

County of Santa Clara

Office of the County Executive

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



November 10, 2021

TO: Honorable Board of Supervisors
Jeffrey V. Smith M.D., J.D., County Executive
Tiffany Lennear, Acting Clerk of the Board of Supervisors

FROM: Susana Perez-Hernandez, Acting Financial and Administrative Services Manager ^{DS} SPT
Andrea Contreras, Program Manager II ^{DS} ac

SUBJECT: Update on the Countywide Student Work Study Program Request For Proposal

Honorable Members of the Board of Supervisors, Dr. Smith, and Ms. Lennear –

At the June 23, 2020 Board of Supervisors meeting (Item No. 43), and at the request of Supervisor Simitian, the Board directed Administration to incorporate language explicitly stating that any funding provided pursuant to a program designed under the Framework shall not be used to fund religious instruction; and, that funds are to be distributed “for overhead expenses and/or directly to students and families.” At the request of Supervisor Simitian, the Board further directed Administration to incorporate language stating that the program designed under the Framework be open to both secular and religious institutions, including Cristo Rey San José Jesuit High School (Cristo Rey), which had been a participant in the pilot student work study program prior to the pandemic as well as the first formal solicitation for this program.

During the current Request for Proposal (RFP) development process, Cristo Rey informed Administration that paying students and/or their families directly would preclude their participation in the program. This is because Cristo Rey (and possibly other potential participants) operates its program through a pre-established work-study program managed by a 501(c)(3) organization. This 501(c)(3) manages programs at 37 schools throughout the nation. The attached letter from the Wage and Hour Division of the United States Department of Labor (WHD) describes Cristo Rey’s program and approves it through the 2021-2022 academic school year.

To ensure the RFP is open to all educational institutions that are interested in submitting a proposal, including both secular and religious institutions, as directed by the Board, the Administration intends to incorporate the following language to the RFP documents:

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County Executive: Jeffrey V. Smith

Funds may be used to pay for an appropriate amount of overhead expenses;

AND

Funds may be paid directly to students;

AND

Student wages may be paid to a 501(c)(3) organization that has a signed letter of work-study program approval from WHD to employ students directly. Per the WHD, the 501(c)(3) will be required to provide the County a written Participation Agreement for each student, which agreement must include student and family acknowledgement of how the program works and of any authorization of payment to be made to a student's school (to be determined based on WHD requirements and the needs of the County as part of its program).

If there are any questions or concerns with including the proposed additional language relating to a WHD-approved work-study program, please notify Andrea Contreras at Andrea.Contreras@ceo.sccgov.org by November 19, 2021. If there are no concerns with this proposed approach, Administration will prepare a legislative file for the December 7, 2021 Board of Supervisors meeting to formally request approval of the additional language into the Countywide Student Work Study Program framework.

RFP Process and Timeline

At the June 14, 2021 Budget Hearings (Item No. 14), Supervisor Lee requested that Administration provide an off-agenda report to the Board on date uncertain relating to the feasibility of awarding additional points or weight to low-income students attending schools located within economically challenged areas as part of the Countywide Student Work Study Program.

Supervisor Lee further requested that Administration provide an off-agenda report to the Board on date uncertain relating to the Countywide Student Work Study Program RFP process, including when the process will be initiated; whether additional resources are needed for the upcoming academic year; a description of the RFP grading process; and, a description of how the lower-income student grading criteria will be implemented and accounted for within the process.

Feasibility of Awarding Additional Points/Grading Process

It is feasible to include a bonus point option relating to schools that serve students with limited economic resources and associated underserved communities in the Administration's RFP for the Countywide Student Work Study Program as demonstrated in the draft table below.

Program Overview	40
Organizational Qualifications	30
Staff Qualifications	10

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Budget and Budget Narrative	10
Limited Economic Resources Preference	5
Local Preference	5
Total Points	100

Timeline

Unless Administration hears from a Board Office by November 19, 2021, with concerns about the incorporation of the proposed additional language, the RFP will be released within 30 days of formal Board approval, potentially as soon as the end of December 2021.

