

# County of Santa Clara

Office of the County Executive

County Government Center, East Wing  
Eleventh Floor – East Wing  
70 West Hedding Street  
San Jose, California 95110



DATE: April 30, 2019

TO: Honorable Members of the Board of Supervisors  
Jeffrey V. Smith, M.D., J.D., County Executive

FROM: David Campos, Deputy County Executive  
Betty Duong, Manager, Officer of Labor Standards Enforcement

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**SUBJECT: OLSE Data Management Plan**

On November 7, 2017 (Item No. 17), the Board of Supervisors (BOS) approved the creation of the Office of Labor Standards Enforcement (OLSE). Supervisor Simitian requested that OLSE provide an off-agenda report back with information relating to mechanisms for data collections, retention, and evaluation of the wage theft prevention policy.

This report describes OLSE's approach to creating a data infrastructure to collect, track, and analyze data to support programs, assist with ongoing program improvement, and inform future policy recommendations.

## **Data Collection**

OLSE is uniquely positioned to be the definitive authority on the status of wage theft and vulnerable worker populations in Santa Clara County, a mission the Office fully embraces. To inform its work and progress, OLSE will obtain and use data from a variety of sources, including Santa Clara County-specific judgment data from state and federal agencies that investigate and adjudicate labor violations as well as data OLSE itself collects through its enforcement and education programs.

## **Judgment Data**

As part of its enforcement model, OLSE receives periodic judgment data from the Federal Department of Labor (DOL) and the California Division of Labor Standards Enforcement (DLSE). In light of the BOS's expansion of OLSE's scope of enforcement at the February 12, 2019 BOS meeting (Item No. 12), OLSE is in the process of revising existing data-sharing agreements with DOL and DLSE, and engaging the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) to initiate new agreements to share data concerning judgments and final administrative decisions relating to workplace sexual harassment and assault, retaliation, and labor trafficking.

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Susan Ellenberg, S. Joseph Simitian  
County Executive: Jeffrey V. Smith

This data will form a basis for OLSE enforcement actions, but the value of this data extends beyond enforcement actions: together with data collected through OLSE's own engagement activities, data obtained from federal and state partner agencies will allow the Office to capture a big picture view of wage theft and workplace violations throughout the County, which in turn will inform OLSE's education, outreach, and enforcement priorities as well as future policy development.

#### Labor Standards Outreach and Education Initiative

The Labor Standards Outreach and Education Initiative (Initiative) serves as OLSE's primary avenue of engagement with workers and businesses. With data collected through the Initiative, OLSE will be able to measure the effectiveness of Initiative programming for workers and business owners as well as the impact OLSE has on labor standards enforcement.

On February 12, 2019 (Item No. 12), the BOS approved \$1,000,000 in total funding for the first-year implementation of the Initiative. OLSE will use this funding, on a reimbursement-for-services basis, to contract with community-based organizations and non-profit partners to support the Food Permit Pilot and to provide countywide education and outreach to workers and business owners.

In its first year of programming, OLSE will focus heavily on the collection and analysis of input and output data to determine baseline measures for success that will be used to evaluate effectiveness and impact. This will be a constant and iterative process through which OLSE can determine whether and how to modify its activities and services in order to maximize the impact of an office Administration has envisioned becoming the primary governmental resource in Santa Clara County dedicated to advancing labor standards.

In accordance with County contracting procedures, OLSE will negotiate specific output and outcome measures relating to the Initiative during the negotiation period of the RFP process after prevailing bidder(s) have been selected.

Once contracts are negotiated, Administration will have an implementation plan that defines specific input and output measures and formulates outcome measures. Administration will use these outcome measures to determine overall programmatic impact. Its assessment will be guided by inquiries such as:

1. Are workers and businesses in a better position after receiving services from OLSE and the Initiative?
2. Are services matched to the needs of workers and businesses? E.g., nature of services, language accessibility, location of services, quality of service delivery, etc.
3. Do OLSE programs and activities have impact on labor violations in Santa Clara County? If not, why? If yes, what is the nature and extent of the impact? How can impact be further enhanced?
  - a. Violations within OLSE's scope of enforcement - wage theft, human and labor trafficking, sexual harassment and sexual assault, retaliation.
  - b. Impact on other labor violations currently not included in the scope of enforcement.

OLSE will utilize two metric frameworks to regularly review and analyze performance outcomes: the Social Services Agency (SSA) Logic Model, which assesses the performance of the Initiative on an ongoing basis, and the CEO Measures of Success, which assesses overall OLSE operations.

OLSE described the Logic Model and the Measures of Success in greater detail in its legislative file for the BOS meeting on April 23, 2019 (Item No. 23).

OLSE will use the Logic Model employed by SSA's Office of Contracts Management to determine how to articulate and include these measures in its contracts. The Logic Model is a required component of the RFP process and is integrated into final contracts. The CEO's Measures of Success framework operates in parallel with the Logic Model. The Measures of Success framework determines, assesses, and analyzes performance measures for OLSE's operations as a County compliance office.

In managing contracts under the Initiative, OLSE will use a monthly reimbursement model for services delivered. The reimbursement model will allow OLSE to review input and output measures on a monthly basis – and, therefore, will enable OLSE to refine its strategies and measures over time, as it assesses the outcomes and impacts achieved each month.

#### County Contract Enforcement

The BOS Policy Manual promulgates the County's Wage Theft Policy, the Living Wage Policy, and the Equal Opportunity/Nondiscrimination Policy (which includes pay equity principles). Board policy specifies the entities contracting or seeking to contract with the County that must comply with these policies and authorizes the County to investigate potential violations of these requirements. OLSE will advance and enforce these policies on two fronts: (1) administrative review of contractor requests for waivers or exceptions, and (2) enforcement of judgments against contracted vendors reflecting violations of these policies.

OLSE's data management priorities include tracking requests for waivers or exceptions and violations of the mandatory labor provisions required by the Board Policy Manual. This data will help OLSE measure the effectiveness and impact of our current policies through County contracting to inform future policy development.

Prior to the establishment of OLSE, the Office of Countywide Contract Management (OCCM) had begun to develop processes to review vendors' requests for waiver of the County's mandatory labor provisions in contracts, address violations brought to the County's attention, and identify solutions to data management needs. OLSE is now working with Procurement and OCCM to refine and operationalize these administrative review and data management processes.

#### **Data Management and Analysis**

The data described above is currently maintained in two separate systems. OLSE and the Office of Contracts Management within SSA will together maintain data derived from the Initiative, because that data is developed and maintained as part of contract management. By contrast, OLSE and OCCM currently share responsibility for management of judgment data obtained from federal and state partner agencies.

Administration intends to streamline and centralize OLSE's maintenance, management, and analysis of relevant data. OLSE continues to explore data management programs that can meet the business needs of the office to store, manage, and cross-reference data sets from multiple agency systems and to generate data points for analysis. OLSE's efforts to date include consulting with OLSE's peer labor standards enforcements offices across the country to understand their data management process and develop a set of best practices for OLSE. Administration intends to complete development of this data management system in Fiscal Year 2019-20; to this end, OLSE is working closely with Technology Services and Solutions to develop a database infrastructure.

Once the infrastructure is complete, OLSE can centralize its maintenance, management, and analysis of relevant data.

### **Planned Publications**

OLSE's data management and analysis will produce the following reports:

#### OLSE Dashboard

Data dashboards provide reporting by aggregating and extracting value from all collected data to provide easy to understand key performance indicators. The value provided by dashboards is in the organization of complex information into visual data representations providing an accurate reflection of performance to facilitate informed decision making, investments and planning.

In the future, OLSE plans to generate periodic performance dashboards that will be publicly available on OLSE's website. OLSE's peer labor standards enforcement offices around the country currently offer similar dashboards, and dashboards have become standard practice in the field of local enforcement. Attached are examples of dashboards from the Seattle Office of Labor Standards that OLSE will treat as models.

#### OLSE Annual Report

OLSE intends to provide the BOS with an annual report on its enforcement activities, programming, and engagement with workers and businesses. The comprehensive report will provide an inventory of OLSE operations in addition to a year-end analysis of data points and output collected throughout the year.

#### OLSE Wage Theft Report

The County of Santa Clara Office of Women's Policy supported development and publication of the "Santa Clara County Wage Theft Report" in 2015. The report was a one-time initiative. However, organizations continue to use the data and analysis presented in the report to develop policy and programming addressing wage theft. OLSE will support ongoing development of similar data, analyses, and reports as part of its regular programming, with a particular and expanded analysis of the status of vulnerable worker populations.





# 2018 OLS DATA REPORT

**Paid Sick &  
Safe Time  
(PSST)**



**Fair Chance  
Employment  
(FCE)**



**Minimum Wage  
(MW)**



**Wage Theft  
(WT)**



**Secure  
Scheduling  
(SS)**



**Hotel Employees  
Health & Safety  
Initiative  
(HEHS)**



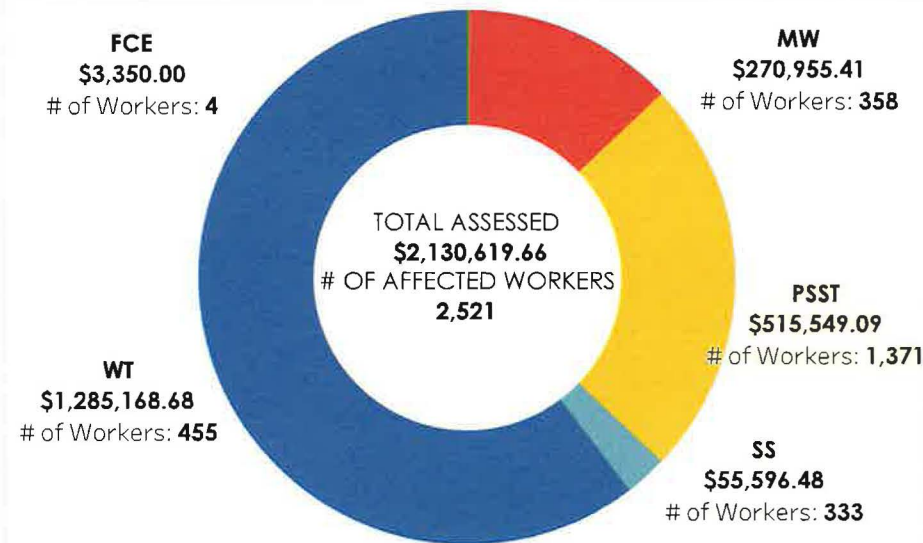
**Commuter  
Benefits  
(CB)**



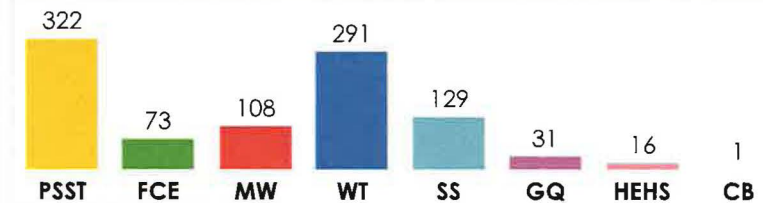
**Domestic Workers  
Ordinance  
(DW)**



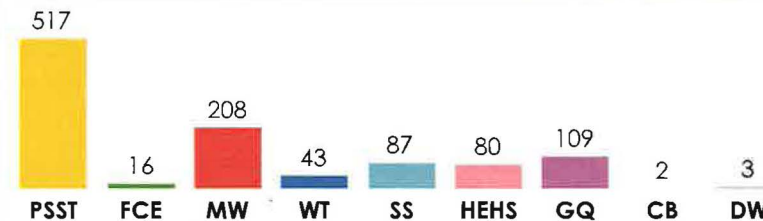
## Financial Remedies



## Worker Inquiries Total: 972



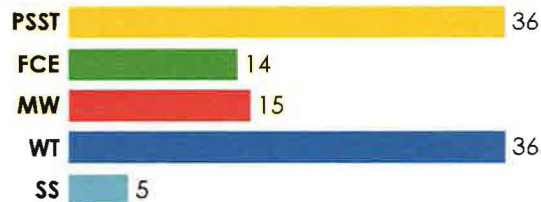
## Employer Inquiries Total: 1,065



## Investigations Filed

Total: 106

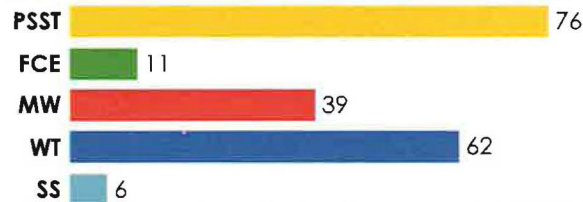
Total # of Employers: 64



## Resolved Investigations

Total: 194

Total # of Employers: 105



## Labor Standards Presentations

86

## Resolution Type

Determination	11
Dismissal/No Violation	39
Settlement	144



# OCT - DEC 2018 OLS DATA REPORT

Paid Sick &  
Safe Time  
(PSST)



Fair Chance  
Employment  
(FCE)



Minimum Wage  
(MW)



Wage Theft  
(WT)



Secure  
Scheduling  
(SS)



Hotel Employees  
Health & Safety  
Initiative  
(HEHS)



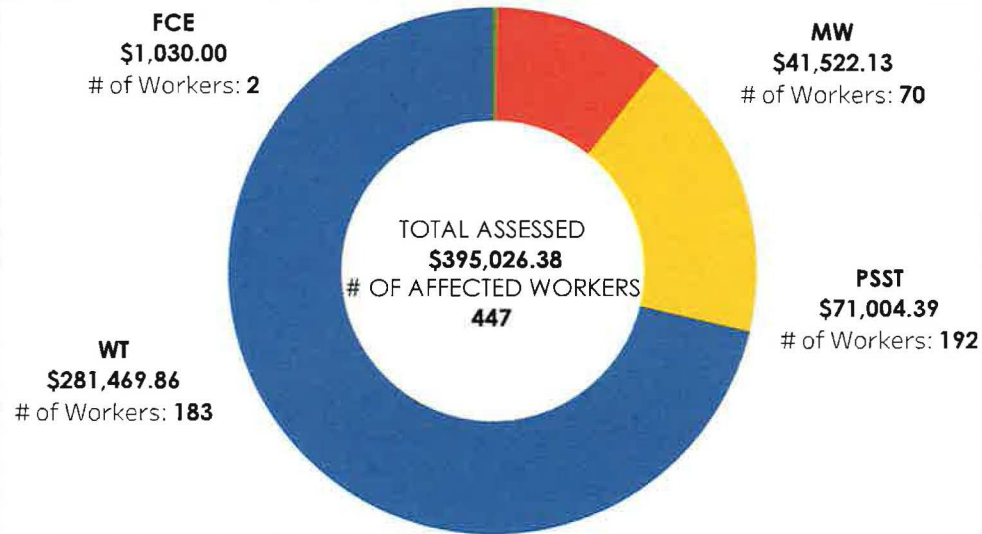
Commuter  
Benefits  
(CB)



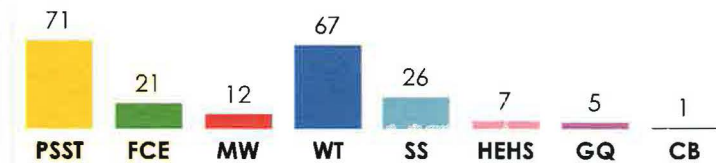
Domestic Workers  
Ordinance  
(DW)



