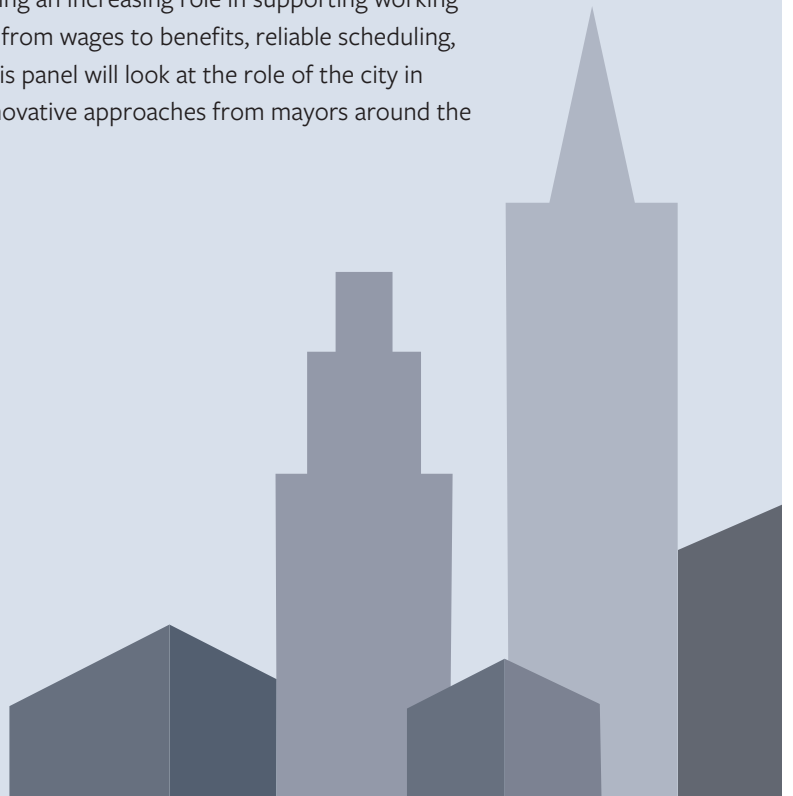




THE CITY'S ROLE IN PRIVATE SECTOR JOB QUALITY

SUMMER 2023 MEETING
AUGUST 9-11 · SCRANTON, PA

While inflation and the cost of living surge, and many states continue to maintain a minimum wage of \$7.25 per hour, cities across the country are playing an increasing role in supporting working families. The importance of job quality - everything from wages to benefits, reliable scheduling, and paid family leave - is more critical than ever. This panel will look at the role of the city in boosting private sector job quality and highlight innovative approaches from mayors around the country.



RESOURCES

PAGE

1

“The role of local government in protecting workers’ rights,” Terri Gerstein and LiJia Gong, Economic Policy Institute, Jun. 13, 2022.

25

“Scranton helps boost wages of longtime lampshade manufacturer in Pine Brook,” Jim Lockwood, The Times Tribune, Dec. 20, 2022.

27

“Notice of Funding: Small Business Wage Boost Grant and Negative Economic Recovery Grant Program Guidelines,” City of Scranton, PA, 2022.

30

“Detroit OKs workplace standards board for arena workers,” Sarah Rahal, The Detroit News, May 23, 2023.

32

Detroit City Code, Ordinance No. 2021-42, Chapter 12, Article X, Industry Standards Boards, City of Detroit, MI, Nov. 30, 2021.

44

“Evanston, Illinois Enacts Sweeping Fair Workweek Law,” Colin D. Dougherty and Glenn S. Grindlinger, Fox Rothschild LLP, Jun. 1, 2023.





The role of local government in protecting workers' rights

A comprehensive overview of the ways that cities, counties, and other localities are taking action on behalf of working people

Report • By Terri Gerstein and LiJia Gong • June 13, 2022

What this report finds: In recent years, cities, counties, and other localities have become innovators and leaders in standing up for working people. A number of localities have come to view protecting workers and improving their working conditions as part of their core municipal function. Some of the most noteworthy ways in which localities have taken action on behalf of working people in recent years include:

- establishing dedicated local labor standards offices that enforce workers' rights laws
- establishing ongoing worker boards or councils
- passing local worker protection laws
- actively enforcing local worker protection laws
- setting job quality standards for contractors with the municipal government
- establishing legal consequences for labor violations among applicants for municipal permits or licenses
- practicing high-road employment principles in relation to municipal employees
- championing worker issues through public leadership

While other reports have done an excellent job of exploring local action on specific issues like paid sick leave, living wages, and creation of worker boards, this report identifies and examines the broader trend of increased local action and analyzes the landscape of cities and other localities' pro-worker actions in a comprehensive way.

Why it matters: Policies and enforcement that protect the rights of workers, ensure workers are able to meet their basic needs, and support workers' efforts to organize are foundational to building healthy, thriving, and equitable communities. Working people in the United States today face multiple crisis situations that not only adversely impact their well-being, but also undermine the health and well-being of communities. Outdated labor laws are skewed against workers trying to form and join unions, and workers who try often face retaliation and other violations by employers. Public

SECTIONS

1. Executive summary • 2
2. Overview and introduction • 3
3. At least 20 localities have created or are creating dedicated local labor agencies • 6
4. Several cities have created boards or councils to provide workers with a formal role and/or access to local government • 11
5. Localities can serve as model employers in relation to their own workforces • 13
6. Localities have enacted worker protection laws on a range of topics • 16
7. Enforcing local worker protection laws • 32
8. Localities have created labor standard requirements and consequences for their government contractors, and for applicants/holders of licenses and permits • 40
9. Localities can support workers through exercise of public leadership: education and outreach, issuing reports, holding hearings, and general advocacy • 52
10. Conclusion: Localities throughout the country can adopt supporting workers' rights as among the core functions they perform for their communities • 58

Acknowledgments • 60

About the authors • 60

Endnotes • 61

References • 67

enforcement resources are inadequate, and workers are increasingly unable to bring their claims in court because of forced arbitration. In this context, cities and localities are vitally important and necessary actors in the effort to expand and enforce workers' rights. They are close to their residents, and often are nimble and fast-moving in responding to emerging needs. A few cities (along with a few states) are also at the vanguard of innovating on policy and piloting new approaches to expanding and protecting workers' rights. There is very meaningful work currently happening at the local level, with untapped potential for much more local action.

What can be done about it: Local policymakers, enforcers, advocates, and community members can work together to pilot new local laws, create dedicated labor enforcement agencies and worker boards, develop strategic community enforcement partnerships, and use permits to drive compliance. Localities can fight abusive state preemption that impairs the abilities of local governments to build upon minimum standards set at the state level. Unions, worker advocates, and the public can think creatively about how to enact measures within their own localities and press for action. Other actors and observers in this space—federal and state government, the media, funders, academics, and more—should develop a greater understanding of the emerging role of cities in protecting working people. They should work to institutionalize and chronicle protecting and supporting workers as part of our understanding of what localities do. This report offers a road map of opportunities to enact policies at the local level that advance workers' rights and improve working conditions.

Executive summary

In recent years, cities, counties, and other localities have become innovators and leaders in standing up for working people. Responding to increased inequality, degraded working conditions, and insufficient or inconsistent worker protections at the state and federal level, localities have in many cases joined states as the “laboratories” of experimentation (as Supreme Court Justice Louis D. Brandeis described) in relation to workplace matters.¹ A number of localities have come to view protecting workers and improving their conditions as part of their core municipal function.

This report provides an overview of some of the most noteworthy ways in which localities have taken action on behalf of working people in recent years:

- Some localities have established dedicated local labor standards offices that enforce workers' rights laws; educate employers, workers, and the public about these laws; and in some cases help formulate or inform municipal policy in this area.
- Localities have established ongoing worker boards or councils to provide workers with a formal role in local government and/or access to local officials and agencies.
- Other localities have focused on passing local worker protection laws, including ordinances regarding minimum wages, paid sick leave, and fair scheduling; industry-

specific protections for sectors with high violation rates or specific vulnerability (such as the domestic worker, gig, hotel, retail, fast-food and freelance industries); broader anti-discrimination protections; and specific laws responsive to the COVID-19 pandemic.

- Localities are actively enforcing local worker protection laws, including with funded community partnership models in some instances.
- Some localities have established job quality standards for contractors, while others have established legal consequences (including denial and revocation) for applicants for initial or renewed municipal permits or licenses who have a history of wage theft violations or unresolved labor standards orders.
- Localities are demonstrating how to be a high-road employer of municipal employees, including by incorporating labor standards like higher minimum wages and paid sick leave, and enabling or facilitating collective bargaining among workers in local government.
- Active localities and local elected and appointed government leaders are exerting leadership in the public sphere, through education and outreach about labor laws, issuance of reports, convenings and public hearings, and use of the bully pulpit.

Federal—and in some cases state—preemption creates some limitations on what localities can do to expand and protect workers' rights. Preemption occurs when federal or state law prevents subordinate levels of government (in this case, municipalities) from legislating or acting on a given issue. Still, local governments have considerable opportunity to take meaningful action on behalf of the working people within their jurisdictions.

The time is ripe for local action to advance workers' rights. Working people are expressing dissatisfaction with worsening working conditions by resigning, forming and joining unions, and demanding change.

Overview and introduction

Policies and enforcement that protect the rights of workers, ensure that workers are able to meet their basic needs, and support workers' efforts to organize are foundational to building healthy, thriving, and equitable communities (Bhatia et al. 2013; USC ERI 2020). Working people in the United States today face multiple crisis situations that not only adversely impact their well-being, but also undermine the health and well-being of communities. The COVID-19 pandemic has led to many workplace clusters. Federal and state workplace measures have been varied, yet insufficient, to provide adequate protection from the virus.

Even before the pandemic, working people had been experiencing a multitude of serious challenges. Two widespread challenges are wage theft—the practice of employers failing to pay workers the full wages to which they are legally entitled—and misclassification of workers as independent contractors—the practice of employers labeling workers as independent contractors, rather than employees, to avoid paying unemployment and

other taxes on workers and covering them with workers' compensation insurance. Outdated labor laws are skewed against workers trying to form and join unions, and workers who try often face retaliation and other violations by employers (McNicholas 2019). Public enforcement resources are inadequate, and workers are increasingly unable to bring their claims in court because of forced arbitration (Hamaji et al. 2019). Employers who fail to pay unemployment or other taxes deprive public coffers of resources needed for programs serving important human needs (Erllich 2019). Meanwhile, the labor market itself is skewed—workers' wages have not kept up with their productivity (Mishel 2021), and corporate concentration along with anti-competitive practices add to workers' challenges in getting a fair wage (Stansbury 2021). These challenges have fallen hardest on workers of color and workers in low-wage industries.

Federal and state leaders who wish to take action on these thorny and deep-seated issues often face significant obstacles when they seek to pass laws, promulgate regulations, or take other steps responsive to workers' needs. Such challenges can be even greater in relation to emerging developments in the workplace.

Supreme Court Justice Louis Brandeis famously described states as laboratories of public policy experimentation.² In relation to workers' rights, U.S. localities³ have been true laboratories of experimentation in recent years (Diller 2014).⁴ Historically, the federal government and states have been responsible for workplace regulation; over the years, cities and localities have not generally taken a leading role.⁵ But in roughly the past decade, cities and localities have become increasingly important actors in expanding and enforcing workers' rights—what some commentators have called the “**municipalization**” of labor law (Sarchet 2021).

Cities and localities have introduced cutting-edge laws that do not exist at the federal or state level (including some responsive to newly emerging problems); established new offices devoted to protecting workers; used their contracting, licensing, and permitting powers to drive employer compliance; and implemented new methods of enforcement, including close and even funded partnerships with worker and community organizations. Such action by localities has occurred not only in traditionally worker-friendly regions, but also in progressive cities located within more conservative states. (Efforts in such locales have often, but not always, been met with state-level preemption measures, as noted by Blair et al. 2020 and Wolfe et al. 2021). And in some cases, such as the expansion of paid sick days, policy leadership at the local

The District of Columbia

Although the District of Columbia is a city and has passed notable workers' rights laws in recent years, it is not included in this report because of how it operates in relation to the subjects discussed here. Specifically, it operates more like a state than a city. It has long had an agency, the Department of Employment Services (DOES), that fulfills the functions that state labor departments or agencies typically do within states: administering the district's unemployment insurance and workers'

level has provided proof of concept and helped build momentum for states (and earlier in the pandemic, even the federal government) to take action. Local government action on workers' rights also often reflects efforts to address local conditions when it comes to cost of living, dominant and emerging industries, and the needs and organizing of specific communities (especially communities of color and immigrant communities).

compensation programs, implementing workforce development and employment services programs, researching labor statistics, offering onsite workplace safety and health consultations to private employers, and enforcing the district's labor standards laws.

