



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
SPECIAL MEETING**

**Thursday, September 22, 2022  
12:00 PM**

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn  
Alternate: Councilmember Terry Taplin

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH  
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council Health, Life Enrichment, Equity & Community Committee will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/83811536762>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** or **1-877-853-5257 (Toll Free)** and Enter Meeting ID: **838 1153 6762**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Health, Life Enrichment, Equity, & Community Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

# AGENDA

## Roll Call

## Public Comment on Non-Agenda Matters

## Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

### 1. Minutes - July 11, 2022

## Committee Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

### 2a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

*(Item contains revised material)*

**From: Commission on Labor**

**Referred: April 12, 2022**

**Due: September 27, 2022**

**Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

**Financial Implications:** See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

### 2b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

**From: City Manager**

**Referred: April 12, 2022**

**Due: September 27, 2022**

**Recommendation:** Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

- 3. Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs** *(Item contains revised material)*  
**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**  
**Referred: May 16, 2022**  
**Due: October 31, 2022**  
**Recommendation:** Refer to the City Manager:  
(1) To establish a Re-entry Employment Program, leveraging county/state/federal resources to the extent feasible, including but not limited to County Criminal Justice Realignment (AB-109) funding for adult reentry services, and  
(2) To study the feasibility of and seek grant funding and/or other sources of funding for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. Considerations for target populations in pilot phases may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.  
(3) In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on outcomes and performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, adult reentry programs, mental health crisis responses, and any other services under the auspices of Reimagining Public Safety.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

## Items for Future Agendas

- Discussion of items to be added to future agendas
- Discussion of future hearings and open forums

## Adjournment

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*Written communications addressed to the Health, Life Enrichment, Equity & Community Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*



COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

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I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on September 20, 2022.



Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@cityofberkeley.info](mailto:policycommittee@cityofberkeley.info).*

**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE MINUTES  
REGULAR MEETING**

**Monday, July 11, 2022  
10:00 AM**

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn  
Alternate: Councilmember Terry Taplin

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH  
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council Health, Life Enrichment, Equity & Community Committee will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

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To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **878 8617 1626**. If you wish to comment during the public comment portion of the agenda, press \*9 and wait to be recognized by the Chair.

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## MINUTES

**Roll Call:** 10:05 a.m. All present.

**Public Comment on Non-Agenda Matters:** 3 speakers.

### Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

#### 1. Minutes – June 13, 2022

**Action:** M/S/C (Bartlett/Kesarwani) to approve the minutes of June 13, 2022.

**Vote:** All Ayes.

### Committee Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

#### 2a. Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

*(Item contains revised material)*

**From:** Commission on Labor

**Referred:** April 12, 2022

**Due:** September 27, 2022

**Recommendation:** Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

**Financial Implications:** See report

Contact: Margot Ernst, Commission Secretary, (510) 981-5400

**Action:** See Item 2b.

## Committee Action Items

**2b. Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110**

**From: City Manager**

**Referred: April 12, 2022**

**Due: September 27, 2022**

**Recommendation:** Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following: Review and evaluate the proposed policy; and Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** 12 speakers. Discussion held. Item 2a/2b continued to a future meeting.

**3. Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs** *(Item contains revised material)*

**From: Councilmember Taplin (Author), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor), Councilmember Robinson (Co-Sponsor)**

**Referred: May 16, 2022**

**Due: October 31, 2022**

**Recommendation:** Refer to the City Manager:

(1) To establish a Re-entry Employment Program, leveraging county/state/federal resources to the extent feasible, including but not limited to County Criminal Justice Realignment (AB-109) funding for adult reentry services, and

(2) To study the feasibility of and seek grant funding and/or other sources of funding for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. Considerations for target populations in pilot phases may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.

(3) In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on outcomes and performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, adult reentry programs, mental health crisis responses, and any other services under the auspices of Reimagining Public Safety.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** 3 speakers. Discussion held. Item continued to a future meeting.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

- **None**

## Items for Future Agendas

- None

Councilmember Kesarwani absent at 12:11 pm.

## Adjournment

**Action:** M/S/C (Hahn/Bartlett) to adjourn the meeting.

**Vote:** Ayes – Bartlett, Hahn; Noes – None; Abstain – None; Absent – Kesarwani.

Adjourned at 12:12 p.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on July 11, 2022.

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Sarah Bunting, Assistant City Clerk

## Communications

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## NBER WORKING PAPER SERIES

THE EFFECTS OF THE EMERYVILLE FAIR WORKWEEK ORDINANCE ON  
THE DAILY LIVES OF LOW-WAGE WORKERS AND THEIR FAMILIES

Elizabeth Ananat  
Anna Gassman-Pines  
John Fitz-Henley II

Working Paper 29792  
<http://www.nber.org/papers/w29792>

NATIONAL BUREAU OF ECONOMIC RESEARCH  
1050 Massachusetts Avenue  
Cambridge, MA 02138  
February 2022

This research received support from the California Wellness Foundation, the Duke Sanford School of Public Policy Pilot Fund, and the Population Dynamics Research Infrastructure Program award to the Duke Population Research Center (P2C HD065563) at Duke University by the Eunice Kennedy Shriver National Institute of Child Health and Human Development. Outstanding research assistance was provided by Laura Bellows, Sarah Harris and Ade Olayinka. Excellent project coordination was provided by Jennifer Copeland. Giovanna Merli and Candice Odgers provided helpful advice and support. Prior versions of this paper were presented at the Russell Sage Foundation, the Association for Public Policy Analysis and Management Fall Research Conference, and the Society for Research in Child Development Biennial Meeting. The views expressed herein are those of the authors and do not necessarily reflect the views of the National Bureau of Economic Research.

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The Effects of the Emeryville Fair Workweek Ordinance on the Daily Lives of Low-Wage Workers and their Families

Elizabeth Ananat, Anna Gassman-Pines, and John Fitz-Henley II

NBER Working Paper No. 29792

February 2022

JEL No. I18,J08

**ABSTRACT**

Emeryville, CA's Fair Workweek Ordinance (FWO) aimed to reduce service workers' schedule unpredictability by requiring large retail and food service employers to provide advanced notice of schedules and to compensate workers for last-minute schedule changes. From a 1-in-6 sample of Emeryville retail and food service workers with young children (58 percent working in regulated businesses at baseline, the rest in the same industries in firms below the size cutoff for regulation), this study gathered daily reports of work schedule unpredictability and worker and family well-being over three waves before and after FWO implementation (N=6,059 observations). The FWO decreased working parents' schedule unpredictability relative to those in similar jobs at unregulated establishments. The FWO also decreased parents' days worked while increasing hours per work day, leaving total hours roughly unchanged. Finally, parent well-being improved, with significant declines in sleep difficulty.

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Even prior to the COVID-19 pandemic, low-income families were grappling with a work landscape that had changed dramatically over the last half century. Pressures of globalization and trade, and automation, led to job destruction in many industries, particularly those such as manufacturing that in the past led to stability for less-educated workers. In their place came service work, with lower wages and more unstable employment and hours (Autor, Dorn et al. 2013). At the same time, earnings volatility increased across socio-economic levels, most markedly among lower-income people (Gottschalk and Moffitt 2009, Dynan, Elmendorf et al. 2012, Morduch and Schneider 2017). These features of work left families with high and increasing levels of instability and unpredictability in work and earnings.

Even among stably employed service-sector workers, working parents faced additional forms of uncertainty. Managerial innovations have changed the daily operations of retail and food service firms such that service workers experience great daily uncertainty in both pay and hours. For example, the managerial tactic of “on-call scheduling,” in which employers facing variable customer demand minimize labor costs by requiring workers to be available for work but not compensating them for their availability if they are not needed, introduces significant unpredictability into workers’ days. By increasing uncertainty, on-call scheduling practices, in addition to last-minute schedule changes and shift cancellations, may increase parents’ difficulties in balancing work and family demands. That type of schedule unpredictability has been shown to be very common among low-wage workers (Lambert, Fugiel et al. 2014, Schneider and Harknett 2019, Ananat and Gassman-Pines 2021). Previous work has also established that, conditional on family fixed effects, days with schedule unpredictability lead to worse worker health than days in which work schedules go as expected (Ananat and Gassman-Pines 2021).

Partially in response to concerns about the harms to workers and families from schedule unpredictability, in the last 10 years governments at various levels across the United States have begun considering new regulations to limit unpredictability and compensate workers when it occurs. This paper, based on data collected prior to the pandemic, builds on the emerging research on the effects of such policy changes by examining the effects of the 2017 Fair Workweek Ordinance (FWO) in Emeryville,

CA, on working parents' work schedules, and worker and family well-being. While the context of low-wage work has shifted in the wake of the pandemic, understanding the challenges families were facing prior to its onset can help us understand how to restructure employment policies going forward.

