

City of Seattle
Office of City Auditor



PAID SICK AND SAFE TIME ENFORCEMENT AUDIT

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AUDIT OBJECTIVES

■ Why We Did This Audit:

- Mandated by Paid Sick and Safe Time (PSST) Ordinance 123698

■ Objectives

- Assess Use of the Advisory Letter Process
- Explore Other Jurisdictions' Enforcement (San Francisco Office of Labor Standards Enforcement)
- Evaluate Outreach Efforts

■ Scope

- September 1, 2012 (Ordinance effective date) to December 31, 2013

SEATTLE OFFICE FOR CIVIL RIGHTS
PRIMARILY USED THE ADVISORY LETTER PROCESS TO
ADDRESS PSST ORDINANCE COMPLAINTS

What the Process Involved:

- **Complaint**
- **Advisory Letter to Employer**
- **Technical Assistance**
- **Agreement**
- **Contact with Complainant**

ADVISORY LETTER PROCESS

What the Process Lacked:

- Investigation
- Site Visit
- Evidence
- Wages Owed to Employees

ADVISORY LETTER OUTCOMES

SEPTEMBER 1, 2012-DECEMBER 31, 2013

Advisory Letters Sent	Open and Referred to Intake Cases	Early Resolutions	Settlements with Back Wages Reported	Penalties and Fines
141	16	125	8 (\$5,835)	0

Pros and Cons of the Advisory Letter Process

Issue	Pros	Cons
Efficiency	Quick	Ignores Repeat Offenders
Compliance	Non-punitive	Limited Compliance Evidence Lacking
Confidentiality	Complainant Anonymity	Used When Unnecessary
Remedies and Penalties	Voluntary	No Redress of Wrongdoing
Closure and Follow-up	Follow-up Occurs before Case Closure	No Follow-up after Case Closure

ADVISORY LETTER USED WHEN INVESTIGATION WOULD HAVE BEEN MORE APPROPRIATE

- **When an Employee Alleged No Paid Leave Provided**
- **Allegations of Retaliation**
- **When a Business Had Already Been Sent an Advisory Letter**

SAN FRANCISCO'S OFFICE OF LABOR STANDARDS ENFORCEMENT

- **Conducts Companywide and Confidential Investigations**
- **Completed 55 Investigations and 23 Settlements**
- **Recovered over \$200,000 in Back Wages, Penalties, and Civil Fines**
- **Uses a 3-Day Back Wage Formula to Calculate Wages Owed**
- **Investigates Paid Sick Leave and Minimum Wage Simultaneously**

SELECTED RECOMMENDATIONS

- **Develop Policies on When to Send Advisory Letters vs. Investigations**
- **Protect Complainant Confidentiality**
- **Collect Evidence of Employer Compliance**
- **Determine Back Wages Owed**
- **Improve Outreach Efforts**