



97630

DATE: August 13, 2019
TO: Board of Supervisors
FROM: Cindy Chavez, Supervisor
Dave Cortese, Supervisor
SUBJECT: Pay Equity Strategic Plan

RECOMMENDED ACTION

Approve referral to Administration to report to the Board on September 24, 2019 with a proposal for the development and implementation of a County of Santa Clara Pay Equity Strategic Plan using existing County expertise or identifying a need for outside expert assistance. (Chavez/Cortese)

REASONS FOR RECOMMENDATION

At the September 15, 2015 Board of Supervisors meeting, Supervisors Chavez and Cortese brought forward a referral requesting that the County Executive and County Counsel prepare a pay-equity policy and/or ordinance to address the County's role as an employer and contractor; to assist the Office of Women's Policy and Commission on the Status of Women on the completion of a countywide pay-equity study; to assess County policies and practices relating to hiring, pay and promotion and their implications for pay equity; to propose an online demographics pay-equity dashboard; and to develop a plan to rectify any pay inequities identified.

Since then the County made progress:

- On March 14, 2017, the Board adopted revisions to Board Policy 3.7 on Workforce Diversity to affirm the County's commitment to providing equal opportunity for all individuals to be hired or promoted by the County and to be paid equitably by the County. The revisions also provided guidance, consistent with state law, regarding targeted outreach and recruitment that the County may undertake to ensure that underutilized or underrepresented groups are informed of County employment opportunities.
- Equal Opportunity Department has developed an improved mechanism for tracking

pay equity complaints – a specific category in its case management database that allows Equal Opportunity Officers to identify complaints of discrimination in compensation based on gender, race, or any other protected trait.

- In June 2017, Prohibition on Solicitation of Prior Salary in Determining New Employees' Starting Salaries went into effect. The County eliminated the prior salary field from its online employment application.
- On September 15, 2017, updates to Board Policy 5.5.5.4 went into effect to Allow the County to Disqualify Potential Contractors Based on Pay Equity Violations and to Take Action Against Contractors that Violate Pay Equity Laws.
- On November 7, 2017, the Board directed Administration to develop a Business License Program for businesses in unincorporated County, to continue working with stakeholders on the development of the program, and to provide outreach to businesses in unincorporated Santa Clara County regarding access to the Affordable Care Act and opportunities to bid on County contracts. In addition to the Business License Program, the Board has directed Administration to develop a pilot program to enforce wage theft violations through Food Facility Permits, and to explore whether the program can be expanded to address sexual harassment.
- The Office of Labor Standards Enforcement (OLSE) reported at the December 4, 2018 Board meeting that the Administration would be bringing a proposed business license ordinance to the Board in 6-12 months.

At the April 17, 2018 Board meeting, the first annual pay equity report was discussed. At that meeting, Supervisor Chavez requested the following when the next annual pay equity report comes back to the Board:

- Information relating to how the County is doing as an employer relative to pay equity.
- Designation of this body of work to one lead, senior person in the County such as the County's Chief Operating Officer. This lead would be the key person to interface with the Board relative to pay equity. The County Executive stated that he will ask the Chief Operating Officer to play that role.
- A completed pay equity dashboard.
- Timelines on each ongoing or pending pay equity efforts.

These requests were not included in the annual pay equity report presented to the Board on April 23, 2019.

This referral is asking for the Administration to come back to the Board on September 24, 2019 with a proposal on the development and implementation of the County of Santa Clara Pay Equity Strategic Plan. This proposal should either identify in-house resources needed to complete the development and the oversight of the implementation of such a plan. Or the proposal should identify if the County needs to engage outside expertise to assist with the

development and implementation of the pay equity strategic plan. The strategic plan should outline pay equity principles, outcomes, benchmarks, responsibilities, assignments and timelines.

The strategic plan should be structured in a way to enable the County to track progress relative to how we are doing as an employer in terms of pay equity and how we can work with our contractors to make sure they adhere to pay equity principles. The plan needs to be clear relative to what standards we are trying to achieve and what are we working toward in terms of pay equity.