This report provides both an outline and a road map: an outline of actions that cities and localities have taken in recent years to protect workers, and a road map of possible policy and enforcement options for local leaders, both elected and appointed, to consider.⁶ Such actions include:

- establishing a dedicated department, office, or subagency within city government focused on worker issues
- creating boards or councils that provide workers with a voice, a role, and/or access to local government
- passing laws that create new and essential rights for workers
- enforcing worker protection laws, including through strategic, innovative, and/or collaborative approaches
- leveraging contracting, licensing, and/or permitting powers to raise and address worker issues
- incorporating high-road employment practices and labor policies in relation to their own municipal workforces
- using soft powers, including community education and outreach, issuance of reports, and other “bully pulpit” vehicles for reaching the community and highlighting worker needs and available resources

Notably, some cities and localities have taken meaningful action to protect workers and advance their rights and well-being during the COVID-19 pandemic; more should follow suit. This report also outlines a number of measures taken at the local level in response to COVID-19.

This report is intended not only for local leaders, but also for labor unions and worker advocates, to help deepen their understanding of policy and enforcement levers at the local government level in order to guide advocacy and collaborative governance efforts. This report can also inspire academics and other researchers to study local efforts to advance workers' rights. Finally, policymakers at all levels of government should pay attention to the innovative solutions advanced by localities.

At least 20 localities have created or are creating dedicated local labor agencies

A number of localities have created agencies specifically dedicated to enforcing workers' rights under local ordinances, including laws addressing minimum wages,⁷ wage theft, paid sick and safe leave, fair scheduling/fair workweek requirements requiring advance notice of scheduling, fair chance hiring laws, gig worker rights, and more. Several of these agencies are also charged with analyzing and potentially proposing local labor policies. In other instances, localities do not have a dedicated stand-alone office, but units of other municipal agencies focus specifically on workers' rights matters. And some localities without dedicated units have tasked specific government entities with enforcing wage theft or paid sick leave laws, such as a city manager, treasurer, or attorney; office of human rights; unit of the mayor's office; or other officials (A Better Balance n.d.b.; Boulder 2022; Pinellas OHR n.d.; Miami-Dade WTP n.d.).⁸

Creation of a dedicated unit within local government focused on workers' rights can be transformative. It ensures that municipal public servants will be involved in worker protection in a continuous, proactive, ongoing, and in-depth manner. It allows specialized staff to develop expertise on the relevant municipal laws and policies, as well as deep knowledge of issues affecting local workers. Where there is a dedicated worker-focused office in local government, staffers can develop ongoing relationships with relevant stakeholders like worker advocacy groups, unions, immigrant rights advocates or service providers, employment lawyers, and employer associations, as well as other relevant government enforcement agencies at the local, state, and federal levels. A dedicated office also can be mobilized to address emerging needs, including those that arose in the COVID-19 pandemic. Most importantly, establishment of a dedicated office institutionalizes and embeds the work within local government, ensuring the focus on workers and their challenges will continue beyond a particular administration.

Jurisdictions with dedicated agencies, subdivisions, or staff include [Berkeley](#) (California), [Boston](#), [Chicago](#), [Denver](#), [Duluth](#) (Minnesota), [Emeryville](#) (California), [Flagstaff](#) (Arizona), [Los Angeles City](#), [Los Angeles County](#), [Minneapolis](#), [New York City](#), [Philadelphia](#), [San Francisco](#), [San Jose](#), [Santa Clara County](#) (California), [Seattle](#), [St. Paul](#) (Minnesota), and [Tacoma](#) (Washington).⁹ In addition, the [San Diego County Board of Supervisors](#) voted in 2021 to create a county labor office, and the [San Diego City Council](#) followed suit in 2022 by voting to create a labor enforcement office in a new Compliance Department.¹⁰ Tucson, Arizona, voters in 2021 passed a [ballot initiative](#) to create a local minimum wage and also a city Department of Labor Standards.¹¹ Numerous Florida localities have created wage theft enforcement or mediation programs of various kinds: [Broward County](#) ([complaint form](#)), [Miami-Dade County](#), and [Pinellas County](#).¹² Via court order, Palm Beach County created a [Wage Dispute Division](#) within the [county civil court](#).¹³

More dedicated units to enforce workers' rights are likely on the horizon. For example, a legislative proposal resulting from the work of an Earned Sick and Safe Leave Task Force

is currently under consideration in Bloomington, Minnesota (population of approximately 90,000), home of the Mall of America.¹⁴ The city manager there has stated that two full-time equivalent staffers (one attorney and one paralegal) would be needed for this work.¹⁵

Snapshots of several local agencies in cities of varying size:

Berkeley, California (Pop. 124,321): The Workplace Enforcement and Standards Unit was created in 2014. It currently has a single full-time equivalent (FTE) employee, who also holds nonlabor-related responsibilities in addition to enforcing the city's minimum wage, living wage, paid sick leave, and other laws (U.S. Census Bureau 2022a).

Chicago (Pop. 2.7 million): Chicago's Office of Labor Standards, housed in the Department of Business Affairs and Consumer Protection, began operating in 2019 (its official launch date was in 2020). As of June 2022, the office has eight FTEs. It enforces the city's minimum wage, wage theft, paid sick leave, fair workweek, COVID and vaccine anti-retaliation laws, as well as a law effective in January 2022 requiring employers of domestic workers to provide them with written contracts (U.S. Census Bureau 2022b).

Denver (Pop. 715,522): Denver Labor, created in 2019, is a division enforcing wage and hour laws located in the Denver auditor's office. The office has 25 FTEs, and it enforces the city's minimum wage laws, as well as a number of laws related to government work: a minimum wage applicable to city contractors, the city's prevailing wage, the city's living wage, and more. The office also has a community education emphasis: there are full-time community education staff and an annual outreach/education plan, including radio and internet ads, weekly online training, hundreds of outreach events, and multilingual written materials (U.S. Census Bureau 2022c).

Duluth, Minnesota (Pop. 86,697): Enforcement of Duluth's earned sick and safe time law (effective in 2020) is handled through the equivalent of one employee housed in the city clerk's office (U.S. Census Bureau 2022d).

Los Angeles City (Pop. 3.9 million): The Office of Wage Standards in the city of Los Angeles was created in 2015. It is authorized to have 30 FTEs, although in February 2022, this figure included nine vacancies. It enforces the city's minimum wage, paid sick leave, and fair chance hiring laws (U.S. Census Bureau 2022f). (The county of Los Angeles has a separate enforcement agency that enforces the county's own workplace laws.)

Minneapolis (Pop. 429,954): The Labor Standards Enforcement Division was created within the city's Department of Civil Rights in 2016. The office has five FTEs, and it enforces the city's paid sick and safe time, minimum wage, wage theft, and freelance worker protections laws, as well as a law giving hospitality workers the right of recall, which will sunset one year after the COVID-19 public health emergency (U.S. Census Bureau 2022g).

New York City (Pop. 8.8 million): New York City's Office of Labor Standards and Policy was created in 2016, and is housed in the Department of Consumer and Worker Protection

Several cities have created boards or councils to provide workers with a formal role and/or access to local government

Workers' boards are bodies established by governments that include worker representation and that typically aim to provide workers with a voice and formal role in setting higher minimum standards for jobs in particular industries. These boards typically investigate challenges facing workers by conducting hearings and outreach activities, issuing reports on findings, and making recommendations regarding minimum wage rates, benefits, and workplace standards. By focusing on workers in specific industries, these boards are able to address industry-specific issues and involve workers and their organizations directly in governance decisions.

Professor Arindrajat Dube, based on his analysis of industry-specific wage boards in Australia, concludes that wage-setting boards “are much better positioned to deliver gains to middle-wage jobs than a single minimum pay standard” (Dube 2018); the local boards described here do not have wage-setting powers, but some may make recommendations. In 2019, the Center for American Progress issued a [how-to guide](#) for state and local governments and advocates interested in developing workers' boards or similar structures (Andrias, Madland, and Wall 2019). The guide's detailed recommendations include ensuring a broad mandate; requiring representative and democratic selection of members; granting boards authority to gather relevant information through hearings and investigations; granting boards authority to issue recommendations; creation of strong enforcement mechanisms to ensure compliance with new standards; and empowering worker participation in board activities by requiring employers to provide reasonable time to participate and compensating workers for their participation, among other things.

In some states, preemption of local wage or standard-setting limits potential recommendations a board could make that would result in material policy change; however, even then, workers' boards may be able to impact local government purchasing and contracting policies, workforce development programs, tax abatement and incentive policies, economic development planning and community benefits agreements, distribution of local government funding, and workplace safety trainings. They may also be able to provide independent monitoring of local, state, and federal public health and labor laws, and inclusive economic development planning. Worker boards are a relatively new development, mostly established in the last five years.

The following are examples of several local worker boards or similar structures:

Seattle Domestic Workers Standards Board: In 2019, Seattle passed the [Domestic Workers Ordinance](#), which along with establishing a minimum wage and entitling workers to rest and meal breaks, also created a Domestic Workers Standards Board (Seattle CC

2018). The board, members of which are appointed by the mayor and city council (and one member is appointed by the board itself), requires representation from domestic workers (including workers who are and are no members of worker organizations), employers, and the community (with an emphasis on vulnerable populations like people with disabilities) (Seattle OLS 2018a). The board is empowered to provide recommendations to the city council on workplace safety standards, discrimination and sexual harassment, training for workers and employers, access to leave, wage standards, workers' compensation, hiring agreements, and other topics, and has been granted funding to implement these recommendations.

Detroit Industry Standards Boards: Detroit **passed** an ordinance in November 2021 creating a structure for industry standards boards (SEIU Healthcare 2021; Detroit 2021). A standards board in a specific industry can be established under the ordinance by the city council, at the request of the mayor, or by petition of at least 225 workers in a given industry. The standards boards are composed of workers, employer representatives, and other individuals appointed by the mayor and city council. The industry boards are tasked with investigating industry conditions, conducting outreach to workers, making recommendations as to pay, benefits, training opportunities and scheduling, and forwarding complaints to relevant enforcement agencies.

Harris County (Texas) Essential Workers Board: Harris County established an essential workers board in 2021 to advise the county on programs and policies that support essential workers. All members must be "low-income essential workers," with at least one worker representative from each of the following essential industries: airport or transportation; construction; domestic work or home care; education or child care; grocery, convenience, or drug store; health care or public health; janitorial; food services, hospitality, or leisure services; and retail (Trovall 2021; Harris County 2021). In addition to advising the county on its overall approach to protecting essential workers' rights and providing a public forum, the board is also tasked with providing feedback on the county's "purchasing and contracting policies, workforce development programs, tax abatement and incentive policies, community benefits agreements, distribution of federal COVID-19 relief and recovery funds, disaster preparedness and recovery programs, OSHA trainings, independent monitoring of local, state, and federal public health and labor laws, and inclusive economic development planning."

Durham (North Carolina) Workers' Rights Commission: In 2019, Durham formed the Workers' Rights Commission as an advisory body to the city council on working conditions in Durham. Except for a liaison to the city council, all members are workers appointed by the city council and must include workers from the largest employers in Durham, workers in low-wage industries, workers organized in unions, and unorganized workers. The commission **aims to** provide a public forum for discussion and exploration of workers' rights, conduct studies, recommend pro-worker policies for the city council's state legislative agenda, craft a workers' bill of rights and develop a voluntary recognition program to reward employer compliance, propose standards to encourage all employers within the city to establish a minimum standard, support workers in union campaigns, and provide channels of communication between organized and unorganized workers (Durham WRC n.d.).

