



**Legislative Department
Seattle City Council
Memorandum**

Date: June 23, 2015
To: Finance and Culture Committee
From: Patricia Lee, Council Central Staff

Subject: An Ordinance providing the City Auditor authority to access employer records and interview complainants and respondents of closed cases in order to evaluate the City's efforts to enforce labor standards laws.

Effect of this Ordinance if Passed:

This Ordinance does not change the Seattle for Civil Rights (SOCR) or Office of Labor Standards' (OLS) enforcement authority or remedies for labor standards laws.

The purpose of this ordinance is to strengthen the City Auditor's (Auditor) ability to audit the city's labor standards laws enforcement efforts. Enforcement is by the Seattle Office for Civil Rights (SOCR), specifically by the City's Office of Labor Standards (OLS) a division of SOCR.

The ordinance provides the Auditor with independent authority to audit employer's records and interview complainants and respondents of closed cases. Currently, the Auditor can only review whatever records and materials SOCR or OLS have in their files.

If after reviewing SOCR and or OLS's records on file the Auditor determines that additional records or interviews are necessary to their audit they may make a written request for this information. An employer may appeal the Auditor's request to the Hearing Examiner. The Auditor has the burden of proof to show the audit request is for the Auditor's evaluation of the City's enforcement efforts. The Hearing Examiner may deny the request if he or she determines that the audit request is not for the purpose of evaluating the City's enforcement efforts or is calculated to vex, annoy or harass.

This recommendation was made by the Auditor in their audit report on enforcement of the City's Paid Sick and Safe Leave (PSST) ordinance but is pertinent to all of the city's labor standards laws. The four labor standards laws are:

- Paid Sick and Safe Leave
- Job Assistance
- Minimum Wage
- Administrative Wage Theft

Sections of the Seattle Municipal Code that will be Amended.

To effectuate the change described above the following sections of the Seattle Municipal Code (SMC) will be amended:

SMC 3.40.040 setting forth the Auditor's auditing authority

SMC 14.16.060 the employer's records section of the Paid Sick and Safe Leave Ordinance

SMC 14.19.065 the employer's records section of the Minimum Wage Ordinance

SMC 14.20.050 the employer's records section of the Administrative Wage Theft Ordinance.

The Job Assistance Ordinance SMC 14.16 et seq does not need to be amended as it refers to the PSST ordinance for enforcement.

Next Steps

The Finance and Culture committee is tentatively scheduled to vote on this ordinance at its July 8 meeting.

Potential Amendment: The requirement that the Auditor make a written request for employer records or interviews, and that an employer may appeal the request to the Hearing Examiner was not written in the current version of the ordinance and may require an amendment at the July 8 Finance and Culture Committee Meeting.