## ANALYSIS

This ordinance amends Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, relating to the enforcement of the Los Angeles County Minimum Wage Ordinance by:

- Amending Section 8.100.080 to designate the Department of Consumer and Business Affairs as administrator of the Los Angeles County Minimum Wage Ordinance;
- Adding Chapter 8.101 to Division 4 to establish a wage enforcement program for the County of Los Angeles, which: (1) requires employers to pay qualifying employees no less than the amount required in the Los Angeles County Minimum Wage Ordinance; (2) requires employers to provide notices and maintain records for qualifying employees; (3) prohibits retaliation against employees that exercise rights protected under this ordinance; (4) establishes fines and penalties for violations; (5) designates the Department of Consumer and Business Affairs as the enforcement officer responsible for investigating violations of County wage ordinances; and (6) creates a violation appeal process.

MARY C. WICKHAM
County Counsel

By
MICHAEL S. BUENNAGEL
Deputy County Counsel
Government Services Division

MSB:bk
Requested: 2/25/2016
Revised: 3/21/2016

HOA.100328859.3

**ORDINANCE NO. 2016-0026**

An ordinance amending Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, relating to the enforcement of the Los Angeles County Minimum Wage Ordinance.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1**. Section 8.100.080 is hereby amended to read as follows:

The ~~Chief Executive Officer, or his or her designee,~~ Director of the Department of Consumer and Business Affairs shall be responsible for administration of this Chapter which may include public education and outreach, promulgating guidelines and rules consistent with the provisions of this Chapter, and enforcing this Chapter consistent with Chapters 1.25 and 8.101 of the County Code. ~~Guidelines and rules promulgated by the Chief Executive Officer, or his or her designee, pursuant to the authority provided under this Chapter shall have the force and effect of law and may be relied upon by employers, employees, and other parties to determine their rights and responsibilities under this Chapter.~~

**SECTION 2.** Chapter 8.101 is hereby added to read as follows:

**Chapter 8.101 Wage Enforcement.**

**8.101.010 Short Title.**

**8.101.020 Findings and Purpose.**

**8.101.030 Definitions.**

**8.101.040 Minimum Wage Compensation Requirements.**

**8.101.050 Notice of the Los Angeles County Minimum Wage.**

**8.101.060 Employee Notification Requirements.**

**8.101.070 Employer Record Keeping and Access Requirements.**

**8.101.080 Retaliation Prohibited.**

**8.101.090 Department of Consumer and Business Affairs – Powers and Duties.**

**8.101.100 Complaints.**

**8.101.110 Investigations.**

**8.101.120 Notices of Violation.**

**8.101.130 Reconsideration of Wage Enforcement Order.**

**8.101.140 Appeals.**

**8.101.150 Administrative Fines for Violations.**

**8.101.160 Additional Penalties.**

**8.101.170 Other Remedies Not Affected.**

**8.101.180 Authority; Severability; Effective Date.**

**8.101.010 Short Title.**

The ordinance codified in this Chapter shall be known as the "Los Angeles County Wage Enforcement Ordinance."

**8.101.020 Findings and Purpose.**

The Board of Supervisors finds and declares as follows:

A. Findings.

Wage theft occurs when employees are not paid the wages they are owed by their employers. This can occur when workers receive payment at a rate below the

legal hourly minimum wage, whether paid by the hour, by the piece, by the week, or by the project. Significant and extensive minimum wage violations have been documented throughout California, as well as within the County of Los Angeles. The Economic Roundtable and the University of California Los Angeles indicate that violations of wage laws in Los Angeles County are pervasive, with 30 percent of low wage workers in Los Angeles County receiving less than the minimum wage and 88.5 percent of workers experiencing some sort of wage theft.

A practice of not fully paying employees also gives unscrupulous employers a competitive business advantage that harms responsible employers. In addition, workers that are not paid the full amount they earn are often forced to resort to government services to provide for their and their families' basic needs, thereby drawing on already limited resources of the County.

On November 17, 2015, the County adopted the Los Angeles County Minimum Wage Ordinance establishing a new minimum wage in the unincorporated areas of the County which becomes effective on July 1, 2016, and increases in various increments thereafter. The Los Angeles County Minimum Wage Ordinance promotes an employment environment that helps protect government resources while promoting the health, safety and welfare of the County's residents.

