



COUNTY OF SANTA CLARA

Office of Labor Standards Enforcement



Annual Report

20 23

CONTENTS

HIGHLIGHTS

- 1 A MESSAGE FROM OLSE
- 2 OLSE'S APPROACH TO EQUITY
- 3 OLSE VISION + HISTORY
- 4 MEETING THE NEED
- 5 IMPACT BY THE NUMBERS

OUTREACH + EDUCATION

- 6 OVERVIEW
- 7 COMMUNITY ENGAGEMENT
 - Trainings
 - Case Management
- 8 COMMUNITY LEGAL SERVICES
 - Advice Line
 - Clinics

ENFORCEMENT

- 10 OVERVIEW
- 11 PROGRAMS
 - Food Permit
 - County Contracts

PARTNERS + THANK YOU

- 12 RETAIL FOOD ADVISORY COUNCIL
- 13 PARTNERS
- THANK YOU
- 14 RESOURCES



I have a successful outcome because of your advice. I couldn't afford an attorney; thus my employer would have continued to take advantage of employees [by misclassifying workers and not paying overtime].

I will let others know about the Advice Line! My employer agreed to pay 36 months of back pay."

-KM



Top to bottom: a mechanic in Santa Clara County, a quick-service cook in San Jose, and a park maintenance worker in Santa Clara County

A MESSAGE FROM OLSE

The Office of Labor Standards Enforcement (OLSE), part of the County Executive's Division of Equity and Social Justice (DESJ), is committed to creating a just and equitable community for all.

We work towards the vision of a Santa Clara County with safe and respectful workplaces for all by promoting a culture of labor standards compliance

in our community. Understanding and complying with labor standards can be challenging for workers and small businesses who do not have information or access to legal advice. OLSE partners with community organizations to provide resources, trainings, and an advice line for workplace questions and concerns.



A welder in Santa Clara County



A worker at Dulcinea Baking Co. in San Jose.

When OLSE prevents wage theft in our community, businesses avoid penalties for labor violations and can operate on a level playing field where unfair advantages don't exist for companies that lower their labor costs illegally. Also, vulnerable workers and their families, often immigrants in low-wage sectors, won't experience the economic consequences of lost wages.

In May, OLSE launched a wage theft awareness campaign in honor of International Workers' Day by posting our wage theft comic in multiple languages at Eastridge Mall, local grocery stores, newspapers, and news websites. By highlighting examples of wage theft and that the Advice Line is available to support community workplace questions and concerns, OLSE continues to work towards creating safe and respectful workplaces for all in Santa Clara County.

OLSE'S APPROACH TO EQUITY

DESJ consists of several offices focused on advancing equity in government. In 2022, DESJ released a strategic plan to advance equity through six approaches. Below are OLSE's pro-equity approaches aligned to the DESJ strategic plan.

01

Change the Narrative

- Awareness Campaigns
- Communications Strategy (website + social media)
- Outreach and Educational Materials

02

Subject Matter Expertise

- District Attorney's Office Worker Exploitation Task Force
- Gender Based Violence Prevention Human Trafficking Task Force
- Harvard University Labor and Work-life Program
- Rutgers University Workplace Justice Lab

03

Transformational Change

- County Contracts Labor Standards Enforcement Program
- Food Permit Enforcement Program

04

Partnership & Community Engagement

- CA Labor Commissioner's Office
- U.S. Department of Labor
- Fair Workplace Collaborative
- Katharine & George Alexander Community Law Center

