

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney of San José has prepared the following Title and Summary of the chief purpose and points of the proposed measure:

AN INITIATIVE ORDINANCE SEEKING TO IMPLEMENT AND ENFORCE THE PAYMENT OF A MINIMUM WAGE IN THE CITY OF SAN JOSE

This measure proposes to require the Office of Equality Assurance (the Office”) or other office designated by the City Council of the City of San José (the “City”) to establish guidelines for the monitoring, investigation, and enforcement of a minimum wage in the City of San José. Under the measure, an employee is any person who has performed at least two (2) hours of work for the employer or is entitled to the California state minimum wage. The measure would define an employer as any person that employs or exercises direct or indirect control over wages, hours or working conditions of any employee, and either is subject to the payment of the tax imposed under Chapter 4.76 of the San José Municipal Code or maintains a facility in San José. The measure proposes that the employer be required to pay the employee(s) a minimum wage of ten dollars (\$10) per hour, and that this rate increase each year by the Consumer Price Index beginning January 1, 2014. The measure proposes to limit the number of hours certain welfare-to-work programs could require a program participant to work equal to the value of all cash benefits received divided by the minimum wage. The measure would require that each year the Office make available to employers a bulletin of the minimum wage requirement and amount in various languages for posting at the workplace. This measure would authorize the Office to issue administrative fines and penalties for noncompliance; or a civil action to be brought in a court of law by any person harmed, any person on behalf of the public, or the City. The measure provides that the remedies available in a court of law would include civil penalties, back wages, interest, reinstatement, reasonable attorneys' fees and costs, and administrative costs of enforcement. Pursuant to this measure, the employer's permits or licenses or applications for the same may be revoked or suspended pending compliance with the minimum wage requirement if consistent with state and federal law. The proposed measure would not preempt any federal law respecting an express waiver of all or any portion of the minimum wage requirement in a collective bargaining agreement. This measure if enacted may be amended by the City Council without a vote of the people provided the changes do not decrease the proposed measure's substantive requirement or scope.

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SAN JOSE CITY REGISTERED VOTERS ONLY**