File #: Ord 25-54, **Version:** 1

Amending Chapter 11 of the Administrative Code to update the responsibilities of the Department of Human Rights and Equal Economic Opportunity.

SECTION 1

WHEREAS, Ordinance 24-27 added Chapter 224A, Wage Theft ("Chapter 224A"), to Title XXIII of the Saint Paul Legislative Code to eliminate and prevent the theft of wages earned by persons working within the geographic boundaries of the City of Saint Paul; and

WHEREAS, Section 11 of Chapter 224A authorizes the Department of Human Rights and Equal Economic Opportunity (the "Department") to implement, administer, and enforce Chapter 224A; and

WHEREAS, Chapter 11 of the Saint Paul Administrative Code ("Chapter 11") enumerates the general responsibilities of the Department and must be updated to include the Department's responsibilities under Chapter 224A; and

WHEREAS, Ordinance 23-2 amended Chapter 233 of the Saint Paul Legislative Code ("Chapter 233"), to change the administrative appeals process for violations of Chapter 233; and

WHEREAS, the City of Saint Paul wishes to update Chapter 11 to incorporate the changes made to Chapter 233; and now, therefore, be it

RESOLVED, the City of Saint Paul does hereby ordain:

SECTION 2

Section 11.02 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 11.02. General responsibilities enumerated.

(a) *Functions.* The department's functions include:

(1) Contract analysis and procurement;

(2) Capacity building and workforce development;

(3) Contract monitoring, investigation and enforcement;

(4) Administration and enforcement of Saint Paul Legislative Code Chapter ~~233~~224, Chapter 224A, and Chapter 233;

(5) Administration and enforcement of such other ordinances the City Council may enact that delegate responsibility to the department;

(6) Human rights enforcement and outreach.

(b) *HRA.* The Housing and Redevelopment Authority (HRA) has duties and responsibilities that are also

assigned to the department. The department shall oversee the activities of the HRA to the extent that the HRA's activities overlap with the duties of the department.

(c) *Responsibilities.* The department shall be responsible for ensuring city compliance with, and where necessary, assume the duties and responsibilities for all of the city's affirmative action compliance and hiring on construction sites, vendor outreach program, fair labor standards, prevailing wage, living wage and business subsidy, and other areas of capacity building and workforce development. The department shall also be responsible for the enforcement of regulatory ordinances where the council has given the department such authority.

The department's duties and responsibilities include but are not limited to those under federal law or federal programs governing contracts or the use of federal funds such as the Davis-Bacon acts, the Community Development Block Grant, Home Investment Partnerships Program, and section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. § 1701u]; Saint Paul Legislative Code Chapter 183 and 185; Saint Paul Administrative Code Chapters 82, 83, 84, 85, and 98; Business Subsidy Program, and Apprenticeship Opportunities Pilot Program.

(d) *Staffing for human rights and equal economic opportunity commission.* The department shall be responsible for providing staff support for the human rights and equal economic opportunity commission.

(e) *Investigation and training.* The director shall ensure that the department's personnel are adequately trained and experienced to carry out the department's duties and responsibilities.

SECTION 3

Section 11.03 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 11.03. Division of labor standards enforcement and education.

Within the department of human rights and equal economic opportunity, there will be a division of labor standards enforcement and education ("division"). The division has the authority to carry out the following duties:

(a) *Administration.* Administer chapters 224, 224A and 233 of the Saint Paul Legislative Code.

(b) *Communication and marketing.* Create a comprehensive communications and marketing plan to reach all businesses including small, woman-owned and minority-owned businesses, that includes:

i. An onboarding toolkit with resources for businesses, such as: templates and samples for record/data keeping; rules governing wage theft, minimum wage and earned sick and safe time investigations; and checklists for business compliance; and

ii. An online portal that provides employers and employees information on labor standards, onboarding materials, resources, and online report and complaint submission;

(c) *Community outreach*. Collaborate with community-based organizations to assist with outreach and education:

1. Identify priority industries where violations are most likely to occur and develop strategic outreach, education, communication and partnerships.

2. Provide labor standards materials translated into the top languages spoken in the city according to the Limited English Proficiency (LEP) guidelines set forth by the federal

government and the city's LEP Plan. The translated materials will include, but not be limited to:

i. ~~"Know your rights"~~Notice posters for display at places of employment in the city;

ii. Applicable minimum wage rates by business size and effective date;

iii. The onboarding toolkit; and

iv. The online labor standards portal.

