

FOSTER PEPPER

**Seattle Ordinances
Affecting Employers –
Hear from the City**

PRESENTATION MATERIALS
May 4, 2017

FOSTER PEPPER PLLC
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Seattle, Washington 98101
www.foster.com

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 - Steven R. Peltin, Foster Pepper PLLC
 - Alicia M. Feichtmeir, Foster Pepper PLLC
 - Yan Perng, Foster Pepper PLLC
 - Karina Bull, City of Seattle Office of Labor Standards

Presented by:

FOSTER PEPPER

FOSTER PEPPER



Presentation

Hot Topic Update: What to Expect from the Trump Administration in Employment, Labor and Benefits

Steve Peltin
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Wage and Hour

- Overtime exemption rule
- Minimum wage



NLRB and Unions

- Change in NLRB composition
- “Joint employment” and “persuader” rules
- Class action waivers
- Right to work



Immigration

- I-9 audits
- E-Verify
- ICE
- H-1B visas
- Entrepreneur Parole program



Discrimination



- Change in composition of EEOC
- De-emphasis of Obama enforcement priorities
 - Gender pay equity
 - Gender identity, gender transition, and sexual orientation
 - Discrimination against Muslims, Arabs and Sikhs
- Likely enhanced focus on religious discrimination
- Changes to EEO-1 reporting

Federal Contractor Regulations

- Minimum wage of \$10.20
- Specific protection for gender identity and sexual orientation (Administration pledged to keep)
- 56 hours of paid sick leave
- Fair Pay and Safe Workplaces executive order



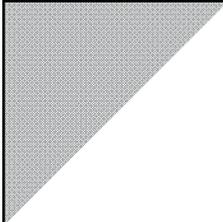
Benefits

- Health insurance/ACA
- Fiduciary duty rules from DOL



Supreme Court Cases

- **Religious rights** (*Trinity Lutheran Church v. Comer*; *Masterpiece Cakeshop v. Colorado Civil Rights Commission*)
- **Gun rights** (*Peruta v. San Diego*)
- **Employee class-action lawsuits** (*Epic Systems Corp. v. Lewis*; *Microsoft Corporation v. Baker*)
- **Housing discrimination** (*Bank of America v. Miami*)
- **Cross-border shooting** (*Hernandez v. Mesa*)
- **Corporate liability** (*Jesner v. Arab Bank*)
- **Voting rights** (*North Carolina v. North Carolina NAACP*)



Hot Topic Update:
What to Expect from the Trump
Administration in Employment, Labor and
Benefits

Steve Peltin
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**City of Seattle
Office of Labor Standards**

Last updated 4/25/2017

SEATTLE LABOR STANDARDS



OLS MISSION

Our mission is to advance labor standards through thoughtful community and business engagement, strategic enforcement and innovative policy development, with a commitment to race and social justice.

OLS HISTORY

2012	Paid Sick and Safe Time Ordinance
2013	Fair Chance Employment Ordinance
2014	Mayor convened Income Inequality Advisory Committee to craft minimum wage policies
	Mayor and City Council convened Labor Standards Advisory Group to address wage theft and suggest ways to strengthen labor standards implementation
	City Council passed legislation creating Office of Labor Standards as a new division within the Seattle Office for Civil Rights
April 1, 2015	OLS birthday Minimum Wage and Wage Theft Ordinances
2016	Wage Theft Prevention and Labor Standards Harmonization Ordinance
	Hotel Employees Health and Safety Initiative
2017	OLS becomes an independent office
	Secure Scheduling Ordinance

OLS STAFF

May 2017 - 17 Core Staff

- Dylan Orr, Director
- Senior Policy Advisor
- *Communications Manager*
- *Finance Operations Manager*
- 2 Business Liaisons
- Community Liaison
- Enforcement Supervisor
- 6 Investigators
- Intake investigator
- Paralegal
- *Administrative Assistant*

Spring 2017

- OLS will move into a new office on the third floor, 810 3rd Avenue
- OLS will hire 5 additional staff by the end of 2017
- *Policy & data analyst, three investigators, admin assistant*

OLS STAFF



BUSINESS QUESTIONS



Darius Foster, Business Liaison

206-386-1238

Darius.foster@seattle.gov



Kerem Levitas, Business Liaison

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Karina Bull, Senior Policy Advisor

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OLS
MONTHLY DASHBOARDS

[HTTP://WWW.SEATTLE.GOV/LABORSTANDARDS/DATA](http://www.seattle.gov/laborstandards/data)



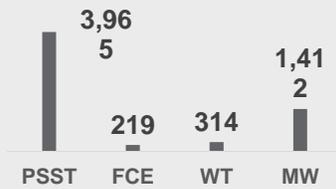
OLS MONTHLY DASHBOARDS

- ❖ **Information compiled from 2012 to present**
- ❖ **Monthly compilations from June 2015 to present**

