



# SEATTLE CITY COUNCIL

## Finance and Housing Committee

### Agenda

Wednesday, February 19, 2020

2:00 PM

### Special Meeting

Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

Teresa Mosqueda, Chair  
Lisa Herbold, Vice-Chair  
M. Lorena González, Member  
Andrew J. Lewis, Member  
Dan Strauss, Member  
Tammy J. Morales, Alternate

Chair Info: 206-684-8808; [Teresa.Mosqueda@seattle.gov](mailto:Teresa.Mosqueda@seattle.gov)

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**SEATTLE CITY COUNCIL**  
**Finance and Housing Committee**  
**Agenda**  
**February 19, 2020 - 2:00 PM**  
**Special Meeting**

**Meeting Location:**

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

**Committee Website:**

<http://www.seattle.gov/council/committees/finance-and-housing>

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This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

*Please Note: Times listed are estimated*

**A. Call To Order**

**B. Approval of the Agenda**

**C. Public Comment**

**D. Items of Business**

**1. Appointments to the Domestic Workers Standards Board***Supporting**Documents:*[Baylie Freeman - Resume](#)[Candace Faber - Resume](#)[Etelbina Hauser Letter of Interest](#)**Briefing and Discussion**

**Presenters:** Jasmine Marwaha, Office of Labor Standards; Baylie Freeman, Candace Faber, and Etelbina Hauser, Domestic Workers Standards Board Appointees

**2. [Res 31931](#) A RESOLUTION establishing a Watch List of large, complex, discrete capital projects that will require enhanced quarterly monitoring reports for the 2020 calendar year.***Supporting**Documents:*[Summary and Fiscal Note](#)[Amendment 1 - Add Lake City Community Center \(CM Mosqueda\)](#)[Amendment 2 - Criminal Justice information System Projects \(CM Herbold\)](#)[Amendment 3 - Smith Cove Park Development \(CM Strauss\)](#)**Briefing, Discussion, and Possible Vote**

**Presenter:** Dan Eder, Council Central Staff

**3. Future of Work**

Supporting Documents:

[National Employment Law Project Presentation](#)

[Center for Popular Democracy Presentation](#)

**Briefing and Discussion**

**Presenters:** Rachel Deutsch, Supervising Attorney for Worker Justice, Center for Popular Democracy; Becki Smith, Director of Work Structures, National Employment Law Project

**E. Adjournment**



Legislation Text

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**File #:** Inf 1611, **Version:** 1

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Appointments to the Domestic Workers Standards Board

# BAYLIE FREEMAN

## Professional Summary

Having spent over 10 years working as a performance artist and childcare provider, I have gained useful social and professional skills. My experience in local organization through my work as a founding member and Secretary of the Nanny Collective provides an opportunity to help support domestic workers, improve employment conditions, and strengthen our community. My goal surrounding the Standards Board is to use my communication and collaboration skills to center the diverse voices of those who perform the taxing, daily work of our complex industry. I hope to use my experience as an active domestic worker and the insight gained from the Nanny Collective to make childcare worker's advocacy and the training of hiring entities my long-term career after I finish working as a full-time nanny.

## Skills

- Current Full-Time Domestic Worker
- Child and Developmental Psychology Master's degree
- Community Organizing Experience (Nanny Collective)
- Communication, Leadership, and Collaboration

## Work History

### **Private Nanny,**

January 2017 to Current

- **Guanco, Grossman, and Otter Families**—Seattle, WA
  - Maintain health and safety of all children (3) in the home(s)
  - Provide developmentally appropriate stimulation and activities
  - Coordinate drop-off and pick-up between two households

March 2015 to January 2017

- **McGrath Family** – Seattle, WA
  - Maintain health and safety of all children (2) in the home.
  - Prepare meals and snacks, organize and tidy home.
  - Provide developmentally appropriate activities and help with homework.

### **Lead Infant Teacher,**

June 2013 to March 2015

- **Bright Horizons Child Care Centers** – Seattle, WA
  - Maintain health and safety of all children (8) in the classroom.
  - Produce developmentally appropriate curriculum and milestone observations weekly
  - Maintain standard of care according to state licensing regulations and individual child care plans.

