



# County of San Diego

**BRANDEN BUTLER**  
DIRECTOR

**OFFICE OF ETHICS, COMPLIANCE AND LABOR STANDARDS**

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October 16, 2023

TO: Supervisor Nora Vargas, Chairwoman  
Supervisor Terra Lawson-Remer, Vice Chair  
Supervisor Joel Anderson  
Supervisor Jim Desmond

FROM: Branden Butler  
Director, Office of Labor Standards and Enforcement

**OFFICE OF LABOR STANDARDS AND ENFORCEMENT SECOND ANNUAL REPORT TO  
THE BOARD OF SUPERVISORS AND UPDATE ON IMPLEMENTATION OF THE  
FRAMEWORK**

On May 4, 2021 (23), the Board of Supervisors (Board) established the Office of Labor Standards and Enforcement (OLSE) to serve as a central location for education and resources for employers and workers, undertake research and data analysis regarding worker issues, and pursue additional enforcement measures to protect workers. OLSE returned to the Board on August 31, 2021 (14) with the overall scope, roles, and responsibilities of OLSE, including the staffing needed to implement the established framework. Over the course of the last two years, OLSE has successfully operationalized the Board's vision by:

1. Creating an educational hub for workers and employers to obtain answers on California labor law questions, including training over 3,000 employers and workers in the County;
  2. Providing critical outreach to the farm worker victims in the Adkins nursery shooting in Fallbrook;
  3. Continuing to engage with a variety of stakeholders from both worker and employment communities;
  4. Implementing the Workplace Justice Fund, the first of its kind in the United States;
  5. Implementing the Good Faith Restaurant Owner Program to encourage businesses to satisfy their outstanding judgments for owed workers' wages in order to comply with the requirements of their San Diego County food permit;
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6. Implementing Board Policy B-74 and the wage theft retention fund to provide workplace protections and training for janitorial workers, landscapers, and security guards;
7. Investigating complaints of wrongful termination from janitors at the County Administration Center, which resulted in eventual reinstatement of employment;
8. Implementing anti-wage theft accountability measures as part of the procurement process at the County with the Department of Purchasing and Contracting;
9. Developed innovative data tools to measure the level of wage theft in the County.

Over the course of this fiscal year, OLSE has worked diligently to operationalize your Board's vision. Through community engagement, data driven decision making, and a passion to create a culture of labor standards compliance in San Diego County, OLSE seeks to bring a new level of innovation to positively impact the lives of our workers and businesses in creating a new culture of labor standards compliance and workplace safety. OLSE is honored and humbled to effectuate the vision and framework set forth by your Board for OLSE.

This report is the second by OLSE and provides an opportunity to update your Board on the incredible progression of the newly established OLSE for each of the seven areas in the approved framework: creating a central resource for workers and employers; business and community engagement; act as the County expert on worker issues; provide policy recommendations to support your Board's vision; creation of a Workplace Justice Fund; develop additional enforcement avenues; and coordinate with other County departments to create a culture of labor standard compliance and workplace safety.

The Annual Report will further outline and implement the next steps OLSE will continue to take. It is an honor to serve both workers and businesses in San Diego County in creating a culture of compliance with labor standards.

If you have any questions, or would like additional information, please contact me at (619) 531-5129.

Respectfully,



Branden Butler  
Director, Office of Labor Standards and Enforcement

**ATTACHMENT(S)**  
ATTACHMENT A – OLSE ANNUAL REPORT 2022/2023

cc: Helen N. Robbins-Meyer, Interim Chief Administrative Officer  
Michael Vu, Assistant Chief Administrative Officer  
Ebony N. Shelton, Deputy Chief Administrative Officer/Chief Financial Officer

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Holly Porter, Public Safety Group, Deputy Chief Administrative Officer  
Eric C. McDonald, Health and Human Services, Interim Agency Director  
Sarah E. Aghassi, Land Use and Environment Group, Deputy Chief Administrative Officer  
Amy Harbert, Department of Environmental Health and Quality, Director  
Andrew Potter, Clerk of the Board of Supervisors  
Dahvia Lynch, Planning & Development Services, Director  
Jack Pellegrino, Department of Purchasing and Contracting, Director  
Derek Gade, Department of Public Works, Director  
Ricardo Basurto-Davila, Office of Evaluation, Performance, and Analytics, Director