<http://www.seattle.gov/laborstandards/data>

MARCH 2017 - DASHBOARD

Employer Inquiries since implementation

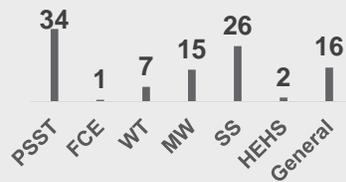


Employee Inquiries since implementation

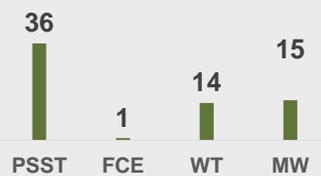


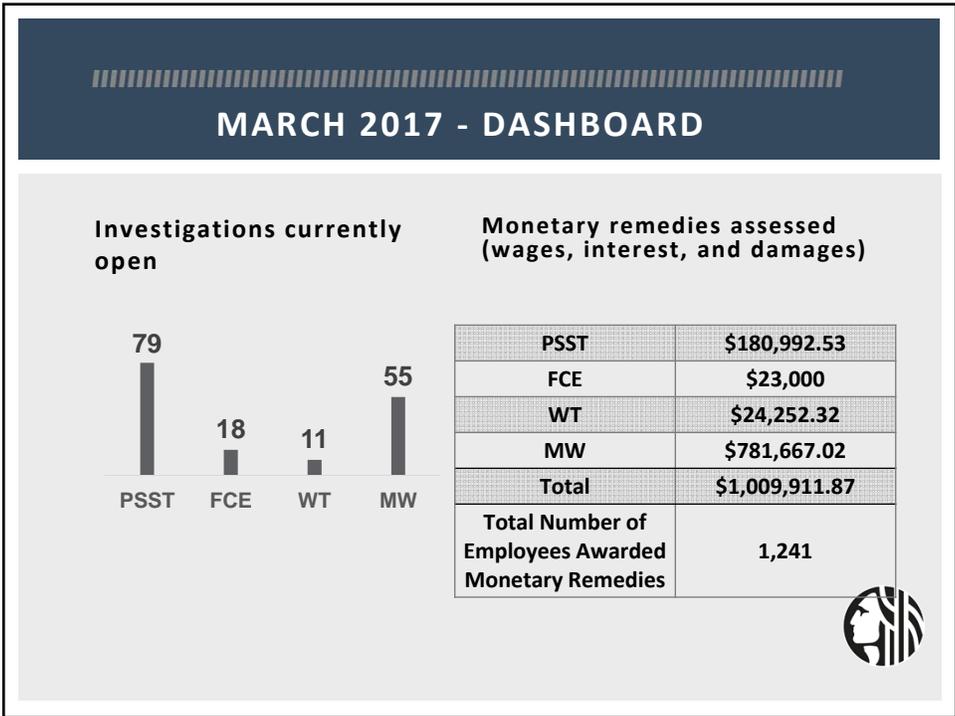
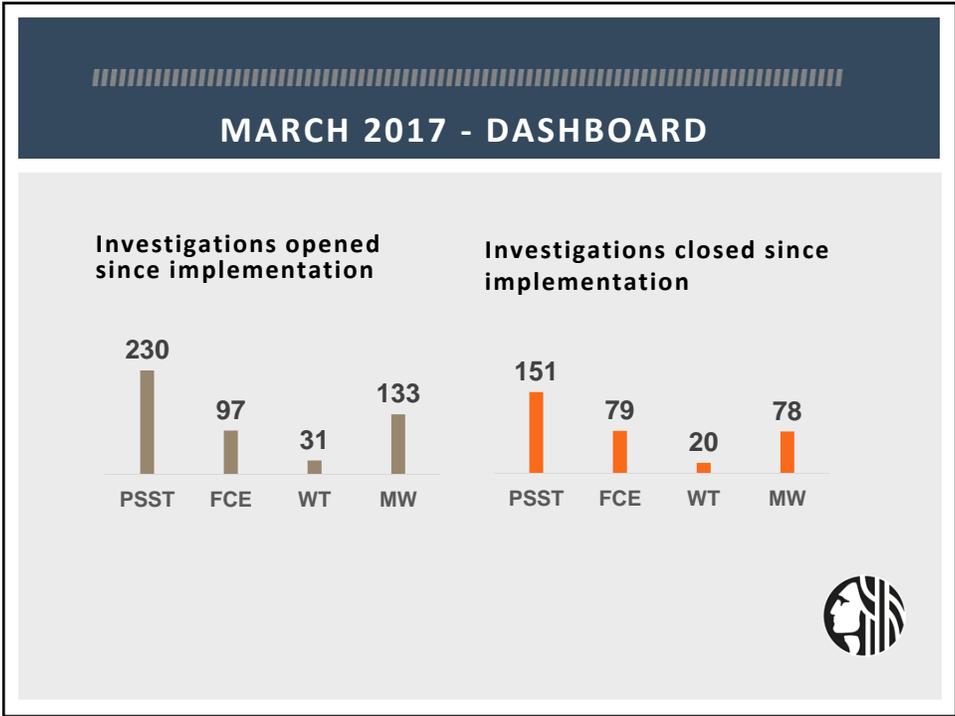
MARCH 2017 - DASHBOARD

Employer Inquiries/March



Employee Inquiries/March





SEATTLE LABOR STANDARDS



SEATTLE LABOR STANDARDS

- 1. MINIMUM WAGE**
- 2. WAGE THEFT**
- 3. PAID SICK AND SAFE TIME**
- 4. FAIR CHANCE EMPLOYMENT**
- 5. HOTEL EMPLOYEE HEALTH & SAFETY**
- 6. SECURE SCHEDULING**

WORKPLACE POSTER

- ❖ All Labor Standards
- ❖ No retaliation
- ❖ Right to file complaint with OLS & file lawsuit



Requirement - Employers must display the poster in English and primary language(s) of employee(s) at the particular workplace.

Download - <http://www.seattle.gov/laborstandards/outreach>

Pick-up – OLS office @ 810 Third Avenue, Downtown Seattle, 98115 & City of Seattle Customer Service Centers

WHAT IS THE RATE OF PAY?

MINIMUM WAGE



January 1, 2017

LARGE EMPLOYER

\$15.00 per hour

—*or*—

\$13.50 per hour

if employer payment toward employee's medical benefits

LARGE EMPLOYERS (501+ EMPLOYEES)

Year	Minimum Wage	Minimum Wage plus payment towards medical benefits
2015	\$11.00	\$11.00
2016	\$13.00	\$12.50
2017	15.00	\$13.50
2018	TBD	\$15.00

January 1, 2017

SMALL EMPLOYER

\$13.00 per hour

—or—

\$11.00 per hour

plus \$2.00 tips and/or
employer payment toward employee's medical benefits

SMALL EMPLOYERS (500 OR FEWER EMPLOYEES)

Year	Minimum Compensation	Minimum Wage plus tips and/or payments toward medical benefits
2015	\$11.00	\$10.00
2016	\$12.00	\$10.50
2017	\$13.00	\$11.00
2018	\$14.00	\$11.50
2019	\$15.00	\$12.00
2020	TBD	\$13.50
2021	TBD	\$15.00

IS THERE PAYMENT FOR ALL HOURS WORKED?

WAGE THEFT



Worked overtime?
Get paid overtime.

EMPLOYERS AND WORKERS SUPPORT WAGE THEFT PROTECTIONS.

Report wage theft.
(206) 684-4500

SEATTLE.GOV/WAGETHEFT



OFFICE OF LABOR STANDARDS



Worked off the clock?
Get paid for your time.

EMPLOYERS AND WORKERS SUPPORT WAGE THEFT PROTECTIONS.

Report wage theft.
(206) 684-4500

SEATTLE.GOV/WAGETHEFT



OFFICE OF LABOR STANDARDS

BASICS

1. **Employee compensation** due on regular pay day
2. **Notice of employment information**
 - ❖ **New hires**
 - ❖ **Before change of employment**
3. **Itemized paycheck** information every payday

PAY COMPENSATION

1. **Minimum wage and promised wage**
 2. **Tips**
 3. **Service charges**
 - ❖ Unless itemized as not payable to the employee(s) serving the customer
 4. **Overtime**
 5. **Hours off the clock**
 6. **Rest breaks**
 7. **Paid sick and safe time**
 8. **Agreements re: vacation**
 9. **Last paycheck**
 10. **Bonuses**
 11. **Reimbursement**
 12. **Some uniforms and equipment**
- * **Employee vs. independent contractor**

NOTICE OF EMPLOYMENT INFORMATION

- 1. Employer name**
- 2. Employer address**
- 3. Employer Telephone number**
- 4. Employee's rate or rates of pay**
- 5. Tip policy**
- 6. Pay basis = Hour, shift, day, week, commission**
- 7. Established pay day**
- 8. *Good faith estimate of work schedule (SS ordinance)***

ITEMIZED PAYCHECK EVERY PAY DAY

- 1. Rate or rates of pay**
- 2. Tip payment**
- 3. Pay basis = Hour, shift, day, week, commission**
- 4. Gross wages**
- 5. All deductions for that pay period**

**IS THERE ACCRUAL
OR PAYMENT OF PSST?**

**PAID SICK
& SAFE TIME**



**Business has
more than 4
full-time equivalent
employees**

PAID SICK TIME

- Employee or family member
- Child, grandparent, parent, parent-in-law
- Spouse or domestic partner
- Physical or mental condition
- Doctor, Dental & Eye Appointments