We focus on a highly policy relevant group of workers: parents with young children. In so doing, this study is the first to provide evidence of the effects of a local policy aimed at deterring work schedule unpredictability on working parents' schedules and on worker and family well-being. To do so, this study used a novel sample recruitment strategy with an innovative survey data collection protocol, daily surveys using short message service (SMS) text messages, over three waves of data collection. This study is also the first to investigate this type of policy change in Emeryville, adding to ongoing work in Seattle and Oregon to build the base of knowledge about how schedule stability laws affect working families.

We recruited nearly 100 Emeryville hourly service workers with young children, a 1-in-6 sample of the universe of affected workers, using venue-time sampling, and surveyed them daily for 30 days over each of three study waves, all prior to the onset of the pandemic (2017-2018). This approach allowed us to identify how the work and family experiences of affected workers changed after the FWO, relative both to their experiences at baseline and to the experiences of workers who were otherwise similar but worked for Emeryville businesses that fell below the FWO's size thresholds.

### **Work Schedule Unpredictability**

Recent surveys of U.S. workers underscore the ubiquity of a variety of different types of schedule precarity, including schedule instability and unpredictability, among low-wage workers. For example, using the NLSY, researchers found that 41 percent of workers receive notice of their schedules only one week ahead of time or less (Lambert, Fugiel et al. 2014). Fluctuations in work hours are also substantial, with almost 75 percent reporting fluctuations in the number of hours they worked per week over the last month. Similarly, a survey of hourly workers in large retailers found that 60 percent of workers have variable hours and that 60 percent of workers have less than two weeks' notice of their work schedules (Schneider and Harknett 2019). In Emeryville, the vast majority, 87 percent, of a representative sample of

parents with young children reported some unanticipated work schedule change during a one-month period, with 58 percent of parents reporting at least one canceled shift (Ananat and Gassman-Pines 2021).

Estimates suggest that about one in six hourly workers has a young child (Schwartz, Wasser et al. 2015), and prior research has established that schedule unpredictability is associated with worse worker and family well-being. Surveys of low-wage workers at a single point in time have shown that those with more unstable schedules report more psychological distress, worse sleep quality, and more parenting stress (Schneider and Harknett 2019). Unstable and unpredictable work schedules are also correlated with lower-quality parent-child interactions (Henly, Shaefer et al. 2006) and increased work-life conflict (Luhr, Schneider et al. this volume, Henly and Lambert 2014).

Research focusing on day-to-day variation in work schedules underscores the negative effects on workers and their families from unanticipated work schedule changes. In Emeryville, instances of work schedule unpredictability on any given day were related to worse daily mood and sleep quality for working parents (Ananat and Gassman-Pines 2021). Similarly, research has shown that on days when parents are “on-call” for work hours, they reported increased daily negative mood (Bamberg, Dettmers et al. 2012, Dettmers, Vahle-Hinz et al. 2016) and worse daily sleep quality (Härmä, Karhula et al. 2018, Sprajcer, Jay et al. 2018) than days when they are not “on-call.”

Fewer prior studies focused on day-to-day variability in work schedules have examined the effects of work schedule unpredictability on other aspects of daily family wellbeing beyond parent mood and sleep quality. However, a related literature shows that daily parenting behaviors and child well-being were affected by daily nighttime work hours, with nighttime hours related to less daily parent time spent together with adolescent children, and harsher interactions between parents and children in early childhood (Gassman-Pines 2011, Lee, Davis et al. 2017). Increased parental nighttime work also led to less positive daily child behavior among preschool-aged children (Gassman-Pines 2011).

The findings from studies examining daily variation in work schedules are consistent with those from cross-sectional studies. Those examining daily variation, however, are able to use family fixed effects to control for all measured and unmeasured stable differences between families that might be

related to both work schedule unpredictability and family wellbeing. The research focused on within-family variation from day to day cannot be biased by between-family differences, such as parental personality or motivation. Thus, taken together, the evidence suggests that schedule unpredictability is not only correlated with worse outcomes for workers and their families, but actually causes worse well-being.

### **Policies to Regulate Service Workers' Schedules**

Regulation and legal standards played a large role in shaping today's workplaces, e.g. through minimum wages and workplace safety requirements, and led to current U.S. norms around schedules, such as the 8-hour workday. But in recent years, labor-market regulation has paid little attention to schedules, despite dramatic shifts in the nature of scheduling practices. While earlier schedule regulations focused on preventing employers from extracting too much labor from workers, many workers today instead fear unpredictability in work and the instability in earnings that results. In response to research demonstrating links between unpredictable work schedules and harm to workers, and due to concerted labor organizing efforts (Ananat, Gassman-Pines et al. 2020), policymakers in localities and states have passed new regulations related to service workers' schedules. These policies represent an innovational shift for local labor regulation and have been passed in Emeryville, CA, Chicago, New York City, Philadelphia, San Francisco, Seattle, and the state of Oregon. Each of the policies are unique but largely share the same general features. In particular, they require large employers to provide advanced notice of work schedules to their hourly workers and to compensate workers if schedules subsequently change.

#### ***Emeryville, CA's Fair Workweek Ordinance***

Passed in early 2017, the Emeryville Fair Workweek Ordinance (FWO) aims to stabilize schedules of hourly retail and food-service workers with several provisions. First, hourly workers must receive two weeks' advanced notice of their schedules. Second, workers have the right to decline previously unscheduled hours without retaliation if they are given less than two weeks' notice of hours. Third, workers are eligible for compensation for schedule changes that occur within two weeks and, in particular, for "stability pay" of up to 4 hours or half of a shift paid when a shift is cancelled, with the amount of pay increasing the closer to the shift the cancellation is made. Fourth, the FWO gives workers

the right to decline hours if they are within 11 hours of the previous shift, and workers are to be paid time and a half for shifts that fall within 11 hours of each other (so-called “clopings”).

The provisions of the Emeryville FWO apply to “large” retail and food service employers, defined as more than 55 employees globally for retail employers and both more than 55 employees globally and 20 or more employees in Emeryville for food service employers. These cutoffs mean there is some arbitrariness to which firms are treated: the large international sandwich chain Subway, for example, has fewer than 20 Emeryville employees and is untreated, while some local, single-location stores and restaurants have more than total 55 employees and are treated.

The Emeryville FWO was implemented in two phases. Beginning on July 1, 2107, the ordinance officially became effective and the city initiated a so-called “soft roll-out.” During the soft roll-out, the city investigated complaints but did not impose fines against employers who were not compliant. They also held employer- and employee-focused forums to educate stakeholders on the ordinance’s provisions and created and disseminated written educational materials. Beginning on January 1, 2018, the city began the full enforcement of the ordinance, including fines for non-compliance. Enforcement of the ordinance is primarily conducted via an employee-driven complaint system. If employers are found to have violated the ordinance, they can be fined up to \$500 per violation and \$1,000 for each employee retaliated against.

### ***Preliminary Evidence on Effects of Scheduling Policies***

Emerging research from Seattle and Oregon sheds light on the effects of such policies on workers, as well as the role of managers in policy implementation. In terms of effects on workers, an evaluation of workers with a range of family statuses showed significant changes in workers’ schedules after the implementation of the Seattle policy. In particular, in the first year of implementation, the Seattle policy increased the share of workers receiving advanced notice of their work schedule and the share of workers receiving predictability pay when their hours were changed (Harknett, Schneider et al. 2019). In the second year of implementation, addition benefits were observed, including a reduction in last-minute schedule changes and improved worker well-being as measured by increases in overall happiness and self-reported sleep quality (Harknett, Schneider et al. 2021). Consistent with the Seattle findings, an

evaluation of the early implementation of Oregon’s statewide policy also revealed that the majority of workers received advance notice of their schedule (Loustaunau, Petrucci et al. 2020).

These results generally align with studies that have focused on front-line managers as the conduits for policy implementation on behalf of employers. One year after policy implementation, managers in Seattle, for example, largely reported giving workers the required 14 days advanced notice of their shifts and following rules around shift cancellations, suggesting that implementing some of the Seattle law’s provisions were relatively straightforward (Haley and Lambert 2021). Employers struggled, however, with implementing other aspects of the law: Managers reported lower levels of compliance with rules around extending shifts and offering additional hours to current employees before hiring new ones. Similar patterns of results were reported by managers in Oregon (Loustaunau, Petrucci et al. 2020). In Oregon, an additional provision enabling managers to maintain voluntary waitlists facilitated frequent last-minute changes, making implementation easier for the employer but reducing the law’s reach from employees’ perspectives. Although the full set of costs and benefits to employers of these types of scheduling regulations is not yet known, related research suggest that employers could expect to see improvements in worker productivity and sales. A randomized experiment of a schedule stability intervention in retail stores showed such improvements in productivity and sales (Williams, Lambert et al. 2018, Kesavan, Lambert et al. 2020). Other research also suggest that improved work hours predictability leads to increased productivity (Hashemian, Ton et al. 2020).

### **The Current Study**

With only a limited set of localities passing scheduling regulations, evaluations of policy change in each locality are crucial to building the base of knowledge about how such regulations affect workers and families. This study addresses this need by providing evidence on the effects of the scheduling regulations implemented in Emeryville, CA and by focusing on a highly policy-relevant population that has not been the focus of work investigating the effects of scheduling regulations in other jurisdictions, parents of young children.

### **Identification**



Our main identification strategy is a difference-in-difference approach that compares over-time changes in outcomes for workers in “treatment” jobs—i.e. jobs at businesses that meet the size requirements to be regulated under Emeryville’s Fair Workweek Ordinance—to changes in outcomes for workers employed at similar jobs in businesses that fall short of the size requirements. Difference-in-difference designs rely on the assumption of parallel trends: the identifying assumption of our approach is that in the absence of the FWO’s implementation, the over-time changes in outcomes of workers in treatment and control jobs would have moved in parallel, and therefore any deviation in treated workers’ outcome trends from trends for workers in control jobs can be attributed to the effects of the FWO. Workers can and do hold multiple jobs; for outcomes that are defined at the worker-day level, such as sleep quality and interactions with the focal child, we define a worker as “treated” if they held at least one “treatment” job, even if they also held one or more control jobs. In robustness checks, we have defined treatment continuously, based on the share of hours worked at baseline in a treatment job; results are substantially similar (results available upon request).

A threat to the parallel trends assumption would occur if workers endogenously switch jobs in response to the FWO—that is, if treated jobs become more (or less) desirable due to the regulation, then workers with more advantages, e.g. those with better mental health, might switch sectors in response. Under those circumstances a simple difference-in-differences strategy, such as the type conducted using repeated cross-sectional surveys to evaluate policy changes, would inaccurately conflate compositional changes in the treated workforce due to the FWO with changes in individual worker outcomes due to the FWO. However, our panel structure avoids this problem by allowing us to combine the strengths of a difference-in-differences identification strategy with the complementary strengths of an individual fixed-effects approach: because we follow the same workers over time, we are able to include worker fixed effects and identify only changes in individual worker outcomes over time.

Another potential threat to the parallel trends assumption would occur if regulated versus unregulated businesses faced different shocks during the evaluation period, beyond those induced by the

FWO. The somewhat arbitrary and complex size cutoff for regulation—which does not coincide with thresholds for other regulations in Emeryville or with other meaningful market distinctions—makes it relatively unlikely, however, that treated and untreated firms will face different shocks (for example, to consumer demand or to credit access) on other dimensions over the implementation period.

## **METHOD**

### **Sample recruitment**

Individuals were eligible for this study if they worked in an hourly position in Emeryville and had a child between ages 2 and 7. Recruitment occurred in May 2017, after the passage of FWO but prior to its enactment. We used a venue-based sampling approach to recruitment. For this purpose, we secured from the City of Emeryville a complete list of retail and food service businesses in the city. Using this list, we constructed a sampling frame of venue (business) day-time units (VDTs), randomly selected VDTs, and identified and recruited eligible individuals present in those VDTs (Muhib, Lin et al. 2001). We approached workers at each business, determined their eligibility, and asked those workers to direct us to any other currently present employee with a young child. Across VDTs, we entered each business in the area at least once, talking with over 600 workers, including at least one from each retail or food establishment in the city. We estimated, based on recent surveys of hourly retail and food service workers (Schwartz, Wasser et al. 2015), that about 15 percent of the 3,743 Emeryville hourly retail and food service workers have a young child, suggesting an eligible population of 561 workers. Of these, we talked with 170, an estimated 30 percent of eligible workers. We successfully recruited 96, or 56 percent, of the eligible workers we contacted. Our sample, although small in absolute size, reflects a substantial 1-in-6 sample of the universe of Emeryville retail and food workers with a young child. Importantly, the initial sample was balanced across: 1) retail and food firms that meet threshold local and global employment levels and are subject to regulation from the FWO and 2) otherwise similar control firms below those thresholds, which are exempt from the FWO.

**Procedure and analysis sample**

At the beginning of the study, respondents were asked about their demographics, health and well-being, work history, each job's hourly wage and whether it is tipped, and reports on children. Then, every day for 30 consecutive days, respondents reported on that day's work and family experiences via SMS text message. Daily survey completion rates among participants in the initial wave were very high: 61 percent of participants completed 100 percent of the daily surveys and 89 percent completed the majority (i.e. more than 15), providing substantial within-person variation for analysis.

We contacted the sample again two times: in the Fall of 2017 during the "soft roll-out" enforcement phase of FWO implementation (wave 2) and in the spring of 2018 during the full enforcement phase of FWO implementation (wave 3). Of the initial 96 participants, 76 participated in wave 2; 71 participated in wave 3. At each wave, we gathered information about changes in workers' jobs and job characteristics and then again collected reports on the day's work and family experiences via SMS text message for 30 consecutive days. In wave 2, daily participation was higher than in wave 1: 74 percent of participants completed 100 percent of the 30 daily surveys and 98 percent completed the majority of the daily surveys. In wave 3, daily participation was higher than in wave 1 or wave 2: 80 percent of participants completed 100 percent of the daily surveys and 99 percent completed the majority.

Participant compensation was structured to incentivize completion of all 30 daily surveys within each wave. In waves 1 and 2, participants received \$1.00 for each survey completed, with bonuses of \$7 and \$10 offered for each week with 7 completed surveys, respectively. In wave 3, participants received \$1.20 for each survey completed with a bonus of \$12 for each week with 7 completed surveys. An additional completion bonus for those who answered all 30 daily surveys was also offered: \$20 in wave 1, \$25 in wave 2 and \$30 in wave 3.

Our analysis sample for this study included all individuals who participated in at least one of the post-FWO implementation follow-up waves ( $N = 78$  parents;  $N = \sim 6,000$  person-days for analysis). On average, our analysis sample provided 86 days of survey responses across the waves of data collection.

All survey materials used for this study were available in both English and Spanish. All aspects of this study were approved by the Duke University Institutional Review Board (protocol #2017-0053).

## Measures

*Daily schedule unpredictability* was characterized along a number of dimensions. We asked a series of questions about up to three jobs per respondent, based on the number of jobs reported at the initial interview for each wave. For each job, respondents were asked whether they worked that day, and if so: when they started and stopped working and whether their hours worked were their originally scheduled hours. If not, they provided their originally scheduled hours. Thus, for each day that a respondent worked at a given job, we measure whether their hours worked deviated from their originally scheduled hours at that job. Further, if respondents did not work at a given job on a given day, they were asked if they were originally scheduled to work. Thus, for each day we measure whether a respondent had a shift cancelled at that job. For both changes in work hours and shift cancellations, respondents were asked when they found out about the change: *less than one hour before the shift start time; more than one hour before the shift start time, on the day of the shift; the night before; or earlier*. Those who gave any response other than *earlier* about either a change in hours or a shift cancellation were coded as having a last-minute work schedule change at that job on that day.

To find surprise shifts, we looked at responses to the question about originally scheduled hours. In that space, many respondents offered context, stating that they were off, weren't scheduled for that day, or offering hours on the next day (e.g. on Monday saying that they were scheduled to work Tuesday). In any of these cases, we classified this as a surprise shift, rather than a change in hours. Finally, surprise shifts, along with changes in hours and canceled shifts, were combined to create an additional measure that indicates whether the respondent had any kind of schedule change at that job on any given day.

Because information was provided about each job on each day, it was possible to examine work schedule unpredictability both by job and by day. For all outcomes discussed above, the unit of analysis was the person-job-day.

*Daily family and child well-being outcomes* were measured as described below. Daily mood was measured with an item that asked respondents how much of the time they felt fretful, angry, irritable, anxious, or depressed on a three-point scale from *all of the time* to *none of the time*. This question was modified from a question with a four-week recall period from the Health Utilities Index (HUI) (Furlong, Feeny et al. 2001, Horsman, Furlong et al. 2003). The single item has been validated as a daily measure of negative mood as it is positively correlated with daily stressors, including daily food insecurity (Gassman-Pines and Schenck-Fontaine 2019) and daily work schedule disruptions (Ananat and Gassman-Pines 2021); it increased substantially when COVID-19 restrictions were put into place (Gassman-Pines, Ananat et al. 2020). A dichotomous indicator was created equal to 1 for those who answered *Some of the time* or *All of the time* and 0 for those who answered *None of the time*.

Daily perceived negative sleep quality was measured with a single item used in other daily survey studies (George, Rivenbark et al. 2019), asking: “How well did you sleep last night?” Answers were on a 10-point scale from *really badly* to *really well*. We treat self-reported sleep quality as a measure of daily well-being, as perceived sleep quality is associated with daily affect (Bower, Bylsma et al. 2010). The sleep quality measure was reverse-coded so that higher numbers indicated worse perceived sleep quality. This measure has been validated, as it is correlated in expected directions with negative and positive daily mood, daily self-esteem (George, Rivenbark et al. 2019) and daily work schedule disruptions, a daily stressor (Ananat and Gassman-Pines 2021).

