

## FW: Public comment for City Council June 18, item 2.39: Responsible Construction Ordinance

City Clerk <city.clerk@sanjoseca.gov>

Wed 6/12/2024 7:46 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (248 KB)

Responsible Construction Ordinance letter.pdf;

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**From:** Louise Auerhahn [REDACTED]

**Sent:** Tuesday, June 11, 2024 8:30 PM

**To:** District1 <district1@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Torres, Omar <Omar.Torres@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Ortiz, Peter <Peter.Ortiz@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; Loesch, Matthew <Matt.Loesch@sanjoseca.gov>; Hickey, Christopher <Christopher.Hickey@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>

**Subject:** Public comment for City Council June 18, item 2.39: Responsible Construction Ordinance

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Honorable Mayor and City Councilmembers,

Attached please see a joint letter from the South Bay Labor Council, the Santa Clara Building Trades Council, the Wage Theft Coalition, and Working Partnerships USA regarding the Responsible Construction Ordinance. Thank you for the opportunity to provide comment on this matter.

Sincerely,

Louise Auerhahn  
Director of Economic & Workforce Policy  
Working Partnerships USA  
[www.wpusa.org](http://www.wpusa.org)

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San Jose City Council  
200 E. Santa Clara St.  
San Jose, CA 95110

June 11, 2024

**Re: June 18, 2024, City Council meeting, Item 2.39, “Amendment to Title 24 of the San José Municipal Code to Regulate Responsible Private Construction”**

Honorable Mayor and City Council,

On behalf of the South Bay Labor Council, the Santa Clara Building and Construction Trades Council, the Santa Clara County Wage Theft Coalition, and Working Partnerships USA, we urge the City Council to protect workers and responsible businesses in San Jose by voting to enact the Responsible Construction Ordinance.

Wage theft in construction is an alarmingly widespread crime in San José, and this crime is disproportionately directed against vulnerable BIPOC workers. Wage theft targeting workers of color and immigrants is a major source of pay inequity: Latino construction workers in San Jose bring home 38% less pay than white construction workers.

Workers who try to speak out are often re-victimized by retaliation from their boss. People have been fired or even deported for standing up for their rights and the needs of their families.

Even when workers overcome these odds to speak up and go through the whole intimidating process to report wage theft, file a claim, get a hearing, and receive a ruling finding their employer guilty of wage theft, most workers who win their cases still don't get paid. A new audit of the State Labor Commissioner's Office found that it takes an average of 890 days just to issue a judgment on a wage theft claim – meaning workers whose wages have been stolen are waiting over 2 years for their day in court. Even after the judgement is made, the State audit found that the Labor Commissioner's enforcement unit only collected the entire amount owed 12% of the time.<sup>1</sup>

These same workers are often also subjected to dangerous and illegal conditions on the jobsite. Construction has one of the highest fatality rates of any job in the United States, nearly four times as high as for all workers.<sup>2</sup> The reason is obvious: the same bad actors who willingly violate a court order to pay back wages are very likely to also violate health and safety requirements or otherwise exploit their workforce.

<sup>1</sup> <https://calmatters.org/california-divide/2024/05/california-wage-theft-audit-labor-commissioner/>

<sup>2</sup> 2022 Census of Fatal Occupational Injuries, <https://www.bls.gov/iif/fatal-injuries-tables.htm>

Allowing contractors convicted of wage theft to avoid any consequences also harms the majority of law-abiding business owners, including many local contractors who are trying to play by the rules and treat their workers fairly. By instead prioritizing the exploitative business models of a handful of low-road builders and developers, not only is San Jose harming workers and their families, it is actively contributing to workforce shortages. With more than eight years of being known as the center of construction wage theft and low-road jobs, San Jose has actively discouraged investment in growing a skilled construction workforce. As this drives up costs for companies that do not practice wage theft, responsible developers and contractors have less and less incentive to take on projects in San Jose.

In response to the impacts of construction wage theft on our residents, communities and local businesses, on January 30, 2019 the San Jose Rules and Open Government Committee voted to move forward a Responsible Construction Ordinance that would apply to private construction. Although it is disturbing that delay tactics by a handful of corporate lobbyists have kept Council from acting on its goals for five years, we are gratified that a Responsible Construction ordinance is finally coming before you for approval.

While the ordinance before you on June 18<sup>th</sup> is narrower than the original, we believe it is still a critical tool that will empower local workers to stand up for their rights. We urge you to approve the Responsible Construction Ordinance and move forward with speedy implementation.

