



July 28, 2020

Andrew Auerbach
U.S. Department of Labor
Office of Labor-Management Standards
N-1519
200 Constitution Ave NW
Washington, DC 20210

RE: Application of the LMRDA to Working Washington

Dear Mr. Auerbach,

After diligent research, we would like to bring to your attention what appear to be significant violations of the Labor-Management Reporting and Disclosure Act (LMRDA or “the Act”), 29 U.S.C. § 401 *et seq.*, by Working Washington, a Seattle, Wash.-based nonprofit labor organization operating for tax purposes under 26 U.S.C. § 501(c)(4).

Specifically, Working Washington does not appear to abide by any of the provisions of the LMRDA, either as the result of an erroneous belief it does not have to or an intentional decision to skirt the law.

At minimum, Working Washington has failed to file with the Office of Labor-Management Standards (OLMS) annual financial reports and copies of its constitution and bylaws, as required by 29 U.S.C. § 431.

Further investigation may reveal that Working Washington has violated other provisions of the LMRDA as well.

As OLMS regulations note,

“The Act imposes on labor organizations various obligations and prohibitions relating generally, among other things, to the reporting of information and election and removal of officers. Requirements are also imposed on the officers, representatives, and employees of labor organizations. In addition, certain rights are guaranteed the members thereof. It thus

becomes a matter of importance to determine what organizations are included within the applicability of the Act.”¹

Accordingly, we respectfully request that, in accordance with 29 U.S.C. § 521, OLMS open an investigation into whether Working Washington has violated the LMRDA and, if appropriate, initiate civil enforcement proceedings under 29 U.S.C. § 440 and/or — if OLMS’ investigation determines the violations were “willful” under 29 U.S.C. § 439 — refer the matter to the Department of Justice.

I. Background of “worker centers”

As membership in traditional unions continues its decades-long decline, unions have increasingly experimented with alternative forms of worker organizing. One of the most prominent trends in recent years has involved the formation and use of nonprofits organized under 26 U.S.C. § 501(c)(3) and (4) instead of (5), as is typical for traditional labor unions.

In congressional testimony, labor attorney Stefan Marculewicz described such “worker centers” as follows:

“Today there are hundreds of these organizations. Their structure and composition vary. They go by many different names. Typically, they are non-profit organizations that receive funding from foundations, grants — including from government, membership fees and other donations. Some are funded by other labor organizations.

These groups offer many different services to their members, including education, training, employment services and legal advice. Increasingly, however, these organizations directly engage employers or groups of employers to effectuate change in the wages, hours and terms and conditions of workers they claim to represent. When it comes to such direct engagement, these worker centers often act no differently than traditional labor organizations.”²

These nonprofit entities — sometimes also referred to as “alt-labor” groups or “union front organizations” (UFO) — continue to grow in number and influence while operating outside the legal framework, including the LMRDA, that regulates traditional unions and protects the interests of the workers they represent.

Often worker centers have close ties with traditional unions, upon whom they rely for significant financial support. Some focus on particular industries or demographics, while others may direct their efforts at a specific employer. The Service Employees International Union (SEIU), for instance, has been a major funder of worker centers and organizing activity focused on fast food and other service industry workers.³

¹ See 29 CFR § 451.1(b).

² Stefan Marculewicz. Testimony before the U.S. House of Representatives, Subcommittee on Health, Employment, Labor, and Pensions. April 26, 2018. <https://edlabor.house.gov/imo/media/doc/Marculewicz%20Testimony.pdf>

³ Jarol B. Manheim. “The Emerging Role of Worker Centers in Union Organizing: An Update and Supplement.” U.S. Chamber of Commerce, Workforce Freedom Initiative. December 6, 2017. <https://www.uschamber.com/report/the-emerging-role-worker-centers-union-organizing-update-and-supplement>

Some legal experts both contend that: (1) although they don't operate as though under the jurisdiction of the LMRDA or National Labor Relations Act, many worker centers meet the legal requirements to be subject to one or both; and (2) applying these statutes to worker centers would help encourage accountability and discourage the kind of misconduct that plagued traditional unions and led to these laws in the first place:

“While they may operate in a different manner than the traditional labor organization, [worker centers] still seek to represent workers with respect to their dealings with employers on certain aspects of their wages, hours, and terms and conditions of employment. Some even collect dues from their members. As such, they are vulnerable to some of the same shortcomings that traditional labor unions faced, and which the NLRA and the LMRDA sought to address, including risks of embezzlement and other financial impropriety. Similarly, if such organizations are to represent workers in their dealings with employers, they should also be held accountable to their membership in the same way as the traditional labor organization. Any inconvenience to the worker center movement is outweighed by the benefit to the members they serve. In short, once a worker center crosses the threshold into addressing the terms and conditions of employment of their members, the institutional interests of the organizations should necessarily give way to the interests of the employees themselves. Legislation that currently exists, such as the NLRA and LMRDA, provide protections for employees, and worker centers, just like traditional labor unions, should be governed by these laws.”⁴

Working Washington, which has close ties to the SEIU, is one such “worker center.”

II. Definition of “labor organization” under the LMRDA

Whether Working Washington has violated the LMRDA largely depends on its status as a “labor organization” within the meaning of the Act.

29 U.S.C. § 402(i) defines “labor organization” in relevant part as:

“...a labor organization engaged in an industry affecting commerce and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment...”

The definition includes three main prongs, namely, the organization must: (1) be “engaged in an industry affecting commerce”; (2) involve the participation of employees; and, (3) exist to deal with employers regarding terms or conditions of employment.

⁴ Stefan Marculewicz and Jennifer Thomas. “Labor Organizations by Another Name: The Worker Center Movement and its Evolution into Coverage under the NLRA and LMRDA.” *The Federalist Society. Engage*, Volume 13, Issue 3, October 2012.

<https://fedsoc.org/commentary/publications/labor-organizations-by-another-name-the-worker-center-movement-and-its-evolution-into-coverage-under-the-nlra-and-lmrda>

1. First prong: Industry affecting commerce

Regarding the first prong, 29 U.S.C. § 402(a) defines “commerce” as “...trade, traffic, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof.”

In turn, “industry affecting commerce” is defined by 29 U.S.C. § 402(c) as:

“...any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry ‘affecting commerce’ within the meaning of the Labor Management Relations Act, 1947, as amended...”⁵

2. Second prong: Employee participation

Regarding the second prong of the definition of “labor organization,” 29 U.S.C. § 402(f) defines “employee” as:

“...any individual employed by an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice or because of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of this chapter.”

Further, 29 CFR § 451.3(a)(1) provides:

“While it is necessary for employees to participate [in a labor organization], such participating employees need not necessarily be the employees of the employer with whom the organization deals. In determining who are ‘employees’ for purposes of this provision, resort must be had to the broad definition of ‘employee’ contained in section 3(f) of the Act.”

The term “participate” is not defined in the LMRDA or its accompanying regulations.

3. Third prong: Dealing with employers

As for the final prong, “employer” is defined by 29 U.S.C. § 402(e) as:

⁵ 29 U.S.C. § 152(7) defines “affecting commerce” as “...in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.” The Labor Management Relations Act further defines “commerce” as “...trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.” *See* 29 U.S.C. § 152(6).

“...any employer or any group or association of employers engaged in an industry affecting commerce (1) which is, with respect to employees engaged in an industry affecting commerce, an employer within the meaning of any law of the United States relating to the employment of any employees or (2) which may deal with any labor organization concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work, and includes any person acting directly or indirectly as an employer or as an agent of an employer in relation to an employee but does not include the United States or any corporation wholly owned by the Government of the United States or any State or political subdivision thereof.”

Applicable regulations further provide that, to be considered a “labor organization” for purposes of the LMRDA,

“(2) ...the organization must exist for the purpose, in whole or in part, of dealing with employers concerning grievances, etc. In determining whether a given organization exists wholly or partially for such purpose, consideration will be given not only to formal documents, such as its constitution or bylaws, but the actual functions and practices of the organization as well. Thus, employee committees which regularly meet with management to discuss problems of mutual interest and handle grievances are ‘labor organizations’, even though they have no formal organizational structure.

(3) Since the types of labor organizations described in subparagraph (2) of this paragraph are those which deal with employers, it is necessary to consider the definition of ‘employer’ contained in section 3(e) of the Act in determining the scope of the language under consideration. The term ‘employer’ is broadly defined to include ‘any employer or any group or association of employers engaged in an industry affecting commerce’ which is ‘an employer within the meaning of any law of the United States relating to the employment of any employees...’ Such laws would include, among others, the Railway Labor Act, as amended, the Fair Labor Standards Act, as amended, the Labor Management Relations Act, as amended, and the Internal Revenue Code. The fact that employers may be excluded from the application of any of the foregoing acts would not preclude their qualification as employers for purposes of this Act. For example, employers of agricultural labor who are excluded from the application of the Labor Management Relations Act, as amended, would appear to be employers within the meaning of this Act.”⁶

Finally, the OLMS Interpretive Manual confirms that,

“...an organization in which employees participate need not actually deal with employers; only existence for the purpose, in whole or in part, of dealing with employers concerning any of the subjects referred to in the definition is necessary in order to meet this requirement. Prima facie evidence of such a purpose may be found by reference to the organization's constitution, bylaws, charter or resolutions.”⁷

⁶ See 29 CFR § 451.3(a)(2-3).

⁷ U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.611. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

Furthermore, the organization need not deal with employers directly to be subject to the LMRDA:

“The phrase ‘exists for the purpose... of dealing with employers’ in section 3(i) does not require that the purpose of the organization be to deal with employers directly. It is sufficient that the organization exists for the purpose of dealing with employers indirectly through the organization's member organizations.”⁸

III. 29 U.S.C. § 402(j) does not narrow the broad definition of “labor organization” in 29 U.S.C. § 402(i)

In addition to the three prongs discussed above, determining the reach of the LMRDA requires understanding the effect of 29 U.S.C. § 402(j) (“Subsection (j)”) on the definition of “labor organization” in 29 U.S.C. § 402(i) (“Subsection (i)”).

Subsection (j) provides:

“A labor organization shall be deemed to be engaged in an industry affecting commerce if it—

- (1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended; or
- (2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or
- (3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or
- (4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or
- (5) is a conference, general committee, joint or system board, or joint council, subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection, other than a State or local central body.”⁹

Some have argued that the categories outlined in Subsection (j) are the exclusive list of labor organizations subject to LMRDA jurisdiction and that, if an organization does not fit into one of these five categories, it does not satisfy the definition of “labor organization” in Subsection (i).

The more defensible view, however, is that the five categories listed are merely *examples* of entities that are necessarily subject to the LMRDA, not the definitive and exhaustive list of labor organizations under the statute’s jurisdiction.¹⁰

⁸ U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.610. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

⁹ This statute is expounded upon in greater detail by 29 CFR § 451.4.

¹⁰ For additional information on this subject, *see*:

1. Had Congress intended for the five categories listed in Subsection (j) to limit the definition of “labor organization” provided in Subsection (i), it could have said so specifically by adding the word “only” after “shall” in Subsection (j). The omission of such a negative limitation leaves in place only the affirmative directive that the listed five types of organizations be subject to the LMRDA and suggests entities other than those listed in Subsection (j) may satisfy the definition of “labor organization in Subsection (i). Accompanying DOL regulations similarly omit any language limiting the definition of “labor organization” in Subsection (i) to entities listed in Subsection (j).
2. Had it wished to limit the scope of the definition of “labor organization,” Congress could have incorporated Subsection (j) directly into Subsection (i). Its decision to separate the two subsections further suggests that Subsection (j) merely provides helpful guidance by explicitly applying Subsection (i) to five specific types of “labor organization.”
3. The OLMS Interpretive Manual refers to the categories listed in Subsection (j) as merely “...examples of labor organizations deemed to be engaged in an industry affecting commerce...”¹¹ (emphasis added)
4. Though Subsection (j) provides that entities subject to the National Labor Relations Act (NLRA), as amended, *are* “labor organizations” for the purposes of the LMRDA, the OLMS Interpretive Manual confirms that entities need not be subject to the National Labor Relations Act/Labor Management Relations Act (LMRA) or even bargain with employers in order to fall under LMDRA jurisdiction.

Referencing *Wirtz v. Union Azucarera*, 52 LRRM 2213 (D.P.R. 1962) — in which the court found an agricultural workers’ union was not subject to the NLRA but was governed by the LMRDA — the Interpretive Manual notes that, “An organization that is not a ‘labor organization’ under the Labor Management Relations Act (LMRA) may nonetheless be a ‘labor organization’ under the LMRDA.”¹²

Further, the Manual notes, without referencing Subsection (j), that,

“If a labor organization meets the definition contained in section 3(i) of the Act, existing ‘for the purpose of’ dealing with employers, the fact that it does not now have contracts with any employers does not place it outside the scope of the Act.”¹³

Stefan Marculewicz and Jennifer Thomas. “Labor Organizations by Another Name: The Worker Center Movement and its Evolution into Coverage under the NLRA and LMRDA.” *The Federalist Society. Engage*, Volume 13, Issue 3, October 2012.

<https://fedsoc.org/commentary/publications/labor-organizations-by-another-name-the-worker-center-movement-and-its-evolution-into-coverage-under-the-nlra-and-lmrda>

U.S. Chamber of Commerce, Employment Policy Division. “Worker Centers: Union Front Groups and the Law.” April 25, 2018. <https://www.uschamber.com/report/worker-centers-union-front-groups-and-the-law>

¹¹ U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.668. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

¹² U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.605. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

¹³ U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.612. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

5. Federal courts have rejected union arguments that entities specifically listed in Subsection (j) are the only entities that may qualify as “labor organizations,” instead finding that the listed examples were intended “to increase the scope of the statute’s reach and not restrict it.”¹⁴
6. OLMS has expressed a willingness to find that an entity is a “labor organization” despite not obviously falling under the five categories listed in Subsection (j).¹⁵
7. Finally, federal regulations, OLMS’ Interpretive Manual, and federal courts all direct that the definition of “labor organization” be broadly interpreted and applied.

29 CFR § 451.3(a)(1) notes that the statutory definition “...is deemed sufficiently broad to encompass any labor organization irrespective of size or formal attributes.”

Additionally, 29 CFR § 451.2 directs that, “[i]n accordance with the broad language used and the manifest congressional intent,” the definition “be construed broadly to include all labor organizations of any kind other than those clearly shown to be outside the scope of the Act.”

