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California State Senate

SENATOR
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FIFTEENTH SENATE DISTRICT

CHAIR
LABOR, PUBLIC EMPLOYMENT
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COMMITTEES
EDUCATION
HOUSING
TRANSPORTATION

January 19, 2024



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

Honorable Mayor Mahan and City Councilmembers:

As the State Senator representing California's 15th Senate District, and as current Chair of the Senate Labor Committee, protecting and empowering working people in California has long been an economic priority and moral imperative driving my work. I commend the San Jose City Council for moving forward with an innovative Responsible Construction Ordinance that will strengthen enforcement for victims of wage theft, and urge you to enact the proposed ordinance as recommended in the Jan. 18, 2024 memo submitted by Councilmembers Davis, Jimenez, Torres, Ortiz, and Foley.

In my current position, I am committed to using the authority entrusted to me to create high quality jobs for all California, support California's workers and small businesses, and to protect workers from abuse and exploitation in the form of wage theft, misclassification, discrimination, harassment, retaliation or labor trafficking. Partnering with local jurisdictions like San Jose is critical to the success of this work. One in six California construction workers has been a victim of wage theft. Latino and Asian immigrants are especially likely to be affected, and often face threats of retaliation if they speak out.

Currently, the State has very limited tools available to enforce the wage theft judgments it issues. Even when victims of wage theft report the crime, file a claim, get a hearing, and win a ruling finding their employer guilty and ordering the employer to pay, the majority of victims are never able to collect their lost wages. By requiring companies with outstanding unpaid final wage theft judgments -- that is, companies who are currently in violation of State law -- to pay the judgment owed before they are awarded a Certificate of Occupancy, the City's proposed ordinance empowers victims of wage theft to be made whole in partnership with the City.

Further, by notifying development applicants of the requirements at the beginning of the application process, it ensures that projects will not be delayed, as the applicant will be aware from the beginning that they are required to ensure any previously existing unpaid wage theft judgments are paid before project completion.

I commend the Mayor and City Council for voting last month to support this important concept. I urge you now to complete the process by enacting the Responsible Construction ordinance, without delay.

Sincerely,

Senator Dave Cortese
California State Senator, 15th District

Cc: city.clerk@sanjoseca.gov