PAID SAFE TIME

- Employee, family & household members, roommate
- Domestic violence, sexual assault, or stalking
- Employee’s workplace or child’s school/place of care closed for critical safety issue (e.g. flu pandemic)
- *Not Snow Day*

PSST ACCRUAL, USE & CARRY OVER

TIER	EMPLOYER SIZE	ACCRUAL	USE	CARRY OVER
Not Covered	4 or fewer FTEs	No accrual, use or carry over requirement. Notice and anti-retaliation provisions apply		
1	More than 4 to 49 FTEs	1 hour/40 hours worked	40 hours	40 hours
2	More than 49 to 249 FTEs	1 hour/40 hours worked	56 hours	56 hours
3	250+ FTEs	1 hour/30 hours worked	72 hours	72 hours
	250+ FTEs (PTO benefit systems)	1 hour/30 hours worked	108 hours	108 hours

REQUIREMENTS

- ❖ **Joint Employer**
- ❖ **Benefit Year**
- ❖ **Accrual**
- ❖ **Use and Carry Over**
- ❖ **Vacation and PTO**
- ❖ **Notification of Available PSST Hours**
- ❖ **Record Keeping**
- ❖ **Protections against Retaliation**

REQUIREMENTS

- ❖ **Written PSST Policy**
- ❖ **Waiting Period**
- ❖ **Requesting PSST**
- ❖ **15 increments of Use**
- ❖ **Rate of Pay**
- ❖ **Documentation**
- ❖ **Suspensions of PSST Abuse**
- ❖ **Seasonal Employee**
- ❖ **Occasional Basis Employee**
- ❖ **Waiver**
- ❖ **Cash out**

REQUIREMENTS

❖ **Joint Employers**

- Both staffing agency & client can be joint employers of a temp employee

❖ **Benefit Year**

- Employers must use a consistent 12 month consecutive period (e.g. calendar year, fiscal year, anniversary date, but not rolling year) for accrual, use and carry over

❖ **Accrual**

- Accrual depends on employer tier size; there is no cap on accrual

❖ **Use and Carry over**

- Use and carry over depend on employer tier size

REQUIREMENTS

❖ **Vacation and PTO**

- Employers can use vacation and PTO to meet ordinance requirements, as long as the paid leave can be used in same manner as PSST
- Tier 3 employers with PTO have increased use and carry over requirements

❖ **Notification of available PSST hours**

- Employers must provide notice of available PSST hours every pay period, usually on a paystub

❖ **Record Keeping – 3 years**

❖ **Protections against Retaliation**

REQUIREMENTS

❖ **Written PSST Policy**

- Employers must provide employees with written PSST policy

❖ **Waiting Period**

- Employer can impose a waiting period of 180 calendar days from hire date

❖ **Requesting PSST**

- Employee must provide enough information to signal need for covered absence
- “I need to use PSST” or “My child is sick”

❖ **15 minute increments of use**

- If feasible by employer’s payroll system, employers must permit hourly employees to use PSST in 15 minute increments

REQUIREMENTS

❖ **Rate of Pay**

- Employers must pay same rate of pay as employee would have earned while working the shift (exclude tips & commissions, but meet Seattle minimum wage requirements)

❖ **Documentation for PSST**

- Employer can ask for documentation after employee has used PSST for more than three consecutive work days

❖ **Suspicious of PSST abuse**

- Employer can ask for early documentation or deny PSST if clear instance or pattern of abuse

❖ **Seasonal employee**

- Employer must reinstate unused PSST hours if employee separates from work and returns within seven months

REQUIREMENTS

❖ Occasional Basis Employees

- Employees who are typically based outside of Seattle and work in Seattle on an irregular basis, must work 240 hours in a calendar year to qualify for PSST
- After meeting this threshold requirement, employee is covered by ordinance for duration of employment for employer and all previous hours worked in Seattle accrue PSST

❖ Waiver

- Waiver is prohibited for individual employees
- Waiver is permitted for employees represented by union; waiver must be CBA

❖ Cash out

- Cash out is not required; it is discretionary

**WAS JOB OR PAY
DENIED DUE TO CRIMINAL
RECORDS?**

**FAIR CHANCE EMPLOYMENT
ORDINANCE**



THIS ISSUE IMPACTS US

ALL

Refusing to hire people because they have a conviction or arrest record has a significant impact on families and businesses in every community.

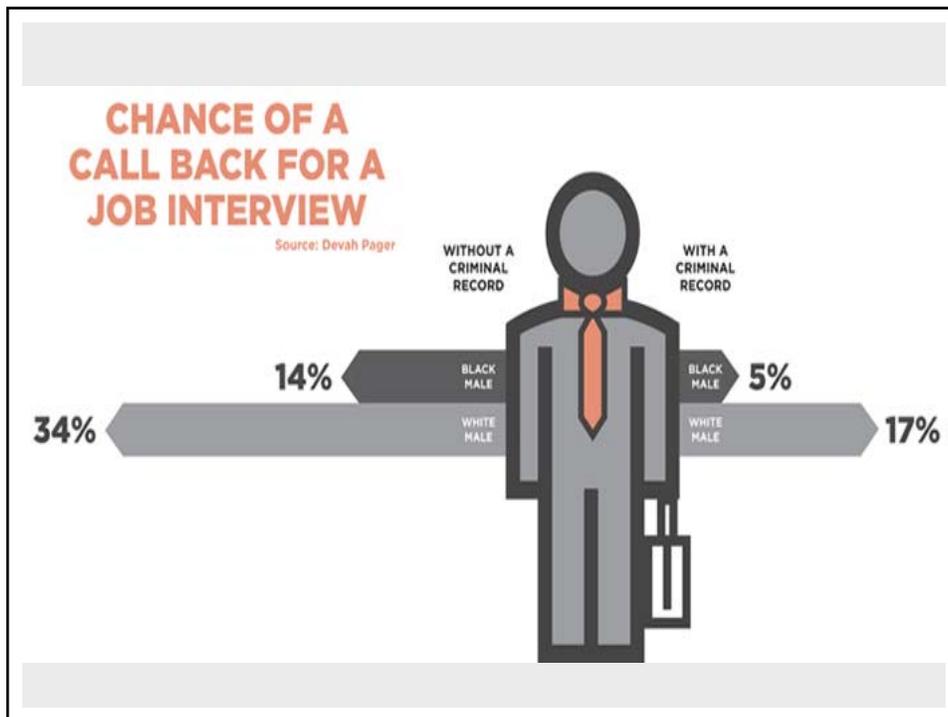
With an estimated 70 million adults in U.S. with a record, or nearly 1 in 3 adults, anyone can have a record. Some examples: Martha Stewart, George W. Bush, Bill Gates, and Sir Richard Branson (founder of Virgin Group).



www.nelp.org

NELP
NATIONAL
EMPLOYMENT
LAW
PROJECT

SOURCE: NELP, "Advancing a Federal Fair Hiring Agenda" (2015), available at www.nelp.org