Daily parent-child interactions was measured with two questions: “Did you punish your child today?” and “Did you lose your temper with your child today?” Dichotomous indicator variables were set equal to 1 if the parent responded *Yes* and 0 if the parent responded *No*. Both of these measures have been validated as they were both positively correlated with daily disruptions to school and care during the COVID-19 pandemic (Gassman-Pines, Ananat et al. 2021).

Finally, daily child behavior was measured with two items. Daily child uncooperative behavior was measured with a single item asking: “How much was your child uncooperative today?” Answers on a four-point scale included: *Not at all*, *Just a little*, *Some*, and *A lot*. This question was modified from an

item in the Inattention/Overactivity with Aggression Conners Rating Scale (Loney and Milich 1982), which asks parents to rate how much the adjective describes their child “at this time.” Daily child worry was measured with a single item asking: “How much did your child appear to be sad or worried today?” Answer choices on a four-point scale included: *Not at all*, *Just a little*, *Some*, and *A lot*. This question was modified from an item in the Preschool Behavior Questionnaire (Behar and Stringfield 1974), which asks parents to rate how much the child exhibits each behavior.

For both child behaviors, prior research has demonstrated the reliability and validity of multi-item scale versions adapted for measuring daily externalizing and internalizing behavior problems (Gassman-Pines 2015). In the current study, single items were used to reduce respondent burden and attrition. Dichotomous indicator variables were set equal to 1 if the parent responded *Some* or *A lot* and 0 if the parent responded *Not at all* or *Just a little*. These single-item measures have been validated as they were both positively correlated with daily disruptions to school and care during the COVID-19 pandemic (Gassman-Pines, Ananat et al. 2021).

*Job type* (e.g., treatment vs. control) was categorized as follows: for each of up to 3 jobs reported by a respondent, a job was coded as a “treatment” job if it was an hourly position at a venue listed by the City of Emeryville as regulated under the FWO. A job was coded as a “control” job if it was at a retail or food establishment in Emeryville that was listed by the City as not covered under the FWO, or if it was outside of Emeryville or outside of retail and food. Workers were categorized as in the treatment group if they had at least one treatment job; otherwise, they were classified as in the control group. All respondents had at least one hourly position in food service or retail in Emeryville, but respondents could also have additional jobs outside of Emeryville, outside of food or retail, and/or paid other than hourly.

### **Analytic strategy**

To evaluate the job-experience relationships of interest, i.e. effects on schedule unpredictability, the following equation was used:

$$Y_{ijt} = \beta_0 + \beta_1 * Treat_{ij} * After_t + \beta_2 * After_t + \beta_3 * Treat_{ij} + \psi_{ij} + \tau_t + \epsilon_{ijt}$$

for outcome  $Y$  for person  $i$  in job  $j$  on day  $t$ , where  $\psi$  represents a vector of individual-by-job fixed effects and  $\tau$  is an indicator for whether day  $t$  falls on a weekend. Previous research shows that both work and home experiences differ dramatically between weekends and weekdays for workers in these types of jobs (Ryan, Bernstein et al. 2010, Shrout, Bolger et al. 2010, Gassman-Pines 2011, Gassman-Pines, Ananat et al. 2020, Ananat and Gassman-Pines 2021). Because of idiosyncratic variation in individual start days, respondents experience different numbers of weekend days, which would, if we simply averaged across days within person and wave, lead to greatly increased noise in our estimates.

$Treat_{ij}$  is an indicator variable equal to one if job  $j$  was at a treated firm subject to FWO regulations, and zero otherwise. We measure job-experience outcomes (hours changes, surprise shifts, and cancelled shift) at the person-job-day, rather than person-day, level because the variation in those outcomes exists at the person-job-day level. For example, we measure canceled shifts at the person-job-day level because a worker with two jobs might have had a shift canceled at one job on a given day, while on the same day their shift at another job was not canceled. As we are interested in whether the policy affects scheduling practices such as this, and as the policy can, in some cases, affect one of a respondent's jobs but not the other, examining job outcomes separately is scientifically appropriate. Note, however, that most respondents have only one job (Table 1), so this has only a minor effect on our sample size.

$After_t$  is an indicator variable equal to one if day  $t$  falls during the post-implementation period, and zero otherwise. The definition of the post-implementation period is somewhat ambiguous because Emeryville began implementation with a “soft roll-out,” as discussed above. To accommodate this ambiguity, our main results include three separate approaches to defining pre- and post: (1) base estimates only on pre-implementation (Wave 1) and full enforcement (Wave 3) data, with full enforcement Wave 3 observations defined as post-implementation; (2) include all observations and define both soft roll-out and full-enforcement observations as post-implementation; and (3) include all observations, and estimate:

$$Y_{ijt} = \beta_0 + \beta_1 * Treat_{ij} * Wave2_t + \beta_2 * Wave2_t + \beta_3 * Treat_{ij} * Wave3_t \\ + \beta_4 * Wave3_t + \beta_5 * Treat_{ij} + \psi_i + \tau_t + \epsilon_{ijt}$$

This specification allows us to estimate the effect of the FWO during the soft roll-out (represented by the estimated value of the coefficient  $\beta_1$ ) separately from the effect of the FWO during full enforcement (represented by the estimated value of the coefficient  $\beta_3$ ), and we report the estimates for both effects in our main results.

Worker and family well-being (worker sleep quality and mood, parenting behaviors, and child behavior) exist only at the person-day level, evaluated using the following equation:

$$Y_{it} = \beta_0 + \beta_1 * Treat_i * After_t + \beta_2 * After_t + \beta_3 * Treat_i + \psi_i + \tau_t + \epsilon_{it}$$

for outcome  $Y$  for person  $i$  on day  $t$ .  $Treat_i$  is equal to one if person  $i$  had at least one treatment job, and equal to zero otherwise. All other variables are as defined above, and a parallel specification shift was made to estimate our third approach to modeling soft roll-out and full enforcement effects.

In addition to fixed effects for each respondent, we cluster our standard errors at the person level, to reflect the fact that observations for a given respondent across jobs, days, and waves are not independent of one another. Clustering of standard errors relaxes the assumption that errors are independent and identically distributed and allows for errors within a cluster (in this case, a person) to instead be arbitrarily correlated. With 78 respondents in our analytical sample, we have a large enough sample to estimate person-fixed effects, use our average of 86 observations per respondent to estimate standard errors clustered on person, and then to estimate effects of the policy.<sup>1</sup>

## RESULTS

### Descriptive Results

Table 1 reports descriptive results at baseline for the analysis sample, overall and separately for the treatment and control groups (defined at Wave 1). Respondents were, on average, 30 years old, with

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<sup>1</sup> Our highly racially diverse sample means, however, that we have a small number of respondents of each race-ethnic identity. Estimates with fixed effects and clustering, regardless of how large their total  $N$ , do not exhibit large-sample properties when they include only a small set of clusters (Angrist & Pischke 2009), meaning our sample is unfortunately not adequate to estimate such models.



11.7 years of education, and had their first child at age 24. The majority, 86 percent, of the sample identified as female. Just under 30 percent had ever been married. They were racially and ethnically diverse: 31 percent were Hispanic (of any race); 45 percent were non-Hispanic Black; 8 percent were non-Hispanic White; 8 percent were non-Hispanic Asian-American; 1.2 percent were non-Hispanic Native American; and 7.1 percent were non-Hispanic multiracial. On average, they held 1.13 jobs. Respondents' household income averaged \$2,795 per month. The majority of respondents lived with at least one other adult: 58 percent lived with a romantic partner, and 21 percent lived with a parent. On average respondents had 1.8 children. Fifty-eight percent held at least one treatment job.

Financial strain was common among respondents. Over one in five reported generally not having enough money to make ends meet, with another half reporting generally having just enough. Nearly two-thirds of respondents doubted they could access funds to pay for a \$1000 emergency. About the same number had to borrow from friends or family in the past year to make ends meet, while 37 percent had applied for government assistance.

Not surprisingly given all these stressors, respondents reported mental health challenges as well. More than one in four reported finding it “often or always” difficult to relax, and one in ten “often or always” felt downhearted or blue. Similarly, 21 percent of respondents reported that their focal child was often “somewhat or very” worried, and 10 percent that their focal child was often “somewhat or very” unhappy, depressed, or tearful.

Across most characteristics, baseline characteristics were well-balanced across treatment and control. Among 24 characteristics, two were significantly different between the groups at the 10 percent level, consistent with chance. This balance suggests that, among hourly service workers with young children, there is little selection on observables into treatment (larger firm) versus control (smaller firm) jobs.