## Education

**Master of Science:** Child and Developmental Psychology, 2018

- **Southern New Hampshire University**—03106, NH

**Bachelor of Arts:** Theatre Arts and Production, 2011

- **The Evergreen State College**—98105, WA

# Candace Faber

Seattle, WA

## *professional experience*

**Owner, Inhabit PNW LLC** (formerly Hemma LLC) 2018-present  
Own and operate a cleaning business focused on residential, real estate & vacation rental cleaning.

**Guest Faculty, University of Washington Information School** 2016-2019  
Led a studio for graduating seniors to build and deploy technology projects in teams.

**Civic Technology Advocate, City of Seattle** 2015-2017  
Served as a political appointee to launch open government and digital engagement programs City-wide.

**Principal Consultant, Whoa Strategies LLC** 2013-2015  
Designed products, programs, and operational structures for foundations, non-profits, and startups.

**Foreign Service Officer, U.S. Department of State** 2007-2013  
Held a number of roles, both internal operations and public-facing. Assignments included:

- Public Affairs Officer, U.S. Embassy Kabul, Afghanistan
- Libya Task Force
- Public Affairs Officer, Bureau of South and Central Asian Affairs
- Global e-Diplomacy Team
- Acting Public Affairs and Consular Chief, U.S. Embassy Minsk, Belarus
- Consular Officer, U.S. Embassy Warsaw, Poland
- Public Affairs Officer, U.S. Embassy Warsaw, Poland

## *education*

**Georgetown University, Washington, DC** < Edmund A. Walsh School of Foreign Service, 2007 Master of Science in Foreign Service, *with Distinction*; Dean's Citation for Service & Academic Excellence

**University of Washington, Seattle, Washington** < College of Arts & Sciences, 2005 B.A., Political Science, *with Distinction*, and B.A., Slavic Languages & Literatures *cum laude*, Phi Beta Kappa, Daniel S. Lev Award for Outstanding Senior Thesis

## *community*

Member, National Domestic Workers' Association  
Former board member, Copious Love Productions  
Volunteer, Kate Wallich Studio

Dear Jasmine Marwaha,

Since the passing of the Domestic Workers Ordinance in July of 2018 and the following creation of the Domestic Workers Standards Board I understood what an amazing opportunity for domestic workers to have a voice and truly affect change in our chosen careers. As a member leader in the National Domestic Workers Alliance-- We Dream in Black circle in Seattle I had made strives to improve working conditions for myself and those in my community. My community is comprised of the Latinx and African diaspora and through partnering with organizations like Casa Latina and the American Garifuna Women Cultural Group I have a wealth of knowledge and experiences to draw from when addressing the needs of Seattle Domestic Worker community. This letter is to express my interest in becoming a member of the Standards Board.

I am an immigrant & domestic worker with over 20 years experience as a care worker, I begin this work caring for children and now I primarily work with the elderly. I also do occasional house cleaning; some years ago I had a cleaning business but because of an unscrupulous and predatory partner the business ended and I was victimized personally and professionally. After that experience and many others I became an advocate for myself and found organizations like Casa Latina and NDWA-- We Dream in Black to foster my commitment to power, dignity, and respect as a Domestic Worker. The workforce, leadership, as well as political development I've gained through these organizations has prepared me for the challenges and responsibilities of a role on the Standards Board.

I look forward to hearing from you to further discuss how my qualifications and experiences match the Standards Boards needs.

Earnestly,

Etelbina Hauser





Legislation Text

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**File #:** Res 31931, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION establishing a Watch List of large, complex, discrete capital projects that will require enhanced quarterly monitoring reports for the 2020 calendar year.

WHEREAS, Seattle’s Capital Improvement Program (CIP) identifies planned spending and revenues for City capital projects during the upcoming six-year period; and

WHEREAS, updates to the CIP are adopted by the Seattle City Council (“Council”) as part of the annual and supplemental budget process; and

WHEREAS, CIP oversight is a critical function of the Council; and

WHEREAS, effective CIP oversight ensures transparent, accountable use of public dollars; and

WHEREAS, the Council’s ability to perform effective capital oversight is dependent on access to thorough information and the opportunity to review and process this information in a timely manner; and

WHEREAS, City capital projects such as the Elliott Bay Seawall Project and the utilities’ New Customer Information System cost millions of dollars over their original proposed budget and enhanced, timely reporting could have improved the Council’s oversight by communicating potential project risks before the risks were realized; and

