

Finding A Better Contractor

How Municipalities in the San Gabriel Valley
Can Protect Themselves & Help Prevent Wage Theft
Through the Contracting Process

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EXECUTIVE SUMMARY

Wage theft is a pervasive problem in Los Angeles County. Yet most Southern California local governments have no process for determining whether contractors have a history of violating worker protections. Some government contractors have received judgments for unpaid wages and failed to satisfy their legal obligations. Due to a lack of meaningful checks, these wage thieves can continue to profit from public contracts and are even rewarded with new opportunities from unsuspecting city governments.

This white paper provides an overview of the problem and recommends best practices for local municipalities. Use of these practices can help protect municipal governments from being fined for employing unscrupulous contractors, being subpoenaed in court for cases against these contractors, and from unwittingly enabling wage theft.

The Wage Justice Center has documented many incidents in which local governments have unintentionally contracted with wage thieves and, as a result, undermined the rights of workers in the community and harmed low-income residents. In one case, a contractor convicted of multiple incidents of wage theft had ongoing contracts with more than one city in Los Angeles County's San Gabriel Valley, despite owing tens of thousands of dollars in stolen wages.

Contracting with wage thieves is not simply a moral dilemma. It also creates unnecessary risks for cities, as local governments can be drawn into employment litigation as non-party witnesses. The need for greater oversight also aligns with a new legal imperative. Under the Property Service Workers Protection Act, janitorial service employers must register with the California Labor Commissioner. Any entity that contracts for janitorial services with an unregistered employer is subject to thousands of dollars of civil fines. Finally, contracting with wage thieves creates an unequal playing field for employers. Law-abiding employers are often outbid because their labor costs reflect the actual cost of wages.

Local governments can adopt a simple policy to avoid unintentionally contracting with an employer who violates worker protections. The Wage Justice Center recommends that local governments implement a policy with the following components:

- 1) Require contractors and contract applicants to disclose any history of wage theft during the application process, during the life of the contract, and prior to contract renewal.
- 2) Include application criteria that prohibit hiring wage thieves with unpaid judgments.
- 3) Provide for contract suspension or termination if evidence of wage theft arises and the contractor fails to remedy the problem.

- 4) Perform public records searches to validate contractors self-report.
- 5) Train staff that work on the RFP (Request for Proposal) process to understand potential indications of wage theft.

These suggested policies do not require substantive changes to the independent contractor relationship. The costs are low, but the benefits—including reduced wage theft, higher incomes, and reduced government risk—are significant. Proposed policy language is provided in the Appendix.

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INTRODUCTION

Local governments contract with private entities for janitorial, construction, and other essential services. In 2008, governments contracted for approximately 20% of services in over 1,000 U.S. cities, typically through a bidding process.¹ The bidding process can create healthy competition and allow cities to select the most cost-effective and capable contractor. Governments can also design the bidding process to achieve policy goals, such as legal compliance and diversity, by stipulating additional conditions like living wage requirements, child support compliance, and preferences for small businesses or women and minority-owned enterprises.

However, without thorough review and oversight, contracting can also enable wage theft. Wage theft occurs in many forms, including but not limited to instances in which employers steal workers' wages by paying less than the hourly wage agreed to by contract, paying less than the minimum wage, or paying for fewer hours than actually worked. California is experiencing a crisis of widespread wage theft. From 2013 to 2015, 590,000 low-wage workers in experienced violations of the state's minimum wage laws each year, losing an average 24 percent of their check per week: the losses totaled almost two billion dollars.² Wage theft can have a particularly severe impact on low-income communities, like many in the San Gabriel Valley: 22.6%³ and 18%⁴ of individuals in the city of El Monte and Rosemead, respectively, live below the poverty line.

This paper describes how local governments are at risk of inadvertently contracting with unscrupulous employers who steal wages from their employees. Most local governments intend to create an "independent contractor" relationship with a private entity to limit liability. This remove between the city and the workers can allow abuses to go unnoticed. Further, governments are often under pressure to select the lowest bidder and contractors can make their bids appear particularly cost-effective by not paying their workers, keeping costs artificially low.