The OLMS Interpretive Manual further states that, “‘Employer’ and ‘labor organization,’ and other terms related to the employment relationship, as used in the Act, are, generally speaking, defined broadly so as to provide the maximum coverage.”¹⁶

Finally, federal courts have recognized that,

“In order to effectuate the purposes of the Act, Congress defined labor organization broadly ‘to provide comprehensive coverage of labor organizations engaged in any degree in the representation of employees or administration of collective bargaining agreements.’ Thus, if the organization represents its members regarding grievances, labor disputes, or terms or conditions of employment, the organization is subject to the Act regardless of its formal attributes.”¹⁷ (internal citations omitted)

Thus, OLMS should resolve ambiguities or disputes as to the jurisdiction of the LMRDA with an eye towards maximizing its application; the burden is on the labor organization to clearly prove it is *not* governed by the Act.

With these standards in mind, it is possible to evaluate whether Working Washington’s conduct and structure satisfy the LMRDA’s definition of “labor organization” and, in turn, whether Working Washington’s failure to file its constitution and bylaws, if adopted, and annual financial reports with OLMS constitute violations of the Act.

¹⁴ See *Brennan v. United Mine Workers of America*, 475 F.2d 1293 (DC Cir. 1973).

¹⁵ See, for example, OLMS’ investigation into whether Centro de Trabajadores Unidos en la Lucha is subject to the LMRDA as a “labor organization.” Case No. 320-6009895(07).

¹⁶ U.S. Department of Labor, Office of Labor-Management Standards. OLMS Interpretive Manual, Entry 030.100. Last updated January 5, 2017. https://www.dol.gov/olms/regs/compliance/interp_manual/030_IM_definitions.htm

¹⁷ See *Donovan v. National Transient Division*, 736 F.2d 618 (10th Cir. 1984).

IV. Working Washington is a “labor organization” subject to LMRDA jurisdiction

1. One of Working Washington’s purposes is “dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.”

a. Documents filed by Working Washington with the Washington Secretary of State indicate that dealing with employers is part of its “purpose” and “nature.”

- The articles of incorporation Working Washington filed with the Washington Secretary of State on April 11, 2011 indicated that the organization’s purpose is to:

“...promote social welfare within the meaning of section 501(c)(4) of the Internal Revenue Code, by, among other activities, educating the public and promoting public policies that enhance the well-being of workers and their families, including fair and equal opportunity in the workplace and in our society, access to quality, affordable health care, economic security, and the preservation of our environment.” (emphasis added)

See Appendix page 3.

- The annual report filed by Working Washington with the Washington Secretary of State in 2014 stated the organization’s purpose as follows:

“Working Washington is a coalition of individuals, neighborhood associations, immigrant groups, civil rights organizations, people of faith, and labor united for good jobs and a fair economy. Together, we are building a movement to push corporations and politicians to invest in our communities and create good jobs. That's how to make the economy work for all of us, not just the top 1%.” (emphasis added)

See App. 6.

- The annual report filed by Working Washington with the Washington Secretary of State in 2016 described the organization’s purpose in the following manner:

“Working Washington is a statewide workers organization that fights to raise wages, improve labor standards, and change the conversation about wealth, inequality, and the value of work.” (emphasis added)

See App. 9.

- The annual report filed by Working Washington with the Washington Secretary of State in 2017 described the organization’s purpose this way:

“Our mission is to build a powerful workers’ movement that can dramatically improve wages and working condition [sic], and change the local and national conversation about wealth, inequality, and the value of work.” (emphasis added)

See App. 11.

- Beginning in 2018, the standardized annual reports filed with the Washington Secretary of State no longer included a field for the organization’s “purpose,” instead providing a field for the “nature of business.” This field was left blank on the report Working Washington filed in 2018. *See App. 12.*
- However, the annual reports filed by Working Washington with the Washington Secretary of State in 2019 and 2020 described the organization’s “nature of business” as follows:

“Our mission is to build a powerful workers’ movement that can dramatically improve wages and working conditions, and change the local and national conversation about wealth, inequality, and the value of work.” (emphasis added)

See App. 14, 17.

b. Documents filed by Working Washington with the Internal Revenue Service indicate that dealing with employers is part of its “mission.”

- On its 2015 Form 990 filed with the Internal Revenue Service (IRS), Working Washington described its “mission or most significant activities” as follows:

“Working Washington is a coalition of individuals, neighborhood association [sic], immigrant groups, civil rights organizations, people of faith and labor united for good jobs and a fair economy [sic] Together, we are building a movement to push corporations and politicians to invest in our communities and create good jobs [sic] That’s how to make the economy work for all of us, not just the top 1%.” (emphasis added)

See App. 20.

- Working Washington’s 2016 and 2017 Forms 990 filed with the IRS indicate its “mission” is:
“...to build a powerful workers’ movement that can dramatically improve wages and working conditions and change the local and national conversation about wealth, inequality, and the value of work.” (emphasis added)

See App. 41, 67.

c. Public statements by Working Washington indicate dealing with employers is part of its purpose and mission.

- The “About Working Washington” page on the organization’s website states,

“Our mission is to build a powerful workers movement that can dramatically improve wages and working conditions, and change the local and national conversation about wealth, inequality, and the value of work.”¹⁸ (emphasis added)

See App. 88.

- The “History & Leadership” page on the organization’s website states,

“Working Washington was founded in 2011 as part of the ‘Fight for a Fair Economy’, guided by the vision of SEIU International’s leadership, as well the leaders and members of SEIU locals, community groups, faith organizations and other labor unions in Washington state.

We quickly established a track record of groundbreaking successes in SeaTac, Seattle, and beyond. As many Fight for a Fair Economy campaigns came to a close, we took the bold step of diversifying our board and funding sources to achieve long-term sustainability so we could continue to unite workers to improve their working conditions. We moved offices and hired a new Executive Director to focus our organization around our vision of building a new form of worker organization for our changing economy.”¹⁹ (emphasis added)

See App. 91.

That Working Washington has so clearly and explicitly stated its purpose in terms of things like “raising wages” and “improving working conditions” is sufficient to show that it “deals with employers” for the purposes of the Act’s definition of “labor organization.” However, a review of the evidence further establishes that Working Washington’s actions regularly involve such dealings.

2. Working Washington does, in fact, “[deal] with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.”

- a.** Working Washington’s 2017 Form 990 described its “program service accomplishments” as follows:

¹⁸ Working Washington. “About Working Washington.” Accessed July 13, 2020. <http://www.workingwa.org/about>

¹⁹ Working Washington. “History and Leadership.” Accessed July 13, 2020. <http://www.workingwa.org/about/leadership>

“Working Washington mobilizes workers in a number of industries. Most of our work is direct communication with impacted workers, incenting them to take action to improve working conditions in their workplace or to support new legislation for workers’ rights.” (emphasis added)

See App. 67.

- b. LM-2 reports filed with OLMS by unions covered by the LMRDA record and describe 27 payments to Working Washington from 2011 through 2019, totaling \$15.5 million. Many of these payments were for “organizing” employees.²⁰
- In 2013, 2014, 2015, and 2016 SEIU national headquarters paid \$1.8 million, \$2 million, \$2 million, and \$62,500, respectively, to Working Washington as “support for organizing.”
 - In 2015, Teamsters Local 117 paid \$25,000 to Working Washington for “Uber campaign - organizing and communications.” The union also described Working Washington as a “labor organization.”

See App. 96.

c. **Public statements by Working Washington confirm it actually deals with employers.**

- The “About Working Washington” page on the organization’s website states:

“Working Washington fast food strikers sparked the fight that won Seattle’s first-in-the-nation \$15 minimum wage. We successfully drove Amazon to sever ties with the right-wing lobby group ALEC and improve conditions in their sweatshop warehouses. We helped lead the winning campaign in SeaTac for a \$15 living wage. And we made history once more when Working Washington baristas and fast food workers led the successful fight for secure scheduling in Seattle... [W]orkers [sic] bold action sparked a movement, and the speed and scale of the shift was extraordinary. Less than six months after the first Seattle fast food strike, the \$15 minimum wage was a regular topic of conversation in

²⁰ As these contributions suggests and other research confirms, Working Washington has exceptionally close connections to LMRDA-subject labor unions, particularly SEIU national headquarters (OLMS file no. 000-137) and Seattle-based SEIU Local 775 (OLMS file no. 542-433), and its “organizing” activity undoubtedly serves these unions’ interests. *See* Maxford Nelsen, “Working Washington Still An SEIU-Front Group,” the Freedom Foundation, Feb. 22, 2017. <https://www.freedomfoundation.com/labor/working-washington-still-an-seiu-front-group/>

Nevertheless, Working Washington files its own corporate documents with the Washington Secretary of State, maintains a different tax status as a 501(c)(4) nonprofit than its benefactor unions, which are 501(c)(5) organizations, and has its own board of directors. As such, Working Washington is sufficiently distinct to be considered “...a separate organization having an organic existence or structure of its own...” It is not “...a mere administrative arm or an integral, undifferentiated part of another labor organization” and can therefore be treated as an independent entity for purposes of LMRDA jurisdiction. *See* OLMS Interpretive Manual, Entry 030.603.

City Hall and, importantly, in workplaces across the region. And a year after the first strikes, Seattle passed the first citywide \$15/hour minimum wage.”²¹ (emphasis added)

See App. 88.

- The “History & Leadership” page on the organization’s website states:

“Working Washington was founded in 2011 as part of the ‘Fight for a Fair Economy’, guided by the vision of SEIU International’s leadership, as well the leaders and members of SEIU locals, community groups, faith organizations and other labor unions in Washington state.

We quickly established a track record of groundbreaking successes in SeaTac, Seattle, and beyond. As many Fight for a Fair Economy campaigns came to a close, we took the bold step of diversifying our board and funding sources to achieve long-term sustainability so we could continue to unite workers to improve their working conditions. We moved offices and hired a new Executive Director to focus our organization around our vision of building a new form of worker organization for our changing economy.”²² (emphasis added)

See App. 91.

- In an October 2019 interview with *Fast Company*, Working Washington executive director Rachel Lauter stated,

“We are multi-industry, and we see power in that. We also are centering our campaigns around precarity. Working at a fast-food restaurant like McDonald’s, it’s low-wage work, but it’s becoming more precarious because folks’ hours are being reduced, the wages haven’t been tracked or increased in any viable way, and people don’t have say over their schedules. We’re also seeing this really interesting thing happen where workers spend 15 hours a week at a traditional fast-food or retail job. Then they’re doing 15 hours a week on Uber and Lyft...

A big issue that we’re hearing from retail workers all over the place is that they’re just not getting enough hours. The balance is certainly off. Then, worker organizing is really, really hard. It’s difficult to become a union...

The power, or at least the opportunity, in, say, our gig-economy organizing has been that we take on corporate targets. We targeted Instacart, Postmates, Doordash to say, you guys need to raise your standards as a company and you need to stop tip theft, and you need to raise your wages while also bringing the workers from across those platforms through a broader campaign that hopefully

²¹ Working Washington. “About Working Washington.” Accessed July 13, 2020. <http://www.workingwa.org/about>

²² Working Washington. “History and Leadership.” Accessed July 13, 2020. <http://www.workingwa.org/about/leadership>

will pass laws and set standards for gig workers.”²³ (emphasis added)

See App. 97-98.

- A December 2019 job posting on Working Washington’s website for “member organizer” notes,

“We focus on industries with high rates of workplace violations, where people of color, immigrants and refugees, women, LGBTQ people, and young people are more likely to work. In order to reach these workers, we provide our services in multiple languages and partner closely with other grassroots community-based organizations led by people of color and/or LGBTQ people. Our goal is to build the power of workers across Washington state and serve as a national model for new forms of worker organizing. We envision a society in which all workers have access to safe, dignified, and well-paying jobs.

We are seeking a creative, talented, and ambitious person to join a top-notch organizing program dedicated to substantially growing our movement and building power for workers. This role will primarily focus on organizing in the restaurant industry...

The member organization [sic] will use a combination of in-field outreach and digital tools to identify workers and community supporters, engage them in our work, and develop their capacity as leaders in order to build worker power and move our campaigns forward. In addition, this position will educate and train workers about their rights on the job and help direct them to resources to enforce their rights. This position is focused on organizing full-service restaurant workers, both front and back of house workers, and the particular policy priorities and enforcement challenges in that industry.”²⁴ (emphasis added)

See App. 100-104.

3. Examples of Working Washington “dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.”

a. Alaska Airlines

- In 2012, Working Washington targeted Alaska Airlines as a way to change working conditions more broadly at Seattle-Tacoma International Airport:

²³ Eillie Anzilotti. “When vulnerable service workers want to fight for better wages, this group helps them organize.” *Fast Company*. October 28, 2019. <https://www.fastcompany.com/90421466/when-vulnerable-service-workers-want-to-fight-for-better-wages-this-group-helps-them-organize>

²⁴ Working Washington. “Job Posting: Member Organizer – Restaurants.” December 16, 2019. <http://www.workingwa.org/blog/2019/12/16/job-posting-member-organizer-restaurants>

“In 2011, as the movement against income inequality began to heat up and Occupy protesters took to the streets, a community group called Working Washington took to the streets in a different way. The group was formed by a group of Washington SEIU locals, including my own, SEIU 775. Working Washington organizers knocked on a hundred thousands doors in Seattle to talk with the working poor about their jobs, and found that a lot of people were working low-wage jobs at the airport. We also heard an overwhelming amount of anger and unrest around the poor pay and working conditions at those jobs...

A coalition of airport workers, community groups, and labor organizations, including Working Washington, the Teamsters, and SEIU, decided to take on the challenge of poverty jobs at the airport...

With assistance from organizers from Working Washington, SEIU, and the International Brotherhood of Teamsters, they identified Alaska Airlines as the most strategic airline to target. If Alaska would agree to require its subcontractors to improve pay and grant workers a fair union recognition procedure, it would have the impact of setting a new norm for the entire airport.”²⁵ (emphasis added)

See **App. 106-107**.

- In September 2012, Working Washington led a march on Alaska Airlines’ corporate headquarters to call on the company “to make every airport job a good job”²⁶ See **App. 108-110**.
- In early 2018, Working Washington publicly criticized Alaska Airlines’ position/policy on paid sick leave. In a quarterly report, Working Washington wrote:

“It only took Alaska Airlines and friends just one month to decide that they didn't want to follow the paid sick law. They say it's just too hard for huge, multi-billion dollar corporations who manage international air travel logistics to bear the ‘burden’ of letting their flight crew take their earned sick days, (just like it was too tough to pay workers \$15 an hour,) so they're suing the state. Check out the video below to see the details and hear what we had to say about it...”²⁷

See **App. 113**.

