Testimony before the Hon. Elissa Silverman

Chair, Committee on Labor and Workforce Development

District of Columbia Council regarding:

Department of Employment Services (DOES) Performance Oversight Hearing

for Fiscal Year 2016-2017

By Cheryl Cort

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March 15, 2017

Please accept these comments on behalf of the Coalition for Smarter Growth (CSG). The Coalition for Smarter Growth is the leading organization working locally in the Washington, DC metropolitan region dedicated to making the case for smart growth. Our mission is to promote walkable, inclusive, and transit-oriented communities, and the land use and transportation policies and investments needed to make those communities flourish.

We would like to express our gratitude for the DC Council’s support for passing the Commuter Benefits Law under the Sustainable DC Omnibus Amendment Act. This law, which now requires all employers with more than 20 employees to offer each worker a pre-tax transit benefit, is a major step forward for giving workers more affordable commutes, reducing pollution and traffic congestion, and enhancing DC’s advantages as a place for thriving businesses. This law parallels similar laws adopted around the same time in San Francisco and New York City.

We wish to understand the status of implementation which began in January 2016, and are eager to hear from DOES implementation. First, we would like to know the status of regulations to clarify for employers how to comply with the new law.

We would like to know from DOES how it is monitoring compliance and measuring progress towards full compliance by all covered employers. Does DOES require employers to submit records of compliance? Can we know the information from these reports on compliance including the number of employers participating, the number of employees participating, and the types and level of commuter benefits offered by employers and used by employees? How many employers has DOES met with and provided materials to regarding compliance with the law? What are the materials that DOES is using to educate employers when they meet with them? What has been the response from employers?

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We know that enforcement of the law is driven by complaints and civil fines. We would like to know how many complaints DOES has received, how many fines have been levied, and how many corrective actions have been taken and the specifics of those remedies. Obviously, the goal is to achieve compliance, rather than assess fines, but we must have tools that get us to full compliance. Is there an opportunity for anonymous complaints? We would think that it would be difficult for employees to publicly complain about their employer neglecting to offer them a benefit.

If DOES has not been able to achieve a high level of compliance among covered employers, what are the barriers to doing so. Is it staffing? Authority? Regulations?

We suggest that a simple reporting requirement could greatly assist in helping employers easily comply with the law. We suggest adopting an online reporting form similar to the city of San Francisco’s, which is used for their pre-tax commuter benefit ordinance (attached). Another approach might be to ask a few compliance questions as part of a form that all covered employers are already using to report to the DC government.

Thank you for the opportunity to testify.

Attachment: SF Commuter Benefit Compliance Reporting Form (on-line form) & web address: <https://sfenvironment.org/article/businessesemployees/san-francisco-commuter-benefits-ordinance-compliance-form>

**Commuter Benefits Compliance Reporting Form**

The [San Francisco Commuter Benefits Ordinance](https://sfenvironment.org/article/businessesemployees/san-francisco-commuter-benefits-ordinance-overview) requires businesses with locations in San Francisco and 20 or more employees nationwide to offer commuter benefits to employees. Companies should report their compliance on the form below. **Please note there have been changes in the reporting process based on company size. These are outlined below – please ensure you report to the correct agency.**

If you have any other questions about the Compliance Reporting Form or need assistance complying with the Ordinance, please call (415) 355-3727 or email [CommuteSmart@sfgov.org](mailto:CommuteSmart@sfgov.org).

<https://sfenvironment.org/article/businessesemployees/san-francisco-commuter-benefits-ordinance-compliance-form>

SF Commuter Benefit Compliance Reporting Form

Please complete this form only if you fall under the San Francisco Commuter Benefits Ordinance.  
  
If you have more than 50 full-time employees across all your locations in the Bay Area combined, you will need to register and report to the new [Bay Area Commuter Benefits Program](http://commuterbenefits.511.org/).  
  