05

Policy Analysis

- Retail Food Advisory Council

06

Data, Evaluation, & Accountability

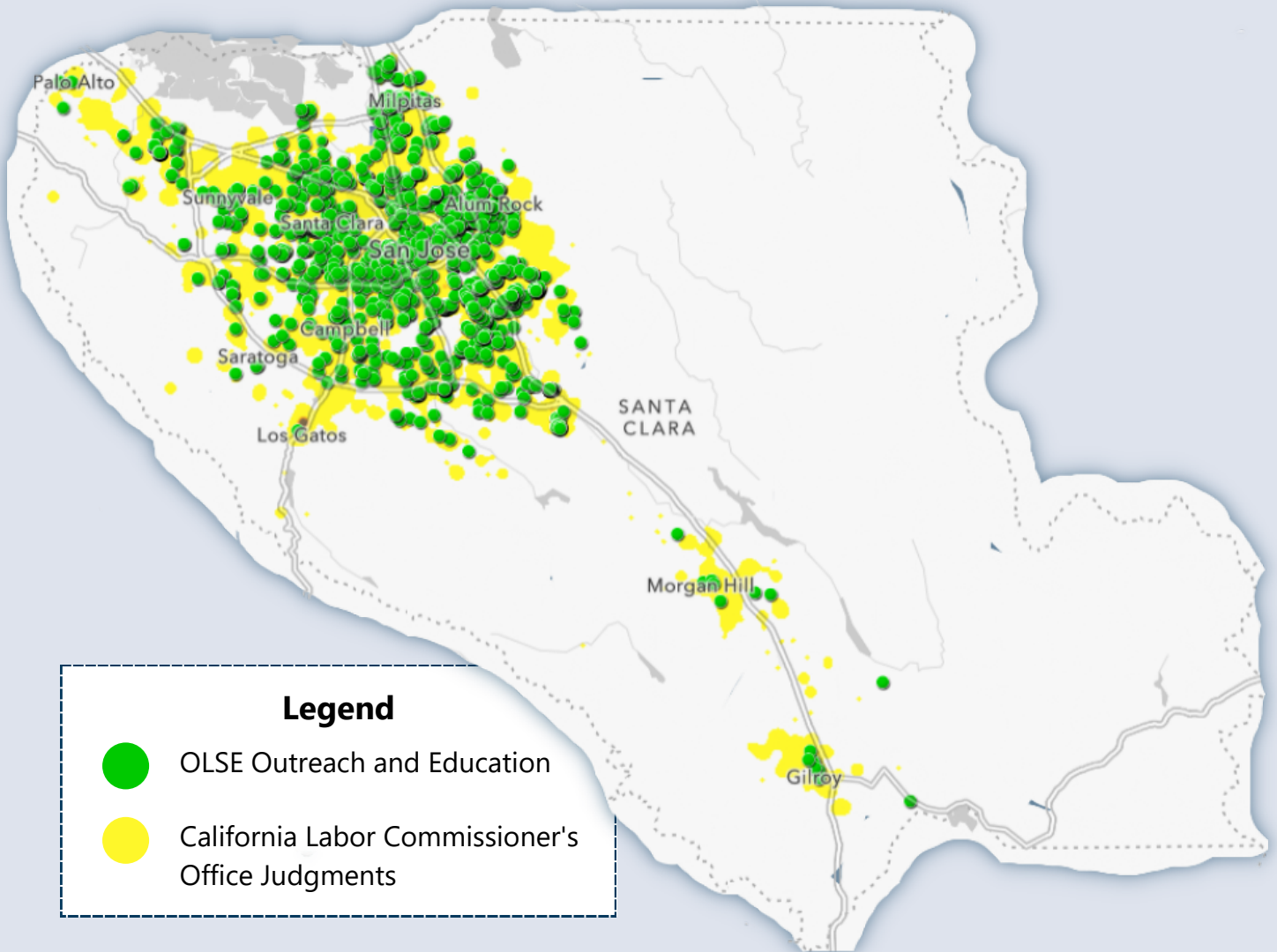
- Annual Labor Profile
- Annual Report
- Retail Food Worker Survey

OLSE VISION + HISTORY

OLSE envisions a Santa Clara County with safe and respectful workplaces for all.

- Fall 2014** Board of Supervisors adopts resolution for Wage Theft Prevention Policy
- June 2017** Board of Supervisors creates OLSE
- November 2017** Board of Supervisors approves plan for OLSE's enforcement programs
- December 2018** Board of Supervisors approves OLSE's Labor Standards Outreach and Education Initiative
- Fall 2019** Partner with the Fair Workplace Collaborative for community-based outreach and education efforts
- September 2019** Launch of the Food Permit Enforcement Program in the pilot areas of Mountain View, Sunnyvale, and downtown San Jose
- March 2020** Staff support the COVID-19 Emergency Operations Center; most labor enforcement activities suspended
- September 2020** Join the Worker Exploitation Task Force in the District Attorney's Office
- May 2021** Launch of the County Contracts Labor Standards Enforcement Program
- September 2021** Retail Food Advisory Council inaugural meeting
- October 2021** Partner with the Katharine & George Alexander Community Law Center for community legal clinic services
- April 2022** Relaunch of the Food Permit Enforcement Program in pilot areas
- March 2023** Food Permit Enforcement Program operational countywide

MEETING THE NEED



Do OLSE services meet the needs of workers and businesses?

Engagement and training activity with our community's workers and businesses was dispersed throughout Santa Clara County to ensure all geographic areas were provided outreach and education resources on business responsibilities and workers' rights.

Wage judgments issued by the California Labor Commissioner's Office are present throughout the county. These judgments highlight the need for further outreach and education activity in South County.

IMPACT BY THE NUMBERS



804

Advice Line Calls



\$82,000+

Attorney's Fees Saved*



1,084

Businesses Engaged



12,235

Workers Engaged



544

Businesses Trained



2,032

Workers Trained



530

Workers Supported by
Case Management Services



184

Clients Supported by
Legal Clinic Services

"As an inspector, I participated in an OLSE training about workers' rights and human trafficking. During one inspection in Gilroy, an employee shared that they were paid fewer hours than they worked, did not receive breaks, and did not receive overtime pay. I recalled the OLSE training and connected the worker to an Advice Line attorney. I was glad I attended the training so I could help the worker!"

*-Senior Biologist, Consumer & Environmental Protection Agency,
County of Santa Clara*





**Estimation of attorney's fees avoided through free Advice Line services at \$350/hr*

OUTREACH + EDUCATION

Overview

OLSE partners with community organizations to reach workers and businesses in the county. The objective of outreach and education is to inform them of their legal rights and responsibilities, deliver trainings, and provide individualized services to encourage compliance with local, State, and Federal labor laws.

Community Services

Partner	Outreach	Trainings	Legal Advice Line	Case Management	Legal Advice Clinic	Languages Supported
Business Circle LatinX powered by Prosperity Lab						E, S, V
Day Worker Center of Mountain View						E, S
Enterprise Foundation						E, S
Katharine & George Alexander Community Law Center						E, S
Pilipino Association of Workers and Immigrants						E, T
Step Forward Foundation			 			E, S, V, M, T, VS
Vietnamese American Roundtable						E, V
Working Partnerships USA						E, S



Business Focused Service



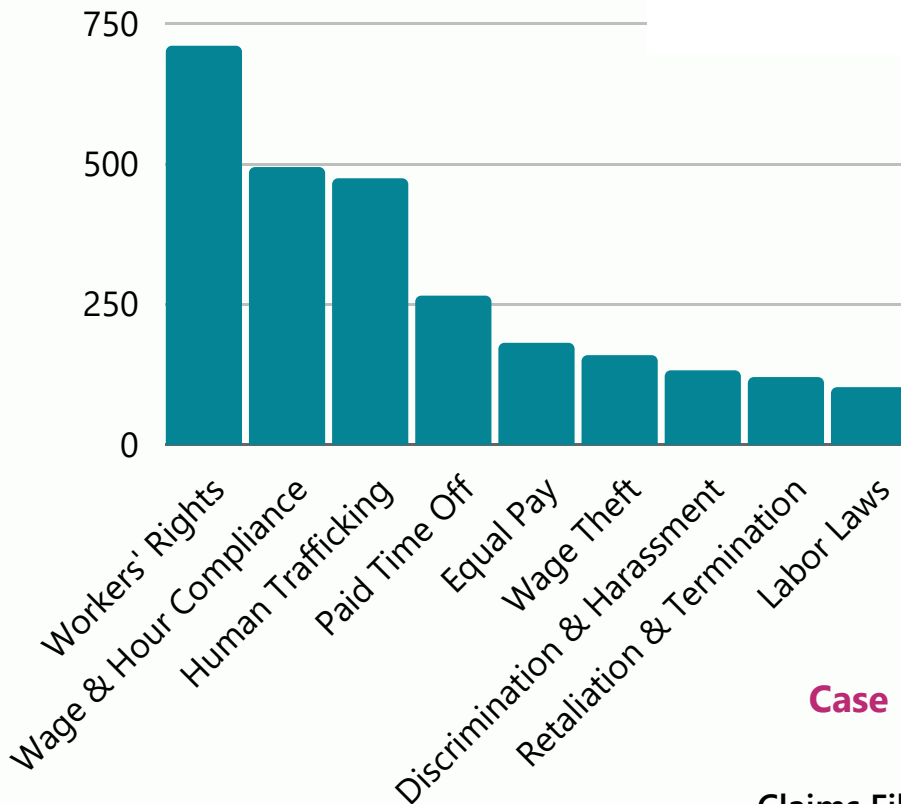
Worker Focused Service

Languages = English (E), Spanish (S), Vietnamese (V), Mandarin (M), Tagalog (T), Visayan (VS)

Community Engagement

OLSE's community partners engaged workers and businesses countywide by attending community events and door-to-door canvassing. Outreach activities provide information to the community and connect individuals to services like the Advice Line, legal clinics, and trainings.

Training Attendees by Topic



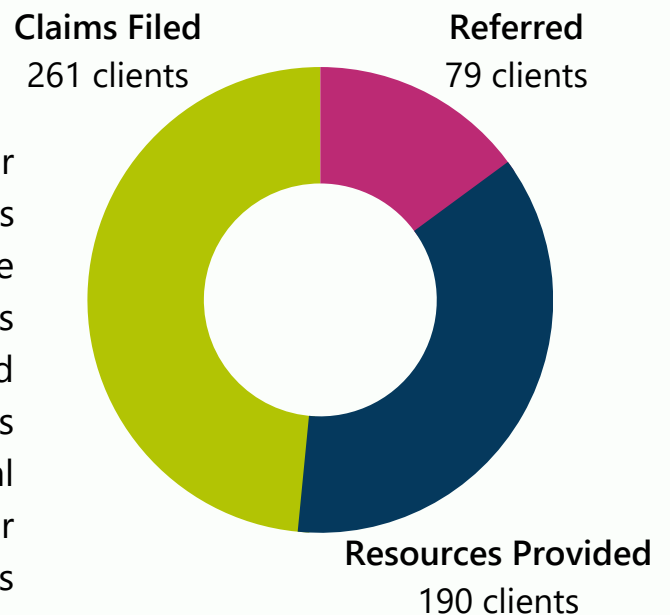
Worker & Business Trainings

OLSE's community partners provided free in-person and virtual trainings to over **2,600 workers and businesses** on a variety of labor law issues such as wage and hour compliance, workers' rights, paid time off, and discrimination and harassment prevention.