The exception to this balance was differences in child care arrangements, with those in treatment jobs less likely to access formal childcare and more likely to instead rely on relative care, and for more hours per week. We interpret these differences as a reflections of the jobs themselves rather than selection

into them; as shown in Figure 1, at baseline treatment jobs were more unpredictable, which, as documented in other work (Luhr et al., this volume) makes use of formal childcare more challenging. Note, however, that even if the difference in childcare suggested imbalance on unobservables between the treatment and control groups, difference-in-difference designs do not require baseline equality between treatment and control; rather, we instead rely on the much weaker assumption of parallel trends.

Table 2 summarizes all daily work and well-being outcomes across people, jobs, and waves. Because there were significant differences in these measures across race, we report both overall means and means for non-Hispanic Blacks, non-Hispanic Whites, non-Hispanic Asian-Americans, and Hispanics (of any race). Overall, some type of schedule change was made on nearly 11 percent of job-days, with a significantly greater share of days with a change among Asian-American respondents (17 percent) and a significantly lower share among White respondents (8 percent). The majority of schedule changes were last-minute, with less than 24 hours' notice; White respondents were less likely to experience changes at the last minute (4.7 percent of days versus 7.0 percent for the sample overall).

Among the types of schedule changes, a change in work hours was the most common, occurring on 5.4 percent of days on average but at almost twice that frequency, 10.3 percent of days, among Asian-Americans. Surprise shifts were the least common type of schedule change, occurring on less than 1 percent of days, with no differences across groups. Across all waves, respondents worked on about 55 percent of job-days; Asian-Americans and Hispanic respondents were more likely than average to work on a given day. The average shift length on any given work day was 7.1 hours, but was higher for Whites, at 7.4 hours, and lower for Asian-Americans, at 6.7 hours.

Finally, in terms of family well-being outcomes, negative mood was fairly common, with respondents overall reporting negative mood on 42 percent of days. White respondents reported significantly more days with negative mood (60 percent of days), while Hispanic respondents reported fewer (32 percent). Sleep difficulties were greater among Whites and lower among Asian-Americans; harsh parenting behaviors were higher among Whites and Asian-Americans than among the population

overall. Black and Asian-American parents reported more days with child uncooperativeness and child worry than did the sample overall. Child behavior problems were relatively infrequent across all groups.

### **Impacts of the Emeryville FWO**

Table 3 reports effects of the FWO on schedule disruption outcomes; given small sample sizes, we were not able to separately estimate effects of the FWO by race and ethnicity, as discussed above. Across all models, results showed that the FWO led to a decrease in any schedule change overall, with point estimates ranging from 2.5 percentage points to 5.5 percentage points, though not all point estimates reached conventional levels of statistical significance. Results from model three suggest that decreases in schedule changes occurred right away, in the soft-roll out phase of enforcement. The estimates from our third model are also presented in Figure 1, which shows that treatment jobs had more frequent schedule changes than control jobs in the pre-period, but that rates of schedule changes for the treatment jobs declined to the same level as the control jobs once the FWO was implemented. As shown in Table 3 and Figure 1, the same pattern of results was found for last-minute changes: the FWO reduced last-minute schedule changes. Again, although not all estimates reached conventional levels of statistical significance, the pattern of findings is consistent with a decline in last-minute changes following FWO implementation for the treatment jobs relative to the control jobs.

Among the types of schedule disruptions considered, we found that surprise shifts were most strongly affected by the FWO, while point estimates for changes in work hours follow a similar, but not statistically significant, pattern (Table 3). Shift cancellations were not affected by the FWO. As shown in Figure 1, treatment jobs had more frequent surprise shifts in the pre-period but rates of surprise shifts for the treatment jobs declined once the FWO was implemented, and were lower than rates in control jobs by the full-enforcement phase.

Table 4 reports effects of the FWO on daily work and hours outcomes. Results show that the FWO decreased the likelihood of working in a treatment job on any given day. The effect size was substantial, with decreases in wave three of about 12 percentage points. As shown in Figure 1, the likelihood of working in a treatment or control job on any given day were very similar prior to the

implementation of the FWO. During the post-period, the likelihood of working in a control job on any given day increased slightly while the likelihood of working in a treatment job decreased.

At the same time, however, results also showed that the FWO increased the length of shifts on work days. By the full enforcement phase, the increase in work hours was about .4 hours, on average. When combining the two effects by considering average work hours including zeroes for non-work days, the FWO did not significantly affect hours worked within a job. Workers do not appear to have increased work in non-regulated firms in response to changes in their treatment jobs, given that average work hours across all jobs were also not significantly affected by the FWO.

Finally, Table 5 reports effects of the FWO on parent and child outcomes. Considering parental well-being, the FWO decreased sleep difficulty (defined by reverse-coding and then normalizing the sleep quality responses that had been gathered using a 1-10 scale), though not all estimates reach conventional levels of statistical significance. In wave 3, sleep difficulty decreased by nearly .28 *SD* for those in treatment jobs, relative to those in control jobs. As show in Figure 1, those in treatment jobs experienced more sleep difficulty than those in control jobs prior to the implementation of the FWO, with sleep difficulty decreasing substantially during the full enforcement phase. Effects on daily parental negative mood were also in the negative direction, but did not reach statistical significance. We did not find any effects of the FWO on either parenting behaviors or child behavior.

### **Robustness Checks**

We conducted a variety of robustness checks (all results available on request). First, we ran all models on a balanced panel of participants who participated in all waves, rather than only in at least one post-implementation wave. Results were substantially similar to those reported here. Second, we ran all models using initial treatment status at the person-level only. Results were in the same direction and of similar magnitude to those described here but were less precisely estimated. Third, we ran all models using a continuous definition of treatment status defined by the share of total work hours worked at a treatment job at baseline; results were substantially similar. Fourth, we ran models of hours worked dropping observations for which hours information was incomplete and had to be imputed; results were

substantially similar. Fifth, we estimated all models for demographic subgroups defined by race, ethnicity, gender, and education; unfortunately, sample sizes became too small for interpretation.

## **DISCUSSION**

Low-income families in the 21<sup>st</sup> century, especially those working in the service sector, faced high levels of unpredictability in work hours and pay, even prior to the onset of the COVID-19 pandemic and its disruptions to the labor market. Anecdotally, there seems to be little possibility that the pandemic and its related economic dislocations have improved predictability. Local regulations aimed at reducing unpredictability in work schedules are a new innovation in labor policy that were gaining traction in many localities, and one state, in the United States prior to the pandemic, but little is known about such policies' effects and, therefore, whether predictability for low-income families will be improved by encouraging more localities to adopt such policies going forward. Emeryville, CA is one of only a handful of localities that has passed such an ordinance. This paper, thus, addresses a gap in the literature by being the first to examine the effect of Emeryville's Fair Workweek Ordinance on working parents and their families.

We find that the Fair Workweek Ordinance (FWO) succeeded in reducing schedule unpredictability for workers with young children, particularly changes in start and end times of shifts and surprise shifts. The FWO also decreased the number of workdays significantly for treated workers in our sample, while increasing the hours worked on workdays and leaving total work hours insignificantly affected. It is possible that these changes were concentrated among those, like our sample, with caregiving responsibilities, and represent a re-assignment by employers of short, unpredictable, or otherwise difficult shifts from such workers to workers without caregiving responsibilities, for whom such marginal shifts are less costly. Future work should examine effects of schedule predictability legislation on different populations of workers.

The regulatory success of the FWO translated into some health benefits for workers in regulated jobs, in particular, improved sleep quality. Thus, even with a relatively small sample size, this paper thus presents important initial evidence that this type of policy change can affect work schedule

unpredictability among working parents, and can do so by impacting individual workers rather than merely by shifting sector composition.

These findings are notable in the context of the remarkable changes in work in the last half century, with increasing instability and unpredictability in employment, hours, and pay, especially for workers with less access to formal higher education. Historically, regulations played a large role in shaping today's workplaces, for example through minimum wages and anti-discrimination policy, and also created the current U.S. norms around scheduling, including the 8-hour workday and the weekend. But in recent years, regulation of the labor market has focused little attention on scheduling, despite the fact that the nature of work schedules has been shifting dramatically. In particular, while the earlier generation of scheduling regulation concentrated on preventing employers from extracting *too much labor* from workers, many of today's workers fear instead *too much variability and unpredictability* in work and pay. That is, recent concerns focus on employers shifting the risk of variable customer demand from themselves to their employees, by giving workers neither hours nor pay when demand is unexpectedly low. Indeed, the Emeryville ordinance studied in this paper was passed in response to such concerns.

Our results show that the Emeryville FWO decreased schedule changes and, in particular, last-minute schedule changes. These impacts are notable because these are the dimensions of schedule changes that our own prior research has shown to be particularly costly for working parents and their families, in terms of reduced parental well-being (Ananat and Gassman-Pines 2021). These findings are also consistent with those from an evaluation of Seattle's secure scheduling law that examined all workers (rather than focusing on parents) and found that Seattle's law also decreased last-minute schedule changes (Harknett, Schneider et al. 2021). This convergent evidence suggests that local schedule regulations can be a fruitful path for addressing unpredictability in work schedules for low-income families. Importantly, we observe these changes immediately after the law was passed, during the "soft roll-out" phase of enforcement. Although the City only began fining non-compliant businesses during full enforcement, our results suggest that simply having a law go into effect is a powerful change that leads at least some firms to comply, even if they are not at risk of being fined or penalized.