LIMITS ON USE OF CONVICTION & ARREST RECORDS

1. No job ads that prohibit conviction or arrest records
2. No job applications with questions about conviction and arrest records
3. No background checks until after the employer screens applicant for minimum qualifications
4. Before denying job based solely on background check, employer must provide applicant opportunity to explain and/or correct conviction arrest records
5. Employer must have a "legitimate business reason" to support denial of job (6 factors)

JOB ADS

- ❖ **No exclusionary statements in job ads**
 - ✘ **Felons need not apply**
 - ✘ **No criminal background**
 - ✘ **Must have clean criminal record**
 - ✘ **Must have clean driving record**
 - ? **Must pass background check**
 - ? **Must successfully clear background check**

JOB ADS

- ❖ **Model statements**
 - ✓ **Hiring process involves background check regarding conviction and arrest records in compliance with Seattle's Fair Chance Employment Ordinance, SMC 14.17. Applicants will be provided an opportunity to explain or correct background information and provide verifiable information of good conduct and rehabilitation.**
 - ✓ **Job offer is contingent upon review of driving records, subject to compliance with Seattle's Fair Chance Employment Ordinance, SMC 14.17, regarding use of conviction and arrest records in employment decisions.**

JOB APPLICATIONS

- ❖ No questions about convictions and arrests on job applications (unless the employer has already screened the applicant for minimum qualifications)

DELAY BACKGROUND CHECKS

- ❖ Delay background checks until after an initial screening, usually during or after the interview
 1. **First** - review applicant's skills & experience
 2. **Second** - determine that applicant meets minimum job qualifications
 3. **Third** - ask questions about conviction and arrest records; conduct background checks.
- ❖ *This process allows applicants to have a fair chance at being considered for the job*

OPPORTUNITY TO EXPLAIN & CORRECT

- ❖ **Hold job open for 2 business days**
- ❖ **Identify conviction and arrest records**
- ❖ **Consider explanation, corrections and verifiable information of good conduct & rehabilitation**
 - Written or oral statement from applicant or employee, parole or probation officer, clergy member, social worker, etc.
 - Certificate of rehabilitation, completion or enrollment in an educational or vocational training program, etc.

LEGITIMATE BUSINESS REASON

- ❖ **Employer believes in good faith that nature of criminal conduct**
 - Will have a negative impact on the employee's or applicant's fitness or ability to perform the position sought or held, or
 - Will harm or cause injury to people, property, business reputation, or business assets

LEGITIMATE BUSINESS REASON

1. Seriousness of crime
2. Number and types of convictions or pending charges;
3. Time that has elapsed since conviction or pending charges, excluding periods of incarceration;
4. Verifiable information re: good conduct & rehab;
5. Specific duties and responsibilities of the position; and
6. Place and manner in which the position will be performed.

NEW LABOR STANDARD

**HOTEL EMPLOYEE
HEALTH & SAFETY**
effective November 30, 2016



HOTEL EMPLOYEES



- ❖ Hotels = 60+ rooms
- ❖ Large hotels = 100+ rooms



- ❖ Employees = Hourly, non-supervisory employees

REQUIREMENTS



1. Protection from violent assault and sexual harassment
2. Protection from workplace injuries
3. Access to medical care for low wage employees
4. Job security during changes of control

NEW
LABOR STANDARD

SECURE SCHEDULING
effective July 1, 2017



HOURLY EMPLOYEES



LARGE FOOD SERVICES & RETAIL



- ❖ **500+ employees worldwide.**
- ❖ **Retail** = 2012 NAICS code 441-453998
- ❖ **Food Service** = 2012 NAICS code 722
- ❖ **Full Service Restaurants** = additional requirement for 40+ locations worldwide.

NAICS Code = North American Industry Classification System
The standard used by Federal statistical agencies to classify businesses for U.S. economic statistical and data analysis.

NAICS CODE

<http://www.seattle.gov/licenses/find-a-business>

FIND A BUSINESS

Need to look up a business? Search the database for licensed Seattle businesses. You can search by business name, industry type or zip code.

The Seattle business license tax certificate database shows you the following information about a business:

- legal name
- trade name ("doing business as")
- main location address
- phone number
- license tax certificate expiration date
- industry type and Standard Industrial Code (SIC)

City of Seattle Business License Database

Search by Company Name
If you are entering a partial name, please provide as many characters as possible.
Legal Name or Trade Name contains:

Search by Business' Physical Address
Business' physical address contains:

Search by Commodity (NAICS Code)

Search by Zip Code/Neighborhood

- View the number of Seattle Businesses in the 100 most popular North American Industry Classification System Codes
- View a list of all North American Industry Classification System Codes and their descriptions

For more information on the Business License Database email: tax@seattle.gov

NAICS CODE

FIND A BUSINESS

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- phone number
- license tax certificate expiration date
- industry type and Standard Industrial Code (SIC)

City of Seattle Business License Database

Your search found 1 Businesses named Archie McPhee.

[Back to Search](#)

Follow the links below to view a list of companies with the same NAICS code.

Customer # (Business license #): 596812
Legal Name: ACCOUTREMENTS LLC Trade Name: ARCHIE MCPHEE
#500 STONE WAY N SEATTLE, WA 98103
NAICS: 453220. Gift, Novelty, and Souvenir Stores
License types:
BUSINESS LICENSE Renewal Date: 12/31/2016 Phone: (425) 349-3838
SCANNING SYSTEM: 4 OR MORE Renewal Date: 12/31/2016 Phone: (425) 349-3838

REQUIREMENTS

1. Good faith estimate of work schedule
2. Right to request input into work schedule
3. Right to rest between work shifts
4. Advance notice of work schedules
5. Notice of work schedule changes
6. Compensation for work schedule changes
7. Access to hours
8. Record keeping
9. Notice & posting
10. Protections against retaliation
11. Waiver

REQUIREMENTS

- 1. Good Faith Estimate**
 - Median number hours and whether there will be on-call shifts
- 2. Right to request input into work schedule**
 - Employees have a right to request schedule preferences & modifications
- 3. Right to rest between work shifts**
 - Employees earn 1.5x scheduled rate of pay for hours worked that are less than 10 hours between a closing and opening work shift
- 4. Advance notice of work schedules**
 - 14 days advance notice of schedules
- 5. Notice of work schedule changes**
 - Employee can decline a work shift that is not on original schedule

REQUIREMENTS

- 6. Compensation for work schedule changes**
 - Additions = Additional hour of pay at scheduled rate + wages earned
 - Subtractions = Half the length of work shift that was cancelled or half the remaining hours of a work shift + wages earned
- 7. Access to hours**
 - Employer **must** offer additional hours of work to existing employees before hiring temps, new employees, contractors, or subcontractors
- 8. Record keeping** - Three years
- 9. Notice & posting** – Workplace poster requirement
- 10. Protections against retaliation**
- 11. Waiver in collective bargaining agreement**
 - Express waiver in CBA and employees must ratify an alternative structure for secure scheduling that meets ordinance policy goals