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# OFFICE OF LABOR STANDARDS & ENFORCEMENT 2022-2023 ANNUAL REPORT

**ATTACHMENT A – OLSE ANNUAL REPORT 2022/2023**



**COUNTY OF SAN DIEGO**  
ETHICS, COMPLIANCE & LABOR STANDARDS

# MISSION, VISION & VALUES



## MISSION

The mission of the Office of Labor Standards and Enforcement (OLSE) is to advance labor standards through community and business engagement, strategic enforcement, innovation and study, and policy development with a commitment to workplace justice.



## VISION

Creating and fostering a culture of labor standards compliance in San Diego County that protects the safety of workers. We strive for a community without wage theft and workplace harassment.



## VALUES

- Equity
- Equality
- Transparency
- Accountability
- Making a Difference



# FAIR WORKPLACE COLLABORATIVE

OLSE formed the Fair Workplace Collaborative comprised of 43 community stakeholders, to discuss and inform on the development of the OLSE education/outreach and the enforcement program. The purpose of the Fair Workplace Collaborative is to provide community stakeholders an ongoing monthly forum to listen, provide input, and discuss the progress of the OLSE. In the last year, we have hosted 12 meetings helping chart the course of OLSE development. The Workplace Collaborative provided critical feedback and ideas regarding the Workplace Justice Fund, Good Faith Restaurant Owners Program, and ideas for future enforcement priorities.

<ul style="list-style-type: none"> <li>• Associated General Contractors</li> <li>• Black Contractors Association</li> <li>• Black Workers Center</li> <li>• Building Industry Association</li> <li>• Building Trades Council</li> <li>• Business for Good</li> <li>• California Restaurant Association</li> <li>• Carpenters Contractors Cooperation Committee</li> <li>• Center for Contract Compliance</li> <li>• Center on Policy Initiatives</li> <li>• Employee Rights Center</li> <li>• Farm Bureau</li> <li>• IBEW - International Brotherhood of Electrical Workers</li> </ul>	<ul style="list-style-type: none"> <li>• Invest in San Diego Families</li> <li>• Legal Aid at Work</li> <li>• Maintenance Cooperation Trust Fund</li> <li>• National Employment Law Project</li> <li>• National Electrical Contractors Association</li> <li>• North San Diego Business Chamber</li> <li>• Progressive Labor Alliance</li> <li>• San Diego Lodging Association</li> <li>• San Diego Labor Council</li> <li>• San Diego Regional Chamber of Commerce</li> <li>• Southwest Regional Council of Carpenters (United Brotherhood of Carpenters &amp; Joiners of America)</li> <li>• United Association of Plumbers &amp; Steamfitters Local 230, 231,232</li> </ul>
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## Next Steps:

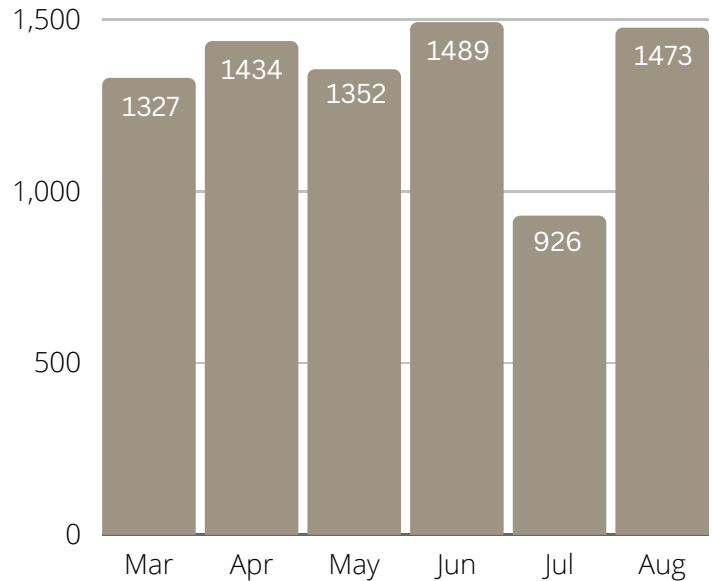
- OLSE will continue to host monthly Fair Workplace Collaborative Meetings.
- OLSE will submit an update to the Board to present the action items the community stakeholders have helped inform and shape create a culture of labor standards compliance in San Diego County.

