B.~~)) "Agency" shall mean the ((~~Seattle~~)) Office for Civil Rights and any division therein.

((~~C.~~)) "Business" and "engaging in business" has the same meanings as in Chapter 5.30.

((~~D.~~)) "City" shall mean the City of Seattle.

((~~E.~~)) "City department" means any agency, office, board or commission of the City, or any Department employee acting on its behalf, but shall not mean a public corporation chartered

under Ordinance 103387, or its successor ordinances, or any contractor, consultant, concessionaire or lessee.

((~~F.~~)) "Charging party" means the person aggrieved by an alleged violation of this chapter or the person making a charge on another person's behalf, or the Director when the Director files a charge.

((~~G.~~)) "Commission" means the Seattle Human Rights Commission.

((~~H.~~)) "Director" means the Division Director of the Office of Labor Standards within the Office for Civil Rights or the Division Director's designee.

((~~I.~~)) "Eating and/or drinking establishment" means a place where food and/or beverages are prepared and sold at retail for immediate consumption either on- or off-premise, but excludes food and beverage service sites, such as cafeterias, that are accessory to other activities and primarily serve students, patients and/or on-site employees.

((~~J.~~)) "Employee" shall mean any individual employed by an employer, and shall include traditional employees, temporary workers, and part-time employees. Individuals performing services under a work study agreement are not covered by this chapter. Employees are covered by this chapter if they perform their work in Seattle. An employee who performs work in Seattle on an occasional basis is covered by this chapter only if he performs more than 240 hours of work in Seattle within a calendar year. An employee who is not covered by this Chapter is still included in any determination of the size of the employer. In the event that a temporary employee is supplied by a staffing agency or similar entity, absent a contractual agreement

stating otherwise, that individual shall be deemed to be an employee of the staffing agency for all purposes of this chapter, except as provided in subsection 14.16.010.T.4.b.

((~~K.~~)) "Employer" shall mean, as defined in subsection 14.04.030.K, any person who has one or more employees, or the employer's designee or any person acting in the interest of such employer. Employer size shall be determined as provided in subsection 14.16.010.T. For purposes of this act, "employer" does not include any of the following:

1. The United States government;

2. The State of Washington, including any office, department, agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary;

3. Any county or local government other than the City.

((~~L.~~)) "Employment agency" or "staffing agency" means any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer, or place individuals with an employer or in employment.

((~~M.~~)) "Full-time equivalent" shall mean the number of hours worked for compensation that add up to one full-time employee, based either on an eight-hour day and a five-day week or as full-time is defined, in writing or in practice, by the employer.

((~~N.~~)) "Health care professional" shall mean any person authorized by the City, any state government and/or the federal government to diagnose and treat physical or mental health

conditions, including a doctor, nurse, emergency medical care provider, and/or a public health clinic worker, so long as that person is performing within the scope of their practice as defined by the relevant law.

((~~O.~~)) "Paid sick time" and/or "paid sick days" shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in 14.16.030.A.1 of this chapter, for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken. Employees are not entitled to compensation for lost tips or commissions and compensation shall only be required for hours that an employee is scheduled to have worked.

1. For purposes of determining eligibility for "paid sick time," "family member" shall mean, as defined in the Washington Family Care Act, RCW 49.12.265 and 49.12.903, as follows:

a. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

b. "Grandparent" means a parent of a parent of an employee.

c. "Parent" means a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

d. "Parent-in-law" means a parent of the spouse of an employee.

e. "Spouse" means husband, wife or domestic partner. For purposes of this chapter, the terms spouse, marriage, marital, husband, wife, and family shall be interpreted as applying equally to city or state registered domestic partnerships or individuals in city or state registered domestic partnerships as well as to marital relationships and married persons to the extent that such interpretation does not conflict with federal law. Where necessary to implement this chapter, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in city or state registered domestic partnerships.

((~~P.~~)) "Paid safe time" and/or "paid safe days" shall mean accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in 14.16.030.A.2, for which time an employee shall be compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.

1. For the purposes of determining eligibility for "paid safe time":

a. "Family or household members" shall mean, as defined in RCW 49.76.020, spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently

residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

b. "Domestic violence" shall mean:

1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

2) sexual assault of one family or household member by another; or

3) stalking, as defined below in subsection 14.16.010.P.1.c, of one family or household member by another family or household member.

c. "Stalking" shall be defined as in RCW 9A.46.110,

d. "Dating relationship" shall mean, as defined in RCW 49.76.020, a social relationship of a romantic nature.

e. "Sexual assault" shall be defined as in RCW 49.76.020.

((~~Q.~~)) "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging a violation of this chapter, the person alleged or found to have committed a violation of this chapter and the Office for Civil Rights.

((~~R.~~)) "Person," as used in this chapter, includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, public corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy and receivers, firm, institution, or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons, and further includes any department, office, agency or instrumentality ofthe City.

((~~S.~~)) "Respondent" means any person who is alleged or found to have committed a violation of this chapter.

((~~T.~~)) "Tier One," "Tier Two," and "Tier Three" employers are defined as follows:

1. "Tier One employer" shall mean an employer that employs more than 4 and fewer than 50 full-time equivalents on average per calendar week.

2. "Tier Two employer" shall mean an employer that employs at least 50 and fewer than 250 full-time equivalents on average per calendar week.

3. "Tier Three employer" shall mean an employer that employs 250 or more full-time equivalents on average per calendar week.

4. The determination of employer tier for the current calendar year will be calculated based upon the average number of full-time equivalents paid for per calendar week during the preceding calendar year for any and all weeks during which at least one employee worked for

compensation. To determine the number of full-time equivalents, all compensated hours of all employees shall be counted, including:

a. work performed outside of the City; and

b. compensated hours made available by part-time employment, temporary employment or through the services of a temporary services or staffing agency or similar entity.

5. For employers that did not have any employees during the previous calendar year, the employer tier will be calculated based upon the average number of full-time equivalents paid for per calendar week during the first 90 calendar days of the current year in which the employer engaged in business.

Section 2. Section 14.17.010 of the Seattle Municipal Code, enacted by Ordinance 124201, is amended as follows:

14.17.010 Definitions

For purposes of this chapter

"Agency" shall mean the ((~~Seattle~~)) Office for Civil Rights and any division therein.

"Arrest record" shall mean information indicating that a person has been apprehended, detained, taken into custody, held for investigation, or restrained by a law enforcement agency or military authority due to an accusation or suspicion that the person committed a crime.

"City" shall mean the City of Seattle.

"Charging party" means a person who files an Agency charge claiming he was aggrieved by an alleged violation of this chapter.

"Commission" means the Seattle Human Rights Commission.

"Conviction Record" and "Criminal History Record Information" is meant to be consistent with RCW 10.97 and means information regarding a final criminal adjudication or other criminal disposition adverse to the subject, including a verdict of guilty, a finding of guilty, or a plea of guilty or nolo contendere. A criminal conviction record does not include any prior conviction that has been the subject of an expungement, vacation of conviction, sealing of the court file, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a prior conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.

"Criminal background check" shall mean requesting or attempting to obtain, directly or through an agent, an individual's Conviction Record or Criminal History Record Information from the Washington State Patrol or any other source that compiles and maintains such records or information.

"Director" means the Division Director of the Office of Labor Standards within the Office for Civil Rights or the Division Director's designee.

