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Resolution in Support of San Francisco Minimum Wage Implementation and Enforcement Ordinance

WHEREAS, in November 2003, San Francisco voters overwhelmingly passed Proposition L, the Minimum Wage Ordinance (MWO) creating a groundbreaking local minimum wage of \$8.50 per hour indexed to inflation, the strongest minimum wage law in the country. The MWO promised to raise the income of the 54,000 lowest paid workers in San Francisco by a combined \$100 million per year; and

WHEREAS, unfortunately, no additional resources were allocated to City's Office of Labor Standards Enforcement (OLSE), the agency responsible for enforcing the MWO in addition to the City's Prevailing Wage and Living Wage/Health laws. Without additional resources to enforce the MWO, OLSE has had to siphon staffing from the other important labor standards programs. While OLSE has done an outstanding job with MWO claims brought forward by employees thus far, these cases represent a small fraction of the overall problem. Currently, OLSE lacks the capacity to proactively reach out to the tens of thousands of low-wage workers being denied their legal rights; and

WHEREAS, minimum wage violations are widespread, especially in sectors with high concentrations of immigrant workers such as the restaurant industry and among day laborers and domestic workers. Over 60 percent of the City's low-wage workers are immigrants. The Chinese Progressive Association estimates that approximately 9,000 Chinese American restaurant and garment workers in SF are currently being paid wages below the City's minimum wage. These vulnerable workers fear employer retaliation and are unfamiliar with labor laws and government agencies; and

WHEREAS, on March 7, 2006 Supervisors Maxwell, Ammiano and Daly introduced Minimum Wage Implementation and Enforcement Ordinance to the San Francisco Board of Supervisors. The proposed legislation creates a dedicated funding stream and expands the powers and duties of OLSE to fully enforce the MWO. The legislation authorizes the City to impose an annual fee charged to employers to defray the costs of implementing and enforcing the MWO; and

WHEREAS, the legislation authorizes the City to issue administrative citations and impose penalties on employers who fail to maintain payroll records for four years, fail to allow OLSE to inspect payroll records and retaliate against employees who exercise their rights under the MWO. The legislation also authorizes OLSE to create a partnership with community-based organizations to reach the most exploited and marginalized workers and facilitate comprehensive enforcement of the MWO. And, the legislation authorizes OLSE to enforce related provisions of the California State Labor Code,

THEREFORE BE IT RESOLVED that the San Francisco Labor Council endorses the San Francisco Minimum Wage Implementation and Enforcement Ordinance.

Submitted by Leon Chow, SEIU UHW, and adopted by the San Francisco Labor Council on March 27, 2006.

Respectfully,

Tim Paulson
Executive Director

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