Introduced by Council member Gordo

ORDINANCE NO. 7278

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

SECTION 1. Ordinance No. 7278, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

"Ordinance No. 7278 will amend Title 5, Article I of the Pasadena Municipal Code by adding a new Chapter 5.02 to require the payment of a City-wide minimum wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

Ordinance No. 7278 shall take effect 30 days after publication."

SECTION 2. A new Chapter 5.02 is added to Title 5, Article I of the Pasadena Municipal Code to read as follows:

"Chapter 5.02. Payment of a City-Wide Minimum Wage

5.02.010. Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "City" means the City of Pasadena.

B. "Director" means the director of the department of finance.

C. "Employee" means any individual who:
1. In a particular week performs at least two hours of work within the geographic boundaries of the City for an employer; and
2. Qualifies as an employee entitled to payment of a minimum wage from any Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

D. "Employer" means any person, as defined in Section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any employee.

E. "Non-Profit Corporation" means a non-profit corporation, duly organized, validly existing and in good standing under the laws of the jurisdiction of its incorporation and, if a foreign corporation, in good standing under the laws of the State of California, which corporation has established and maintains valid non-profit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and all rules and regulations promulgated thereunder.

F. "Person" means any person, association, organization, partnership, business trust, limited liability company or corporation.

G. "Transitional Employer" means an organization that provides transitional jobs for the long-term unemployed, and that has been certified by the City Manager as a transitional employer under this Chapter.

5.02.015. Payment of Minimum Wage to Employees.

A. Employers shall pay Employees no less than the minimum wage set forth in this section for each hour worked within the geographic boundaries of the City.

B. Employers with 26 or more Employees shall pay a wage of no less than the hourly rates set forth below:
1. On July 1, 2016, the hourly wage shall be $10.50.
2. On July 1, 2017, the hourly wage shall be $12.00.
3. On July 1, 2018, the hourly wage shall be $13.25.

C. Employers with 25 or fewer Employees shall pay a wage of no less than the hourly rates set forth:
1. On July 1, 2017, the hourly wage shall be $10.50.
2. On July 1, 2018, the hourly wage shall be $12.00.

D. Employees, who are "Learners" as defined in Labor Code Section 1192 and consistent with wage orders published by the California Industrial Welfare Commission and are 14-17 years of age, shall be paid not less than 85% of the minimum wage set forth in this section, rounded to the nearest nickel, during their first 160 hours of employment. After more than 160 hours of employment, Learners shall be paid the applicable minimum wage pursuant to this section.

E. For purposes of this chapter, the size of an Employer's business or Non-Profit Corporation shall be determined by the average number of Employees employed during the previous calendar year.

5.02.020. Notice and Posting.

A. By April 1 of each year following the effective date of this ordinance, the City shall publish and make available to Employers a bulletin announcing the adjusted minimum wage rate, which shall take effect on July 1 of that year. In conjunction with this bulletin, the City shall, by May 1 of each year, publish and make available to Employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by Employers in the workplace informing Employees of the current minimum wage rate and of their rights under this chapter.

B. Each Employer shall give written notification to each current Employee and to each new Employee at time of hire, of Employee's rights under this chapter and of the Employee's possible right to the federal Earned Income Credit (EIC) under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all Employees. Every Employer shall also provide each Employee at the time of hire with the Employer's name, address, and telephone number in writing. Failure to post such notice shall render the Employer subject to administrative citation, pursuant to the provisions of this chapter. The City is authorized to prepare sample notices and Employer use of such notices shall constitute compliance with this subsection.

5.02.025. Deferral Application for Certain Non-Profit Employers.

The City Manager shall establish a procedure to allow an Employer that is a Non-Profit Corporation with 26 or more Employees to qualify for the deferral rate schedule specified in Section 5.02.010 C. A Non-Profit Employer seeking the deferral must establish by compelling evidence that:

A. The chief executive officer earns a salary which, when calculated on an hourly basis, is less than five times the lowest wage paid by the corporation; or

B. It is a Transitional Employer; or

C. It serves as a child care provider; or

D. It is funded primarily by City, County, State or Federal grants or reimbursements.

5.02.030. Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this chapter, for participating in proceedings related to this chapter, for seeking to enforce his or her rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter.

Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this chapter, in a civil or administrative proceeding, shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

5.02.035. Retention of Records.

A. Each Employer shall maintain, for at least three (3) years for each Employee, a record of the Employee's name, hours worked, and pay rate. Each Employer shall provide each Employee a copy of the records relating to such Employee upon the Employee's reasonable request.

B. Each Employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating Employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing social security numbers to become a matter of public record.

5.02.040. Power and duties of director.

A. The director shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The director may adopt guidelines, rules, and regulations, approved by the city attorney as to form and legality, not inconsistent with the provisions of this chapter for the purpose of carrying out and enforcing the requirements herein imposed, clarifying any of the administrative requirements of this chapter, and establishing frequency and protocol of city regulatory inspections. A copy of all adopted administrative rules and regulations shall be on file in the director's office. Any guidelines or rules shall have the force and effect of law, and may be relied upon by Employers, Employees and other parties to determine their rights and responsibilities under this chapter.

C. The director shall act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to chapter 1.25 or 1.26, respectively, of this code.

5.02.045. No Waiver of Rights.

Any waiver by an Employee of any or all of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

5.02.050. Implementation, Enforcement, and Remedies.

It is unlawful for any person to violate any provision of this chapter or to fail to comply with any of the requirements of this chapter.

A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than $1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted and for each and every employee or person as to whom the violation occurred or continued.