Twin Cities’ Workplace Advisory Committees: In 2016, Minneapolis created a Workplace Advisory Committee in connection with passing the city’s safe and sick time ordinance (Minneapolis 2016a). The committee is composed of representatives from organized labor, workers, and employer representatives, among others. The committee is tasked with providing advice on workplace initiatives, recommendations on community engagement, and monitoring and evaluating implementation of workplace policies (Minneapolis 2016a). St. Paul’s **Labor Standards Advisory Committee** (St. Paul n.d.a) advises and supports the city’s Labor Standards Enforcement and Education Division. The committee includes representatives of employers, employees, and the public, and advises in the development and implementation of policies, procedures, and rules related to the city’s minimum wage and earned sick and safe time ordinances; recommends actions to improve strategic community outreach and education efforts; supports strategic enforcement and strategic outreach; explores and recommends opportunities and resources to help small businesses; assists with community partnerships; and engages business owners, workers, and community stakeholders to gather feedback and recommendations.

Los Angeles County Public Health Councils (LA PHC n.d.): In November 2020, Los Angeles County **approved** a program establishing public health councils to help ensure that employers follow COVID safety guidelines. Implemented and overseen by the county’s Department of Public Health, the program empowers workers to form public health councils at their worksites to monitor compliance with county health orders in the following industries: food and apparel manufacturing, warehousing and storage, and restaurant (LA County BOS 2020). The Department of Public Health will enlist the help of certified worker organizations to conduct outreach and education to workers interested in forming public health councils.

Localities can serve as model employers in relation to their own workforces

Localities can support working people by creating good working conditions for their own municipal workforces. Nationally, about **one-third** of state and local employees are paid less than \$20 per hour, and more than 15% are paid less than \$15 per hour. In 13 states, more than 20% of state and local workers are paid less than \$15 per hour (Sawo and Wolfe 2022). Women and Black workers **are more likely** to be employed by local and state governments, so improving working conditions for local government workers advances important equity goals (Cooper and Wolfe 2020).

A significant portion of local government employees are union members (**40.2% in 2021**) (BLS 2022); high unionization rates among law enforcement and teachers contribute to these numbers. Working conditions for these employees are established through collective bargaining agreements with the locality. Working conditions of nonunionized municipal workers are governed by applicable federal, state, and local laws, as well as municipal policy.

several others, passed measures to reduce barriers to public-sector unionization, such as by requiring public employers to allow public employee unions access to new employee orientations, and to provide public employee unions with lists of new and current employees with contact information (NCSL 2019).

Finally, the 2022 [Report of the White House Task Force on Worker Organizing and Empowerment](#) (Harris and Walsh 2022) contains a number of recommendations for the federal government to increase unionization rates among federal employees. While some of the measures contained in the report would potentially be preempted by the National Labor Relations Act, many of them could be adopted readily by local governments, such as:

- facilitating exposure to unions during the hiring process for job applicants and onboarding process for new employees, including listing information about whether a position is in a bargaining unit and the relevant union in job opportunity announcements, and encouraging agencies to offer their unions more opportunities to communicate with new hires during onboarding
- developing guidance and labor relations materials for agencies to use in trainings for managers and supervisors regarding unfair labor practices and neutrality in union organizing campaigns
- increasing and visibly supporting workers' right to organize, including a know-your-rights initiative on the right to organize and collectively bargain

The report contains extensive analysis and practical suggestions about ways to encourage and facilitate collective bargaining.

Localities have enacted worker protection laws on a range of topics

Local governments typically have some authority to initiate legislation, subject to their authority under the relevant state constitution, state statutes, and city charters. In recent years, local governments have increasingly used this power to pass laws to advance workers' rights.²⁴

Laws setting higher minimum wages

In recent years, localities have often led the nation in policymaking to raise workers' wages. The Fight for 15 campaign and other worker advocates and organizations have played a key role in seeking increased local minimum wage floors, which has paved the way for more innovative policymaking to advance workers' rights by local governments (Meyerson 2019).²⁵ Local wage and hour laws exist in a statutory landscape, including the federal Fair Labor Standards Act (FLSA), which establishes a federal minimum wage, overtime pay, record-keeping, and youth employment standards, and state laws that similarly establish their own state-level minimum wage and hour standards. The FLSA, and

in some cases state law, acts as a floor, permitting local governments to provide more generous protections for workers. **Some states**, however, preempt local governments from setting higher local requirements, as discussed in further detail below (EPI 2019).

Currently, 52 cities and counties have local minimum wage laws that raise the minimum wage above the level established by state and federal governments (UC Berkeley Labor Center 2022; Lathrop 2021).²⁶ Local minimum wages aim to keep workers out of poverty and to increase consumer purchasing power to spur economic growth. Such wages sometimes are enacted in metropolitan areas where the costs of living are higher relative to the rest of the state or region. Local minimum wages may vary in terms of wage levels, implementation timelines, and exemptions (for example, based on the size or classification of an employer, such as employers with more than 25 employees or nonprofits). Since 2012, local minimum wage increases have affected more than 4 million workers, more than half of whom are workers of color, and generated more than \$33 billion in additional income for these workers each year (Lathrop, Lester, and Wilson 2021).

One way to increase the wages of many service workers without setting a higher minimum rate is for a locality to disallow **the lower minimum wage that is permitted in many states and under federal law for workers who customarily and regularly receive tips (USDOL 2022b)**. Tipped workers **are more likely to be** women and people of color, and more likely to be subject to sexual harassment (Schweitzer 2021).²⁷ In 2016, the city of Flagstaff **eliminated the tipped minimum wage** by referendum (Results for America n.d.). Las Cruces, New Mexico, also has enacted **a higher tipped minimum wage** than the state.²⁸

In some instances, laws setting local minimum wage rates have focused on particular industries. Seattle's **Domestic Workers Ordinance** requires domestic workers be paid at least the city's minimum wage (Seattle OLS 2018a). At least four California cities—Los Angeles, Oakland, Santa Monica, and West Hollywood—have required a higher minimum wage for their hotel workers (LA DPW n.d.; Oakland n.d.; Santa Monica n.d.; West Hollywood n.d.).²⁹

Laws addressing wage theft

Wage theft occurs when employees do not receive wages to which they are legally entitled for their work, including paying workers less than the minimum wage, not paying overtime premiums to workers who work more than 40 hours a week, or asking employees to work “off the clock” before or after their shifts. Cooper and Kroeger (2017) investigated just minimum wage violations, and found that in the 10 most populous states in the country (California, Florida, Georgia, Illinois, Michigan, New York, North Carolina, Ohio, Pennsylvania, and Texas), 17% of eligible low-wage workers reported being paid less than the minimum wage, amounting to 2.4 million workers losing \$8 billion annually. Cooper and Kroeger estimate that workers nationwide lose \$15 billion annually from minimum wage violations alone. A 2021 **study** found that more than \$3 billion was recovered on behalf of workers by federal and state enforcers and through private litigation (Mangundayao et al. 2021).

In addition to setting up dedicated enforcement agencies and ensuring that these agencies are robustly funded to pursue violations, local governments can pass laws to address the problem of wage theft. For example, Denver passed a **wage theft ordinance** that classifies wage theft as a criminal misdemeanor and empowers the city attorney's office to prosecute claims of \$2,000 or less and seek restitution (Denver 2021).

In some instances, such measures may be a way for cities preempted from setting minimum wage rates to nonetheless have an impact on wage-related concerns and to protect workers within their jurisdiction from predation and abuse. Numerous localities in Florida have passed ordinances setting up administrative processes that make it easier for workers to file a complaint and recoup stolen wages without retaining a lawyer. In Florida, Miami-Dade County led the way, followed by Alachua County, Broward County, Hillsborough County, Osceola County, Pinellas County, and the city of St. Petersburg (Huizar 2019b). These ordinances set out a procedure for administrative resolution of wage theft claims by first allowing workers with claims of more than \$60 in unpaid wages to settle claims with the city's help. If those claims are not resolved, workers then may proceed to a hearing where the employer may be exposed to additional penalties (Miami-Dade WTP n.d.). An analysis of the Miami-Dade County Wage Theft Program found that between its adoption in 2010 and September 2014, workers **recovered \$2,039.83 in unpaid wages, on average**, an amount researchers found was "well above the average recovered by federal enforcement" (RISEP-FIU 2014).

Finally, more wage theft protections at the city level may be on the horizon. The Austin (Texas) City Council passed a **resolution** in early 2022 directing the city manager to develop an ordinance on wage theft, with stakeholder input.³⁰ Houston and El Paso, Texas, had previously passed similar resolutions (Ramirez 2022).

Paid sick and safe leave

Presently, 19 cities and counties have laws requiring employers to permit workers to take time to recover from an illness or care for a sick loved one and to be compensated for that time (A Better Balance n.d.b, 2021).^{31, 32} Now **14 states and Washington, D.C.**, also have passed laws requiring paid sick leave (A Better Balance n.d.b), but local governments first led the way. For example, Jersey City, New Jersey, first enacted a paid sick leave ordinance in 2013, followed by 12 additional cities before a statewide law took effect in 2018.³³ Research shows that paid sick leave ordinances effectively **slow and reduce the spread of contagious illnesses** by reducing the likelihood that workers will go to the workplace sick (otherwise referred to as sick presenteeism) (WCEG 2020). Especially for workers in low-wage industries, paid sick leave provides economic security when facing illness. Meanwhile, research has shown that businesses do not find such laws to be particularly burdensome once they are in effect. For example, a **study** of New York City employers revealed that "[b]y their own account, the vast majority of employers were able to adjust quite easily to the new law, and for most the cost impact was minimal to nonexistent" (Appelbaum and Milkman 2016). Moreover, 86% of the employers surveyed expressed support for the paid sick days law.

Local paid sick leave laws vary—i.e., exemptions for smaller employers, how family and loved ones are defined, the rate at which workers accrue sick time, and when workers start to earn sick time and whether it rolls over. However, many of them were developed with the technical assistance of groups like the nonprofit organization [A Better Balance](#) (A Better Balance n.d.a), and therefore have similar features. They generally provide somewhere in the range of 40 to 48 hours of leave annually, and prohibit retaliation against workers for taking leave.

Some of these laws also create a right to “[safe leave](#)” for situations in which workers or their family members are victims of domestic violence, stalking, and sexual assault (A Better Balance 2019). Safe leave laws can be used, for example, to obtain a protective order, access social services, or relocate.

Fair scheduling

Eight cities—Chicago; Emeryville, California; New York City; Philadelphia; San Francisco; San Jose, California; SeaTac, Washington; and Seattle—have laws to ensure workers have predictable schedules, more opportunities for existing employees to work, and sufficient periods of rest between shifts (A Better Balance 2022c). This set of policies, which have commonly been referred to as fair workweek or fair scheduling laws, have been championed and implemented because workers, particularly in the service sector, commonly receive their weekly work schedules only a few days in advance, and their scheduled work hours and workdays often change substantially from week to week. Fair workweek laws were first passed at the local level (Fair Workweek Initiative n.d.), paving the way for state-level action; Oregon has now adopted a statewide fair scheduling law.

Research suggests that unstable and unpredictable work scheduling practices undermine workers’ health and well-being and also lead to economic insecurity and income volatility, and that the fair workweek law in Seattle increased not only schedule predictability, but also subjective well-being, sleep quality, and economic security (Harknett, Schneider, and Irwin 2021). Most fair scheduling laws cover specific industries, such as retail or fast-food. They require covered employers to provide an initial estimate of a worker’s schedule upon hiring, advance notice of schedules, and compensation (predictability pay) for employer-initiated schedule changes with less than the requisite notice; workers also typically have the right to decline shifts that do not allow for a requisite period of rest, and the right to request a modified schedule.

