

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 JANITORIAL SERVICE CONTRACTS AWARDED BY COUNTY

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

WHEREAS, janitorial workers serve an essential function to the operations of many businesses in San Mateo County, both private and public; and

WHEREAS, the County's Department of Public Works is responsible for providing and managing contract janitorial services for County owned and leased facilities, and currently relies on contract janitorial services at 10 County facilities; and

WHEREAS, janitors often face challenges on the job, including low wages, misclassification, exposure to high rates of occupational injuries and illnesses, and threats of sexual harassment on the job; and

WHEREAS, according to a *Profile of Janitorial Workers in California* prepared by the UCLA Labor Center, private sector janitors experience high rates of poverty, with 40% having family incomes that fall below 200% of the federal poverty line, and almost two-thirds (62%) qualify as low-wage earners; and

WHEREAS, also according to the *Profile of Janitorial Workers in California*, more than one in four (27%) of private sector janitors in California are over the age of 55 and

more prone to injury, an issue exacerbated by findings that many janitorial services companies do not carry sufficient workers' compensation insurance and janitors misclassified as independent contractors are unlikely to have workers compensation insurance; and

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

WHEREAS, under the Contracting Policy, no contract for janitorial 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 would further provide that any contractor under a County contract for janitorial services must pay its employees who perform work under the contract prevailing wages pursuant to the requirements of California Public Utilities Code Section 465, and the 60-day transition employment period for displaced janitorial

service employees set forth in California Labor Code section 1061 is extended to 90 days;
and

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

NOW, THEREFORE, BE IT RESOLVED that the Board hereby authorizes and directs the County Executive Officer, or designee(s), to establish a contracting policy for janitorial 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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