If local governments hope to benefit from low contractor prices without increasing their future legal liability and harming low-income workers, additional protections are necessary. This white paper identifies best practices that local governments can use to protect themselves and workers and uncover contractor abuses without altering the underlying independent contracting relationship.

Section I describes the pervasive problems of wage theft and judgment evasion. **Section II** describes the current contracting process and how governments may fail to uncover wage theft. **Section III** sets forth best practices for municipalities in the San Gabriel Valley, which form the basis for proposed policy language presented in **Section V**.

I. BACKGROUND

A. Wage Theft is a Pervasive Problem in Southern California and the San Gabriel Valley

Wage theft is the failure to pay workers the wages they are entitled to under state and federal law.⁵ It can take the form of paying less per hour than required by law or stipulated by contract, or failure to pay workers for all hours worked. Wage theft often occurs in conjunction with other violations, such as denials of meal and rest breaks. According to the U.S. Bureau of Labor Statistics, about 1.3 million workers were paid less than the federal minimum wage in 2018 alone.⁶

In 2008, researchers used a rigorous methodology to measure the scope of the problem in Los Angeles County.⁷ They surveyed workers in diverse industries, including undocumented and off-the-books workers. Of the 1,815 workers asked about their most recent work week, almost 30 percent were paid less than minimum wage, 15.5 percent had not been paid overtime, 12.5 percent worked for more hours than they were paid for, and 69.8 percent experienced meal break violations. This study confirmed what many advocates already knew: in Los Angeles County, unscrupulous employers routinely violate the rights of workers.

The San Gabriel Valley is located in Los Angeles County just south of the San Gabriel Mountains. More than half a million Asian Americans call the region home, and nearly a third of them are low-income.⁸ Cities like El Monte and Rosemead have a high proportion of low-income residents, with median household incomes of \$40,654 and \$45,510, respectively,⁹ compared to \$61,015 for Los Angeles County.¹⁰ Among workers in the San Gabriel Valley, 18% work in service-related occupations, like the janitorial and restaurant industries.¹¹ Pasadena has more restaurants per capita than New York City.¹² These industries do not pay well: the average weekly pay in 2016 for workers in full-service restaurants was \$472, limited service restaurants was \$350, snacks and bars as \$327, and cafeterias was \$477.¹³ If an employee worked for all 52 weeks in a year, their average pay would be \$24,544, \$18,200, \$17,004, and \$24,804, respectively—all of which are below or around the 2016 federal poverty guideline of \$24,300 for a family of four.¹⁴ With such low wages, any form of wage theft can have huge consequences for workers as well as their families and communities.

The Wage Justice Center has seen firsthand how workers fall prey to wage theft in a wide range of industries in the Los Angeles San Gabriel Valley, including garment, home-care, and restaurant industries.¹⁵ Janitorial and construction services are also particularly susceptible to wage theft because they include some of the most vulnerable workers¹⁶ and are commonly subcontracted, limiting the degree of accountability and oversight. Despite the prevalence of the problem, local governments have yet to adopt contracting practices that would protect workers from wage theft and protect cities from unnecessary involvement in litigation.¹⁷

B. Wage Thieves Can Evade Judgments

A worker can try to hold an employer accountable for wage theft by initiating legal proceedings with the Division of Labor Standards Enforcement (DLSE), the state agency that

enforces the California Labor Code.¹⁸ If she prevails—after what is often an arduous administrative process—she may win an Order, Decision, or Award from the DLSE hearings officer. This outcome is then entered as a court judgment. However, the process is far from over.

The battle to *enforce* that judgment is hard-fought and frequently lost. A comprehensive review of DLSE records from 2008 to 2011 found that only 3,084 of 18,683 workers, or 17 percent, who prevailed in their wage theft claims were able to recover any money.¹⁹ Almost a quarter of a billion dollars—representing 83 percent of all judgments—remained unpaid.²⁰

Enforcement often fails because business owners use judgment evasion tactics.²¹ Many business owners have corporations that shield them from individual liability. Legally, these corporations—rather than the business owners—employ the workers. When an employer receives a judgment for unpaid wages, the worker can only enforce the judgment against the individual or entity named on the judgment. Many workers who are unfamiliar with corporate laws and the nuances of fraudulent transfer litigation, name only the employer listed on their check: the corporation.²² They thus cannot collect from the individual business owner directly.