Worker Case Management

OLSE's community partners provided over **530 individualized services** to workers throughout Santa Clara County. These services consisted of issue intake, needs assessment, planning, implementation, and follow-up. Cases resulted in resources provided, claims filed with State or Federal agencies, or referrals to another organization that could support workers further.

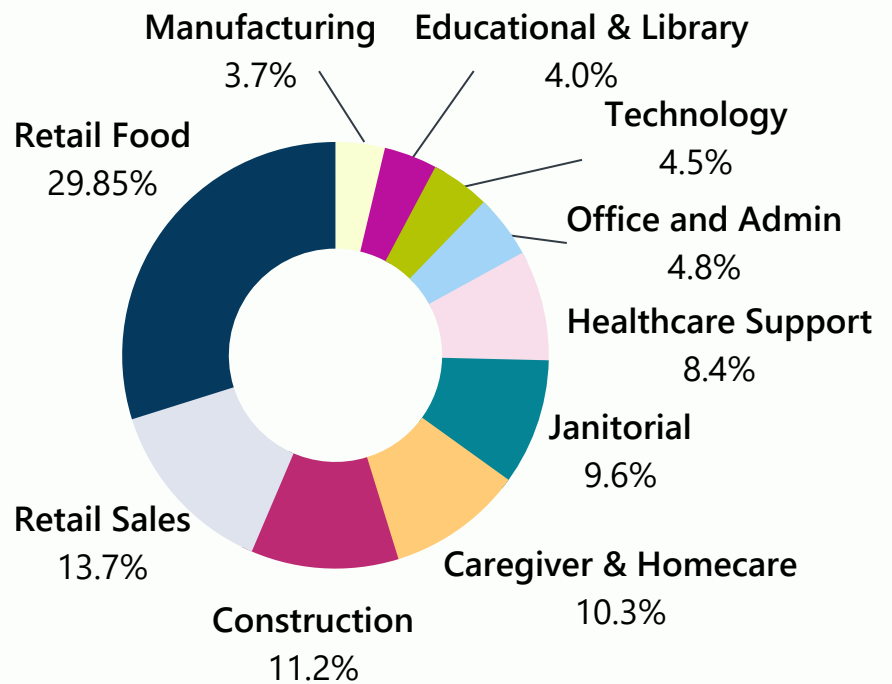
Case Management Outcomes



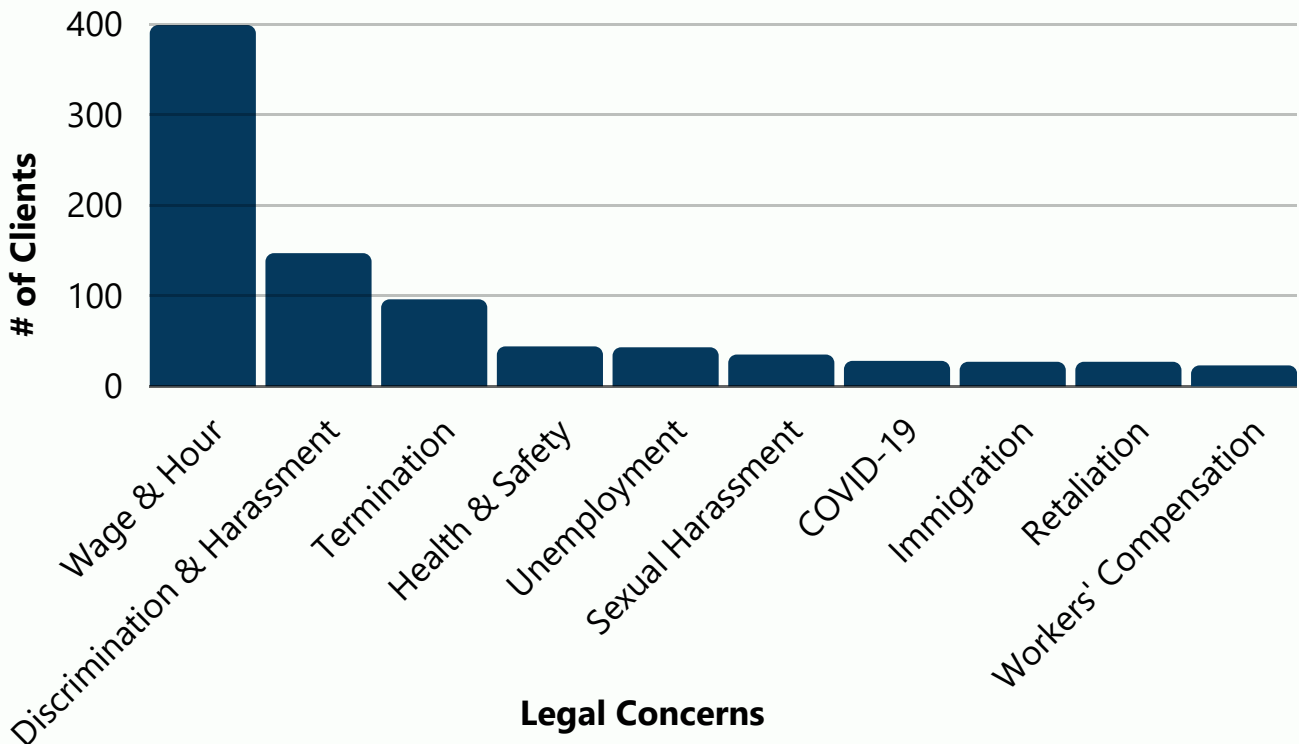
Community Legal Services

OLSE partners with community legal organizations to promote a culture of labor standards compliance in our community, which can be especially confusing for workers and small businesses that may not have access to information or legal assistance. Free community legal services provided through the Advice Line and Community Legal Clinic ensure workers and small businesses have access to needed information and resources for their workplace concerns.

Top 10 Worker Industries Among Clients



Top 10 Community Legal Concerns Among Clients

