

Introduced by Council member Gordo

ORDINANCE NO. 7285

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5.02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO CLARIFY AND MAKE MINOR REVISIONS TO THE CITY-WIDE MINIMUM WAGE ORDINANCE

SECTION 1. Ordinance No 7285, 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 7285 will amend Chapter 5.02 of the Pasadena Municipal Code to clarify and make minor revisions to the City-Wide Minimum Wage Ordinance. None of the changes will alter the pay rates required to be paid to all employees working in Pasadena.

Ordinance No 7285 shall take effect 30 days following its publication by title and summary.”

SECTION 2. Chapter 5.02, Section 5.02.010, Definitions, is amended to read as follows:

“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 city manager or his/her designee.
- 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 other person
- 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 "

SECTION 3. Chapter 5 02, Section 5 02 015, Payment of Minimum Wage to Employees, is amended to read as follows

"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 no less than \$10 50
 - 2 On July 1, 2017, the hourly wage shall be no less than \$12 00
 - 3 On July 1, 2018, the hourly wage shall be no less than \$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 no less than \$10 50
 - 2 On July 1, 2018, the hourly wage shall be no less than \$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 people employed by the Employer and includes all those persons employed by the Employer throughout the United States during the previous calendar year If the employer did not employ anyone during the previous calendar year, the city minimum wage set forth in subdivision C of this section applies ”

SECTION 4. Chapter 5 02, Section 5 02 020, Notice and Posting, is amended to read as follows

“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 in any other languages spoken by more than five (5) percent of the workforce in the City, 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 Every Employer shall also provide each Employee at the time of hire with the Employer’s name, address, and telephone number in writing
- C The notifications required in this chapter shall be in English and in any other languages spoken by more than five (5) percent of the employees at the work site, and shall also be posted prominently in areas at the work site where it will be seen by all Employees 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 ”

SECTION 5. Chapter 5 02, Section 5 02 025, Deferral Application for Certain Non-Profit Employers, is amended to read as follows

“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 02 015 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

SECTION 6. Chapter 5 02, Section 5 02 065, Report and Increase in Future Years, is amended to read as follows


“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 consumer price index as that term is defined in Title 1, Chapter 1 08, Section 1 08 060, Consumer price index adjustments ”

SECTION 7. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published by title and summary

SECTION 8. This Ordinance shall take effect 30 days following its publication by title and summary

Signed and approved this 19th day of September, 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 19th day of September, 2016 by the following vote

AYES Councilmembers Kennedy, McAustin, Wilson,
Vice Mayor Masuda, Mayor Tornek

NOES None

ABSENT Councilmembers Gordo, Hampton, Madison

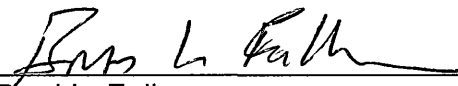
ABSTAIN None

Published September 22, 2016
Pasadena Weekly &
Pasadena Journal



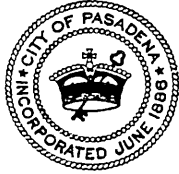
Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM



Brad L. Fuller
Assistant City Attorney

0000141559C031



Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 12, 2016

FROM: CITY ATTORNEY

SUBJECT: An ordinance of the City of Pasadena amending certain provisions of Chapter 5 02 to Title 5 the Pasadena Municipal Code to clarify and make minor revisions to the City-wide Minimum Wage Ordinance

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CERTAIN PROVISIONS OF CHAPTER 5 02, ARTICLE I, TO TITLE 5 OF THE PASADENA MUNICIPAL CODE TO CLARIFY AND MAKE MINOR REVISIONS TO THE CITY-WIDE MINIMUM WAGE ORDINANCE

PURPOSE OF ORDINANCE

This ordinance is intended to clarify and make minor revisions to the City-Wide Minimum Wage Ordinance, adopted on March 14, 2016, by doing the following

- 1 Identifying the City Manager, or his designee, as the Director of the Minimum Wage Program,
- 2 Clarifying the method by which the number of employees will be counted for the purpose of differentiating between large and small employers to include all persons employed by an employer even though some people may work outside the City (for example, if a business employs 19 people working in Pasadena and 74 people working outside the City, that business would be considered a large employer and would not be eligible for the one year deferral available to small employers),
- 3 Clarifying employers' obligations regarding notifications and postings and,
- 4 Clarifying the method of calculating the CPI for purposes of raising the minimum wage to keep pace with inflation

MEETING OF 09/16/2016
~~09/12/2016~~
AGENDA ITEM NO 22 13

REASON WHY LEGISLATION IS NEEDED

Enactment and enforcement of the City-Wide Minimum Wage 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. Amending the Minimum Wage ordinance requires adoption of an amending ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The departments most impacted by adoption of this Ordinance will be Planning and Community Development, Finance, Human Services and Recreation, the City Attorney/City Prosecutor's Office, and the City Manager's Office. Businesses and employees throughout the City will also be impacted.


