

2014

# Seattle Job Assistance Ordinance

JAO Implementation  
June 2013 – November 2014



Seattle Office for Civil Rights

Patricia Lally, Director

11/1/2014

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## I. INTRODUCTION

The Seattle Job Assistance Ordinance (JAO) has three goals:

- Increase public safety and job assistance by reducing criminal recidivism;
- Address inequities caused by racial disproportionality in the criminal justice system; and
- Provide a fair chance for employment to people who have paid their debts to society.



**John Page of the Defenders Association speaks on impacts of a conviction record in employment at a City Hall forum, 3/16/2011.**

The ordinance meets these objectives by regulating the use of arrest and conviction records in employment decisions for jobs that are located in Seattle.

The Seattle Office for Civil Rights (SOCR) was named as the agency responsible for implementing and enforcing the ordinance. To do this, we worked to engage both employers and those impacted by criminal records in the development of Administrative Rules for the ordinance and outreach strategies to inform employers and the general public.

Implementation was coordinated by Brenda Anibarro, SOCR's Policy Manager.

This report details SOCR's implementation of the ordinance from when it was passed by City Council through the first year of enforcement.<sup>1</sup>

## II. ORDINANCE IMPLEMENTATION

The Seattle Job Assistance Ordinance (SMC14.17) was passed by City Council in June 2013 following three years of stakeholder engagement and community dialog on the issue of criminal records as a barrier to employment and housing.<sup>2</sup> The proposal for legislation originated with women from Sojourner Place Transitional Housing, who faced barriers to housing and employment due to their conviction records. They brought the issue to the Seattle Human Rights Commission, which worked with the group to raise the issue with City Council. Councilmember Bruce Harrell convened employers, legal advocates and members of the Seattle Human Rights Commission to determine the best course of action. The resulting ordinance directed SOCR to convene a panel of stakeholders to help develop appropriate guidelines and regulations.

## SEATTLE JOB ASSISTANCE ORDINANCE STAKEHOLDER PANEL

### A. Stakeholder Panel

Members of the Stakeholder Panel were drawn from those who had engaged in the development of the ordinance and who had expressed strong concerns. SOCR sought a balance of perspectives and worked to ensure that the group consisted of employers, immigrant business owners, legal advocates and social service agencies that work with people facing barriers to employment.

The Stakeholder Panel met three times in 2013 (August, September and October) prior to the ordinance's November 1 effective date. The Stakeholder Panel helped develop both the Administrative Rules<sup>3</sup> pertaining to the Job Assistance Ordinance and a Frequently Asked Questions (FAQ) document.<sup>4</sup>

The group provided SOCR with a balanced perspective and unique insights into the needs of both employers and employees. While parties did not always agree, the discussion was always rich and respectful. The documents that emerged from the process address stakeholders' concerns and provide both employers and the public with greater clarity on the law.

### B. JAO Administrative Rules and FAQ

The Administrative Rules provide guidance on how SOCR interprets parts of the Job Assistance Ordinance that require clarification.

To develop the rules, SOCR held two public meetings – one on August 7 at City Hall and one on September 17 at New Holly Community Center. The City Hall meeting was held in the afternoon in response to feedback received during rule development for the Paid Sick and Safe Time Ordinance the previous year. Many restaurant owners had said that attending an evening meeting was impossible due to the dinner rush.

SOCR sent notice of the first public meeting to businesses owners registered in the City of Seattle Business License database, over 3,000 community contacts in SOCR's email database and people who had signed up at earlier JAO forums or Council meetings. SOCR also posted a notice in the Daily Journal of Commerce.

**George Allen,**  
Seattle Chamber of Commerce

**Katherine Beckett,**  
University of Washington / Seattle  
Human Rights Commission

**Chris Benis,**  
Rental Housing Association

**Merf Ehman,**  
Columbia Legal Services

**Peter Gishuru,**  
African Chamber of Commerce - PNW

**Karen Lee,** Pioneer Human Services

**Josh McDonald,**  
Seattle Restaurant Alliance

**Lawrence Pang,** Greater Seattle Chinese  
Chamber of Commerce

**Cindy Parker,** FareStart

**Mona Smith,**  
Greater Seattle Business Association

**Lisa Stone,** Legal Voice

**Laura Rowley,** Seattle Jobs Initiative

**Dustin Washington,**  
Youth Undoing Institutional Racism

**Justin Walsh,** King County  
Human Rights Commission

**Pastor Lawrence Willis,** Truevine of  
Holiness Missionary Baptist Church

Over 150 people attended the first public meeting, including employers, social service providers and the general public. SOCR provided a presentation on the law, held a Q&A session and offered attendees a chance to submit questions and comments to inform the development of the rules. The Seattle Channel recorded the meeting for televised airing and web streaming. Following the first public meeting and input from the JAO Stakeholder Panel, SOCR posted the first draft of the rules on our website on August 30 and notified our database and JAO contacts.