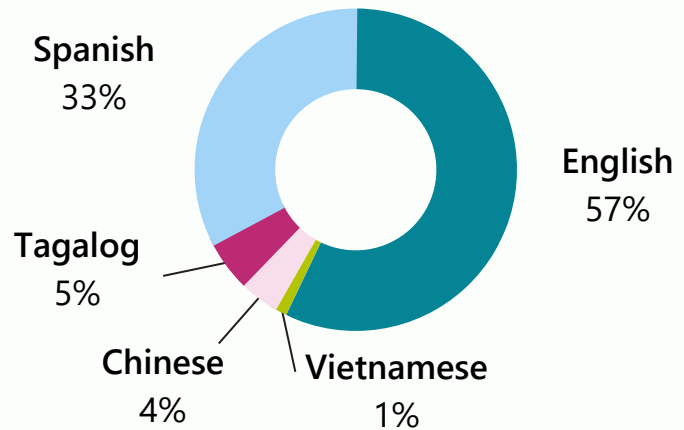


Advice Line

The Advice Line is a free resource for workers and businesses in Santa Clara County with workplace questions or concerns. The Advice Line provides information and legal advice in English, Spanish, Vietnamese, Mandarin, Tagalog, and Visayan. The Advice Line is staffed by the Step Forward Foundation; its attorneys are not employees of OLSE or the County.

In FY22-23, the Advice Line received and responded to over **800 calls** from the community. The top four workplace issues focused on wage and hour, discrimination and harassment, termination, and health & safety concerns.

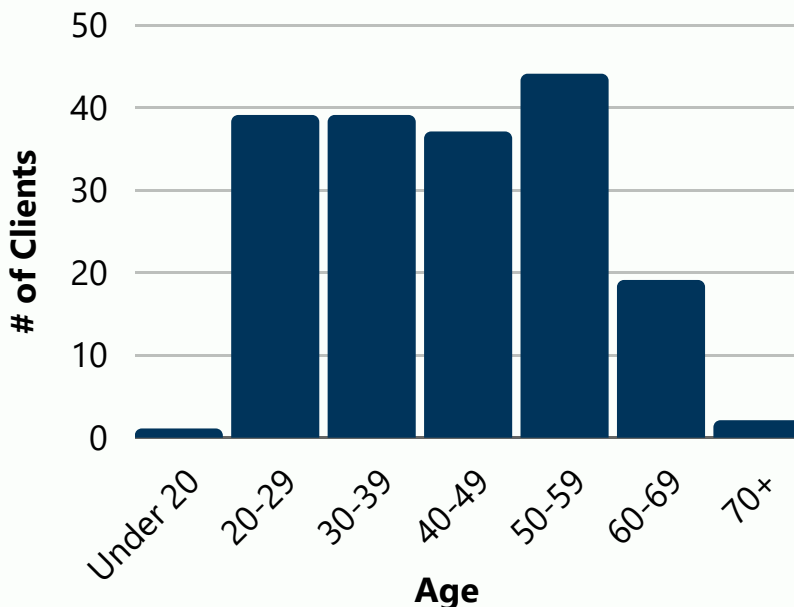
Advice Line Calls by Language



Community Legal Clinics

The Community Law Center hosts free legal clinics that provide one-on-one legal advice to clients, with a focus on low-wage and limited English-speaking workers. Clinics occur weekly during the school year with law students, under the supervision of volunteer attorneys, interviewing clients, engaging in problem solving, and advising clients in their workplace issues.