B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted and for each and every employee or person as to whom the violation occurred or continued.

C. Administrative Proceeding. In addition to the penalty provisions of subsections A and B of this section, violations of any administrative or regulatory provision of this chapter may be subject to the administrative proceedings set forth in Chapters 1.24, 1.25, and 1.26 of the Pasadena Municipal Code, including, but without limitation, civil penalties, late payment penalties, administrative fees, general fee schedule penalties and other related charges.

D. Judicial Action. The city or any person claiming harm from a violation of this chapter may bring an action against the Employer in court to enforce the provisions of this chapter. Any person claiming harm from a violation of this chapter and/or the city is/are entitled to all legal and equitable relief to remedy any violation of this chapter, including, but not limited to, the payment of back wages withheld in violation of this chapter; an additional amount equal to triple back wages withheld as liquidated damages;, reinstatement of employment or other injunctive relief; and reasonable attorney's fees and costs to any plaintiff, who prevails in an action to

enforce this chapter. Violations of this chapter are declared to irreparably harm the public and covered Employees generally.

E. Revocation of Certificates, Permits, or Licenses. Except where prohibited by state or federal law, the city may revoke or suspend any registration, certificates, permits, or licenses held or requested by the Employer until such time as the violation is remedied.

F. Remedies Not Exclusive. The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

5.02.055. Coexistence with other Available Relief for Specific Deprivations of Protected Rights.

The provisions of this chapter shall not be construed as limiting any Employee's right to obtain relief to which he or she may be entitled at law or in equity.

5.02.060. Conflicts.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law.

5.02.065. Report and Increase in Future Years.

A. On or before February 18, 2019, the City Manager shall present a report to the City Council summarizing the impact of the city-wide minimum wage on reducing poverty, unemployment, job creation, and the overall local business climate.

B. As soon thereafter as practical, the City Manager shall request direction from the City Council regarding an amendment to this chapter to increase the city-wide minimum wage according to the following schedule:
   1. July 1, 2019, the hourly wage shall be $14.25.
   2. July 1, 2020, the hourly wage shall be $15.00.
   3. Beginning July 1, 2022, and each July 1 thereafter the hourly wage shall be adjusted by an amount equal to the change in the Los Angeles-Riverside-Orange County consumer price index for Urban Wage Earners and Clerical Workers.

5.02.070. Severability.

If any subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

SECTION 4. This Ordinance shall take effect 30 days after publication.

Signed and approved this 14th day of March, 2016.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on 14th day of March 2016 by the following vote:

AYES: Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Mayor Tornek

NOES: None

ABSENT: Vice Mayor Masuda

ABSTAIN: None

Published: March 17, 2016
Pasadena Journal

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

Brad L. Fuller
Assistant City Attorney

0000137367C031

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** March 14, 2016

FROM: CITY ATTORNEY

SUBJECT: Second reading of an ordinance of the City of Pasadena adding Chapter 5.02 to Title 5 of the Pasadena Municipal Code to require the payment of a City-wide Minimum Wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02, TO TITLE 5, ARTICLE I, OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

PURPOSE OF ORDINANCE

This Ordinance reflects the changes made by the Council during the Council Meeting on March 7, 2016. This Ordinance is intended to ensure that employees who work in the City receive a minimum wage sufficient to ensure a decent and healthy life for themselves and their families. The City Council directed preparation of this Ordinance at its meeting on February 1, 2016.

IMPLEMENTATION AND ENFORCEMENT

With respect to implementation, the employer posting requirement takes place on May 1 of each year and the new Minimum wage of $10.50 takes effect on July 1, 2016.

The Ordinance appoints the Director of Finance as the Administrator of the Minimum Wage Program. This designates central responsibility for the City's program, once established, and provides the Finance Director with authority to use the general enforcement provisions of the Pasadena Municipal Code as a potential response to compliance issues under the program. The City Manager will convene a Working Group to address the steps toward implementation to include representatives from the City Manager's Office, Finance Department, Economic Development Division, Human

MEETING OF 03/14/2016

AGENDA ITEM NO. 22

Services and Recreation Department, and the City Attorney/City Prosecutor's Department (including both Civil and Prosecution).

The City Manager has proposed the following timeline of study and action once the Ordinance is adopted:

April- May, 2016. Informational Outreach Planning. There will be an informational outreach effort both to employees and to employers subject to the Minimum Wage well prior to the date of the first wage increase. The outreach plan may include partnerships with Community organizations in this effort. The Working Group will return to Economic Development and Technology Committee in April or May with an informational outreach plan which will address the methods and tools for outreach as well as fiscal impacts.

May-June, 2016. Identification and training of "portals" for questions and complaints. There are presently existing contact points for persons with consumer or related complaints. These include the Consumer Action Centers at Jackie Robinson Center and at Villa Parke, and community based efforts such as the Pasadena Community Job Center and others may be identified. The personnel in any locations identified as "portals" must receive training in the Minimum Wage Ordinance features as well as the intake necessary to help evaluate potential claims and to document them. The Working Group will return to the Economic Development and Technology Committee in May with a plan which includes fiscal impact of creating and training these portals.

June-July 2016. Planning for complaint based enforcement. The City Prosecutor is empowered to prosecute violations as infractions or misdemeanors. In addition, there are potential avenues for civil enforcement, through the general enforcement provisions of the Pasadena Municipal Code. Specifically, these include Compliance Orders (Pasadena Municipal Code Section 1.25) and Administrative Penalties (Pasadena Municipal Code Section 1.26). These provide civil remedies, not within the criminal justice system, for violations of the Minimum Wage Ordinance.

