

**LIVING WAGE ORDINANCE ENFORCEMENT ACTIONS**

	EMPLOYEE	CITY AND/OR COUNTY
City of San Diego (Current)	<ul style="list-style-type: none"> <li>• Back pay for wages and health benefits, plus interest</li> <li>• Up to treble the amount of the wage and benefit deficiency as penalty</li> <li>• Recovery of attorney fees and costs as determined by court</li> <li>• Time for action: 1 year</li> </ul>	<p>If violation not corrected by employer within 30 days of notice, City shall do one or more of the following:</p> <ul style="list-style-type: none"> <li>• Declare material breach of contract or agreement and exercise contractual remedies</li> <li>• Institute debarment proceedings against contractor (3 years)</li> <li>• Request a determination of non-responsibility</li> <li>• Request City Attorney bring civil action against employer for any legal remedies (unpaid wages for employee; fine of \$100 per day per employee payable to City)</li> </ul>
City of San Diego (Proposed)	<ul style="list-style-type: none"> <li>• Back pay for wages and health benefits, plus interest</li> <li>• Up to 3 times the amount of the wage and benefit deficiency as penalty for willful violation</li> <li>• Recovery of attorney fees and costs as determined by court</li> <li>• Time for action: 3 years</li> </ul>	<p>If violation not corrected by employer within 30 days of notice, City shall do one or more of the following:</p> <ul style="list-style-type: none"> <li>• Declare material breach of contract or agreement and exercise contractual remedies</li> <li>• Institute debarment proceedings against contractor (3 years)</li> <li>• Request a determination of non-responsibility</li> <li>• Request City Attorney bring civil action against employer for any legal remedies (unpaid wages for employee; fine of \$100 per day per employee and/or administrative costs payable to City)</li> <li>• Refer LWO violations to appropriate local, state or federal authorities.</li> <li>• Mandatory enforcement actions if LWO violation occurs 2 or more times in 2-year period</li> </ul>

Attachment – Living Wage Ordinance Enforcement Actions

	EMPLOYEE	CITY AND/OR COUNTY
City and County of San Francisco	<p>If employer has not corrected a breach of contract within 21 days of written notice, the employee may bring an action against employer to:</p> <ul style="list-style-type: none"> <li>• Recover back pay for wages and health benefits plus 10% interest</li> <li>• Seek reinstatement or obtain other appropriate equitable relief</li> <li>• Seek reimbursement of attorney fees and other related costs</li> <li>• Time for action: Unspecified</li> </ul>	<p>If violation not corrected by employer within 30 days of notice, City shall have the right to pursue any of the following:</p> <ul style="list-style-type: none"> <li>• Declare material breach</li> <li>• Bring civil action to recover back pay for wages and health benefits plus 10% interest</li> <li>• Terminate the contract in whole or in part</li> <li>• Right to seek reinstatement of employee</li> <li>• Debar contractor for 3 years</li> <li>• Seek reimbursement of attorney fees and other related costs</li> <li>• Require contractor to pay the City liquidated damages of up to \$100 for each one-week pay period for each employee not paid the required compensation - up to \$1,000</li> </ul>
City of Los Angeles	<p>An employee claiming violation of the Living Wage Ordinance may bring an action against the employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for wages and health benefits</li> <li>• Treble damages for willful violations</li> <li>• Attorney fees</li> <li>• Back pay, reinstatement or other relief as determined by the court for retaliation</li> <li>• Time for action: Unspecified</li> </ul>	<p>If violation not corrected by employer within 10 days of notice, the City may:</p> <ul style="list-style-type: none"> <li>• Declare material breach</li> <li>• Debar for 3 years or until penalties and restitution have been fully paid (whichever is longer)</li> <li>• Request the City Attorney bring civil action for remedies of back pay for employee; fine (\$100/day) payable to City</li> <li>• Payments due may be withheld</li> </ul>
County of Los Angeles	<ul style="list-style-type: none"> <li>• An employee claiming violation of the Living Wage Program may bring an action against the employer for damages caused by employer violation</li> <li>• Time for action: Unspecified</li> </ul>	<p>If a violation of the Living Wage Program occurs, the County may:</p> <ul style="list-style-type: none"> <li>• Assess liquidated damages as outlined in contract</li> <li>• Terminate the contract</li> <li>• Bar employer from award of future contracts dependent upon the severity of violation (generally not more than a 5 year period)</li> <li>• Withhold payments in full</li> </ul>

