

July 15, 2021

To: Sonoma County Board of Supervisors

From: Jack Buckhorn, Executive Director, North Bay Labor Council and Max Alper, Executive Director, North Bay Jobs with Justice

The board will consider a review and revision of the Living Wage Ordinance on September 21, 2021. Below we describe the major changes we propose. We also attach a one-page summary of the changes we propose.

1) The Board of Supervisors approved the Living Wage Ordinance (LWO) in December 2015. The board recommended that several provisions in our proposed ordinance be set aside and considered later pending further investigation. These included 12 days paid sick days for all covered workers and a provision requiring that available increased hours are first offered to covered part-time employees before hiring new part-timers. We request the LWO include the language we have proposed for these provisions (see attached letters from our attorney Richard Treadwell).

2) We also request that the board revise Section 2-386 (Employee Retention) to include the language recommended by our attorney. We recommend that the retention provision be consistent with the state janitorial retention law passed in 2002 by the legislature (AB 350 Displaced Property Service Employee Opportunity Act). The county complied with this law in 2016 when the janitorial contract was awarded to a new firm ABM Onsite Services. According to Caroline Judy, Director of General Services, all qualified workers employed by the previous contractor, Pride Industries, were retained by the new contractor.

3) In 2015, the board also decided not to include a proposed 'responsible bidder' provision in the LWO. However, the board directed staff to work with us to evaluate responsible bidder provisions implemented elsewhere in California and to develop responsible bidder language appropriate for the county. We began discussions with county staff in 2016. Unfortunately, the responsible bidder provision and, subsequently, the review and revision of the entire LWO were set aside after the Tubbs fire in October 2017. San Francisco and Santa Cruz, the cities of Los Angeles and San Jose, and all three Sonoma County municipal ordinances (Sebastopol 2003, Sonoma, 2004, and Petaluma 2006) include responsible bidder provisions. We request that the LWO include the responsible bidder language recommended by our attorney.

4) As per Section 2-377 of the ordinance, we request that the board approve a COLA for five years (2017-2021) for all covered employees. The LWO requires that the county administrator annually make a recommendation about the application of a COLA based upon the following criteria: "(i) the annual cost of living increase, if any, during the preceding year in the Consumer Price Index for all urban consumers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area, as

published in October of each year by the U.S. Department of Labor, Bureau of Labor Statistics; (ii) the cost of living increase, if any, granted to all county employees; and (iii) the prevailing financial conditions and general economic health of the County and the economy in general.”

In December 2021 the ordinance requires that the board consider a COLA to be applied January, 1, 2022.

Please note that all of the municipal ordinances in the county have an automatic annual COLA each year subject to review by the City Council. The COLA has been applied every year in each city without exception since each ordinance was implemented. We propose an automatic COLA adjustment unless the county administrator recommends otherwise.

5) In addition, we request that the board amend Section 2-380 (contractor certification and eligibility) to require that the county develop model language for notices to be posted (in English and Spanish) at contractor worksites and distributed by contractors to covered employees. Contractors should not be required to develop their notices, and the posting and distribution of the model county notice should be mandatory. This change is consistent with the noticing language in our three local ordinances and almost all ordinances elsewhere in California.

6) Finally, we recommend that the board expand the coverage of employers to county contractors, concessionaires, franchisees, and lessees at the county airport and the county fair. A report is forthcoming by economist Jeannette Wicks-Lim at the University of Massachusetts Amherst about the cost of paid sick days and expansion of coverage to the airport and fair.

7) After the board completes the revision of the Living Wage Ordinance, the North Bay Labor Council and North Bay Jobs with Justice intend to propose two separate ordinances: one for labor peace and another for ‘ban the box’ that will apply to all employers covered by the LWO.

We are also suggesting minor revisions for several other provisions, including the right of private action, seasonal employees, and a wage credit for employers who provide retirement benefits. We have submitted a red-lined version of the ordinance that identifies all of the changes we seek.

We attach a 2018 report by two sociologists about income inequality before and after disasters such as fires, floods, hurricanes, titled “**Damages Done: The Longitudinal Impacts of Natural Hazards on Wealth Inequality in the United States.**” The abstract of the study states:

“This study investigates a largely ignored contributor to wealth inequality in the United States: damages from natural hazards, which are expected to increase substantially in coming years. Results indicate that as local hazard damages increase, so does wealth

inequality, especially along the lines of race, education, and homeownership. At any given level of local damage, the more aid an area receives from the Federal Emergency Management Agency, the more this inequality grows.”

After three fires and one flood in the county since 2017, inequality has deepened in the county. We believe it is imperative that the board, *without further delay*, revise and expand the Living Wage Ordinance to promote a just, equitable, and sustainable recovery.