We also find that changing scheduling practices through this local ordinance leads employers in covered firms to reduce the number of shifts that employees work. However, the FWO leads to increased hours for parents on the days when they do work, leaving no significant changes in average hours worked. Given the fixed costs of working on a given day, including making child care arrangements and commuting, it is plausible that on net these scheduling changes made workers better off. Consistent with this possibility, the net effect of the Emeryville FWO was to improve workers' well-being as proxied by subjective sleep quality. Working parents, in particular, are likely to place a high value on the stability of work schedules, as stable work schedules make balancing the demands of work and family easier (Henly 2004, Henly and Lambert 2014).

The evidence related to the effects of scheduling regulation on worker sleep quality is notable for several reasons. First, these results are highly similar to those found in the Seattle evaluation; Seattle's ordinance also improved subjective sleep quality (Harknett, Schneider et al. 2021). This converging evidence underscores the role for scheduling regulation in improving workers' sleep quality. Second, service sector workers emphasize sleep disruptions and poor-quality sleep as consequences of schedule unpredictability (Human Impact Partners and Center for Popular Democracy 2016), and our own prior work in Emeryville showed these effects on a daily level (Ananat and Gassman-Pines 2021). Reductions in work schedule unpredictability may improve sleep quality for a number of reasons, including: by helping to stabilize daily routines; by facilitating circadian rhythms, which can be disrupted by unstable and unpredictable work schedules; and by reducing job strain, each of which has been linked to sleep quality (Eriksen, Bjorvatn et al. 2008, Moss, Carney et al. 2015, Kecklund and Axelsson 2016). Other aspects of work life, such as commute time, may also play a role in exacerbating links between unpredictable work schedules and worse sleep quality, as longer commutes themselves are associated with worse sleep (Petrov, Weng et al. 2018); the shift to longer work hours on fewer days may have thus contributed to better sleep by reducing total commute time.

Finally, subjective sleep quality is also a marker of well-being and an important input into both physical and mental health (Brewster, Billy et al. 1993, Bower, Bylsma et al. 2010). Worse sleep quality,

for example, is related to both heart disease in the adult population (Cappuccio, Cooper et al. 2011) and depression among parents (Park, Meltzer-Brody et al. 2013). Poor sleep quality is associated with more harsh parenting behavior (Kelly, Erath et al. 2021), and worse daily sleep quality has been found to exacerbate the effects of chronic and daily stressors on daily negative parental mood (da Estrela, Barker et al. 2018, Lillis, Hamilton et al. 2018, Mihaila and Hartley 2018). Thus, improvements in sleep quality may have the potential to lead to longer-term improvements in family functioning and child wellbeing, such as more positive parent-child interactions, reduced parental stress, and improved child behavior. Future research should investigate the mechanisms connecting unpredictable work schedules to worse sleep quality, the family well-being consequences of improved sleep quality, and moderation by other aspects of work, such as commute time. While the small population of Emeryville means we were underpowered to detect downstream effects on children's well-being even in a 1-in-6 probability sample, the implications are conceptually clear, as children are influenced and constrained by their parents' lived experiences in the labor market (Ananat, Gassman-Pines et al. 2017). Links between parental well-being and child adjustment are well established (Cummings and Davies 1994, Cummings, Keller et al. 2005, Cummings, Davies et al. 2020). Parents who are experiencing psychological distress tend to have more difficulty acting as sensitive caregivers, which can lead to increased behavior problems and other difficulties for children (Dix, Gershoff et al. 2004).

We note that our sample included only working parents with young children, a group that is particularly strongly affected by work schedule unpredictability but is not representative of all workers in the treatment firms. It is possible, for example, that workers without young children (the majority of workers) may have experienced an increase in work shifts due to the Emeryville FWO, if they were willing to add shifts on short notice. Our results are not meant to generalize to all Emeryville retail and fast food employees, but only to employees with young children, a group of *a priori* concern due to both their vulnerability and their relevance to public policy.

Our methodological approach, pioneered in this study, has several strengths that enhance the contribution of this work. First, although small, our use of a venue-time sampling strategy resulted in a



sample that is representative of Emeryville workers in retail or food service with a child between the ages of two and seven. Given that such a population is unrostered and difficult to enumerate, implementing a representative sampling strategy was a major innovation. Second, we followed our sample longitudinally, which avoids bias from compositional changes in the workforces of firms after they become regulated. Therefore, our results cannot be explained by, for example, covered businesses becoming more attractive to workers with better mental health after FWO implementation. Finally, work schedule disruptions were measured via daily surveys, which avoids recall bias, a problem we have shown in previous work to be sizeable in reporting the frequency of schedule changes (Ananat & Gassman-Pines, 2021).

We do note, however, that despite our ability to follow the same representative sample longitudinally, it is still possible that endogenous sector-switching in response to time-varying worker characteristics could be driving some of our results. For example, if employment in covered businesses became more attractive post-FWO implementation, and therefore workers who experienced changes (such as becoming newly partnered and therefore better able to manage child care) that made them more desirable employees became more likely to switch into the covered sector than they would have been in the absence of the FWO, that could threaten the validity of our findings if these same changes also had direct impacts on worker well-being. The waves, however, were fielded only a few months apart, so any changes in employee characteristics, subsequent changes in employee desirability, and resulting changes in employment would have had to unfold quite quickly.

Additionally, our small overall sample size prevented us from examining subgroup effects. Understanding the heterogeneity in effects of schedule regulations for workers with different characteristics is important for future study, and will be facilitated by research with larger sample sizes. Finally, examining effects on employers was outside the scope of this study. Emerging literature would suggest that employers likely faced some challenges in implementing the law's provisions, but also that they may have benefited in terms of enhanced worker productivity and sales. Additional research should investigate effects on employers to understand the comprehensive impacts of scheduling regulations.

## **SUMMARY AND CONCLUSION**

To summarize, our results show that the Emeryville Fair Workweek Ordinance (FWO) reduced schedule unpredictability for working parents of young children, a group that has particular difficulty balancing work and family and is of policy concern. The FWO also decreased the number of work shifts, but increased shift length, leaving total work hours unchanged. The FWO also improved one measure of well-being: sleep quality. This is important initial evidence that secure scheduling policy changes can affect work schedule unpredictability among working parents, and, ultimately, these parents' well-being.

Parents working in the service sector face a myriad of challenges in balancing their work and family demands, which have plausibly only worsened in the wake of the COVID-19 pandemic. Work schedule unpredictability is a particularly salient and ongoing challenge that has been highlighted by workers, labor organizers, and social science scholars. Emeryville's law improved schedule predictability and well-being for working parents, suggesting that such laws could provide a pathway towards increasing predictability for low-income families.

