

**SANTA CLARA UNIFIED SCHOOL DISTRICT
WAGE THEFT PREVENTION
RESOLUTION #16-20**

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

WHEREAS, the Santa Clara County Wage Theft Coalition published a report in 2014 ("Coalition Wage Theft Report") describing the extent of wage theft in Santa Clara County and antidotal descriptions of the effect of unsatisfied wage theft adjudications.

WHEREAS, wage theft is a matter of public concern as reflected in legislative actions addressing wage theft and satisfaction of wage theft adjudications, including the California Legislature's enactment in 2011 of AB 469 "Wage Theft Prevention Act of 2011" and AB 588 (2015), establishing procedures and mechanisms for satisfaction of wage theft adjudications.

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

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

WHEREAS, the Coalition Wage Theft Report concludes that wage theft occurs most commonly in the restaurant/food service and construction industries.

WHEREAS, the District procures construction services for the District's public works, but does not procure restaurant industry services.

WHEREAS, the District does not possess the police powers or the legislative authority conferred on municipal and county governments, but the District can establish policies, practices and requirements for the District's procurement of goods and services and the terms of the District's contracts with vendors and contractors for goods and services which are consistent with and are not prohibited by applicable law.

WHEREAS, deterring wage theft and unsatisfied wage theft adjudications in the District's procurement of public works contracts fosters the District's education mission, promotes ethical business practices and contributes to financial security for employees of the District's public works contractors.

NOW THEREFORE, the Santa Clara Unified School District Board of Trustees adopts the following Resolutions:

RESOLVED, that the Santa Clara Unified School District strongly condemns wage theft and failure of any employer to timely satisfy final non-appealable wage theft adjudications.

FURTHER RESOLVED, the District expects its public works contractors and their subcontractors to comply with the District's Wage Theft Prevention Policy; if a public works contractor to the District or any of its subcontractors are subject to a final non-appealable wage theft adjudication, the contractor or its subcontractors are expected to promptly and fully satisfy such wage theft adjudication.

FURTHER RESOLVED, that as a matter of policy, the District shall not award any public contracts to a bidder who is subject to any unsatisfied final non-appealable wage

theft adjudication at the time of submitting a bid proposal to the District for a public works contract to be awarded by the District.

FURTHER RESOLVED, that District staff, in conjunction with District legal counsel, is directed to develop District Board Policies and/or Administrative Regulations which: (i) requires prospective bidders to the District for public works contracts subject to competitive bidding to disclose any unsatisfied final non-appealable wage theft adjudication when submitting bid proposals for competitively bid public works projects of the District; and (ii) prohibit the District's award of a competitively bid public works contract to a bidder who is subject to an unsatisfied final non-appealable wage theft judgment at the time the bidder submits a bid proposal for the public works project to the District.

FURTHER RESOLVED, that the Board Policies and/or Administrative Regulations developed pursuant to the foregoing Resolution be considered for adoption by the Board of Trustees at a subsequent regularly scheduled open public meeting of the District's Board of Trustees.

DATED: February 25, 2016

AYES: _____

ABSTENTIONS: _____

NOES: _____

ABSENT: _____

Albert Gonzalez

President of the Governing Board of the Santa Clara
Unified School District

Attested to:

Stanley Rose III, Ed.D., Board Secretary