* * *

Section 3. Section 14.19.010 of the Seattle Municipal Code, enacted by Ordinance 124490, is amended as follows:

14.19.010 Definitions

For the purposes of this Chapter:

((~~A.~~)) "Actuarial value" means the percentage of total average costs for covered benefits that a health benefits package will cover;

((~~B.~~)) "Agency" means the Office for Civil Rights and any division therein;

((~~C.~~)) "Bonuses" means non-discretionary payments in addition to hourly, salary, commission, or piece-rate payments paid under an agreement between the employer and employee;

((~~D.~~)) "Commissions" means a sum of money paid to an employee upon completion of a task, usually selling a certain amount of goods or services;

((~~D. "Department" means the Department of Finance and Administrative Services;~~))

((~~E.~~)) "Director" means the Division Director of the Office of Labor Standards within the Office for Civil Rights ((~~Department of Finance and Administrative Services,~~)) or the Division ((~~his or her~~))Director's designee;

((~~F.~~)) "Employ" means to permit to work;

((~~G.~~)) "Employee" means "employee," as defined under Section 12A.28.200. Employee does not include individuals performing services under a work study agreement;

((~~H.~~)) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

((~~I.~~)) "Franchise" means a written agreement by which:

1. A person is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan prescribed or suggested in substantial part by the grantor or its affiliate;

2. The operation of the business is substantially associated with a trademark, service mark, trade name, advertising, or other commercial symbol; designating, owned by, or licensed by the grantor or its affiliate; and

3. The person pays, agrees to pay, or is required to pay, directly or indirectly, a franchise fee;

((~~J.~~)) "Franchisee" means a person to whom a franchise is offered or granted;

((~~K.~~)) "Franchisor" means a person who grants a franchise to another person;

((~~L.~~)) "Hearing Examiner" means the official appointed by the Council and designated as the Hearing Examiner, or that person's designee (Deputy Hearing Examiner, Hearing Examiner Pro Tem, etc.);

((~~M.~~)) "Hourly minimum compensation" means the minimum compensation due to an employee for each hour worked during a pay period;

((~~N.~~)) "Hourly minimum wage" means the minimum wage due to an employee for each hour worked during a pay period;

((~~O.~~)) "Medical benefits plan" means a silver or higher level essential health benefits package, as defined in 42 U.S.C. section 18022, or an equivalent plan that is designed to provide benefits that are actuarially equivalent to 70 percent of the full actuarial value of the benefits provided under the plan, whichever is greater;

((~~P.~~)) "Minimum compensation" means the minimum wage in addition to tips actually received by the employee and reported to the Internal Revenue Service, and money paid by the employer towards an individual employee's medical benefits plan;

((~~Q.~~)) "Minimum wage" means all wages, commissions, piece-rate, and bonuses actually received by the employee and reported to the Internal Revenue Service;

((~~R.~~)) "Piece-rate" means a price paid per unit of work;

((~~S.~~)) "Rate of inflation" means the Consumer Price Index annual percent change for urban wage earners and clerical workers, termed CPI-W, or a successor index, for the twelve months prior to each September 1st as calculated by the United States Department of Labor;

((~~T.~~)) "Schedule 1 Employer" means all employers that employ more than 500 employees in the United States, regardless of where those employees are employed in the United States, and all franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 500 employees in aggregate in the United States;

((~~U.~~)) "Schedule 2 Employer" means all employers that employ 500 or fewer employees regardless of where those employees are employed in the United States. Schedule 2 employers do not include franchisees associated with a franchisor or a network of franchises with franchisees that employ more than 500 employees in aggregate in the United States;

((~~V.~~)) "Tips" means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the employee receiving the tip;

((~~W.~~)) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the

Director. Commissions, piece-rate, and bonuses are included in wages. Tips and employer payments toward a medical benefits plan do not constitute wages for purposes of this Chapter.

Section 4. Section 14.19.060 of the Seattle Municipal Code, enacted by Ordinance 124490, is amended as follows:

14.19.060 Enforcement

A. Powers and Duties

1. The Agency ((~~Department~~))shall investigate alleged violations of this Chapter as defined herein, and shall have such powers and duties in the performance of these functions as are defined in this Chapter and otherwise necessary and proper in the performance of the same and provided for by law.