## REFERENCES

- Ananat, Elizabeth O., and Anna Gassman-Pines. 2021. "Work schedule unpredictability: daily occurrence and effects on working parents' well-being." *Journal of Marriage and Family* 81(1): 10-26.
- Ananat, Elizabeth O., Anna Gassman-Pines, Dania V. Francis, and Christina M. Gibson-Davis. 2017. "Linking job loss, inequality, mental health, and education." *Science* 356(6343): 1127-1128.
- Ananat, Elizabeth O., Anna Gassman-Pines, and Yulya Truskinovsky (forthcoming). "Increasing instability and uncertainty among low-wage workers: Implications for inequality and potential policy solutions." *The Politics of Distribution*. F. Rosenbluth and M. Weir. New York, Cambridge University Press.
- Angrist, Joshua D. and Jörn-Steffen Pischke (2009). *Mostly Harmless Econometrics*. Princeton, NJ, Princeton University Press.
- Autor, David H., David Dorn, and Gordon H. Hanson. 2013. "The Geography of Trade and Technology Shocks in the United States." *The American Economic Review* 103(3): 220-225.
- Bamberg, Eva, Jan Dettmers, Hannah Funck, Birgit Krähe, and Tim Vahle-Hinz. 2012. "Effects of On-Call Work on Well-Being: Results of a Daily Survey 1." *Applied Psychology: Health and Well-Being* 4(3): 299-320.
- Behar, Lenore, and Samuel Stringfield. 1974. "A behavior rating scale for the preschool child." *Developmental Psychology* 10: 601-610.
- Bower, Bethanne, Lauren M. Bylsma, Bethany H. Morris, and Jonathan Rottenberg. 2010. "Poor reported sleep quality predicts low positive affect in daily life among healthy and mood-disordered persons." *Journal of Sleep Research* 19(2): 323-332.
- Cummings, E. Mark, and Patrick T. Davies. 1994. "Maternal depression and child development." *Journal of Child Psychology and Psychiatry* 35(1): 73-122.
- Cummings, E. Mark, Patrick T. Davies, and Susan B. Campbell. 2020. *Developmental Psychopathology and Family Process: Theory, Research, and Clinical Implications*. Guilford Publications.
- Cummings, E. Mark, Peggy S. Keller, and Patrick T. Davies. 2005. "Towards a family process model of maternal and paternal depressive symptoms: Exploring multiple relations with child and family functioning." *Journal of Child Psychology and Psychiatry* 46(5): 479-489.
- da Estrela, Chelsea, Erin T. Barker, Sarah Lantagne, and Jean-Phillippe Guoin. 2018. "Chronic parenting stress and mood reactivity: The role of sleep quality." *Stress and Health* 34(2): 296-305.
- Dettmers, Jan, Tim Vahle-Hinz, Eva Bamberg, Niklas Friedrich, and Monika Keller. 2016. "Extended work availability and its relation with start-of-day mood and cortisol." *Journal of Occupational Health Psychology* 21(1): 105.
- Dix, Theodore, Elizabeth T. Gershoff, Leah N. Meunier, and Pamela C. Miller. 2004. "The affective structure of supportive parenting: depressive symptoms, immediate emotions, and child-oriented motivation." *Developmental Psychology* 40(6): 1212.
- Dynan, Karen, Douglas Elmendorf, and Daniel Sichel. 2012. "The evolution of household income volatility." *The BE Journal of Economic Analysis & Policy* 12(2).
- Furlong, William J., David H. Feeny, George W. Torrance, and Ronald D. Barr. 2001. "The Health Utilities Index (HUI®) system for assessing health-related quality of life in clinical studies." *Annals of Medicine* 33(5): 375-384.
- Gassman-Pines, Anna. 2011. "Low-income mothers' nighttime and weekend work: Daily associations with child behavior, mother-child interactions and mood." *Family Relations* 60: 15-29.
- Gassman-Pines, Anna. 2015. "Effects of Mexican immigrant parents' daily workplace discrimination on child behavior and family functioning." *Child Development* 18: 1175-1190.
- Gassman-Pines, Anna, Elizabeth O. Ananat, John Fitz-Henley II, and Jane Leer. 2021. "Effect of daily school and care disruptions during the COVID-19 pandemic on child behavior problems."
- Gassman-Pines, Anna, Elizabeth O. Ananat and John Fitz-Henley. 2020. "COVID-19 and parent-child psychological well-being." *Pediatrics* 146(4).

- Gassman-Pines, Anna, and Anika Schenck-Fontaine. 2019. "Daily Food Insufficiency and Worry among Economically Disadvantaged Families with Young Children." *Journal of Marriage and Family*.
- George, Madeleine J., Joshua G. Rivenbark, Michael A. Russell, Leonard Ng'eno, Rick H. Hoyle, and Candice L. Odgers. 2019. "Evaluating the Use of Commercially Available Wearable Wristbands to Capture Adolescents' Daily Sleep Duration." *Journal of Research on Adolescence* 29(3): 613-626.
- Gottschalk, Peter, and Robert Moffitt. 2009. "The rising instability of US earnings." *Journal of Economic Perspectives* 23(4): 3-24.
- Haley, Anna, and Susan Lambert. 2021. Implementing Work Scheduling Laws: Unpacking Frontline Policymaking by Retail & Food Service Managers. *Work Family Research Network Conference*. Virtual.
- Harknett, Kristen, Daniel Schneider and Véronique Irwin (2019). Worker impact study. *Evaluation of Seattle's Secure Scheduling Ordinance: Year 1 findings*. West Coast Poverty Center. Seattle, WA, West Coast Poverty Center.
- Harknett, Kristen, Daniel Schneider and Véronique Irwin (2021). *Seattle's Secure Scheduling Ordinance Year 2 Worker Impact Report*. Cambridge, MA, The Shift Project.
- Härmä, Mikko, Kati Karhula, Annina Ropponen, Sampsa Puttonen, Aki Koskinen, Anneli Ojajärvi, Tarja Hakola, Jaana Pentti, Tuula Oksanen and Jussi Vahtera (2018). "Association of changes in work shifts and shift intensity with change in fatigue and disturbed sleep: a within-subject study." *Scandinavian Journal of Work, Environment and Health* 44(4): 394-402.
- Hashemian, Mahdi, Zeynep Ton and Hazhir Rahmandad (2020). "The Effect of Unstable Schedules on Unit and Employee Productivity." Social Science Research Network. <https://ssrn.com/abstract=3839673>
- Henly, Julia R. (2004). "Non-standard Work and Family Life: Themes from a Qualitative Study of Low-income Mothers Employed in the Retail Sector." Association of Public Policy Analysis and Management Fall Conference. Georgia (October 2004).
- Henly, Julia R. and Susan J. Lambert (2014). "Unpredictable work timing in retail jobs: Implications for employee work-life conflict." *ILR Review* 67(3): 986-1016.
- Henly, Julia R., H. Luke Shaefer and Elaine Waxman (2006). "Nonstandard work schedules: Employer- and employee-driven flexibility in retail jobs." *Social Service Review* 80(4): 609-634.
- Horsman, John, William Furlong, David Feeny and George Torrance (2003). "The Health Utilities Index (HUI®): concepts, measurement properties and applications." *Health and quality of life outcomes* 1(1): 54.
- Human Impact Partners and Center for Popular Democracy (2016). *Scheduling away our health: how unpredictable work hours affect health and well-being*. The Center for Popular Democracy.
- Kelly, Ryan J., Stephen A. Erath, Olivia Martin-Piñón and Mona El-Sheikh (2021). "Longitudinal relations between parents' sleep problems and harsh parenting." *Journal of Family Psychology*.
- Kesavan, S., S. Lambert, Joan Williams and Pradeep Pendem (2020). "Doing Well By Doing Good: Improving Store Performance with Employee-friendly Scheduling Practices at the Gap, Inc." Social Science Research Network. <https://ssrn.com/abstract=3731670>
- Lambert, Susan J., Peter J. Fugiel and Julia R. Henly (2014). "Precarious work schedules among early-career employees in the US: A national snapshot." *Research brief*. Chicago: University of Chicago, *Employment Instability, Family Well-Being, and Social Policy Network (EINet)*.
- Lee, Soomi, Kelly D. Davis, Susan M. McHale, Erin L. Kelly, Ellen E. Kossek and Ann C. Crouter (2017). "When mothers' work matters for youths' daily time use: Implications of evening and weekend shifts." *Journal of child and family studies* 26(8): 2077-2089.
- Lillis, Teresa A., Nancy A. Hamilton, Sarah D. Pressman, Maisa S. Ziadni, Christina S. Khou, Lauren E. Boddy and Linzy M. Wagner (2018). "Sleep quality buffers the effects of negative social interactions on maternal mood in the 3–6 month postpartum period: a daily diary study." *Journal of behavioral medicine* 41(5): 733-746.
- Loney, Jan and Richard Milich (1982). "Hyperactivity, inattention, and aggression in clinical practice." *Advances in development and behavioral pediatrics*. M. Wolraich and D. K. Rough. Greenwich, CT, JAI Press. **3**: 113-147.

- Loustaunau, Lola, Larissa Petrucci, Amelia Coffey, Eleanor Lauderback, H. Elizabeth Peters, Ellen Scott and Lina Stepick (2020). *Combating Unstable Schedules for Low-wage Workers in Oregon*. Urban Institute.
- Sigrud Luhr, Daniel Schneider, and Kristen Harknett. "Parenting without Predictability: Precarious Schedules, Parental Strain, and Work-Life Conflict." *RSF: The Russell Sage Foundation Journal of the Social Sciences*. Volume number (Issue number): Page range. DOI:
- Mihaila, Iulia and Sigan L. Hartley (2018). "Parental sleep quality and behavior problems of children with autism." *Autism* 22(3): 236-244.
- Morduch, Jonathan and Rachel Schneider (2017). *The financial diaries: How American families cope in a world of uncertainty*. Princeton, NJ, Princeton University Press.
- Muhib, Farazana B., Lillian S. Lin, Ann Stueve, Robin L. Miller, Wesley L. Ford, Wayne D. Johnson, Philip J. Smith and Community Intervention Trial for Youth Study Team (2001). "A venue-based method for sampling hard-to-reach populations." *Public health reports* 116(1 suppl): 216-222.
- Park, Eliza M., Samantha Meltzer-Brody and Robert Stickgold (2013). "Poor sleep maintenance and subjective sleep quality are associated with postpartum maternal depression symptom severity." *Archives of women's mental health* 16(6): 539-547.
- Ryan, Richard M., Jessey H. Bernstein and Kirk W. Brown (2010). "Weekends, Work, and Well-Being: Psychological Need Satisfactions and Day of the Week Effects on Mood, Vitality, and Physical Symptoms." *Journal of Social and Clinical Psychology* 29(1): 95-122.
- Schneider, Daniel and Kristen Harknett (2019). "Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being." *American Sociological Review* 84(1): 82-114.
- Schwartz, Ari, Michael Wasser, Merrit Gillard and Michael Paarlberg (2015). *Unpredictable, unsustainable: The impact of employers' scheduling practices in D.C.* D.C. Jobs with Justice.
- Shrout, Patrick E., Niall Bolger, Masumi Iida, Christopher Burke, Marci E. J. Gleason and Sean P. Lane (2010). "Acute stress: results from a diary study of bar exam preparation." *Support Processes in Intimate Relationships*. Kieran T. Sullivan and Joanne Davila. New York, Oxford University Press: 175-199.
- Sprajcer, Madeline, Sarah M. Jay, Grace E. Vincent, Andrew Vakulin, Leon Lack and Sally A. Ferguson (2018). "Uncertain call likelihood negatively affects sleep and next-day cognitive performance while on-call in a laboratory environment." *Chronobiology international* 35(6): 838-848.
- Williams, Joan C., Susan J. Lambert, Saravanan Kesavan, Peter J. Fugiel, Lori A. Ospina, Erin D. Rapoport, Meghan Jarpe, Dylan Bellisle, Pradeep Pandem, Lisa McCorkell and Sarah Adler-Milstein (2018). *Stable Scheduling Increases Productivity and Sales*. The Kenan Institute of Private Enterprise.