Where we are  
**TODAY**

## CENTRAL RESOURCE FOR WORKERS & EMPLOYERS

Outreach and Education is one of the most effective tools to prevent and reduce violations of workers' rights and to create a culture of labor standards compliance. The OLSE framework requires OLSE to be the central resource hub for workers and employers on all matters related to labor law. Based on community engagement identifying educational needs as well as reviewing other successful models throughout the United States, OLSE has implemented initiatives to create an educational resource hub for workers and employers in San Diego County. OLSE has engaged with numerous community-based stakeholders and ensured that our efforts were aimed at both workers and businesses.

### Calls for Information or Legal Assistance through Employee Rights Center



## WORKER CENTERED OUTREACH

This year, OLSE contracted and partnered with the Employee Rights Center (ERC), a community-based organization that provides employment law assistance to workers in San Diego County, in order to deliver a broad-based direct outreach campaign toward workers, including providing direct assistance to workers who needed assistance with wage and hour violations. This innovative model of working with a trusted community partner to reach impacted worker communities is a critical example of how OLSE is meeting our most vulnerable workers. In addition, OLSE's innovative co-educational model was featured in an [Economic Policy Institute](#) article focusing on local labor enforcement agencies thinking outside the box to create a culture of labor standards compliance.

Importantly, OLSE and ERC partnered in our first annual Cesar Chavez Week of Action by hosting a press conference with the California State Labor Commissioner, Lilia Garcia-Brower, to highlight the collaborative work OLSE is implementing to help workers. OLSE and ERC also held various community events such as the monthly health and legal clinics and breakfast clinic to educate workers on OLSE and worker rights during the Cesar Chavez Week of Action.

OLSE  
OUTREACH &  
EDUCATION



## EMPLOYER BASED OUTREACH

This year OLSE also contracted with the Shaw Law Group, a preeminent employment law firm that focuses on providing educational content and trainings for employers. OLSE and the Shaw Law Group, have partnered in providing free educational employment law seminars for businesses in San Diego County. The trainings both in person and virtual, have covered a variety of employment law subjects, and have brought needed free valuable training to nearly 2,000 small businesses in our county, this has led to an increase in compliance with employment laws.

The success of the employer trainings has led OLSE to begin brainstorming a small business labor compliance program in conjunction with Economic Development and Government Affairs (EDGA), to design an ongoing technical assistance program to help small businesses comply with California wage and hour laws. OLSE met with the City of Minneapolis Office of Labor Standards and Enforcement to learn about their small business labor compliance program in hopes of replicating the program in San Diego County.

### Actions Taken:

- OLSE has built out an interactive website that focuses a page dedicated to OLSE Ordinances and critical employment law information in one central location.
- OLSE has continuously hosted community engagement events with other stakeholders to work toward fostering collaboration and providing in-depth information and answering questions surrounding business labor standard compliance.
- OLSE has held 25 outreach events with more than 1800 attendees learning about California Labor Standards and what the law entails from our partners at the Shaw Law Group.
- We have also solidified our partnerships with the different Chamber of Commerce's, Business for Good, and our own Department of Purchasing and Contracting and have cohosted seminars.

### Next Steps:

- Implement the annual Cesar Chavez Week of Action
- Implement 12 Employer Labor Law Trainings with CEO and Founder Jen Shaw
- Continue to develop OLSE Website: listserv, new County Website, additional material, and training calendar
- Outreach to Business Chamber Organizations in the region
- Outreach Event for Re-entry month will be hosted with Center for Employment Opportunities (CEO) in April 2023 sponsored by Indeed
- Release Request for Proposal for Community Based Outreach and Education Services

## OLSE SUPPORT AND OUTREACH OF IMPACT SNAPSHOTS

On February 10, the Atkins Nursery workers faced their worst nightmare. A co-worker decided to return to work with a rifle and proceeded to shoot at them. As a result, Francisco Morales lost his life, and two other workers were hospitalized with severe injuries.