A second public meeting was held in the evening on September 17 at New Holly Community Center to ensure participation by community members and employers who were unable to attend a daytime meeting. Fifty people attended. The bulk of the meeting was spent on public comment and questions, which resulted in a valuable dialog between employers and community residents who had criminal records. More than one employer encouraged residents with records to apply for work with their companies. The second meeting also was recorded by the Seattle Channel for televised airing and web streaming. The comments from the second public meeting and further stakeholder input led to the final draft of the Administrative Rules, which were posted on October 25. Everyone in our database and those who had attended the public meetings received a notice.

The Administrative Rules provide greater clarity on:

- Exemptions (definition of vulnerable adults, unsupervised access, etc.).
- Categorical exclusions.
- Initial screening.
- Types of verifiable information to be considered by employer.
- Definition and examples of categorical exclusions.

The FAQ document provides an accessible overview of the ordinance requirements, as well as information on issues that the rules do not address, but which were raised by the public and the Stakeholder Panel.

- Why the ordinance was passed.
- What the ordinance requires.
- Types of employers that must comply with the ordinance.
- Types of job positions covered by the ordinance.
- Scenarios to provide examples of exemptions.
- Information on factors to be considered by employers when determining legitimate business reasons.
- How SOCR enforces the ordinance, including what individuals can do if they feel the law has been violated, and how employers can receive free technical assistance from SOCR.

### III. COMMUNICATION CAMPAIGN

The JAO communication campaign called for a multi-pronged approach aimed at employers and the broader community to build partnerships, provide assistance and increase awareness of the law.

The campaign strategy used mass outreach to the public combined with targeted efforts to employers, including immigrant business owners, social service providers and re-entry professionals.

#### A. Media campaign

The media campaign was developed to reach the public and employers. SOCR created a four-minute video about the ordinance as well as a 50-second public service announcement video dubbed in Spanish, Vietnamese, Somali and Mandarin. The videos are used for television and in trainings, and can be viewed on SOCR's website. The media campaign included the following:

- King County Metro bus ads (ads ran 12 weeks from November 4 – January 21).
- Radio PSA's – KISS 106.1, KMPS, La Gran D 99.3 (ran for 4 weeks from October 1- November 1).
- Television PSAs – Seattle Channel
- News ads and articles: *International Examiner*, *Seattle Chinese Post*, *NW Asian Weekly*, *Seattle Gay News*, *The Facts*, *Real Change* (ads and articles ran October – January). A Notice of Rules was posted twice in the *Daily Journal of Commerce*.
- News Article on KOMO News.com, "[So long, box: City to give former criminals better shot at employment](#)," September 12, 2013
- News Video on Al Jazeera America, December 2013
- Press Release, "Seattle Office for Civil Rights files 11 Director's Charges against employers on use of criminal history," November 1, 2014
- News video on KIRO TV, "[City wants felons hired; some businesses say no](#)," November 11, 2014

#### B. Outreach to general employers

SOCR Policy Analyst and Business Liaison, Karina Bull, provided technical assistance to over 125 employers, met with over 30 organizations to discuss outreach and collaboration, and led 13 JAO presentations. A partnership with the Office for Economic Development and WorkSource drew nearly 200 business participants for two trainings.



**Karina Bull, SOCR Business Liaison, provides information to employers at the Chinese Chamber of Commerce**

## C. Presentations

- Two public meetings for employers and employees for JAO Rules at City Hall and New Holly. Two Employment Law Breakfasts in partnership with WorkSource Seattle-King County and the Office of Economic Development.
- Two community briefings with Seattle Chinatown International District PDA in partnership with Chinatown-International District Business Improvement Area (CIDBIA) at New Hong Kong Restaurant and Asian Resource Center.
- Pacific Associates Employment Law Breakfast.
- Terra Staffing Webinar.
- Seattle Chinese Chamber Luncheon.
- PACT, King County behavioral health employment service providers.
- Downtown Emergency Services.
- Tabor 100 business association.

Businesses that have been trained in the last 6 months include:

- ABC Towing, Inc.
- All Things HR, LLC
- Amazon through Search Wizards
- Amtrak
- Aviation Partners Boeing
- City of Kent
- Community Health Plan of Washington
- Delta Dental of Washington
- Delta Technical Solutions
- Desh International Law
- Dignity Memorial
- Downtown Seattle Association
- Duffy and Company LLC
- Flow International Corporation
- Grand Hyatt Seattle
- Hyatt Olive 8
- Hart Crowser, Inc.
- Katherine Burge Consulting
- Kibble & Prentice
- King County
- King County / Natural Resources & Parks - Water & Land Resources
- King County DPD
- King County Information Technology Division
- Lindquist dental clinics for children
- LR Consulting
- Menzies Aviation
- MGE
- National Products, Inc.
- Neighborcare Health
- NorthWest Research Associates
- Pacific Science Center
- Pima Medical Institute
- Pineapple Hospitality
- Port Jobs
- Port of Seattle
- Prep Sportswear
- Providence Health & Services
- Quantum
- Radiant Global Logistics
- Randstad
- Russell Investments
- SafeWorks
- Seattle Department of Transportation
- Seattle Goodwill
- Seattle Metropolitan Credit Union

- Seattle Metropolitan Credit Union
- Seattle Parks and Recreation
- Service Linen Supply
- SIBCR - Seattle Institute for Biomedical & Clinical Research
- Slate and Hammer
- SmartTalent
- Sono Bello Body Contour Centers
- SSCC
- State of Washington
- Town & Country Markets
- United Stationers Supply
- US Foods
- UW Medicine
- Valley General Hospital
- WCP Solutions
- WorkForce Central
- Xtreme Consulting

*\*Some of these employers are not covered by JAO but their participation increases awareness*

## **D. Collaboration and relationship development**

### **1. City**

- City Personnel Background Check Committee
- Financial and Administrative Services, Business Licensing
- Office of Immigrant and Refugee Affairs
- Office of Economic Development
- Seattle Women's Commission

### **2. Community**

- Chinatown-International District Business Improvement Area (CIDBIA)
- Columbia Legal Services Re-entry Clinic
- Fare Start
- Greater Seattle Business Association
- Greater Seattle Chinese Chamber of Commerce
- Horn of Africa
- King County Program for Assertive Community Treatment (PACT) Supported Employment Service Providers
- Labor Standards Advisory Group
- K&L Gates
- King County Workforce Development Council
- Legal Voice
- Pacific Associates
- Pioneer Human Services
- New York Community Services Society
- Rainier Development Community Fund
- Rental Housing Association
- Seattle Chamber Herman McKinney Economic Empowerment Forum
- Seattle Chamber Multicultural and Small Business Development
- Seattle Chamber Policy Hash
- Seattle Chamber Retailer Roundtable
- Seattle Gymnastics Academy
- Seattle Chinatown International District PDA
- Seattle Jobs Initiative



- Small Business Fair hosted by Councilmember Sally Clark
- Tabor 100
- Terra Staffing
- Verifications (3<sup>rd</sup> Party Screening Company)

- Seattle Restaurant Alliance
- Washington Small Biz Fair in Renton
- Washington State Labor Education and Research Center
- WorkSource of Seattle-King County

## E. Outreach to immigrant-owned businesses

SOCR developed targeted outreach to immigrant business owners with the assistance of GreenShoots Inc. Working in partnership with Greenshoots, SOCR created fact sheets, newspaper ads and public service announcements.



Erica Chung, principal of Greenshoots, held 21 meetings with immigrant business owners and chambers. Meetings included sharing information on the law with staff and when possible, with constituents or members.

- African Chamber of Commerce of the Pacific Northwest
- Greater Seattle Chinese Chamber of Commerce
- Chinatown-International District Business Improvement Area
- Chinatown-International District Preservation and Development Authority
- Taiwanese Chamber of Commerce of Seattle
- Vietnamese Friendship Association
- Friends of Little Saigon
- Greater Seattle Vietnamese Chamber of Commerce
- Filipino Chamber of Commerce of the Pacific Northwest

*“Is not enough to send a flyer. We get so much paper. It was helpful to talk one on one about how this new law could impact my business and where to go for help.”*

*International District business owner*

- Eastern European-American Chamber of Commerce
- WA State Korean American Chamber of Commerce
- City of Seattle Office of Immigrant and Refugee Affairs
- City of Seattle Department of Executive Administration
- King County Hispanic Chamber of Commerce
- Latino Program of Washington CASH.

Outreach resulted in community briefing sessions, informational events and a radio interview on the ordinance:

- Seattle Chinese Chamber – 1/10/2014
- Chinese community briefing in collaboration with the Chinatown International District Business Improvement Area (CIDBIA) – 2/12/2014
- Vietnamese community briefing in collaboration with the Seattle Chinatown International District Preservation and Development Authority (SCIDpda) – 2/13/2014
- Chinese Lunar New Year Festival – 2/01/14
- Vietnamese TET Festival – 02/07/14
- SOCR staff spoke on the Spanish radio station KXPA 1540 to discuss the ordinance. She answered callers' questions, including one from an owner of a bakery located in Renton who wanted to know if the ordinance applied to his delivery drivers who made stops in Seattle – 02/01/14

## F. Outreach to applicants and employees

In order to maximize our outreach to applicants and employees, SOCR focuses community outreach on re-entry groups, social service providers including job placement programs, legal aid and community advocates.

## G. Trainings

SOCR offers three types of training:

- Customized presentations at staff or coalition meetings.
- Civil Rights 101 for Social Service Providers (3 hour workshop covers all laws that SOCR enforces, including JAO).



- Seattle Job Assistance Ordinance and Paid Sick and Safe Time for Community Advocates (2 hours focused solely on JAO and PSST).

In the first year of the ordinance, SOCR provided 18 trainings. SOCR provided additional trainings on request throughout 2014. In our demographic survey we asked JAO charging parties how they heard of SOCR’s services. Three said through a government agency (one named DSHS specifically), two through the news and one through our website. SOCR will continue to use workshops targeted to social service providers and government agencies as a strategy to increase our effectiveness in reaching those who might not otherwise know of the law and our services. SOCR has hired a new web and social media staff person who will work on creating a more user-friendly website and developing a comprehensive social media strategy.