²⁵ David Rolf. *The Fight for \$15: The Right Wage for a Working America*. The New Press, New York (2016). Pgs. 107-108.

²⁶ Thea Levkovitz. “Diverse clergy to lead hundreds on march to Alaska Airlines headquarters calling for good jobs at our airport.” Working Washington. September 6, 2012. <http://www.workingwa.org/blog/2012/09/06/diverse-clergy-lead-hundreds-on-march-alaska-airlines-headquarters-calling-for-good-jobs-at-airport>

²⁷ Working Washington. “Memo, January/February 2018.” <https://spark.adobe.com/page/eYLgmuzUKfLA8/>

- In March 2013, Working Washington announced that it had helped more than 1,000 workers at Seattle-Tacoma International Airport — employed by various Alaska Airlines contractors, including Menzies Aviation, BAGS, Inc., Delta Global Services, and AirServ — to “[form] unions with SEIU Local 6” and Teamsters Local 117, both LMRDA-subject labor unions.²⁸ Working Washington led a “...march to Alaska Airlines Headquarters to demand Alaska executives direct the contractors they hire to negotiate with the workers’ unions for good jobs and living wages.”²⁹ *See App. 116-119.*
- In May 2015, Working Washington held a protest involving “...hundreds of workers and community supporters from Seattle, Tacoma, and every city in between at the Alaska Airlines annual shareholder meeting...” to “...urge the airline to give back to our communities by supporting good jobs and living wages at our airports.”³⁰ (emphasis added) *See App. 120-122.*
- In a February 10, 2018 email to its supporters, Working Washington criticized Alaska Airlines for filing litigation challenging aspects of a new statewide paid sick leave mandate, and stated its intention to “keep up our efforts to make sure every employer in Washington state is following the law and providing workers with the sick time they’re owed.” The email cited several media statements by Working Washington opposing the lawsuit. *See App. 123-125.*

b. Amazon

- In May 2012, Working Washington held an event outside Amazon’s corporate headquarters in Seattle featuring Amazon employees speaking out against working conditions in Amazon fulfillment centers and calling for “the giant retailer to deliver good jobs to the 99%.”³¹ *See App. 126-129.*
- In December 2016, Working Washington launched a petition drive calling on Amazon “to pay their workers a living wage” after the company listed a posting for a job that paid \$10/hr.³² *See App. 130.*

²⁸ OLMS file nos. 019-804 and 005-960, respectively.

²⁹ Thea Levkovitz. “Worker unrest continues at Sea-Tac Airport.” Working Washington. March 25, 2013.

<http://www.workingwa.org/blog/2013/03/26/worker-unrest-continues-at-seatac-airport>

Working Washington. “Poverty Wage Workers March On Alaska Airlines.” April 1, 2013.

³⁰ Working Washington. “Fighting for \$15 at Alaska Airlines annual shareholder meeting — Thursday, May 7th”

May 5, 2015. <http://www.workingwa.org/blog/2015/5/5/fighting-for-15-at-alaska-airlines-annual-shareholder-meeting-thursday-may-7th>

³¹ Sage Wilson. “THURSDAY, 5/10: Amazon warehouse workers to lead good jobs rally at corporate headquarters.” Working Washington. May 9, 2012. <http://www.workingwa.org/blog/2012/05/09/thursday-amazon-warehouse-workers-lead-good-jobs-rally-at-corporate-headquarters>

Nate Jackson. “Beneath glittering towers warehouse workers speak out.” Working Washington. May 16, 2012.

<http://www.workingwa.org/blog/2012/05/16/beneath-glittering-towers-warehouse-workers-speak-out>

³² Working Washington. “Hey Amazon: \$10/hour is not a living wage.” December 9, 2016.

<https://workingwa.tumblr.com/post/154249380925/hey-amazon-10hour-is-not-a-living-wage>

- Working Washington has sought to enlist the help of Amazon employees in opposing tax preferences for the company’s projects, claiming “...we know there are plenty of people who work at Amazon who are right here with us on all this stuff...”

Working Washington also claimed to have,

“...worked to hold [Amazon] accountable, from winning better conditions in their distribution centers, to moving them to stop funding right-wing policy shop ALEC, to standing up for the rights of the security officers who work at the company’s headquarters.”³³ (emphasis added)

See App. 131-134.

- Working Washington took credit for Amazon’s October 2018 decision to raise wages for its employees to \$15/hr.:

“Amazon’s embrace of the \$15 minimum wage comes five and half years after fast food workers in Amazon’s hometown walked out on strike and won the fight for \$15... We applaud the company for finally catching up to workers.

Today we’re fighting to win secure schedules, restore overtime protections, and ensure gig workers have the basic rights and benefits every worker needs. We look forward to seeing all of these reflected in Amazon’s policy and lobbying agenda as well.

Hopefully it won’t take five years this time.”³⁴

See App. 135-137.

- In the summer of 2018, Working Washington orchestrated a campaign to pressure Amazon to provide extra pay to employees using their Twitter accounts to promote the company. In a memo, Working Washington wrote:

“Amazon’s latest cost-cutting measure seems to be replacing PR hacks with Twitter accounts through which workers insist everything about working in Amazon warehouses is just peachy keen, and defend their boss, ‘Mr. Bezos.’... According to their own Tweets, the people behind these accounts actually aren’t getting paid for this service. Amazon’s PR staff almost certainly gets paid in the six-figure range — so why are they making warehouse workers defend the richest human in the world for free? We think it makes sense to ask Mr. Bezos

³³ Working Washington. “\$1.2 billion in public subsidies... for Amazon?” October 19, 2017. <http://www.workingwa.org/blog/2017/10/19/12-billion-in-public-subsidies-for-amazon>

³⁴ Working Washington. “Regarding Amazon’s \$15/hour announcement this morning.” October 2, 2018. <http://www.workingwa.org/blog/2018/10/2/regarding-amazons-15hour-announcement-this-morning>

himself...³⁵ (emphasis added)

See **App. 138.**

In a similarly themed email, Working Washington wrote:

“Amazon's newest cost-cutting measure seems to be replacing PR hacks with a hand-selected crew of warehouse workers who are taking to Twitter to defend their hero, ‘Mr. Bezos’...

You might be thinking, hey, at least they're taking in some extra money to supplement the wages they're making at warehouses in places like Kent, WA (where Michelle and Phil work, according to their Twitter bios)... According to the ‘ambassadors,’ the answer is no...

Amazon's PR staff almost certainly gets paid in the six-figure range — so why are they making warehouse workers defend the richest human in the world for free?

Click here to Tweet at Bezos & his ambassa-bots: ‘Hey @JeffBezos, if you're going to ask your lowest-wage Amazon workers to spend hours defending you on Twitter, the least you could do is pay them for it.’

Mr. Bezos probably has a few dollars to spare. He can afford it.” (emphasis added)

See **App. 139-141.**

- In an April 2018 email to its supporters, Working Washington wrote:

“Amazon warehouse workers in the UK are so closely monitored and so intensely pressured on their ‘efficiency’ that they often don’t have time to use the bathroom when they need to. ...

We all know that Amazon and other corporate giants can afford to do better than flushing workers’ rights down the toilet. But we also know they’re not going to clean up their act on their own.

That's where you come in.

Your \$13.28 contribution will help us us [sic] reach more than 1000 workers across the state with info about Know-Your-Rights trainings. Workers who attend these trainings will learn about their rights on the job — and what to do if those rights aren't being respected.

³⁵ Working Washington. “July/August 2018 memo.” <https://spark.adobe.com/page/oTFjLDojw6xlg/>

And that's what Working Washington is all about: turning our rights as human beings into on-the-job realities in every workplace in our state." (emphasis added)

See App. 139-141.

c. Aircraft Service International Group

Throughout 2012, Working Washington worked to organize aircraft fuelers at Seattle-Tacoma International Airport employed by the Aircraft Service International Group, a contractor for Alaska Airlines, including advocating for changes related to workplace safety, filing complaints with state agencies, seeking re-instatement of terminated employees, organizing a strike, and participating in litigation related to the attempted strike.³⁶ *See App. 145-163.*

d. Air Serv

In April 2014, Working Washington led a march on the Air Serv offices at Seattle-Tacoma International Airport,

"...and delivered a petition, signed by the majority of Air Serv workers, calling on management to meet with the workers' committee.

Air Serv workers handle baggage, clean airplanes, and provide wheelchair services at Sea-Tac Airport. The company is profitable but treats its workers shabbily... We crammed into the Air Serv office, filling it and spilling into the hallway. What we wanted was simple. Management needs to meet with the workers' committee to start to address the continuing issues of low pay, a lack of respect, and safety issues."³⁷ (emphasis added)

³⁶ Thea Levkovitz. "Sea-Tac aircraft fuelers vote to authorize strike for safety & fairness at work." Working Washington. October 3, 2012. <http://www.workingwa.org/blog/2012/10/03/seatac-aircraft-fuelers-vote-authorize-strike-for-safety-fairness-at-work>

Thea Levkovitz. "Sea-Tac fuelers and faith leaders deliver strike notice to airport contractor." Working Washington. October 3, 2012. <http://www.workingwa.org/blog/2012/10/03/seatac-fuelers-faith-leaders-deliver-strike-notice-airport-contractor>

Nathan Jackson. "Fired up about safety, Sea-Tac fuelers deliver a strike notice." Working Washington. October 4, 2012. <http://www.workingwa.org/blog/2012/10/05/fired-up-about-safety-seatac-fuelers-deliver-strike-notice>

Sage Wilson. "Federal Court hearing today on Sea-Tac fuelers' right to strike for safety & fairness." Working Washington. October 17, 2012. <http://www.workingwa.org/blog/2012/10/17/federal-court-hearing-today-on-seatac-fuelers-right-strike-for-safety-fairness>

Sage Wilson. "Decision on lawsuit against Sea-Tac fuelers expected in 24-48 hours." Working Washington. October 17, 2012. <http://www.workingwa.org/blog/2012/10/17/decision-on-lawsuit-against-seatac-fuelers-expected-hours>

Sage Wilson. "Fuelers' fight for safety & fairness will continue." Working Washington. October 19, 2012. <http://www.workingwa.org/blog/2012/10/19/fuelers-fight-for-safety-fairness-will-continue-despite-judges-preliminary-injunction-siding-company>

³⁷ Working Washington. "Extra Car Park isn't paying their workers \$15/hr." April 9, 2014. <http://www.workingwa.org/blog/2014/04/09/extra-car-park-isnt-paying-their-workers-hr>

See App. 164-167.

e. Bags, Inc.

In July 2014, Working Washington announced that it had succeeded in helping employees of Bags, Inc. — a contractor providing baggage handling services to Alaska Airlines — form a union.³⁸ *See App. 168-171.*

f. Blue Moon Burgers

In August 2017, Working Washington launched a petition drive targeting Blue Moon Burgers and seeking to get people to “tell Blue Moon’s owner you can’t support an establishment that discriminates against its workers!”³⁹ *See App. 172-175.*

g. Delta Airlines

- In June 2012, Working Washington coordinated an effort to pressure Delta Airlines and one of its contractors to re-hire three employees who lost their jobs following a change in contractors.⁴⁰ *See App. 176-179.*
- In October 2014, Working Washington led “[a] delegation of workers and community members” at Seattle-Tacoma International Airport demanding that Delta Airlines, “...their contractors and the other airport employers [] follow the latest CDC guidelines to protect both the workers and passengers from infectious diseases.”⁴¹ *See App. 180-183.*

h. Extra Car Park

In April 2014, Working Washington led a march on the Extra Car Park facility at Seattle-Tacoma International Airport “demanding better wages and working conditions” because “Extra Car Park isn’t paying their workers the \$15/hour that the people of SeaTac voted for and is trying to intimidate workers who are standing up for what they deserve.”⁴² *See App. 164-167.*

i. Hertz

In October 2011, Working Washington participated in/facilitated a demonstration at

³⁸ Working Washington. “Victory.” July 17, 2014. <http://www.workingwa.org/blog/2014/7/14/victory>

³⁹ Working Washington. “Is this any way for a burger chain to treat its employees?” August 23, 2017. <http://www.workingwa.org/blog/2017/8/23/is-this-any-way-for-a-burger-chain-to-treat-its-employees>

⁴⁰ Working Washington. “Workers push back against contractor musical chairs at our airport.” June 15, 2012. <http://www.workingwa.org/blog/2012/06/15/pushing-back-against-contractor-musical-chairs-at-airport>

⁴¹ Working Washington. “Sea-Tac workers call on Delta, other airlines, and contractors to follow infection control guidelines.” October 28, 2014. <http://www.workingwa.org/blog/2014/10/28/sea-tac-workers-call-on-delta-other-airlines-and-contractors-to-follow-infection-control-guidelines>

⁴² Working Washington. “Extra Car Park isn’t paying their workers \$15/hr.” April 9, 2014. <http://www.workingwa.org/blog/2014/04/09/extra-car-park-isnt-paying-their-workers-hr>

the Hertz Car Rental at Seattle-Tacoma International Airport protesting the suspension of a group of employees.⁴³ *See App. 184-187.*

j. Jack in the Box

In the fall of 2019, Working Washington implied it played a role in a settlement reached between a Seattle Jack in the Box franchise and its employees over alleged violations of the city’s so-called “secure scheduling” ordinance. Executive director Rachel Lauter said of the settlement,

“Seattle fast food workers were at the forefront of movement for better pay and standards, now they’re at the forefront of enforcing those standards, too. By standing together and working with the Office of Labor Standards, these workers held their employers accountable to the high road standards we’ve set as a city... We thank [the Seattle Office of Labor Standards] for their commitment to enforcing Seattle’s labor and employment laws, and their leadership in ensuring workers have predictable, flexible, and secure schedules — something we hope all workers in Washington will soon benefit from.”⁴⁴ (emphasis added)

See App. 188.

k. Menzies Aviation

In October 2012, Working Washington led a march of baggage handlers at Seattle-Tacoma International Airport on their employer, Menzies Aviation, to deliver a petition “...asking for better wages, fair treatment and a voice in their workplace.”

The petition read:

“To Menzies Aviation, and the airlines that contract with Menzies:

We, the undersigned, are Menzies leads, ramp and other Menzies workers. We request that you take drastic measures regarding our management’s treatment of employees.

We need: • Adequate supplies of proper personal protective equipment, like back supports and knee pads • Higher pay—at least equal to the amount Menzies pays in other airports that have similar costs of living • Employer paid medical benefits

We work hard and we know that we make Sea-Tac Airport run well. We deserve

⁴³ Nate Jackson. “Hertz Employees Suspended by Airport for Praying.” Working Washington. October 7, 2011. <http://www.workingwa.org/blog/2011/10/07/hertz-employees-suspended-for-praying>

⁴⁴ *The Seattle Medium*. “Office of Labor Standards: Jack In The Box Franchises To Pay Over \$172,000 To 569 Seattle Workers.” September 18, 2019. <https://seattlemedium.com/office-labor-standards-jack-box-franchises-pay-172000-569-seattle-workers/>

respect!”⁴⁵ (emphasis added)

See App. 189-192.

l. Pactera

In early 2018, Working Washington criticized certain job postings of tech company Pactera, encouraged people to submit job applications with a cover letter criticizing the postings and, after the postings were removed, stated “...we're still waiting for an explanation [from Pactera] & commitment to do better.”⁴⁶ *See App. 193-196.*

In a quarterly report, Working Washington described its work this way:

“A global technology company called Pactera is advertising for jobs based in Redmond...only for US Native candidates. Working Washington members applied for the job through Indeed.com, and told Pactera exactly what they thought about their discriminatory hiring practices. Due to a flood of angry ‘applicants’ and some pretty intense pressure via social media, the post was eventually removed. It seems like someone never told them that they can’t discriminate at work!”⁴⁷ (emphasis added)

See App. 114.

m. Security Industry Specialists/Amazon

In early 2017, Working Washington launched a campaign to pressure Amazon and its security contractor, Security Industry Specialists, to provide employees with a designated prayer space for use on work breaks.⁴⁸ *See App. 197-199.* Working Washington organized a campaign to get thousands of people to contact Amazon and Security Industry Specialists regarding the issue, conducted a “pray in” outside an Amazon campus in Seattle,⁴⁹ organized and/or participated in “a big rally on May Day,” and declared victory when “Amazon and their security contractor were moved to deliver on religious freedom and immigrant rights” by providing “access to prayer space [employees] can use on their breaks.”⁵⁰ *See App. 200-216.*

⁴⁵ Working Washington. “Airport workers are fed up.” October 10, 2012.

<http://www.workingwa.org/blog/2012/10/10/airport-workers-fed-up>

⁴⁶ Working Washington. “This look legal to you?” February 3, 2018. <http://www.workingwa.org/blog/2018/2/3/this-look-legal-to-you>

⁴⁷ Working Washington. “Memo, January/February 2018.” <https://spark.adobe.com/page/eYLgmuzUKfLA8/>

⁴⁸ Working Washington. “Not every company would do that.” February 10, 2017.

<http://www.workingwa.org/blog/2017/2/10/not-every-company-would-do-that>

⁴⁹ Working Washington. “Friday: a pray-in for religious freedom at Amazon.” February 14, 2017.

<http://www.workingwa.org/blog/2017/2/14/friday-a-pray-in-for-religious-freedom-at-amazon>

⁵⁰ Working Washington. “One Amazon security flaw fixed.” May 19, 2017.

<http://www.workingwa.org/blog/2017/5/19/one-amazon-security-flaw-fixed>

n. Starbucks

- Around 2015, Working Washington launched an effort to get Starbucks baristas to sign a letter to Starbucks CEO Howard Schultz seeking a meeting “...to find solutions to scheduling issues like unpredictable hours, under-staffing, clopening shifts, and access to paid sick days.”⁵¹ See **App. 217-228.**
- In March 2016, “[b]aristas and supporters with Working Washington” distributed “coffee sleeves that read #OurTimeCounts” outside the “Starbucks Annual Shareholder Meeting” to highlight “the issue of secure scheduling.”⁵² See **App. 229-232.**
- Working Washington criticized the parental leave policy adopted by Starbucks in February 2017. The organization was involved in a petition drive among employees calling for certain changes in the policy, generating hostile media coverage of the policy, and engaging in other activism.⁵³ See **App. 233-241.**
- In February 2017, Working Washington launched a campaign to get people to contact the Starbucks public relations department “...asking them to explain why baristas deserve less parental leave than corporate employees get.”⁵⁴ See **App. 242-245.**
- Around February 2017, Working Washington launched an effort to get people to contact Starbucks and urge it to “...update their [paid family leave] policy so it can be a model for our state & our nation by apply [sic] equitably to all types of employees, all types of parents, and all types of families.”⁵⁵ See **App. 246-255.**
- In March 2017, Working Washington reported that,

“...two Starbucks baristas delivered more then [sic] 80,000 petition signatures calling on the company to update its parental leave policy so it applies equally to all types of workers, all types of parents, and all types of families.”

It also called on people to “...send a message of support to Starbucks baristas

⁵¹ Working Washington. “Dear Howard Schultz...” Accessed July 15, 2020.

<http://www.workingwa.org/ourtimecounts/dear-howard/>

Working Washington. “This is our second attempt to contact Howard Schultz.” October 9, 2015.

<http://www.workingwa.org/blog/2015/10/9/this-is-our-second-attempt-to-contact-howard-schultz>

⁵² Working Washington. “TODAY: Baristas to distribute #OurTimeCounts coffee sleeves outside Starbucks shareholder meeting.” March 23, 2016. <http://www.workingwa.org/for-media/2016/3/22/4ed6u4oksukafx1zdczaza3pqwglj>

⁵³ Working Washington. “The incoming CEO of Starbucks is paying attention. Here's why.” March 23, 2017.

<http://www.workingwa.org/blog/2017/3/23/the-incoming-ceo-of-starbucks-is-paying-attention-heres-why>

⁵⁴ Working Washington. “Starbucks, you have some explaining to do.” February 14, 2017.

<http://www.workingwa.org/blog/2017/2/13/starbucks-you-have-some-explaining-to-do>

⁵⁵ Working Washington. “Time to care.” Accessed July 16, 2020. <http://www.workingwa.org/paidfamily/time-to-care>

fighting for paid family leave.”⁵⁶ See **App. 256-259**.

- In a September 2017 email, Working Washington wrote:

“On October 1, Starbucks plans to launch an inequitable paid family leave policy that offers three times as much leave to corporate employees as it does to the baristas who work in the stores. Not only that, but baristas who aren’t birth mothers — like new dads and adoptive parents (including many gay families) — don’t get access to any paid leave at all.

But there's still time for Starbucks to include everyone. Click here to tell Starbucks they can do better than this discriminatory policy. ...

Starbucks is based here in Washington — so let’s stand with these workers and tell Starbucks that ALL their employees deserve time off to spend with their families, no matter what kind of work they do or what their family looks like.” (emphasis added)

See **App. 260-261**.

- Working Washington applauded when Starbucks updated its policy in the fall of 2017 but continued to criticize aspects of the new policy and urged people to contact the company to change it further:

“It’s great that Starbucks wants to expand parental leave... but right now, it seems like they’re going out of their way to find different groups of people to leave out. It just doesn’t make sense.

So let’s ask them: What are you thinking? Why include adoptive dads but not dads whose partners give birth? Why are you making this so complicated? Why are you still giving baristas so much less?

Starbucks is clearly listening to us — and we’re making change. They know expanding their parental leave policy is the right thing to do — let’s find out why they’re not doing it.”⁵⁷ (emphasis added)

See **App. 262-265**.

- When Starbucks again changed its parental leave policy in early 2018, Working Washington claimed it was the result of its labor organizing:

⁵⁶ Working Washington. “The VP of Global Benefits.” March 21, 2017. <http://www.workingwa.org/blog/2017/3/21/the-vp-of-global-benefits>

⁵⁷ Working Washington. “Starbucks, this is... weird.” October 7, 2017. <http://www.workingwa.org/blog/2017/10/7/starbucks-this-is-weird>

“After months of organizing by baristas and overwhelming support from customers, Starbucks announced this morning that they are making a big improvement to their corporate paid family leave policy... The real credit goes to the baristas with Working Washington and other organizations across the country who led the way...”⁵⁸ *See App. 266-269.*

“Around this time last year, Starbucks announced a wildly inequitable parental leave policy which provided that store employees would get dramatically less parental leave than corporate employees, and baristas who aren’t birth mothers wouldn’t get any paid leave at all.

In response, petitions sprouted up across the country — including a Working Washington effort to try and get the corporate PR department to explain how they can justify a policy that seems to say the children of baristas and hourly workers are less important than those born to corporate employees.

After a year-long campaign, thousands of petition signatures, and a pretty outlandish action outside a shareholders meeting, Starbucks says they’re making the change...because of tax cuts.

But we know better. The real credit goes to the baristas with Working Washington and other organizations across the country who led the way...”⁵⁹

See App. 111-112.

Additional information and a more detailed timeline were included in a January 2018 email sent to Working Washington’s supporters. *See App. 270-271.*

- When Starbucks held a pre-election event in November 2019, Working Washington criticized the company, with spokesperson Sage Wilson stating:

“Nobody who works for Starbucks or any other giant corporation wants their CEO to push them to vote a certain way — especially not by threatening their jobs. It’s an unsavory pressure tactic, and if it’s not already illegal, it probably should be... It’s also not going to work. This is a company that opposed the \$15 minimum wage and opposed secure scheduling. They even refused for years to protect public health and safety by installing safe needle disposal boxes in store bathrooms.

Employees are well aware that the people running the company might not

⁵⁸ Working Washington. “How baristas organized, spoke out, and won a more equitable corporate paid family leave policy at Starbucks.” January 24, 2018. <http://www.workingwa.org/blog/2018/1/24/how-baristas-organized-spoke-out-and-won-a-more-equitable-corporate-paid-family-leave-policy-at-starbucks>

⁵⁹ Working Washington. “Memo, January/February 2018.” <https://spark.adobe.com/page/eYLgmuzUKfLA8/>

always have the same interests as the rest of us...”⁶⁰

See **App. 272.**

- o.** In early 2020, Working Washington created a petition drive for Starbucks employees asking the company to continue providing health insurance benefits to employees who previously qualified by working more than 20 hours per week, but who fell below that threshold during the COVID-19 pandemic.⁶¹ See **App. 273.**

In an email, Working Washington wrote:

“Starbucks is better than some other companies about offering healthcare benefits to baristas, but you need to work an average of at least 20 hours a week to qualify. So if you get cut back below 20 hours, that means losing healthcare benefits — in the middle of a public health crisis.

And now they’re talking about closing a bunch of stores and shifting to drive-thru only. That could be the right decision for public health, but it also means there are probably going to be a lot more hours cuts this month.

And that means a lot more people could get kicked off of their Starbucks healthcare.

But they don’t need to cut anyone off.

They can just keep paying for benefits and keep people covered through the crisis, when medical benefits are more important than ever. We all know they can afford to do it, and they keep on talking about how important workers’ health is.

Sign on, [REDACTED]: Tell Starbucks to protect our health by protecting our healthcare.

Nobody should be losing their healthcare benefits during this crisis...

Starbucks would normally be kicking people off of healthcare in July for not having enough hours, but a lot of people are going to be really low the first half of the year because of the crisis. We need them to commit to not kick anyone off in their July audit, no matter how many hours they are able to work during the coronavirus crisis.” (emphasis added)

See **App. 274-276.**

⁶⁰ Amy Radil. “Starbucks tells its Seattle workers to consider ‘public safety’ when they vote.” KUOW 94.9. November 1, 2019. <https://www.kuow.org/stories/starbucks-urges-seattle-employees-to-weigh-public-safety-in-vote>

⁶¹ See <https://www.coworker.org/petitions/starbucks-needs-to-protect-our-health-by-protecting-our-healthcare>

A subsequent email suggested Working Washington was engaged in pressuring additional companies to make similar commitments to continue health insurance benefits:

“Hours cuts and layoffs are likely to lead to huge numbers of people losing their healthcare benefits. While some businesses, like Molly Moon's in Seattle, have committed to preserve workers' healthcare, we are calling on large companies like Starbucks to make this commitment. We want to see this commitment from public plans too — because nobody should be losing their healthcare benefits in the midst of a public health crisis.” (emphasis added)

See **App. 277-279**.

p. Subway

- In 2013, Working Washington paid Seattle-area Subway employees to go on strike against their employer over wages and working conditions.⁶²
- In late 2013 and early 2014, Working Washington filed three unfair labor practice complaints against a Seattle-area Subway franchise with the National Labor Relations Board on behalf of the franchise’s employees. The complaints listed Working Washington as the “charging party”/“union.”⁶³
- In the fall of 2013, Working Washington led a boycott of a Seattle Subway franchise demanding the reinstatement of a terminated employee and a pay raise to \$15 per hour.⁶⁴ See **App. 280-299**.

q. Target

In a November 2017 email to its supporters, Working Washington took credit for

⁶² Maxford Nelsen. “SEIU-funded group paying fast food workers to protest.” Freedom Foundation. November 23, 2013. <https://www.freedomfoundation.com/labor/seiu-funded-group-paying-fast-food-workers-to-protest/>

⁶³ National Labor Relations Board. Case Nos. 19-CA-112260, 19-CA-112951, and 19-CA-122948.

⁶⁴ Charlette LeFevre. “Subway Boycott called by Working Washington.” *Seattle Post-Intelligencer*. October 7, 2013. <https://blog.seattlepi.com/capitolhill/2013/10/07/subway-boycott-called-by-working-washington/>
Angela Nickerson. “Labor rights group sues Subway for firing striker.” *Capitol Hill Times*. October 3, 2013. <https://web.archive.org/web/20150819112612/http://www.capitolhilltimes.com/2013/10/labor-rights-group-sues-subway-firing-striker/>

Working Washington. “Subway gets 1 star reviews.” September 16, 2013. <http://www.workingwa.org/blog/2013/09/16/subway-gets-star-reviews>

Working Washington. “ON STRIKE AGAINST SUBWAY: fast food workers deserve respect.” September 24, 2013. <http://www.workingwa.org/blog/2013/09/24/on-strike-against-subway-fast-food-workers-deserve-respect>

Working Washington. “Don't you buy that Footlong!” October 1, 2013. <http://www.workingwa.org/blog/2013/10/01/dont-buy-that-footlong>

Working Washington. “They blamed it on a cookie?” October 6, 2013. <http://www.workingwa.org/blog/2013/10/07/they-blamed-on-cookie>

Working Washington. “Customers turn away from Subway - in support of striking worker.” October 15, 2013. <http://www.workingwa.org/blog/2013/10/15/customers-turn-away-from-subway-support-of-striking-worker>

Target's decision to increase starting wages to \$15/hr.:

“The Target Corporation announced they're raising their store minimum wage all the way to \$15/hour by 2020... When fast-food workers with Working WA first went out on strike for \$15, nobody really thought this is where we'd be just a few years later: one of the largest retailers in the country is choosing to raise wages to \$15/hr nationwide. Every time you look, you see that this movement just keeps getting so much bigger, so much faster than anyone could have expected... I think it's incredible progress that the Fight for \$15 has changed the landscape so dramatically that huge corporations like Target feel like they have to raise wages to get a good media hit. And as a supporter of Working Washington, you had more than a little bit to do with it.” (emphasis added)

See App. 300-301.

r. Verizon

In August 2011, Working Washington participated in/facilitated a strike involving Verizon employees in Seattle:

“Working people at Verizon have toiled behind the scenes to make the telecommunications giant profitable and recognizable around the world...