Therefore, the County has an interest in: (1) enforcing wage violations to promote the health, safety, and welfare of workers, their families, and communities; (2) protecting government resources, by ensuring employees receive the wages they

earn, thereby diminishing the need for government assistance; and (3) providing assistance to businesses to help with and encourage compliance.

It is also necessary and important that the County and any department responsible for enforcing wage violations, or any other activities that may be necessary to assist the County in enforcing wage violations, be able to obtain the information needed in order to complete a thorough investigation by legal means, including but not limited to, the subpoena process.

B. Purpose

The purpose of the Los Angeles County Wage Enforcement Ordinance is to: (1) create a wage enforcement program that ensures employees performing work in the unincorporated areas of the County of Los Angeles are paid no less than the amount they are owed according to the Los Angeles County Minimum Wage Ordinance; (2) educate and inform County employers and employees about the requirements, benefits, and protections provided by the County of Los Angeles and its wage enforcement program; (3) refer violations of wage and hour laws that are the responsibility of other enforcement agencies, such as misclassification of independent contractors, to the appropriate authority for investigation; and (4) allow for partnerships between the County and other local, State, and federal agencies responsible for enforcement of wage and hour laws throughout the County to promote a fair employment environment for all employees and businesses.

**8.101.030 Definitions.**

The general definitions contained in Chapter 2.02 shall be applicable to this Chapter unless inconsistent with the following definitions:

A. "Correction Order" means the notice issued by Department of Consumer and Business Affairs to an Employer described in Section 8.101.120 (A).

B. "Days" means calendar days. If the day any action required under this Chapter falls on a weekend or a County holiday, the time for completing the required action shall be extended to the next business day immediately following the weekend or holiday.

C. "DCBA" means the County of Los Angeles Department of Consumer and Business Affairs.

D. "Director" means the Director of the DCBA or his or her designee.

E. "Director's Rules" means those rules promulgated by the DCBA and adopted by the County Board of Supervisors, as described in Section 8.101.090 (D).

F. "Employee" for purposes of this Chapter shall have the same meaning as provided in Los Angeles County Code Section 8.100.030 (C).

G. "Employer" for purposes of this Chapter shall have the same meaning as provided in Los Angeles County Code Section 8.100.030 (D).

H. "Hearing Officer" for purposes of this Chapter shall have the same meaning as provided in Los Angeles County Code Section 1.25.020 (D).

I. "Los Angeles County Minimum Wage" or "Minimum Wage" means the minimum wage as defined in Chapter 8.100 of the Los Angeles County Code.

J. "License" means any license, registration, certificate, or permit issued by the County or a department, agency, or commission of the County of Los Angeles.

K. "Pay Day" means a specific date designated by an Employer on which wages are paid for hours worked during a Pay Period, as defined.

L. "Pay Period" means a defined time frame for which an Employee will receive a paycheck as provided in the California Labor Code.

M. "Reconsideration Determination" means the written response of the Director to a timely request for reconsideration of a Wage Enforcement Order as described in Section 8.101.130 (C).

N. "Service" or "Serve" for purposes of this Chapter means personal delivery or delivery through first class mail, postage pre-paid, to the person to be served. If served via personal service, service shall be effective on the date personal service is executed; if served via first class mail, service shall be effective on the date of mailing. All notices that must be served under this Section must include a proof of service stating the date of service.

O. "Wage Enforcement Order" means the written order issued by DCBA to an Employer as described in Section 8.101.120 (B).

**8.101.040 Minimum Wage Compensation Requirements.**

An Employer shall pay no less than the amount required by the Los Angeles County Minimum Wage Ordinance in Chapter 8.100 to an Employee, on a designated regular Pay Day and at no longer than monthly payment intervals, unless otherwise permitted by law.

**8.101.050 Notice of the Los Angeles County Minimum Wage.**

On or before July 1 of each year, the DCBA shall prepare and provide a notice for posting of the Los Angeles County Minimum Wage and the rights of Employees in order for Employers to comply with Section 8.101.060 (A). The DCBA shall make available electronic and hardcopy versions of such notices.

**8.101.060 Employee Notification Requirements.**

A. Los Angeles County Minimum Wage Workplace Posting. Every Employer shall post in a conspicuous place at any workplace or jobsite located within the unincorporated areas of the County where any Employee works, the notice provided each year by the DCBA pursuant to Section 8.101.050 informing Employees of the current minimum wage rate and of their rights under this Chapter. Employers that do not have a physical jobsite within the unincorporated areas of the County must provide a copy of the DCBA notice each year to each Employee that performs work in the unincorporated areas.