Some business owners will transfer business assets away from a corporation after it incurs liability for wage theft and move the assets to a new corporation.²³ The process, which would likely be considered a fraudulent transfer, leaves the worker with a judgment against a corporation with no assets, making the judgment worthless. The individual business owner leaves the corporation against which the judgment was entered—the original judgment debtor—essentially judgment-proof. Meanwhile, the business owner responsible for wage theft continues to operate under a new corporation where he may continue to steal wages.

This is hardly a rare occurrence. In 60 percent of cases where DLSE judgments are entered, corporate employers are cancelled, dissolved, or otherwise non-active.²⁴ Owners essentially abandon the corporations, and many of these may be instances of fraudulent transfer. Workers are thus often left with no feasible means of collection.

Causes of action that can be brought to court against the unscrupulous employer include allegations of successor liability (California Labor Code §1434) and alter ego liability (“piercing the corporate veil”). However, these remedies are complicated, intensive, and can take a very long time.²⁵ It is therefore essential that local governments be aware of both wage theft and the judgment evasion tactics that contractors may use to shield themselves from accountability and continue to operate without sanctions.

II. RISK OF UNDETECTED WAGE THEFT IN MUNICIPAL CONTRACTING

The Wage Justice Center examined contracting application materials and agreements from 15 cities in the San Gabriel Valley issued between 2010 and 2017 covering 12 services. There is substantial consistency in the application and renewal processes. Of the documents examined, none specifically asked contractors whether they had a history of labor violations.

A. Lack of Past Wage Violation Reporting in the Application Process

When local governments plan to contract for services, they usually first solicit bids from contractors through a request for proposals (RFP),²⁶ which identifies criteria for selecting a bid.²⁷ Criteria typically prioritize competitive pricing and set expectations for capabilities.²⁸ For instance, Claremont City Council's RFP for janitorial services specified criteria including cost, implementation schedule, and ability to perform services.²⁹ Other information requested typically includes the type of firm and names of officers, licensure, insurance information, and financial information.³⁰

These limited application criteria can leave ample room for an employer with a documented history of wage theft to fall through the cracks. Contracts often demand compliance with the state labor code going forward,³¹ but little is done to ensure that applicants complied with the labor code in the past. Sometimes, local governments request information about disqualification from past projects for legal non-compliance or for lawsuits arising from past projects.³² Such broadly worded inquiries can be interpreted as requiring disclosure of past labor violations. However, lacking formal criteria of evaluation regarding treatment of workers, contractors are unlikely to divulge this information.

Local governments often use contractor applications as the primary or sole source of information before selecting the successful applicant, further limiting the likelihood of identifying past labor violations in the pool of potential contractors. Some local governments require references, such as testimony from other local governments with past or ongoing contracts.³³ Yet the pervasive lack of inquiry into labor law violations in municipal subcontracting means the government officials providing references are unlikely to know about or address past wage theft. As a result, contracts are often awarded without meaningful insight into whether the applicant has ongoing wage claims or has engaged in past violations of workers' rights.

These limitations leave local governments vulnerable to unwittingly contracting with past wage thieves. Such employers may even be unintentionally favored if there are no established procedures to identify them. Local governments often reasonably select the lowest bidder for a project with the aim of ensuring good stewardship of public funds.³⁴ However, employers who do not properly pay their workers typically have lower labor costs—and thus can offer dramatically lower prices for the same services—than employers who follow the law. The Wage Justice Center reviewed bids from one applicant, a documented wage thief, and found it was consistently selected across the San Gabriel Valley because it offered significantly lower bids than its competitors.