There is presently no identified mechanism for investigating and presenting Minimum Wage violations for prosecution. In addition, while citation based enforcement can be easily adapted toward enforcing the Ordinance posting requirements, there is no established process for processing individual Minimum Wage violation complaints through the civil enforcement mechanism described in the code. Basic questions as to who handles complaint review, investigations, issuance of citations and the administrative hearing processes described in the code need to be addressed. The Working Group will return to the Economic Development and Technology Committee in June with a plan which includes the fiscal impact of complaint based enforcement mechanisms.

REASON WHY LEGISLATION IS NEEDED

Enactment and enforcement of this Ordinance is an exercise of the powers vested in the City of Pasadena under the laws and the Constitution of the State of California and the City Charter including but not limited to the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution and Section 1205(b) of the California Labor Code.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The departments most impacted by adoption of this Ordinance will be Finance, Human Services and Recreation, the City Attorney/City Prosecutor's Office, and the City Manager's Office. Minimum wage workers throughout the City will be impacted and economic activity in the City is anticipated to increase. Businesses employing minimum wage workers will see an increase in labor costs and posting requirements.

FISCAL IMPACT

It is impossible to estimate the fiscal impact of this Ordinance. There will be printing cost increases, mailing cost increases, and potentially staffing cost increases. There should be some long term increases in sales tax revenue resulting from the anticipated increased economic activity.

Respectfully submitted

Michele Beal Bagneris
City Attorney

Prepared by:

Brad L. Fuller
Assistant City Attorney

Concurrence:

Steve Mermell
Interim City Manager

0000137385C031

Introduced by Council member Gordo

ORDINANCE NO. 7278

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

SECTION 1. Ordinance No. 7278, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

"Ordinance No. 7278 will amend Title 5, Article I of the Pasadena Municipal Code by adding a new Chapter 5.02 to require the payment of a City-wide minimum wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

Ordinance No. 7278 shall take effect 30 days after publication."

SECTION 2. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

SECTION 3. This Ordinance shall take effect 30 days after publication.

Signed and approved this 14th day of March, 2016.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on 14th day of March 2016 by the following vote:

AYES: Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Mayor Tornek

NOES: None

ABSENT: Vice Mayor Masuda

ABSTAIN: None

Published: March 17, 2016
Pasadena Journal

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

Brad L. Fuller
Assistant City Attorney

0000137368C031

SEE ADOPTED
ORDINANCE NO. 7278

Introduced by Council member _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

SECTION 1. Ordinance No. ____, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

"Ordinance No. ____ will amend Title 5, Article I of the Pasadena Municipal Code by adding a new Chapter 5.02 to require the payment of a City-wide minimum wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

Ordinance No. _____ shall take effect 30 days after publication."

SECTION 2. A new Chapter 5.02 is added to Title 5, Article I of the Pasadena Municipal Code to read as follows:

"Chapter 5.02. Payment of a City-Wide Minimum Wage

5.02.010. Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "City" means the City of Pasadena.

B. "Director" means the director of the department of finance.

C. "Employee" means any individual who:

1. In a particular week performs at least two hours of work within the geographic boundaries of the City for an employer; and

2. Qualifies as an employee entitled to payment of a minimum wage from any Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

D. "Employer" means any person, as defined in Section 18 of the California Labor Code, including a corporate officer or executive who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any employee.

E. "Non-Profit Corporation" means a non-profit corporation, duly organized, validly existing and in good standing under the laws of the jurisdiction of its incorporation and, if a foreign corporation, in good standing under the laws of the State of California, which corporation has established and maintains valid non-profit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and all rules and regulations promulgated thereunder.

F. "Person" means any person, association, organization, partnership, business trust, limited liability company or corporation.

G. "Transitional Employer" means an organization that provides transitional jobs for the long-term unemployed, and that has been certified by the City Manager as a transitional employer under this Chapter.

5.02.015. Payment of Minimum Wage to Employees.

A. Employers shall pay Employees no less than the minimum wage set forth in this section for each hour worked within the geographic boundaries of the City.

B. Employers with 26 or more Employees shall pay a wage of no less than the hourly rates set forth below:
1. On July 1, 2016, the hourly wage shall be $10.50.
2. On July 1, 2017, the hourly wage shall be $12.00.
3. On July 1, 2018, the hourly wage shall be $13.25.

C. Employers with 25 or fewer Employees shall pay a wage of no less than the hourly rates set forth:
1. On July 1, 2017, the hourly wage shall be $10.50.
2. On July 1, 2018, the hourly wage shall be $12.00.

D. Employees, who are "Learners" as defined in Labor Code Section 1192 and consistent with wage orders published by the California Industrial Welfare Commission and are 14-17 years of age, shall be paid not less than 85% of the minimum wage set forth in this section, rounded to the nearest nickel, during their first 160 hours of

employment. After more than 160 hours of employment, Learners shall be paid the applicable minimum wage pursuant to this section.

E. For purposes of this chapter, the size of an Employer's business or Non-Profit Corporation shall be determined by the average number of Employees employed during the previous calendar year.

5.02.020. Notice and Posting.

A. By April 1 of each year following the effective date of this ordinance, the City shall publish and make available to Employers a bulletin announcing the adjusted minimum wage rate, which shall take effect on July 1 of that year. In conjunction with this bulletin, the City shall, by May 1 of each year, publish and make available to Employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by Employers in the workplace informing Employees of the current minimum wage rate and of their rights under this chapter.

