



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** April 09, 2024

**03**

**TO:** Board of Supervisors

### SUBJECT

#### **DISTRICT ATTORNEY – RATIFICATION OF APPLICATION TO THE CALIFORNIA LABOR COMMISSION AND ACCEPTANCE OF FUNDING RELATED TO THE DEPARTMENT OF INDUSTRIAL RELATIONS WORKERS’ RIGHTS ENFORCEMENT GRANT PROGRAM (DISTRICTS: ALL)**

### OVERVIEW

The State of California Budget Act of 2023 appropriated \$18 million to the California Labor Commission’s Department of Industrial Relations (DIR) to implement a Workers’ Rights Enforcement Grant Program. This program will provide grants totaling \$8,550,000 in 2024-2025 to eligible public prosecutors. The grant funds will defray costs expended on state labor law enforcement and serve the public purpose to assist workers to combat wage theft, prevent unfair competition, and protect state revenue.

This is a request to ratify the submission of a grant application to the California Labor Commission’s Department of Industrial Relations for the Workers’ Rights Enforcement Grant Program for the project period August 1, 2024, through July 31, 2025. This is also a request to authorize the District Attorney to accept funding from the DIR, if awarded, in the estimated amount of \$750,000 this year and in subsequent years, and to authorize the District Attorney, and/or her designee, this year and in subsequent years, to review and execute all required grant and grant related documents, including agreements and any annual extensions, amendments, and/or revisions thereof that do not materially impact or alter the services or funding levels.

### RECOMMENDATION(S)

#### **DISTRICT ATTORNEY**

1. Waive Board Policy B-29, Fees, Grants, Revenue Contracts – Department Responsibility for Cost Recovery, which requires prior approval of grant applications and full cost recovery for grants, as this grant program does not recover full cost.
2. Ratify the District Attorney’s submission of the grant application to the California Labor Commission’s Department of Industrial Relations for the Workers’ Rights Enforcement Grant Program for the project period August 1, 2024, through July 31, 2025.

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3. Authorize the District Attorney to accept funds in the estimated amount of \$750,000 from the California Labor Commission’s Department of Industrial Relations for the Workers’ Rights Enforcement Grant Program this year, provided there are no material changes to the grant terms and funding levels.
4. Authorize the District Attorney to apply for and accept funding from the California Labor Commission’s Department of Industrial Relations under the Workers’ Rights Enforcement Grant Program through July 31, 2030, provided there are no material changes to the grant terms and funding levels.
5. Authorize the District Attorney, and/or her designee, in this year and through July 31, 2023, to review and execute all required grant and grant-related documents, including agreements and any annual extensions, amendments, and/or revisions thereof that do not materially impact or alter the services or funding levels.

### **EQUITY IMPACT STATEMENT**

The District Attorney’s Office seeks to facilitate an equitable and transparent justice system to access legal services and information throughout San Diego’s communities. To advance fairness and equity, the District Attorney’s Office is committed to implementing county-wide prevention strategies which include education and awareness campaigns of workers’ rights information. As part of the District Attorney’s ongoing dedication to public safety, the actions in this Board Letter would provide local law enforcement services to facilitate equitable outcomes throughout San Diego’s communities.

### **SUSTAINABILITY IMPACT STATEMENT**

The proposed action contributes to the County of San Diego’s Sustainability Goals of community engagement and just and equitable access to services and resources. Locally leveraging the grant program will support the operation of the District Attorney’s Workplace Justice programs to protect an equitable business climate, safeguard workers’ rights and support workforce development. To prevent, prosecute, and protect San Diego communities from harm, the District Attorney’s Office’s use of grant funding increases organizational capacity, and leads to positive social and economic enhancements, contributing to overall regional sustainability.

### **FISCAL IMPACT**

Funds for this request will be included in the Fiscal Years 2024-26 CAO Recommended Operational Plan for the District Attorney’s Office. If approved and awarded, this request will result in costs and revenue of approximately \$808,670 in Fiscal Year 2024-25. The funding sources are \$750,000 from the California Labor Commission’s Department of Industrial Relations and an estimated \$58,670 of existing General Purpose Revenue for non-reimbursable indirect costs. The District Attorney will return to the Board of Supervisors for approval of any material changes to awarded grant funds, as necessary. There will be no change in net General Fund cost and no additional staff years.

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**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

N/A

**BACKGROUND**

The State of California Budget Act of 2023 appropriated \$18 million to the California Labor Commission’s Department of Industrial Relations (DIR) to implement a Workers’ Rights Enforcement Grant Program. This program will provide grants totaling \$8,550,000 in 2024-2025 to eligible public prosecutors. The Workers’ Rights Enforcement Grant program will be used to defray costs expended on state labor law enforcement and serve the public purpose to assist workers in combatting wage theft, prevent unfair competition, and protect state revenue.

The District Attorney’s Office is committed to creating fair and equitable workplaces by enforcing and protecting workers’ rights, and it is equally dedicated to fair competition by ensuring all business owners operate by the same laws and county ordinances. And as such, it fosters a level playing field for all San Diego businesses, ensuring compliance with insurance, employment, and tax laws. The Workplace Justice team prosecutes unfair business practices, wage and hour violations, wage theft, payroll tax evasion, and labor trafficking cases.

The District Attorney’s Office, the San Diego County Office of Labor Standards Enforcement, and County Counsel will be collaborating on this grant. The District Attorney’s Office will prosecute criminal wage theft violations and refer nonviable criminal cases to the Office of Labor Standards Enforcement/County Counsel for civil remedies.

This also extends to community education, including vulnerable populations, about their rights in the workplace, workers’ compensation fraud crimes, labor trafficking, and tax evasion. If approved and awarded, the Workers’ Rights Enforcement Grant Program will leverage support for the continuation of this important work.

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today’s proposed actions support the Community and Justice Initiatives in the County of San Diego’s 2024-2029 Strategic Plan by providing prevention and intervention resources toward public safety initiatives to enhance the quality of life for San Diego communities.

Respectfully submitted,



SUMMER S. STEPHAN  
District Attorney

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**ATTACHMENT(S)**

N/A