B. Lack of Wage Violation Enforcement during Contracting and Renewal

Contracts typically include provisions regarding legal compliance, ranging from boilerplate “compliance with all laws” provisions to clauses requiring compliance with the full California Labor Code. These clauses forbid wage theft, but local governments generally lack enforcement mechanisms. An uncured default of any of the contract’s terms is typically grounds for termination. However, while a contractor may be asked to provide periodic reports about the performance of services, they are rarely required to report on wage claims or legal sanctions for labor violations. Absent a means of identifying wage theft and enforcing the contract terms, local governments are unlikely to identify and terminate a contractor who has committed wage theft.

In addition to the contract application process, the contract renewal process presents opportunities to identify wage theft. Yet formal processes are needed. Without implementing reporting and enforcement procedures, contracts may be renewed for the same reason they are selected in the first place: low bids due to artificially low labor costs.

C. Case Study in Undetected Wage Theft

A case study from the Wage Justice Center reveals how local governments inadvertently contract with documented wage thieves.

Mr. V (pseudonym) was a night supervisor for a janitorial services company, referred to here as “Janitorial Services, Inc.” (pseudonym). This company had contracts with numerous local governments in Southern California. For a year, Mr. V worked ten hours a day, five days a week, and was never paid overtime or permitted any meal or rest break. When other employees quit, he was told to take on their janitorial duties on top of his already-heavy workload, which required traveling between sites in multiple cities. Mr. V filed a complaint against Janitorial Services, Inc. and was awarded tens of thousands of dollars in stolen wages by the California Labor Commissioner.

Soon after the entry of judgment, Mr. D (pseudonym), the president of Janitorial Services, Inc. transferred some of its city janitorial contracts to a new corporation, “Super Janitorial Services” (pseudonym). Mr. D was listed as the Vice President of the new corporation on correspondence between Super Janitorial Services and a municipality. Further, the same manager who oversaw Mr. V continued to work for Mr. D.

When Mr. D transferred existing contracts from Janitorial Services, Inc. to Super Janitorial Services, he described this transfer as a simple name change and confirmed to cities that the work would be performed to the same standard. Unaware of the putative fraudulent transfer, the cities approved the transfer of contracts. The city became an unwitting enabler of a wage thief’s illegal evasion of a court judgment. Upon further investigation, the Wage Justice Center found that Mr. D is associated with a dozen companies across California that provide janitorial services to cities, using these “shell corporations” to help him evade the law.

Mr. V was finally able to collect his judgment after years of delay. The enforcement of the judgment required hundreds of hours of litigation. Meanwhile, Super Janitorial Services continues

to operate. It has ongoing janitorial contracts in at least seven cities in Southern California, and Mr. D continues to reap illegal profits. Mr. V was ultimately able to collect, but this is not the case for most workers.

III. BEST PRACTICES FOR CITIES TO PROTECT THEMSELVES FROM CONTRACTING WITH WAGE THIEVES

There are simple and inexpensive steps that local governments can take to protect themselves from unwittingly enabling wage theft and from receiving fines or being subpoenaed in future litigation associated with wage theft. Local governments should consider implementing the following best practices. A proposed policy is included in the Appendix.

A. Check for Wage Theft

First, local governments should inquire about any history of wage theft during the initial application process. Applications should include required questions regarding wage claims pending in civil court, DLSE proceedings, or any adjudicative body at the local or county level,³⁵ past legal sanctions for violations of the Labor Code, and outstanding judgments resulting from Labor Code violations.

In addition to self-reporting by contractors, local governments can also perform their own periodic public records searches. City attorneys can use legal research engines like Westlaw or Lexis to search for judgment liens against corporations or individuals. Those who do not have access to Westlaw or Lexis can conduct public records searches through [the county court](#), searching for pending wage claims against individuals or corporations.