WHEREAS, oversight for the 2018-2023 Adopted CIP was improved via Council and City Budget Office review of capital project development and delivery, including seeking information from and holding conversations with some of the major capital departments on their project management practices and contingency budgeting, and conducting meetings to jointly discuss capital project issues across departments; and

WHEREAS, there is opportunity to improve CIP reporting and accountability to the Council and to use the Council's budgeting authority to improve financial oversight; and

WHEREAS, the City benefits from effective Executive management controls and Council oversight for projects that have a significant financial, policy, or programmatic impact on the City and its residents; and

WHEREAS, the Levy to Move Seattle Oversight Committee members sent a letter to the Mayor and the Council on August 23, 2018, recommending "regularly reporting on progress and challenges as projects move through their development process, especially as the true cost to deliver these projects comes into greater focus"; and

WHEREAS, in November 2016 the Council adopted and the Mayor signed Resolution 31720 to "institute new rigor in capital project oversight that will increase appropriate and timely oversight and provide more transparency to the public," through, among other things, "[e]nhanced regular CIP reporting developed in conjunction with the City Budget Office, including but not limited to quarterly reports to the Budget Committee on project scope, schedule, or budget deviations"; and

WHEREAS, in order to provide uniformity across City departments, and to communicate progress of projects during the budget process and in monitoring reports, City capital departments agreed to use common terminology identifying project stages; and

WHEREAS, the City Council has imposed stage-based provisos for selected projects in the 2018 Adopted Budget, the 2019 Adopted Budget, and the 2020 Adopted Budget to allow spending of authorized appropriations only for specified activities unless and until the City Council passes future separate ordinances lifting such provisos; and

WHEREAS, the City adopted Resolution 31853, establishing enhanced reporting requirements for the City's Capital Improvement Program projects and establishing the City's intent to use a stage-gate appropriation process for selected projects; and

WHEREAS, the City adopted Resolution 31866 establishing a Watch List of large, complex, discrete capital projects that will require enhanced quarterly monitoring reports for the 2019 calendar year; and

WHEREAS, on January 15, 2020, the Executive transmitted for Council’s consideration a Proposed Watch List of projects requiring enhanced quarterly reports; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The Seattle City Council (“Council”) establishes the following as the 2020 Watch List of capital projects as shown in Table 1:

*Table 1: 2020 Watch List*

	<b>Dept</b>	<b>CIP Project ID</b>	<b>Project Title</b>
A.	Department of Parks and Recreation (DPR)	MC-PR-21007	Parks Central Waterfront Piers Rehabilitation
B.	Seattle City Light (SCL)	MC-CL-ZT8307	Alaskan Way Viaduct and Seawall Replacement - Utility Relocs
C.	SCL	MC-CL-YT7125	Denny Substation Transmission Lines
D.	SCL	MC-CL-YR8351	Pole Replacements
E.	Seattle Department of Transportation (SDOT)	MC-TR-C072	Alaskan Way Main Corridor
F.	SDOT	MC-TR-C040	Center City Streetcar Connector
G.	SDOT	MC-TR-C073	Overlook Walk and East-West Connections Project
H.	SDOT	MC-TR-C051	Madison BRT - RapidRide G Line
I.	SDOT	MC-TR-C028	S Lander St. Grade Separation
J.	SDOT	MC-TR-C013	Roosevelt Multimodal Corridor
K.	SDOT	MC-TR-C030	Northgate Bridge and Cycle Track
L.	SDOT	MC-TR-C042	Delridge Way SW - RapidRide H Line
M.	Seattle Public Utilities (SPU)	MC-SU-C3614	Ship Canal Water Quality Project
N.	SPU	MC-SU-C3806	South Park Stormwater Program

Section 2. The Council requests that the Mayor submit an enhanced quarterly report for each project on the 2020 Watch List in the manner and on the timeline described in Resolution 31853. The Council further requests that the Mayor continue to provide information as soon as practicable about these and other large,

complex, discrete capital projects whenever significant budget, schedule, or scope risks are developing that may require Council decisions. Similarly, and consistent with Resolution 31853, the Council invites the Mayor to add any other projects to the 2020 Watch List through the course of the year and then to provide enhanced quarterly reporting for those other capital projects in order to enable the Council to make critical policy choices - changing funding, adjusting scope, etc. - as early as possible and before identified risks develop into actual implementation challenges.

Section 3. The Council intends to review the enhanced quarterly reports and to determine whether and how to stage Council approval of funding for each project on the 2020 Watch List.