Legal Clinic Clients by Age



In FY22-23, the Community Law Center **hosted 37 legal advice clinics** and **supported over 180 clients** by providing information and legal advice on workplace issues. The Community Law Center also supported Santa Clara County workers in **collecting over \$200,000 in unpaid wages** and referred eight cases to private attorneys for additional legal assistance.

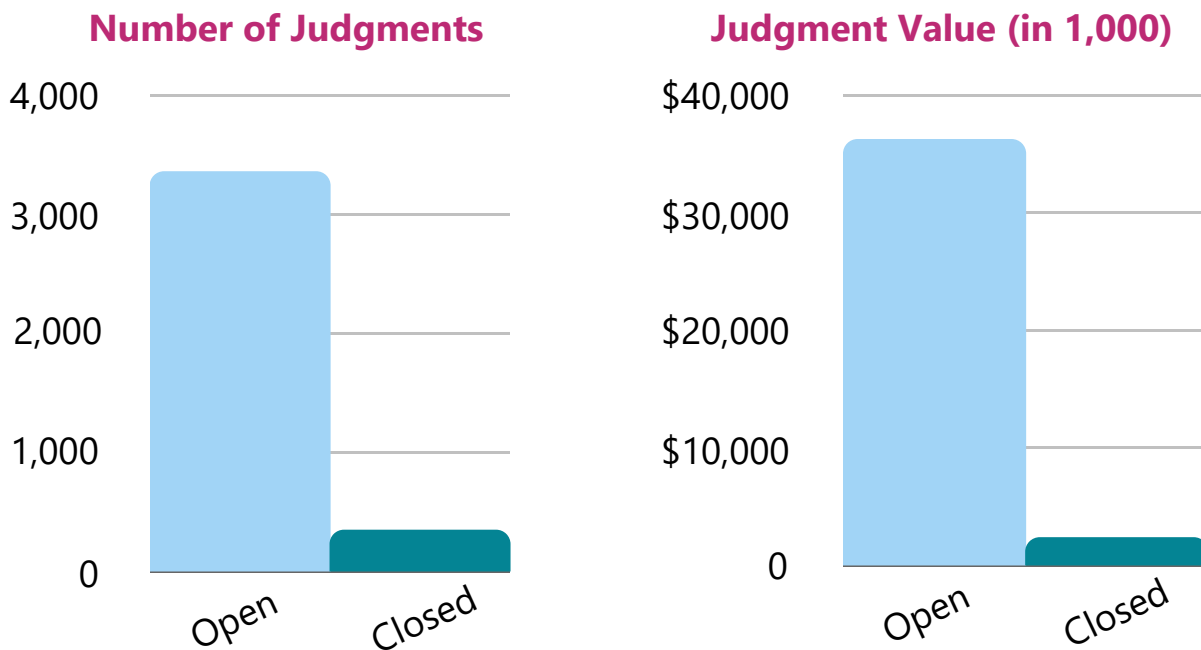
ENFORCEMENT

Overview

Wage theft is the failure of employers to pay workers the wages and benefits they have legally earned. If workers in California experience wage theft, they can file a wage claim with the California Labor Commissioner's Office.

The Labor Commissioner's Office works with the employee and employer to resolve the wage claim, which could result in a judgment that enables the employee to collect the award from their employer. A judgment becomes final after the Labor Commissioner's Office completes their investigation, a decision is made that the employer owes money to the worker, and the appeal period lapses or the employer loses their appeal.

What does wage theft look like in Santa Clara County?



Source: 2000-2023 CA Labor Commissioner's Office Judgment Data

There are over 3,000 open (meaning unpaid) judgments in Santa Clara County that total over \$36 million.

Open and unpaid judgments disproportionately affect vulnerable employees, many of them immigrants, women, and low-wage workers.

OLSE Enforcement

OLSE leverages County food permits and contracts to collect open and unpaid judgments through the Food Permit Enforcement Program and the County Contracts Labor Standards Enforcement Program.



A worker at Dulcinea Baking Co. in San Jose.

Food Permit Enforcement Program

The Food Permit Enforcement Program was launched in September 2019. In partnership with the County's Department of Environmental Health (DEH), OLSE exercises the County's authority over food permits to suspend food permits of businesses with outstanding unpaid judgments. The program aims to:

- Foster a healthy economic environment for businesses and workers
- Achieve industry-wide compliance with Federal and State labor laws
- Realize satisfaction of existing judgments so workers are paid in full for hours worked

County Contracts Labor Standards Enforcement Program

The County Contracts Labor Standards Enforcement Program enforces the Wage Theft Prevention Policy that requires all vendors comply with all applicable labor laws and disclose any final judgments. Existing contractors with outstanding judgments may be in material breach of their contract, which could result in termination. Potential contractors with outstanding judgments may be disqualified from solicitation. The purpose of the program is to:

- Put the County's values of upholding labor standards to practice
- Safeguard the County and public money from financially supporting employers with outstanding judgments
- Level the playing field for vendors

\$140K+

collected in FY22-23
from OLSE enforcement

RETAIL FOOD ADVISORY COUNCIL

Overview

The Retail Food Advisory Council (RFAC) is an informal stakeholder advisory group established by OLSE in September 2021 to provide input in advancing labor standards in the retail food industry in Santa Clara County.