B. Each Employer shall give written notification to each current Employee and to each new Employee at time of hire, of Employee's rights under this chapter and of the Employee's possible right to the federal Earned Income Credit (EIC) under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all Employees. Every Employer shall also provide each Employee at the time of hire with the Employer's name, address, and telephone number in writing. Failure to post such notice shall render the Employer subject to administrative citation, pursuant to the provisions of this chapter. The City is authorized to prepare sample notices and Employer use of such notices shall constitute compliance with this subsection.

5.02.025. Deferral Application for Certain Non-Profit Employers.

The City Manager shall establish a procedure to allow an Employer that is a Non-Profit Corporation with 26 or more Employees to qualify for the deferral rate schedule specified in Section 5.02.010 C. A Non-Profit Employer seeking the deferral must establish by compelling evidence that:

A. The chief executive officer earns a salary which, when calculated on an hourly basis, is less than five times the lowest wage paid by the corporation; or

B. It is a Transitional Employer; or

C. It serves as a child care provider; or

D. It is funded primarily by City, County, State or Federal grants or reimbursements.

5.02.030. Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this chapter, for participating in proceedings related to this chapter, for seeking to enforce his or her rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter.

5.02.035. Retention of Records.

A. Each Employer shall maintain, for at least three (3) years for each Employee, a record of the Employee's name, hours worked, and pay rate. Each Employer shall provide each Employee a copy of the records relating to such Employee upon the Employee's reasonable request.

B. Each Employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating Employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing social security numbers to become a matter of public record.

5.02.040. Power and duties of director.

A. The director shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The director may adopt guidelines, rules, and regulations, approved by the city attorney as to form and legality, not inconsistent with the provisions of this chapter for the purpose of carrying out and enforcing the requirements herein imposed, clarifying any of the administrative requirements of this chapter, and establishing frequency and protocol of city regulatory inspections. A copy of all adopted administrative rules and regulations shall be on file in the director's office. Any guidelines or rules shall have the force and effect of law, and may be relied upon by Employers, Employees and other parties to determine their rights and responsibilities under this chapter.

C. The director shall act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to chapter 1.25 or 1.26, respectively, of this code.

5.02.045. No Waiver of Rights.

Any waiver by an Employee of any or all of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

5.02.050. Implementation, Enforcement, and Remedies.

It is unlawful for any person to violate any provision of this chapter or to fail to comply with any of the requirements of this chapter.

A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than $1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

C. Administrative Proceeding. In addition to the penalty provisions of subsections A and B of this section, violations of any administrative or regulatory provision of this chapter may be subject to the administrative proceedings set forth in Chapters 1.24, 1.25, and 1.26 of the Pasadena Municipal Code, including, but without limitation, civil penalties, late payment penalties, administrative fees, general fee schedule penalties and other related charges.

D. Judicial Action. The city or any person claiming harm from a violation of this chapter may bring an action against the Employer in court to enforce the provisions of this chapter. Any person claiming harm from a violation of this chapter and/or the city is/are entitled to all legal and equitable relief to remedy any violation of this chapter, including, but not limited to, the payment of back wages withheld in

violation of this chapter; an additional amount equal to triple back wages withheld as liquidated damages;, reinstatement of employment or other injunctive relief; and reasonable attorney's fees and costs to any plaintiff, who prevails in an action to enforce this chapter. Violations of this chapter are declared to irreparably harm the public and covered Employees generally.

E. Revocation of Certificates, Permits, or Licenses. Except where prohibited by state or federal law, the city may revoke or suspend any registration, certificates, permits, or licenses held or requested by the Employer until such time as the violation is remedied.

F. Remedies Not Exclusive. The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

5.02.055. Coexistence with other Available Relief for Specific Deprivations of Protected Rights.

The provisions of this chapter shall not be construed as limiting any Employee's right to obtain relief to which he or she may be entitled at law or in equity.

5.02.060. Conflicts.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law.

5.02.065. Report and Increase in Future Years.

A. On or before February 18, 2019, the City Manager shall present a report to the City Council summarizing the impact of the city-wide minimum wage on reducing poverty, unemployment, job creation, and the overall local business climate.

B. As soon thereafter as practical, the City Manager shall request direction from the City Council regarding an amendment to this chapter to increase the city-wide minimum wage according to the following schedule:
   1. July 1, 2019, the hourly wage shall be $14.25.
   2. July 1, 2020, the hourly wage shall be $15.00.

3. Beginning July 1, 2021, and each July 1 thereafter the hourly wage shall be adjusted by an amount equal to the change in the Los Angeles-Riverside-Orange County consumer price index for Urban Wage Earners and Clerical Workers.

5.02.070. Severability.

If any subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

SECTION 4. This Ordinance shall take effect 30 days after publication.

Signed and approved this _____ day of _____, 2016.

_____
Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on _____ day of _____ 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

Brad L. Fuller
Assistant City Attorney

0000137173C031

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** March 7, 2016

FROM: CITY ATTORNEY

SUBJECT: An ordinance of the City of Pasadena adding Chapter 5.02 to Title 5 of the Pasadena Municipal Code to require the payment of a City-wide Minimum Wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02, TO TITLE 5, ARTICLE I, OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

PURPOSE OF ORDINANCE

This Ordinance is intended to ensure that employees who work in the City receive a minimum wage sufficient to ensure a decent and healthy life for themselves and their families. The City Council directed preparation of this Ordinance at its meeting on February 1, 2016.

IMPLEMENTATION AND ENFORCEMENT

With respect to implementation, the employer posting requirement takes place on May 1 of each year and the new Minimum wage of $10.50 takes effect on July 1, 2016.

