



## Legislation Text

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**File #:** Ord 19-52, **Version:** 1

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Amending Chapter 11 of the Administrative Code to create the Division of Labor Standards Enforcement and Education within the Department of Human Rights and Equal Economic Opportunity.

WHEREAS, Saint Paul Administrative Code Chapter 11 creates the Department of Human Rights and Equal Economic Opportunity ("Department") and outlines the duties of the Department; and

WHEREAS, Saint Paul Administrative Code Chapter 11.02 requires the Department administer and enforce Saint Paul Legislative Code Chapter 233, which regulates Earned Sick and Safe time in St. Paul; and

WHEREAS, Saint Paul Legislative Code Chapter 224, established a City Minimum Wage, and assigned enforcement responsibilities of that Chapter to the Department; and

WHEREAS, Saint Paul Legislative Code Chapters 224 and 233 share common goals and it is the goal of the Council that the City use sufficient and consistent administrative and enforcement tools for both ordinances that are not enumerated in the Administrative Code; and

WHEREAS, the Council wants to dedicate greater resources to the outreach and education of the community to assist in the implementation and execution of the responsibilities under each ordinance; and

WHEREAS, the Council wants to highlight the importance of budgetary commitment to the education and enforcement of Chapters 224 and 233 of the Saint Paul Legislative Code; and

WHEREAS, the Council wishes to create a separate "labor standards" division within the Department that will combine and expand the Department's responsibilities, and focus solely on the administration, enforcement and education of Chapters 224 and 233 of the Legislative Code; and

WHEREAS, the Council wishes to create a Labor Standards Advisory Committee to advise and support the Department in outreach and education of Labor Standards policies, strengthen community partnerships, and gather feedback and recommendations related to labor standards practices; now, therefore, be it

RESOLVED that the Council of the City of Saint Paul does hereby ordain:

### SECTION 1

Saint Paul Administrative Code section 11.03 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 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 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" 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;
    - 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 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 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 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. Recommendations for possible improvements to this section.

Sec. 11.03. -- 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) Uphold, or overturn civil penalties related to the enforcement responsibilities of the Department; (4) Advise the human rights and equal economic opportunity director on policies of the department; (5) Make such recommendations as in its judgment will effectuate the policy set forth in this chapter.~~

## SECTION 2

Saint Paul Administrative Code section 11.04 is hereby amended to read as follows:

### 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), and Saint Paul Legislative Code Chapter 224 (Minimum Wage ordinance);
2. Assess Division policies and initiatives related to Chapters 233 and 224 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.

~~Sec. 11.04. - Reference to former departments.~~

~~Any documents containing the name of the department of human rights or the division of contract and analysis services or the minority business development and retention program shall be read to refer to the department of human rights and equal economic opportunity. Any document containing the name of the human rights commission shall be read to refer to the human rights and equal economic opportunity commission.~~

### SECTION 3

Section 11.05 of the Saint Paul Administrative Code is hereby created 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) Uphold, or overturn civil penalties related to the enforcement responsibilities of the Department; (4) Advise the human rights and equal economic opportunity director on policies of the department; (5) Make such recommendations as in its judgment will effectuate the policy set forth in this chapter.

### SECTION 4

Section 11.06 of the Saint Paul Administrative code is hereby created to read as follows:

Sec. 11.06. - Reference to former departments.

Any documents containing the name of the department of human rights or the division of contract and analysis services or the minority business development and retention program shall be read to refer to the department of human rights and equal economic opportunity. Any document containing the name of the human rights commission shall be read to refer to the human rights and equal economic opportunity commission.

### Section 5

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