RFAC informs and advises OLSE's efforts to advance labor standards countywide through research, identifying best practices, prioritizing workplace issues specific to the retail food industry, and calling attention to topics where community outreach and education is needed.

Membership

RFAC is made up of community members that have a variety of retail food stakeholder perspectives, including employees, employee advocates, business owners, business facility managers, and industry and consumer representatives.

Members

- Olivia Garcia, Retail Food Worker
- Yolanda Gomez, Business Owner
- Maria Maldonado, Fight for 15
- Maria Mora, USMF Business Association
- Yacanex Posadas, Yacanex Business Group, LLC
- Armando Ricardez, Business Circle LatinX
- Ruth Silver Taube, Santa Clara County Wage Theft Coalition
- Jennifer Smith, Community Legal Services in East Palo Alto
- Rosa Vargas, Retail Food Worker



*Retail Food Advisory Council Meeting, Spring 2023
From L to R: Rosa Vargas, Miriam Betanco (observer), Jennifer Smith, Yolanda Gomez, Maria Mora, Ruth Silver Taube*

"I participate in RFAC because I want to do my part to help small businesses. It is important that small business are represented in a way that can benefit their workers and others. By participating in RFAC, I can provide insight into how small businesses would appreciate support."

-Yacanex Posadas of Yacanex Business Group, LLC

OUR PARTNERS

Federal

- U.S. Department of Labor, Wage and Hour Division

County of Santa Clara

- Office of the District Attorney
- Department of Environmental Health

Community



Consisting of:



State

- California Labor Commissioner's Office
- Procurement Department
- Office of Countywide Contracting Management



THANK YOU

OLSE expresses gratitude to the workers and businesses in Santa Clara County that lead, build, sustain, serve, and care for our community every day.

OLSE is also thankful to all of our community, City, County, State, and Federal partners that have supported and enabled progress towards our vision of a Santa Clara County that has safe and respectful workplaces for all workers.

WHAT'S NEXT?

- Create resources and introduce activities to better serve the small business community and support their labor standards compliance efforts.
- Research working conditions in the retail food industry to better understand the needs and challenges of workers and businesses.
- Continue expansion of enforcement activities to further promote a culture of labor standards compliance in Santa Clara County.

WAGE THEFT

CAN HAPPEN TO ANYONE



HAVE ANY OF THESE HAPPENED TO YOU?

WORKING OFF THE CLOCK OR NOT BEING PAID FOR OVERTIME WORK.

STOLEN TIPS OR YOUR SUPERVISOR KEEPS A PORTION OF YOUR TIPS.

MISSING MEAL OR REST BREAKS.

BEING TREATED AS AN INDEPENDENT CONTRACTOR WHEN YOU ARE AN EMPLOYEE.

THEN YOU MAY BE AFFECTED BY WAGE THEFT.

YOU ARE NOT ALONE. HERE ARE THE FACTS ABOUT WAGE THEFT:

7,000+ WAGE THEFT CLAIMS FILED LOCALLY IN 2020.¹

NATIONALLY, MINIMUM WAGE WORKERS ARE NOT PAID FOR NEARLY A FULL DAY'S WORK EACH WEEK.²

WE'RE HERE FOR YOU.

TALK TO AN EXPERT FOR FREE AT:
1-866-870-7725

THE ADVICE LINE ATTORNEYS ARE HERE TO HELP. YOU HAVE RIGHTS REGARDLESS OF YOUR IMMIGRATION STATUS.

