



CITY OF OAKLAND

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OFFICE OF THE CITY CLERK
OAKLAND

2016 JUN 30 PM 5:30

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Deborah Barnes
Director

SUBJECT: Professional Services Agreement
for Minimum Wage Education,
Outreach and Enforcement Support
Services for Measure FF
Application

DATE: June 28, 2016

City Administrator Approval

Date:

6/30/16

RECOMMENDATION

Staff Recommends That The Council Adopt A Resolution Authorizing A Professional Services Agreement With Centro Legal De La Raza In An Amount Not To Exceed \$240,000 To Provide Minimum Wage Education, Outreach And Enforcement Support Services For Measure FF.

BACKGROUND / LEGISLATIVE HISTORY

On November 4, 2014, the voters overwhelmingly (82%) approved Measure FF, which, in part, raised the minimum wage in Oakland to twelve dollars and twenty-five cents (\$12.25), effective March 2, 2015. Currently, Oakland's minimum wage is twelve dollars and fifty-five cents (\$12.55) per hour. Thereafter, Oakland's minimum wage shall be adjusted annually on the first of January in accordance with the annual Consumer Price Index for Urban Wage Earners and Clerical Workers ("CPI-W") for the San Francisco-Oakland-San Jose, CA metropolitan statistical area, if there is an increase in the August-to-August CPI-W. If the CPI-W does not increase from August-to-August, minimum wage will remain at the same rate. Employees who perform at least two hours of work in a particular workweek within the City, including part-time, temporary and seasonal employees, must be paid at least the minimum wage. Measure FF also requires that employers provide paid sick leave to their eligible employees and that hospitality employers who collect services charges from customers pay the charge to their hospitality workers who provide the service.

On May 4, 2016, the City Administrator's Office issued Rules and Regulations governing the enforcement of Oakland's Minimum wage law (Measure FF). These regulations provide guidelines to the City of Oakland's Contract Compliance Division regarding Measure FF investigations and administrative appeals rights.. Measure FF and the Enforcement Rules and Regulations also set forth requirements of employers for record keeping, City access to worksites and relevant records, and complaint procedures.,

On October 9, 2015, City Council directed that \$240,000.00 be appropriated for outreach and enforcement of the Minimum Wage & Sick Leave law. These funds will be used to provide

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support services for community outreach; workers training on labor rights; enforcement support under the supervision of the Minimum Wage Enforcement Officer; counseling & referral services, approved outreach materials; approved publicity for success stories under the supervision of the City of Oakland Public Information Office; and reporting monitoring and evaluation of deliverables.

This scope of work in general will incorporate education and outreach and compliance support services in as many of the languages spoken by employees in Oakland as possible. Primary languages include but are not limited to: (a) English (as a second language); (b) Spanish; (c) Chinese; (d) Cantonese; (e) Vietnamese and (f) African.

In addition, there will be strong collaborations with other nonprofit entities as well as education and outreach to other disadvantaged communities that would benefit from targeted community-based assistance. Service delivery in innovative and creative ways (for example, by targeting workers in specific low-wage industries or offering short one-act plays, music or rapping to convey the information).

The contractor will provide the following services:

1. Community Outreach: The contractor will conduct a community outreach program to Oakland low-wage workers about the City of Oakland's Measure FF. This outreach may include activities such as participation in community events, street fairs, meetings of neighborhood and community groups, and door-to-door outreach.

While the outreach program(s) may focus upon specific target communities, it should be citywide in scope, such that neighborhoods which have historically been underserved are afforded adequate services as well.

2. Worker and Employee Training on Labor Rights: The contractor will conduct regular workshops and training designed to educate low-wage Oakland workers on their rights under Measure FF.

3. Enforcement Support: Under the direction of the Minimum Wage Enforcement Officer, the non-profit entity(s) will be assigned tasks by the Officer designed to support enforcement efforts and may include but may not be limited to review and logging of payroll records and calendars, intake interviews, site visits to businesses to insure proper postings of Measure FF materials, organizing group meetings with claimants and as a neutral party, assisting businesses in understanding the responsibilities of Measure FF. Non-profit entities will not have enforcement authority on behalf of the City.

4. Counseling & Referral Services: The contractor will provide regular counseling and/or referral services for workers, evaluate the validity of potential claims, and assist workers in filing clear, concise, thorough claims with the City.

5. Approved Outreach Materials: Under the supervision of a City of Oakland's Public Information office, the contractor will assist the City in updating and distributing multi-lingual and culturally competent educational outreach materials, such as brochures, flyers, posters, and work calendars.