In this tragic moment, OLSE in partnership with ERC, combined efforts and brought together State, County, San Diego County District Attorney's Office of Victim Services and non-profit agencies to respond to this emergent crisis. As a result of our efforts, Atkins Nursery workers received direct assistance, including legal assistance, mental health counseling, food assistance, victims services counseling from the District Attorney's Office, and assistance in applying for County and State assistance programs. Supervisor Jim Desmond's Office also greatly contributed to the crisis event, stepping in during this tragic time in need and graciously provided resources to victims and their families in their time of need.

For the second year in a row, OLSE has been awarded the opportunity to participate with our partners at the Mexican Consulate and speak as a guest speaker as part of their annual Labor Rights week.

OLSE also partnered with Center for Employment Opportunities to host an employment law training for justice involved job applicants and employers on the California Fair Chance Act and reducing barriers to employment.



# EXPLORE THE CREATION OF A WORKPLACE JUSTICE FUND

The Board directed OLSE in May of 2021, to explore the creation of a Workplace Justice Fund. Working with our community stakeholders in the Fair Workplace Collaborative, other government labor enforcement agencies, and employment law experts, OLSE developed parameters for the first of its kind, Workplace Justice Fund. OLSE brought a Board Letter for consideration by the Board in May of 2023, which was enacted. The Workplace Justice Fund is now County law.

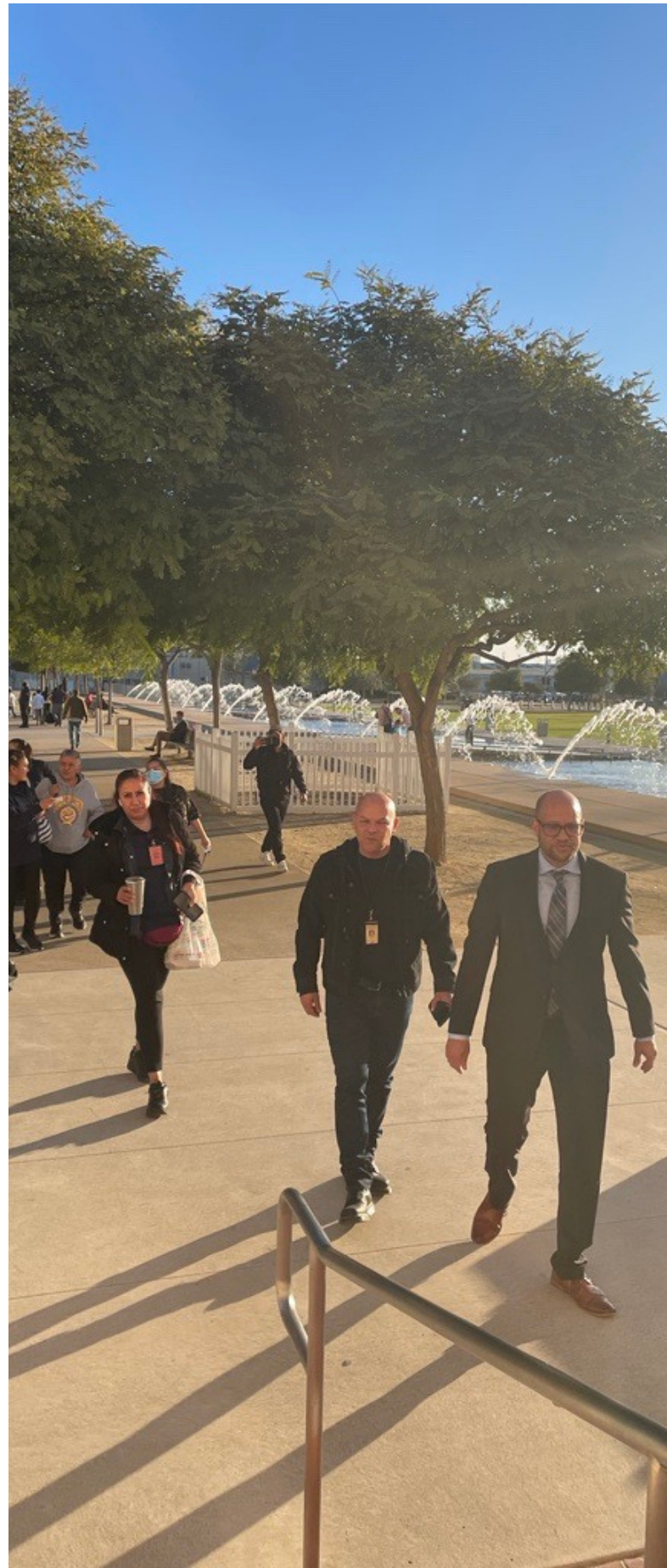
The Workplace Justice Fund is an innovative program that can assist workers who have never been paid even after prevailing in a wage claim or were victims of retaliation because they made a complaint to OLSE.