In addition, because many workers in the relevant sectors seek additional work hours, fair workweek laws generally require employers to offer additional hours to existing employees before hiring new staff. Such laws also typically include provisions that prohibit employers from retaliating against workers for exercising rights under fair scheduling laws. Fair scheduling laws differ as to which employers are covered (typically limited by size and industry), notice and rest times, the level of predictability pay, and the like. San Francisco’s [Family Friendly Workplace Ordinance](#) specifically entitles workers to request a flexible or predictable schedule to assist with caregiving responsibilities, and requires employers to engage in an interactive process with the worker (San Francisco 2013).

applicants, as well as successfully leveraging the permitting process in relation to unremedied serious labor violations by several employers (Bhatia et al. 2013).

Localities can support workers through exercise of public leadership: education and outreach, issuing reports, holding hearings, and general advocacy

Localities have leveraged their soft powers to support workers' rights and organizing. Local agencies devoted to protecting workers' rights have used a range of tools to educate workers about their rights, inform employers about their obligations, and share information with the broader community about issues affecting workers. They have issued reports, conducted extensive public education and outreach, made materials available on their websites, garnered media coverage, and more. Localities without dedicated labor agencies can also use these soft powers to promote public and worker education. Moreover, local elected officials—whether individually or collectively alongside other officials and community labor groups—can use their public platforms and convening authority to provide public education and support workers, including those who are actively forming and joining unions.

Strategic communications, including use of media, is particularly important in educating workers about their rights and deterring violations. Media coverage increases employers' knowledge about their legal obligations; it also increases their perceptions about the likelihood and cost of detection of violations. A recent study showed that press releases about OSHA enforcement of workplace safety violations deterred other workplace safety violations, an effect likely applicable to other labor standards laws as well (Johnson 2020). In addition, many workers, especially low-wage workers, have limited knowledge about the laws that affect them (Rankin and Lew 2018; Miller and Tankersley 2020). There are numerous communications tools that localities can use to reach the public (Gerstein and Goldman 2020).

Many local labor agencies have issued reports on worker issues or on their activities supporting workers

Several local agencies have issued regular reports on their activities or on the state of workers' rights within their jurisdiction. Annual reports generally provide a comprehensive overview of an office's work. In some jurisdictions, such as [Chicago](#), [Duluth](#), and [St. Paul](#), annual reports are required by statute, a beneficial requirement that ensures transparency and continued focus on the labor offices' work (Chicago n.d.c; Duluth n.d.; St. Paul n.d.c). In

other jurisdictions, such as New York and Seattle, there are not annual report requirements per se, but other mandates for regular report-backs; Seattle's [ordinance](#) requires an annual report regarding required funding for the Office of Labor Standards (Seattle n.d.a) (which necessarily requires an accounting of the past year's activities), and [individual laws](#) in New York City have their own specific reporting requirements (NYC n.d.b).

Here's a look at some local reports:

- The Chicago Office of Labor Standards issued annual reports covering its activities in [2019](#) (Chicago OLS 2019), [2020](#) (Chicago OLS 2020), and [2021](#) (Chicago OLS n.d.).
- The Denver auditor issues an [annual report](#) (Denver OA 2021a), and the 2021 version has a [section](#) (Denver OA 2021b) on wage-related enforcement.
- The city of Los Angeles issued a [milestone report](#) (LA City OWS 2022) in January 2022, detailing its activities and accomplishments since 2016.
- The Minneapolis Labor Standards Enforcement Division has a running [dashboard](#) (Minneapolis n.d.a) on its website, with data about the division's activities, and issues an annual [report](#) (Minneapolis 2020).
- St. Paul includes labor enforcement data in the [annual report](#) (St. Paul 2020) of the Department of Human Rights and Equal Opportunity.
- The New York City Department of Consumer and Worker Protection has issued [annual reports](#) (NYC n.d.d) on the state of workers' rights since 2017. The department in 2018 issued a [report](#) (NYC 2018) specifically on paid care workers.
- The Philadelphia Department of Labor issued [annual labor policy and compliance reports](#) (Philadelphia OLS & OWP n.d.) in 2019, 2020, and 2021. In addition, the department issued a [report](#) (Cox 2020) in 2020 on the Philadelphia Worker Relief Fund, which provided foundation and city-funded cash assistance to workers excluded from unemployment insurance and pandemic-related stimulus, through distributions via 14 community-based organizations.
- The San Francisco Office of Labor Standards has issued three [annual reports](#) (SF OLSE n.d.a).
- The Santa Clara County Office of Labor Standards Enforcement has issued several reports, including an [annual report](#) (SC OLSE 2020) in 2020.
- The Seattle Office of Labor Standards has an extremely detailed interactive [dashboard](#) (Seattle OLS n.d.b).

Local labor agencies have launched campaigns to educate communities about workers' rights

Many local labor offices are extremely active in reaching out to the public and educating workers about their rights as workers. The New York City Department of Consumer and Worker Protection has engaged in a number of targeted campaigns, including educating the public about the city's paid sick leave law when it first took effect, introducing the

Figure B

Chicago's Office of Labor Standards has a campaign to protect the rights of domestic workers

Screenshot of the page on Chicago.gov educating domestic workers on their rights



Frequently Asked Questions

I am a domestic worker for a family. What am I entitled to for pay?	+
I'm really nervous to return to work due to COVID19. How can I prepare myself?	+
I have several employers. Am I entitled to minimum wage?	+
I work for an agency. Do I have to be paid minimum wage?	+
How do I keep myself safe while cleaning someone's home during COVID-19?	+
Am I allowed to take paid sick time?	+

Source: Reproduced with permission from the Chicago Office of Labor Standards

Economic Policy Institute

agency's new name (NYC 2019c) to include the word "worker," and reaching out to **nail salon workers** (NYC 2019b). During the early months of the COVID-19 pandemic, the department **set up a hot line** (NYC 2020a) for workers with questions about the city's reopening.

The Minneapolis Labor Standards Enforcement Division held a workshop to help employers plan for a minimum wage increase, (Minneapolis 2018), as well as a workshop on paid sick and safe time for immigrant-owned small businesses (Minneapolis 2017). The Philadelphia Department of Labor has extensive know-your-rights resources on its **web page** (Philadelphia DOL n.d.), including access to a **video** (Philadelphia 2021a) about city worker protections during the COVID-19 pandemic.

The Chicago Office of Labor Standards and Denver Labor are both relatively new offices that have taken considerable action to educate the public in their cities. In Chicago, the Department of Business Affairs and Consumer Protection, within which the Office of Labor Standards is located, has its own **YouTube channel**, and the Office of Labor Standards has posted numerous **webinars** there on a wide range of labor-related topics (Chicago Dept. BACP n.d.; Chicago n.d.b). The office also created a "Your Home is Someone's Workplace" campaign focused on domestic workers, and has a **web page** specifically focused on this workforce, as shown in **Figure B** (Chicago n.d.a).

The Chicago Office of Labor Standards also engaged in an outreach campaign about a new law giving **domestic workers** the **right to a written contract** from their employer (Chicago n.d.a; Chicago Dept. BACP 2021b). Some **outreach** took place in conjunction with the nonprofit worker organization Arise Chicago, which provided trilingual (English, Spanish, and Polish) sample contracts for employers' use (Arise Chicago n.d.).

Los Angeles County **announced** a similar “Your Home is Someone’s Workplace” campaign to educate employers about domestic workers’ rights, and the Philadelphia Labor Department conducted a fair workweek survey in **English** and **Spanish** (LA County CBA 2021a; Chewning 2021b, 2021a).

Denver Labor has an extensive outreach and public education function. The office holds “**Wages Wednesday**” live on Wednesdays on the Denver Labor Facebook page, including programs in English and **Spanish** (Denver 2022b, n.d.a). The office held nearly 50 live Facebook trainings in 2021, and had bilingual (English and Spanish) staff available to answer questions (Denver OA n.d.a). The office web page highlights **restitution stories**, and contains online **resources** for small businesses about compliance (Denver n.d.b, n.d.c). It also contains tools for workers and employers: a regional address finder to assess whether work performed was in the relevant local boundaries, and a minimum wage and tip calculator, among other things. Also, the office launched an “Earned It, Deserved It” campaign to raise awareness of the city’s minimum wage ordinance, with bilingual ads at regional bus stops, and on radio, television, and social media platforms (Denver OA 2021a, p. 16).

Local labor agencies have highlighted worker issues in their jurisdictions through advocacy, hearings, and convenings

Several city labor agencies have gotten involved in various worker advocacy efforts.

In 2021, officials from several local enforcement agencies, including Chicago, New York City, Philadelphia, Seattle, and the district attorneys of Suffolk County, Massachusetts, and Washtenaw County, Michigan, all signed a **joint letter** (NYC DCWP 2021), along with 11 state attorneys general, to the U.S. Department of Homeland Security (DHS) supporting the agency’s plan to change its approach to worksite enforcement to support labor rights, and recommending changes to DHS policies and practices to facilitate the ability of state and local labor officials to enforce workplace laws. The letter was in response to a recent DHS **memorandum** (USDHS 2021) to Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS), directing them to adopt practices and policies to deliver more severe consequences to exploitative employers, and increase workers’ willingness to report violations of worker protection laws.

In March 2020, agency officials in four cities (Chicago, New York, Philadelphia, and Seattle) **called on** (NYC 2020b) FedEx, UPS, and XPO to improve their policies in response to the

then-new pandemic, particularly in relation to paid sick leave. Also in 2020, four localities (Chicago, New York, Philadelphia, and Pittsburgh) [joined](#) (NY AG 2020) a coalition of 24 state attorneys general in submitting a [comment letter](#) (NY AG et al. 2020) to the U.S. Department of Labor opposing a proposed regulation that would make it easier for employers to classify workers as independent contractors instead of as employees.

Finally, the New York City Department of Consumer and Worker Protection has held a number of hearings and convenings. For example, in 2017, it held a [public hearing](#) (NYC 2017) on the state of workers' rights in the city, along with the Mayor's Office of Immigrant Affairs and the New York City Commission on Human Rights, and in 2019, the same three agencies, along with partner organizations, held a [convening](#) (NYC 2019a) focused on immigrant workers.

Making know-your-rights resources, labor law posters, and other materials widely available, including in multiple languages

Some local agencies have been particularly aware of the need to reach the broad range of workers within their jurisdictions, and have translated materials into multiple languages. Cities and counties operate on the ground serving diverse communities, and may sometimes be more attentive to language access concerns than agencies at other levels of government.

The New York City Department of Consumer and Worker Protection has produced workers' bill of rights booklets in 15 languages and audio files in five indigenous languages (Garifuna, K'iche, Kichwa, Mixteco, and Nahuatl), as well as an animated video. The animated video and audio files also enhance access for people with varying literacy levels. The Philadelphia Department of Labor [web page](#) (Philadelphia DOL n.d.) contains workers' rights resources in 12 languages. Los Angeles City has minimum wage and paid sick leave posters available in [13 languages](#) (LA City OWS n.d.a). Santa Clara County's Office of Labor Standards' web page provides [information](#) (SC OLSE n.d.f) in five languages. Even smaller jurisdictions, like Emeryville, California, with a [2020 population](#) (U.S. Census Bureau 2022e) of less than 13,000, offers minimum wage and paid sick leave [notices and posters](#) (Emeryville n.d.) in six languages.

Local labor agencies have generated media coverage about worker issues

In addition to issuing press releases and reports, some offices have been effective in helping to catalyze coverage of workers' rights issues in the local press. The Philadelphia Department of Labor has been especially effective in this regard, helping place news stories about workers' rights under the city's fair workweek law when it was first enacted, about its issuance of an annual report that would shame employers with records of violations, and about the Philadelphia Worker Relief Fund for workers excluded from other public assistance during the pandemic (Dorfman 2021; Reyes 2021b, 2020; Marin 2020).

The Santa Clara County Office of Labor Standards received [coverage](#) (Reese 2021) on a county contracts enforcement pilot program, in which the office reviews judgments and orders from state and federal labor authorities to determine whether a contractor should be disqualified from working with the county. The office also received [coverage](#) (Telemundo n.d.) on Telemundo about its enforcement program related to county food permits.

Finally, workers themselves can catalyze coverage of enforcement actions by local labor enforcement agencies, as when a worker whose case was handled by the San Francisco Office of Labor Standards gave a [TEDx Talk](#) (Winner 2019) and was featured in a [PBS NewsHour program](#) (Nawaz and Carlson 2021) about the city's fair chance ordinance, which requires employers to consider mitigating circumstances and rehabilitation evidence for job applicants with a criminal record.