ENFORCEMENT

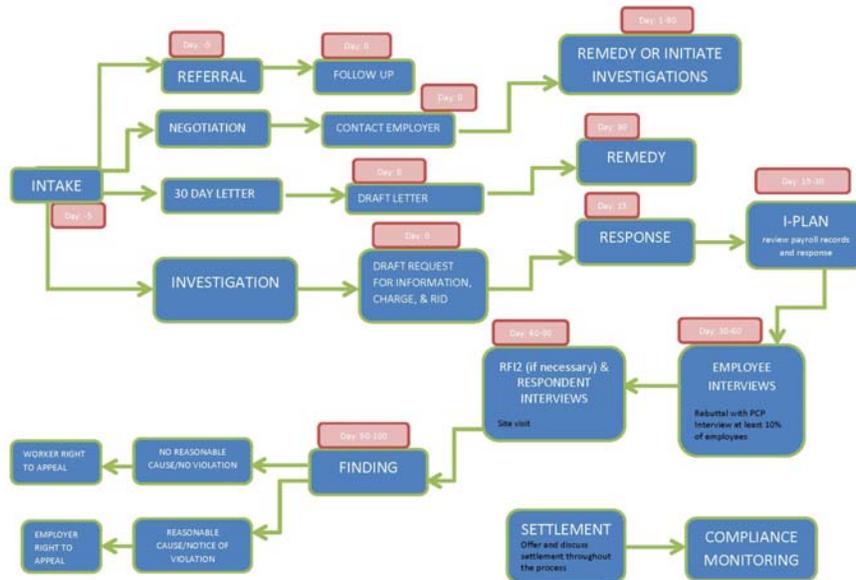


PRIVATE RIGHT OF ACTION

- ◆ PSST, MWO, WT SS (not FCE)
- ◆ April 1, 2016 (50+ employees)
- ◆ April 1, 2017 (less than 50 employees)
- ◆ Remedy
 - Up to 3x unpaid wages
 - Up to \$5,000 to aggrieved party for retaliation
 - Attorney Fees and Costs

INVESTIGATION

- ◆ Protection of Identifying Information
- ◆ Company-wide Investigation (standard)
- ◆ Individual Investigation (retaliation)
- ◆ Complaint-based
- ◆ Directed



Seattle Office of Labor Standards © 2016

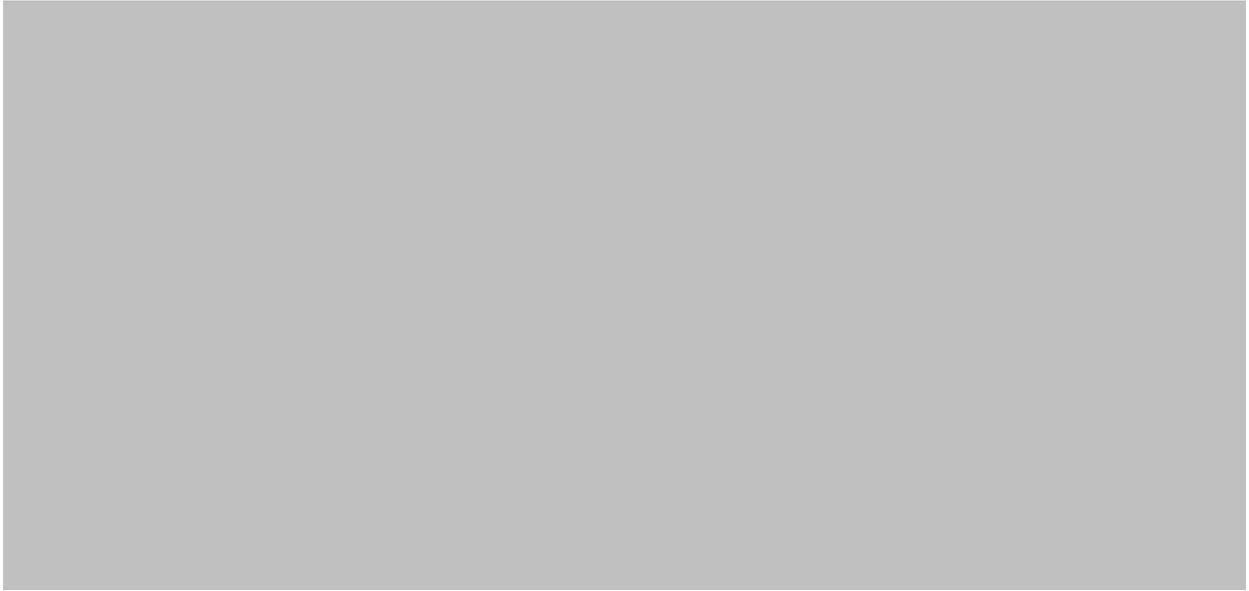
PSST, MWO, WT, SS VIOLATION(S)	REMEDY OR PENALTY
First Violation	Up to 3x unpaid wages + interest
Subsequent Violations	Mandatory 3x unpaid wages + interest
First Violation	Up to \$500 per aggrieved party
Second Violation	Up to \$1000 per aggrieved party or 10% of unpaid wages, whichever is greater
Third Violation	Up to \$5,000 per aggrieved party or 10% of unpaid wages, whichever is greater
Subsequent Violation	Up to \$20,000 per aggrieved party
Chart of Fines	\$500 to \$1,000 fine
Retaliation	Reinstatement or up to 3x front pay; up to \$5,000 to aggrieved party
Settlement & Mitigation of Penalties	Director Discretion

FCE VIOLATION(S)	REMEDY OR PENALTY
First Violation	Up to \$500 per aggrieved party
Second Violation	Up to \$1,000 per aggrieved party
Third Violation	Up to \$5,000 per aggrieved party
Chart of Fines	\$500 flat fine to \$1,000 per aggrieved party
Retaliation	Reinstatement or up to 3x front pay; up to \$5,000 to aggrieved party
Settlement & Mitigation of Penalties	Director Discretion

seattle.gov/laborstandards
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FOSTER PEPPER



Speaker Bios



Steven R. Peltin

MEMBER

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SERVICES

Business (Chair)

Employment & Labor
(Chair)

Financial Institutions

Nonprofit & Tax-Exempt
Organizations

Privacy, Cybersecurity &
Data Protection

PRACTICE OVERVIEW

Steve chairs the firm's Business and Employment & Labor practices. His work covers the gamut of employment and labor law. His advice practice is dedicated to helping employers solve problems such as employee discipline and discharge, leaves of absence, discrimination and harassment claims, and threats of employee violence. Steve enhances employee handbooks and prepares and negotiates employment, confidentiality and non-compete agreements. He also counsels executives and professionals on employment and separation agreements, and assists with corporate transactions such as purchases and sales of businesses.

Steve has extensive litigation experience and represents public and private employers in lawsuits claiming discrimination, harassment, wrongful discharge and violations of wage and hour, employee benefits, trade secrets and non-compete obligations. He also appears before local, state and federal administrative agencies and arbitrators in employment and labor matters.

REPRESENTATIVE WORK - Cases

- Won jury trial for an employer accused of age discrimination by laid-off union employee.
- Prevailed in hearing before the U.S. Department of Labor brought by a union business agent who claimed that the company conspired with the union to discharge him.
- Co-counsel in class action claiming pay for commuting in company vehicle; certification defeated and individual claim resolved promptly.
- Co-counsel for large employers in two U.S. Department of Labor collective actions claiming that employees worked off the clock; summary judgment obtained in one case, and the other settled favorably.
- Won summary judgment on discrimination / harassment claims for financial services companies.
- Obtained temporary restraining orders in two cases where employees refused to return computerized documents and information.
- Won summary judgment on sex bias claim by male employee of performing arts client.