In the first year of JAO implementation SOCR trained staff at the following agencies (not an inclusive list):

- Alliance for People with disAbilities
- CareerBridge
- Casa Latina
- Catholic Housing Association
- Chinese Information Service Center
- Department of Labor and Industries
- Downtown Emergency Service Center
- DSHS Juvenile Justice & Rehabilitation Administration
- El Centro de la Raza
- Entre Hermanos
- HighPoint Neighborhood Association
- HopeLink
- Horn of Africa
- King County Department of Public Defense
- King County Promotores Network Meeting
- SOAR
- King County Reentry Program
- Omni Vocational Services
- OneAmerica
- Oromo Cultural Center
- Pioneer Human Services
- Real Change
- REWA
- Schools Out WA

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*“The advocate training is the best tool to educate the community. It will bring more topics to your awareness.”*

– Training participant

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*“I appreciated the facilitator’s knowledge base and ability to explain complex situations to everyday folks.”*

– Training participant

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- Seattle Housing Authority
- Seattle Human Services Department Aging and Disability Services
- Seattle Jobs Initiative
- Seattle Public Schools – Family Support Workers
- Senior Services
- Solid Ground
- SW Youth and Family Services
- WorkSource WA
- YouthCare

## **H. Public meetings**

In addition to trainings, SOCR held two public meetings prior to the ordinance start date. Staff presented on the requirements of the law and administrative rules, and provided opportunities for attendees to comment.

- August 7, 2013 at Seattle City Hall (150 participants).
- September 21, 2013 at New Holly Community Center (50 participants).

## **I. Mailings/fact sheet distribution**

SOCR created a fact sheet on the ordinance translated into Spanish. The fact sheet can be combined with the employer card, which is translated into eight languages. In September 2013 SOCR sent the JAO fact sheets and Public Meeting Notice to:

- All Neighborhood Service Centers (6)<sup>5</sup>
- All Community Centers (40)
- All Libraries (28)
- Customer Service Bureau in City Hall
- Community groups, including job placement, re-entry and social services identified by SOCR and the Stakeholder Panel. The mailer included fact sheets plus offer of workshops/presentations.

## **J. Events**

To provide awareness and answer questions about the ordinance, SOCR tabled at 9 community events in 2013 and 2014, including (not an inclusive list):

- Bridging the Gap Resource Fair serving SHA residents.
- Puget Sound Regional Re-entry Conference.

- Juvenile Justice and Rehabilitation Administration, DSHS, First AME Resource Fair and Classic Car Show.
- Over the Rainbow Washington LGBTQ Aging and Long Term Care Summit.

## **K. Other projects**

### **1. Labor Standards Advisory Group.**

SOCR helped staff a Labor Standards Advisory Group (LSAG) comprised of employee, labor and business interests that were convened by City Council with the Mayor's concurrence. The group's task was to review current labor standards implementation (including JAO) and make recommendations for improved compliance. SOCR's business liaison facilitated three discussions with group members on how to increase labor standards awareness for workers and business and partner with community organizations for outreach. SOCR is actively referencing the LSAG final report as the office considers approaches to outreach and enforcement.

### **2. Local labor standards research.**

To support LSAG work, SOCR's business liaison researched and drafted an extensive report that examined local and nationwide approaches to enforcing labor standards. The report describes Seattle's implementation; provides a backdrop of enforcement agencies across the country and highlights practices happening nationwide. As with the LSAG report, SOCR is actively referencing this research as the office considers approaches to outreach and enforcement.

### **3. Purple Justice.**

SOCR is providing technical assistance and may partner with Purple Justice, a group of students in Seattle University Executive Leadership program who are advocating for ordinances similar to JAO across Puget Sound and Washington State. The group recently sent a letter to five suburban mayors urging them to take action to provide protections for people with criminal records.

### **4. Technical assistance to other jurisdictions.**

SOCR provided upon request, information on ordinance implementation to a number of cities across the US who are exploring "ban the box" policies.

## **IV. ENFORCEMENT – CHARGES AND RESOLUTIONS (Nov 1, 2013 – Nov 1, 2014)**

As part of JAO requirements, SOCR must maintain data on the number of JAO complaints filed, demographic information on the complainants, the number of investigations SOCR conducts and the disposition of all complaints and investigations. The ordinance also directs SOCR to submit this information to City Council every six months for the two years following the date the ordinance took effect. The following section provides this enforcement overview.

### A. Advisory letters and charges

SOCR offers the following options for employees who report JAO violations: advisory letter (for those who wish to remain anonymous), individual charge and Director’s charge. In the first year of JAO’s implementation, SOCR responded to 56 employee inquiries (mix of questions and complaints), sent 13 advisory letters and filed 23 charges. Eleven charges were SOCR Director’s charges for craigslist job postings that excluded applicants with criminal history.

#### 1. Types of Complaints

The type of employee complaints fell into three categories that sometimes overlapped:

1. Categorical exclusions in job postings (e.g. no criminal history, no felons)
2. Criminal history questions on job applications; and
3. Adverse actions (e.g. failure to move forward with the hiring process, termination) without holding the job open for two days and providing a chance to explain the criminal record.