Section 4. The City Council anticipates that the Finance and Housing Committee (or successor committee) will review the enhanced quarterly reports.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative Department	Dan Eder / 684-8147	n/a

\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.

**1. BILL SUMMARY**

**Legislation Title:** A RESOLUTION establishing a Watch List of large, complex, discrete capital projects that will require enhanced quarterly monitoring reports for the 2020 calendar year.

**Summary and background of the Legislation:** Resolution 31853 established enhanced reporting requirements for the City’s Capital Improvement Program projects and provides (among other things) that the City Council will adopt by resolution a Watch List of capital projects for which the Executive will provide enhanced quarterly reports. Consistent with Resolution 31853, this resolution adopts the Watch List of capital projects for 2020.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes X No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2024:

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021

Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021

Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

No

**Is there financial cost or other impacts of *not* implementing the legislation?**

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

No

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

#### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

Yes. This legislation requires that the Executive departments with capital projects on the 2020 Watch List submit enhanced quarterly reports as described in Resolution 31853.

**b. Is a public hearing required for this legislation?**

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No.

**e. Does this legislation affect a piece of property?**

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

No.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

This answer should highlight measurable outputs and outcomes.

n/a



Dan Eder  
 Date: February 18, 2020  
 Version: 1

**Amendment 1**  
 to  
**Resolution 31931 – 2020 Capital Projects Watch List**  
 Sponsor: CM Mosqueda  
 Lake City Community Center

On line 1 of page 4, amend the following as shown:

*Table 1: 2020 Watch List*

	Dept	CIP Project ID	Project Title
A.	Department of Parks and Recreation (DPR)	MC-PR-21007	Parks Central Waterfront Piers Rehabilitation
B.	DPR	MC-PR-41040	Lake City Community Center Improvements
B.C.	Seattle City Light (SCL)	MC-CL-ZT8307	Alaskan Way Viaduct and Seawall Replacement - Utility Relocs
C.D.	SCL	MC-CL-YT7125	Denny Substation Transmission Lines
D.E.	SCL	MC-CL-YR8351	Pole Replacements
E.F.	Seattle Department of Transportation (SDOT)	MC-TR-C072	Alaskan Way Main Corridor
E.G.	SDOT	MC-TR-C040	Center City Streetcar Connector
G.H.	SDOT	MC-TR-C073	Overlook Walk and East-West Connections Project
H.I.	SDOT	MC-TR-C051	Madison BRT - RapidRide G Line
I.J.	SDOT	MC-TR-C028	S Lander St. Grade Separation
J.K.	SDOT	MC-TR-C013	Roosevelt Multimodal Corridor
K.L.	SDOT	MC-TR-C030	Northgate Bridge and Cycle Track
L.M.	SDOT	MC-TR-C042	Delridge Way SW - RapidRide H Line
M.N.	Seattle Public Utilities (SPU)	MC-SU-C3614	Ship Canal Water Quality Project
N.O.	SPU	MC-SU-C3806	South Park Stormwater Program