The Ordinance appoints the Director of Finance as the Administrator of the Minimum Wage Program. This designates central responsibility for the City's program, once established, and provides the Finance Director with authority to use the general enforcement provisions of the Pasadena Municipal Code as a potential response to compliance issues under the program. The City Manager will convene a Working Group to address the steps toward implementation to include representatives from the City Manager's Office, Finance Department, Economic Development Division, Human

MEETING OF 03/07/2016

AGENDA ITEM NO. 12

Services and Recreation Department, and the City Attorney/City Prosecutor's Department (including both Civil and Prosecution).

The City Manager has proposed the following timeline of study and action once the Ordinance is adopted;

April- May, 2016. Informational Outreach Planning. There will be an informational outreach effort both to employees and to employers subject to the Minimum Wage well prior to the date of the first wage increase. The outreach plan may include partnerships with Community organizations in this effort. The Working Group will return to Economic Development and Technology Committee in April or May with an informational outreach plan which will address the methods and tools for outreach as well as fiscal impacts.

May-June, 2016. Identification and training of "portals" for questions and complaints. There are presently existing contact points for persons with consumer or related complaints. These include the Consumer Action Centers at Jackie Robinson Center and at Villa Parke, and community based efforts such as the Pasadena Community Job Center and others may be identified. The personnel in any locations identified as "portals" must receive training in the Minimum Wage Ordinance features as well as the intake necessary to help evaluate potential claims and to document them. The Working Group will return to the Economic Development and Technology Committee in May with a plan which includes fiscal impact of creating and training these portals.

June-July 2016. Planning for complaint based enforcement. The City Prosecutor is empowered to prosecute violations as infractions or misdemeanors. In addition, there are potential avenues for civil enforcement, through the general enforcement provisions of the Pasadena Municipal Code. Specifically, these include Compliance Orders (Pasadena Municipal Code Section 1.25) and Administrative Penalties (Pasadena Municipal Code Section 1.26). These provide civil remedies, not within the criminal justice system, for violations of the Minimum Wage Ordinance.

There is presently no identified mechanism for investigating and presenting Minimum Wage violations for prosecution. In addition, while citation based enforcement can be easily adapted toward enforcing the Ordinance posting requirements, there is no established process for processing individual Minimum Wage violation complaints through the civil enforcement mechanism described in the code. Basic questions as to who handles complaint review, investigations, issuance of citations and the administrative hearing processes described in the code need to be addressed. The Working Group will return to the Economic Development and Technology Committee in June with a plan which includes the fiscal impact of complaint based enforcement mechanisms.

REASON WHY LEGISLATION IS NEEDED

Enactment and enforcement of this Ordinance is an exercise of the powers vested in the City of Pasadena under the laws and the Constitution of the State of California and the City Charter including but not limited to the police powers vested in the City pursuant to Article XI, Section 7 of the California Constitution and Section 1205(b) of the California Labor Code.

ROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The departments most impacted by adoption of this Ordinance will be Finance, Human Services and Recreation, the City Attorney/City Prosecutor's Office, and the City Manager's Office. Minimum wage workers throughout the City will be impacted and economic activity in the City is anticipated to increase. Businesses employing minimum wage workers will see an increase in labor costs and posting requirements.

FISCAL IMPACT

It is impossible to estimate the fiscal impact of this Ordinance. There will be printing cost increases, mailing cost increases, and potentially staffing cost increases. There should be some long term increases in sales tax revenue resulting from the anticipated increased economic activity.

Respectfully submitted

Michele Beal Bagneris
City Attorney

Prepared by:

Brad L. Fuller
Assistant City Attorney

Concurrence:

Steve Mermell
Interim City Manager

MEMORANDUM – CITY OF PASADENA

TO: **Honorable Mayor and City Council**

FROM: **Michele Beal Bagneris, City Attorney**

DATE: **March 7, 2016**

RE: **Revision: Ordinance of the City of Pasadena adding Chapter 5.02 to 5 of the Pasadena Municipal Code, Meeting of 03/07/2016; Item 12**

Attached, please find the above-referenced Ordinance, which has been corrected on Page 7 to change the date to July 1, 2022 instead of July 1, 2021, as provided in the City Council's direction of February 1, 2016.

03/07/2016
Item 12

Introduced by Council member _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

SECTION 1. Ordinance No. ____, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

"Ordinance No. ____ will amend Title 5, Article I of the Pasadena Municipal Code by adding a new Chapter 5.02 to require the payment of a City-wide minimum wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

Ordinance No. _____ shall take effect 30 days after publication."

SECTION 2. A new Chapter 5.02 is added to Title 5, Article I of the Pasadena Municipal Code to read as follows:

"Chapter 5.02. Payment of a City-Wide Minimum Wage

5.02.010. Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "City" means the City of Pasadena.

B. "Director" means the director of the department of finance.

C. "Employee" means any individual who:

1. In a particular week performs at least two hours of work within the geographic boundaries of the City for an employer; and

2. Qualifies as an employee entitled to payment of a minimum wage from any Employer under the California minimum wage law, as provided under Section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

D. "Employer" means any person, as defined in Section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any employee.

E. "Non-Profit Corporation" means a non-profit corporation, duly organized, validly existing and in good standing under the laws of the jurisdiction of its incorporation and, if a foreign corporation, in good standing under the laws of the State of California, which corporation has established and maintains valid non-profit status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and all rules and regulations promulgated thereunder.

F. "Person" means any person, association, organization, partnership, business trust, limited liability company or corporation.

