

RULES COMMITTEE: 08/17/2022
Item: B.1
File ID: ROGC 22-345



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
August 4 – August 11, 2022

DATE: August 17, 2022

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Ruth Silver-Taube, dated August 9, 2022, regarding: Letter Re: San Jose Wage Theft Policy.

Toni J. Taber, CMC
City Clerk

FW: Letter Re: San Jose Wage Theft Policy

City Clerk <city.clerk@sanjoseca.gov>

Wed 8/10/2022 1:15 PM

To: Rules and Open Government Committee Agendas <rulescommitteeagenda@sanjoseca.gov>

Cc: Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (172 KB)

LettertoSJCityCounciReWageTheftPolicyAugust2022_3.docx;

From: Ruth Silver-Taube <[REDACTED]>**Sent:** Tuesday, August 09, 2022 11:12 PM**To:** City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Subject:** Letter Re: San Jose Wage Theft PolicyYou don't often get email from [REDACTED]. [Learn why this is important](#)

[External Email]

Mayor Liccardo, Vice Mayor Jones, and Councilmembers:

Attached please find a letter regarding the San Jose Wage Theft Policy.

Best,
RuthRuth Silver Taube
Coordinator
Santa Clara County Wage Theft Coalition

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day
worker
center of
mountain view



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SANTA CLARA & SAN BENITO COUNTIES
Building Trades
The outstanding workforce

August 9, 2022

Mayor Liccardo, Vice Mayor Jones, and Councilmembers:

Over 6 years ago, on May 24, 2016, the San Jose City Council enacted a Wage Theft Policy with an effective date of July 1, 2016. The policy requires that bidders disclose wage theft judgments and disqualification if the potential contractor has been found by a court or final administrative action of an investigatory government agency to have violated wage and hour laws on more than one occasion or has one unpaid wage judgment in the past five years prior to the date of submission of the bid. We are grateful to the City Council for enacting this policy.

In the over six years that the policy has been in effect, there was only one isolated incident where all the bidders were disqualified because they were in violation of the Wage Theft Policy. This situation was unique because the bidders were limited to the small number of banks who could handle the City's billion-dollar budget. The issue was quickly resolved with a vote by the City Council to grant an exception.

We now understand that the Office of Equality Assurance is considering an amendment to the Ordinance to address a hypothetical situation where no bidder meets the requirements of the Wage Theft Policy. This is a solution in search of a problem since the existing Wage Theft Policy has worked well for over 6 years with only one unique instance that was quickly resolved by a vote of the Council granting an exception. The old adage “if it ain’t broke, don’t fix it” is applicable in this case. In the unlikely event that all the bidders are disqualified, the City Council can again grant an exception.

The Wage Theft Policy was adopted with unanimous support from the Council. At the time, the Office of Equality Assurance took the position that it did not need to apply to public works. In the past six years, it has become clear that this omission was untenable because the Labor Commission is beset by staffing shortages and staggering caseloads that preclude timely and effective enforcement. The Office of Equality Assurance has informed us that it will propose that the public works exemption be removed. We support this proposal.

We urge the City Council to leave the Wage Theft Policy as is with the exception of the removal of the public works exemption.

Sincerely,

Ruth Silver Taube, Santa Clara County Wage Theft Coalition

David Bini, Santa Clara & San Benito Building & Construction Trades Council

Jean Cohen, South Bay AFL-CIO Labor Council

Louise Auerhahn, Working Partnerships USA

María Marroquín, Day Worker Center of Mountain View

Richard Konda, Asian Law Alliance

Adriana Garcia, Maíz

Felwina Opiso-Mondina, PAWIS