Local governments should be aware that active checks of their contractors and contract applicants can benefit them in multiple ways. First, it helps to ensure that the city will not be dragged into litigation or subpoenaed in association with a wage theft case. It can also help prevent the city from being fined. For example, the Property Service Workers Protection Act (hereinafter “the Act”)³⁶ holds employers liable for hiring any unregistered janitorial providers and contractors.³⁷ The Act requires janitorial service providers to register with the Labor Commissioner’s Office and renew their registration annually. During registration, the business is asked whether it owes unpaid wages or judgments, has liens or suits pending in court, or has been cited for any California Labor Code violation. Local governments that contract with unregistered janitorial providers can be fined \$2,000 to \$10,000 for the first violation and \$10,000 to \$25,000 for subsequent violations. Local governments should thus take care to check the California Department of Industrial Relations registry: <https://cadir.secure.force.com/RegistrationSearch/>.

B. Check for Judgment Evasion

As described above, wage thieves can avoid paying judgments for unpaid wages by transferring their businesses between corporations. Inquiring only about the wage theft history of the current company would fail to uncover this type of fraudulent transfer and any wage theft committed under another corporate entity.

Local governments can take the following three steps to check for judgment evasion. While these steps are not fool-proof, they provide cities with a proactive approach in addressing wage theft. First, applications can ask for information about unpaid judgments against companies operated by the same corporate principals in the past. This would give an opportunity for applicants to provide a narrative account of any extenuating circumstances. Second, local governments can check the new California Department of Industrial Relations registry (<https://cadir.secure.force.com/RegistrationSearch/>) for inactive corporations operated by the same corporate principals with outstanding judgments against them. Finally, cities can adopt policies that require contractors to report whether they have incurred liabilities for Labor Code violations prior to any change in corporate ownership or name of the business. By requesting information from the contractor and conducting independent research into the contracting company's owners, officers, or managing agents, city governments can uncover fraudulent transfers.

C. Conduct Spot Audits

In addition to requiring contractors to self-report in the initial application stage and stipulating periodic reporting in the contract, city governments can also use spot audits of contractors during the life of the contract and prior to contract renewal. Cities likely have many contractors, and it may be a large undertaking to check each contractor for wage theft or judgment evasion. Nonetheless, cities can include a clause in their contracts retaining the right to audit contractors to ensure compliance with employment and labor law.

D. Enable and Enforce the Suspension or Termination of Contracts

Contracts should permit suspension or termination on the basis of noncompliance with the Labor Code and stipulate to periodic reporting during the life of the contract regarding (1) pending wage claims, (2) legal sanctions for violations, and (3) unpaid wage judgments.

Governments should exercise their discretion to suspend or terminate contracts with wage thieves, particularly when they have unpaid judgments and refuse to pay owed wages. For example, a services contract between the County of Los Angeles' Public Works and an independent contractor included a "County's Quality Assurance Plan" provision that noted the County would monitor the contractor's performance and compliance to the Contract's terms and conditions. Failure to improve after notice would result in penalties detailed in the contract, including termination or a liquidated damage provision of \$100 per monitoring report for each day the County needed to certify its monitoring report.³⁸

Local governments should also check for pending wage claims, legal sanctions for violations, and unpaid wage judgments when deciding whether to renew a contract and decline to renew with documented wage thieves.

E. Communicate with Staff about Preventing Wage Theft

City attorneys may not be the individuals directly overseeing the subcontracting process. However, they can have an important role in making the system more effective by designing proactive processes to check for wage theft and training staff to be aware of red flags.

City governments should train staff who are directly engaged with the hiring and management of contractors about the prevalence of wage theft and judgment evasion and the resulting risks to city governments. Training could include examples of red flags to take note of when reviewing RFPs, such as bids that are significantly lower than those provided by competitors. The staff involved in the RFP process should not simply recommend the lowest bidder. Instead, they can conduct additional investigation, inquiring directly about histories of wage theft and judgments and looking through county records, Westlaw, or Lexis for indications of wage theft or judgment evasion.

Hiring contractors that engage in wage theft and judgment evasion may cause cities to be fined, subpoenaed, made to testify as witnesses, or otherwise dragged into litigation in the future. Establishing the best practices described here can help cities save time and resources.

F. No Effect on the Independent Contracting Relationship

Local governments may hesitate to intervene in the labor practices of their independent contractors for fear of altering the independent contracting relationship. However, this concern is unwarranted. Contracting with only employers that comply with existing labor law and terminating contracts with employers that violate the law has no effect on the independent contracting relationship.

Taking steps to ensure contractors do not engage in wage theft does not require a city to adopt the authority to supervise, discharge, or control a contractor's employees. It also does not require intervention into the manner, mode, or means by which the contractors perform services. Instead, these proposed practices protect local governments from being drawn into future litigation and from enabling illegal wage theft in their community.

IV. CONCLUSION

Los Angeles County and its San Gabriel Valley have pervasive wage theft problems. Against this backdrop, local governments take a risk by hiring contractors without assessing their history of labor law violation. Local governments might find themselves subpoenaed and made to testify as witnesses to illegal labor practices. Moreover, cities can incur fines: for instance, if a janitorial contractor is unregistered with the California Labor Commissioner, the local government could be fined thousands of dollars.

Addressing the issue of wage theft is central to local governments' commitment to the well being of residents and the high standards of public sector employment. Local governments can and must do more to uncover wage theft amongst contractors.

V. APPENDIX A: PROPOSED POLICY LANGUAGE

- 1) **DEFINITION OF CONTRACTOR:** A contractor is defined as a corporation, partnership, or association applying for a contract for the performance of services; any director, officer, or partner thereof; any predecessor business (business to which the contractor is a Labor Code 238 successor or a successor for the purposes of liability for debt under California law); any corporation with overlapping directors or officers (principals); or any individual applying for a contract in an individual capacity.
- 2) **APPLICATION CRITERIA:**
 - a. **NO HISTORY OF WAGE THEFT:** To be eligible for selection, a contractor must have no history of wage theft, defined as any past legal sanctions for violations of state and federal laws, including but not limited to unpaid judgments.
 - i. *Alternatively:* To be eligible for selection, a contractor must not have any unsatisfied judgments for violations of state and federal laws. Past judgment evasion disqualifies the contractor.
 - b. **FACTORS WEIGHING AGAINST SELECTION:** The presence of pending wage claims in civil court or administrative proceedings without an adequate mitigating explanation by the contractor are factors weighing against selection.
 - i. *Alternatively, if only unsatisfied judgments are disqualifying:* Past legal sanctions, including paid judgments and pending wage claims without adequate mitigating explanations, are factors weighing against selection. Known or suspected wage theft is a factor that militates strongly against selection.
- 3) **REPORTING AND INQUIRIES:**
 - a. **INITIAL BID:** The contractor is required to disclose in its initial bid all lawsuits or administrative claims and paid or unpaid judgments for violations of state and federal laws for which it is or has been a defendant. The government commits to performing its own separate public records inquiry.
 - i. *Alternatively:* The contractor is required to provide this information and the government reserves the right to perform its own search.
 - b. **PERIODIC REPORTS & SPOT AUDITS:** The contractor is required to report changes to the information requested in the initial bid (3a) on a quarterly basis. The city will perform annual spot audits and public records searches.
 - c. **RENEWAL:** If a contract provides for discretion to renew a contractor one or more times, additional reporting by the contractor and affirmative inquiry by the government is required prior to renewal.
 - d. **RECOGNIZING SIGNS OF JUDGMENT EVASION:** The government requires contractors to report on the reason for any change in the name of the corporate entity, change in corporate ownership, sale or transfer of all or

substantially all assets, and sale or transfer of the contract. Wage theft reporting and inquiry requirements will be triggered when one of the above occurs.

4) **TERMINATING CONTRACTS WITH WAGE THIEVES:**

- a. **TERMINATION:** The general provisions of a contract for services require a contractor to abide by state and federal law. Contractors are required to warrant that they have no outstanding administrative claims, lawsuits, or paid or unpaid judgments for violations of state and federal law and to report all such information as it becomes known. Local government can terminate the contract for wage theft, including outstanding administrative claims, lawsuits, or paid or unpaid judgments for violations of state and federal law.
 - i. *Alternatively:* Contractors are required to abide by state and federal law. Contractors are required to warrant that they have no unpaid judgments for violations of state and federal law and to report all unpaid judgment accrued. The government can terminate the contract for presence of an unpaid judgment.
 - ii. *Alternatively:* Existing general provisions requiring compliance with law give the local government discretion to terminate the contracts of wage thieves upon uncured default.

