

Attachment A: Comparison Chart (ORD 126091 and CB 120514)

- Ordinance 126091, Paid Sick and Safe Time (PSST) for Gig Workers
- Council Bill 120514, App-Based Worker PSST

Item	Topic	Ordinance 126091 (Gig Workers)	CB 120514 (App-Based Workers)
1	Coverage <ul style="list-style-type: none"> • Workers 	Gig workers <ul style="list-style-type: none"> • Food Delivery Network Company (FDNC) workers • Transportation Network Company (TNC) drivers 	App-based workers
2	Coverage <ul style="list-style-type: none"> • Companies 	Hiring entities <ul style="list-style-type: none"> • FDNCs • TNCs 	Network companies <ul style="list-style-type: none"> • Expands coverage to align with the App-Based Worker Minimum Payment Ordinance (i.e., on-demand network companies and some network companies offering pre-scheduled services; not marketplace network companies). • Removes TNCs due to state preemption under ESHB 2076.
3	Coverage <ul style="list-style-type: none"> • Threshold number of workers 	FNDCs & TNCS with 250+ gig workers worldwide	Network companies with 250+ app-based workers worldwide <ul style="list-style-type: none"> • Adds provision to clarify requirement for counting app-based workers in the event of network company acquisitions and mergers (i.e., requirement to count all app-based workers for successor company during first 90 days of current calendar year).
4	Accrual	n/a	Adds provision to require app-based worker’s retention of any PSST accrued under GW PSST Ordinance.
5	Accrual	n/a	Removes outdated accrual requirements under GW PSST (e.g., requirement for network company to choose accrual method for app-based workers performing services before July 2020).

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6	Use	Requires an “accessible system,” via smartphone application or online web portal, for gig workers to request and use PSST.	<p>Adds provision that Office of Labor Standards (OLS) Director may issue rules defining reasonable requirements for the “accessible system.”</p> <ul style="list-style-type: none"> Rules could establish requirements for the “accessible system” to include notice of rights, clear instructions and procedures, timely responses to app-based worker requests to use PSST, ongoing access to PSST information (e.g., accrual, use, and rate of average daily compensation), and transparent information on days worked and earnings to show the basis for calculating PSST information. Any rules issued by the Director would go into effect no earlier than January 13, 2024.
7	Use	Requires accrued PSST to be made available for use no more than one week after accrual.	Revises provision to require network companies to make accrued PSST available for use <i>as soon as practicable</i> and no more than one week after accrual.
8	Use	Requires gig workers to request PSST in advance of use (i.e., gig workers cannot request retroactive use of PSST).	Adds provision allowing app-based workers to request PSST <i>as soon as practicable</i> to create more flexibility when workers cannot request PSST in advance because they are incapacitated.
9	Payment	<p>Requires payment of the gig worker’s average daily compensation:</p> <ul style="list-style-type: none"> Requires daily average of all compensation owed to worker (i.e., payments for providing services, bonuses, commissions, tips) in the highest earning calendar month since October 2019 or since commencing work for the hiring entity, whichever date is later. Includes compensation for all work performed inside Seattle and outside Seattle during lookback period. Requires recalculation every calendar month. 	<p>Revises calculation for average daily compensation.</p> <ul style="list-style-type: none"> Reduces lookback period to preceding 12 months. Removes requirement to base calculation on highest earning calendar month during lookback period. Excludes tips beginning January 13, 2024. <p>Retains certain requirements.</p> <ul style="list-style-type: none"> Requires daily average of all compensation owed to worker during lookback period (as of January 13, 2024, this compensation would include network company payments for engaged time and engaged miles under the App-Based Worker Minimum Payment Ordinance). Includes compensation for all work performed inside Seattle and outside Seattle during lookback period. Requires recalculation every calendar month.

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10	Notice of rights	Requires providing each app-based worker with a notice of rights by the effective date of the ordinance.	<p>Establishes a schedule to provide app-based workers with a notice of rights.</p> <ul style="list-style-type: none"> • Existing workers – provide notice by May 30, 2023. • New Workers hired after May 1, 2023 – provide notice before start date. • All workers – provide notice of rights on annual basis. <p>Adds provision that OLS Director may issue rules requiring the network company to file the notice of rights with OLS.</p>