B. Initial Compensation Disclosure Statement. At the time of hire, Employers shall provide each Employee with a written statement disclosing: (1) the Employer's name, any trade ("doing business as") names, the physical and mailing address of the Employer's main office, email address, and the Employer's telephone number; (2) the Employee's rate or rates of pay; (3) the Employer's tip policy, including any tip sharing, pooling, or allocation policies, if applicable; (4) the Employee's pay basis (e.g., hour, shift, day, week, commission); (5) the formula by which the DCBA can determine the Employee's rate of pay and total pay; (6) Employee's established Pay Day for earned

wage compensation; (7) each deduction that will be collected from the Employee's pay each Pay Period; and (8) additional information specified in the Director's Rules.

C. Pay Period Statement. Each Pay Day, Employers shall provide each Employee with all information required by section 226(a) of the California Labor Code, as well as the additional information: (1) the rate or rates of pay for the Pay Period; (2) the pay basis (e.g., hour, shift, day, week, commission); (3) gross wages; and (4) any other information required in the Director's Rules adopted pursuant to this Chapter.

D. Supplemental Disclosure Allowed. Nothing in this Section shall require Employers to duplicate disclosures required by State law, including sections 226 and 2810.5 of the California Labor Code. Disclosures required by this Section may be satisfied by supplementing any State-mandated disclosure.

**8.101.070 Employer Record Keeping and Access Requirements.**

A. Payroll Records. Employers shall retain accurate and complete payroll records pertaining to each Employee that document the name, address, occupation, dates of employment, rate or rates of pay, amount paid each Pay Period, the hours worked for each Employee, and the formula by which each Employee's wages are calculated.

B. Retention Period. Every Employer shall retain payroll records required in subsection A, above, pertaining to each Employee for a period of four (4) years.

C. Records and Interview Access; Cooperation with Investigations. To monitor and investigate compliance with the requirements of Chapter 8.100 or this

Chapter, every Employer shall: allow the DCBA access to such records required in subsection A, allow the DCBA to interview persons, including Employees, during normal business hours, and shall cooperate with the DCBA investigators.

D. Presumption of Retaliation. There shall be a rebuttable presumption that an Employer violated this Chapter if an allegation is made concerning an Employee's entitlement to compensation due under the Los Angeles County Minimum Wage Ordinance and an Employer does not maintain or retain payroll records required by subsection A, or if an Employer does not allow the DCBA reasonable access to such records.

E. Records Access Charges. Where an Employer demonstrates to the DCBA that the Employer shall incur a fee or charge for providing the records required in subsection A, the Employer shall only be required to provide the DCBA with the prior two years of records unless the DCBA determines obtaining four years of records is reasonable and necessary for the enforcement of Chapter 8.100 or this Chapter.

**8.101.080 Retaliation Prohibited.**

It shall be unlawful for an Employer or any other person to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under Chapter 8.100 or this Chapter. Rights protected under Chapter 8.100 and this Chapter include, but are not limited to: (1) the right to file a complaint or inform any person about any other person's alleged noncompliance with Chapter 8.100 or this Chapter; and (2) the right to inform any person of his or her potential rights under Chapter 8.100 or this Chapter and to assist in asserting such rights. Protections of this

Chapter shall apply to any person who mistakenly, but in good faith, alleges noncompliance with Chapter 8.100 or this Chapter. Taking adverse action against a person within 90 days of the person's exercise of rights protected under Chapter 8.100 or this Chapter shall raise a rebuttable presumption of having done so in retaliation for the exercise of such rights.

**8.101.090 Department of Consumer and Business Affairs — Powers and Duties.**

A. Enforcement and Investigations. The DCBA is authorized to take appropriate steps to enforce Chapter 8.100 and this Chapter, including conducting investigations of possible violations by an Employer or other person.

B. Access to Records. The DCBA shall have access to all workplaces subject to this ordinance during business hours to inspect books and records, to interview persons, including Employees, and to investigate such matters necessary or appropriate to determine whether an Employer has violated any provisions of Chapter 8.100 or this Chapter.