## **In Progress:**

- Implementing the Workplace Justice Fund by outreaching to eligible workers.
- Coordinating efforts with the California State Labor Commissioner to reach eligible workers.
- Creating program documents and customer service process to assist eligible workers.
- Conducting outreach and education to workers.

## **Next Steps:**

- Measure performance analytics to better understand how the funds were used by eligible workers.
- Report back to the Board on program metrics.
- Continue to partner with the California State Labor Commissioner.



# WORKPLACE JUSTICE FUND RESTITUTION & RETALIATION COMPONENT

An eligible worker for the Workplace Justice Fund must be all of the following:

- San Diego County Resident or a worker of an Employer doing business in the County;
- Prevailing party in a wage theft case against their employer beginning May of 2020;
- Labor Commissioner judgement originated from the San Diego Superior Court; and the worker was never able to recover any money from the employer despite multiple attempts;
- Worker assigns the entire judgment to the County.

The County pays up to \$3,000 of the judgment (or lower if the judgment is less) to the worker.

The Office of Revenue and Recovery (ORR), the designated collection agency for the County of San Diego and a division of the Auditor and Controller Department will attempt to collect the assigned judgment from the employer. Any funds recovered in excess of the amount the County paid the claimant will be returned to the claimant, minus ORR's fee of 35%. More information relating to this fee can be found in the Board Letter Ordinance Package through Clerk of the Board.

The second component of the workplace justice fund is a retaliation model that operates as a resource for workers who file a complaint with OLSE and then experience retaliation that reduces their pay. Here is how the retaliation component works:

- It applies only to complaints related to ordinances that OLSE enforces.
- Covered workers must file a complaint with OLSE.
- Subsequently, the worker suffers an adverse employment action/retaliation for filing the complaint.
- If OLSE substantiates a claim of retaliation, it provides the complainant up to a \$4,000 lump sum payment to assist in transition to a new job.
- If OLSE substantiates an allegation of retaliation OLSE may file a complaint against the employer for the underlying violation of the ordinance and the retaliation committed against the worker because they came forward to OLSE.





# ENFORCEMENT OF LABOR STANDARDS IMPACTING WORKERS

The OLSE framework includes determining additional avenues the County can participate in enforcement of State and local laws and regulations impacting workers. OLSE met with community stakeholders to identify the needs for additional enforcement to protect workers and create a culture of labor standards compliance and workplace safety. In addition, OLSE met with similar offices throughout the country like Seattle Office of Labor Standards and Enforcement, Santa Clara County Office of Labor Standards and Enforcement, City of San Diego Office of Labor Standards and Enforcement and the State Labor Commissioner's Office to determine best practices and conducted extensive data analysis to determine additional enforcement options.

