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FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90379 C.M.S.

RESOLUTION ACCEPTING AND APPROPRIATING TO THE OFFICE OF THE OAKLAND CITY ATTORNEY A GRANT FROM THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS, TO BE ADMINISTERED BY THE CALIFORNIA LABOR COMMISSIONER'S OFFICE, IN THE AMOUNT OF FOUR HUNDRED TWENTY-FIVE THOUSAND, SIX HUNDRED FIFTY-FIVE DOLLARS (\$425,655) FOR THE PERIOD OF AUGUST 1, 2024 THROUGH OCTOBER 31, 2025 TO PAY THE SALARY AND BENEFITS OF HIRING AN ATTORNEY OR ATTORNEYS TO ENFORCE STATE LABOR LAWS AND ASSIST WORKERS IN COMBATING WAGE THEFT, PREVENTING UNFAIR COMPETITION AND PROTECTING STATE REVENUE

WHEREAS, in 2014, voters overwhelmingly passed Oakland's Minimum Wage and Paid Sick Leave Ordinance (Measure FF). It established a local living minimum wage with annual increases for all eligible workers in Oakland and requires employers to provide paid sick leave to employees for their use and for family members and other persons designated by Measure FF; and

WHEREAS, in 2018, voters passed the Oakland Hotel Workers Protection & Employment Standards Ordinance (Measure Z) which established a minimum wage, human workload requirements, and safety requirements for hotel workers, such as requiring employers to provide panic buttons to employees who work alone in guest rooms or bathrooms, where they are vulnerable to crimes and other threatening behavior, including sexual assault; and

WHEREAS, these ordinances protect workers in particular industries, such as the hospitality industry, and prohibit certain employer practices that transcend industries, such as imposing restrictions on taking sick leave; and

WHEREAS, the Department of Workplace and Employment Standards ("DWES") investigates potential violations of Oakland's employment laws and administratively enforces them; and

WHEREAS, pursuant to Oakland’s City Charter, the Office of the Oakland City Attorney (OCA) is legal counsel to City departments and advises DWES regarding the interpretation and enforcement of Oakland’s worker protection laws and also is authorized to independently investigate and civilly prosecute violations of state and local laws; and

WHEREAS, historically, OCA has collaborated with DWES on administrative and litigation matters, but OCA has lacked the resources to utilize its civil prosecutorial power in the full range of worker protection cases that it is legally empowered to bring; and

WHEREAS, DWES receives more worker complaints than OCA currently has affirmative litigation capacity to handle; and

WHEREAS, recent changes to the California Labor Code authorize OCA to bring cases alleging violations of state worker protections, but OCA lacks the resources to do so; and

WHEREAS, the City has large populations of workers who are economically and culturally vulnerable to wage theft and other predatory employment practices; and

WHEREAS, without additional resources to respond to local workers’ complaints and utilize OCA’s state and local prosecutorial authority, some of California’s most vulnerable workers’ rights will remain unprotected; and

WHEREAS, the California Department of Industrial Relations (“DIR”) and the Labor Commissioner’s Office (“LCO”) created the Workers’ Rights Enforcement Grant Program, which provides funding for public prosecutors in California to develop and implement wage theft enforcement programs in their regions; and

WHEREAS, the DIR has awarded OCA \$425,655 for the period of August 1, 2024 through October 31, 2025 to pay the salary and benefits of hiring an attorney or attorneys to enforce state labor laws and assist workers in combating wage theft, preventing unfair competition and protecting state revenue; and

WHEREAS, the grant funds will be deposited in a project designated for the City Attorney’s use; now, therefore, be it

RESOLVED: That the City Administrator or their designee hereby is authorized to accept and appropriate grant funds from California Department of Industrial Relations, to be administered by the California Labor Commission’s office in the amount of \$425,655 for the period of August 1, 2024 through October 31, 2025 to be used to pay the salary and benefits of hiring an attorney or attorneys in OCA to enforce state labor laws and assist workers in combating wage theft, preventing unfair competition and protecting state revenue; and be it

FURTHER RESOLVED: that the \$425,655 in grant funds shall be deposited in a project designated for the City Attorneys' use; and be it

FURTHER RESOLVED: that the City Administrator hereby is authorized to execute a grant agreement with the California Department of Industrial Relations to accept and appropriate funds in the amount of \$425,655 for the period of August 1, 2024 through October 31, 2025 to the Office of the Oakland City Attorney to pay the salary and benefits of hiring an attorney or attorneys to enforce state labor laws and assist workers in combating wage theft, preventing unfair competition and protecting state revenue.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 16 2024

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, ~~KAPLAN, RAMACHANDRAN, REID~~, AND
PRESIDENT FORTUNATO BAS - 5

NOES - 0

1 ABSENT - Kaplan

ABSTENTION - 0

2 EXCUSED - Ramachandran
& Reid

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California