Some of the complaints alleged a mix of categories. For example,

- Two charges had three allegations: categorical exclusion, criminal history questions on the application and failure to move forward with the hiring process when the applicant provided criminal record information.
- Two charges had two allegations: criminal history questions on the application and failure to move forward with the hiring process

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*SOCR received an anonymous tip about a job application with criminal history questions. SOCR sent the business an advisory letter, explained the problem and the business promptly removed the question from the application.*

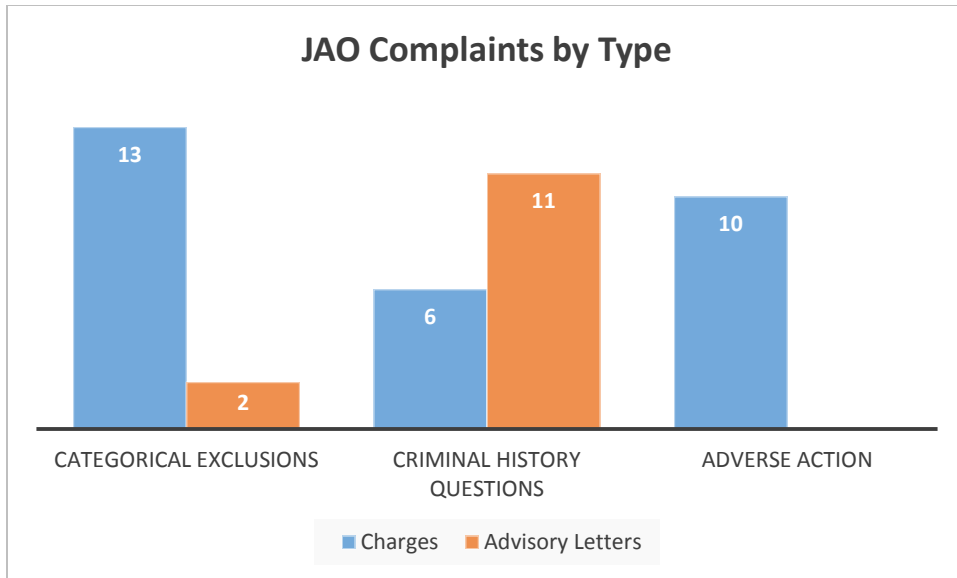
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*A national chain bakery fired a longtime employee who had a 25-year old criminal conviction. The company terminated her immediately, rather than follow the procedures in the law that would have given the employee a chance to explain her situation. After the employee filed a complaint with SOCR, the company offered her a financial settlement and revised its policies to comply with the Job Assistance Ordinance.*

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**TABLE 1: JAO Enforcement – TYPE OF COMPLAINTS**



Most employees reported violation that happened pre-employment:

- **Pre-employment.** Most employee complaints (34 out of 36) involved pre-employment situations: two advisory letters/11 charges reported job postings with categorical exclusions; 11 advisory letters/ 2 charges reported job applications with criminal history questions and eight charges alleged failure to hire on the basis of a criminal record.
- **Employment.** Only two charges involved situations that happened in the context of employment. One charge alleged failure to promote and one charge alleged termination on the basis of criminal history.

## 2. Closures

Of the 36 enforcement actions, SOCR closed 11 advisory letters and eight charges. On average, SOCR closed the letters within 14 days and the charges within 118 days. SOCR’s goal is to close advisory letters within 30 days and charges within 180 days. Four charges resulted in a notice of infraction.

- **Advisory Letters.** SOCR closed 11 advisory letters. Nearly half of employers (45%) receiving advisory letters modified their policies and/or practices to achieve compliance; the balance of employers had no apparent violation.<sup>1</sup>
- **Charges.** SOCR closed eight charges. Three charges were settled; three charges resulted in a “reasonable cause” finding and notices of violations; one charge resulted in a “no cause” finding and one charge was dismissed.

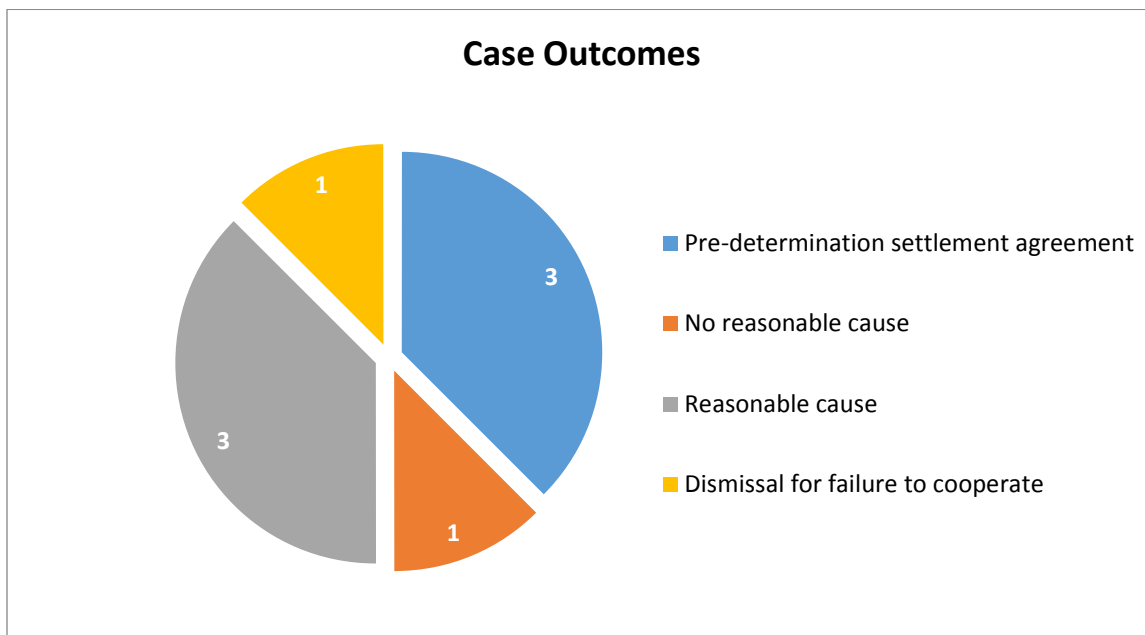
<sup>1</sup> SOCR did not conduct an investigation in these situations, but received information from the employer that indicated compliance (e.g. criminal history questions were removed from job application).