Sincerely,

Jean Cohen  
South Bay Labor Council

David Bini  
Santa Clara & San Benito Building and Construction Trades Council

Ruth Silver Taube  
Santa Clara County Wage Theft Coalition

Louise Auerhahn  
Working Partnerships USA

## FW: Wage Theft

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 7:56 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (824 KB)

Scan2024-06-16\_033244.pdf;

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**From:** Richard Konda [REDACTED]

**Sent:** Sunday, June 16, 2024 9:30 AM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Wage Theft

**Importance:** High

[External Email]

Dear Mayor and members of the City Council:

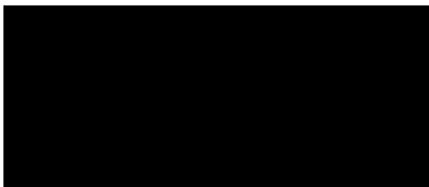
Please see the attached letter.

Sincerely,

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**Richard Konda (he/him/his)**

Executive Director



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**ASIAN LAW ALLIANCE**

991 West Hedding Street Suite 202 San Jose, California 95126

Tel ( 408 ) 287-9710

Fax ( 408 ) 287-0864

To: Mayor and City Council

SUBJECT: Re: Public comment for City Council June 18, Item 2.39: Responsible Construction Ordinance

Dear Mayor Mahan and Esteemed City Councilmembers,

On behalf of Asian Law Alliance, I want to commend the San Jose City Council for progressing with the Responsible Construction Ordinance, a pivotal step in reducing wage theft in our city. I strongly urge you to approve the proposed ordinance on June 18th.

Our mission at Asian Law Alliance aligns with the goals of creating a fair and just community. Wage theft, an all-too-common crime committed disproportionately against low-wage workers, immigrants, women, and people of color, demands our attention and intervention.

In San Jose's construction sector, wage theft targeting workers of color is a major source of pay inequity that affects not just the worker themselves, but their family and their entire community. Millions of dollars are being stolen from our families who have members working in construction. Workers who are victimized by wage theft have few resources to collect what they are owed, unless they can afford a high-priced attorney. By providing under-represented workers with a new tool to defend their rights, the proposed ordinance is a crucial step in addressing this issue, paving the way for a future where all workers in San Jose are empowered to protect themselves and each other.

The Responsible Construction Ordinance represents a transformative approach to revitalizing our city, fostering partnerships with contractors and developers committed to fair labor practices. It is an opportunity to create a socially and economically equitable and vibrant community, aligning with the values we hold dear.

Thank you for your attention to this crucial matter. We urge you to finalize the process by enacting the Responsible Construction Ordinance on June 18th.

Sincerely,

Richard Konda, Executive Director

## FW: Support for Item 2.39 - responsible construction ordinance

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 10:38 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (233 KB)

240617 RCO Support.pdf;

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**From:** Huy Tran <[REDACTED]>

**Sent:** Monday, June 17, 2024 10:12 AM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Support for Item 2.39 - responsible construction ordinance

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Please see attached.



**HUY TRAN**

*Executive Director*

[REDACTED]

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June 17, 2024

**Re: Public Comment for City Council – June 18, Item 2.39: Responsible Construction Ordinance**

Dear Mayor Mahan and Esteemed City Councilmembers,

On behalf of Services, Immigrant Rights and Education Network (SIREN), I want to commend the San Jose City Council for progressing with the Responsible Construction Ordinance, a pivotal step in reducing wage theft in our city. I strongly urge you to approve the proposed ordinance on June 18th.

Our mission at SIREN aligns with the goals of creating a fair and just community. Wage theft, an all-too-common crime committed disproportionately against low-wage workers, immigrants, women, and people of color, demands our attention and intervention.

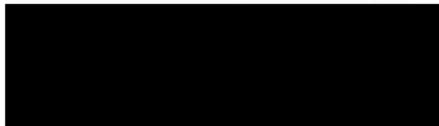
In San Jose's construction sector, wage theft targeting immigrant workers and workers of color is a major source of pay inequity that affects not just the worker themselves, but their family and their entire community. Millions of dollars are being stolen from our families who have members working in construction. Workers who are victimized by wage theft have few resources to collect what they are owed, unless they can afford a high-priced attorney. By providing under-represented workers with a new tool to defend their rights, the proposed ordinance is a crucial step in addressing this issue, paving the way for a future where all workers in San Jose are empowered to protect themselves and each other.

The Responsible Construction Ordinance represents a transformative approach to revitalizing our city, fostering partnerships with contractors and developers committed to fair labor practices. It is an opportunity to create a socially and economically equitable and vibrant community, aligning with the values we hold dear.

Thank you for your attention to this crucial matter. We urge you to finalize the process by enacting the Responsible Construction Ordinance on June 18th.

Warm Regards,

Huy Tran  
Executive Director  
Services, Immigrant Ri



A handwritten signature in blue ink is visible below the redaction box.