G. "Transitional Employer" means an organization that provides transitional jobs for the long-term unemployed, and that has been certified by the City Manager as a transitional employer under this Chapter.

5.02.015. Payment of Minimum Wage to Employees.

A. Employers shall pay Employees no less than the minimum wage set forth in this section for each hour worked within the geographic boundaries of the City.

B. Employers with 26 or more Employees shall pay a wage of no less than the hourly rates set forth below:
1. On July 1, 2016, the hourly wage shall be $10.50.
2. On July 1, 2017, the hourly wage shall be $12.00.
3. On July 1, 2018, the hourly wage shall be $13.25.

C. Employers with 25 or fewer Employees shall pay a wage of no less than the hourly rates set forth:
1. On July 1, 2017, the hourly wage shall be $10.50.
2. On July 1, 2018, the hourly wage shall be $12.00.

D. Employees, who are "Learners" as defined in Labor Code Section 1192 and consistent with wage orders published by the California Industrial Welfare Commission and are 14-17 years of age, shall be paid not less than 85% of the minimum wage set forth in this section, rounded to the nearest nickel, during their first 160 hours of

employment. After more than 160 hours of employment, Learners shall be paid the applicable minimum wage pursuant to this section.

E. For purposes of this chapter, the size of an Employer's business or Non-Profit Corporation shall be determined by the average number of Employees employed during the previous calendar year.

5.02.020. Notice and Posting.

A. By April 1 of each year following the effective date of this ordinance, the City shall publish and make available to Employers a bulletin announcing the adjusted minimum wage rate, which shall take effect on July 1 of that year. In conjunction with this bulletin, the City shall, by May 1 of each year, publish and make available to Employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by Employers in the workplace informing Employees of the current minimum wage rate and of their rights under this chapter.

B. Each Employer shall give written notification to each current Employee and to each new Employee at time of hire, of Employee's rights under this chapter and of the Employee's possible right to the federal Earned Income Credit (EIC) under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all Employees. Every Employer shall also provide each Employee at the time of hire with the Employer's name, address, and telephone number in writing. Failure to post such notice shall render the Employer subject to administrative citation, pursuant to the provisions of this chapter. The City is authorized to prepare sample notices and Employer use of such notices shall constitute compliance with this subsection.

5.02.025. Deferral Application for Certain Non-Profit Employers.

The City Manager shall establish a procedure to allow an Employer that is a Non-Profit Corporation with 26 or more Employees to qualify for the deferral rate schedule specified in Section 5.02.010 C. A Non-Profit Employer seeking the deferral must establish by compelling evidence that:

A. The chief executive officer earns a salary which, when calculated on an hourly basis, is less than five times the lowest wage paid by the corporation; or

B. It is a Transitional Employer; or

C. It serves as a child care provider; or

D. It is funded primarily by City, County, State or Federal grants or reimbursements.

5.02.030. Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this chapter, for participating in proceedings related to this chapter, for seeking to enforce his or her rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter.

5.02.035. Retention of Records.

A. Each Employer shall maintain, for at least three (3) years for each Employee, a record of the Employee's name, hours worked, and pay rate. Each Employer shall provide each Employee a copy of the records relating to such Employee upon the Employee's reasonable request.

B. Each Employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating Employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing social security numbers to become a matter of public record.

5.02.040. Power and duties of director.

A. The director shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The director may adopt guidelines, rules, and regulations, approved by the city attorney as to form and legality, not inconsistent with the provisions of this chapter for the purpose of carrying out and enforcing the requirements herein imposed, clarifying any of the administrative requirements of this chapter, and establishing frequency and protocol of city regulatory inspections. A copy of all adopted administrative rules and regulations shall be on file in the director's office. Any guidelines or rules shall have the force and effect of law, and may be relied upon by Employers, Employees and other parties to determine their rights and responsibilities under this chapter.

C. The director shall act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to chapter 1.25 or 1.26, respectively, of this code.

5.02.045. No Waiver of Rights.

Any waiver by an Employee of any or all of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

5.02.050. Implementation, Enforcement, and Remedies.

It is unlawful for any person to violate any provision of this chapter or to fail to comply with any of the requirements of this chapter.

A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than $1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted.

C. Administrative Proceeding. In addition to the penalty provisions of subsections A and B of this section, violations of any administrative or regulatory provision of this chapter may be subject to the administrative proceedings set forth in Chapters 1.24, 1.25, and 1.26 of the Pasadena Municipal Code, including, but without limitation, civil penalties, late payment penalties, administrative fees, general fee schedule penalties and other related charges.

D. Judicial Action. The city or any person claiming harm from a violation of this chapter may bring an action against the Employer in court to enforce the provisions of this chapter. Any person claiming harm from a violation of this chapter and/or the city is/are entitled to all legal and equitable relief to remedy any violation of this chapter, including, but not limited to, the payment of back wages withheld in

violation of this chapter; an additional amount equal to triple back wages withheld as liquidated damages;, reinstatement of employment or other injunctive relief; and reasonable attorney's fees and costs to any plaintiff, who prevails in an action to enforce this chapter. Violations of this chapter are declared to irreparably harm the public and covered Employees generally.

E. Revocation of Certificates, Permits, or Licenses. Except where prohibited by state or federal law, the city may revoke or suspend any registration, certificates, permits, or licenses held or requested by the Employer until such time as the violation is remedied.

F. Remedies Not Exclusive. The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

5.02.055. Coexistence with other Available Relief for Specific Deprivations of Protected Rights.

The provisions of this chapter shall not be construed as limiting any Employee's right to obtain relief to which he or she may be entitled at law or in equity.