Local elected officials have used their public platforms and convening authority to support workers

Local elected officials have used their public platforms to demonstrate their support for working people in many ways. Such officials have shown up at rallies, events, and actions (including [strikes](#) (Aponte 2021) and walking workers back to work after days of action). Local elected officials have also written [opinion pieces](#) (op-eds) in support of worker advocacy and to bring attention to harms and challenges experienced by workers (Rosenthal 2021), and have written and signed letters to employers expressing concerns about worker treatment. Moreover, local elected officials can hold hearings, which allow workers an opportunity to share about their experiences and for officials to ask employers relevant questions.

Local elected officials can also show support for ongoing worker organizing campaigns. For example, in 2022, New York City Comptroller Brad Lander, as a public pension fund trustee, led a shareholder effort to address high injury rates and turnover at Amazon warehouses (Newman 2022). Also in 2022, the Seattle and Philadelphia city councils both passed resolutions supporting Starbucks workers seeking to unionize (Taylor 2022b; Valentine 2022). A Local Progress website provides additional ideas and resources for local elected officials wishing to show support for the Starbucks worker organizing campaign (Local Progress, n.d.b.).

Conclusion: Localities throughout the country can adopt supporting workers' rights as among the core functions they perform for their communities

There is a wealth of possibilities for localities that wish to get involved in expanding and enforcing workers' rights. While some recent local action emerged in response to the Trump administration's hostility to workers' interests, much of cities' work in this area pre-dated 2016. Accordingly, the local role in protecting working people continues to be relevant and critically important, even in the context of a worker-friendly federal administration.

Localities have been key innovators on labor matters, piloting new laws on such issues as paid sick leave and fair workweek; with proof of concept at the local level, such laws are later adopted at the state level (and perhaps eventually at the federal level as well). Creation of worker boards, strategic community enforcement partnerships, and using permits to drive compliance are also local innovations that help move the field forward. In addition, expansion and robust enforcement of workers' rights at the local level serves as a hedge in our federal system, helping ensure at least some continued protection of workers in times when federal or state government is unfriendly to workers or insufficiently effective in protecting them. Moreover, public enforcement of workers' rights is of even greater urgency when skyrocketing use of forced arbitration blocks workers from bringing their cases in court.

Localities in states without preemption of local laws may undertake any and all of the actions described above. However, even localities facing serious legal, political, or financial constraints in relation to their involvement in worker issues still can take action that will have a meaningful impact on workers' lives.

Specifically, even in states with preemption:

- Localities can offer high-road standards to their own workforces, including enabling or facilitating collective bargaining where permitted, as well as sufficient minimum wage and paid sick/family leave for municipal employees.
- Localities can consider enacting laws that may not be preempted, such as those that do not set labor standards. These might include anti-wage theft ordinances that do not set a local minimum wage, but simply enforce existing rates; responsible bidder ordinances; ordinances concerning licensing or permitting consequences or incentives; or laws on salary transparency, for example. Local leaders can examine their state's preemption law to assess the realistic possibilities.
- Localities can assess whether there is authority to require increased labor standards at the local airport.
- Localities can establish a worker advisory board to create a vehicle for open lines of

communication and opportunities for worker leaders to raise newly emerging issues that the locality may be able to help address.

- Localities can establish a dedicated labor office or at the very least, a dedicated labor liaison at the local level. Even in a state with strong preemption, such an office could likely do some or all of the following:
 - Conduct outreach and public education on workers' rights. Create a workers' rights landing page on the locality website (in languages commonly used in the locality), with information about federal, state, and local workers' rights applicable within the jurisdiction, (however expansive or limited they may be), as well as hyperlinks to relevant government agencies and other worker-oriented resources. Conduct outreach and include basic workers' rights information in community outreach by existing local officials (such as by Fair Employment Practices Agencies, where they exist).
 - Review contracting, licensing, permitting standards, especially in industries with high rates of violation. Consider whether new laws are needed in order to impose compliance prerequisites or consequences for violations of labor laws. If so, try to enact them. In either case, routinely review labor compliance records of recipients of local government contracts, permits, or licenses, and consider whether action can be taken by contracting, licensing, or permitting agencies.
 - Review forms used for contracting, permitting, and licensing. Incorporate workplace law information about employer responsibilities on application forms and require signed certification by bidders or applicants that they will comply with these laws.
 - Research working conditions within the locality (possibly in conjunction with local or state academics), and issue and publicize reports on findings
 - Hold convenings or hearings to uncover and highlight problems facing workers, and to generate media coverage of these issues.
 - Create a comprehensive complaint form for workers and become a one-stop shop for reporting violations, serving as a gateway to help workers navigate other agencies and resources.
 - Publish enforcement data and stories to demonstrate effectiveness and deter violations.
 - Enlist and/or organize local resources, such as law school clinics or the local bar, to address worker issues. For example, the Massachusetts attorney general's office holds a monthly **wage theft clinic** for cases it cannot handle, with nonprofit organizations, pro bono lawyers, legal services offices, lawyers who can take contingency cases, etc. (Massachusetts n.d.a). Along similar lines but addressing a problem unrelated to labor, the California Attorney General's office in 2015 convened a roundtable of law firms and immigrants' rights advocates about the legal needs of unaccompanied minors fleeing Central America; these efforts led to the legal representation of more children in immigration cases (CA DOJ 2015).

Localities in states *without preemption*, in locales more friendly to workers' rights, can

consider enacting any and all of the above measures. In addition, they have even more leeway to act, since they can:

- enact higher labor standards for all workers within their jurisdiction
 - minimum wage, overtime, paid sick and safe leave, fair workweek, expansive anti-discrimination laws, strong anti-retaliation protections
 - protections needed in particular industries: domestic workers, hotel, retail, fast-food, car wash workers, freelancers, etc.
 - cutting-edge worker protections such as just cause termination, gig worker pay or termination standards, salary transparency, and more
- meet with local worker organizations to learn what issues they identify as pressing
- create, fund, and empower a robust local office of labor standards with
 - enforcement power, including subpoena power
 - the ability to inform the administration and legislators on policy matters
 - a strategic enforcement approach
 - a funded community partnership model
- enact and enforce job quality standards (prevailing wage, living wage) and responsible bidder ordinances for local government contractors
- enact and fully operationalize workplace law compliance prerequisites and consequences for applicants and holders of locally issued permits and licenses.

In all localities—those in states hostile to workers, friendly to workers, and in between—there are opportunities to stand up for working people and take action.

Acknowledgments

The authors would like to thank Daniel Perez and Katherine DeCourcy, who provided excellent research assistance.

About the authors

Terri Gerstein is the director of the [State and Local Enforcement Project](#) at the Harvard Law School Labor and Worklife Program and a senior fellow at the Economic Policy Institute. She was recently an Open Society Foundations Leadership in Government Fellow. Previously, Terri was the labor bureau chief in the New York State Attorney General's Office and a deputy commissioner in the New York State Department of Labor. Before her government service, Gerstein was a nonprofit lawyer in Miami, Florida, where she represented immigrant workers and co-hosted a Spanish language radio show on workers' rights. She was a law clerk for Judge Mary Johnson Lowe of the U.S. District Court for the Southern District of New York. Her writing on workers' rights issues has

https://www.thetimes-tribune.com/news/scranton-helps-boost-wages-of-longtime-lampshade-manufacturer-in-pine-brook/article_78fe4a32-8f95-599a-b690-3b_d4bf71a4.html

FEATURED

Scranton helps boost wages of longtime lampshade manufacturer in Pine Brook

BY JIM LOCKWOOD STAFF WRITER

Dec 20, 2022



Steve Carter, at left, owner of Penn Shadecrafters, 942 Sanderson Ave., Scranton, and Scranton Mayor Paige Gebhardt Cognetti, during a tour of his factory on Tuesday, Dec. 20, 2022. The city gave the firm a \$50,000 "wage boost" grant from federal ARPA funds toward helping fund pay raises of employees to retain jobs and offer competitive pay.

JIM LOCKWOOD / STAFF PHOTO

SCRANTON — The city announced its first "wage boost" grant of \$50,000 from federal American Rescue Plan Act funds earmarked for a longtime lampshade manufacturer in Pine Brook.

Penn Shadecrafters, 943 Sanderson Ave., a small, second-generation lampshade manufacturer established in 1974, will be able to obtain up to \$50,000 from the city over the next two years to go toward raising employee salaries.

Mayor Paige Gebhardt Cognetti said her administration started developing the wage boost concept 18 months ago, to help bridge the gap between actual wages that are lower than living wages.

And with area warehouses and big-box chains now offering unskilled labor starting salaries at around \$25 an hour and higher, the city hopes the wage boost program helps businesses remain competitive to keep their employees.

"We want to keep small, medium (sized) manufacturers and keep small businesses open," Cognetti said during a tour of Penn Shadecrafters. "This is a great example of a local, small manufacturer, family owned" and loved by its employees.

Penn Shadecrafters, a boutique maker and wholesaler of lampshades to the hospitality industry, whose customers include hotels, motels, restaurants and hospitals, has 10 employees, owner Steve Carter said.

Founded in 1974 by his father, Robert L. Carter, Penn Shadecrafters had several locations in the city before consolidating operations in the Sanderson Avenue factory in 2004. Much of the firm's products are customized and handmade.

Carter started working in the family business as a youth. He graduated from the University of Scranton, where he studied business, and eventually took over the lampshade operation.

"I just stayed in the business my whole life," Carter said.

Penn Shadecrafters once had two buildings, including the steel wire frame operation on Sanderson Avenue that had 20 employees and a textile facility in the Plot section that had 25 workers.

The business barely survived the COVID-19 pandemic shutdown and Carter credited the government's Paycheck Protection Program for keeping his business afloat. It remains one of the few lampshade manufacturers in the United States, he said.

But inflation in raw material costs and persistent supply-chain delays and problems cut into the bottom line and create financial uncertainties.

The \$50,000 grant over two years will help Penn Shadecrafters pay employees a minimum of \$2 more per hour, adding at least \$4,000 to individual annual salaries.

"Hopefully, giving my employees a competitive wage is something that will keep me in business," Carter said. "I'm only as good as my employees and this is going to offer them the opportunity to stay here."

The city in May approved allocating \$3 million for a wage boost and business recovery grant program.

For the first year of the wage boost, the city will use ARPA cash to fully fund the pay raises. In the second year, the city and recipient will share in funding the cost of the raises. The goal for the third year is for a recipient business to be able to fully fund the higher salaries.

Noting his grandfather also once had a business on the downtown square, Carter said, "We're three generations of doing our business in the city and I love it. I wouldn't leave Scranton."

Meanwhile, Penn Shadecrafters and another business, Bee's Backyard children's play place inside the Marketplace at Steamtown in the downtown, each received a \$25,000 grant from the ARPA funds for small business financial recovery.

Bee's Backyard closed several times because of the pandemic and the grant "will help us cover needed expenses as we continue to offer an affordable attraction for area families," owner Bridget Moran said in a statement.

emailto:**Contact the writer: jlockwood@timeshamrock.com**: 570-348-9100 x5185; @jlockwoodTT on Twitter.

City of Scranton American Rescue Plan Act

Notice of Funding: Small Business Wage Boost Grant and Negative Economic Recovery Grant Program Guidelines

ARPA Expenditure Category 2.29 - “Loans or Grants to Mitigate Financial Hardship”

BACKGROUND AND GENERAL INFORMATION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARPA) into law. The \$1.9 trillion Fiscal Recovery Funds package is intended to combat the COVID-19 pandemic, including public health and economic impacts. The City of Scranton has received a total of \$68.746M to respond to the COVID-19 public health emergency and its economic impacts.

The mission of the city’s specific ARPA program is to give people access to resources, rebuild the infrastructure systems that impact their everyday lives, and foster real equitable wealth generation that targets the needs of Scranton residents. This mission statement is also accompanied by six (6) guiding principles:

1. **Recovery:** Use funds to equitably guide residents, businesses, nonprofits & local government out of the economic downturn and onto a path of financial recovery
2. **Response:** Enhance city health & emergency response capabilities
3. **Alignment:** Integrate ARPA Funds with ACT 47 Exit Plan Goals, long-term financial and tax strategies, & comprehensive economic development planning
4. **Sustainability:** Avoid one-time items and programs that incur unsustainable operational, maintenance, or other long-term legacy costs
5. **Leverage:** Tackle large infrastructure needs for a safer, healthier city
6. **Transparency:** Accountability, communication, collaboration

Scranton City Council approved ARPA funding to be made available as grants to small business that have faced economic hardship resulting from or exacerbated by the public health emergency. Below is a summary of the award funding, as well as eligibility requirements.

DEFINITION OF ECONOMICALLY DISADVANTAGED

In accordance with the City’s mission to offer equitable recovery and investment resources to the community, grant applications for subrecipient awards will be reviewed and prioritized based on the target populations the beneficiary or its program will serve. Higher prioritization and consideration will be given to those applications that serve the economically disadvantaged populations within the city. According to a recent median household income study by race/ethnicity, it was found that the median income for Black or African American and Hispanic or Latino households is lower than the White and

Asian households located in the city. Programs and applicants that intend to serve these lower income communities will be given more consideration for funding than those that do not.

DEFINITIONS OF IMPACTED AND DISPROPORTIONATELY IMPACTED

An impacted small business is a business that both meets the definition of “small business” as defined by the City below and can demonstrate a negative economic impact directly related to COVID-19. A disproportionately impacted small business is a business that both meets the definition of “small business” as defined by the City and is located within a Disproportionately Impacted area or Qualified Census Tract (QCT) within the City. See the City’s attached QCT map to determine if your small business is located within a disproportionately impacted area or QCT area.



Small Business Wage Boost Grant Program:

In accordance with the Scranton ARPA mission, the City is seeking applications for eligible small business wage boost grant funding for both impacted and disproportionately impacted small businesses operating within the city. Awards are available to assist eligible small business owners in recovering from the financial hardship and the ongoing challenging economic conditions created by the pandemic specifically regarding the support of efforts to retain employees or increase their workforce by offering wages and benefits competitive with state averages. To qualify, the small businesses must be able to demonstrate a negative economic impact created by the pandemic or operate within a disproportionately impacted area or QCT area (See the eligibility and required documentation sections to understand what is required for a small business owner to demonstrate a negative financial impact). Awards are available up to \$50,000 total per applicant, for up to two years or to the extent an applicant can demonstrate a wage boost need. The first year of enhanced wages will be funded up to 100%, and the second year up to 50%, dependent on the applicant’s total amount of funding requested. Funding requests for loss that bears no relation or is grossly disproportionate to the type or extent of harm experienced due to the COVID-19 public health emergency will not be eligible. Additionally, applicants will not be eligible for funding if the same costs or impacts identified in this grant application have been previously made whole through alternate Federal, State or Local grant funding. Business franchises are not eligible



Small Business Negative Economic Impact Recovery Grant Program:

In accordance with the Scranton ARPA mission, the city is also seeking applications for small business negative economic impact recovery grant funding. Funding may be applied for and used to support eligible small businesses impacted by the pandemic to mitigate financial hardships including, but not limited to, decreased revenue, financial insecurity, increased costs caused directly by the pandemic, as well as challenges covering other costs including mortgage payments, rent, utilities, and other operational costs. In addition, funding may be applied for to cover COVID-19 mitigation costs required for social distancing, cleaning, disinfecting, separation barriers, and other health and safety investments or upgrades. Funding applications may also be submitted for technical assistance, counseling, or other services to support business planning. Awards are available up to \$25,000 per applicant, or to the extent the need can be clearly demonstrated by the applicant. Funding requests for

loss that bears no relation or is grossly disproportionate to the type or extent of harm experienced due to the COVID-19 public health emergency will not be eligible. Additionally, applicants will not be eligible for funding if the same costs or impacts identified in this grant application have been previously made whole through alternate Federal, State or Local grant funding. Business franchises are not eligible

ELIGIBILITY REQUIREMENTS

The City's ARPA grant programs are designed to support residents, organizations, programs, and activities that benefit City of Scranton residents and community. Per the Final Rule, the U.S. Treasury recognizes impacted small businesses as eligible to receive funding for this program. A small business is "impacted" if they can demonstrate and provide evidence of a negative economic impact caused by the pandemic, which may include evidence of:

- Decreased revenue or gross receipts
- Financial insecurity
- Increased costs created directly by the pandemic
- Reduced capacity to weather financial hardship created by the pandemic
- Challenges covering payroll, rent, mortgage, and other operating costs

Treasury also recognizes small businesses operating out of QCT area or disproportionately impacted areas as eligible to receive funding for this program. To determine if your small business is located in one of these areas, please see the QCT map posted on the City's ARPA webpage.

Below are additional eligibility requirements that all small business applicants must meet for this program:

- Business is a "for-profit" business
- Must have 50 or fewer full-time and/or part-time employees
- Business must be physically located within the City of Scranton.
- Business is licensed to do business, in the state of Pennsylvania
- Must be registered and in good standing with the City single tax office as well as current with local taxes and trash fees
- Must not have any unpaid code enforcement liens or violations of any state, federal or local laws
- Must be current on all taxes including payroll, sales, unemployment, property, state, and federal
- No business owners, including all managing members and/or officers, have been convicted of financial crimes within the past three years.
- Provide proof of insurance to the satisfaction of the City prior to the receipt of any funding.
- The applicant has not received alternate Federal or State grant funding to cover these same costs and/or uses.
- The business is not a publicly traded company
- The business is not a franchise

INELIGIBLE COSTS

- Loss that bears no relation or is grossly disproportionate to the type or extent of harm experienced due to the COVID-19 public health emergency.
- Contributions to rainy day funds, financial reserves, or similar funds.

DETROIT

Detroit OKs workplace standards board for arena workers



Sarah Rahal

The Detroit News

Published 4:49 p.m. ET May 23, 2023

Detroit — The Detroit City Council unanimously voted Tuesday to create an Industry Standards Board for arena workers at Little Caesars Arena, Ford Field and Comerica Park.

The city previously passed an ordinance in 2021 to create an Industry Standards Board, which labor leaders at the Service Employees International Union Local 1 say is the first-of-its-kind in the nation. The ordinance allows workers in a common industry to join together to petition and form a tripartite table of workers, employer associations and government representatives to recommend industry-wide workplace standards.

On Tuesday, more than a dozen SEIU members joined the council's formal session to comment in support of creating an Industry Standards Board for Arena Workers. They said the board would assist the city in providing recommendations for basic health, safety and job standards through a public process driven by workers and their communities.

According to the resolution, the Industry Standards Board have the authorization to gather information through an investigation, including reports from both employee and management perspective, distribution and gathering of surveys; outreach by utilizing worker organizations to assist in the collection of required information and engage workers in the process.

"Employers in the subject industry are strongly encouraged to assist in the dissemination of information and promotion of an Industry Standards Board," according to the resolution.

The board will have power, through the council's ordinance, to evaluate their findings regarding factors that may contribute to a shortage of workers or difficulty retaining workers in the arena industry; conduct educational outreach that increases public participation about practices that may negatively impact workers, consumers and city residents; "consider the required level of compensation in a subject industry to provide for family-supporting wages sufficient to protect the health of residents and consider standards for the subject industry that would improve the health of its workers and the general community," according to the resolution.

Prior to issuing any recommendation, the board shall hold a public hearing regarding the subject at a time and location convenient to employees and must include interpretation services.

The Industry Standards Board could only be established after the council received an adequate petition report from the city's Civil Rights, Inclusion and Opportunity Department. The next step is to appoint representatives to the board.

Nine Industry Standards Board appointments shall be individuals who either live or work in the city, appointed as follows: three members that are employees, or representatives who have been chosen by workers in the subject industry, three from Mayor Mike Duggan; and three from the City Council.

Workers told City Council members there is inconsistent pay, working hours and expectations at Detroit's sports arenas and that multiple employees work at all three to make ends meet.

Porcha Perry is a team member at Ford Field, a housekeeper at Comerica Park and also a security officer at City Shield Security Services. As a single mother working three jobs, Perry said it's not easy and she often has to miss quality time with her children because one job isn't enough.

"With this board, we could address the low wages so I can so I can afford to spend more quality time with my family," Perry told council members. "Many Black and Brown and single-parent arena workers are experiencing this same issue, as they work multiple jobs to sustain their families. With this board, we will have a say in decisions about the wages, working conditions and hours we need. Together, we can spark change across all arenas."

City Council President Mary Sheffield thanked members of SEIU for showing up and delivering more than 150 signatures in support of arena workers. Sheffield told The News following the meeting it was a proud moment for her to see the first standards board established under the previous ordinance she sponsored with SEIU.

"It gives workers a seat at the table with their employers to help determine the starts and wages working people across our city deserve," Sheffield said. "Workers across various industries including fast-food, healthcare, long-term care and beyond have the opportunity to publicly organize and demand a voice on the job and a stronger say in the conditions of their workplace."

After the council vote, SEIU Local 1 President Genie Kastrup said Detroit's first Industry Standards Board will bring workers one step closer to the table with employers to advocate for "what they need to thrive — not just survive."

"The powerful testimonies that we heard from the Local 1 members today is a clear indication that Detroit can and will prosper when working people have a voice on the job. I am proud of the progress being made in Detroit and applaud the Detroit City Council, Local 1 working families, and community leaders who have come together to move Detroit forward," Kastrup said in a statement.

srahal@detroitnews.com

*Twitter: @SarahRahal_*

Notice of Enactment

TO THE PEOPLE OF THE CITY OF DETROIT, MICHIGAN

On, **November 16, 2021** the City Council passed the following Ordinance:

To amend Chapter 12, *Community Development*, by adding Article X, *Industry Standards Boards*, to include Division 1, *In General, Creation and Dissolution of Industry Standards Boards*, containing Section 12-10-1, *Purpose*, Section 12-10-2, *Definitions*, Section 12-10-3, *Establishment of Industry Standards Boards*, Section 12-10-4, *Petitions to establish an Industry Standards Board*, Section 12-10-5, *Dissolution*, Section 12-10-6, *Department to assist*, Section 12-10-7, *Prohibition on retaliation*, to include Division 2, *Operation of Industry Standards Boards; Rules and Procedures*, containing Subdivision A, *Meetings*, containing Section 12-10-21, *Public participation; compliance with Open Meetings Act and Freedom of Information Act*, Section 12-10-22, *Special meetings*, Section 12-10-23, *Closed meetings*, Section 12-10-24, *Quorum of the Industry Standards Board*, Section 12-10-25, *Meeting agenda*, Section 12-10-26, *Parliamentary procedure*, Section 12-10-27, *Other hearings and public discussions*, and to include Subdivision B, *Members and Officers*, containing Section 12-10-41, *Composition of Industry Standards Boards*, Section 12-10-42, *Filling vacancies; excessive absences*; Section 12-10-43, *Compensation*, Section 12-10-44, *Officers; number*, Section 12-10-45, *Nominations and elections of officers*, Section 12-10-46, *Term of officers*, Section 12-10-47, *Duties of officers*, and to include Subdivision C, *Conduct of Industry Standards Boards*, containing Section 12-10-61, *Powers and duties of an Industry Standards Board*, Section 12-10-62, *Required activities of an Industry Standards Board*, Section 12-10-63, *Report*, Section 12-10-64, *Submission of report to Mayor and City Council*, and Section 12-10-65, *Continuing investigation by City Council*, to create a process by which establish Industry Standards Boards may be established in the City of Detroit.

ORDINANCE NO. 2021-42

CHAPTER: 12

ARTICLE: X

J.C.C. **November 3, 2021**

Passed: **November 16, 2021**

Approved: **November 22, 2021**

Published: **November 30, 2021**

Effective: **November 30, 2021**

Please see attached ordinance

1 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

2 **THAT:**

3 **Section 1.** That Chapter 12 of the 2019 Detroit City Code, *Community Development*; be
4 amended by adding Article X, *Industry Standards Boards*, containing Section 12-10-1 through
5 Section 12-10-65, to read as follows:

6 **CHAPTER 12. COMMUNITY DEVELOPMENT**

7 **ARTICLE X. INDUSTRY STANDARDS BOARDS**

8 **DIVISION 1. IN GENERAL; CREATION AND DISSOLUTION OF INDUSTRY**

9 **STANDARDS BOARDS**

10 **Sec. 12-10-1. Purpose.**

11 The City of Detroit is committed to using the resources and power of City government to
12 support, maintain, and encourage local industries, which serve our community and provide jobs
13 that sustain families and the City. Subject to the limitations of the Local Government Labor
14 Regulatory Limitation Act, MCL 123.1381 et seq, and for the purposes described in this section,
15 the City of Detroit establishes by enactment of this ordinance the implementation of Industry
16 Standards Boards. The enactment of this legislation will assist in the provision of safety in
17 workplaces and working standards, and is a benefit to the City and its residents through increased
18 physical and mental wellbeing, and economic growth.

19 **Sec. 12-10-2. Definitions.**

20 For purposes of this article, the following phrase shall have the meaning ascribed to it by
21 this section:

22 Department means the Human Rights Department, also known as the Civil Rights
23 Inclusion and Opportunity Department (CRIO).

1 Employer association means a trade organization or a local chamber of commerce.

2 Worker organization means any organization tasked with the outreach and training of
3 workers on various laws that affect their employment.

4 **Sec. 12-10-3. Establishment of Industry Standards Boards.**

5 (a) The City Council may by the adoption of a resolution establish an Industry
6 Standards Board for a specific industry when:

7 (1) A formal petition is submitted to the City Clerk in accordance with Section 12-10-
8 4 of this Code;

9 (2) At the request of the Mayor; or

10 (3) At the discretion of the City Council.

11 **Sec. 12-10-4. Petitions to establish an Industry Standards Board.**

12 (a) Petitions to establish any Industry Standard Board for a specific industry shall be
13 signed by a minimum of 150 workers from the specific industry.

14 (b) Petitions shall be on the form provided or approved by the City Clerk for this
15 purpose.

16 (c) Signed petitions shall be submitted to the City Clerk. The City Clerk shall report to
17 the City Council the receipt of the petitions and forward the petitions to the Department to canvass
18 the petitions and make a determination regarding their compliance with Subsection (a) of this
19 section. Upon completion of the canvass, or upon request by the City Council, the Department
20 shall report its conclusions to the City Council. Upon a finding by the City Council that a petition
21 to establish an Industry Standards Board satisfies the requirements of Subsection (a) of this section,
22 the City Council shall within 45 days of receipt of the report from the Department adopt a
23 resolution establishing an Industry Standards Board for the subject industry.

1 **Sec. 12-10-5. Dissolution; reconvening of board.**

2 (a) A particular Industry Standards Board shall be dissolved;

3 (1) One year after the Industry Standards Board has issued its recommendation;

4 (2) Two years after its creation if no recommendation has been issued; or

5 (3) By majority vote of the industry Standards Board itself, with public notice to the
6 subject industry and opportunity for public comment.

7 (b) Within 12 months of the dissolution of an Industry Standards Board, a worker in
8 the relevant industry, the Mayor, or the City Council may request that the Board be reconvened.

9 **Sec. 12-10-6. Department to assist.**

10 The Human Rights Department will support the activities of the board by scheduling
11 meetings and securing public meeting places, and may assist with basic clerical functions.

12 **Sec. 12-10-7. Prohibition on retaliation.**

13 No employer may retaliate against an employee that participates in an Industry Standards
14 Board for their participation in such activity.

15 **Secs. 12-10-8—12-10-20. Reserved.**

16 **DIVISION 2. OPERATION OF INDUSTRY STANDARDS BOARDS;**

17 **RULES AND PROCEDURES**

18 **Subdivision A. Meetings**

19 **Sec. 12-10-21. Compliance with Open Meetings Act and public participation; Compliance**
20 **with Freedom of Information Act.**

21 (a) All meetings and hearings of an Industry Standards Board shall be open to the
22 public, and noticed and conducted in compliance with the Michigan Open Meetings Act, being
23 MCL 15.261 et seq. In accordance with the purposes of Industry Standards Boards, public

participation is to be encouraged and public comment shall be a part of every Industry Standards Board meeting.

(b) Records of an Industry Standards Board shall be made available in accordance with the Michigan Freedom of Information Act, being MCL 15.231 et seq.

Sec. 12-10-22. Special meetings.

Special meetings of an Industry Standards Board shall be called at the request of the Chairperson, three members of the Board, by City Council, or by the Mayor. Notice of special meetings shall be given at least 48 hours prior to such meetings and shall state the purpose, date, time, and place of the meeting. Special meetings shall be held in accordance with Section 8 of the Michigan Open Meetings Act, being MCL 15.268.

Sec. 12-10-23. Closed meetings.

(a) Under Section 8 of the Michigan Open Meetings Act, being MCL 15.268, an Industry Standards Board may go into closed session only for certain specified exceptions.

(b) When an agenda item falls under one of the exceptions under Section 8 of the Michigan Open Meetings Act, being MCL 15.268(a) through (h), the Chairperson shall call for a roll call vote to go into closed session. Upon receiving the necessary majority or two-thirds roll call vote, as specified by Section 7 of the Michigan Open Meetings Act, being MCL 15.267, the portion of the meeting subject to the exception enumerated in the Michigan Open Meetings Act shall be closed to the public.

(c) The Secretary, or designee of the Chairperson, shall act as recording Secretary during a closed session and keep separate minutes. In accordance with Section 7 of the Michigan Open Meetings Act, being MCL 15.267, the minutes of all closed meetings shall be kept in the Office of the City Clerk for one year and a day.

1 Sec. 12-10-24. Quorum of the Industry Standards Board.

2 A majority of members serving shall constitute a quorum of an Industry Standards Board
3 for the taking of official action at regular and special meetings.

4 Sec. 12-10-25. Meeting agenda.

5 (a) The Chairperson or persons calling the meeting shall prepare, in conjunction with
6 designated staff, an agenda for each meeting.

7 (b) To the extent practicable, the agenda package shall be hand-delivered, mailed via
8 first class mail, or sent via email, to each Industry Standards Board Member and the City Clerk at
9 least four days prior to the meeting. The package shall contain sufficient information and reports
10 so that Industry Standards Board members have the opportunity to obtain a working knowledge of
11 each item appearing on the agenda.

12 (c) Changes to the agenda may be proposed after discussion with, and concurrence by,
13 the Chairperson. The agenda may be amended at the Industry Standards Board meeting by action
14 of the Industry Standards Board.

15 (d) All Industry Standards Board members shall provide, and update as necessary,
16 contact information with the Office of the City Clerk for the purposes of receiving meeting notices,
17 agenda packages, and other relevant information.

18 Sec. 12-10-26. Parliamentary procedure.

19 Parliamentary procedure in Industry Standards Boards meetings shall be governed by
20 "Robert's Rules of Order, Newly Revised."

1 Sec. 12-10-27. Other hearings and public discussions.

2 An Industry Standards Board may schedule hearings and discussions on any topic or item
3 related to information relevant to the subject industry for which the Industry Standards Board was
4 established, or regarding a topic or an item on which formal action may be required.

5 Secs. 12-10-28—12-10-40. Reserved.

6 Subdivision B. Members and Officers

7 Sec. 12-10-41. Composition of Industry Standards Boards.

8 (a) Each Industry Standards Board shall consist of nine members, who either live or
9 work in the City, appointed as follows:

10 (1) Three members that are workers, or representatives which have been chosen by
11 workers, in the subject industry:

12 a. The Mayor shall appoint one member identified in Subsection (a)(1) of this
13 section; and

14 b. The City Council shall appoint two members identified in Subsection (a)(1)
15 of this section;

16 (2) Three members that are from management or employer associations in the subject
17 industry:

18 a. The Mayor shall appoint one member identified in Subsection (a)(2) of this
19 section; and

20 b. The City Council shall appoint two members identified in Subsection (a)(2)
21 of this section;

22 (3) One representative appointed from the Mayor's Office.

23 (4) One representative appointed from City Council; and

1 (5) One representative from the public at-large appointed by City Council.

2 **Sec. 12-10-42. Filling vacancies; excessive absences.**

3 (a) Vacancies on an Industry Standards Board shall be filled in the same manner as the
4 original appointment.

5 (b) Absence from three consecutively scheduled meetings, without notifying the
6 Chairperson prior to the beginning of the scheduled meetings and requesting an excused absence,
7 shall be cause for removal.

8 **Sec. 12-10-43. Compensation.**

9 All members of an Industry Standards Board serve without compensation.

10 **Sec. 12-10-44. Officers; number.**

11 The Industry Standards Boards shall have three officers: Chairperson, Vice-Chairperson,
12 and Secretary.

13 **Sec. 12-10-45. Nominations and elections of officers.**

14 The Industry Standards Board shall nominate and elect its officers from within its
15 membership on an annual basis within 60 days of the adoption of the resolution creating the board,
16 and on every anniversary thereafter.

17 **Sec. 12-10-46. Term of officers.**

18 The Chairperson, Vice-Chairperson, and Secretary shall take office immediately following
19 their election and shall hold office for a term of one year, or until their successors are elected and
20 assume office.

21 **Sec. 12-10-47. Duties of officers.**

22 (a) The Chairperson shall:

23 (1) Preside at all meetings, when present;

1 (2) Execute all documents relating to Industry Standards Board policy or designate
2 such responsibility as warranted;

3 (3) Prepare the initial agenda for each meeting; and

4 (4) Perform any other agenda duties as directed by the Industry Standards Board.

5 (b) The Vice-Chairperson shall:

6 (1) Act in the capacity of the Chairperson in the Chairperson's absence; and

7 (2) In the event the office of the Chairperson becomes vacant, the Vice-Chairperson
8 shall succeed to this office for the unexpired term.

9 (c) The Secretary shall:

10 (1) Discharge such duties as prescribed for the Secretary by "Robert's Rules of Order,
11 Newly Revised," except where staff from the Department is available to perform
12 them;

13 (2) Forward the Industry Standards Board records, including notices for, and minutes
14 of, meetings and hearings to the City Clerk who shall maintain the records for the
15 Industry Standards Board; and

16 (3) Act in the capacity of the Vice-Chairperson in the Vice-Chairperson's absence. In
17 the event the office of the Vice-Chairperson becomes vacant, the Secretary shall
18 succeed to this office for the unexpired term; the Industry Standards Board shall
19 elect a successor to the office of Secretary for the unexpired term.

20 Secs. 12-10-48—12-10-60. Reserved.

1 **Subdivision C. Conduct of Industry Standards Boards.**

2 **Sec. 12-10-61. Powers and duties of an Industry Standards Board.**

3 The powers and duties of an Industry Standards Board shall include the authorization to
4 gather relevant information through:

5 (1) Investigation. All Industry Standards Boards shall have the authority to
6 investigate market conditions, which may include but is not limited to, requests
7 for information from the subject industry, reports from both employee and
8 management perspective, and the distribution and gathering of surveys.

9 (2) Outreach. All Industry Standards Boards shall utilize worker organizations to
10 assist in the collection of required information and promotion, and the engagement
11 of workers in the subject industry in the process. Employers in the subject industry
12 are strongly encouraged to assist in the dissemination of information and
13 promotion of an Industry Standards Board.

14 (3) Hearings. All Industry Standards Boards shall, prior to issuing any
15 recommendation, hold public hearings regarding the subject industry. All such
16 public hearings shall be held at a time and location convenient to the employees
17 of the subject industry, and shall include interpretation services.

18 **Sec. 12-10-62. Required activities of the Industry Standards Board.**

19 Each Industry Standards Board shall:

20 (1) Evaluate and make findings regarding factors that may contribute to a shortage of
21 workers or difficulty retaining workers in a subject industry which shall include,
22 but is not limited to the current level of compensation, benefits, opportunities for
23 training, and work scheduling;

(2) Conduct educational outreach that increases public participation and enables the Industry Standards Board to identify industry specific practices that may negatively impact workers, consumers, and residents of the City;

(3) Consider the required level of compensation in the subject industry to provide for family supporting wages sufficient to protect the health of residents as well as contribute to a vibrant City;

(4) Consider standards for the subject industry which would improve the health of its workers and the general community; and

(5) Receive and forward any complaints regarding the subject industry to the appropriate enforcement agency for review and potential action.