Now, in the midst of great profits, Verizon is trying to change the rules. The main points of contention at the strike, according to the NY Times, are benefits, wages, health costs and paid sick leave....

At Working Washington, we are fighting for those good jobs to stay good jobs in downtown Seattle at the Verizon store on 6th Ave. from noon until 3 p.m this Tuesday, Aug. 15. You can stand with us at 1633 6th Ave., Seattle, WA 98101.”⁶⁵ (emphasis added)

See App. 302-305.

s. Yakima fruit packing companies

- Working Washington aided strikes by employees at several fruit-packing companies in the Yakima, Wash.-area:

“Earlier this month, more than one hundred workers at the Allan Bros fruit packinghouse walked out on strike after 14 of their co-workers tested positive for COVID-19. Their call for hazard pay and COVID safety protections has spread across the valley, with more than 1000 workers joining picket lines at 7 different packing houses.

⁶⁵ Nate Jackson. “Verizon, can you hear us now?” Working Washington. August 16, 2011. <http://www.workingwa.org/blog/2011/08/16/verizon-can-you-hear-us-now>

It's been decades since a strike wave like this shook our state...

After weeks of strikes, workers at three apple packing warehouses — Allan Brothers, Monson Fruit, and Matson Fruit. Co — have reached agreements with management and returned to work. Workers continue to strike at the Columbia Reach facility.

Leaders on the picket lines are asking supporters to take five minutes to call Columbia Reach and urge them to negotiate in good faith with their workers and not retaliate against them for striking! (Note: be sure to be polite — firm, but polite!)

Columbia Reach in Yakima, WA (509) 457-8001

*Sample script: ...*⁶⁶ (emphasis added)

See App. 306-310.

Working Washington expanded on the call to action in an email sent to its supporters:

“Earlier this month, more than a hundred immigrant workers at the Allan Bros fruit packinghouse in Yakima Valley walked out on strike after 14 of their coworkers tested positive for COVID-19. Their bold action and call for hazard pay and COVID safety protections sparked a worker uprising which has spread across the valley, with more than 1000 workers joining picket lines at eight different packinghouses and demanding:

- Health & safety protections amidst the rising threat of COVID-19
- No retaliation if a worker complains about safety measures not being enforced
- \$2 Hazard Pay to reflect the risks they are taking as essential workers
- A permanent hourly wage increase to a just wage that extends beyond the timeframe of the pandemic...

Working Washington and Fair Work Center have been there at the picket lines, following workers' leadership, backing up the organizing work of Community to Community and Familias Unidas por la Justicia, and helping workers file health & safety complaints. More than 200 workers have filed complaints with L&I in the past several days alone.

The strikers are on the frontlines of the coronavirus crisis — officially ‘essential’ workers in a COVID hotspot. Meanwhile these companies are paying minimum wage, forcing workers to do their jobs in close quarters

⁶⁶ Working Washington. “Support striking Yakima workers.” May 21, 2020. <https://www.workingwa.org/blog/2020/5/20/support-striking-yakima-workers>

without adequate social distancing, and failing to provide basic protections like masks and sanitizer.” (emphasis added)

See App. 311-313.

t. Other

- In June 2012, Working Washington coordinated/participated in a rally to support unionized janitors in the Seattle area represented by SEIU Local 6 during contract negotiations with their employer(s).⁶⁷ *See App. 314-316.*
- In May 2013, Working Washington orchestrated a strike by fast food workers in the Seattle area “...forcing three restaurants to close as the workers walked out, echoing the national call for a living wage of \$15 and the right to organize without retaliation.”⁶⁸ *See App. 317-319.*
- In August 2013, Working Washington orchestrated a strike by employees of Seattle-area fast-food restaurants “...to improve conditions for all workers because everyone deserves a basic standard of \$15/hour and the right to organize without retaliation.”⁶⁹ (emphasis added) *See App. 320-323.*

The week of protests, demonstrations, informational pickets and episodes of civil disobedience targeted “Burger King, Taco Bell, Subway, Arby's, Starbucks, and other low-wage employers across the city” of Seattle “over the issues of low pay & criminal wage theft.”⁷⁰ (emphasis added) *See App. 324-327.*

- In February 2014, Working Washington led another strike and boycott of fast food restaurants:

“Fast food workers are calling on Seattle to Boycott McPoverty on February 20th. The mass citywide boycott will call on the big burger chains will to lead by example and implement a \$15 wage that transforms McPoverty into middle-out prosperity.”⁷¹ (emphasis added)

⁶⁷ Working Washington. “As immigrant students celebrate major advance, immigrant workers rally to protect family healthcare.” June 15, 2012. <http://www.workingwa.org/blog/2012/06/15/as-immigrant-students-celebrate-major-advance-immigrant-workers-rally-protect-family-healthcare>

⁶⁸ Working Washington. “Seattle Fast Food Workers Are On Strike.” May 30, 2013. <http://www.workingwa.org/blog/2013/05/30/seattle-fast-food-workers-on-strike>

⁶⁹ Working Washington. “We're walking out on August 29th. Join us.” August 27, 2013. <http://www.workingwa.org/blog/2013/08/28/were-walking-out-on-august-th-join>

⁷⁰ Sage Wilson. “Eight arrested outside downtown Seattle McDonald's in civil disobedience over poverty wages and criminal wage theft.” Working Washington. August 1, 2013. <http://www.workingwa.org/for-media/2013/08/02/eight-arrested-outside-downtown-seattle-mcdonalds-civil-disobedience-over-poverty-wages-criminal-wage-theft>

⁷¹ Working Washington. “Boycott McPoverty - February 20th.” February 10, 2014. <http://www.workingwa.org/blog/2014/02/10/boycott-mcpoverty-february-th>

Working Washington. “I want to get out.” February 17, 2014. <http://www.workingwa.org/blog/2014/02/17/i-want-get-out>

See **App. 328-330**.

The effort targeted Seattle-area McDonald's, Burger King and Wendy's locations and was meant "...to show support for a \$15/hour wage in fast food..."⁷² See **App. 331-334**.

- In May 2014, Working Washington led another strike/protest "for better pay" by fast food employees in the Seattle area.⁷³ See **App. 335-337**.
- In April 2015, Working Washington orchestrated a series of strikes and protests around the Puget Sound area to "[take] on giant corporations like McDonald's, Walmart, and Alaska Airlines." Macy's and Seattle University were also targets of the actions, which focused on raising wages and improving working conditions.⁷⁴ See **App. 338-345**.
- In a December 22, 2017 email to its supporters, Working Washington touted its accomplishments in a year-end fundraising appeal:

"[N]obody else is building worker power in the fields and packing houses of the Yakima Valley. Nobody else is bringing nannies and house cleaners together to campaign for a breakthrough domestic workers bill of rights. Nobody else is holding businesses accountable for misleading minimum wage surcharges and changing the conversation about wealth, inequality, and the value of work.

Nobody else has racked up anything like our record of breakthrough victories that transform the working lives of hundreds of thousands of people at a time and spark nationwide change...

Working Washington fast food strikers sparked the fight that won Seattle's first-in-the-nation \$15 minimum wage. Working Washington baristas led the successful campaign for secure scheduling in Seattle, and our members across the state helped drive forward Initiative 1433 to raise the minimum wage and provide paid sick days. We successfully moved Amazon to sever ties with the right-wing lobby group ALEC and improve conditions in their sweatshop warehouses, and got Starbucks to address inequities in their corporate parental leave policy. And we made history once again with the landmark statewide paid family leave law that passed earlier this year." (emphasis added)

⁷² Sage Wilson. "Final details for Thursday's Boycott McPoverty boycott lines & mid-day rally." Working Washington. February 19, 2014. <https://www.workingwa.org/for-media/2014/02/20/today-boycott-mcpoverty-echoes-across-seattle-support-of-hour-wage>

⁷³ Working Washington. "Workers demand \$15." May 13, 2014. <http://www.workingwa.org/blog/2014/05/13/workers-demand>

Sejal Parikh. "Seattle Fast Food Workers Vote to Strike." Working Washington. May 14, 2014. <http://www.workingwa.org/blog/2014/05/14/seattle-fast-food-workers-vote-strike-2>

⁷⁴ Working Washington. "APRIL 15TH, 2015: \$15 IS JUST THE BEGINNING: Inequality ends with us." Accessed July 15, 2020. <http://www.workingwa.org/15-is-just-the-beginning>

See App. 346-347.

- A March 2018 fundraising email from Working Washington to its “members” stated:

“Here are just some of the things your contribution will support:

- Nannies, house cleaners, and other domestic workers organizing to build power and win a Domestic Workers Bill of Rights in Seattle.
- Gig economy workers organizing for basic rights and benefits across the state.
- Organizing to make sure that secure scheduling for coffee, food, and retail workers in Seattle, is being enforced. (Workers are already seeing the benefits, like two weeks' notice of their schedules and stability in their lives outside of work!)
- Speaking of secure scheduling, we think all workers in Washington state deserve stability and consistency in their lives. We’re pushing to take that fight statewide.
- Putting an end to misleading minimum wage surcharges.
- Immigrant workers building power in central Washington.
- Building a movement that can reach people all across the state — in person and online too...
- Hosting more ‘know your rights’ trainings for workers.
- Enforcing paid sick days and other basic labor standards.
- Winning a portable benefits law so gig workers and other independent contractors can access benefits like unemployment, health insurance, retirement, and workers' comp.
- Creating resources for workers who have experienced issues on the job, like sexual harassment or pay inequity.
- Providing health and safety trainings for workers in the Yakima Valley.”
(emphasis added)

See App. 348-349.

- An April 2018 post on Working Washington’s website described the organization as,

“...the voice for workers in our state. Working Washington fast food strikers sparked the fight that won Seattle’s first-in-the-nation \$15 minimum wage. Working Washington baristas and fast food workers led the successful campaign for secure scheduling in Seattle, and our members across the state helped drive forward Initiative 1433 to raise the minimum wage and provide paid sick days. We successfully drove Amazon to sever ties with the right-wing lobby group ALEC and improve conditions in their sweatshop warehouses, and got Starbucks to address inequities in their corporate parental leave policy. And we made history once again with the landmark statewide paid family leave law

passed last year.”⁷⁵ (emphasis added)

See **App. 350-354.**

- In an October 2018 email, Working Washington asked its supporters to complete a poll indicating whether they worked “...enough hours to pay your rent this month... And then we'll let you know how you can help keep employers accountable so we all get the schedules we need.” (emphasis added) See **App. 355-356.**
- In a January 2019 op-ed for the *Seattle Times*, Lauter advised Seattle-area employers to change their workplace policies in response to a large transit project:

“Employers in our region can do more to help their employees ride out the upcoming Seattle Squeeze — no matter what kind of work they do...

There are hundreds of thousands of people in our region who work in food service, retail, warehouses, caregiving, delivery, and other fields that require them to show up at their workplace to do their job.

At Working Washington and Fair Work Center, our job is to advance the interests of all workers, in all kinds of industries. We hear about scheduling issues daily. And we know there are specific things employers can do to offer relief to these employees, too:

- Provide at least two weeks’ notice of work schedules. Employees will need extra time to plan their lives, accommodate caregiving needs, and adjust their commutes given the level of congestion and increased travel-time expected.
- Set a minimum shift length of at least four hours. Extended commute times will make short shifts particularly hard on employees, and fewer shift changes means less trips in the region.
- Do not rely on on-call shifts. Employees should not be expected to come to work without notice and arrive within a short time of being called in.
- Accommodate workers who need to modify their availability. Employers should go the extra mile to adjust employees’ schedules to accommodate transportation challenges, and plan more shift overlap to account for added unpredictability in travel times.
- Establish employee-to-employee shift swapping systems. Employees should be allowed to trade shifts with co-workers (including those who work at different locations), so they can provide additional flexibility to each other.

⁷⁵ Working Washington. ““You need to treat them like they’re a human being”: 2 new research reports indicate how workers — and businesses — can benefit from secure scheduling.” April 4, 2018. <http://www.workingwa.org/for-media/2018/4/4/you-need-to-treat-them-like-theyre-a-human-being-2-new-research-reports-indicate-how-workers-and-businesses-can-benefit-from-secure-scheduling>

- Waive discipline for employees who arrive late to work due to transportation. Employees should not be penalized for our region’s transportation squeeze, including through the application of “points” in occurrence-based discipline systems, or algorithmic management systems.
- Contribute to employees’ transportation costs. This can greatly increase transit ridership, reducing traffic impacts for everyone.
- Audit for compliance with Seattle’s secure scheduling ordinance. Large food and retail chains doing business in Seattle are already obligated by law to provide advance notice, pay for on-call shifts, accommodate transportation-related scheduling needs, and more.”⁷⁶ (emphasis added)

See **App. 357.**

- In a May 2019 email, Working Washington touted some of its achievements, writing:

“Six years ago today, Seattle fast workers with Working Washington first walked out on strike for \$15/hour. Their bold action changed the conversation about poverty wage jobs, and sparked a campaign that led to the nation's first citywide \$15 minimum wage law...

Since that day six years ago, our movement has continued to take bold action and win new rights for workers in our state:

- We won the nation's strongest secure scheduling law for food & retail workers in Seattle.
- We raised the statewide minimum wage and won paid sick days for a million workers in our state.
- We moved Starbucks to address inequities in its corporate parental leave policy, and help win paid family leave for all workers statewide.
- We won a groundbreaking domestic workers bill of rights and a unique stripper safety & security law — both of which give key roles in shaping industry standards to the people who actually do the work.

And there's more on the way... We're organizing to take secure scheduling statewide. We launched a nationally-recognized campaign to win new rights for workers in the gig economy that's already getting results. And we're at the forefront of an effort to ensure employers recognize the value of our time by restoring overtime protections for salaried workers.