- **Compensation.** Although the ordinance has limited remedies that only apply for second and subsequent employer violations, SOCR facilitated recovery of \$18,500 for charging parties in settlements of two charges.

**TABLE 2: JAO Enforcement - OVERVIEW**

Total # Employee inquiries	56
Total # JAO Enforcement Actions	36 (13 advisory letters and 23 charges)
Total # of Closures	19 (11 advisory letters and 8 charges)
Total \$ Recovered by Charging Parties	\$18,500

**TABLE 3: JAO Enforcement - OUTCOMES<sup>6</sup>**



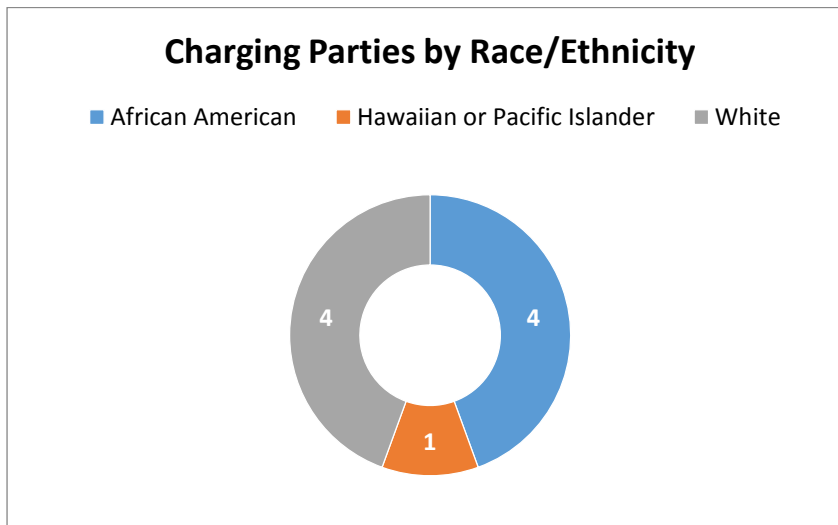
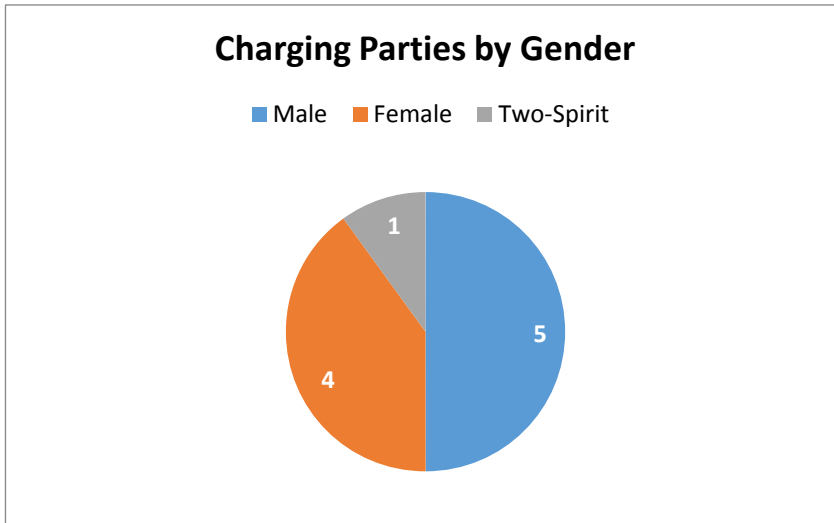
The types of businesses that received a JAO advisory letter or charge between Nov 1, 2013 and Nov 1, 2014 varied and included the following industries