2. The Director is authorized and directed to promulgate rules consistent with this Chapter.

B. Exercise of Rights Protected; Retaliation Prohibited

1. It shall be a violation for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter.

2. It shall be a violation for an employer to discharge, threaten, harass, demote, penalize, or in any other manner discriminate or retaliate against any employee because the employee has exercised in good faith the rights protected under this Chapter. Such rights include but are not limited to the right to file an oral or written complaint with the Agency ((~~Department~~)) about any employer's alleged violation of this Chapter; the right to inform his or her employer, union or similar organization, and/or legal counsel about an employer's alleged violation of this

Chapter; the right to cooperate with the Agency ((~~Department~~))in its investigations of alleged violations of this Chapter; the right to oppose any policy, practice, or act that is unlawful under this Chapter; and the right to inform other employees of his or her potential rights under this Chapter.

3. It shall be ((~~considered~~))a violation for an employer to communicate to a person filing a wage claim, directly or indirectly, explicitly or implicitly, the willingness to inform a government employee that the person is not lawfully in the United States, report or threaten to report suspected citizenship or immigration status of an employee or a family member of the employee to a federal, state, or local agency because the employee has exercised a right under this Chapter.

C. Notice, Posting, and Records

1. Employers shall give notice to employees in English, Spanish and any other language commonly spoken by employees at the particular workplace that they are entitled to the minimum wage and minimum compensation; that retaliation against employees who exercise their rights under this Chapter is prohibited; and that each employee has the right to file a charge ((~~or bring a civil action~~))if the minimum wage or minimum compensation as defined in this Chapter is not paid or the employee is retaliated against for engaging in an activity protected under this Chapter.

2. Employers may comply with this section by posting in a conspicuous place at any workplace or job site where any covered employee works a notice published each year by the Agency ((~~Department~~))informing employees of the current minimum wage and minimum

compensation rates applicable in that particular workplace or jobsite and of their rights under this Chapter in English, Spanish and any other languages commonly spoken by employees at the particular workplace or job site.

3. Employers shall retain payroll records pertaining to covered employees for a period of three years documenting minimum wages and minimum compensation paid to each employee.

D. Charges and Investigation

1. The Agency ((~~Department~~))may investigate any violations of this Chapter. A charge alleging a violation of this Chapter should include a statement of the dates, places, and persons or entities responsible for such violation. A charge alleging a violation of this Chapter may also be filed by the Director on behalf of an aggrieved individual when the Director has reason to believe that a violation has occurred.

2. Charges filed under this Chapter must be filed within ((~~3~~))three years after the occurrence of the alleged violation. To the extent permitted by law, the ((~~The~~)) applicable statute of limitations for civil actions is tolled during the Department's investigation and any administrative enforcement proceeding under this Chapter based upon the same facts.

3. The Director shall cause to be served or mailed by certified mail, return receipt requested, a copy of the charge on the respondent within 20 days after the filing of the charge and shall promptly make an investigation thereof.

4. The investigation shall be directed to ascertain the facts concerning the alleged violation of this Chapter, and shall be conducted in an objective and impartial manner.

5. During the investigation the Director shall consider any statement of position or

evidence with respect to the allegations of the charge which the charging party or the respondent wishes to submit. The Director shall have authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, and the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the employer subpoenaed.

E. Findings of Fact and Notice of Violation.

((~~1.~~)) Except when there is an agreed upon settlement, t((~~T~~))he results of the investigation shall be reduced to written findings of fact, and a written determination shall be made by the Director that a violation of this Chapter has or has not occurred based on a preponderance of the evidence before the Director. The findings of fact shall be furnished promptly to the respondent and charging or aggrieved party in the form of a notice of violation or a written determination of no violation shown.

((~~2. Within sixty days of a notice of violation, the Director shall confer with the parties and determine an appropriate remedy, which shall include full payment of unpaid wages due to the charging or aggrieved party under the terms of this Chapter. Such remedy shall be reduced to writing in an order of the Director.~~))

F. Remedies

1. An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil penalty in an amount not to exceed $125 for the first violation and $250 for subsequent violations.

2. It is unlawful for any employer to willfully resist, prevent, impede or interfere with the Director in the performance of his or her duties under this Chapter. Conduct made unlawful by this subsection 14.19.060.F.2 constitutes a violation, and any employer who commits such a violation may be punished by a civil penalty of not less than $1,000 and not more than $5,000.