C. Subpoenas. The DCBA may request the issuance of a subpoena as authorized by law for the examination of any person, or books, papers, records, or other items relevant to the enforcement of Chapter 8.100 or this Chapter.

D. Rulemaking Authority. The Director may develop rules for the administration of this Chapter. Such Director's Rules shall be presented to the Board of Supervisors and become effective if approved by the Board.

E. Confidentiality. The DCBA shall encourage reporting and cooperation with investigations by keeping confidential, to the maximum extent permitted by applicable laws, the name, address, and other identifying information of each Employee, person reporting a violation, or person aiding an investigation by providing information to the DCBA investigators. Provided, however, that with the authorization of such person, the DCBA may disclose his or her name and identifying information as necessary to enforce Chapter 8.100 or this Chapter or for other appropriate purposes. The DCBA shall also protect proprietary business information to the greatest extent allowed by law.

F. Settlement Authority.

1. The DCBA is authorized to negotiate and approve settlements with Employers where the DCBA determines settlement is in the best interest of the County and affected Employees. Settlement agreements must be in writing and signed by the Director and the Employer. Settlements authorized under this subsection may provide Employers with a repayment plan to be paid over time.

2. The DCBA may waive any additional fines owed to the County imposed under this Chapter, in whole or in part, if the violation was not willful and the DCBA determines that enforcement of the additional fines would not further the purposes of this Chapter.

3. The DCBA shall not reduce the amount of back wages an Employer is determined to owe to Employees without the written consent of the affected Employees. Repayment of back wages to Employees shall include interest at the rate specified in subdivision (b) of section 3289 of the California Civil Code, which shall

accrue from the date the wages were due and payable as provided in Part 1 (commencing with section 200) of Division 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full.

G. Contracts with Community Based Organizations. The DCBA shall have the authority to contract, in accordance with County contracting rules and procedures, with Community Based Organizations for them to assist in the education and outreach related to the Los Angeles County Minimum Wage Ordinance and this Chapter.

**8.101.100 Complaints.**

Any person may file a complaint with the DCBA alleging a potential violation of Chapter 8.100 or this Chapter. A complaint should include a statement of the dates, places, and persons or entities responsible for such violation. Complaints must be filed within three (3) years after the occurrence of the alleged violation of Chapter 8.100 or this Chapter.

**8.101.110 Investigations.**

Upon receipt of a complaint that DCBA deems credible, or if the Director has reason to believe that any person may be in violation of Chapter 8.100 or this Chapter, DCBA may conduct an investigation into the potential violation. DCBA may conduct site inspections, interview Employees or other witnesses to alleged violations, take depositions, review document and records, and perform any other investigatory method reasonably necessary to determine whether a violation of Chapter 8.100 or this Chapter occurred. DCBA may issue a Correction Order at any time during the course of an investigation. Upon completion of an investigation, if DCBA determines a violation of

Chapter 8.100 or this Chapter was committed, DCBA shall issue a Wage Enforcement Order to the Employer or person responsible for the violation.

**8.101.120 Notices of Violation.**

A. Correction Order. If, during the course of an investigation, the DCBA has determined a violation of Chapter 8.100 or this Chapter has occurred, the DCBA may issue and serve a Correction Order on the Employer immediately. The Correction Order shall identify the violation to be corrected and a reasonable amount of time to correct the violation. Failure to comply with the Correction Order may be included in a subsequent Wage Enforcement Order.

B Wage Enforcement Order.

1. After completing an investigation, if the DCBA determines an Employer has violated a provision of Chapter 8.100 or this Chapter, including but not limited to a failure to comply with a Correction Order, the DCBA shall prepare and serve a Wage Enforcement Order on the Employer.

2. A Wage Enforcement Order contains the DCBA's final determination concerning whether an Employer violated Chapter 8.100 or this Chapter, the administrative fine for each violation as specified in Section 8.101.150, and that an amount is due and owing to either an Employee, the County, or both. A Wage Enforcement Order shall include information as required in a notice of violation pursuant to Los Angeles County Code Section 1.25.050 (C), and may also contain the following:

a. A description of any corrective action required, including reinstatement of any Employee, if applicable;

b. A statement explaining that each day of a continuing violation may constitute a new and separate violation;

c. The amount of wages due and the amount of interest, penalties, and administrative fines imposed for the violation(s);

d. A statement informing the Employer that the administrative fines shall be paid to the County of Los Angeles, the date by which the DCBA requires the administrative fines to be paid, the procedure for payment, and the consequences of failure to pay; and

e. The name and signature of the Director.