5.02.060. Conflicts.

Nothing in this chapter shall be interpreted or applied so as to create any power or duty in conflict with any federal or State law.

5.02.065. Report and Increase in Future Years.

A. On or before February 18, 2019, the City Manager shall present a report to the City Council summarizing the impact of the city-wide minimum wage on reducing poverty, unemployment, job creation, and the overall local business climate.

B. As soon thereafter as practical, the City Manager shall request direction from the City Council regarding an amendment to this chapter to increase the city-wide minimum wage according to the following schedule:

1. July 1, 2019, the hourly wage shall be $14.25.
2. July 1, 2020, the hourly wage shall be $15.00.

3. Beginning July 1, ~~2021~~2022, and each July 1 thereafter the hourly wage shall be adjusted by an amount equal to the change in the Los Angeles-Riverside-Orange County consumer price index for Urban Wage Earners and Clerical Workers.

5.02.070. Severability.

If any subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

SECTION 4. This Ordinance shall take effect 30 days after publication.

Signed and approved this _____ day of _____, 2016.

_____
Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on _____ day of _____ 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Published:

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM:

Brad L. Fuller
Assistant City Attorney

0000137173C031

5.02.030. Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this chapter, for participating in proceedings related to this chapter, for seeking to enforce his or her rights under this chapter by any lawful means, or for otherwise asserting rights under this chapter.

Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this chapter, in a civil or administrative proceeding, shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

5.02.035. Retention of Records.

A. Each Employer shall maintain, for at least three (3) years for each Employee, a record of the Employee's name, hours worked, and pay rate. Each Employer shall provide each Employee a copy of the records relating to such Employee upon the Employee's reasonable request.

B. Each Employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating Employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing social security numbers to become a matter of public record.

5.02.040. Power and duties of director.

A. The director shall have the power and duty, and is directed, to enforce each and all of the provisions of this chapter.

B. The director may adopt guidelines, rules, and regulations, approved by the city attorney as to form and legality, not inconsistent with the provisions of this chapter for the purpose of carrying out and enforcing the requirements herein imposed, clarifying any of the administrative requirements of this chapter, and establishing frequency and protocol of city regulatory inspections. A copy of all adopted administrative rules and regulations shall be on file in the director's office. Any guidelines or rules shall have the force and effect of law, and may be relied upon by Employers, Employees and other parties to determine their rights and responsibilities under this chapter.

C. The director shall act as the enforcement official who is designated to issue a compliance order or an administrative citation to enforce this chapter pursuant to chapter 1.25 or 1.26, respectively, of this code.

5.02.045. No Waiver of Rights.

Any waiver by an Employee of any or all of the provisions of this chapter shall be deemed contrary to public policy and shall be void and unenforceable.

5.02.050. Implementation, Enforcement, and Remedies.

It is unlawful for any person to violate any provision of this chapter or to fail to comply with any of the requirements of this chapter.

A. Misdemeanors. Any person who violates any provision of this chapter and is convicted of a misdemeanor shall be punished by a fine of not more than $1,000.00 or by imprisonment for a period of not more than 6 months or by both such fine and imprisonment. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted **and for each and every employee or person as to whom the violation occurred or continued**.

B. Infractions. Any person who violates any provision of this chapter and is convicted of an infraction shall be punished by a fine. Each person convicted may be deemed guilty of a separate offense for every day during any portion of which any violation is committed or permitted **and for each and every employee or person as to whom the violation occurred or continued**.

C. Administrative Proceeding. In addition to the penalty provisions of subsections A and B of this section, violations of any administrative or regulatory provision of this chapter may be subject to the administrative proceedings set forth in Chapters 1.24, 1.25, and 1.26 of the Pasadena Municipal Code, including, but without limitation, civil penalties, late payment penalties, administrative fees, general fee schedule penalties and other related charges.

D. Judicial Action. The city or any person claiming harm from a violation of this chapter may bring an action against the Employer in court to enforce the provisions of this chapter. Any person claiming harm from a violation of this chapter and/or the city is/are entitled to all legal and equitable relief to remedy any violation of this chapter, including, but not limited to, the payment of back wages withheld in violation of this chapter; an additional amount equal to triple back wages withheld as liquidated damages;,

March 7, 2016

Pasadenans For A Livable Wage Coalition Public Comment

Mr. Mayor, Fellow Council Members, City Manager and City Staff.

My name is Ed Washatka and I am speaking to you as a member of the Pasadenans For A Livable Wage Coalition.

We congratulate you on producing a strong ordinance which all of Pasadena can be proud to support. This is truly a momentous day for our City.

We are committed to working closely with the new Director of Finance and the Working Group, on the next steps to making the new minimum wage a reality in Pasadena.

We have identified three minor items in the ordinance as currently drafted, which might benefit from clarification prior to its enactment.

To be clear: none of these recommendations should delay the vote to pass the ordinance, We want workers get that 1st raise to $10. 50 on July 1.

First, on pg 7 in Section 5.02.060 (B) (3) of the ordinance, we recommend the future hourly wage adjustment tied to the Consumer Price Index should be delinked from the 2019 economic report.

We believe this change is consistent with the intention of the City Council, that the CPI-tied wage increases go into effect in 2021 regardless of the findings in the report.

Second, on pg 5 Section 5.02.050 (A) on **Enforcement and Remedies,** the language could be modified to provide more clarity regarding the definition of a violation, such that it applies to each employee affected.