FISCAL IMPACT

This Ordinance is anticipated to have negligible fiscal impact.

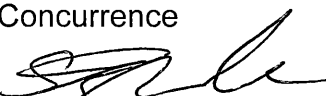
Respectfully submitted


Michele Beal Bagneris
City Attorney

Prepared by


Brad L. Fuller
Assistant City Attorney

Concurrence


Steve Mermell
City Manager

0000141480C031

Introduced by Council member Gordo

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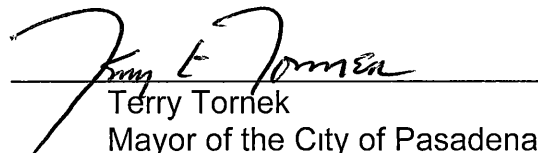
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Ordinance No 7285 shall take effect 30 days following its publication by title and summary.”

SECTION 2. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published by title and summary.

SECTION 3. This Ordinance shall take effect 30 days following its publication by title and summary.

Signed and approved this 19th day of September, 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 19th day of September 2016 by the following vote

AYES Councilmembers Kennedy, McAustin, Wilson,
Vice Mayor Masuda, Mayor Tornek

NOES None

ABSENT Councilmembers Gordo, Hampton, Madison

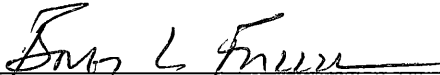
ABSTAIN None

Published September 22, 2016



Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM



Brad L Fuller
Assistant City Attorney

0000141562C031

Introduced by Council member _____

ORDINANCE NO. _____

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- 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
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- 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.~~

- C. **The notifications required in this chapter shall be in English and in any other languages spoken by more than five (5) percent of the employees at the work site, and shall also be posted prominently in**

areas at the work site where it will be seen by all Employees. 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.”

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~~Wage Earners and Clerical Workers as that term is defined in~~
**Title 1, Chapter 1.08, Section 1.08 060, Consumer price index
adjustments ”**

SECTION 7. The City Clerk shall certify the adoption of this Ordinance
and shall cause this Ordinance to be published in its entirety

SECTION 8. 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

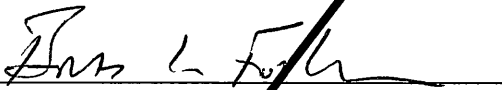
ABSENT

ABSTAIN

Published

Mark Jomsky, CMC
City Clerk

APPROVED AS TO FORM



Brad L Fuller
Assistant City Attorney

0000141478C031

THE PASADENA JOURNAL NEWS
1541 N LAKE AVE , SUITE A
PASADENA, CA 91104
(626)798-3972

This space is for Clerk's filing Stamp

PROOF OF PUBLICATION
(2025 5 C C P)

Ordinance NO 7285

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States and a resident of the county of aforesaid I am the principal clerk of The Pasadena Journal, a newspaper of general circulation, printed and published weekly in the County of Los Angeles and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of Los Angeles, State of California, under 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 dates, to wit

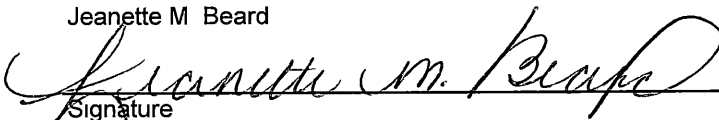
SEE ATTACHED

Septmeber 29, 2016

Date/s Published

I certify (or declare) under penalty perjury that the Foregoing is true and correct

Jeanette M Beard


Signature

Date

September 22, 2016

PROOF OF PUBLICATION

Introduced by
Council member Gordo

ORDINANCE NO 7285

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 5 02 TO TITLE 5, ARTICLE I OF THE PASADENA MUNICIPAL CODE TO CLARIFY AND MAKE MINOR REVISIONS TO THE CITY-WIDE MINIMUM WAGE ORDINANCE

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"Summary

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Ordinance No 7285 shall take effect 30 days following its publication by title and summary."

SECTION 2. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published by title and summary.

SECTION 3 This Ordinance shall take effect 30 days following its publication by title and summary.

Signed and approved this 19th day of September, 2016

Terry Tomek
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 19th day of September 2016 by the following vote

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

Mark Jomsky CMC
City Clerk

Published September 22, 2016
Pasadena Journal