3. For a first time violation of this Chapter, the Director, in addition to the remedies

provided in subsections 14.19.060.F.1, 14.19.060.F.2, and 14.19.060.F.4 of this Section, shall issue a warning and may assess a civil penalty of up to $500 for improper payment of minimum wage and minimum compensation as defined in this Chapter. For subsequent violations, the Director, in addition to the remedies provided in subsections 14.19.060.F.1, 14.19.060.F.2, and 14.19.060.F.4 of this Section, shall assess a civil penalty for improper payment of minimum wage and minimum compensation as defined in this Chapter. A civil penalty for a second time violation of this Chapter shall be not greater than $1,000 per employee or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. A civil penalty for a third violation of this Chapter shall not be greater than $5,000 per employee or an amount equal to ten percent of the total amount of unpaid wages, whichever is greater. The maximum civil penalty for a violation of this chapter shall be $20,000 per employee.

4. Within sixty days of a notice of violation of this Chapter, the Director shall confer with the parties and determine an appropriate remedy, which shall include full payment of unpaid wages and accrued interest due to the charging or aggrieved party under the terms of this Chapter and any civil penalties provided in this Section. Such remedy shall be reduced to writing in an order of the Director.

G. Appeal Period and Failure to Respond

((~~1.~~))An employer may appeal the Director's order, including all remedies issued pursuant to subsection 14.19.060.F of this Section, by requesting a contested hearing before the Hearing Examiner in writing within 15 days of service. If an employer fails to appeal the Director's order within 15 days of service, the Director's order shall be final and enforceable. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5:00 p.m. on the next business day.

H. Appeal Procedure and Failure to Appear

1. Contested hearings shall be conducted pursuant to the procedures for hearing

contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The Director shall have the burden of proof by a preponderance of the evidence before the Hearing Examiner. Failure to appear for a requested hearing will result in an order being entered finding that the employer cited committed the violation stated in the Director's order. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

2. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying or reversing the Director's order.

3. In the event an employer fails to comply with any final order issued by the Director or the Hearing Examiner, the Director shall refer the matter to the City Attorney for the filing of a civil action in superior court, the Seattle Municipal Court or any other court of competent jurisdiction to enforce such order.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 24th day of Nov., 2014, and signed by me in open session in authentication of its passage this 24th day of Nov., 2014.

President _____ of the City Council

Approved by me this 2 day of December, 2014.

Edward B. Murray, Mayor

Filed by me this 2nd day of December, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: February 26, 2014

2015 BUDGET LEGISLATION FISCAL NOTE

Department:	Contact Person/Phone:	CBO Analyst/Phone:
OCR	Patty Lally /233-7822	Ann Gorman/684-5292

Legislation Title: AN ORDINANCE relating to employment in Seattle; amending sections 14.16.010, 14.17.010, 14.19.010 and 14.19.060 of the Seattle Municipal Code to reflect the creation of the Office of Labor Standards within the Office for Civil Rights as a centralized source for administering and enforcing all City labor standards ordinances; making technical changes; and revising provisions related to enforcement.

Summary of the Legislation: This legislation reflects the creation of the Office of Labor Standards in the Office for Civil Rights as the centralized source for administering and enforcing all City labor standards ordinances and specifically, moves enforcement of Seattle's minimum wage and minimum compensation ordinance from the Department of Finance and Administrative Services to the Office for Civil Rights.

Background: As part of the 2014 budget process, the City Council adopted Green Sheet 15-1-A-2 which appropriated $250,000 to the Department of Finance and Administrative Services (FAS) to support work of an advisory group convened by the Council and Mayor to assess how to gain greater compliance of City labor standards by businesses. The Labor Standards Advisory Group met in 2014 and presented a range of options to the Mayor and City Council. One recommendation was to have a centralized source for labor standards enforcement. The Mayor proposes such a source with companion legislation establishing an Office of Labor Standards within the Office for Civil Rights (OCR).