Our members power this work by stepping up, speaking out, taking action, and chipping in.” (emphasis added)

⁷⁶ Rachel Lauter. “Employers, here’s how to help your workers survive the Seattle Squeeze.” *The Seattle Times*. January 13, 2019. <https://www.seattletimes.com/opinion/employers-heres-how-to-help-your-workers-survive-the-seattle-squeeze/>

See **App. 358-359**.

- A December 2019 post on Working Washington’s website lists some of the organization’s largest accomplishments since its founding in 2011, indicating quite a bit of “dealing” with employers regarding working conditions:

“When the decade began, there were no local labor standards in Seattle. There was no organization in the state focused on organizing workers to stand up for their rights. There was nobody doing community-based outreach & education, and there were no civil legal clinics focused on workers rights. And then everything changed.

Here’s how the decade played out — and what we accomplished.

2011

Working Washington is born, and in September, Seattle passed one of the first paid sick days laws in the country.

2012

We mounted months of public pressure about Amazon warehouse working conditions, and the company responded by announcing during their May shareholder meeting — as we protested outside — that they would invest \$54 million to improve conditions at company facilities.

2013

Fast food workers in Seattle walked out on strike and sparked the nationwide fight for \$15 movement. In November, SeaTac voters passed a \$15 living wage law for airport, transportation & hospitality workers.

2014

Seattle makes labor history, becoming the first city in the country to pass a citywide \$15 minimum wage.

2015

Fair Work Center opens its doors, establishing a new national model for outreach, education, and community-based enforcement.

2016

Coffee, fast food & retail workers win a secure scheduling law in Seattle that provides advance notice of shifts, access to additional hours, a right to rest, and

more. And Washington state passes Initiative 1433, raising the statewide minimum wage to \$13.50/hour by 2020 and establishing paid sick days.

2017

Starbucks baristas win an improved corporate paid family leave policy, and the state legislature passed a statewide paid family leave law (which takes effect this January 1st).

2018

Seattle nannies and housecleaners pass a Domestic Workers Bill of Rights that eliminates their exclusion from basic workplace protections. And Working Washington and Fair Work Center came together to build a new model of worker power that combines organizing, enforcement, campaigns, and more.

2019

We won new rules which expand overtime protections to several hundred thousand overworked & underpaid salaried workers in our state. We successfully transformed the pay models of three multi-billion-dollar gig apps, re-established the principle that tips are on top of pay, and launched a national campaign to reboot the gig economy. And we founded CAPE, a political committee which took on Amazon in Seattle's elections... and won.

2020 & beyond

What's in store for 2020? We have big plans! We're going to do what it takes to win pay standards for people working in the gig economy. We're going to pass statewide secure scheduling. We're going to pursue new policies to expand our capacity to enforce workers [sic] rights. We're going to reach more workers in more workplaces with info on their rights and how to enforce them. We're going to put millions of dollars money back into workers; [sic] pockets through higher standards, more power, and more enforcement. And we're going to make it all happen with your support."⁷⁷ (emphasis added)

See App. 360-363.

- In another December 2019 post on its website, Working Washington recounted its accomplishments in 2019 and previewed its agenda for 2020:

“Here are ten huge things we accomplished together at Working Washington & Fair Work Center in 2019: ...

⁷⁷ Working Washington. “There was no such organization.” December 27, 2019. <https://www.workingwa.org/blog/2019/12/27/there-was-no-such-organization>

We launched the PayUp campaign and rapidly emerged as the national leaders on gig worker organizing, uniting more than 10,000 workers around three simple demands to reboot the gig economy with a pay floor of \$15 + expenses, with tips on top, and pay transparency.

And we got results: gig workers successfully transformed the pay policies of three multi-billion dollar corporations (Instacart, DoorDash, and Amazon Flex), re-establishing the basic norm that tips go to workers, not corporations...

We held a powerful memorial & training in honor of Omar Gomez Lopez, a farmworker who was killed on the job last year, and built a robust community of Yakima Valley agricultural workers trained on health and safety...

And through it all, we made sure workers themselves were leading the conversation about workers' rights & the future of work by crashing the gates of the national media...

Getting this all done means organizing workers one-to-one in communities across the state. It means lifting up workers' voices in the media and to policymakers. It means building big coalitions of supporters to get things done...

And by the way — if you think we got a lot done this year, just wait for 2020... [S]tarting on January 2nd we're going to get to work to take secure scheduling statewide so food & retail workers have the predictability and flexibility they need. We're going to win groundbreaking new rights for workers in the gig economy. We're going to stand up to income inequality and take on corporate power. We're going to enforce the rights we've won. And so much more."⁷⁸

See App. 364-367.

- Working Washington has mounted public campaigns against Seattle-area employers that implemented minimum wage surcharges after city government imposed a \$15/hr. minimum wage. The goal of these efforts is to,

“...stop this trend & eliminate minimum wage surcharges. Already, several prominent companies which instituted these kinds of charges have reversed themselves after hearing from customers. We hope to see more of the same.”⁷⁹

See App. 368-373.

For instance, Working Washington criticized The Melting Pot restaurant in

⁷⁸ Working Washington. “What have we done.” December 20, 2019.
<https://www.workingwa.org/blog/2019/12/20/what-have-we-done>

⁷⁹ Working Washington. “Surcharge on your check?” Accessed July 14, 2020.
<http://www.workingwa.org/action/surcharge>

Seattle over this issue:

“First, the owner of The Melting Pot in Seattle supported the unsuccessful campaign to repeal the city’s \$15 minimum wage law. Then, they added a misleading surcharge to their customer’s receipts, labeling it a ‘government mandate,’ and then claiming it wasn’t a political statement. That’s bad enough, but it gets worse: people who work there are now saying that they were never paid \$15 an hour, and that the misleading surcharge never even went to workers at all. Can you believe? Well, we can because we see these all the time. If you see a minimum wage surcharge, let us know about it! And then join the fight to get rid of them once and for all.”⁸⁰

See App. 374.

In a similar email, Working Washington repeated its claims against The Melting Pot, called minimum wage surcharges “a gateway to wage theft,” and concluded with the following call to action: “If you see a misleading minimum wage surcharge at a place where you work, shop, or eat, let us know about it.” (emphasis added) *See App. 376-378.*

4. Employees participate in Working Washington and its dealings with employers.

a. Working Washington has “members,” at least some of whom are also “employees.”

- Working Washington maintains a “membership” page on its website, which solicits and describes⁸¹ membership:

“Working Washington is the voice for workers in our state... [W]e organize to raise wages, improve working conditions, and change the conversation about wealth, inequality and the value of work...

You can be a part of it: by making a contribution of \$10/month or more, you become a card-carrying member of Working Washington with the strength of eighty thousand fellow workers backing you up. And your membership card isn’t another something to jam into your wallet — it includes critical info on your 6 basic rights at work, and a number you can text if something’s up. (We can send it in the mail or keep it digital — that’s up to you.)

But wait, there’s more! :) By signing up as a member of Working Washington today you also get access to:

⁸⁰ Working Washington. “Working Washington Memo, March/April 2019.” <https://spark.adobe.com/page/XewzMrpuTwhIg/>

⁸¹ Many of the services Working Washington claims to provide to its “members” qualify as “dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.”

Member TRAINING & EVENTS

Every Working Washington member can attend a special Know Your Rights training where you can find out what you need to know about your rights at work, how to stand up for them, and how we can work together to win new breakthroughs for workers in our state. Get five people together and we'll even do a training just for you.

Member STRENGTH

If you have an issue on the job, we'll back you up and help you get it resolved — whether that means a letter from us, a conversation with your co-workers, advice on getting in touch with the city or state, or even help getting access to basic legal advice.

Member DIGNITY

Once you sign up, you can ask us to send a letter to your boss making sure they know that someone who works for them is a member of Working Washington, with the strength of eighty thousand other workers backing them up. That should help remind them to respect your rights and treat everyone with dignity. And we can even keep it all anonymous if you prefer.

Member POWER

Fancy lobby groups for multi-billion-dollar corporations spend big bucks every year trying to elect politicians who promise to give out giant tax breaks, roll back workers' rights, and cater to every desire of the top 1%. Together with thousands of other workers across the state, you give us the power we need to fight back and elect candidates who will work for workers, not billionaires — and then hold them accountable to do just that.

Member VOICE

Do you already have a good job where you're treated with respect? That's great — and you can be a part of Working Washington too! Your membership contribution and your voice help power our work to make sure every worker has a good job and a living wage — because that should be a basic right in every workplace, not a special privilege for a lucky few.”⁸² (emphasis added)

See App. 379-382.

Working Washington's online membership form explains that there are multiple membership levels with correspondingly different benefits:

“Your online membership at \$10/month includes:

- A digital Working Washington membership card
- Access to special events and trainings

⁸² Working Washington. “Membership.” Accessed July 17, 2020. <http://www.workingwa.org/member/join>

- A members-only text message line for questions on your rights & other workplace issues
- An investment to help power our movement to enforce workers rights, win new laws & policies, and help elect pro-worker candidates to office.

Your supporting membership at \$15/month includes:

- All the benefits of online membership, including special trainings, and our members-only text message line
- A printed wallet-sized reference card on your six basic rights at work and a packet of Working Washington stickers — perfect for your laptop, the breakroom, or wherever else you like!
- The option to set up a special one-on-one meeting with a Working Washington organizer so you can learn more about our movement, your rights, and how to get plugged in.
- A deeper investment to further power our movement to enforce workers rights, win new laws & policies, and help elect pro-worker candidates to office.

Your sustaining membership at \$25/month includes:

- All the benefits of online & supporting membership, including special trainings, a members-only text message line, and more
- A Working Washington [sic] T-shirt and a copy of our book Fifteen Stories
- A sustaining investment to take our movement to the next level — billionaires and giant corporations aren't going to invest in workers rights, so we're counting on you!”⁸³

See App. 383.

- Working Washington also maintains, separate from its “membership page” a more easily accessible donation which “ask[s] supporters to step up to become members of Working Washington” through monetary contributions.⁸⁴ *See App. 384-385.*
- Working Washington’s 2017 Form 990 stated in its description of its “program service accomplishments” that:

“Organizing staff members use social media, traditional communications, & in-the-field Outreach. Additionally, we canvass populations, educating the public about workers’ rights, enrolling new membership, and bolstering supporters.”

See App. 67.

⁸³ See <https://form.jotform.com/80517125253147>

⁸⁴ See <https://secure.actblue.com/contribute/page/working-washington-1>

- In a September 2017 Labor Day fundraising email, Working Washington emphasized the importance of worker/member participation in its efforts:

“...[I]t’s also worth taking a moment this weekend to celebrate how workers here in our state have been speaking out, joining together... and winning breakthrough victories like higher wages, sick and safe time, secure scheduling, paid family leave, and more...”

Workers in Washington are showing the whole country how much we can accomplish when we come together and organize. And you've played a key role in making it all happen.

Now we’re asking you to take the next step to power our work for the long haul: support our Labor Day Membership Drive by signing up at the \$15/month level, or whatever you can afford.

The heart of our movement is the fast food workers who boldly walked out on strike and sparked the fight for fifteen. The baristas who took action time and time again to put secure scheduling on the top of the political agenda last year. The workers in all different jobs across the state who shared their stories and contacted their legislators to help lead the way to paid family leave.” (emphasis added)

See **App. 386-387**.

- In October 2017, during its campaign to change Starbucks’ parental leave policy, Working Washington touted that “Gig Harbor Starbucks barista & Working WA member Jess Svabenik” was quoted in a *Huffington Post* article.⁸⁵ See **App. 262-265**.
- In a November 2017 email promoting an “online member meeting,” Working Washington wrote, “We have important work to do, and we can't do it without workers of all kinds, from all over, joining together.” See **App. 388-389**.
- In January 2018, Working Washington posted an article on its website by “Lane,” a paralegal and “Working Washington member,” about state legislation involving the “gender pay gap.”⁸⁶ See **App. 390-394**.
- In a January 2018 email to Working Washington members, “Working Washington member & Political Action Team leader” Shabina Hussain wrote:

“Hey Working Washington members,

⁸⁵ Working Washington. “Starbucks, this is... weird.” October 7, 2017. <http://www.workingwa.org/blog/2017/10/7/starbucks-this-is-weird>

⁸⁶ Working Washington. “Mine isn't the scariest story out there...” January 10, 2018. <http://www.workingwa.org/blog/2018/1/10/mine-isnt-the-scariest-story-out-there>

This is Shabina, and I'm reaching out to you as a member of the Working WA Political Action Team — a group of workers who have come together to talk about how we make change for workers' rights through political organizing.

I joined Working WA's Political Action Team & chose to be an advocate for the workers of Washington state because workers keep our society functioning, through hard work with insufficient hourly wages, often working overtime to pay that bill, rent, or tuition fees.

Along with other workers on the Political Action Team, I've helped put together a Politics 101 training for workers on Feb 11 - register here! ...

I am an immigrant citizen and a mother of two, one of whom is active duty in the army. I am also a public health professional who has witnessed workers being exposed to occupational hazards like contamination and heavy lifting with inadequate protective gear, trying to keep that minimum-wage job that may also include working overtime to sustain that family. That sounds awful, doesn't it? It doesn't have to be like this.

Employers can afford to treat workers better, but they won't do it unless they're given a choice between paying a decent wage with benefits and improving conditions for all workers, or losing their business...

Working WA has the vision to empower workers across the state. I urge you to join us in our first Politics 101 training, which will empower workers to speak out about changes we need to see, and win better rights & working conditions.” (emphasis added)

See App. 395-396.

- In February 2018, Working Washington conducted an in-person and online “Politics 101” training for its worker “members.” As part of the training, “Working Washington member Michael W. gave a talk about the 'Ban the Box' legislation that is moving through the state legislature.”⁸⁷ *See App. 115.*
- At a July 2018 press conference with Washington Attorney General Bob Ferguson, “Working Washington member Merlee Sherman, who works as a courier for Jimmy Johns,” spoke out against “no-poach” clauses in fast food franchise agreements.⁸⁸ *See App. 397-399.*

In an accompanying email to its supporters, Working Washington wrote:

⁸⁷ Working Washington. “Memo, January/February 2018.” <https://spark.adobe.com/page/eYLgmuzUKfLA8/>

⁸⁸ Working Washington. “Re: Attorney General Bob Ferguson’s announcement regarding “no poaching” provisions in fast food franchise agreements.” July 12, 2018. <http://www.workingwa.org/for-media/2018/7/12/re-attorney-general-bob-fergusons-announcement-regarding-no-poaching-provisions-in-fast-food-franchise-agreements>

“Attorney General Bob Ferguson announced a major advance for fast food workers on Thursday: under threat of lawsuit from his office, seven major fast food chains agreed to eliminate ‘no poaching’ provisions from their franchise agreements. These ‘no poaching’ agreements between franchisees barred workers at one chain location from working at another location of the same chain.

