

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
TUESDAY, MAY 23, 2023**

MINUTE ORDER NO. 34

SUBJECT: ADOPT AN ORDINANCE TO ADD SECTION 125.25 TO ARTICLE VIII OF THE SAN DIEGO COUNTY ADMINISTRATIVE CODE TO ESTABLISH THE CREATION OF A WORKPLACE JUSTICE FUND (5/23/23 - FIRST READING; 6/13/23- SECOND READING UNLESS ORDINANCE IS MODIFIED ON SECOND READING) (DISTRICTS: ALL)

OVERVIEW

On May 4, 2021 (23), the County of San Diego (County) Board of Supervisors (Board) directed the Chief Administrative Officer (CAO) to create the Office of Labor Standards and Enforcement (OLSE) and explore the creation of a fund that would provide workers seeking justice on a workplace issue with resources and assistance.

OLSE understands the financial losses suffered by workers seeking justice, including retaliatory measures by employers. Working in collaboration with community groups representing workers and organizations representing business groups, OLSE outlined two types of workplace justice funds - the Retaliation Model and the Restitution Model - in its May 31, 2022, annual report.

Today's request is for the Board to approve the introduction of an ordinance creating a Workplace Justice Fund that combines the Retaliation and Restitution Models, authorize OLSE to administer the fund, place \$100,000 in the fund and direct the CAO to report back to the Board with an update. If approved, the ordinance will be scheduled for adoption on May 23, 2023. If the proposed ordinance is altered on May 23, 2023, then on that date a subsequent meeting date will be selected for the ordinance's adoption.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

On May 23, 2023:

Approve the introduction of the Ordinance:

AN ORDINANCE ADDING A NEW SECTION 125.25 TO ARTICLE VIII OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES TO ESTABLISH THE CREATION OF A WORKPLACE JUSTICE FUND.

If, on May 23, 2023, the County of San Diego Board of Supervisors takes action as recommended, then on June 13, 2023, consider and adopt second reading:

1. **AN ORDINANCE ADDING A NEW SECTION 125.25 TO ARTICLE VIII OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES TO ESTABLISH THE CREATION OF A WORKPLACE JUSTICE FUND.**
2. Direct the Chief Administrative Officer to report back within 120 days on the status of the Workplace Justice Fund.
3. Direct the Auditor and Controller to establish an interest-bearing trust fund, the "Workplace Justice Fund," with interest earnings allocated and distributed to this fund.

4. Direct the Chief Administrative Officer to place \$100,000 of the funding previously allocated to the Chief Administrative Office in the Workplace Justice Trust Fund which may be used to support workers seeking justice on a workplace issue.

EQUITY IMPACT STATEMENT

Establishing a Workplace Justice Fund will demonstrate the County's commitment to supporting working people by providing a financial backstop for victims of retaliation or wage theft. Although a comprehensive breakdown of wage theft judgment complainants by race or other demographic group is not available, it is clear that people of color are disproportionately impacted by wage theft. The Workplace Justice Fund will allow OLSE to compensate some victims of wage theft who were retaliated against for asserting their rights or whose employers abandoned their duties to their workers after losing a wage claim adjudication.

SUSTAINABILITY IMPACT STATEMENT

The proposed action to create a Workplace Justice Fund contributes to many of the County of San Diego Sustainability Goals: engage the community, provide just and equitable access, and protect health and well-being. In terms of sustainability in equity, economy, and health/well-being, it will impact the communities and socio-economic groups historically burdened by wage theft by providing thousands of dollars to make ends meet and possible job transition or period of unemployment and help keep the local economy strong. Extensive community engagement through an OLSE-convened Fair Workplace Collaborative comprised of community stakeholders is a major component of the project. Remunerating victims of wage theft will improve their well-being and ability to persevere in the labor market and beyond.

FISCAL IMPACT

Funds for this request are included in the Fiscal Year 2022-23 Operational Plan in the Chief Administrative Office. If approved, this request will establish an interest-bearing trust fund, the Workplace Justice Fund, and place \$100,000 in the fund. The funding source is available General Purpose Revenue currently budgeted in the Chief Administrative Office. Wage theft judgments will be assigned to the Office of Revenue and Recovery, which may be able to recoup some or all of the Workplace Justice Fund expenditures in future years. There will be no additional staff years.

Funding will be placed in the Workplace Justice Fund following the Board's approval and adoption of the Ordinance establishing the fund. Future appropriations will be included in future years CAO Recommended Operational Plan based on remaining funds available in the Workplace Justice Fund.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Vargas, seconded by Supervisor Anderson, the Board of Supervisors took action as recommended, to further consider and adopt the Ordinance on June 13, 2023.

AYES: Vargas, Anderson, Lawson-Remer

NOT PRESENT: Desmond

ABSENT: (District 4 Seat Vacant)

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter