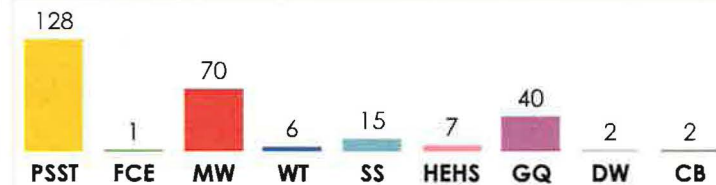
## Financial Remedies



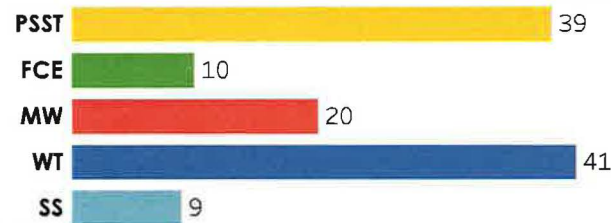
## Worker Inquiries Total: 210



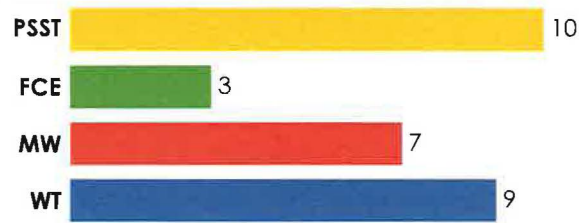
## Employer Inquiries Total: 271



## As of 12/31/2018 - Current Open Investigations Total: 119 Total # of Employers: 62



## Resolved Investigations Total: 29 Total # of Employers: 16



## Labor Standards Presentations

11

## Resolution Type

Determination	1
Dismissal/No Violation	13
Settlement	15



City of Seattle  
Office of Labor  
Standards

# SINCE IMPLEMENTATION OLS DATA REPORT

**Paid Sick & Safe Time (PSST)**



**Fair Chance Employment (FCE)**



**Minimum Wage (MW)**



**Wage Theft (WT)**



**Secure Scheduling (SS)**



**Hotel Employees Health & Safety Initiative (HEHS)**



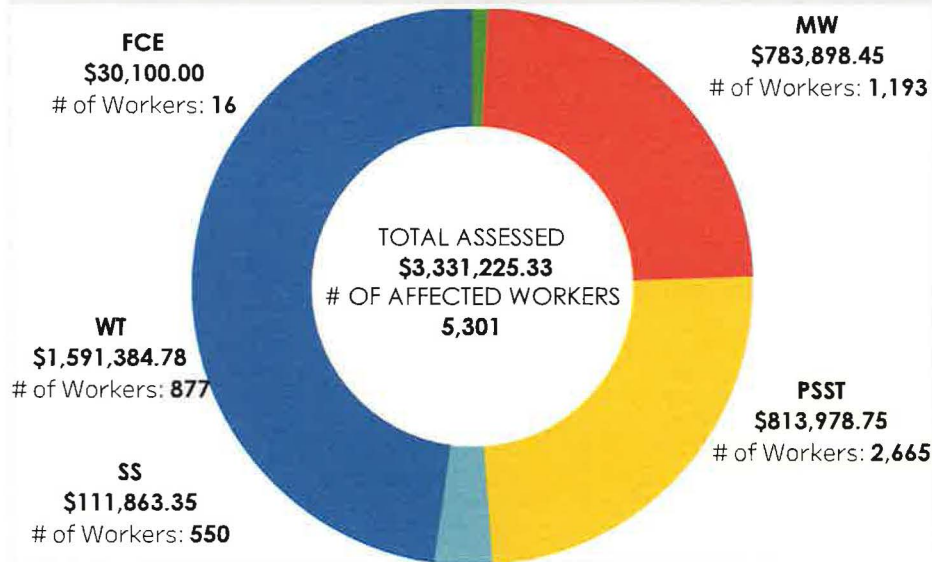
**Commuter Benefits (CB)**



**Domestic Workers Ordinance (DW)**

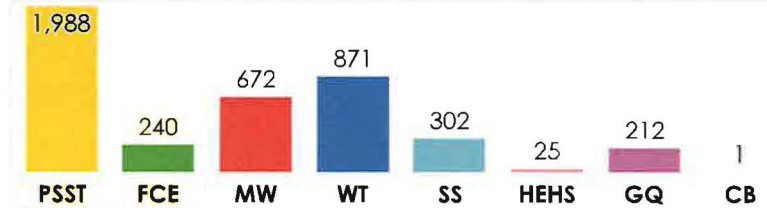


## Financial Remedies



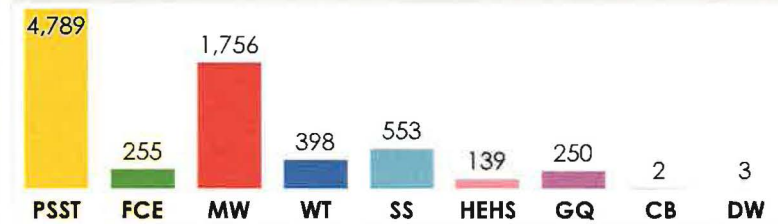
## Worker Inquiries

Total: 4,311



## Employer Inquiries

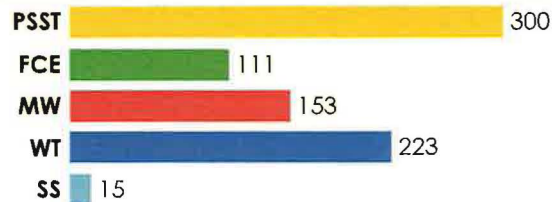
Total: 8,145



## Investigations

Total: 802

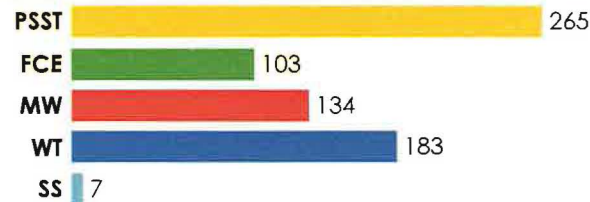
Total # of Employers: 505



## Resolved Investigations

Total: 692

Total # of Employers: 408



## Labor Standards Presentations

186

## Resolution Type

Determination	95
Dismissal/No Violation	164
Settlement	433