ENGLISH, ESPAÑOL, TIẾNG VIỆT, 中文, TAGALOG

NATIONALLY, \$15 BILLION IN WAGES ARE STOLEN EVERY YEAR.²

ILLUSTRATED BY: NOAH TRAN

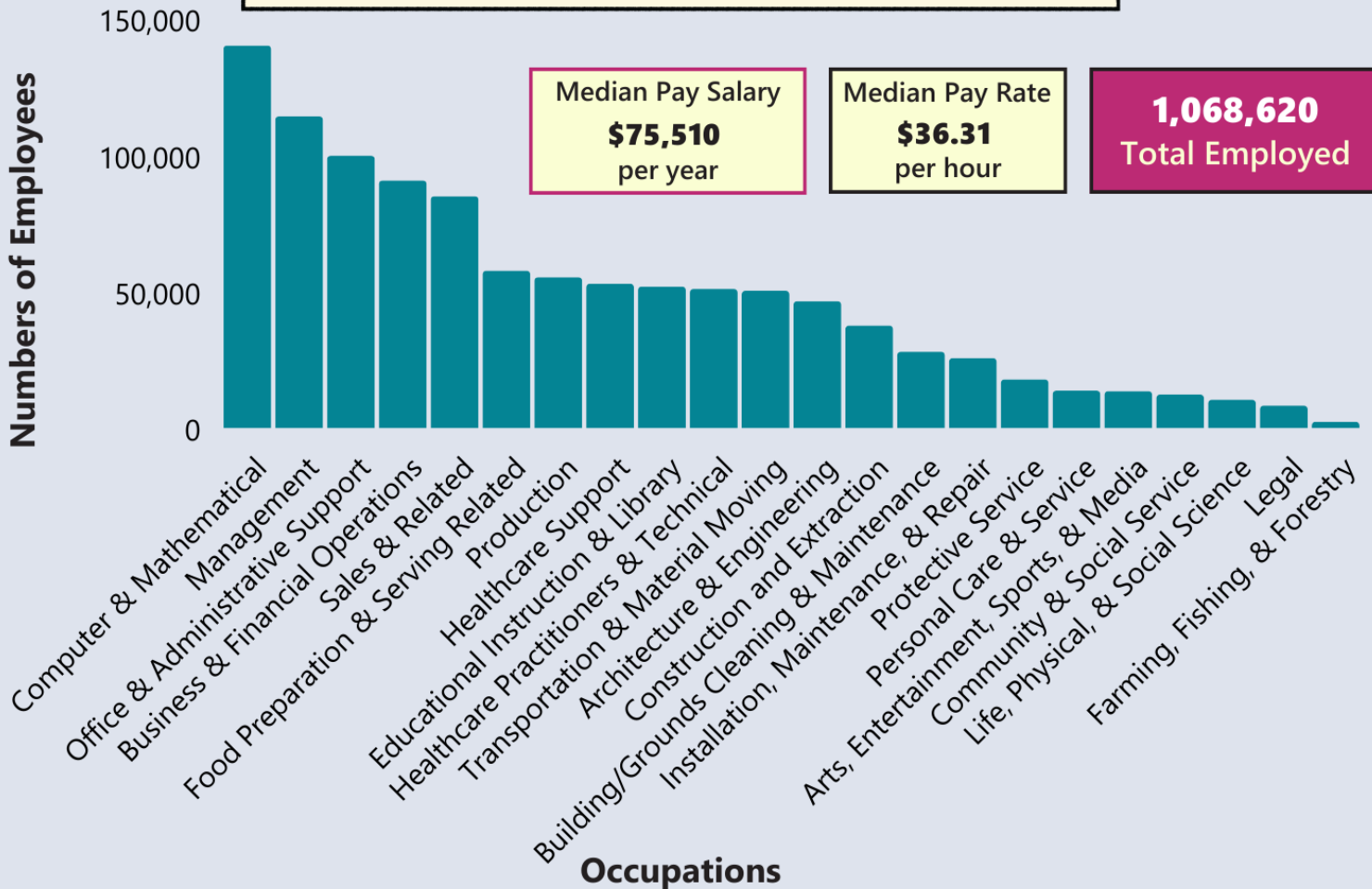
¹ JUDGMENT SEARCH. CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS. ACCESSED APRIL 5, 2022.
² COOPER, DAVID, AND TERESA KROEGER. REP. EMPLOYERS STEAL BILLIONS FROM WORKERS' PAYCHECKS EACH YEAR. ECONOMIC POLICY INSTITUTE, MAY 10, 2017.



OLSE
Office of Labor Standards Enforcement
Division of Equity & Social Justice
sccfairworkplace.org





2021 Occupational Employment and Wage Statistics Estimates

What do people in Santa Clara County do for a living?







Highest Paying Occupations

Median Salary and Hourly Rate

 Management \$171,280 /yr \$82.35/hr	 Computer & Mathematical \$159,940 /yr \$76.90/hr
 Legal \$166,650 /yr \$80.12/hr	 Architecture & Engineering \$128,560 /yr \$61.81/hr

Lowest Paying Occupations

Median Salary and Hourly Rate

 Healthcare Support \$35,340 /yr \$16.99/hr	 Farming, Fishing, & Forestry \$36,820 /yr \$17.70/hr
 Food Preparation & Serving Related \$36,580 /yr \$17.59/hr	 Personal Care & Service \$37,130 /yr \$17.85/hr

FREE Legal Advice Line for workers and businesses to ask labor-related questions ☎ **1-866-870-7725**

sccfairworkplace.org

Reference: Bureau of Labor Statistics. (2022, March 31). May 2021 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates San Jose-Sunnyvale-Santa Clara, CA. Occupational Employment Statistics. U.S. Department of Labor. https://www.bls.gov/oes/2021/oes_nat.htm. The median is defined as the 50th percentile.





OLSE



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