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	EMPLOYEE	CITY AND/OR COUNTY
City of San Jose	The city's Living Wage Policy shall not be construed to limit an employee's ability to bring any legal action for violation of any rights of the employee.	<p>If a violation of any provision of the city's Living Wage Policy (LWP) occurs and is not corrected after written notice, the city may, at its option, do any or all of the following:</p> <ul style="list-style-type: none"> <li>• Suspend or terminate the agreement for cause</li> <li>• Bring civil action to recover back pay for wages/health benefits and related City administrative costs</li> <li>• Debar the contractor from future City contracts</li> <li>• Withhold contractor payments until contractor performs all of its LWP obligations</li> <li>• Require contractor to pay the city liquidated damages in the amount of 3 times the required wage underpayment</li> </ul>
City of Sacramento	<p>Following discovery of a living wage violation, an employee or interested party may file an action against an employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for wages and health benefits</li> <li>• Reinstatement and/or any other relief granted by a court</li> <li>• Reimbursement of attorney fees and other related costs</li> <li>• Time for action: 1 year</li> </ul>	<ul style="list-style-type: none"> <li>• Living wage violations constitute a material breach of contract and authorize the city to terminate a contract and pursue all legal and equitable remedies.</li> </ul> <p>It appears that as an interested party, the city may file an action against an employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for wages and health benefits</li> <li>• Reinstatement and/or any other relief granted by a court</li> <li>• Reimbursement of attorney fees and other related costs</li> </ul>
City of Oakland	<p>An employee claiming violation of the city's Living Wage Ordinance may bring an action against an employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for wages and health benefits</li> <li>• Reinstatement, compensatory damages and punitive damages as determined by a court</li> <li>• Reimbursement of attorney fees and other related costs</li> <li>• Time for action: Unspecified</li> </ul>	<p>If, following written notification, a contractor does not correct a Living Wage Ordinance (LWO) violation, the city shall pursue all available legal remedies including but not limited to:</p> <ul style="list-style-type: none"> <li>• Suspension or termination of the contract</li> <li>• Payback of any or all of the contract awarded by the city</li> <li>• Bar the contractor from future city contracts until all penalties and restitution paid in full</li> <li>• Fine payable to the city in the amount of \$500 for each week for each employee found not to have been paid in accordance with LWO</li> <li>• Wage restitution for each affected employee</li> </ul>

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	EMPLOYEE	CITY AND/OR COUNTY
City of Irvine	<p>An employee claiming violation of the Living Wage Ordinance may seek the following remedies against an employer:</p> <ul style="list-style-type: none"> <li>• Back pay for wages</li> <li>• Attorney fees</li> <li>• May take any/all of other legal remedies available</li> <li>• Time for action: Unspecified</li> </ul>	<p>If violation not corrected by employer within 60 days of notice, the City may pursue one or all of the following:</p> <ul style="list-style-type: none"> <li>• Order back pay for wages to employees</li> <li>• Payments due may be suspended</li> <li>• Termination of contract</li> <li>• Ineligible to enter into contracts with the City for 3 years or until restitution to employees has been paid (whichever is longer)</li> <li>• Pursue any/all legal remedies available</li> </ul>
City of Pasadena	<p>An employee claiming violation of the Living Wage Ordinance may bring an action against the employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for wages and health benefits</li> <li>• Attorney fees</li> <li>• Time for action: Unspecified</li> </ul>	<p>If of the Living Wage Ordinance occurs, the City may:</p> <ul style="list-style-type: none"> <li>• Terminate the contract</li> <li>• Pursue any/all legal remedies available</li> </ul>
City of Berkeley	<p>An employee claiming violation of the Living Wage Ordinance may bring an action against the employer for the following:</p> <ul style="list-style-type: none"> <li>• Back pay for each day employer failed to pay required compensation</li> <li>• Reinstatement, compensatory damages, and punitive damages</li> <li>• Attorney fees</li> <li>• Time for action: Unspecified</li> </ul>	<p>Does not specify</p>
City of Ventura	<p>An employee claiming violation of the Living Wage Ordinance may:</p> <ul style="list-style-type: none"> <li>• File a complaint with the City, however the enforcement action(s) are not specified</li> <li>• Time for action: Unspecified</li> </ul>	<p>If violation not corrected by employer within 30 days, the City may pursue one or all of the following:</p> <ul style="list-style-type: none"> <li>• Declare material breach and pursue legal remedies available</li> <li>• Suspension or termination of contract and return of monies paid by the City for services not rendered</li> <li>• Civil penalty of \$500/week for each employee not paid required wages</li> </ul>