Attachment: [WHD Letter for Cristo Rey]

- c: Chief Board Aides
Miguel Márquez, Chief Operating Officer
James R. Williams, County Counsel
Erica Kelly, Principal Budget and Public Policy Analyst
Mary Ann Barrous, Agenda Review Administrator

U.S. Department of LaborWage and Hour Division
Washington, D.C. 20210

August 24, 2020

Ms. Elizabeth Goettl
President & CEO
Cristo Rey Network
14 East Jackson Boulevard
Suite 1200
Chicago, Illinois 60604

Dear President Goettl:

This is in response to your application for approval of the Cristo Rey Network work-study program as a program that does not interfere with the schooling or health and well-being of the minors involved, and that therefore does not constitute oppressive child labor as discussed in 29 C.F.R. § 570.37. The Wage and Hour Division (WHD) hereby grants your request for the 2020-2021 and 2021-2022 school years.

As a condition of approval, the Cristo Rey Network is required to comply with the requirements for the employment of 14- and 15-year-olds detailed in 29 C.F.R. § 570.37(b) and (c). Also, during this period, the WHD may request the Cristo Rey Network to supply information regarding the following, which Cristo Rey represented to be elements of its work-study program in the application submitted to the WHD:

- (a) Eligibility—a list of each student participating in a work-study program and his or her date of birth.
- (b) Instructional Schedules—documentation that each student participating in the work-study program is receiving at least the minimum number of hours of classroom instruction necessary to complete a fully-accredited college preparatory curriculum as required by the State Educational Agency responsible for establishing such standards. Such documentation shall also detail that each 14- and 15-year-old student received at least five hours of training in workplace safety issues, state and federal child labor provisions and rules, sexual-harassment, discrimination, and other types of prohibited conduct.
- (c) Work study coordinators and/or their trained designees—a record of the name, address, and title of the individual or individuals appointed to supervise and coordinate the work and educational aspects of the work-study program shall be maintained at each school. A report of the regularly scheduled visits, which are to be at least twice per year, to the workplaces of the participating students. This report must include the following information: date of the visit, the employer's name, address, and type of business, names of the students at the workplace, and a summary of compliance and non-compliance with section 206 of the Fair Labor Standards Act (FLSA) and the Child Labor Regulations, 29 C.F.R. Part 570.

In the event of any issues of non-compliance with section 206 of the FLSA or Child Labor Regulation No. 3 found during any of the regularly scheduled visits the students shall be removed immediately from the workplace until the non-compliance is remedied, and the Work Study Director shall notify the workplace supervisor, who will be given 15 days to remedy the situation. Also, any issues of non-compliance during any of these regularly scheduled visits should be reported immediately to the Administrator of the WHD. Finally, at least twice a year supervisors will complete a survey which includes confirming the safety of working conditions and any material changes in job duties that could cause unsafe working conditions. The work study programs will use this information to assign grades, understand the work environment, and provide additional training to students.

- (d) Written Participation Agreement for Students—a copy of the signed agreement entered into by each participating student, parent or guardian, and work study Director, as well as a copy of the agreement signed by the work study Director and work partner.

In addition, the Cristo Rey Network shall comply with the following:

- (a) Permissible Occupations—no 14- or 15-year-old student shall be assigned to work in any occupation that is not expressly permitted by Child Labor Regulation No. 3, 29 C.F.R. § 570.34.
- (b) Hours of employment—employment of 14- and 15-year-old minors enrolled in the work-study program approved and operated pursuant to 29 C.F.R. § 570.37 shall be confined to not more than 18 hours in any one week when school is in session, a portion of which may be during school hours, in accordance with the following formula that is based upon a continuous four-week cycle. In three of the four weeks, the participant is permitted to work during school hours on only one (1) day per week, and for no more than eight (8) hours on that day. During the remaining week of the four-week cycle, such minor is permitted to work during school hours on no more than two (2) days, and for no more than eight (8) hours on each of those two (2) days. Such minors may not be employed more than 40 hours during a week school is not in session, not more than eight (8) hours in any day when school is not in session, nor before 7:00 a.m. or after 7:00 p.m., except between June 1 and Labor Day when they may work until 9:00 p.m.
- (c) Records and Reports—a copy of the written agreements for each 14- or 15-year-old student participating in the work-study program, as discussed above, shall be kept by his or her school's work-study program and by their workplace partner. Both such agreements and the site visit reports shall be maintained for a period of three years from the date of the student's enrollment in the programs and shall be made available to the representatives of the Administrator of the WHD for inspection, transcription, and/or photocopying.