6. Approved Publicity for Success Stories: Under the supervision of a City of Oakland Public Information office, the contractor will develop a media outreach strategy to gain visibility for workers who have reported wage theft and successfully recovered back wages and affirmatively consent to tell their story publicly. By showcasing the courage of workers who came forward to report violations, the media campaign will encourage other workers to report violations while also reminding employers throughout the Oakland geographic region of the consequences of non-compliance.

7. Monitoring and evaluation of the minimum wage education, outreach and enforcement support services the contractor will provide quarterly reports to Contracts and Compliance summarizing progress towards the contract's deliverables and the contractor will meet regularly with designated City staff to review the contractor's activities and plans.

ANALYSIS AND POLICY ALTERNATIVES

The Request for Proposal process followed the City's standard operational procedures.

The successful prime consultant, through proactive, targeted programs of worker education, outreach and enforcement support will assist Contracts and Compliance in addressing the lack of knowledge, insufficient resources, and feelings of vulnerability and fear of retaliation that many workers currently face. In addition, the contractor will conduct employment workshops, counseling and referral services, media outreach, community outreach and education, particularly in low income and immigrant communities with limited English proficiency, and will work with businesses as well. Staff will ensure that all City contracting policies will be adhered to all times during the duration of the contract.

The contractor team will be representative of the City's diversity and inclusive of small and local business enterprises.

Centro Legal de la Raza will serve as the lead consultant and will team with a comprehensive list of non-profits who specialize in employment workshops, counseling and referral services, media outreach, community outreach and education particularly in low income and immigrant communities with limited English proficiency. Centro Legal de la Raza was founded in 1969. They are a legal service agency focused on strengthening low-income and immigrant individuals and families by providing culturally competent legal representation, education, and advocacy.

The Bay Area Black Worker Center (BABWC) is dedicated to improving the quality of life in the Black community by organizing around workplace and non-workplace issues facing Black workers. BABWC will conduct outreach and provide information and referrals to workers.

Street Level Health Project (SLHP) has successfully served the specialized needs of day laborers and recently arrived immigrants over the past 14 years. SLHP will conduct worker outreach and provide information and referrals.

East Bay Alliance or a Sustainable Economy (EBASE)'s mission is to build a just economy in the East Bay based on good jobs and healthy communities. EBASE will conducted outreach and provide information and referrals, and support the team's media efforts.

Restaurant Opportunities Center of the Bay (ROC) mobilizes restaurant workers, employers, and consumers to seek better wages and working conditions or the nation's largest and lowest-paid workforce. ROC-The Bay will conduct outreach and provide information and referral to both workers and small business owners.

Chinese Progressive Association (CPA) has served the Chinese community, working to improve the health, lives, and working conditions of low-wage workers, immigrant families and youth. CPA will conduct worker outreach and provide information and referrals.

Lawyers' Committee for Civil Rights – Legal Services for Entrepreneurs (LSE) provides free transactional legal services to low-income individuals who want to start or develop businesses, businesses committed to investing in economically distressed communities, including hiring people with arrest and conviction records, and mom and pop shops located in areas where gentrification is a force for displacement. LSE will lead the small business education component of this project, providing training materials and workshops for small business owners.

The specific purpose of the agreement will be to perform Measure FF education, outreach and enforcement support services. It is the intent of the City Administrator's Office, Division of Contracts and Compliance through this contract to further the understanding of the specifics of Measure FF that apply in the geographic region of the City of Oakland and to afford access to culturally competent, community-based support in bringing complaints to the City or referrals to other appropriate authorities responsible for enforcing labor laws.

The prime contractor, through proactive, targeted programs of worker education, outreach and enforcement support will assist Contracts and Compliance in addressing the lack of knowledge, insufficient resources, and feelings of vulnerability and fear of retaliation that many workers currently face. In addition, the Consultant will conduct employment workshops, counseling and referral services, media outreach, community outreach and education particularly in low income and immigrant communities with limited English proficiency. Staff will ensure that all City contracting policies will be adhered to, and that the team will be representative of the City's diversity and inclusion of small and small local business enterprises.

FISCAL IMPACT

Based on above description of the required work, approval of the proposed resolution will authorize the City Administrator to execute a professional services contract not to exceed \$240,000.00.