In June 2014, the City Council passed and Mayor signed Ordinance 124490 setting a new minimum wage and minimum compensation for work performed in the City of Seattle beginning in 2015. A companion piece of legislation, Resolution 31524, requested that FAS work with City Council and other appropriate City departments and stakeholders to strengthen implementation of local minimum wage ordinances.

OCR has successfully implemented two labor standards ordinances, paid sick and safe time and the use of criminal history in employment decisions, and has well-established procedures for rule-making, outreach, case investigation and mediation. It is appropriate that enforcement of the minimum wage ordinance be part of the OCR/OLS portfolio.

__X__ **This legislation does not have any financial implications.**

Summary of Changes to Revenue Generated Specifically from this Legislation:

	Revenue Source	2015 Proposed	2016 Proposed
Total Fees and Charges Resulting From Passage of This Ordinance			

(If new revenue is for a partial year, provide estimate for full year in the notes section below.)

Revenue Change Notes:

Anticipated Total Revenue from Entire Program, Including Changes Resulting from this Legislation:

Fund Name and Number	Revenue Source	Total 2015 Revenue	Total 2016 Revenue
TOTAL			

Total Revenue Notes:

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

b) **What is the financial cost of not implementing the legislation?**
None.

c) **Does this legislation affect any departments besides the originating department?**
Finance and Administrative Services

d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None identified.

e) **Is a public hearing required for this legislation?**
No.

f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.

g) Does this legislation affect a piece of property?
No.

h) Other Issues:
None.

List attachments to the fiscal note below:
None.

STATE OF WASHINGTON -- KING COUNTY

--ss.

318500

No. 124644,645,646,647,648,49

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCES

was published on

12/17/14

The amount of the fee charged for the foregoing publication is the sum of $104.65 which amount has been paid in full.

JENNIFER A. BORRERO NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-24-15

Affidavit of Publication

Subscribed and sworn to before me on

12/17/2014

Notary public for the State of Washington,
residing in Seattle

State of W ounty

City of Seattle

Title Only Ordinances

The full text of the following legislation, passed by the City Council on November 24, 2014, and published below by title only, will be mailed upon request, or can be accessed at http://clerk.seattle.gov. For information on upcoming meetings of the Seattle City Council, please visit http://www.seattle.gov/council/calendar.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124644

AN ORDINANCE relating to employment in Seattle; amending sections 14.16.010, 14.17.010, 14.19.010 and 14.19.060 of the Seattle Municipal Code to reflect the creation of the Office of Labor Standards within the Office for Civil Rights as a centralized source for administering and enforcing all City labor standards ordinances; making technical changes; and revising provisions related to enforcement.

ORDINANCE NO. 124645

AN ORDINANCE relating to employment in Seattle; adding a new Chapter 14.20 to the Seattle Municipal Code; creating an administrative process for wage and tip compensation complaints by establishing wage and tip compensation requirements; prescribing remedies and enforcement procedures; adding provisions related to wage theft; and amending Sections 5.55.230 and 12A.08.060 of the Seattle Municipal Code.

ORDINANCE NO. 124646

AN ORDINANCE authorizing, in 2014, acceptance of funding from non-City sources; authorizing the heads of the Executive Department and the Seattle Fire Department, to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements.

ORDINANCE NO. 124647

AN ORDINANCE relating to the 2014 Budget; amending Ordinance 124349, which adopted the 2014 Budget, including the 2014-2019 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2014-2019 CIP; creating positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 124648

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2015; creating positions exempt from civil service; all by a two-thirds vote of the City Council.

ORDINANCE NO. 124649

AN ORDINANCE relating to the Building and Construction Codes, Subtitle VI Fire Code; amending Seattle Municipal Code Sections 22.602.045, 22.602.050, 22.602.070, and 22.602.090, to add, delete and revise various Seattle Fire Department permit, certificate, inspection and plan review fees and related provisions.

Date of publication in the Seattle Daily Journal of Commerce, December 17, 2014.
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