**Bay Area Office**  
1769 Park Avenue, Suite 200  
San Jose, CA 95126  
Phone: (408) 453-3003  
Email: [info@sirenimigrantrights.org](mailto:info@sirenimigrantrights.org)  
Web: [www.sirenimigrantrights.org](http://www.sirenimigrantrights.org)

**Central Valley Office**  
2904 N. Blackstone, Suite 202  
Fresno, CA 93703  
Phone: (559) 840-0005  
Email: [centralvalley@sirenimigrantrights.org](mailto:centralvalley@sirenimigrantrights.org)  
Web: [www.sirenimigrantrights.org](http://www.sirenimigrantrights.org)

**FW: SUBJECT: Re: Public comment for City Council June 18, Item 2.39: Responsible Construction Ordinance**

City Clerk <city.clerk@sanjoseca.gov>

Mon 6/17/2024 12:39 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (84 KB)

June 18, Item 2.39\_ Responsible Construction Ordinance .pdf;

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**From:** Jethroe Moore [REDACTED]

**Sent:** Monday, June 17, 2024 11:59 AM

**To:** The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>

**Cc:** Ruth Silver Taube <[REDACTED]>

Sean Allen <[REDACTED]>

[REDACTED] William Armaline <[REDACTED]>

Raj Jayadev <[REDACTED]>

Lasha Heard <[REDACTED]>

[REDACTED]; Rose Lynn <[REDACTED]>

[REDACTED]; James Staten <[REDACTED]>

Elizabeth Kamya <[REDACTED]>

Kaloma Smith <[REDACTED]>

Mulugeta Habtegabriel <[REDACTED]>

[REDACTED] Uche Ogamba <[REDACTED]>

[REDACTED] sharon jackson <[REDACTED]>

[REDACTED]; Rick Callender <[REDACTED]>

[REDACTED]; Mya James <[REDACTED]>

[REDACTED] Connie Newman <[REDACTED]>

[REDACTED]; Sarah Wright <[REDACTED]>

[REDACTED]; Eugene Bradley <[REDACTED]>

[REDACTED]; Hellen Sims <[REDACTED]>

[REDACTED]; Letresa Perkins <[REDACTED]>

[REDACTED]; Anna Griffin <[REDACTED]>

[REDACTED]; Carmen Brammer <[REDACTED]>

[REDACTED] Ray <[REDACTED]>

[REDACTED]; Richard Konda <[REDACTED]>

[REDACTED]; Walter Wilson <[REDACTED]>

[REDACTED]; Carlos Rosario <[REDACTED]>

**Subject:** SUBJECT: Re: Public comment for City Council June 18, Item 2.39: Responsible Construction Ordinance

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June 16, 2024

**SUBJECT: Re: Public comment for City Council June 18, Item 2.39: Responsible Construction Ordinance**

Dear Mayor Mahan and Esteemed City Councilmembers,

I write to you on behalf of the San Jose Silicon Valley NAACP branch to express our strong support for the Responsible Construction Ordinance that you will be considering on June 18th. This ordinance is a crucial step towards combating wage theft in our city, a harmful practice that disproportionately affects low-wage workers, immigrants, women, and people of color.

As an organization dedicated to promoting equity, civil rights, and social inclusion for Black people and all persons of color, we recognize the urgent need to address the issue of wage theft in San Jose's construction sector. This illegal practice not only robs workers of their hard-earned wages but also perpetuates pay inequity and harms families and communities.

It is essential that we take proactive measures to protect underrepresented workers and ensure that they have the tools and resources to defend their rights. The Responsible Construction Ordinance presents an opportunity to hold accountable those who engage in wage theft and provide much-needed support to those affected by this injustice.

We urge you to approve this ordinance and send a clear message that San Jose is committed to upholding fair labor practices and protecting the rights of all workers. By taking action on this issue, we can create a more just and equitable community for everyone.

Thank you for your attention to this important matter.

Sincerely,

Rev. Jethroe Moore II  
San Jose Silicon Valley NAACP Branch

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June 16, 2024

SUBJECT: Re: Public comment for City Council June 18, Item 2.39: Responsible Construction Ordinance

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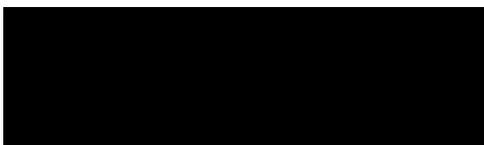
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It is essential that we take proactive measures to protect underrepresented workers and ensure that they have the tools and resources to defend their rights. The Responsible Construction Ordinance presents an opportunity to hold accountable those who engage in wage theft and provide much-needed support to those affected by this injustice.

We urge you to approve this ordinance and send a clear message that San Jose is committed to upholding fair labor practices and protecting the rights of all workers. By taking action on this issue, we can create a more just and equitable community for everyone.

Thank you for your attention to this important matter.

Sincerely,





Rev. Jethroe Moore II  
President  
San Jose Silicon Valley NAACP