Steven R. Peltin MEMBER

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- Convinced OSHA that a safety whistleblower on a construction site was not subject to a hostile work environment.
- Obtained anti-harassment orders against former employees. Defended company in ERISA cases brought by former executive seeking payments under a Supplemental Executive Retirement Plan and by pension funds seeking payment of withdrawal liability.

REPRESENTATIVE WORK – Transactions

- Employment and labor counsel in sales of business, including due diligence drafting of purchase agreement language, preparation of offer letters, executive employment agreements and employee communications.
- Assistance to client in reductions in force.
- Counseling of clients facing threat of workplace violence.
- Creation of documentation for background investigations, hiring, leaves of absence, requests for disability accommodation, last chance agreement and severance agreements.
- Preparation of policies such as travel pay, use of cell phones and social media.
- Management training on employment law topics, including avoiding harassment and discrimination, performance management and hiring.

RECOGNITION

- *The Best Lawyers in America*®
 - + Labor Law – Management, 2012-2017
 - + Litigation – Labor & Employment, 2013-2017
- Best in the Business: Leading Lawyers in the Puget Sound Region, *Seattle Business* magazine
 - + Labor – Management, 2013
 - + Litigation – Labor & Employment, 2013

ACTIVITIES

- Seattle Theatre Group
 - + Board of Directors
- University Preparatory Academy
 - + Board of Directors, 2011-2012
 - + Chair of Personnel Committee, 2011-2012

QUOTED

- [“Court Overturns Loan Officer Overtime Ruling in ‘Win’ for MBA,”](#) Quoted in *Reverse Mortgage Daily*, July 2013
- [“‘In Person’ Feature - Best Practices for Employers to Comply with the City of Seattle’s Paid Sick and Safe Time Ordinance,”](#) Interviewed in *Puget Sound Business Journal* - November 2012
- [“It’s Not Just Paid Time Off – It’s the Law: Attorneys explain what Seattle’s new sick leave ordinance means for employers,”](#) Quoted in *Puget Sound Business Journal* - September 2011
- “Your Office Away from the Office,” Quoted in *Utah CEO Magazine*
- “Keeping violent employees out of the workplace,” Quoted in *Risk Management* magazine
- “10 Considerations in Developing Telecommuting Policies and Agreements,” Quoted in HR.COM

Steven R. Peltin MEMBER

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PUBLICATIONS

Steve Peltin is a frequent contributor to Foster Pepper's [Washington Workplace Law](#) blog.

- [“Family and Medical Leave Guide for Washington Employers,”](#) Author, July 2016
- “Effective Negotiation of Executive Employment Agreements,” Author, *Inside the Minds: Negotiating and Employment Agreements, Leading Lawyers on Constructing Effective Employment Contracts*, 2012 Edition
- “Employers: Beware of High School Diploma Requirements,” Author, *WIB HR & Training Digest*, February 2012
- [“Hidden Threats – There are steps you can take to prevent violence in the workplace,”](#) Co-author, *Washington CEO* magazine
- “Bad Acts: Smaller Employers Should Confront Threats of On-The-Job Physical Assaults,” Author, *Washington Journal*
- “Telecommuting: Legal and Management Risks For Employers,” Author, *Corporate Counsel Magazine*
- “Reducing Telecommuting Management Risks,” Author, *National Underwriter* magazine
- “How To Reduce Workplace Violence,” Author, *National Underwriter* magazine
- “50-State Survey of Employment Libel and Privacy Law, Washington Chapter,” Author, Media Law & Resource Center
- “Hiring Employees: Disability Questions and Medical Exams,” Author, *Realty & Building*

PRESENTATIONS

- [“Top 3 Employment Law Issues That Should Keep You Up at Night,”](#) Speaker, Northwest Credit Union Association, MAXX Annual Convention, October 2016
- [“Politics and the Workplace,”](#) Speaker, Foster Pepper Client Briefing, October 2016
- “Employment Law Considerations for New U.S. Employers,” Speaker, Chinese Chamber of Commerce of Washington State, October 2016
- [“Evaluating Potential Employee Violence: Protecting the Employer and Co-Workers,”](#) Speaker, Lorman Education Services, September 2016
- “Bullying and Violence in the Workplace: Legal and Practical Considerations,” Speaker, Washington Housing Authorities Accounting Professionals Conference, September 2016
- [“FMLA and Leave Law Update,”](#) Speaker, 19th Annual Labor & Employment Law Conference, The Seminar Group, August 2016
- [“Legalization of Marijuana: Impact on the Washington Workplace,”](#) Speaker, Foster Pepper Client Briefing, June 2016
- “Bullying and Violence in the Workplace: Legal and Practical Considerations,” Speaker, Association of Washington Housing Authorities, April 2016
- [“My Ex-Employee Did WHAT? – Preventing and Addressing Post-Employment Misconduct,”](#) Moderator and Speaker, Foster Pepper Client Briefing, October 2015
- [“Top Emerging Issues in Employment and Labor Law,”](#) Speaker, 2015 WHAAP Annual Conference, October 2015
- [“Employee Handbooks: 2015 and Beyond,”](#) Speaker, American Public Power Association, September 2015
- [“FMLA and Leave Law Update,”](#) Speaker, 18th Annual Labor & Employment Law, The Seminar Group, August 2015
- [“Top 3 Employment Law Issues for 2015 That Should Keep You Up at Night,”](#) Speaker, Foster Pepper’s 10th Annual Bankers Briefing, May 2015
- [“Thriving Through Legal Resilience,”](#) Speaker, Washington State Nonprofit Conference, May 2015
- [“Association of Washington Housing Authorities Spring Meeting,”](#) Speaker, April 2015
- [“Is Your Employee Handbook Ready for Prime Time?”](#) Speaker, Foster Pepper Client Briefing, April 2015
- [“Privacy in the Workplace: Managing Employees in the Digital Age,”](#) Moderator and Speaker, Foster Pepper Client Briefing, November 2014