## **What Has Been Accomplished:**

- Right of Way Board Letter
- Sub-Contractor Transparency Ordinance
- Working Families Ordinance
- Property Services Board Letter
- Restaurant Program Development/Coordination
- Researched Warehouse Board Letter
- Researched Wage Theft Ordinance

# RESTAURANT PERMITS

The Board directed the Chief Administrative Officer to develop protocols for denial, suspension, or revocation of licenses, permits, or County Contracts of employers who violate labor standards. OLSE has been meeting with various departments such as Department of Environmental and Health Quality, including critical stakeholders in the restaurant industry, to develop the Good Faith Restaurant Owners Program. The program is designed to encourage businesses to comply in satisfying their outstanding judgments for owed workers' wages to maintain a County Retail Food Permit. This program will help level the playing field for good faith business owners who are competing with those that violate the labor laws and continue to operate with outstanding wage judgments.

The Good Faith Restaurant Owners Program, which started at the end of August, has already begun notifying restaurants of their existing unpaid judgment stemming from the San Diego Labor Commissioner's Office. OLSE has developed educational material that provides detailed information on the program in a multilingual format which includes all nine threshold languages as determined by the County. OLSE will work directly with each impacted restaurant to assist them to reach compliance and satisfy the unpaid judgment with the California State Labor Commissioner.

## Next Steps for Local Permits:

- Continue to conduct outreach and education to the restaurant industry.
- Work with impacted restaurants to achieve compliance with outstanding wage judgments from the California State Labor Commissioner.
- Create a culture of labor compliance and deterrence in the San Diego County Region.



# LOCAL BUILDING PERMITS

OLSE collected and continues to collect ongoing feedback from community stakeholders on additional enforcement needs. A major area of concern from the group and based on data, is the high prevalence of unpaid wage theft judgments in the construction industry. To create a culture of labor standards and compliance, OLSE has engaged Planning & Development Services (PDS), to research and explore what changes could be made at the local and state level, to decrease future wage theft violations, and ensure existing judgments are paid, through the County's role in processing of building permits.

**Next Steps:** OLSE will meet with PDS over the next year to continue to explore what changes could be made at the local level to ensure existing wage theft judgments are paid as part of the processing of building permits. OLSE and PDS will conduct community engagement and outreach activities as part of the exploration. OLSE will submit an update to the Board to provide a detailed implementation plan for the Board's consideration.



# PROPERTY SERVICE CONTRACTORS & ENFORCEMENT

The need for protection for property service contractors working on behalf of the County was highlighted last year when multiple janitorial workers at the County Administration Center (CAC) filed complaints with OLSE alleging they were terminated in retaliation for making a workplace safety complaint, causing a workplace stoppage and protests. OLSE conducted an independent investigation and made a finding of retaliation resulting in the workers being reinstated to their positions with backpay. OLSE demonstrated its importance to the County by being able to broker trust among workers to allow a full independent investigation to occur, showcasing the County's commitment to protecting the rights of workers.

The Board adopted Board Policy B-74 on December 13, 2022, which aimed to ensure that the County of San Diego contractors provide benefits, training, support and other resources to their employees by establishing criteria that are required of all vendors contracted to provide janitorial, landscaping and security guard services to the County.

Additionally, OLSE was instrumental in developing the Wage Theft Retention Fund portion of the new board policy to ensure County contracted property service vendors will deposit a portion of their contract in the fund to ensure that if contracted workers are victims of wage theft, they will be held accountable. OLSE created an enforcement process to ensure county contractor property services vendor can file complaints with OLSE directly for labor law violations.

OLSE has continued to educate County contractors and their employees about the newly enacted B-74 policy and the resources our office provides. This training details how the policy impacts them and provides the audience an opportunity to ask questions. Most recently, OLSE has held four informational trainings for janitorial staff in multiple threshold languages like Somali, Oromo, and Spanish to accommodate their employees. OLSE is currently working on scheduling trainings as required by Board Policy B-74, with contractors who have already incorporated the components of the policy into their contracts.

## **Next Steps:**

- Continue to train all property service contractors at the County on workers' rights protections.