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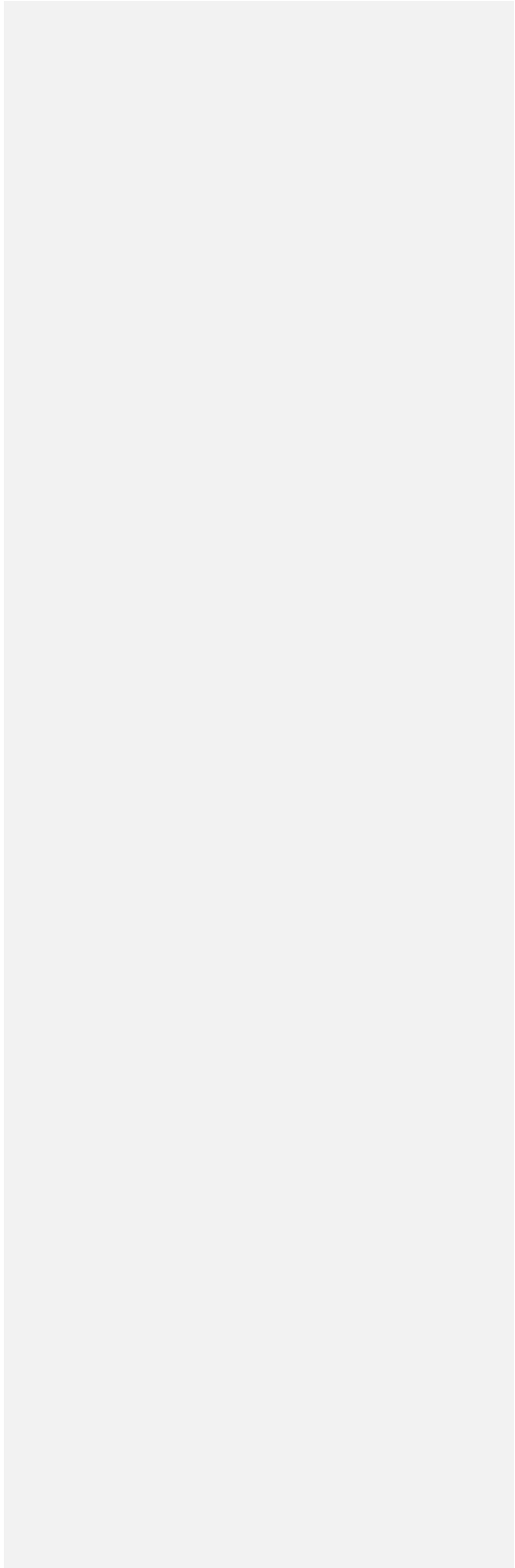
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**Effect:**  
 This amendment would add the Lake City Community Center Improvements project to the 2020 Watch List.

Dan Eder

**Date:** February 18, 2020

**Version:** 1



**Amendment 2**  
**to**  
**Resolution 31931 – 2020 Capital Projects Watch List**  
**Sponsor:** CM Herbold  
 Add Criminal Justice Information System Projects

On line 1 of page 4, amend the following as shown:

*Table 1: 2020 Watch List*

	<b>Dept</b>	<b>CIP Project ID</b>	<b>Project Title</b>
A.	Department of Parks and Recreation (DPR)	MC-PR-21007	Parks Central Waterfront Piers Rehabilitation
B.	Seattle City Light (SCL)	MC-CL-ZT8307	Alaskan Way Viaduct and Seawall Replacement - Utility Relocs
C.	SCL	MC-CL-YT7125	Denny Substation Transmission Lines
D.	SCL	MC-CL-YR8351	Pole Replacements
E.	Seattle Department of Transportation (SDOT)	MC-TR-C072	Alaskan Way Main Corridor
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L.	SDOT	MC-TR-C042	Delridge Way SW - RapidRide H Line
M.	Seattle Public Utilities (SPU)	MC-SU-C3614	Ship Canal Water Quality Project
N.	SPU	MC-SU-C3806	South Park Stormwater Program
<u>O.</u>	<u>Seattle Information Technology Department</u>	<u>MC-IT-C6304</u>	<u>Criminal Justice Information System Projects</u>

**Effect:**  
 This amendment would add the Criminal Justice Information System Projects project to the 2020 Watch List.

Dan Eder

Date: February 18, 2020

Version: 1

**Amendment 3**  
**to**  
**Resolution 31931 – 2020 Capital Projects Watch List**

**Sponsor: CM Strauss**

Add Smith Cove Park Development

On line 1 of page 4, amend the following as shown:

*Table 1: 2020 Watch List*

	<b>Dept</b>	<b>CIP Project ID</b>	<b>Project Title</b>
A.	Department of Parks and Recreation (DPR)	MC-PR-21007	Parks Central Waterfront Piers Rehabilitation
<del>B.</del>	<del>DPR</del>	<del>MC-PR-21005</del>	<del>Smith Cove Park Development</del>
<del>B-C.</del>	Seattle City Light (SCL)	MC-CL-ZT8307	Alaskan Way Viaduct and Seawall Replacement - Utility Relocs
<del>C-D.</del>	SCL	MC-CL-YT7125	Denny Substation Transmission Lines
<del>D-E.</del>	SCL	MC-CL-YR8351	Pole Replacements
<del>E-F.</del>	Seattle Department of Transportation (SDOT)	MC-TR-C072	Alaskan Way Main Corridor
<del>F-G.</del>	SDOT	MC-TR-C040	Center City Streetcar Connector
<del>G-H.</del>	SDOT	MC-TR-C073	Overlook Walk and East-West Connections Project
<del>H-I.</del>	SDOT	MC-TR-C051	Madison BRT - RapidRide G Line
<del>I-J.</del>	SDOT	MC-TR-C028	S Lander St. Grade Separation
<del>J-K.</del>	SDOT	MC-TR-C013	Roosevelt Multimodal Corridor
<del>K-L.</del>	SDOT	MC-TR-C030	Northgate Bridge and Cycle Track
<del>L-M.</del>	SDOT	MC-TR-C042	Delridge Way SW - RapidRide H Line
<del>M-N.</del>	Seattle Public Utilities (SPU)	MC-SU-C3614	Ship Canal Water Quality Project
<del>N-O.</del>	SPU	MC-SU-C3806	South Park Stormwater Program