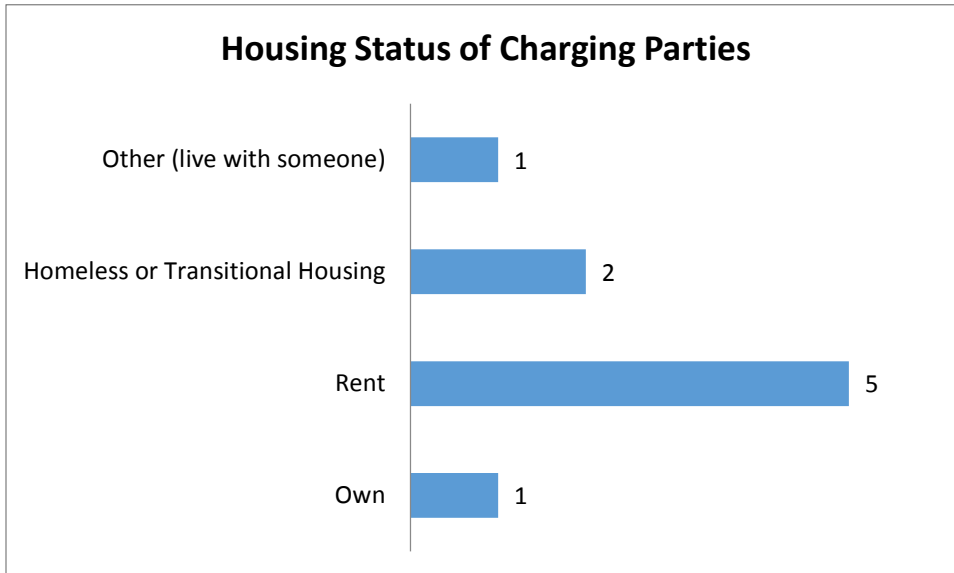
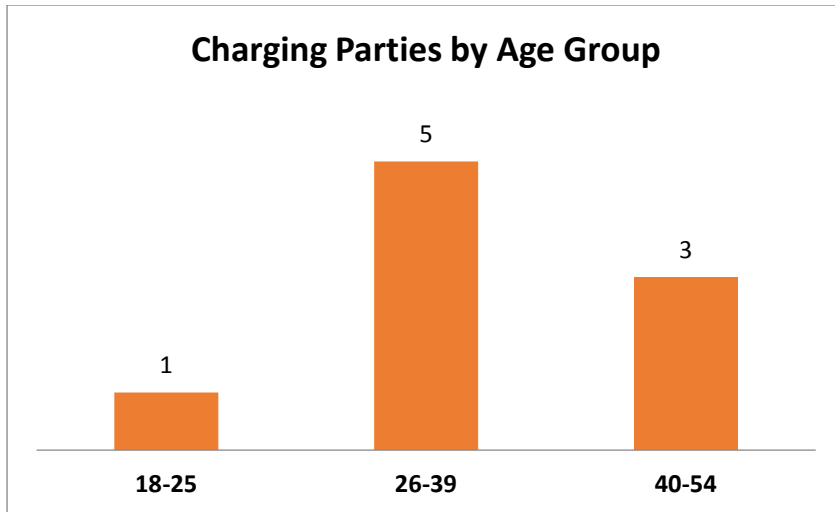
- Recreational staffing
- Delivery services (2)
- Property management (3)
- City government
- Staffing agency
- Technology/Tech support (2)
- Telecommunications
- Commercial/Home cleaning services (2)
- Bakery
- Grocery (2)
- Liquor store
- Pet care
- Construction
- General contractor
- Landscaping
- Medical marijuana provider



## B. Demographics

From November 1, 2013 through November 1, 2014 SOCR collected demographic information for nine Charging Parties. Demographic information is collected through an anonymous survey and is voluntary.





## V. NEXT STEPS

1. **Centralized Office of Labor Standards.** The City of Seattle will create a centralized Office of Labor Standards (OLS) to administer the Job Assistance Ordinance along with Paid Sick and Safe Time, the Minimum Wage Ordinance and potentially an Administrative Wage Theft Ordinance. In 2015, the proposed OLS will staff one Division Director, two outreach liaisons, and two investigators; two additional investigators will be added in 2016. Seattle’s City Council will vote on this proposal in late November 2014.
2. **Partnerships with community based organizations.** To expand outreach and intake referrals, OLS will partner with community based organizations (CBOs) and provide funding through a

comprehensive Request for Proposal (RFP) process modelled after SOCR's very successful RFP process for RSJI structural racism grants. The OLS's community liaison will work closely with the CBOs receiving grants, develop ways to expand the office's intake capacity (e.g. mobile intake centers, community legal clinics) and build relationships with communities who are disproportionately impacted by this ordinance, including communities of color and immigrants and refugees.

- 3. Targeted outreach.** OLS will seek ways to better collect, track, and report labor standards data to guide outreach to employees and employers. For example, analysis can show whether employers need simple messaging to boost basic awareness of the ordinance or detailed messaging regarding the more complex provisions of the ordinance. The enforcement team will seek ways to increase the collection of demographic information, including asking for it verbally at the first point of contact with front desk (rather than intake) and via web-based intake forms.
- 4. Focus on employer accountability.** During initial JAO implementation, SOCR focused on individual grievances and future compliance. In the future, OLS will adopt a more rigorous approach to enforcement with the following priorities:

