ANALYSIS

This Ordinance amends Title 8 – Consumer Protection and Business Regulations, of the Los Angeles County Code, relating to the minimum wage to be paid for work performed within the unincorporated areas of the County of Los Angeles by:

- Amending the title of Title 8 to read Consumer Protection, Business and Wage Regulations;
- Adding Division 4 to Title 8 for wage regulations;
- Adding Chapter 8.100 to Division 4 to establish a minimum wage for the County of Los Angeles; and
- Adding Sections 8.100.010 through 8.100.100 to: (1) provide findings of the Board of Supervisors relating to the need for a minimum wage; (2) define employees and employers that are subject to the Minimum Wage Ordinance; and (3) establish the minimum wage rate employers are to pay to qualifying employees.

MARY C. WICKHAM
Interim County Counsel

By
MICHAEL S. BUENNAGEL
Senior Associate County Counsel
Government Services Division

MSB:bk

Requested: 8/05/2015
Revised: 9/09/2015

ORDINANCE NO. 2015-0039

An Ordinance amending Title 8 – Consumer Protection and Business Regulations, of the Los Angeles County Code, relating to the minimum wage to be paid for work performed within the unincorporated areas of the County of Los Angeles.

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

SECTION 1. Title 8 is hereby amended to read as follows:

Title 8 Consumer Protection, ~~and~~ Business and Wage Regulations.

SECTION 2. Division 4 is hereby added to read as follows:

Division 4 – Wage Regulations.

SECTION 3. Chapter 8.100 is hereby added to read as follows:

Chapter 8.100 Minimum Wage.

8.100.010 Short Title.

8.100.020 Findings.

8.100.030 Definitions.

8.100.040 Minimum Wage.

8.100.050 Retaliatory Action Prohibited.

8.100.060 No Waiver of Rights.

8.100.070 Conflict With Other Laws; Severability; Savings Clause.

8.100.080 Implementation.

8.100.090 Coexistence With Other Available Relief.

8.100.100 Exemptions.

8.100.010 Short Title.

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

8.100.020 Findings.

The Board of Supervisors finds that, as of 2015, twenty seven percent (27%) of the overall population of the County of Los Angeles is living in poverty, which is defined by the California Poverty Measure as an annual household income of less than $30,785 for a family of four. Many impoverished residents, despite working full-time, earn too little to cover bare necessities such as safe housing, healthy food, adequate clothing, and basic medical care. With each year, the cost of living in the County rises while real wages for the lowest income County residents stagnate or fail to keep pace.

The Board also finds that income inequality is a substantial economic and social issue facing the County. Low income workers often rely on the County as a provider of social support services. When employees do not receive a sufficient wage for their labor, the community and taxpayers bear associated costs in the form of increased demand for taxpayer-funded services, including emergency medical services, homeless shelters, and other social services and community-based services. Therefore, the County has an interest in promoting an employment environment in unincorporated areas that protects government resources while promoting the health, safety, and welfare of workers by ensuring they receive a reasonable wage for the work they perform.

8.100.030 Definitions.

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

A. "Chief Executive Officer" or "CEO" means the Chief Executive Officer of the County of Los Angeles.

B. "County" means the County of Los Angeles.

C. "Employee" means any individual who:

1. In a particular week performs at least two hours of work within the unincorporated areas of the County for an Employer; and

2. Qualifies as an Employee entitled to payment of a minimum wage from any Employer under the California minimum wage law, as provided under section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

D. "Employer" means any person, as defined in section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of any employee.

8.100.040 Minimum Wage.

A. For each hour worked within the unincorporated areas of the County, an Employer shall pay its Employee no less than the hourly rates set forth below:

1. Employers with twenty-six (26) or more Employees shall pay Employees a wage of no less than the following hourly rates:

a. On July 1, 2016, the hourly wage shall be $10.50;

b. On July 1, 2017, the hourly wage shall be $12.00;

c. On July 1, 2018, the hourly wage shall be $13.25;

d. On July 1, 2019, the hourly wage shall be $14.25;

e. On July 1, 2020, the hourly wage shall be $15.00.

2. Employers with twenty-five (25) or fewer Employees shall pay Employees a wage of no less than the following hourly rates:

a. On July 1, 2017, the hourly wage shall be $10.50;

b. On July 1, 2018, the hourly wage shall be $12.00;

c. On July 1, 2019, the hourly wage shall be $13.25;

d. On July 1, 2020, the hourly wage shall be $14.25;

e. On July 1, 2021, the hourly wage shall be $15.00.

3. Beginning on July 1, 2022, the minimum wage will increase annually based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles metropolitan area (Los Angeles-Riverside-Orange County, CA), which is published by the Bureau of Labor Statistics. Beginning in 2022, and continuing each year thereafter, on January 1 the CEO shall determine the adjusted rates which shall take effect on July 1 of that year and publish a bulletin announcing the adjusted rates.

B. For purposes of this Section, the number of Employees employed by an Employer shall be determined by the average number of Employees employed during the previous calendar year.

8.100.050 Retaliatory Action Prohibited.

No Employer shall discharge, reduce in compensation, or otherwise discriminate against any Employee for opposing any practice proscribed by this Chapter, for participating in proceedings related to this Chapter, for seeking to enforce his or her rights provided under this Chapter by any lawful means, or for otherwise asserting rights under this Chapter.

8.100.060 No Waiver of Rights.

Any purported waiver by an Employee of any or all of the provisions of this Chapter shall be deemed contrary to public policy and shall be void and unenforceable.

8.100.070 Conflict With Other Laws; Severability; Savings Clause.

A. Nothing in this Chapter shall be interpreted or applied so as to create any power or duty in conflict with any State or federal law.

B. If any Section, 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 Ordinance and each and every Section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

C. This Chapter provides for payment of a local minimum wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy, or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections.

8.100.080 Implementation.

The Chief Executive Officer, or his or her designee, 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 Chapter 1.25 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.

8.100.090 Coexistence With Other Available Relief.

The provisions of this Chapter shall not be construed as limiting any Employee's right to obtain relief to which he or she may be entitled at law or in equity.

8.100.100 Exemptions.

The following persons and entities are exempt from the Los Angeles County Minimum Wage Ordinance:

A. Any person not subject to, or exempt from, the State minimum wage, as provided under section 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

B. Public entities, including State, federal, County, and city entities, including school districts.

[8100010MBCC]

SECTION 4. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Mike Antonovich
Mayor

ATTEST:

Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of September 29, 2015 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	Don Knabe
	Mark Ridley-Thomas		Michael D. Antonovich
	Sheila Kuehl		

Effective Date: October 29, 2015

~~Operative Date:~~

Patrick Ogawa
Acting 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.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
MARY C. WICKHAM
Interim County Counsel

By _____
Lester J. Tolnai
Acting Chief Deputy County Counsel

S:\Ordinances\County Counsel\2015\2015-0039