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Submitted by
Rosa Valderas

Lastly, on **pg 4,** in **Section 5.02.030**, on **Retaliation**, we recommend considering the addition of a rebuttable presumption of retaliation clause, to protect employees from retaliation, in cases where an employer takes adverse action against an employee within 90 days of an employee's complaint under the ordinance.

This added language is consistent with anti-retaliation provisions in other cities, and provides important protections for workers who exercise their rights pursuant to the ordinance.

We respectfully ask the council to consider incorporating these 3 clarifications tonight

In conclusion, the dedication we have seen in the weeks and months leading up to today, inspire confidence that the City will devote the necessary resources to ensure its meaningful implementation.

And most importantly, we trust that the City will commit the necessary funds for the enforcement of this ordinance.

The Pasadenans For A Livable Wage Coalition looks forward to continued collaboration with the City, so we can realize the improved working environment for workers and honest businesses alike.

This ordinance already brings us many steps forward.

Thank you all, for your good work.

Robles, Sandra

Subject: FW: Clarification language for the Minimum Wage Ordinance

From: ed washatka <ed.washatka@charter.net>
Date: March 7, 2016 at 7:58:30 AM PST
To: "Tornek, Terry" <ttornek@cityofpasadena.net>
Cc: NICHOLAS RODRIGUEZ <nickrod987@icloud.com>
Subject: Clarification language for the Minimum Wage Ordinance

Greetings.

The Pasadenans For A Livable Wage coalition met Friday afternoon to review the Ordinance Fact Sheet and the final copy of the of ordinance. I wanted to share with you an advance copy of the public comments I will be making this evening.

We congratulate the Mayor, City Council, and City Staff on a strong ordinance which we can all be proud to support. This is a momentous day for the City of Pasadena. We are committed to working closely to support the Mayor, the Council, the Working Group, and the Director of Finance on the next steps in making a local minimum wage a reality in Pasadena.

We have also identified three minor items in the ordinance as currently drafted which might benefit from clarification prior to its enactment. To be clear: none of these recommendations should delay the finalization of the ordinance.

First, the future hourly wage adjustment tied to the Consumer Price Index (referenced in **Section 5.02.060 (B) (3)** of the ordinance) should be delinked from the 2019 economic report. We believe that this is consistent with the intention of the City Council that the CPI-tied increases go into effect in 2021 regardless of the findings in the report.

Second, with regard to **Section 5.02.050 (A)** on enforcement, the language might be modified to provide more clarity regarding the definition of a violation, such that it applies to each employee affected.

Lastly, to protect employees from retaliation, we recommend considering the addition of a rebuttable presumption of retaliation, in **Section 5.02.030**, in cases where an employer takes adverse action against an employee within 90 days of an employee's complaint under the ordinance. This is consistent with other anti-retaliation provisions in other cities and provides important protections for workers who make complaints pursuant to the ordinance.

We respectfully ask the council to consider incorporating these three clarifications in advance of the second reading of the ordinance.

Most importantly, we all recognize, of course, the importance of ensuring that the City devotes the necessary resources for the implementation and enforcement of the ordinance. The dedication we have seen in the weeks and months leading up to today inspire confidence that the City will devote the necessary resources to ensure its meaningful implementation.

Pasadenans For A Livable Wage looks forward to further collaboration with the City so that we can realize the improved environment in Pasadena for workers and honest businesses alike. This ordinance already brings us many steps forward.

Respectfully submitted,

Ed Washatka
Steering Committee Member
Pasadenans For A Livable Wage,
Cell Phone 310-489-9951
Home Phone 626-797-4966

THE PASADENA JOURNAL NEWS
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PASADENA, CA 91104
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This space is for Clerk's filing Stamp

PROOF OF PUBLICATION
(2025.5 C.C.P.)

City of Pasadena

STATE OF CALIFORNIA
County of Los Angeles

ORDINANCE NO. 7278

I am a citizen of the United States and a resident of the printer of the Pasadena Journal, a newspaper of general circulation printed and published weekly in the city of Pasadena, County of Los Angeles and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of April 16, 1991, Case Number GS000541, that the notice of which is annexed is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dated to-wit

March 17, 2016.

I certify and declare under penalty perjury that the Foregoing is true and correct.

Dated at Pasadena, California, March 17, 2016.

Signature

Ruthie Hopkins

CITY ORDINANCE

Introduced by Councilmember Gordo

ORDINANCE NO. 7278

AN ORDINANCE OF THE CITY OF PASADENA ADDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO REQUIRE THE PAYMENT OF A CITY-WIDE MINIMUM WAGE

SECTION 1. Ordinance No. 7278, due to its length and corresponding cost of publication, will be published by title and summary as permitted by Section 508 of the Pasadena City Charter. The approved summary of this Ordinance is as follows:

"Summary

Ordinance No. 7278 will amend Title 5, Article I of the Pasadena Municipal Code by adding a new Chapter 5.02 to require the payment of a Citywide minimum wage of $10.50 beginning July 1, 2016, $12.00 beginning July 1, 2017, and $13.25 on July 1, 2018.

Ordinance No. 7278 shall take effect 30 days after publication."

SECTION 2. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published in its entirety.

SECTION 3. This Ordinance shall take effect 30 days after publication.

Signed and approved this 14th day of March, 2016.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held on 14th day of March 2016 by the following vote:

AYES: Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Mayor Tornek
NOES: None
ABSENT: Vice Mayor Masuda
ABSTAIN: None

Mark Jomsky, CMC
City Clerk

Published: March 17, 2016
Pasadena Journal