

**RESOLUTION
WAGE THEFT PREVENTION**

**SANTA CLARA COUNTY BOARD OF EDUCATION
RESOLUTION No. 2232-2**

WHEREAS, wage theft is generally described as an employer's failure to pay wages or benefits an employee is legally entitled to receive; and

WHEREAS, the Santa Clara County Wage Theft Coalition published a report in 2014 describing the extent of wage theft in the county and antidotal descriptions of the effect of unsatisfied wage theft adjudications; and

WHEREAS, wage theft is a matter of public concern as reflected in legislative actions addressing wage theft and the satisfaction of wage theft adjudications, including the California Legislature's enactment in 2011 of AB 469 and AB 588 establishing procedures and mechanisms for satisfaction wage theft adjudications; and

WHEREAS, notwithstanding state-wide legislative efforts to prevent wage theft and to enforce adjudications, data compiled through the community based organizations and academic studies reveal that wage theft and unsatisfied wage theft adjudications continue to occur; and

WHEREAS, some California municipal and county governments are considering enactment of, or have enacted, local ordinances implementing wage theft deterrent measures, pursuant to police powers and legislative authority afforded municipal and county governments under the California Constitution; and

WHEREAS, the Coalition Wage Theft Report concludes that wage theft occurs most commonly in the restaurant/food service industry services; and

WHEREAS, the County Office of Education can establish policies, practices, and requirements for the procurement of goods and services and the terms of contracts with vendors and contractors for goods and services which are consistent with and not prohibited by applicable law; and

THEREFORE, BE IT RESOLVED, that the Santa Clara County Board of Education and the County Superintendent of Schools strongly condemns wage theft and failure of any employer to timely satisfy final non-appealable wage theft adjudications; and

FURTHER RESOLVED, the County Office of Education expects its public works contractors and their subcontractors to comply with the office's the "Wage Theft Prevention Act of 2011" and if a public works contractor or any of its subcontractors are subject to a final non-appealable wage theft adjudication, the contractor or its subcontractor are expected to promptly and fully satisfy such wage theft adjudication; and

FURTHER RESOLVED, the SCCOE shall not award any public contracts to a bidder who is subject to any unsatisfied final non-appealable wage theft at the time of submitting a bid proposal to the office for a public works contract to be awarded by the SCCOE; and

BE IT FURTHER RESOLVED, the County Board of Education supports and endorses efforts of the County Superintendent of Schools to develop and implement Administrative Regulations and/or procedures to address wage theft issues with prospective vendors.

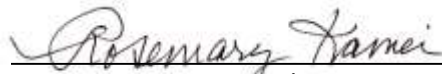
PASSED AND ADOPTED by the County Board of Education at a meeting held on October 24, 2018, by the following vote:

AYES: President Kamei, Vice President Song, Trustees Di Salvo, King, Rossi, and Mah

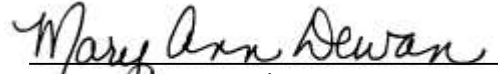
NOES: --none--

ABSTAIN: --none--

ABSENT: Trustee Green



Rosemary Kamei, President
Santa Clara County Board of Education



Mary Ann Dewan, Ph.D.
County Superintendent of Schools