



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Rebecca Smith</i>		
<b>Board/Commission Name:</b> <i>Labor Standards Advisory Commission</i>		<b>Position Title:</b> <i>Commissioner</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Specify appointing authority</i>		<b>Term of Office:</b> <i>Term start date 05/1/16 Term end date 4/30/17</i>
<b>Residential Neighborhood:</b> <i>N/A</i>	<b>Zip Code:</b> <i>98506</i>	<b>Contact Phone No.:</b> <i>[REDACTED]</i>
<b>Legislated Authority:</b> <i>Ordinance Number: 124643</i>		
<b>Background:</b> <i>Rebecca Smith is a lawyer and the Deputy Director of the National Employment Law Project. For over 30 years, Ms. Smith has written, testified, litigated and lectured extensively on policy and law concerning immigrant and low-wage workers' employment rights; in particular, wage and hour policy, enforcement of wage and hour laws, and domestic outsourcing and the on-demand workforce. She has worked with allies to develop local, state and federal policies to protect and expand low-wage workers' rights and enforcement of those rights. Her writings and opinion pieces are available on NELP's website: <a href="http://help.org/expert/rebecca-smith/">http://help.org/expert/rebecca-smith/</a></i>		
<b>Date of Appointment:</b> <i>04/12/16</i>	<b>Authorizing Signature (original signature):</b> 	<b>Appointing Signatory:</b> <i>Lisa Herbold</i> <i>Councilmember</i>

Rebecca Smith  
[REDACTED]  
[REDACTED]  
[REDACTED]

### **Formal Education**

J.D. University of Washington, 1982  
B.A. Spanish, University of Washington, 1979  
B.A. French, Washington State University, 1978

### **Employment**

2000-present, National Employment Law Project, currently Deputy Director. Duties include overseeing training, policy development, technical assistance, writing and public speaking on issues advancing the labor and human rights of low-wage, immigrant and contingent workers, in local, statewide, national and international fora, and in partnership with lawyers, law students, academics, community groups, unions, faith groups, and immigrant rights groups.

1982-2000, staff attorney, Columbia Legal Services (formerly Evergreen Legal Services) Farm worker Division, representing farm workers and immigrants in a variety of employment, civil rights and public benefits issues directed towards affording these marginalized workers equal protection under state and federal employment laws.

### **Selected Publications**

#### **Journals and Law Reviews**

Rebecca Smith, *Human Rights at Home: Human Rights as an Organizing and Legal Tool in Low-wage Worker Communities*, 3 STAN. J. CIV. RTS. & CIV. LIBERTIES 285 (Fall 2007)

Rebecca Smith & Catherine Ruckelshaus, *Solutions, Not Scapegoats: Abating Sweatshop Conditions for All Low-Wage Workers as a Centerpiece of Immigration Reform*, 10 N.Y.U. J. LEGIS. & PUB. POLICY (Oct. 2007)

Rebecca Smith & Amy Sugimori, *Low Pay, High Risk: State Models for Advancing Immigrant Workers' Rights*, 28 N.Y.U. REV. L. & SOC. CHANGE 597 (2004)

Sarah Cleveland, Beth Lyon and Rebecca Smith, *Interamerican Court of Human Rights Amicus Curiae Brief: The United States Violates International Law When Labor Law Remedies are Restricted Based on Workers' Migrant Status*, SEATTLE JOURNAL FOR SOCIAL JUSTICE, Vol. 1, Issue 3 (Spring/Summer 2003)

Rebecca Smith, Richard McHugh & Robin Runge, *Unemployment Insurance and Domestic Violence: Learning from our Experiences*, SEATTLE JOURNAL FOR SOCIAL JUSTICE, Vol. 1, Issue 2 (Fall/Winter 2002)

### **Book Chapters**

Rebecca Smith, Globalization and Migration for Work: Human Rights Questions, Labor & Employment Relations Association, *HUMAN RIGHTS IN LABOR AND EMPLOYMENT RELATIONS: INTERNATIONAL AND DOMESTIC PERSPECTIVES* (3<sup>rd</sup> Edition 2009)

Rebecca Smith, *Unemployment Insurance for Victims of Domestic Violence*, THE IMPACT OF DOMESTIC VIOLENCE ON YOUR LEGAL PRACTICE, AMERICAN BAR ASSOCIATION (2004)

### **Recent Labor, Legal and Social Science Reports and Publications**

Rebecca Smith and Eunice Cho, *Workers' Rights on ICE: How Immigration Reform Can Stop Retaliation and Advance Labor Rights*, January 2013, <http://www.nelp.org/page/-/Justice/2013/Workers-Rights-on-ICE-Retaliation-Report.pdf?nocdn=1>

National Employment Law Project, *Winning Wage Justice, an Advocates Guide to State and City Policies to Fight Wage Theft*, January 2012, <http://www.nelp.org/page/-/Justice/2011/WinningWageJustice2011.pdf?nocdn=1>.