C. The Employer must, within 24 hours after receipt of a Wage Enforcement Order, post the Wage Enforcement Order by affixing the Wage Enforcement Order or an exact copy in a conspicuous place at any workplace or jobsite located within the unincorporated areas of the County where any Employee works, or for Employers that do not have a physical jobsite within the unincorporated areas of the County, must provide an exact copy of the Wage Enforcement Order to all Employees that perform work in the unincorporated areas.

D. Stay of Enforcement. At the DCBA's discretion, a stay of any corrective action required by a Wage Enforcement Order may be issued in the event of good faith settlement negotiations.

**8.101.130 Reconsideration of Wage Enforcement Order.**

A. Reconsideration by Director. An Employer, Employee, or any interested party, that is the subject of a Wage Enforcement Order, may file a written request for

reconsideration of a Wage Enforcement Order with the DCBA. A request for reconsideration of a Wage Enforcement Order by an Employer shall be filed with the DCBA within 20 days from the date the Wage Enforcement Order is served, unless extended by the Director upon a showing of good cause. A request for reconsideration by an Employee shall be filed with the DCBA within 20 days of posting of the Wage Enforcement Order by the Employer pursuant to Section 8.101.120 (C). In order to be considered timely, the request for reconsideration must be postmarked or actually received by the DCBA on or before the 20th day following the service of the Wage Enforcement Order on the Employer. The request for reconsideration shall be in writing and filed with the DCBA and include the following information:

1. The alleged violation(s) being contested;

2. The reason, in detail, why each violation being contested should be reconsidered;

3. Any new facts or law not considered in the course of the DCBA's investigation that would aid in issuing a final determination;

4. The signature of the person or entity requesting reconsideration, under penalty of perjury; and

5. The return address where the person or entity requesting reconsideration shall receive service of a Reconsideration Determination.

B. Stay of Enforcement. If administrative fines owed to the County are the subject of the request for reconsideration, then accrual of such administrative fines shall be stayed upon receipt of the request for reconsideration, until the determination of such

reconsideration is final. The payment of the contested amount of wages and fines owed to Employees during the pendency of any request for reconsideration shall be stayed but shall continue to accrue until a determination of such appeal or review is final.

C. Reconsideration Determination. Within 20 days of receipt of the written request for reconsideration, the Director shall respond to a request for reconsideration by issuing a written Reconsideration Determination. The Director may uphold or reject the Wage Enforcement Order, in whole or in part, or reduce, waive, or conditionally reduce the administrative fines stated in a Wage Enforcement Order if mitigating circumstances are shown. The Director may impose conditions and deadlines for the correction of violations or the payment of outstanding wages, penalties and administrative fines, and may include instructions for notifying Employees of the Reconsideration Determination. The Reconsideration Determination shall be served by mail to the Employer, Employee, and any other persons requesting notice. A Reconsideration Determination shall be final unless timely appealed pursuant to Section 8.101.140.

**8.101.140 Appeals.**

A. Administrative Appeal. After receiving a Reconsideration Determination from the DCBA, any person may file an administrative appeal of the Reconsideration Determination before a Hearing Officer appointed pursuant to Chapter 1.25. No person may file an administrative appeal unless such person has first filed a request for reconsideration and received a Reconsideration Determination from the Director.

B. Judicial Review of Hearing Officer Decision. Pursuant to Chapter 1.25, any person may seek judicial review of a Hearing Officer's decision pertaining to the imposition of an administrative fine by filing an appeal with the Superior Court in accordance with the time periods, procedures, and other requirements set forth in section 53069.4 of the California Government Code. If no appeal of the Hearing Officer's written decision is filed within the time period set forth in section 53069.4 of the California Government Code, the Hearing Officer's decision shall be deemed confirmed and final.