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- ²² California Labor Commissioner’s Office, “Collect Your Award,” November 2014, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=11&ved=2ahUKewjohODZ1ZrfAhWNwMQHHbb4DmcQFjAKegQICRAC&url=https%3A%2F%2Fwww.dir.ca.gov%2Fdlse%2FPubsTemp%2FDLSE%2520Brochures%2FCollect%2520Your%2520Award%2520from%2520the%2520Caifornia%2520Labor%2FBrochure-JE_WEB-EN.pdf&usg=AOvVaw1e9On4M_37omM_J5exDIFw.
- ²³ Julie A. Su, “A Report on the State of the Division of Labor Standards Enforcement,” May 2013, 48, https://www.dir.ca.gov/dlse/Publications/DLSE_Report2013.pdf. The Labor Commissioner notes in her report that, “[t]oo often, workers win judgments only to find that the employer has gone out of business, fraudulently transferred assets, and erected shell corporations to avoid paying what is owed.”
- ²⁴ Cho, Koonse, and Mischel, “Hollow Victories,” 11.
- ²⁵ Hina Shah, “Broadening Low-Wage Workers’ Access to Justice: Guaranteeing Unpaid Wages in Targeted Industries” 28 Hofstra Labor & Empl. L. J. 9, 14 (2011) (“Workers can either rely on the stringent common-law veil piercing doctrine—a vague and confusing area of the law that courts are reluctant to utilize absent extraordinary circumstances—or statutory exemptions.”)
- ²⁶ City of Monrovia, “Request for Proposals - Landscape Maintenance Services,” August 10, 2017, <http://www.cityofmonrovia.org/home/showdocument?id=8957>. The author has reviewed RFPs from many San Gabriel Valley cities including Arcadia, Covina, El Monte, Glendora, La Puente, Monrovia, Pomona, Rosemead, and Temple City. Monrovia’s is a representative example.
- ²⁷ City of Monrovia.
- ²⁸ City of Monrovia.
- ²⁹ Roger Bradley, “Claremont City Council - Agenda Report,” July 26, 2016, 2.
- ³⁰ The City of Pomona, “Contract Documents and Specifications for Utility Pavement Repair,” May 3, 2017, E1–14; City of Monrovia, “Request for Proposals - Landscape Maintenance Services,” 13.
- ³¹ City of Monrovia, “Request for Proposals - Landscape Maintenance Services”; City of La Puente, “Notice Inviting Sealed Bids for La Puente Park Improvement Restroom Project DCBG Project No. 601822-16,” October 12, 2017.
- ³² The City of Pomona, “Contract Documents and Specifications for Utility Pavement Repair,” E1–14.
- ³³ The City of Pomona, E1–14.
- ³⁴ City of Alhambra, “Sewer Rehabilitation of Cypress, Essexfells, Vega, and Florentina Streets - Notice Inviting Bid N2M17-137,” December 14, 2017, 3.
- ³⁵ Many cities and counties now have local wage ordinances at the local level.
- ³⁶ California Legislative Information, “Labor Code - LAB DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.5] PART 4.2. Property Service Workers Protection,” accessed December 12, 2018, http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2.&title=&part=4.2.&chapter=&article=.
- ³⁷ Division of Labor Standards Enforcement, “Janitorial Registration Frequently Asked Questions,” State of California: Department of Industrial Relations, October 2018, https://www.dir.ca.gov/DLSE/Janitorial_Registration_FAQs.html.
- ³⁸ County of Los Angeles Department of Public Works, “Services Contract Transportation Core Service Area Award of Services Contract for Heights Hopper Shuttle Service in the Unincorporated County Communities of Hacienda Heights and Rowland Heights,” March 5, 2019, <http://file.lacounty.gov/SDSInter/bos/supdocs/133370.pdf>.