***\*A one-time registration is all that is required for the San Francisco Commuter Benefits Ordinance. Annual updates are no longer required. If your business has previously submitted this form, no further action is needed at this time.***

* Business Account Number (please submit a separate form for each BAN): **\***

Must be between **6** and **7** digits.    *Currently Used:***0***digits.*

* Business Name **\***



* Business Street Address (Headquarters): **\***



* Address line 2



* City **\***



* State **\***



* Zip Code **\***



* Business Website:
* Contact Name: **\***FirstLast
* Contact Title: **\***



* Contact Email: **\***
* Contact Phone Number



* Contact Phone Number Extension:



* Does your company also have a San Francisco address(es)? **\***

Yes No

* Nationwide employee count: **\***



* San Francisco employee count  
  (if you have more than 50 full-time employees in the Bay Area, you must register at http://commuterbenefits.511.org) **\***



* How were you notified to fill out the Compliance Reporting Form? Please select all that apply **\***

Email from the Department of the Environment Mailing about the Commuter Benefits and Healthcare Ordinances By a colleague at my organization Email from my benefits service provider Business association or Community Benefit District Social Media Other (please describe below)

* Our company is **\***

Currently offering a commuter benefits program In the process of setting up a commuter benefits program Needing assistance to set up a commuter benefits program Not offering a program Exempt from the San Francisco Ordinance Other

* **Do you offer any other transportation incentives to your employees? Please select all that apply. \***

**Bicycle parking Carpool/vanpool incentives such as priority or reduced cost parking Carpool/rideshare matching Electric vehicle charging station Electric vehicle priority parking Emergency Ride Home Employer-paid bicycle subsidy Flexible work hours or telecommuting Free or subsidized parking Parking cash-out program Showers and/or lockers None Other**

* **Your employees in San Francisco are eligible for the City's FREE Emergency Ride Home program. Registration takes less than a minute. Would you like to register your organization now? \***

**Yes No**

* **EMERGENCY RIDE HOME AGREEMENT  
    
  By clicking below, I agree to the Emergency Ride Home program rules and responsibilities. On behalf of my employees, my organization would like to participate in the free San Francisco Emergency Ride Home program. I agree to abide by the policies of this program and inform our employees of the**[**proper use of this service**](http://www.sfenvironment.org/article/emergency-ride-home/program-rules-and-materials)**. I understand that neither the San Francisco Emergency Ride Home Program nor my organization is responsible for the actual transportation service provided. Subject to the availability of funds, my organization is allowed up to $1,000 per fiscal year (July 1 - June 30) for full reimbursement of valid employee trips. After this limit is reached, the program will reimburse employees for 50% of the cost of each valid trip up to an additional $1,000 maximum each fiscal year. Each employee may be reimbursed for up to four ERH trips each fiscal year.**

**I understand that by participating, my organization agrees to provide a contact person who will be responsible for the following:  
  
\*Informing employees about the program  
\*Informing employees on the program reimbursement rules and procedures  
\*Validating ride reimbursement requests  
\*Assisting with an annual program evaluation  
  
*Rule No. SFE-09-01-CBO* \***

**I agree**

* **By clicking below, I agree to have my company name listed on the SFERH.org website as a participating employer.**

**I agree**

* **Contact Name: \*FirstLast**
* **Would you like to be added to our email list to receive periodic updates on the Commuter Benefits Ordinance, transit changes, and other San Francisco transportation news? \***

**Yes No**

* **Do you have any further questions about the Ordinance? Include your question(s) below and Department of the Environment staff will contact you.**

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* **Commuter Benefits Confirmation: \***

**By checking this box, I certify that the information on this Compliance Reporting Form is accurate and true to the best of my knowledge.**

* **Business Recognition Program**

**I agree to allow SF Environment to include my business name in the CommuteSmart business recognition program on its website.**

* **Your Name: \*FirstLast**
* **Today's Date: \*MM/DD/YYYYPick a date.**
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