

# CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J

This initiative for An Ordinance Establishing A Healthcare Workers Minimum Wage in the City of Duarte ("Measure") was placed on the ballot by a petition signed by the requisite number of voters of the City of Duarte.

## **Existing Law**

The City of Duarte ("City") does not have its own minimum wage ordinance, but most employers are subject to both federal and state minimum wage laws.

## **Proposed Measure**

The proposed Measure will establish a minimum wage for certain Employees, defined as Healthcare Workers that are employed to work at or by a privately owned Covered Healthcare Facility located within the City.

"Healthcare Worker" means an Employee who provides patient care, healthcare services, or services supporting the provision of healthcare, including a clinician, professional, nonprofessional, nurse, certified nursing assistant, aide, technician, maintenance worker, janitorial or housekeeping staffperson, groundskeeper, guard, food service worker, laundry worker, pharmacist, nonmanagerial administrative worker and business office clerical worker, but does not include a manager or supervisor.

The initial minimum wage rate is \$25 per hour. This rate is subject to an annual increase beginning on January 1, 2024, based on the annual increase on the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Los Angeles Metropolitan Area.

The proposed Measure will require the City to expend public resources to implement and enforce the ordinance, require Covered Healthcare Facilities and Employers to comply with posting and/or payroll records requirements, and prohibit Employers from retaliating against a Healthcare Worker for exercising their rights under the ordinance.

The proposed Measure allows the following persons to bring a civil action against any Employer for violating the ordinance: a Healthcare Worker or their representative, the City Attorney, or another Person acting on behalf of the public. If Healthcare Worker or their representative or the City prevails, a court must impose all remedies available under the law or in equity, including the payment of penalties in the amount of up to \$120 to each Healthcare Worker for each day that a violation occurred and reasonable attorneys' fees. If another Person acting on the public's behalf prevails, such Person shall be entitled to attorneys' fees and costs, equitable and injunctive relief and/or restitution. For retaliatory action by an Employer, a Healthcare Worker shall be entitled to reinstatement and a trebling of all wages and penalties owed.

A "Yes" vote approves the measure.

A "No" vote rejects the measure.

Date: August 5, 2022

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City Attorney