

Seattle Office of Labor Standards Announces “Soft Launch” for Enforcement of Amendments to Labor Standards Ordinances

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The Seattle Office of Labor Standards (“OLS”) released guidance on Friday, April 1, 2016, announcing a “soft launch” for enforcing the new amendments to Seattle’s Labor Standards Ordinances (Paid Sick and Safe Time (“PSST”), Minimum Wage, Wage Theft, and Fair Chance Employment). Our March 29 advisory outlined the new amendments. Employers can breathe a sigh of relief if they are not currently in compliance with the new amendments. OLS will not impose any fines or penalties until Sept. 30, 2016, for certain violations, as detailed below.

Until Sept. 30, 2016, OLS will not impose civil penalties and fines if an employer is not in compliance with “some of the new requirements” stemming from the recent amendments. OLS’s “soft launch” also applies to some of the notice requirements under the original Wage Theft Ordinance. Although OLS has stated it will not impose civil penalties and fines, it will still require that employers address and remedy noncompliance and complaints through its current notice of violation process (but any incident will not be considered a “violation” with civil penalties and fines). As a result, we recommend that employers prioritize compliance with the recent amendments to avoid risk of complaints during the “soft launch” period.

Soft Launch - OLS will not impose fines or penalties until Sept. 30, 2016 for the following:

- **Workplace Poster:** Displaying the OLS-Created “Workplace Poster” with the employees’ notice of rights. The 2016 Poster that employers must display in their workplaces is available as either one 11 x 17 page or two 8.5 x 11 pages. The poster summarizes the four City of Seattle ordinances. The 2016 Workplace Poster must be displayed in a conspicuous and accessible place at job sites, and must be displayed in English and in the language(s)¹ spoken by employees.
- **Minimum Wage Ordinance:** Worldwide count of employees to determine the schedule size.
- **Wage Theft Ordinance:** Providing written “notice of employment information” to all existing employees and to every employee at the time of hire or change of employment. The OLS template notice (in English and Spanish) is available here. The template is also available in other languages on the OLS Publications website.
- **PSST Ordinance:** Providing employees with a written PSST policy; permitting use of PSST in fifteen-minute increments (when feasible); complying with the City’s new requirements for “occasional employees” in Seattle; retaining an employee’s previously accrued PSST when the employee moves to a different benefit year; retaining records for three years; and retaining an employee’s PSST hours from a successor employer.

Next Steps: OLS provided additional helpful information to assist employers with compliance with the new amendments. The information includes: (1) a detailed chart of the recent amendments; (2) a copy of the Wage Theft Prevention and Harmonization Ordinance Presentation; and (3) the 2016 Guide for Seattle Workers and Employers: Changes to Seattle’s Labor Standard Laws.

Practice Tip: OLS has stated its main goal at this time is not to penalize employers for noncompliance but to allow sufficient time for employers to comply with the new amendments. While the “soft launch” provides some breathing room for employers, we recommend acting now to comply with the recent amendments. If you have any questions, please feel free to contact us.

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FOOTNOTE

1 OLS is currently developing the poster in the following languages: Spanish, Chinese, Vietnamese, Tagalog, Korean, Amharic, Oromo, Tigrigna, Somali, Arabic, Thai, and Khmer. If your company requires translations in additional languages, please contact OLS at .

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