**8.101.150 Administrative Fines for Violations.**

A. Administrative Fines. An administrative fine payable to the County or Employee may be assessed for a violation of any provision of this Chapter as specified below. The administrative fine may be assessed through a Wage Enforcement Order issued to the Employer by the DCBA.

| VIOLATION AND FINE AMOUNT | | | |
|---|---|---|---|
| **Violation** | **County Code Section** | **Fine Per Violation Payable to the County** | **Fine Per Violation Payable to the Employee** |
| Failure to post or provide notice of the Los Angeles County Minimum Wage rate | Los Angeles County Code Section 8.101.060 | Up to $500 | |

| | | | |
|---|---|---|---|
| Failure to provide complete, accurate, and timely Initial Compensation Disclosure Statement or Pay Period Statement | Los Angeles County Code Section 8.101.060 | Up to $500 per employee | Up to $500 per violation |
| Failure to allow access for inspection of books and records or to interview Employees | Los Angeles County Code Section 8.101.070 | Up to $500 | |
| Failure to maintain payroll records or to retain payroll records for four years | Los Angeles County Code Section 8.101.070 | Up to $500 | |
| Failure to cooperate with the DCBA's investigation | Los Angeles County Code Section 8.101.070 | Up to $500 | |
| Retaliation for exercising rights under Chapter 8.100 or this Chapter | Los Angeles County Code Section 8.101.080 | Up to $1,000 per employee subject to retaliation | Up to $1,000 per employee. Plus $100 per day until reinstatement, if ordered |

| | | | |
|---|---|---|---|
| Failure to post Wage Enforcement Order or Reconsideration Determination (if ordered by the Director) in a conspicuous place for all Employees to view | Los Angeles County Code Section 8.101.120 or 8.101.130 | Up to $500 | |
| Failure to pay an Employee all wages owed when due | Los Angeles County Code Section 8.101.040 and 8.101.130 | Up to $100 per day, per Employee, for each day that an Employee is not paid all wages owed | Up to $100 per day for each day that an Employee is not paid all wages owed |

B. Calculation of Administrative Fines. Each and every day that a violation exists constitutes a separate and distinct violation. The maximum administrative fine may be increased cumulatively by 50 percent for each subsequent violation of the same provision by the same Employer within a three-year period. The maximum administrative fine that may be imposed by a Wage Enforcement Order in a calendar year for each type of violation listed above shall be $20,000 per Employee, per year, with the exception of a retaliation violation, in which case the maximum fine shall be $30,000 per Employee, per year.

C. Payments to the County; Due Date; Late Payment Fee. Administrative fines payable to the County of Los Angeles are due within 30 days from the date of the Wage Enforcement Order, if applicable. The failure of any Employer to pay an

administrative fine within 30 days shall result in the assessment of an additional late fee. The amount of the additional late fee shall be ten percent of the total amount of the administrative fine assessed for each month the amounts are unpaid, compounded to include already accrued late administrative fines that remain unpaid. The County may exercise its discretion regarding the fines, penalties, and fees levied based on the severity of the violation, the length of the violation, and whether the violation was the first of its kind for the Employer.

D. Collections of Amounts Due. The failure of any Employer to pay amounts owed to the County under this Chapter when due shall constitute a debt to the County. The County may file a civil action or, to the extent feasible under State law, create and impose a lien against any property owned or operated by an Employer or other person who fails to pay an administrative fine assessed by the DCBA, or pursue any other legal remedy to collect such money.

E. Successor Liability. If any Employer ceases its business operations, sells out, exchanges, or otherwise disposes of the Employer's business or stock of goods, then any person who becomes a successor to the business shall become liable for the unpaid amount of the remedies defined in the Wage Enforcement Order if, at the time of the conveyance of the business, the successor has actual knowledge of the fact and amount of the Wage Enforcement Order.

F. Payments to Employees; Fines and Restitution. Every Employer who violates the Los Angeles County Minimum Wage Ordinance, or any portion thereof, shall be liable to the Employee whose rights were violated for back wages unlawfully

withheld and a fine of $100 for each day that the violation occurred or continued. A violation for unlawfully withholding wages shall be deemed to continue from the date immediately following the date that the wages were due and payable as provided in Part 1 (commencing with section 200) of Chapter 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full. For retaliatory action by the Employer, the Employee shall be entitled to reinstatement of his or her prior position, assignment, or job, if applicable, and a trebling of all back wages, fines, and penalties.

G. Interest. In any administrative or civil action brought for the nonpayment of wages under this Chapter, the DCBA or the court, shall award interest on all due and unpaid wages, fines, and penalties at the rate of interest specified in subdivision (b) of section 3289 of the California Civil Code, which shall accrue from the date the wages were due and payable as provided in Part 1 (commencing with section 200) of Division 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full.