# ANALYTICS WITHIN OLSE & THE FUTURE

Working with the County Office of Evaluation, Performance and Analytics (OEPA), OLSE built a comprehensive data dashboard using data obtained from California Division of Labor Standards and Enforcement that details the extent of wage theft in San Diego County, by industry type, the name of each business with a judgment, and amount owed. The regularly updated dashboard, the first of its kind in the United States, provides an in-depth analysis of wage theft in the County which helps inform OLSE on policy development recommendations.

OLSE and OEPA also partnered with the Federal Department of Labor to develop a wage theft dashboard based on federal wage violations that occurred in San Diego County by business, industry type and location.

Together both the federal and state wage theft dashboards provide OLSE a comprehensive overview of wage violations in San Diego County that increase the ability of OLSE to make data informed decision making.

OLSE and OEPA also worked together to obtain data from the state to develop a business profile of every business in the unincorporated area of the county by industry, location, number of employees, and gross revenue. The analysis was impactful in that it provided the first comprehensive overview of the business profile exclusively in the unincorporated area of the County. This data has also been a driver of a developed small business labor compliance program.

Lastly, OLSE working with OEPA, has developed an additional wage theft dashboard to measure the level of wage theft among the general and sub-contractors who pull a construction permit from the County. The Construction permit wage theft dashboard is connected to the County building permit program, Accela, and allows OLSE to measure the level of wage theft by businesses applying for a county building permit. This innovative dashboard will help develop additional enforcement measures that will help deter wage violations using data to drive future policy recommendations.



## COORDINATION WITH OTHER COUNTY DEPARTMENTS TO CREATE A CULTURE OF LABOR STANDARDS COMPLIANCE

A central component of the vision and framework of OLSE is to work closely with other County departments to collectively create a culture of labor standards compliance and workplace safety. OLSE has been meeting with several County departments to explore collaborations and has been a team player in implementing several new County ordinances.

### What Has Been Accomplished:

- Leading by Example - OLSE worked with the Department of Purchasing and Contracting to implement the following anti-wage theft measures for County vendors:
  - Amended the Representations and Certifications section for the county contracts to require vendors to disclosure current investigations for wage theft and disclose any unpaid judgment related to wage theft.
  - County service contracts template now require a vendor with an existing unpaid wage theft judgment to satisfy the judgment or the County will withhold the judgment amount from the vendor.
  - OLSE is now part of the Contracting Officer's Representative (COR) I & II trainings in which we instruct representatives how to verify a vendor does not have a wage theft judgement.
- OLSE Labor Law poster now required to be posted by County vendors.
- Adoption of Board Policy B-74 which includes collaboration with County Departments such as Department of General Services and Department of Purchasing and Contracting
- Good Faith Restaurant Owners Program - OLSE implemented an anti- wage theft program requiring all retail food permit holders in San Diego County to satisfy unpaid wage theft judgments or risk the loss of a retail food permit which is required to operate.
- Working Families Ordinance: OLSE has worked closely with the Department Public Works (DPW), General Services (DGS), and Planning and Development Services (PDS), to implement the Working Families Ordinance (WFO). OLSE created WFO required notices, developed FAQs, and coordinated a public webinar between the departments providing an overview of the WFO in both English and Spanish, and developed educational materials for workers.
- Sub-Contractors Transparency Ordinance: OLSE worked directly with PDS to implement and develop the Sub-Contractors. Transparency Ordinance. OLSE developed questions to be required of contractors regarding wage and safety violations and developed an educational webinar training with PDS.
- Implemented the Workplace Justice Fund in collaboration with the Auditor and Controller.
- OLSE coordinated with DPW to develop and return to the Board with an ordinance that codifies a minimum wage for traffic control workers, including forepersons and other on-site staff necessary for traffic control, doing work on County maintained roads equal to or greater than the prevailing wage set by Department of Industrial Relations.

### Next Steps:

- Continue working with partner departments in creating a culture of labor standards compliance.
- Develop additional educational material for all OLSE enforced ordinances.





*Thank  
you!*



**COUNTY OF SAN DIEGO**  
ETHICS, COMPLIANCE & LABOR STANDARDS