SEATTLE CITY COUNCIL

Legislative Summary

Res 31662

Record No.: Res 31662 **Type:** Resolution (Res) **Status:** Adopted

Version: 1 **In Control:** City Clerk

File Created: 03/28/2016

Final Action: 05/04/2016

Title: A RESOLUTION related to Directed Investigations, which are investigations of potential labor law violations initiated by the Director of the Office of Labor Standards; and requesting quarterly updates to the Council starting the end of the second quarter of 2016 on the development steps necessary to implement Directed Investigations.

	Date
Filed with City Clerk:	5/4/2016
Mayor's Signature:	5/4/2016
Vetoed by Mayor:	
Veto Overridden:	
Veto Sustained:	

Notes:

Sponsors: Herbold

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File **Legal Notice Published:** ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	04/13/2016	sent for review	Council President's Office			
	Action Text: The Resolution (Res) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	04/15/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Resolution (Res) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						
1	Full Council	04/25/2016	referred	Civil Rights, Utilities, Economic Development, and Arts Committee			

Action Text: The Resolution (Res) was referred. to the Civil Rights, Utilities, Economic Development, and Arts Committee

Notes:

1	Civil Rights, Utilities, Economic Development, and Arts Committee	04/26/2016	adopt	Pass

Action Text: The Committee recommends that Full Council adopt the Resolution (Res).

In Favor: 4 Chair Herbold, Vice Chair Sawant, Member O'Brien, González

Opposed: 0

1	Full Council	05/02/2016	adopted	Pass

Action Text: The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	05/03/2016	submitted for Mayor's signature	Mayor

Action Text: The Resolution (Res) was submitted for Mayor's signature. to the Mayor

Notes:

1	Mayor	05/04/2016	Signed	

Action Text: The Resolution (Res) was Signed.

Notes:

1	Mayor	05/04/2016	returned	City Clerk

Action Text: The Resolution (Res) was returned. to the City Clerk

Notes:

1	City Clerk	05/04/2016	attested by City Clerk	

Action Text: The Resolution (Res) was attested by City Clerk.

Notes:

CITY OF SEATTLE
RESOLUTION 31662

A RESOLUTION related to Directed Investigations, which are investigations of potential labor law violations initiated by the Director of the Office of Labor Standards; and requesting quarterly updates to the Council starting the end of the second quarter of 2016 on the development steps necessary to implement Directed Investigations.

WHEREAS, The City of Seattle ("City") has enacted the following four local labor laws, and may enact additional labor laws in the future: Paid Sick and Safe Time, Fair Chance Employment, Minimum Wage, and Minimum Compensation and Wage Theft, that provide benefits and protections to Seattle workers in addition to those provided by State and federal law; and

WHEREAS, the City's Office of Labor Standards (OLS) provides education and information to Seattle businesses and workers on the requirements and provisions for compliance with Seattle's labor laws; and

WHEREAS, the City recognizes that many businesses and workers receive information through their local business or community organizations and has funded local community based organizations and will be funding business organizations to help ensure they receive accurate and complete information; and

WHEREAS, the City recognizes that, even with significant outreach about its labor laws, non-compliance still occurs in every sector of Seattle's economy and is prevalent in particular sectors. Such sectors where noncompliance is more likely to occur often include particular high-risk industries, businesses with a history of noncompliance with other regulations, and vulnerable workers who may be afraid, unable, or unlikely to come forward with information about potential violations; and

WHEREAS, the Seattle Office for Civil Rights (SOCR) implemented Paid Sick and Safe Time (PSST) and Fair Chance Employment (FCE), the first local labor laws, before the establishment of OLS; and

WHEREAS, the 2014 Enforcement Audit of the PSST ordinance recommended that "SOCR should augment its individual complaint based approach to addressing non-compliance with a proactive random testing program" (http://www.seattle.gov/Documents/Departments/CityAuditor/auditreports/141017-PSST-Enforcement-Audit-Final.pdf); and

WHEREAS, Ordinance 124960 specifies that the Director of OLS has the authority to initiate an investigation of potential violations of Seattle's labor laws without an individual complaint; and

WHEREAS, to maximize its resources, the City needs to be strategic about its enforcement efforts and direct some of its efforts where there is a high probability of non-compliance and an opportunity to change the culture of entire organizations and not only specific workplaces; and

WHEREAS, Ordinance 124960 provides that OLS may initiate an investigation pursuant to rules issued by the Director including, but not limited to, situations when the Director has reason to believe that a violation has occurred or will occur, or when circumstances show that violations are likely to occur within a business sector because the workforce contains significant numbers of workers who are vulnerable to violations of labor laws or the workforce is unlikely to file a complaint regarding such violations; and

WHEREAS, the City recognizes that there is not a Directed Investigation program that is being implemented by any other local jurisdiction that would provide a potential model for OLS; and

WHEREAS, the City recognizes that OLS will begin conducting Directed Investigations in 2017 and will develop the program to implement Directed Investigations and Director's Rules in 2016; and

WHEREAS, in 2014, Ordinance 124643 that established the OLS also established a 15-member Labor Standards Advisory Commission composed of employers, employees, and community members with a demonstrated concern and background in labor standards to advise the OLS Director on labor standards generally and specifically on the implementation of the City's labor laws and to provide an annual report to the Mayor and Council; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The City Council requests that the Office of Labor Standards (OLS) provide quarterly updates/presentations, with the first report due by the end of the second quarter of 2016, identifying the work OLS is conducting to begin Directed Investigations in 2017. The updates should include progress on one or more of the following items:

a. How OLS is involving the Labor Standards Advisory Commission and other stakeholders in the development of a Directed Investigations program;

b. The data resources OLS will use to inform their decisions on where to focus their investigations, which may include information from the University of Washington's PSST and Minimum Wage Ordinance Studies, OLS's own case information including complainant and respondent demographics, data from the Department of Labor and the Washington State Department of Labor and

Industries, and existing research and additional data sources that may indicate employment sectors with large numbers of vulnerable workers;

c. The percentage of investigations they anticipate they can conduct using directed investigations over the next five years, with a goal of at least ten percent of investigations being conducted through directed investigations in 2017;

d. How OLS plans to allocate staff resources to implement directed investigations;

e. How OLS will develop the capacity and expertise to conduct Directed Investigations;

f. The outreach efforts OLS will implement to inform businesses of the Directed Investigation Program; and

g. The timeline and process for development and implementation of Director's Rules.

Adopted by the City Council the 2nd day of MAY, 2016, and signed by me in open session in authentication of its adoption this 2nd day of MAY, 2016.

President _____ of the City Council

The Mayor concurred the 4th day of May, 2016.

Edward B. Murray, Mayor

Filed by me this 4th day of MAY, 2016.

Monica Martinez Simmons, City Clerk

(Seal)