Currently, there are thirty six schools in the Cristo Rey Network with one more slated to open in the 2020-2021 school year and an additional two in 2021-2022.

In Operation

1. Atlanta, GA	Cristo Rey Atlanta Jesuit HS
2. Baltimore, MD	Cristo Rey Jesuit HS
3. Baton Rouge, LA	Cristo Rey Baton Rouge Franciscan HS
4. Birmingham, AL	Holy Family Cristo Rey Catholic HS
5. Boston, MA	Cristo Rey Boston HS
6. Brooklyn, NY	Cristo Rey Brooklyn HS
7. Chicago, IL	Christ the King Jesuit College Prep (West)
8. Chicago, IL	Cristo Rey Jesuit HS (Pilsen)
9. Cincinnati, OH	DePaul Cristo Rey High School
10. Cleveland, OH	Saint Martin de Porres HS
11. Columbus, OH	Cristo Rey Columbus HS
12. Dallas, TX	Cristo Rey Dallas College Prep
13. Denver, CO	Arrupe Jesuit HS
14. Detroit, MI	Detroit Cristo Rey HS
15. Fort Worth, TX	Cristo Rey Ft. Worth HS
16. Houston, TX	Cristo Rey Jesuit College Prep
17. Indianapolis, IN	Providence Cristo Rey College Prep
18. Kansas City, MO	Cristo Rey Kansas City HS
19. Las Vegas, NV	Cristo Rey St. Viator Las Vegas College Prep
20. Lawrence, MA	Notre Dame Cristo Rey HS
21. Los Angeles, CA	Verbum Dei HS
22. Milwaukee, WI	Cristo Rey Jesuit Milwaukee HS
23. Minneapolis, MN	Cristo Rey Jesuit HS, Twin Cities
24. New York, NY	Cristo Rey New York HS (East Harlem)
25. Oakland, CA	Cristo Rey De La Salle East Bay HS
26. Oklahoma City, OK	Cristo Rey Oklahoma City Catholic HS
27. Philadelphia, PA	Cristo Rey Philadelphia HS
28. Portland, OR	De La Salle North Catholic HS
29. Richmond, VA	Cristo Rey Richmond HS
30. Sacramento, CA	Cristo Rey HS (Sacramento)
31. San Francisco, CA	Immaculate Conception Academy
32. San Jose, CA	Cristo Rey San Jose Jesuit HS
33. Tampa, FL	Cristo Rey Tampa HS
34. Tucson, AZ	San Miguel HS
35. Washington, DC	Don Bosco Cristo Rey HS
36. Waukegan, IL	Cristo Rey St. Martin College Prep

One new school, San Diego, CA Cristo Rey San Diego HS, is approved to open in the 2020-2021 school year. In addition, Miami, FL Cristo Rey Miami HS, and Durham, NC Cristo Rey Research Triangle HS, are expected to open in academic year 2021-2022. All three schools shall automatically be included as part of the approval letter.

Please note that your authority to operate a work-study program will end in June of 2022, at which time a new letter of application must be submitted with the signed and sealed affidavits. You must also maintain the reports of the regularly scheduled visits made to the workplace by the teacher-coordinator at each school and make them available to the representatives for the Administrator for the WHD for inspection, transcription, and/or photocopying upon reasonable advance notice. Henceforth, the affidavit of each school president shall include a certification that the site visit reports shall be maintained for a period of three years from the date of each report.

I wish you continued success in the operation of your program. If you need any further assistance, please contact Patricia Mejia, Division of Fair Labor Standards and Child Labor Office of Policy at (202) 693-0067.

Sincerely,

A handwritten signature in black ink that reads "Cheryl M. Stanton". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Cheryl M. Stanton
Administrator