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PUBLIC OUTREACH / INTEREST

Contracts and Compliance has worked closely with stakeholders on implementation of Measure FF. Outreach activities have included:

- Developed a team of internal staff to determine the best course for implementing Measure FF.
- In partnership with the Business Assistance Center, held meetings throughout the City with various Chambers, restaurants, and other businesses to provide information and answer questions on the new minimum wage law.
- Sent notices through the Oakland Business Tax License database.
- Established dedicated phone line and email account to receive Measure FF inquiries.
- Developed Notices/Posters for businesses to use to meet the "Notice to Employees" requirement.
- Launched a separate web page - www.oaklandnet.com/minimum wage with specific information relating to Measure FF.
- Met with City of San Jose and City and County of San Francisco staff to glean best practices and insight into Minimum Wage Laws.
- FAQ's and Interpretive Regulation proposed and issued by the Office of the City Attorney and City Council.
- Employed a block-by-block strategy where approximately 1,850 businesses in Chinatown and approximately 2,304 businesses in Fruitvale were visited by City staff.
- Met with Lift Up Oakland Coalition members regarding Enforcement Rules and Regulations.
- Created an outreach campaign to inform Oakland employees of their rights under Measure FF.
- Developed a referral and resource guide to provide to businesses regarding their obligations under Measure FF
- Interpretive regulations developed by City Attorney's Office and approved by Council.

COORDINATION

The implementation of Measure FF was reviewed and coordinated with:

- Contracts and Compliance
- Office of the City Attorney
- Business Assistance Center
- City Administrator's Office, Public Information
- Business Tax
- Economic Development

SUSTAINABLE OPPORTUNITIES

Economic: Measure FF will result in an increase in Oakland workers' hourly wage and annual income, which will ultimately strengthen the City's economic base.

Environmental: There are no environmental impacts anticipated as a result of this report.

Social Equity: Measure FF will provide opportunity for low wage earners of the community to participate in the larger Oakland economy, particularly historically socially disadvantaged communities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the Council Adopt a Resolution Authorizing a Professional Services Agreement with Centro Legal de la Raza in an amount not to exceed \$240,000 to provide minimum wage education, outreach and enforcement support services for Measure FF Application.

For questions regarding this report, please contact Deborah Barnes, Director, at (510) 238-6270.

Respectfully submitted,



Deborah Lusk-Barnes
Director, Contracts and Compliance

Prepared by:
Shelley Darensburg, Senior Contract
Compliance Officer
City Administrator's Office
Contracts and Compliance Division

FILED
OFFICE OF THE CLERK
OAKLAND**OAKLAND CITY COUNCIL****DRAFT**

City Attorney

2016 JUN 30 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO AWARD A PROFESSIONAL SERVICES AGREEMENT TO CENTRO LEGAL DE LA RAZA IN AN AMOUNT NOT TO EXCEED \$240,000 TO PROVIDE MINIMUM WAGE EDUCATION, OUTREACH AND ENFORCEMENT SUPPORT SERVICES FOR MEASURE FF, OAKLAND'S MINIMUM WAGE LAW

WHEREAS, Section 5.09 of the Charter of the City of Oakland requires employers in the geographic boundaries of Oakland to pay minimum wages and provide sick leave and other employment benefits for workers ; and

WHEREAS, in January 2016, the City issued and advertised and issued a Request for Proposal (RFP) for Minimum Wage Education, Outreach and Enforcement Support Services by Oakland Based Non-Profit Entities for Measure FF for Fiscal Years ending June 30, 2016 through June 30, 2018; and

WHEREAS, in April 2016, the City received and opened one proposal in response to the RFP for Minimum Wage Education, Outreach and Enforcement Support Services by Oakland Based Non-Profit Entities from Centro Legal de la Raza; and

WHEREAS, Centro Legal de la Raza and its team has extensive demonstrated experience in employment workshops, counseling and referral services, media outreach, community outreach and education particularly in low income and immigrant communities with limited English proficiency; and

WHEREAS, the City Administrator recommends that the contract for said services be awarded to Centro Legal de la Raza; and be it

WHEREAS, funds are available in the City's existing fiscal year 2015-17 Adopted Policy Budget in the amount of \$240,000 from General Purpose Fund (1010); and

WHEREAS, the City Administrator has determined that the service is professional and temporary in nature and shall not result in the loss of salary or employment by any person having permanent status in the competitive service; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to award a one year contract to Centro Legal de la Raza, a local Oakland Not For Profit organization, in an amount not to exceed \$240,000; and be it

FURTHER RESOLVED: That, based on the representation of the City Administrator above and in the report accompanying this resolution, the City Council finds that the service is professional and temporary in nature and shall not result in the loss of salary or employment by any person having permanent status in the competitive service; and

FURTHER RESOLVED: That the contract shall be approved for form and legality by the City Attorney and copies of said agreement shall be filed with City Clerk's Office;

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California