**Effect:**

This amendment would add the Smith Cove Park Development project to the 2020 Watch List.



Legislation Text

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**File #:** Inf 1613, **Version:** 1

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Future of Work

*February 2020*

# Seattle City Council

Rebecca Smith  
Director, Work Structures Portfolio  
National Employment Law Project

[www.nelp.org](http://www.nelp.org)  
[rsmith@nelp.org](mailto:rsmith@nelp.org)

back

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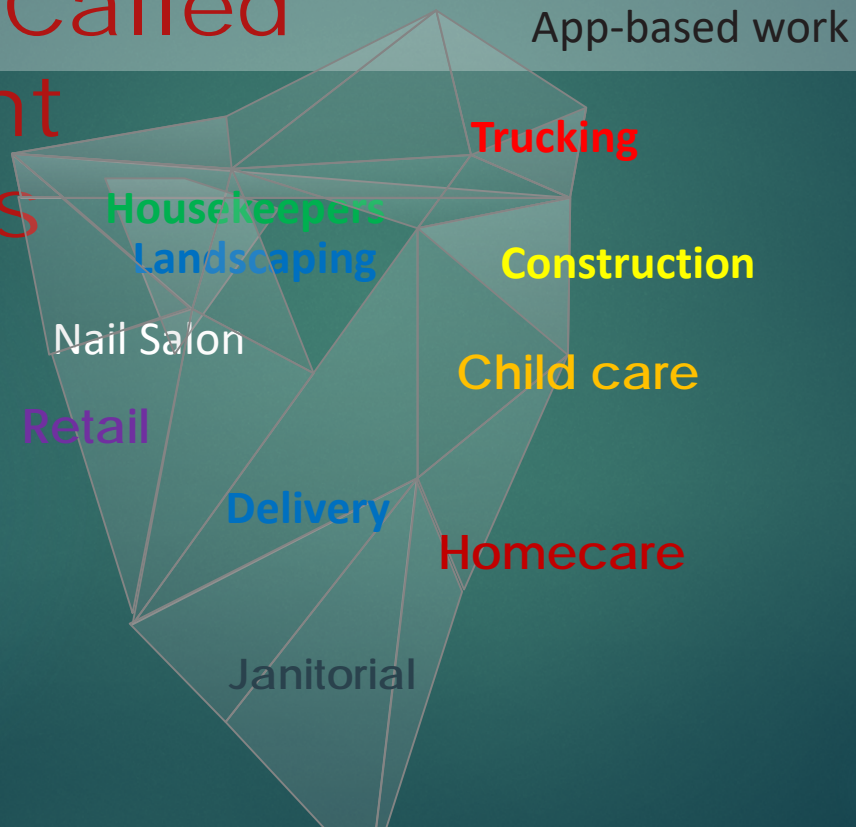
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# WHAT SHOULD WORK PROVIDE?



# Low-wage Workers

## Commonly Called Independent Contractors





# Policy Matters

➔ **Definitional legislation**

➔ **Building workers' voice with wage boards or collective bargaining**

➔ **Beefed up enforcement, e.g., Making misclassification a violation in itself**

# (Public) Enforcement Matters

## Judge rejects Uber and Postmates' request for an injunction against California's gig worker law

Catherine Shu @catherineshu / 11:50 pm PST • February 10, 2020

## Massachusetts Attorney General Alleges False Claims Against Contractor Universal Drywall

The Massachusetts Attorney General's office recently **commenced a lawsuit** under the Commonwealth False Claims Act against general contractor Universal Drywall, LLC. The lawsuit alleges that the defendant engaged in unfair tactics in bidding on government jobs, resulting in fraudulent claims for reimbursement. The case represents a unique perspective on the ways in which false claims can arise and illustrates the notion that fraud against the government can occur in virtually any capacity.