Working Washington member Merlee Sherman, who works as a fast food courier for Jimmy John's, was there to support this important step...

When workers come together in organizations like Working Washington, we have power. People listen. The Attorney General takes notice of issues that affect us. Things change.” (emphasis added)

See App. 400-403.

- In an October 2018 email, Working Washington wrote:

“Quick exciting update on our campaign for secure scheduling across the state: this morning, workers with Working WA headed down to Olympia to speak directly to legislators about what's wrong with scheduling in food & retail and how it needs to change!

Lindsey, Roy, April, and Misty joined us to speak in front of members of the WA House Labor & Workplace Standards Committee, who are currently considering what statewide secure scheduling legislation could look like.”

See App. 404-406.

- In its 2018 year-end review for its members, Working Washington wrote:

“In April, Seattle city council members heard from academic researchers about poor scheduling practices in retail, food, and coffee, and about a new study showing positive business impacts of more consistent scheduling. They also heard from parent, Jimmy John's delivery worker, and WW member Merlee about how the city's secure scheduling law has affected her life & her family... Merlee is just one of many workers we've heard from this year about the positive effects of secure scheduling. But we've also heard from workers outside of the city who don't have these same protections. That's why workers across the state are organizing to take secure scheduling statewide in 2019.”⁸⁹ (emphasis added)

See App. 407.

⁸⁹ Working Washington. “Working Washington Member Memo: 2018 Wrap Edition.” <https://spark.adobe.com/page/TBRe3h1H5aUBB/>

- Around June 2019, Working Washington claimed that its “members have been key players” in expanding overtime eligibility in Washington state.⁹⁰ *See App. 409.*
- Working Washington regularly features employee activists/members in its labor advocacy including, for example, its effort to expand overtime eligibility in Washington state⁹¹ and to pass a statewide “secure scheduling” law.⁹² *See App. 412-432.*

In a memo, Working Washington stated,

“In mid-July we entered the home stretch of the long process to restore overtime protections to thousands of Washington workers, as a series of seven public hearings across the state kicked off in Tumwater. We’ve been doing this kind of thing long enough to know the big business groups were going to have their highly-paid lobbyists and executives, so we called on our members to show up and make their voices heard. And you delivered--dozens of workers attended the hearings in person and testified, and hundreds more shared their stories and showed support online.”⁹³ (emphasis added)

See App. 433.

In a July 2018 email to its supporters, Working Washington featured Starbucks employee “Sean” to support “...the need for flexibility & stability in our schedules...” *See App. 434-435.*

In an August 2018 email, Working Washington featured “Chris,” a “manager at a local fast-food chain” speaking in support of expanded overtime eligibility. *See App. 436-437.*

In Another August 2018 email, Working Washington highlighted “Emily,” an employee of “at a large upscale clothing chain in Seattle,” expressing support of “secure scheduling.” The email state further that, “We’re marking Labor Day this year by spending the days leading up to the holiday sharing stories from Working Washington members across the state.” (emphasis added) *See App. 438-440.*

- b. In August 2013, KIRO 7 news reported that “[d]ozens of fast-food workers demonstrated throughout Seattle Thursday to fight back against what they say is wage theft” and that the protests were “[o]rganized by a local labor activist group, Working

⁹⁰ Working Washington. “Memo, May/June 2019.” <https://spark.adobe.com/page/LxvdlSnFZRjrj/>

⁹¹ Working Washington. “Our Time Counts!” Accessed July 14, 2020. <http://www.workingwa.org/overtime/>

⁹² Working Washington. “We’re telling the State Legislature to pass secure scheduling because our time counts!” February 15, 2019. <http://www.workingwa.org/blog/2019/2/15/were-telling-the-state-legislature-to-pass-secure-scheduling-because-our-time-counts>

⁹³ Working Washington. “Working Washington Memo, July-Sept. 2019.” <https://spark.adobe.com/page/hQyfC3YJylOss/>

Washington...”⁹⁴ See **App. 441-443.**

- c. A book by SEIU 775 president David Rolf explains Working Washington’s role in getting fast-food employees to go on strike in 2013:

“Seattle was the seventh city in the country to be hit by fast-food strikes, after New York in 2012 and Chicago, St. Louis, Detroit, Milwaukee, and Harrisburg, Pennsylvania, in early 2013. The Seattle fast-food campaign was led by Working Washington, the SEIU-backed labor-community partnership that we formed in 2011 to organize unemployed and low-wage workers, with the goal of holding politicians and corporations accountable for good jobs.

Like the SEIU-funded fast-food efforts in other large cities, Working Washington organizers... visited fast-food stores around the city — and found that the workers were excited about fighting for a raise.

When Seattle fast-food workers struck on May 30, 2013, it was the first time the call for \$15 was heard on the streets of Seattle and the first time in the series of strikes when stores actually shut down.”⁹⁵ (emphasis added)

See **App. 444.**

- d. In May 2014, Working Washington issued a statement “[o]n behalf of the fast-food workers whose strikes, marches, boycotts, and other mobilizations brought the call for \$15 an hour to the center of public debate” supporting the \$15 minimum wage proposal of Seattle’s mayor. The statement quoted “Julia DePape, a Seattle McDonald’s worker with Working Washington.”⁹⁶ See **App. 445-448.**
- e. In an October 2014 letter to the Seattle Housing Authority, Sejal Parikh of Working Washington referenced Jason Harvey, noting that “Jason works at Burger King” and describing him as “a leader with Working Washington.”⁹⁷ See **App. 449-452.**
- f. A February 2015 post on Working Washington’s website referenced “Crystal Thompson, a Domino’s worker and a leader with Working Washington...”⁹⁸ See **App. 453-456.**

⁹⁴ Jeff Dubois. “Fast-food workers protest around Seattle against wage theft.” KIRO 7. August 1, 2013. <https://www.kiro7.com/news/fast-food-workers-protesting-throughout-seattle-ag/246526735>

⁹⁵ David Rolf. *The Fight for \$15: The Right Wage for a Working America*. The New Press, New York (2016). Pg. 129.

⁹⁶ Working Washington. “Mayor’s \$15 minimum wage plan earns support of low wage workers.” May 1, 2014. <http://www.workingwa.org/blog/2014/05/01/mayors-minimum-wage-plan-earns-support-of-low-wage-workers>

⁹⁷ Sejal Parikh. “Why we oppose the Seattle Housing Authority’s ‘Stepping Forward’ proposal.” Working Washington. October 17, 2014. <http://www.workingwa.org/blog/2014/10/17/working-washington-expresses-opposition-to-seattle-housing-authority-stepping-forward-proposal>

⁹⁸ Working Washington. “Hundreds gather to support fair wages and a union at Seattle University.” February 26, 2015. <http://www.workingwa.org/blog/2015/2/26/hundreds-gather-to-support-fair-wages-and-a-union-at-seattle-university>

- g. A June 2015 post on Working Washington’s website noted that, “Worker leaders with Working Washington from across the state joined over 1,300 fast-food workers from all across the country at the national Fight for \$15 convention in Detroit...”⁹⁹ (emphasis added) *See App. 457-460.*
- h. In July 2015, Working Washington’s then-executive director, Sejal Parikh, co-authored an open letter with 11 “Tacoma fast food workers”/“supporters of Working Washington” calling on city leaders to adopt “...a strong minimum wage law which lifts workers out of poverty and boosts our economy.”¹⁰⁰ *See App. 461-464.*
- i. Also in July 2015, the *Tacoma News Tribune* published an op-ed by Jesse Griggs, “a Tacoma McDonald’s worker with Working Washington,” calling for a citywide \$15 minimum wage.¹⁰¹ *See App. 465-468.*
- j. In a November 2015 post on its website, Working Washington wrote,

“Jason Harvey has been involved with Working Washington since the very beginning. He worked at Burger King and went out on strike multiple times and became a leader in the victory of Seattle’s \$15 minimum wage.”¹⁰² (emphasis added)

See App. 469-476.

- k. In a November 2015 article on its website, Working Washington wrote:

“Darrion Sjoquist, a Starbucks barista and Working Washington leader in the fight for a fair workweek, wrote an essay about scheduling, sick days, and why he and other baristas are calling on Starbucks CEO Howard Schultz to sit down and meet with them about scheduling....”¹⁰³

See App. 477-479.

A March 2016 article on Working Washington’s website described Sjoquist as “a Working Washington member who works at Starbucks” and recounted his interaction

⁹⁹ Working Washington. “National Fast Food Worker Convention 2015.” June 9, 2015. <http://www.workingwa.org/blog/2015/6/9/national-fast-food-worker-convention-2015>

¹⁰⁰ Working Washington. “An open letter from Working Washington leaders in Tacoma to the Mayor & City Council.” July 14, 2015. <http://www.workingwa.org/blog/2015/7/14/an-open-letter-from-working-washington-leaders-in-tacoma-to-the-mayor-city-council>

¹⁰¹ Working Washington. “Minimum wage workers need a raise - to \$15.” July 21, 2015. <http://www.workingwa.org/blog/2015/7/21/minimum-wage-workers-need-a-raise-to-15>

¹⁰² Working Washington. “Am I really doing this again?” November 1, 2015. <http://www.workingwa.org/blog/2015/12/9/am-i-really-doing-this-again>

¹⁰³ Working Washington. “Working Washington Member Darrion Sjoquist: ‘I’m a Second-Generation Starbucks Barista. And I Want a Fair Workweek.’” November 12, 2015. <http://www.workingwa.org/blog/2015/11/12/33o1v3ln63tqddtt1i3qymse8v50dw>

with Starbucks CEO Howard Schultz at the annual shareholder’s meeting.¹⁰⁴ *See App. 480-484.*

- l.** In July 2016, the following statement by Working Washington’s then-executive director, Sejal Parikh, was posted on Working Washington’s website:

“Baristas with Working Washington in Seattle and others across the country have been organizing for better working conditions for months, raising their voices at corporate headquarters, the company’s shareholder meeting, city council hearings, and more. Today we’re seeing results: raises across the country and a personal commitment from CEO Howard Schultz to address unstable & insecure schedules. But Baristas aren’t going to stop organizing until they see that personal commitment from the CEO become a reality in every store, and see it be matched by a corporate commitment to support secure scheduling policies in Seattle and across the country.”¹⁰⁵ (emphasis added)

See App. 485-487.

- m.** In August 2016, Working Washington’s executive director noted, in a statement praising the introduction of a “secure scheduling” ordinance by the Seattle city council,

“Just two years after Seattle passed the nation’s first citywide \$15 minimum wage, baristas and fast food workers with Working Washington are making history again. The secure scheduling proposals released today will ensure tens of thousands of Seattle workers have the balance, flexibility, and power it takes to care for your family, contribute to your community, and build a better future.”¹⁰⁶ (emphasis added)

See App. 488-493.

- n.** In September 2017, Working Washington highlighted that,

“Earlier this month, workers with Working Washington took to the airwaves in Yakima on local radio station KDNA, appearing as guests on the show ‘Aquí y Allá,’ to talk about labor rights and health and safety in the workplace.

The show featured Audulia, an apple orchard field worker, and Saúl, who is on medical leave after injuring his foot and back at his job packing cherries...

¹⁰⁴ Working Washington. “Starbucks barista Darrion Sjoquist talks to Starbucks CEO Howard Schultz.” March 23, 2016. <http://www.workingwa.org/blog/2016/3/23/starbucks-barista-darrion-sjoquist-talks-to-starbucks-ceo-howard-schultz>

¹⁰⁵ Sejal Parikh. “Re: Howard Schultz letter on working conditions at Starbucks.” Working Washington. July 11, 2016. <http://www.workingwa.org/blog/2016/7/11/re-howard-schultz-letter-on-working-conditions-at-starbucks>

¹⁰⁶ Sejal Parikh. “Seattle workers poised to make labor history — again.” Working Washington. August 8, 2016. <http://www.workingwa.org/blog/2016/8/8/seattle-workers-poised-to-make-labor-history-again/>

Audulia and Saúl invited local workers to join them at the workshops they've been participating in with Working Washington. The trainings offer a way for workers — particularly agricultural and packinghouse workers — to learn more about their rights when it comes to health & safety in the workplace, and how they can speak out if their rights are being violated. As Audulia mentioned, trainings like this are also an important way to make managers more accountable — she & her coworkers have already seen better treatment by managers who are aware that they're taking labor rights trainings.

The radio show was a great way for workers to connect with one another and learn about how they can access the trainings that workers with Working Washington have been setting up.”¹⁰⁷ (emphasis added)

See App. 494-498.

- o. In an April 2018 email to its supporters, Working Washington wrote that, “...coffee, food, and retail workers with Working Washington fought for — and won — secure scheduling in Seattle.” The email continued,

“We hear from workers across the state facing similar issues. We hear from workers whose schedules change so often they aren't able to go to school or plan time with their families. We hear from workers who are scheduled for too few hours to make rent, or so many hours they don't have time for anything else. We hear from workers who are regularly required to work ‘clopening’ shifts — closing late at night and opening early the next morning without enough time to rest between shifts...

If you're a worker in Washington state, we need to hear from you about what your schedule is like and what kinds of changes you want to see...

Unpredictable, unstable scheduling is bad for workers. It's bad for our health, it's bad for our families, and it's bad for our lives. And nothing's going to change if we leave it up to our employers to fix these problems — we have to speak out for ourselves.” (emphasis added)

See App. 499-501.

- p. In July 2018, Working Washington wrote in an email to its supporters:

“Until now, few nannies and house cleaners have had access to basic rights and benefits. Some have even been excluded from the minimum wage. And there’s been no good way for workers to come together to set industry-wide standards and improve conditions.

That’s all about to change.

¹⁰⁷ Working Washington. “Yakima workers with Working Washington go on air!” September 21, 2017. <http://www.workingwa.org/blog/2017/9/18/yakima-workers-with-working-washington-go-on-air>

On Monday, Seattle City Council will vote on a Domestic Workers Bill of Rights, sponsored by Councilmember Teresa Mosqueda, which:

- Covers all part-time, full-time, independent contractors, and live-in domestic workers in the city — regardless of whether they are technically employed by an agency or a family, and regardless of whether they are classified as employees...