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- "The Alphabet Soup of Federal Employment Law," Speaker, Tribal Employment Rights & Law: Sovereignty, Jurisdiction and Best Practices, July 2014
- "[Social Media and the Workplace - Protecting the Hospital in the Digital Age](#)," Speaker, Washington State Hospital Association's NW Council's Hot Topics Meeting, June 2014
- "Filling the Empty Chairs: Legal and Effective Hiring," Presenter, Northwest Marine Trade Association - Professional Development Series
- "What You Should Know About Executive Director Employment Agreements," Speaker, Association of Washington Housing Authorities
- "[Bullying and Violence in the Workplace: Prevention and Intervention Strategies](#)," Speaker, Foster Pepper Client Briefing, March 2014
- "Legalization of Marijuana - The Impact on Washington Employers"
 - + Speaker, South King County Human Resources Association December Meeting, 2013
 - + Speaker, Employee Assistance Professionals Association Pacific Northwest Chapter November Meeting, 2013
- "[Employment Discrimination Law – Hear From The Agencies](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "[Managing Employee Performance While Reducing Legal Risks](#)," Speaker, Northwest Marine Trade Associations
- "[Wage & Hour Compliance – Beyond the Basics \(Part I\)](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "[Wage & Hour Compliance – Beyond the Basics \(Part II\)](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "[Filling the Empty Chairs: Legal and Effective Hiring](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "Out of Sight But Not Out of Mind: Untangling Leave of Absence Requirements," Speaker, 14th, 15th and 16th Annual Labor & Employment Law Seminar, The Seminar Group
- "Understanding Seattle Paid Sick and Safe Time"
 - + Speaker, Washington Trucking Associations
 - + Speaker, Northwest Marine Trade Association
- "[Seattle Paid Sick and Safe Time: Practical Guidance Employers Need to Know](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "Legal Issues for Startups: Employment Law," Speaker, SURF Incubator
- "Employment Law Challenges for Public Employers and Current Developments under the Public Employees Collective Bargaining Act," Speaker, 2012 Association of Washington Housing Authorities (AWHA) Meeting
- "[Reasonably Accommodating Employees with Disabilities](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "High-Stakes Employment and IP Protections: Protect your Company from Increasing Employment Risks and Shield Your Valuable Intellectual Property," Speaker, Foster Pepper and Washington State Chapter of ACC America
- "[Conducting Effective Workplace Investigations](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "Managing the Process of Labor Negotiations," Speaker, Washington Fire Commissioners Association 63rd Annual Conference
- "[Out of Sight but Not Out of Mind: Untangling Employer Obligations under FMLA and Other Leave Statutes](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "[Social Media in the Workplace](#)," Speaker/Moderator, Foster Pepper Client Briefing
- "Payroll Management," Speaker, Lorman Educational Services
- "Time Off: State and Federal Laws on Employee Leave, Vacations and Holidays," Speaker, Lorman Educational Services
- "Recent Developments under the Family and Medical Leave Act," Speaker, National Council of State Housing Agencies
- "10 Scary Issues You Need to Know About Your Employees," Speaker, ASTRA Women's Business Alliance
- "New Developments in Employment Law," Speaker, Seattle CFO Arts Roundtable
- "Best Practice in FMLA Administration," Speaker, Council on Education in Management

Steven R. Peltin MEMBER

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- “Conducting Effective Investigations Into Employee Complaints,” Speaker, PUD and Municipal Attorneys Association
- “Cyberstalking: The Washington Employer’s Perspective,” Speaker, King County Bar Association
- “Workplace Investigations,” Speaker, Council on Education in Management

EXPERIENCE

- Foster Pepper PLLC, Member, 2010-Present
- K&L Gates LLP (formerly Preston Gates & Ellis, LLP), Partner, 1998-2010
- Georgia-Pacific Corporation, Senior Counsel, 1996-1998
- Altheimer & Gray (Chicago, IL), Associate and Partner, 1986-1996
- Isham Lincoln & Beale (Chicago, IL), Associate, 1983-1986
- U.S. District Court for the Western District of Wisconsin, Law clerk for the Hon. John C. Shabaz, 1982-1983

BAR ADMISSIONS

- Washington, 1999
- Illinois, 1983 (Inactive)

EDUCATION

- J.D., Cornell Law School (*cum laude*), 1983
- B.A., University of Wisconsin-Madison (with distinction), 1978
 - + Phi Beta Kappa

Alicia M. Feichtmeir

MEMBER



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SERVICES

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Privacy, Cybersecurity &
Data Protection

Retail & Consumer
Products

Transportation

PRACTICE OVERVIEW

Alicia's litigation practice focuses on resolution of civil cases, including employment, commercial litigation, environmental and regulatory disputes. She counsels clients on all aspects of the litigation process, including case strategy, risk evaluation, discovery and trial planning.

In her employment practice, Alicia advises public and private employers on compliance with various federal, state and local employment laws including wage-and-hour, leave, and anti-discrimination regulations. She has defended employers in agency and court proceedings involving harassment and discrimination, whistleblower actions, wrongful discharge, trade secret misappropriation, and unemployment claims. She regularly assists employers in drafting and revising employee handbooks, management policies, and employment agreements, including talent and production agreements for local and national film projects.

RECOGNITION

– Rising Star, Washington Super Lawyers list, 2014-2016

ACTIVITIES

– ArtsWest Gallery and Playhouse, Board Intern, 2014-Present

– ArtsFund Associates Program, 2012-Present

– Federal Bar Association of the Western District of Washington,
Website/Communications Committee Co-Chair, 2011-2013

– Solid Ground Family Assistance Program, Advisory Board Member, 2009-2011

QUOTED

– “Are WYLD Members Too Green for Pro Bono?” Three young lawyer volunteers are proving otherwise DeNovo, Washington State Bar Association, August 2011

Alicia M. Feichtmeir MEMBER

SEATTLE T 206.447.8929 F 206.749.2003 alicia.feichtmeir@foster.com

PUBLICATIONS

– Foster Pepper [Washington Workplace](#) Blog

+ Alicia Feichtmeir is a contributor to Foster Pepper's Washington Workplace Law blog. Recent blog posts include:

- [City Auditor Report: Seattle Sick and Safe Leave Compliance Leaves Room for Improvement - for Employers and Office of Civil Rights](#), October 2014
 - [Seattle \\$15 Minimum Wage Update: Referendum Efforts Rejected, and Airport Workers Get a Raise](#), July 2014
 - [Seattle Passes \\$15 Minimum Wage, Highest of Any Major U.S. City](#), June 2014
 - [The Minimum Wage Debate Rages in Seattle, Washington state, and the Nation](#), February 2014
 - [Will Seattle Really Have a \\$15 Minimum Wage?](#) December 2013
 - [Food for Thought: Wage Theft Protests Serve As Reminder of Importance of Wage & Hour Compliance](#), October 2013
 - [Revenge of the Intern: Wage and Hour Class Actions Keep Employers on Their Toes](#), May 2013
 - [Access Denied: Legislation Prevents Employers from Demanding Employees' Social Media Passwords](#), April 2012
 - [Preventing and Addressing Workplace Bullying](#), March 2012
 - [Washington State Supreme Court Orders Disclosure of Investigative Reports Alleging Police Misconduct](#), September 2011
 - [Check Your Files: U.S. Supreme Court Narrows FOIA Exemption for Internal Personnel Rules](#), March 2011
- [“Defend Trade Secrets Act \(DTSA\) Signed Into Law: Federal Law Offers Greater Protections and New Obligations for Employers,”](#) Author, Foster Pepper News Alert, May 2016
- “Judicial Candidates Pledge Ethical Campaigns,” Foster Pepper News Alert, May 2010
- “Advocating for the Native American Child: Comprehensive Overview of the Indian Child Welfare Act,” Chapter Contributor, Native American Practice Group and CASA CLE Manual, November 2008