Sec. 12-10-63. Report.

(a) At the conclusion of the activities for a specific industry, conducted as provided in Section 12-10-62 of this Code, the Industry Standards Board shall create a comprehensive report based upon topics relevant to the subject industry for which the Industry Standards Board was established, which shall include the following recommendations as necessary:

(1) Appropriate standards for the subject industry including wage, benefits, and working conditions;

(2) Improvements to current operational industry standards;

(3) Worker training to lead to better performance in the industry, which can lead to, amongst other things, improved satisfaction with one's job and the quality of the job itself;

(4) Steps to improve compliance with state law and City ordinance; and

1 (5) The promotion of the findings contained within the report to interested parties,
2 including residents of the City and the subject industry located in the City.

3 (b) The report created pursuant to Subsection (a) of this section shall be submitted to
4 the Department within 15 days of said reports completion and shall be published on the
5 Department's website for one year from the date of the original posting provided that said report
6 conforms to the intent of the ordinance and does not conflict with state preemption.

7 **Sec. 12-10-64. Submission of report to Mayor and City Council.**

8 The final report created pursuant to Section 12-10-63 of this Code shall be distributed to
9 the Mayor and City Council for examination of the recommendations made by an Industry
10 Standards Board, and for potential further action.

11 **Sec. 12-10-65. Continuing investigation by City Council.**

12 (a) City Council may hold further hearings related to the recommendations provided
13 in the report identified in Section 12-10-63 of this Code, and explore methods to educate Detroit
14 workers and industries on those recommendations and options to assist workers and residents in
15 enforcing all City and State standards for which noncompliance is found to be prevalent in the
16 industry.

17 (b) Where enforcement of the City Code is necessary, the City Council shall forward
18 such findings of non-compliance to Corporation Counsel to determine appropriate enforcement
19 action.

20 **Secs. 12-10-66 –12-10-80. Reserved.**

21 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,
22 safety, and welfare of the People of the City of Detroit.

Firm

Publications



JUNE 01, 2023 – ALERTS

Evanston, Illinois Enacts Sweeping Fair Workweek Law



Share on:

On May 23, 2023, Evanston, Illinois, a Chicago suburb, enacted the Evanston Fair Workweek Ordinance, which imposes a sweeping, predictive scheduling obligation on employers to provide employees with advance notice of work schedules and pay employees “predictability pay” for late changes to an employee’s work schedule. The ordinance goes into effect just before the Labor Day holiday, on September 1, 2023.

Covered Employers

The ordinance applies to employers in the following industries:

- **Building Services** – including janitorial services, building maintenance services and security services;
- **Health Care** – including health care services or long-term care services that require licensure under certain licensing statutes and regulations;
- **Hospitality/Hotels** – including inns, hotels, motels and other locations where sleeping or rooming accommodations are furnished for hire and for rent, with seven (7) or more sleeping rooms;
-

ASSOCIATED PEOPLE



**Glenn S.
Grindlinger**
212.905.2305
[Email](#)



**Colin D.
Dougherty**
610.397.3908
[Email](#)

ASSOCIATED SERVICES

- [Labor & Employment](#)
- [Wage & Hour Law](#)

Manufacturing – this industry covers businesses involved in the production of tangible goods for use from raw or prepared materials;

- **Food Service & Restaurants** – this industry includes businesses licensed to serve food in Evanston that also have 30 locations and at least 200 employees in the aggregate, but does *not* include businesses with three (3) or fewer locations in Evanston that are owned by one employer and are operating under a franchise agreement;
- **Retail** – this industry covers businesses that sell to end users tangible products that are primarily for personal, household or family purposes, such as appliances, clothes, electronics, groceries and household items; and
- **Warehouse Services** – this industry includes businesses that store goods, ware or commodities for hire or compensation, which may include the loading, packing, sorting, stacking, wrapping, distribution and delivery of those goods.

An **employer** in one of these industries is covered under the ordinance if it: (A) employs or exercises control over 15 or more employees; or (B) is a franchisee with fewer than 100 employees but who is associated with a franchisor or a network of franchises with franchisees with more than 30 locations globally. All non-exempt employees who work at least two hours in a given week in Evanston for an employer covered by the ordinance are deemed “covered employees.”

General Requirements

Beginning September 1, 2023, the ordinance imposes on covered employers numerous requirements with respect to employee scheduling and notice of employee scheduling:

- **Good Faith Work Schedule Estimates for Newly Hired Employees**
Prior to or on commencement of employment, employers must provide new employees with a written, good faith estimate of the employee’s work schedule for the first 90 days of employment, including good faith estimates of average weekly hours, days, and shifts (including on-call shifts). Employees may ask the employer to modify the projected days and hours, and employers must consider such requests. However, employers have the discretion to accept or reject the employee’s request, but the employer must respond in writing with its determination within three (3) days of the request.
- **Work Schedule Posting and Changes**
Covered employers must publish in writing (either in a conspicuous location or using usual methods of communication, or both) the work schedules for employees at least 14 days before the first day of any

new work schedule the week, with the posted written schedule identifying the shift and on-call status of all covered employees at the worksite. Upon written request, the employer must transmit the schedule to an employee electronically. An employer may change a work schedule after it is posted or transmitted but before the 14-day deadline without incurring a penalty.

- **Compensation for Shift Changes**

Employers must compensate employees by paying “predictability pay” (as discussed below) for alterations to work schedules within the 14-day posting deadline.

- **Assigning Additional Shifts**

Employers must offer additional hours to existing, qualified, part-time employees (those who are normally scheduled to work less than 35 hours in a workweek), and if such additional shifts are not accepted, before filling additional shifts with new hires (including temporary employees or contractors). However, employers are not required to offer existing employees additional shifts if such additional shifts would result in employees working more than 35 hours per week. When a shift is made available by an employer, employees will have 72 hours to accept the shift after which time the employer can hire new employees. If the expected duration of the available shift is less than two (2) weeks, then employees have 24 hours to accept the additional hours.

- Various notice and record-keeping requirements (as discussed below).

Employee Rights

Covered employees enjoy a number of rights under the ordinance pertaining to their work schedules:

- Employees have a right to decline previously unscheduled hours added to their schedule within 14 days of the first day of a new schedule (employees do not have the right to decline such changes if the change is due to certain events outside the control of the employer, such as utility outages, acts of nature, threats to public safety or strikes);
- “Predictability pay” (as defined below) for certain changes made to an employee’s schedule;
- Employees have a “right to rest,” meaning they can decline additional hours that are less than 11 hours after the end of the previous day’s shift; and
- Employees have the right to request a modified work schedule, such as changes in days or times of work, total work hours, job-sharing or status as full- or part-time. While the ordinance is silent on whether

employers must accept these requests, employers may not retaliate against employees for making such requests.

Predictability Pay for Schedule Changes

If an employer changes a covered employee's work schedule after the ordinance's posting deadline, but more than 24 hours before the commencement of the changed shift, the employer must pay the employee one (1) hour of "predictability pay" at the employee's regular rate of pay for each shift that is modified (*i.e.*, adding hours, reducing hours or changing the date or time of the shift, even if there is no loss of hours).

If an employer modifies an employee's scheduled with less than 24 hours' notice, the employee is entitled to: (A) four (4) hours of pay or the number of hours in the Employee's scheduled shift, whichever is less, when hours are cancelled or reduced; or (B) one (1) hour of predictability pay for all other changes. 50 percent of the employee's customary rate of pay for the canceled or reduced hours. Additionally, if an employee works a shift that begins less than 11 hours after the end of the previous days shift (*i.e.*, the employee does not invoke the "right to rest") the employer must pay the employee 1.5 times the employee's regular rate of pay for the time the employee works within the 11-hour rest window.

Employers do not need to pay predictability pay in certain situations ("exemption events") including:

- When the schedule change is due to certain events outside the control of the employer, such as utility outages, acts of nature, threats to public safety or strikes;
- When covered employees mutually agree to trade or cover shifts;
- When an employee requests a shift change, which is confirmed in writing, including for the use of sick leave, vacation leave or other policies offered by the employer;
- When the employee self-schedules (e.g., non-exempt supervisor); or
- When the employer subtracts hours for disciplinary reasons for just cause, provided the employer documents in writing the incident leading to the discipline.

However, if there is a work schedule change requiring an employee to work additional hours for an exemption event, within 72 hours of the schedule change, the employer must provide written notice to the

employee of the schedule change detailing the reason for the schedule change and why the employer believes the employee is deemed essential to the continued operations of the employer. Further, the employer must pay such employee a \$2-per-hour hazard pay premium for the duration of the exemption event.

Effect on Employees with Collective Bargaining Agreements

The ordinance does not interfere with, impede or diminish the rights of employees with collective bargaining agreements (CBAs) to bargain with employers to establish wages or other work conditions in excess of the standards in the ordinance. Further, the ordinance's requirements may be waived in a CBA, but only if the waiver is explicit and set forth in clear and unambiguous terms.

Notice, Posting and Record-Keeping Requirements

Employers must post in a conspicuous location at each worksite in Evanston a notice, which will be prepared by the City Manager, advising employees of their rights under the ordinance. Additionally, employers must provide employees a copy of the notice with the employee's first paycheck.

The ordinance mandates that employers keep for at least three (3) years, or for the duration of any claim, civil action or investigation, a record of each covered employee's name, hours worked, pay rate and records necessary to demonstrate compliance with the ordinance. This includes good faith estimates of work schedules, initial posted schedules, all changes to initial schedules, consent by employees to work hours and documentation of offers to existing employees to work additional hours and responses to such offers.

Enforcement and Remedies

Employers who violate the ordinance are subject to fines of \$300 to \$500 for each violation, and each day that a violation occurs is deemed a separate violation. Employers that retaliate against covered employees for exercising their rights under the ordinance will be subject to a \$1,000 civil fine plus any compensatory damages suffered by the employee if the employee prevails after bringing a private right of action.

The City of Evanston is responsible for enforcing and administering the ordinance. In addition, aggrieved individuals may file a claim in court within two (2) years of the alleged violation. If successful, the aggrieved individual may recover an award of lost compensation, payment of predictability pay and costs and attorneys' fees.

How Employers Should Prepare

Although the ordinance does not go into effect until September 1, 2023, employers in the covered industries with locations in Evanston should determine whether they are considered a covered employer. If an employer is covered by the ordinance, it should take steps now to evaluate current scheduling practices and make necessary changes to ensure compliance with the ordinance before it goes into effect. Employers should also identify covered employees so they are aware of which employees will need advance notice of work schedules. Finally, employers should consult with counsel to update handbooks and scheduling policies to ensure such policies are not inconsistent with the ordinance.

For more information about this alert, please contact Glenn S. Grindlinger at 212.905.2305 or ggrindlinger@foxrothschild.com or Colin D. Dougherty at 610.397.3908 or cdougherty@foxrothschild.com any other member of Fox Rothschild's Labor & Employment Department.

[SUBSCRIBE](#) [CONTACT US](#) [TERMS OF USE](#) [PRIVACY NOTICE](#) [ACCESSIBILITY](#) [TRANSPARENCY IN COVERAGE](#) [PAYMENT PORTAL](#) [COOKIE PREFERENCES](#)

© 2023 All content of this web site is the property and copyright of Fox Rothschild LLP and may not be reproduced in any format without prior express permission. Contact marketing@foxrothschild.com for more information or to seek permission to reproduce content.
Attorney Advertising. Website by Great Jakes

JOIN US!

Interested in connecting to additional resources from the Mayors Innovation Project? Learn more about the benefits of membership today.

Visit us at mayorsinnovation.org



mayors
innovation
project

7122 Sewell Social Sciences Building | 1180 Observatory Dr | Madison, WI 53706

608.890.0730 | mayorsinnovation.org