



SEATTLE CITY COUNCIL
CENTRAL STAFF

Paid Sick and Safe Time for Gig Workers

COUNCIL BILL 119793, SPONSORED BY COUNCILMEMBER MOSQUEDA

KARINA BULL, ANALYST
COUNCIL BRIEFING
MAY 18, 2020

Paid Sick and Safe Time for Gig Workers

- **Council Bill 119793, sponsored by Councilmember Mosqueda**
- In response to the COVID-19 emergency, this legislation would require covered hiring entities (food delivery network companies and transportation network companies) to provide gig workers with paid sick and safe time to care for their personal and family members' health conditions or safety needs.

Paid Sick and Safe Time for Gig Workers

- Paid Sick and Safe Time (PSST)
- Coverage
- Payment
- Duration of accrual and use
- Use
- Other Requirements
- Enforcement
- Duration of legislation
- Next steps

Paid Sick and Safe Time (PSST)

Scope	<ul style="list-style-type: none">• Gig worker• Gig worker's family member
Sick Time	<ul style="list-style-type: none">• Diagnosis, care, or treatment of an injury, illness, or health condition• Preventive care
Safe Time	<ul style="list-style-type: none">• Hiring entity has discontinued operations due to a public health emergency• Hiring entity has reduced or discontinued operations for any health or safety reason• Closure of family member's school or place of care• Services for domestic violence, sexual assault, or stalking

Coverage

- **Hiring entities**
 - Food delivery network companies and transportation network companies with 250 or more gig workers worldwide.
- **Gig workers**
 - Gig workers who work for a food delivery network company or a transportation network company, where the work is performed in whole or part in Seattle.

Hiring entities

- **“Food delivery network company”** ... offers prearranged delivery services for compensation using an online-enabled application or platform to connect customers with workers for delivery from one or more of the following: (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility intended to fulfill customer orders from a business whose business model relies on the delivery of groceries or prepared food and beverages.
- **“Transportation network company” or “TNC”** ...offers prearranged transportation services for compensation using an online-enabled application or platform, such as an application dispatch system, to connect passengers with drivers using a “transportation network company (TNC) endorsed vehicle,” as defined in SMC Chapter 6.310.

Gig Workers

“Gig worker” means a food delivery network company worker or a transportation network company driver.

- **“Food delivery network company worker”** means a person affiliated with and accepting an offer of prearranged services for compensation from a food delivery network company.
- **“Transportation network company driver”** or **“TNC driver”** means a licensed for-hire driver, as defined in SMC Chapter 6.310, affiliated with and accepting trips from a licensed transportation network company.

Payment

- **“Average daily compensation”** means the daily average of compensation (payment for providing services, bonuses, and commissions, as well as tips) for each day worked:
 - During the highest-earning calendar month since October 1, 2019 **or**
 - Since the gig worker’s commencement of work for the hiring entity, whichever is later.
- **Amount is recalculated every calendar month.**

Duration of accrual and use

Gig workers have the right to accrue and use PSST until 180 days after:

- The termination of the civil emergency proclaimed by the Mayor on March 3, 2020; **or**
- The termination of any concurrent civil emergency proclaimed by a public official in response to the COVID-10 public health emergency and applicable to the City, **whichever date is latest.**

Accrual

Gig workers who commenced work for the hiring entity before the effective date of this ordinance shall accrue PSST according to the hiring entity's choice of one of the following accrual methods:

- Accrue one day of PSST for every 30 days worked beginning on October 1, 2019, or upon commencement of work, whichever is later; **or**
- Accrue at least five days of accrued PSST as of the effective date of this ordinance and then accrue at least one day of PSST for every 30 days worked after the effective date of this ordinance.

Gig workers who commence work for the hiring entity on or after the effective date of this ordinance:

- Accrue at least one day of PSST for every 30 days worked upon commencement of work.

Use

- **Use** – Eligible gig workers have a right to use PSST upon request.
- **Eligibility** – Gig workers have worked for the hiring entity, in whole or part in Seattle, within 90 calendar days preceding their PSST request.
- **Increments of use** – PSST must be used in daily increments.
- **Verification** – Hiring entities may request reasonable verification when the gig worker has used PSST for more than three consecutive days.

Other requirements

- **Notification** – At least monthly, hiring entities must provide gig workers with written notification of their average daily compensation and available PSST.
- **Carry-over** – Hiring entities must permit gig workers to carry-over at least 9 days of accrued, unused PSST to the following year
- **Separations from work** – Gig workers retain accrued, unused PSST for work separations (voluntary inactivity, deactivation) of 12 months or less.

Other requirements

- **Notice of rights** – Hiring entities must provide each gig worker with a written notice of rights and PSST policy.
- **Recordkeeping** – Hiring entities must retain records showing compliance for three years.
- **Prohibited retaliation** – Hiring entities are prohibited from retaliating against a gig worker.

Enforcement

- Office of Labor Standards
- Private right of action
- Unpaid compensation (treble damages), penalties payable to aggrieved party, civil penalties, fines

Duration of legislation

Automatic repeal without subsequent action by Council:

- Three years after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020;
- Three years after the termination of any concurrent civil emergency proclaimed by a public official in response to the COVID-19 public health emergency and applicable to the City;

or

- On December 31, 2023, **whichever is latest.**

Next steps

- **May 18, 2020** – Introduction and Referral
- **May 20, 2020** – Due date for sending proposed amendments to Central Staff
- **May 26, 2020** – Opportunity for Full Council Vote

Questions?