

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION AUTHORIZING AND DIRECTING THE COUNTY EXECUTIVE OFFICER, OR DESIGNEE(S), TO ESTABLISH A CONTRACTING POLICY FOR SECURITY SERVICE CONTRACTS AWARDED BY COUNTY

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that:

WHEREAS, security service workers serve a function essential to the operations of the County and other establishments in San Mateo County, both private and public; and

WHEREAS, according to a 2024 study by the Center for Economic and Policy Research, entitled *Employment Challenges Facing Security Guards*, security service workers routinely face challenges such as low wages, wage theft, and misclassification; and

WHEREAS, according to that same study, security guards at the lowest 10% of the wage distribution scale make, on average, less than \$11.87 per hour, which is less than low-wage workers as a whole, while those at the lowest 50% of the scale make less than \$17.83 per hour, \$6 per hour less than the typical middle-wage worker overall, and these wage disparities are felt even more acutely by female, Black, and Hispanic security guards, whose wages are consistently less than those of male and white workers in the sector; and

WHEREAS, this study also finds that unionized security service workers earn between 24% and 38% more than non-union workers, with the biggest boost for workers at the bottom of the pay distribution scale; and

WHEREAS, in light of the above-described issues facing security service workers, the County desires to establish a responsible contracting policy for contract security services to help ensure that contractors providing such services in County facilities meet necessary standards of service and that the work is performed by well-trained workers paid decent wages and provided quality benefits (“Contracting Policy”); and

WHEREAS, in Resolution No. 081196 this Board mandated a similar responsible contracting policy for janitorial workers; and

WHEREAS, under the Contracting Policy, no contract for security services may be awarded by the County to a prospective contractor, and no existing contract for such services may be amended, unless (a) the contractor or prospective contractor attests in writing, under penalty of perjury, that the employees who will provide services under the County contract are covered by a collective bargaining agreement that meets the criteria set forth in California Labor Code Section 238.5 or (b) the contractor or prospective contractor provides a letter of intent stating that the contractor or prospective contractor intends to enter into an agreement outlining a procedure for employees to exercise their right to be represented by a labor union; and

WHEREAS, the Contracting Policy shall require that any successor contractor for security services include a 90-day retention period for displaced qualified security services employees (which, for these purposes, means those employees of the prior contractor who were employed for the preceding four months or longer pursuant to the previous contract at the site or sites covered by the successor service contract unless the successor contractor has reasonable and substantiated cause not to hire a particular

employee based on that employee's performance or conduct while working under the previous contract), during which 90-day period such employees shall not be discharged without cause; provided, however, that, if at any time during the 90-day retention period, the successor contractor determines that fewer employees are required to perform the new contract than were required by the previous contractor, the successor contractor shall retain employees by seniority within the job classification and shall also maintain a preferential hiring list of eligible employees from which the successor contractor shall hire additional employees, if needed; and

WHEREAS, the Contracting policy shall also require that security service contractors pay their employees who perform work under the contract no less than their current rate of pay; provide 100% employer-paid healthcare coverage at the minimum actuarial value of the Affordable Care Act individual platinum level; and recognize dates of hire servicing the County under such contracts in calculating employee seniority; and

WHEREAS, the requirements of the Contracting Policy may be waived if it is determined that the best interests of the County would be served by waiver, and the Contracting Policy shall not apply in at least the following circumstances: (a) for certain on-call security services; (b) where applicable requirements of the Contracting Policy are preempted by local, state, or federal law or regulation; (c) where contracts are funded in whole or in part by a grant, donation, or gift to the County and the conditions attached to the grant, donation, or gift conflict with the requirements of the Contracting Policy; (d) where all bids or proposals received for a contract are from qualifying non-profit organizations; and (e) where contracts are exempt from competitive solicitation requirements in accordance with County policy or other controlling legal authority.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby directs the County Executive Officer, or designee(s), to establish the Contracting Policy for security services consistent with the Board's findings and intent reflected herein, and to report back to the Board regarding the status of the Contracting Policy within six months.

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