National Employment Law Project, *Winning Wage Justice: A Summary of Research on Wage and Hour Violations in the United States*, July 2013, [http://nelp.3cdn.net/6eb6a53686715c5463\\_2wm6bno4u.pdf](http://nelp.3cdn.net/6eb6a53686715c5463_2wm6bno4u.pdf)

National Employment Law Project, *Winning Wage Justice: Talking Points on the Need for Stronger Anti-Wage Theft Laws*, January 2012, <http://www.nelp.org/page/-/Justice/2012/WinningWageJusticeTalkingPoints.pdf?nocdn=1>.

National Employment Law Project, *Winning Wage Justice: Round-Up of Recent State and Local Activity to Combat Wage Theft*, October 2011, <http://www.nelp.org/page/-/Justice/2011/WinningWageJusticeStateandLocalLegislativeRoundUp.pdf?nocdn=1>.

National Employment Law Project, *Chain of Greed: How Walmart's Domestic Outsourcing Produces Everyday Low Wages and Poor Working Conditions for Warehouse Workers*, June 2012, <http://www.nelp.org/page/-/Justice/2012/ChainOfGreed.pdf?nocdn=1>.

Rebecca Smith, Paul Marvy and David Bensman, *The Big Rig: Poverty, Pollution, and the Misclassification of Truck Drivers at America's Ports*, December 2010, <http://www.nelp.org/page/-/Justice/PovertyPollutionandMisclassification.pdf?nocdn=1>.

Rebecca Smith, *Guestworkers or Forced Labor?* New Labor Forum, Vol. 16, Issue 3-4 (Fall 2007)

Rebecca Smith, *Derecho Laboral y Derechos Humanos de los Migrantes en Estatus Irregular en Estados Unidos*, DERECHOS HUMANOS DE LOS MIGRANTES, Mexico, DF, Programa de Cooperación México Comisión Europeo (December 2005)

### **Major Litigation**

*Staff Management v. Jimenez*, 839 N.W. 640 (Iowa 2013), As *amicus curiae* in Iowa Supreme Court ruling that undocumented immigrant worker had right to state workers' compensation benefits.

*Salas v. Hi-Tech Erectors*, 168 Wash. 2d 664 (2010), As *amicus curiae* in ruling holding immigration status inadmissible in tort litigation.

*Bollinger Shipyards, Inc. v. Director, Office of Worker's Compensation Programs*, 604 F.3d 864 (5<sup>th</sup> Cir. 2010), As *amicus curiae* in ruling holding immigration status irrelevant to federal workers' compensation claim.

*Cagnoli v. Tandem Staffing*, 914 So.2d 950 (Fla. 2005), As *amicus curiae*. State may not require injured workers to present a social security number as a pre-condition for application for workers' compensation benefits.

*Design Kitchen and Bath v. Lagos*, 882 A.2d 817, (MD. Ct. Apps., 2005), As *amicus curiae*. Injured undocumented workers remain entitled to state workers' compensation benefits after *Hoffman Plastics Compounds*.

*Rivera v. Nibco, Inc.*, 364 F.3d 1057 (9<sup>th</sup> Cir. 2004), principal author of *amicus curiae* brief. Ninth Circuit upheld post-*Hoffman* protective order barring discovery of immigration status of twenty-three employment discrimination plaintiffs.

*Juridical Condition and Rights of the Undocumented Migrants*, OC-18, *Interamerican Court of Human Rights* (2003), Interamerican Court found that international migrant workers are entitled, under international human rights principles, to equal protection of labor and employment laws with nationals of receiving country. Co-authored *amicus* brief, and presented oral argument on behalf of fifty *amici*. Opinion available at [http://www.corteidh.or.cr/serie\\_a\\_ing/serie\\_a\\_18\\_ing.doc](http://www.corteidh.or.cr/serie_a_ing/serie_a_18_ing.doc).

*Rubalcaba v. Nagaki Farms, Inc.*, No. 48217 (Oregon, April 11, 2002) represented *amici curiae* in case establishing that truck driver was "worker" covered under Oregon workers' compensation law.

*Hoffman Plastic Compounds, Inc., v. NLRB*, 152 L.Ed. 2d 271, 122 S.Ct. 1275, 1283-84 (2002) principal author of *amicus curiae* brief. US Supreme Court ruled, 5-4 against immigrant worker, holding that undocumented worker not entitled to back pay when employer fires him in violation of the National Labor Relations Act.