3. In cooperation with other city departments, actively explore city-wide opportunities and resources to help small businesses reduce costs, increase revenue, and optimize business operation to make it easier for businesses to operate within the City of Saint Paul.

(d) *Complaints.* The department will resolve complaints efficiently and will only reveal complainant information as required by law:

1. *Third party complaints*. The department may investigate complaints made by a third party on behalf of an individual alleged to have been denied rights under Saint Paul Legislative Code chapters 224, 224A or 233, even where the employee's identity is unknown to the department.

2. *Referrals.* Engage federal, state, local government agencies, non-governmental agencies, and relevant private entities to develop a complaint referral system alleging violations of Saint Paul Legislative Code chapters 224, 224A and 233.

(e) *Budget proposals*. Create an equitable budget proposal for submission to the mayor as required under section 56.01 of the Administrative Code including plans for:

1. Staffing for the number of full-time employees necessary to complete the education, outreach, and enforcement responsibilities of the division;

2. The cost of education and outreach, including contracting with stakeholders as appropriate;

3. The cost for enforcement and operations; and

4. The cost for technical support

(f) *Annual labor standards report.* In conjunction with other city departments, the division will annually report to the city council regarding this section. The report must include, but not be limited to, information on the following:

1. The implementation and enforcement of this section, including the number and nature of violations, details regarding specific violations, industries and occupations with the highest rates of violations, the penalties assessed in the twelve (12) months prior to the report, and number of cases that are open and closed.

~~2. Beginning in 2021, the report should include an update regarding the economic and market impacts of chapter 224 and 233 on the local economy and workers, including jobs data, earnings, poverty rates, and rates of business openings and closings; and~~

~~3.~~2. Recommendations for possible improvements to this section.

SECTION 4

Section 11.04 of the Saint Paul Administrative Code is hereby amended to read as follows:

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Sec. 11.04. Labor standards advisory committee.

There is hereby established a labor standards advisory committee. The mayor shall appoint the members of the labor standards advisory committee with the advice and consent of council. The committee will have sixteen (16) members representing Saint Paul employees, employers, and community representatives such as labor unions, trade associations, general business organizations, governmental agencies, and community organizations dedicated to labor standards advocacy. To provide for staggered appointments, the terms of the committee will be as follows: eight (8) members shall serve an initial term of two (2) years, and eight (8) members shall serve an initial term of three (3) years. After the expiration of the initial terms, all members shall serve two (2) year terms. No person may serve more than three (3) terms. Policies and procedures related to committee openings, appointments, membership, meetings, records and costs will be administered pursuant to Saint Paul Administrative Code Appendix 14. The labor standards division will assign department personnel to staff the committee. The charge of the committee will include the following:

1. Advise and support labor standards division in the development and implementation of policies, procedures, and rules related to Saint Paul Legislative Code chapter ~~233 (earned sick and safe time ordinance),~~ and224 (minimum wage), Saint Paul Legislative Code chapter ~~224 (minimum wage ordinance~~224A (wage theft), and Saint Paul Legislative Code chapter 233 (earned sick and safe time);

2. Assess division policies and initiatives related to chapters ~~233~~224, 224A, and ~~224~~233, on an ongoing basis to provide feedback on success and opportunities for improvement;

3. Recommend to the division actions it can take to improve community outreach and education efforts;

4. Assist the division with establishing new, and strengthening existing community partnerships;

5. Engage business owners, workers, and community stakeholders to gather feedback and recommendations related to current and future labor standards practices, industry-specific working conditions, and the safety and health of workers to provide to the division and to the mayor for consideration; and

6. Elect its own officers and make its own rules for the conduct of its business.

SECTION 5

Section 11.05 of the Saint Paul Administrative Code is hereby amended to read as follows:

Sec. 11.05. Human rights and equal economic opportunity commission.

In addition to the duties and obligations of the HREEO commission pursuant to chapter 183 of the Saint Paul Legislative Code, the commission shall have the following powers:

(1) Receive complaints, conduct hearings and make findings in matters related to the responsibilities of the department;

~~(2) Receive and hear administrative appeals related to chapter 233 of the Saint Paul Legislative Code;~~

(~~3~~2) Uphold, or overturn civil penalties related to the enforcement responsibilities of the department;

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(43) Advise the human rights and equal economic opportunity director on policies of the department;

(~~5~~4) Make such recommendations as in its judgment will effectuate the policy set forth in this chapter.

SECTION 6

This ordinance shall take effect and be in force thirty (30) days following its passage, approval and publication.