PRESENTATIONS

- [“Give Us A Break! Navigating Employment Issues in the Trucking Industry,”](#) Speaker, Washington Trucking Associations, February 2017
- [“Politics and the Workplace,”](#) Speaker, Foster Pepper Client Briefing, October 2016
- [“Legalization of Marijuana: Impact on the Washington Workplace,”](#) Speaker, Foster Pepper Client Briefing, June 2016
- [“Is Your Employee Handbook Ready for Prime Time?”](#) Speaker, Foster Pepper Client Briefing, April 2015
- [“Privacy in the Workplace: Managing Employees in the Digital Age,”](#) Presenter, Foster Pepper Client Briefing, November 2014
- [“Bullying and Violence in the Workplace: Prevention and Intervention Strategies,”](#) Presenter, Foster Pepper Client Briefing, March 2014
- [“Employment Discrimination Law – Hear from the Agencies,”](#) Presenter, Foster Pepper Client Briefing, September 2013
- [“Wage & Hour Compliance – Beyond the Basics \(Part II\),”](#) Presenter, Foster Pepper Client Briefing, May 2013
- “Intellectual Property Ownership and Public Employment,” Co-presenter, Association of Washington Cities, 33rd Annual AWC Labor Relations Institute, May 2013
- [“Wage & Hour Compliance – Beyond the Basics \(Part I\),”](#) Presenter, Foster Pepper Client Briefing, February 2013
- “Mandatory/Permissive Bargaining and Public Records/Information Disclosure,” Presenter, Managing the Process of Labor Relations, October 2011

Alicia M. Feichtmeir MEMBER

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EXPERIENCE

- Foster Pepper PLLC
 - + Member, 2017-Present
 - + Associate, 2010-2016
 - + Summer Associate, 2008
- Solid Ground (Fremont Public Association), Legal Intern, 2007-2008
- Immigrant Families Advocacy Project, University of Washington School of Law, Volunteer Advocate, 2007-2009
- Seattle Art Museum, Community Campaign Coordinator, 2005-2006
- Seattle Children's Museum, Group Sales Manager, 2003-2005

BAR ADMISSIONS

- Washington, 2009
- U.S. District Court
 - + Eastern District of Washington, 2011
 - + Western District of Washington, 2011
- 9th Circuit U.S. Court of Appeals, 2012

EDUCATION

- J.D., University of Washington School of Law, 2009
 - + *Washington Law Review*, Articles Editor
 - + Law Women's Caucus, Alumnae Event Chair
- B.A., Wesleyan University, 2003

Yan Perng

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PRACTICE OVERVIEW

Yan is an associate in the firm's Business and Intellectual Property practice groups. Her primary practice includes a broad range of transactional business services to both emerging and established companies with an emphasis on the protection, enforcement, and commercialization of intellectual property. In particular, her experience covers counseling clients on patent matters for a variety of businesses, including deep-sea exploration and drone technology and product design. As part of the firm's Media, Entertainment, and Gaming industry group, she advises clients in the competitive video game industry, known as eSports. Yan also has experience drafting agreements associated with international yacht and business sales transactions and represents Mandarin-speaking clients on a variety of different matters.

RECOGNITION

- 2014 AIPLA Giles Sutherland Rich Memorial Moot Court Competition
 - + Best Appellate Brief
 - + Western Regional Competition Winner
 - + National Competition Semifinalist
- Finalist, 2012 Peterson Wampold Rosato Luna Knopp Mock Trial Competition
- Best Brief & Semifinalist, 2011 Hillis Clark Martin & Peterson Appellate Advocacy Competition

ACTIVITIES

- Seattle Habitat Young Professionals, Secretary, 2016-Present
- Alliance of Women Achieving Knowledge and Excellence (AWAKE), Secretary, 2015-Present
- Seattle IP Inn of Court, Associate Member, September 2014-2016
- Snohomish County Legal Services, Paralegal Volunteer, 2011
- Asia Pacific American Legal Resource Center, Legal Intern Volunteer, 2011

Yan Perng ASSOCIATE

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QUOTED

– [“Experts Share 6 Legal Considerations to Know Before Jumping into the VR/AR Industry,”](#) Road to VR, January 2017

PUBLICATIONS

– [“NLRB: Employers Cannot Ban Employees From Using Company’s Email System for Union-Related Communications,”](#) Co-author, Foster Pepper News Alert, December 2014

PRESENTATIONS

- [“New Year: New VREality,”](#) Speaker, Simulated Immersive eXperimental Realities (SIXR), January 2017
- [“Bitcoin 101,”](#) Speaker, 2016 WPUDA Annual Conference, November 2016
- WPUDA Finance Officers Meeting, Speaker, Washington Public Utility Districts Association, October 2016
- [“Diversity in Gaming,”](#) Speaker, eSports Conference, September 2016
- [“Legalization of Marijuana: Impact on the Washington Workplace,”](#) Speaker, Foster Pepper Client Briefing, June 2016
- “Tapping into the Full Potential of Streaming Technology,” Speaker, Washington Interactive Network Power of Play Conference, May 2016
- [“Account Takeover, Allocation of Loss and Loss Prevention Strategies,”](#) Speaker, Current Management Liability Issues of Interest to Community Bankers, April 2015

EXPERIENCE

- Foster Pepper PLLC
 - + Associate, 2014-Present
 - + Summer Associate, 2013
- U.S. Court of Appeals Federal Circuit, Judicial Clerk Extern for the Hon. Chief Judge Randall Rader, 2013
- University of Washington Center for Commercialization, Copyright and Trademark Legal Extern, 2012
- Patterson Buchanan Fobes Leitch & Kalzer, Inc., P.S., Summer Associate, 2012
- Center for Advanced Study & Research on Intellectual Property, Teaching Assistant, 2012-2013
- Office of Oregon Senator Jeffrey Merkely, Legislative Assistant Intern, 2011
- Taiwan Legislature & National Chiao-Tung University, Research Assistant, 2010
- Asia FM (Broadcasting Network), Radio DJ, 2008-2011
- Videoland Television Network, Performing Artist, 2004-2008

BAR ADMISSIONS

- Washington, 2014
- U.S. Patent Office, 2016

EDUCATION

- J.D., University of Washington School of Law, 2014
 - + Moot Court Honor Board
 - + VP of Professional Development, Minority Law Student Association
 - + Entrepreneurial Law Clinic
 - + Technology Law and Policy Clinic

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– B.S., Biochemical Science and Technology, National Taiwan University, 2008

LANGUAGES

– Chinese (Mandarin), fluent

Karina Bull

Karina Bull is a Senior Policy Advisor at the City of Seattle Office of Labor Standards. Karina has worked for the City for twelve years in legislative development and implementation; business and community outreach; enforcement of anti-discrimination laws; and human resources. She has been immersed in labor standards since the passage of Paid Sick and Safe Time in 2011 and has played a pivotal part in the roll-out of all the labor standards ordinances and the creation of OLS, including serving as Interim Director. Previously, she worked on employment issues for the Multnomah County Attorney's Office in Portland; advocated for transportation equity and farm worker rights; and directed education programs for at-risk students and their teachers. Karina is an attorney and graduated from Lewis and Clark School of Law in 2004. She earned her undergraduate degrees in English and History from Vanderbilt University in 1992. Outside of the office, she chases after three young kids and enjoys the outdoors.