It's another breakthrough victory for Working Washington members. And just like \$15, secure scheduling, paid family leave, and other historic steps for workers rights, it shows how much we can accomplish when come together, speak out, and take action.” (emphasis added)

See App. 502-505.

- q. In a July 2018 email, Working Washington wrote:

“Nannies, housecleaners, and other domestic workers with Working Washington, Casa Latina, and the National Domestic Workers Alliance have been organizing for the Domestic Workers Bill of Rights for more than a year...

Monday's vote is the latest in a series of workers rights breakthroughs led by Working Washington members.

Airport workers with Working Washington organized to pass the SeaTac Proposition 1 living wage initiative in 2013. Fast food workers with Working Washington led the way to Seattle's \$15 minimum wage law in 2014... Coffee, food, and retail workers with Working Washington won Seattle's secure scheduling law in 2016. Working Washington members across the state helped win I-1433 to raise the statewide minimum wage & provide paid sick days in 2016, and a landmark statewide paid family leave law in 2017. And now nannies and housecleaners with Working Washington's Seattle Domestic Workers Alliance have won today's landmark Domestic Workers Bill of Rights.” (emphasis added)

See App. 506-512.

- r. Working Washington worked to get the Seattle City Council to introduce and adopt a “Domestic Workers Bill of Rights” in the summer of 2018:

“On June 21 we rallied to celebrate the introduction of the Domestic Workers Bill of Rights by Seattle City Council. For months, Seattle domestic workers have been working with elected officials to develop this bill to will address the inequities faced by a workforce that's mostly women and disproportionately people of color.

The bill covers all part-time and full-time domestic workers in the city — regardless of whether they are technically employed by an agency or a family, and regardless

of whether they are classified as employees or contractors.

Workers broke through doors at the rally, symbolizing the power and legitimacy this bill gives their work.

Several employers, like Hannah, spoke out and showed their support for the bill...

The bill also establishes a standards board made up of domestic workers, employers, and community members. This would be a breakthrough step for workers rights in Seattle and across the country — a new model of collective bargaining being led by women and people of color who have been too long excluded from other basic legal protections.”¹⁰⁸ (emphasis added)

See App. 513-515.

One of the nannies particularly involved in the campaign, Ty Messiah, was described as a “Working WA leader.”¹⁰⁹ **See App. 408.**

- s. In a September 2018 email to its supporters previewing an event, Working Washington wrote:

“You're invited to hear from a group of food and retail workers with Working WA who are hosting #OurTimeCounts!

It's a live conversation about fluctuating hours, last-minute call-ins, clopening shifts, and other ways unstable & unpredictable schedules affect our lives — and what we can do to fix it! And you're invited to listen in...

At the #OurTimeCounts Live Conversation, you'll hear from Dana, Roy, and Anthony, three workers who are speaking out about the need to change food & retail scheduling practices. And you'll have a chance to chime in on how we can fight for schedules that work for all of us.” (emphasis added)

See App. 516-517.

- t. In the fall of 2018, Working Washington wrote of its advocacy for “secure scheduling” that:

“Our campaign for statewide secure scheduling is growing. Tens of thousands of food & retail workers in Seattle are already covered by secure scheduling. And now, workers across the state are speaking out.

¹⁰⁸ Working Washington. “Working Washington Memo, May/June 2018.”
<https://spark.adobe.com/page/SfXaAi80eWhp7/>

¹⁰⁹ Working Washington. “Working Washington Member Memo: 2018 Wrap Edition.”
<https://spark.adobe.com/page/TBRe3h1H5aUBB/>

On September 12, we hosted a live conversation in Tukwila where food & retail workers shared their experiences with fluctuating hours, last-minute call-ins, clopening shifts, and other ways unstable and unpredictable schedules affect our lives.

Then the next month, we hit the Capitol to share stories with legislators and start pushing for a statewide secure scheduling law.

Lindsey, Roy, April, and Misty joined us to speak in front of members of the Washington House Labor and Workplace Standards Committee, who are currently considering what statewide secure scheduling legislation could look like.

We're making sure that legislators and supporters understand the scheduling issues food & retail workers face — it's a crucial first step in expanding secure scheduling across the state.”¹¹⁰

See App. 518-520.

- u. In an October 2018 email to Working Washington supporters, Working Washington “member”/“supporter” Kwami Nyamidie encourage attendance at a fundraising event and wrote,

“I originally found Working WA through their campaign to improve workers' rights in the gig economy. Gig workers don't have a union and don't have bargaining power. They have little leverage and are taken advantage of. They don't have time to spearhead a campaign — but Working WA has the time and understanding to bring them together so they can fight for their rights.

The same is true of secure scheduling, which Working WA is working to pass statewide. Employers take advantage of food and retail workers. They just want to suck their blood. Working WA is fighting to set scheduling conditions that work for employees, so managers can't just schedule them however they want without their welfare in mind.” (emphasis added)

See App. 521-523.

- v. In a November 2018 email to its supporters, Working Washington referred to “...farmworkers organizing with Working WA in the Yakima area.” *See App. 524-526.*
- w. In a December 2018 email to its supporters promoting an event, Working Washington wrote:

“This time of year is the busiest one for many food & retail workers. From getting

¹¹⁰ Working Washington. “September/October 2018 Member Memo.” <https://spark.adobe.com/page/ZvFfihOmE6NQu/>

scheduled for way too many back-to-back shifts, to dealing with unpredictable schedules that change at the last minute, food and retail workers are facing their very own real Nightmare Before Christmas!

And on Wednesday, workers are going to tell that story, along with academics who will be releasing new research that shows why scheduling is such a big problem in food & retail. Join us live in Seattle or streaming online from anywhere! ...

This is a great chance to support workers speaking out for change and learn more about an issue that often gets overlooked..." (emphasis added)

See App. 527-528.

- x. In early 2019, employee Michael Westgaard, "a Working Washington member from Renton," testified in favor of state legislation imposing new taxes.¹¹¹ *See App. 375, 529-531.*
- y. In spring 2019, "April, an Olive Garden server from Olympia and leader with Working Washington, was featured on a Slate podcast about unpredictable schedules in food and retail work."¹¹² (emphasis added) *See App. 375.*
- z. In a March 2019 email to its supporters inviting them to attend an "online member meeting," Working Washington described the event as,

"...a chance to hear the latest on big issues like secure scheduling, gig workers' rights, overtime expansion, and more. And it's an opportunity to plug in — so you can fight alongside workers all over the state and in all kinds of industries to push for more, this year and beyond." (emphasis added)

See App. 532-533.

- aa. In an April 2019 email to its supporters, Working Washington wrote,

"There's been a lot going on at Working Washington. And for a ton of workers organizing in different industries across the state...

You have a voice in this movement too — and it starts with connecting to workers across the state in all kinds of industries who are building power and making change." (emphasis added)

See App. 534-537.

¹¹¹ Working Washington. "Working Washington Memo, March/April 2019."
<https://spark.adobe.com/page/XewzMrpuTwhIg/>

¹¹² Ibid.

bb. In a June 2019 memo, Working Washington took credit for organizing strikes of fast food workers in 2013:

“May 29, 2013 a movement was born as Seattle fast food workers with Working Washington first walked out on strike for \$15/hour. Their bold action changed the conversation about poverty wage jobs, and sparked a campaign that led to the nation's first citywide \$15 minimum wage law.”¹¹³

See App. 410.

cc. In June 2019, Working Washington held an event for “[w]orkers, staff, members, and supporters... to share what we’re working on over some delicious food and treats.”¹¹⁴
See App. 411.

dd. In an October 2019 email, Working Washington discussed labor organizing around workplace safety issues it was conducting in eastern Washington:

“Last year, we wrote to you about the death of Omar Gomez Lopez, a friend & coworker of many of the farmworkers organizing with Working WA in central Washington. Omar was killed while working in the hops field when a cable came loose and struck him in the face.

We asked for your support to provide for Omar's wife, Rebecca, and their children — and to create a new training in Omar's name.

Working WA members like you came through.

And last Saturday, September 28, we used your donations to hold the inaugural Omar Gomez Lopez Farmworker Rights Training and vigil in Grandview, WA.

Omar was one of 76 workers who died on the job in traumatic incidents last year in our state. Employers are failing in their responsibility to provide safe workplaces, especially in the agricultural industry. And as a community, we're showing that we refuse to stand by while workers' lives are lost.” (emphasis added)

See App. 538-540.

ee. A December 2019 job posting on Working Washington’s website for “member organizer” notes that the “principal duties” of the position include:

“Identify new contacts and activate workers from our existing list, online outreach, and in-field outreach at restaurants

Engage workers, supporters, prospective supporters and the public at large through

¹¹³ Working Washington. “Memo, May/June 2019.” <https://spark.adobe.com/page/LxvdlSnFZRjrj/>

¹¹⁴ Ibid.

multiple modes and tools, including in-person and online meetings, phone calls, emails and texting...

Help shape and lead worker organizing components of overall campaign Strategy...

Work directly with workers and community supporters as needed to fulfill campaign goals

Engage donors in relevant industries and encourage worker leaders to sign up with monthly contributions

Work directly with workers and community supporters as needed to fulfill campaign goals, including door-knocking, phonebanking, and other political and campaign work”¹¹⁵ (emphasis added)

See App. 100-105.

5. The employers with which Working Washington engages are involved in industries affecting commerce.

There should be little dispute that at least some, if not all, the companies discussed above with whom Working Washington deals and has dealt “concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment” are “employers” as defined by 29 U.S.C. § 402(e) and are engaged in an “industry affecting commerce” under 29 U.S.C. § 402(c).

V. Arguments and allegations

1. Working Washington is a “labor organization” as defined by 29 U.S.C. § 402(i).

Working Washington is clearly a “labor organization.” It describes itself as such repeatedly, both in terms of its purpose (the only statutorily required factor) and its actions, and focuses largely on “dealing with employers,” both directly and indirectly, “concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.” Many of the employers with whom it deals are “engaged in an industry affecting commerce.” Further, employee participation in Working Washington and its efforts is common, with employees often described as “members” or “leaders” of the organization. In short, Working Washington meets all legal criteria in the definition of “labor organization” provided by 29 U.S.C. § 402(i) to be governed by the LMRDA and subject to the jurisdiction of the Department of Labor for the purposes of the Act.

Though Working Washington need not fall under any of the five categories in 29 U.S.C. § 402(j) to be considered a “labor organization” under 29 U.S.C. § 402(i), further investigation may reveal that it nevertheless fits into one or more of the categories.

¹¹⁵ Working Washington. “Job Posting: Member Organizer – Restaurants.” December 16, 2019. <http://www.workingwa.org/blog/2019/12/16/job-posting-member-organizer-restaurants>

a. 29 U.S.C. § 402(j)(2)

In particular, Working Washington may fall under Subsection (j)(2) as a “local labor organization... acting as the representative of employees of an employer or employers engaged in an industry affecting commerce.” The term “local” is not defined in the LMRDA or accompanying DOL regulations, though 29 CFR § 452.11 provides that, “The characterization of a particular organizational unit as a ‘local,’ ‘intermediate,’ etc., is determined by its functions and purposes rather than the formal title by which it is known or how it classifies itself.”

Federal courts have observed that, in the context of the Act,

“Generally, local labor organizations provide day-to-day services to the membership, such as policing collective bargaining agreements, disposing of grievances, collecting membership dues and disciplining dissident members.”¹¹⁶ (internal citations omitted)

Further, when determining whether a labor organization is “local,” “...the focus should be on the relationship between the organization and its members” as well as the organization’s “functions and structure.”¹¹⁷ Local labor organizations are generally characterized by a “relatively simple organizational structure” and perform such functions as,

“...negotiat[ing] the basic terms of collective bargaining agreements, ensur[ing] that those agreements are enforced, handl[ing] grievances, collect[ing] dues from members, maintain[ing] out-of-work lists, hold[ing] meetings at which members express their views, and provid[ing] a number of other services directly to... members.”¹¹⁸

Given the facts established above — which indicate Working Washington has members from whom it collects dues/fees, to whom it directly provides services and an ability to express their views in meetings and similar fora, and on whose behalf it acts as representative in dealings with employers — such a designation appears quite appropriate for Working Washington.

b. 29 U.S.C. § 402(i)(j)(4)

Alternatively and/or additionally, Working Washington may fall under Subsection (j)(4) as a “labor organization” that,

“...has been chartered by a labor organization representing or actively seeking to represent employees... [for purposes of the National Labor Relations Act] as the local or subordinate body through which such employees may enjoy

¹¹⁶ See *Donovan v. National Transient Division*, 736 F.2d 618 (10th Cir. 1984).

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

membership or become affiliated with such labor organization...”

As discussed and referenced above, Working Washington has exceptionally close ties to the national headquarters of the SEIU and Seattle-based SEIU Local 775.¹¹⁹ While we are presently unaware of evidence indicating that SEIU has formally “chartered” Working Washington or that Working Washington’s members may also “enjoy membership” in SEIU, further investigation of the matter by OLMS may reveal this to be the case.

To the extent Working Washington may dispute its status as a labor organization, 29 CFR § 451.2 directs that it bears the burden of “clearly showing” that it is “outside the scope of the Act.”

2. Working Washington has failed to file annual financial reports and copies of its constitution and bylaws with OLMS, as required by 29 U.S.C. § 431.

A review of OLMS records failed to uncover any filings of any kind by Working Washington. Given its status as a “labor organization,” its failure to file the forms and documents required 29 U.S.C. § 431 constitutes a violation of the Act. Additional investigation by OLMS may uncover further violations and/or reveal these violations to have been intentional.

VI. Conclusion

Given Working Washington’s failure to abide by the LMRDA, despite being subject to it, we respectfully request that OLMS investigate the matter as necessary and proceed with such enforcement action as may be appropriate.

Please do not hesitate to contact us if we may be of additional assistance to OLMS in this matter.

Sincerely,

¹¹⁹ See:

Complaint Section IV(2)(b).

Maxford Nelsen. “SEIU-funded group paying fast food workers to protest.” Freedom Foundation. November 23, 2013. <https://www.freedomfoundation.com/labor/seiu-funded-group-paying-fast-food-workers-to-protest/>

Maxford Nelsen, “Working Washington Still An SEIU-Front Group,” the Freedom Foundation, Feb. 22, 2017. <https://www.freedomfoundation.com/labor/working-washington-still-an-seiu-front-group/>

David Rolf. *The Fight for \$15: The Right Wage for a Working America*. The New Press, New York (2016). Pgs. 107-108, 129.

Working Washington. “History and Leadership.” Accessed July 13, 2020.

<http://www.workingwa.org/about/leadership>



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