



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.

Notes:

Date
Filed with City Clerk: 5/4/2016

Mayor's Signature: 5/4/2016

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

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

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5 A RESOLUTION related to Directed Investigations, which are investigations of potential labor
6 law violations initiated by the Director of the Office of Labor Standards; and requesting
7 quarterly updates to the Council starting the end of the second quarter of 2016 on the
8 development steps necessary to implement Directed Investigations.
9

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

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

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

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

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

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

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

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

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

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

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

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

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

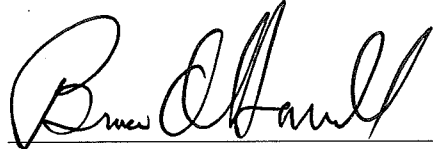
12 Section 1. The City Council requests that the Office of Labor Standards (OLS) provide
13 quarterly updates/presentations, with the first report due by the end of the second quarter of
14 2016, identifying the work OLS is conducting to begin Directed Investigations in 2017. The
15 updates should include progress on one or more of the following items:

- 16 a. How OLS is involving the Labor Standards Advisory Commission and other
17 stakeholders in the development of a Directed Investigations program;
- 18 b. The data resources OLS will use to inform their decisions on where to focus
19 their investigations, which may include information from the University of
20 Washington's PSST and Minimum Wage Ordinance Studies, OLS's own case
21 information including complainant and respondent demographics, data from
22 the Department of Labor and the Washington State Department of Labor and

- 1 Industries, and existing research and additional data sources that may indicate
2 employment sectors with large numbers of vulnerable workers;
- 3 c. The percentage of investigations they anticipate they can conduct using
4 directed investigations over the next five years, with a goal of at least ten
5 percent of investigations being conducted through directed investigations in
6 2017;
- 7 d. How OLS plans to allocate staff resources to implement directed
8 investigations;
- 9 e. How OLS will develop the capacity and expertise to conduct Directed
10 Investigations;
- 11 f. The outreach efforts OLS will implement to inform businesses of the Directed
12 Investigation Program; and
- 13 g. The timeline and process for development and implementation of Director's
14 Rules.

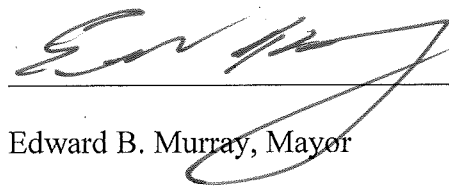
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Adopted by the City Council the 2nd day of MAY, 2016, and
signed by me in open session in authentication of its adoption this 2nd day
of MAY, 2016.



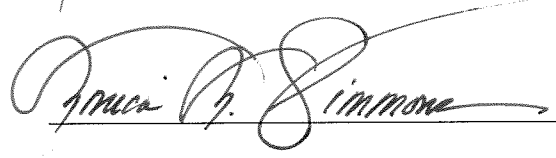
President _____ of the City Council

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)