**8.101.160 Additional Penalties.**

A. County Contracts, Disqualification or Termination. The DCBA shall provide notice to all County departments of Employers that are subject to a final Wage Enforcement Order, Reconsideration Determination, or Hearing Officer's decision that finds the Employer violated a County wage ordinance. To the extent permitted by applicable law, Employers determined to be in violation of a County wage ordinance may be subject to penalties affecting their current or potential contractual relationships

with the County. Penalties shall be set forth in the Director's Rules and may include, but are not limited to, disqualification from contracting with the County and termination of existing contracts.

B. County Licenses. The Director may recommend that any license issued by the County or any departments thererof, or the application for, or renewal or transfer of, a license of an Employer determined to be in violation of this Chapter be suspended, revoked, or denied. In evaluating whether a license should be recommended for suspension, revocation, or denial, the Director may take into consideration factors including, but not limited to: (1) whether the Employer's violation was an inadvertent or clerical error; (2) whether the violation was the first violation by that Employer; (3) whether any violation was corrected timely; and (4) whether any amounts due to Employees or the County as a result of the violation were timely paid. The decision to suspend, revoke, or deny a license based on a recommendation from the Director shall be made by the department issuing the license and done in accordance with applicable law.

**8.101.170 Other Remedies Not Affected.**

A. The remedies, fines, penalties, and procedures provided under this Chapter are cumulative and are not intended to be exclusive of any other available remedies, fines, penalties, and procedures. By filing a claim with the County, an employee is not precluded from being able to recover remedies available to them under any other code, regulation, or law. The procedures established in this Chapter shall be in addition to any other criminal, civil, or other remedy established by law which may be

pursued to address violations of this Chapter. An administrative citation issued pursuant to this Chapter shall not prejudice or adversely affect any other action, civil or criminal, that may be brought to prosecute or abate a violation or to seek compensation for damages suffered.

B. Any Employee aggrieved by a violation of Chapter 8.100 or this Chapter, the County, or any other person or entity acting on behalf of the public as provided for under applicable State law, may bring a civil action in a court of competent jurisdiction against the Employer violating Chapter 8.100 or this Chapter and, upon prevailing, shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of fines in the amount of $100 to each Employee whose rights under Chapter 8.100 or this Chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief, and shall be awarded reasonable attorneys' fees and costs. Any person or entity enforcing Chapter 8.100 or this Chapter on behalf of the public as provided for under applicable State law, upon prevailing, shall be entitled only to equitable, injunctive or restitutionary relief, and reasonable attorneys' fees and costs. Nothing in this Chapter shall be interpreted as restricting, precluding, or otherwise limiting a separate or concurrent criminal prosecution under the Los Angeles County Code or State law. Jeopardy shall not attach as a result of any administrative or civil enforcement action taken pursuant to this Chapter.

**8.101.180 Authority; Severability; Effective Date.**

A. Authority. This Chapter is adopted pursuant to the powers vested in the County of Los Angeles under the laws and Constitution of the State of California, including but not limited to, the police powers vested in the County pursuant to Article XI, section 7 of the California Constitution, section 26227 of the California Government Code, and section 1205 (b) of the California Labor Code.

B. Severability. If any subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The County Board of Supervisors hereby declares that it would have adopted this Chapter, Section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would subsequently be declared invalid or unconstitutional.

C. Effective Date. All provisions of this ordinance shall be effective 30 days from the date of final passage of the ordinance by the Board of Supervisors pursuant to section 25123 of the California Government Code, except that no Employer shall be liable for a violation of this ordinance until after June 30, 2016.

[810080MBCC]

**SECTION 3.** This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Hilda L. Solis
Chair

ATTEST:

Lori Glasgow
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of April 26, 2016 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

| | Ayes | | Noes |
|---|---|---|---|
| Supervisors | Hilda Solis | Supervisors | Michael D. Antonovich |
| | Mark Ridley-Thomas | | |
| | Sheila Kuehl | | |
| | Don Knabe | | |
| | | | |

Effective Date: May 26, 2016

~~Operative Date:~~

Lori Glasgow
Executive Officer –
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

LORI GLASGOW
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By _____
Lester J. Tolnai
Acting Chief Deputy County Counsel

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