  - More formal charges; limited use of advisory letters
  - Director's charges for company-wide investigations when there is reason to believe that a violation has occurred (e.g. job postings that exclude applicants with criminal history)
  - Automatic "Notice of Infraction" for an employer's first violation, even if charge is settled. In initial implementation of JAO (i.e. the soft launch), some "reasonable cause" findings did not include a notice of infraction due to "no fault" settlement agreements. Moving forward, all first violation cases will include an agreement that the closure constitutes a Notice of Infraction to ensure that subsequent violations can result in penalties.
  - Monitored settlement agreements that require retroactive damages and full compliance
- 5. Director's charges.** OLS will increase use of Director's Charges as a tool for increasing compliance. Seattle has a workforce of almost 500,000 individuals, of which 125,000 may have criminal records. Yet, SOCR has only received 56 applicant/employee inquiries about JAO and has initiated 36 enforcement actions. SOCR has received reports from community service organizations that their clients still encounter job ads that violate the ordinance, but are uncomfortable contacting SOCR and filing complaints due to fears of retaliation. Further, SOCR's review of craigslist revealed numerous job postings that exclude applicants with criminal history, but few applicants are contacting SOCR with complaints. In the future, OLS will continue to check job postings for noncompliant language and file Director's Charges when appropriate.
- 6. Directed investigations.** Directed investigations are initiated by an enforcement office rather than an complaint. OLS will begin filing directed investigations after developing criteria and performing research to determine the appropriate area(s) of concentration. For example, the

federal department of wage and hours files directed investigations for certain types of business that meet criteria regarding (1) large numbers of vulnerable workers, (2) sectors where workers would be reluctant to step forward, and (3) sectors where proactive action would be likely to change employers' behavior on a large and long-lasting scale. Research conducted by Dr. David Weil shows that directed investigations yield 10% fewer violations, but significantly higher back wages.

7. **Labor Standards Advisory Commission.** For all of these steps, OLS will seek input from a proposed Labor Standards Advisory Commission, comprised of business, labor and community representatives.

## VI. JAO case summaries

### **Craigslist job postings exclude applicants with criminal history**

In October 2014, SOCR filed 11 Director's Charges for craigslist job postings that excluded applicants with criminal history. **Result.** As of November 20, 2014, 1 notice of infraction and settlement agreement to remove exclusion from job postings.

- We are a felon-free and drug-free company (Construction Estimator and Project Manager)
- No Criminal Record (dog sitter)
- No Criminal history (insurance, carpenter, mobile locksmith, delivery driver, tech support engineer, software trainer)
- No Criminal background (landscape construction)
- Clean criminal record (dog walker)
- Stable work history & clean criminal record & driving record (manager of business development)

### **Criminal history questions prevented person from applying to job**

A man was interested in an Assistant Manager position with a property management company but did not submit his application because the application had questions regarding criminal history. The questions had a chilling effect on the job applicant. The employer thought that the questions were permissible because the position was exempt from the ordinance. However, the investigation did not find that the position met the criteria for an exemption. **Result.** Notice of Infraction.

### **Criminal history questions prevented person from applying to job**

A man was interested in an Administrative Assistant/Leasing Consultant with a property management company but did not submit his application because the application had questions regarding criminal history before determining whether he had the minimum qualifications for the job. **Result.** Notice of Infraction and settlement agreement that company would change application and screening procedures.

### **Applicant denied chance to explain criminal history record**

A man applied for a position as a graveyard freight crew position with a grocery store. After conducting a background check, a manager notified the applicant that he would not be hired but did not provide a reason. Several weeks later, the applicant received a letter from the Fair Credit Reporting Act indicating that he was not hired due to his criminal history. The applicant filed a charge and the investigation determined that the employer did not follow ordinance requirements for providing notice of an adverse action due to criminal history and a chance to explain the situation. **Result.** Notice of Infraction

### **Long-time employee fired without chance to explain 25 year old conviction**

A national chain bakery fired a longtime employee who had a 25-year old criminal conviction.<sup>7</sup> The company terminated her immediately, rather than follow the procedures in the law that would have given the employee a chance to explain her situation. After the employee filed a complaint with SOCR, the company offered her a financial settlement and revised its policies to comply with the Job Assistance Ordinance. **Result.** Settlement agreement for \$18,500

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<sup>1</sup> Outreach and enforcement information was collected from June 2013 through November 1, 2014.

<sup>2</sup> Community forums included events on 11/30/2010 at Garfield Community Center and 3/16/2011 at City Hall.

<sup>33</sup> Seattle Office for Civil Rights Rules, Chapter 80.

[http://www.seattle.gov/civilrights/Documents/SeattleJobAssistanceOrdinance\\_AdministrativeRules\\_FINAL.PDF](http://www.seattle.gov/civilrights/Documents/SeattleJobAssistanceOrdinance_AdministrativeRules_FINAL.PDF)

<sup>4</sup> FAQ document, [http://www.seattle.gov/civilrights/Documents/JAO\\_FAQ\\_FINAL\\_10-24-13.pdf](http://www.seattle.gov/civilrights/Documents/JAO_FAQ_FINAL_10-24-13.pdf)

<sup>5</sup> SOCR redistributed printed information to these locations during the week of March 3, 2014.

<sup>6</sup> SOCR's goal is to close charges within 180 days from date of filing. All open JAO charges were filed in 2014 and are within the 180 day case closure goal.

<sup>7</sup>