*Torres-Lopez v. May*, 111 F.3d 633 (9th Cir. 1997) represented farm worker *amici curiae* in case establishing that farm and its farm labor contractor were jointly liable to workers for violation of Agricultural Worker Protection Act and Fair Labor Standards Act.

*Rodríguez v. Carlson*, 166 FRD 465 (ED Wash. 1996) and 943 F. Supp. 1263 (ED Wash. 1996) Class action successful in holding agricultural employer and its CEO liable for providing substandard housing to their employees, including that workers lived in cardboard boxes, cooked over open fires, and were exposed to snakes and other vermin.

*Peters v. U.S.*, 853 F.2d 692 (9th Cir. 1987) Ninth Circuit reversed district court's ruling, denied enforcement of INS' third party subpoena directed at a labor camp and intended to identify undocumented workers living in the camp.

*Guerra v. Sutton*, 783 F.2d 1371 (9th Cir. 1986) Ninth Circuit reversed district court's ruling, held INS liable for Fourth Amendment violations arising out of a pre-dawn warrantless raid on clients' homes.

### **Congressional Testimony**

*Misclassification of Workers as Independent Contractors and the "Tax Gap,"* Testimony Before the U.S. House of Representatives Committee on Ways & Means, (May 2007)

*Immigration Reform and Labor Rights,* Testimony Before the U.S. House of Representatives, Committee on Education and the Workforce, (July 2006)

*Implementation of the SUTA Dumping Prevention Act of 2004* (with Rick McHugh), Testimony Before the U.S. House of Representatives Committee on Ways & Means, (June 2005)

### **Honors and Awards**

CASA Latina Social Visionary Award for Advocacy, (2011)

Trial Lawyers for Public Justice Public Justice Achievement Award for work on *Buenrostro v. Washington State Apple Advertising Commission*, (Chelan County Superior Court) a damages action against the Commission for its allegedly false and misleading radio advertisements that led thousands of farm workers to come to Washington for the 1987 apple harvest, when little work was available at the time.

Golden Door Award from Northwest Immigrants' Rights Project for work with immigrant communities in Washington State, 1999 (office-wide award)

United Farm Workers of America Aztec Eagle Award (2003)

### **Languages**

Fluency in Spanish, near-fluency in French

## Labor Standards Advisory Commission

15 members: Per *Ord. 124643*, all subject to City Council confirmation, two-year terms (one & two year terms for initial terms, 2-years thereafter):

- 7 City Council-appointed
- 7 Mayor-appointed
- 1 Labor Standards Advisory Commission

**Roster:**

*D	**G	Position No.	Position Title	Name	Term Start Date	Term End Date	Term #	Appointed By
7	F	1.	Commissioner	Nicole Vallesterro Keenan	5/1/16	4/30/17	1	Mayor
2	F	2.	Commissioner	Ollie A. Garrett	5/1/16	4/30/18	1	Mayor
6	F	3.	Commissioner	Morgan Hickel	5/1/16	4/30/17	1	Mayor
6	F	4.	Commissioner	Nicole Grant	5/1/16	4/30/18	1	Mayor
1	M	5.	Commissioner	I-Miun Liu	5/1/16	4/30/17	1	Mayor
5	M	6.	Commissioner	Joe Mizrahi	5/1/16	4/30/18	1	Mayor
		7.			5/1/16	4/30/17	1	Mayor
1	F	8.	Commissioner	Sejal Parikh	5/1/16	4/30/18	1	Council
3	M	9.	Commissioner	Israel Martinez	5/1/16	4/30/17	1	Council
6	M	10.	Commissioner	Andrew Beane	5/1/16	4/30/18	1	Council
6	F	11.	Commissioner	Kellis Borek	5/1/16	4/30/17	1	Council
6	F	12.	Commissioner	Mona Smith	5/1/16	4/30/18	1	Council
6	F	13.	Commissioner	Rebecca Smith	5/1/16	4/30/17	1	Council
6	F	14.	Commissioner	Jody Hall	5/1/16	4/30/18	1	Council
		15.						Commission

**Diversity Chart:**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)				
	Men	Women	Vacant	Minority	Asian-American	Black/African American	Hispanic/Latino	American Indian/Alaska Native	***Other	Caucasian/Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	2	4	1	4	1	1	0	0	1	2	1	0	0
Council	2	5	0	2	1	0	1	0	0	5	0	0	0
Other			1										
<b>Total</b>	<b>4</b>	<b>9</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>0</b>

**Key:**

- \*D List the corresponding *Diversity Chart* number (1 through 9)
- \*\*G List *gender*, M or F
- \*\*\*Other Includes diversity in any of the following: *race, gender and/or ability*