### Details of Case Against Universal Drywall

## San Diego Nears Halt Of Instacart Worker Classification

By [Lauren Berg](#)

Law360 (February 14, 2020, 9:49 PM EST) -- A California judge indicated he will grant San Diego's request for an injunction forcing grocery delivery service [Instacart](#) to stop classifying its delivery workers, known as "shoppers," as independent contractors instead of employees.

In a five-page tentative ruling published Thursday, San Diego Superior Court Judge Timothy Taylor found that a balancing of the equities favors the harms alleged by the city, including that misclassified independent contractor shoppers are not paid all wages and overtime and are not given the same breaks as employees would get.

EDITORS' PICK | 9,435 views | Nov 15, 2019, 12:01pm

## New Jersey Hit Uber With A \$650 Million Tax Bill For Misclassifying Workers: Is This The Start Of A War Against Gig-Economy Companies?



Jack Kelly Senior Contributor @ Careers

I write actionable interview, career and salary advice.



# WHAT'S NEXT FOR WORKERS AND TECHNOLOGY ?





THANKS!



# Workplace justice: new risks and policy solutions

Rachel Deutsch  
Center for Popular Democracy  
[rdeutsch@populardemocracy.org](mailto:rdeutsch@populardemocracy.org)

# The Forced Arbitration Crisis

- ▶ As of 2017, over 60 million workers in the United States were blocked from suing their employers.
  - ▶ 55% of non-union private sector workers
  - ▶ 64% of low-wage workers.
- ▶ By 2024, more than 80 percent of private sector nonunion workers will be blocked from court by forced arbitration clauses with class- and collective-action waivers.
- ▶ Forced arbitration suppresses legal claims and hides systemic violations:
  - ▶ 98% of claims disappear into a “black hole.”
- ▶ Drastically reduces employers’ incentive to invest in compliance.
- ▶ Burden of enforcement falls on public agencies.

## Whistleblower Enforcement

- ▶ Workers stand in the shoes of the state to sue in court.
  - ▶ Values: Recognition of workers' expertise.
- ▶ Whistleblower brings a representative action, seeking penalties on behalf of state and all affected employees.
  - ▶ Values: Collective action - now impossible for most low-wage workers
- ▶ Workers can authorize trusted community organizations to participate in litigation and enforcement.
  - ▶ Values: The most vulnerable workers can participate.

# Whistleblower Enforcement

- ▶ Employers pay up.
  - ▶ Values: Deterrence of exploitation.
- ▶ State can participate in litigation, and receives most of the money.
  - ▶ Values: Partnership between workers & agency; building strong, accountable institutions.
- ▶ A portion of state revenue funds community labor outreach & education projects.
  - ▶ Values: Organizations rooted in our communities are the most effective in educating workers about their rights & helping them take action.



## It works!

- ▶ The whistleblower model has been used in the US since 1863.
- ▶ Today is the basis for the vast majority of recoveries under the False Claims Act (FCA) (federal and state)..
- ▶ Creates a culture of compliance by raising the likelihood of penalties for violations of serious labor violations.
- ▶ CA's PAGA brought in \$88 million to the state in 2019 alone.
- ▶ Justice for workers with forced arbitration clauses
  - ▶ In California, state and federal courts have ruled that PAGA claims cannot be waived in forced arbitration clauses.
  - ▶ The claim belongs to the state, which is not a party to the contract with the arbitration clause, and hasn't waived it's claim.

## Application in Seattle: Secure Scheduling

- ▶ OLS provides excellent technical assistance to employers - study shows feasibility of compliance
- ▶ Efficient resolution of complaints
- ▶ What's missing: culture of compliance
  - ▶ "Access to Hours" for part-time workers
  - ▶ 1/3 of covered workers are involuntarily part-time
  - ▶ Many employers systemically violating the law

# Job security: Just cause employment

- ▶ Problem: arbitrary terminations
  - ▶ Retaliatory & discriminatory firings - hard to prove
  - ▶ Destabilizing to low-wage working families
  - ▶ Discourage workers from organizing and enforcing their rights
- ▶ Just cause requires employers to demonstrate
  - ▶ Performance problem
  - ▶ Economic reason for layoffs or reductions in hours