Table 1. Sample characteristics at baseline

|                                                       | Overall | No<br>treatment<br>job (C) | 1+<br>treatment<br>job (T) | Significant<br>difference<br>between<br>T and C |
|-------------------------------------------------------|---------|----------------------------|----------------------------|-------------------------------------------------|
| <b>Respondent Characteristics</b>                     |         |                            |                            |                                                 |
| Age (mean)                                            | 29.6    | 30.9                       | 28.45                      | +                                               |
| Female                                                | 86.2%   | 86.7%                      | 85.4%                      |                                                 |
| Education (mean years)                                | 11.7    | 12.2                       | 11.4                       |                                                 |
| Has 12 or more years of education                     | 73.4%   | 76.9%                      | 71.8%                      |                                                 |
| Age at First Birth (mean)                             | 23.5    | 23.8                       | 23.1                       |                                                 |
| Ever married                                          | 28.2%   | 36.4%                      | 20.0%                      | +                                               |
| Race/Ethnicity:                                       |         |                            |                            |                                                 |
| Hispanic (of any race)                                | 30.6%   | 31.8%                      | 30.0%                      |                                                 |
| African-American (non-Hispanic)                       | 44.7%   | 43.2%                      | 45.0%                      |                                                 |
| Caucasian (non-Hispanic)                              | 8.2%    | 4.5%                       | 12.5%                      |                                                 |
| Asian (non-Hispanic)                                  | 8.2%    | 11.4%                      | 5.0%                       |                                                 |
| Native American (non-Hispanic)                        | 1.2%    | 0.0%                       | 2.5%                       |                                                 |
| Multi-racial (non-Hispanic)                           | 7.1%    | 9.1%                       | 5.0%                       |                                                 |
| <b>Household Characteristics</b>                      |         |                            |                            |                                                 |
| Number of children (mean)                             | 1.80    | 1.84                       | 1.77                       |                                                 |
| Respondent currently married or living w/ partner     | 58.3%   | 61.4%                      | 56.4%                      |                                                 |
| Respondent lives with a parent                        | 21.4%   | 23.3%                      | 17.5%                      |                                                 |
| <b>Focal Child Characteristics</b>                    |         |                            |                            |                                                 |
| Age (mean)                                            | 3.6     | 4.0                        | 3.2                        |                                                 |
| Female                                                | 54.4%   | 61.4%                      | 44.1%                      |                                                 |
| <b>Care arrangements:</b>                             |         |                            |                            |                                                 |
| enrolled in Head Start                                | 35.4%   | 52.3%                      | 11.8%                      | **                                              |
| enrolled in daycare                                   | 50.0%   | 62.8%                      | 32.4%                      | **                                              |
| enrolled in afterschool                               | 17.9%   | 20.9%                      | 14.7%                      |                                                 |
| receives care from non-respondent parent              | 46.8%   | 39.5%                      | 55.9%                      |                                                 |
| receives care from other relative                     | 40.0%   | 26.2%                      | 59.4%                      | **                                              |
| Total hours of non-respondent care per week (mean)    | 38.2    | 30.0                       | 47.8                       | **                                              |
| <b>Work situation</b>                                 |         |                            |                            |                                                 |
| at least one treatment job covered by FWO             | 57.7%   | 0.0%                       | 100.0%                     |                                                 |
| # of jobs held by respondent (mean)                   | 1.13    | 1.10                       | 1.19                       |                                                 |
| Monthly household income (mean)                       | \$2,795 | \$2,945                    | \$2,633                    |                                                 |
| <b>Respondent Mental Health</b>                       |         |                            |                            |                                                 |
| Often or always found it difficult to relax           | 26.3%   | 23.3%                      | 31.3%                      |                                                 |
| Often or always felt down-hearted or blue             | 10.5%   | 7.0%                       | 15.6%                      |                                                 |
| <b>Focal Child Mental Health</b>                      |         |                            |                            |                                                 |
| Often somewhat or very worried                        | 21.5%   | 15.9%                      | 29.4%                      |                                                 |
| Often somewhat or very unhappy, depressed, or tearful | 10.1%   | 9.1%                       | 11.8%                      |                                                 |

*N* = 78; + *p* < .10

Table 2. Daily Outcomes Across Waves

|                                                   | <u>Overall</u>   | <u>Non-<br/>Hispanic<br/>Black</u> | <u>Non-<br/>Hispanic<br/>White</u> | <u>Non-<br/>Hispanic<br/>Asian-<br/>American</u> | <u>Hispanic<br/>(any race)</u> |
|---------------------------------------------------|------------------|------------------------------------|------------------------------------|--------------------------------------------------|--------------------------------|
| <u>Person-job-days</u>                            |                  |                                    |                                    |                                                  |                                |
| Share with any schedule change                    | 0.106<br>(0.004) | 0.105<br>(0.006)                   | 0.078<br>(0.011)                   | 0.173<br>(0.015)                                 | 0.100<br>(0.007)               |
| Share with last minute change                     | 0.700<br>(0.003) | 0.073<br>(0.005)                   | 0.047<br>(0.009)                   | 0.086<br>(0.011)                                 | 0.076<br>(0.006)               |
| Share with a change in work hours                 | 0.055<br>(0.003) | 0.051<br>(0.004)                   | 0.054<br>(0.009)                   | 0.103<br>(0.012)                                 | 0.051<br>(0.005)               |
| Share with a cancelled shift                      | 0.041<br>(0.002) | 0.043<br>(0.004)                   | 0.017<br>(0.005)                   | 0.064<br>(0.009)                                 | 0.040<br>(0.005)               |
| Share with a surprise shift                       | 0.010<br>(0.001) | 0.012<br>(0.002)                   | 0.007<br>(0.003)                   | 0.006<br>(0.003)                                 | 0.010<br>(0.002)               |
| Share worked today                                | 0.547<br>(0.006) | 0.509<br>(0.009)                   | 0.503<br>(0.021)                   | 0.613<br>(0.019)                                 | 0.603<br>(0.011)               |
| Mean hours worked on work days                    | 7.12             | 7.15                               | 7.39                               | 6.73                                             | 7.17                           |
| standard deviation                                | 2.01<br>(0.03)   | 2.02<br>(0.05)                     | 1.62<br>(0.10)                     | 2.00<br>(0.10)                                   | 1.99<br>(0.06)                 |
| Mean hours worked including non-work days         | 3.83             | 3.49                               | 3.70                               | 4.08                                             | 4.11                           |
| standard deviation                                | 3.84<br>(0.05)   | 3.84<br>(0.07)                     | 3.87<br>(0.16)                     | 3.64<br>(0.14)                                   | 3.85<br>(0.09)                 |
| <i>N</i>                                          | 6,945            | 3,107                              | 575                                | 671                                              | 1,875                          |
| <u>Person-days</u>                                |                  |                                    |                                    |                                                  |                                |
| Share parent had negative mood                    | 0.422<br>(0.006) | 0.423<br>(0.010)                   | 0.598<br>(0.020)                   | 0.447<br>(0.020)                                 | 0.361<br>(0.012)               |
| Raw Sleep Difficulty (1-10 scale) (mean)          | 2.9              | 2.8                                | 3.8                                | 2.6                                              | 2.8                            |
| standard deviation                                | 2.21<br>(0.03)   | 2.2<br>(0.04)                      | 1.92<br>(0.08)                     | 1.45<br>(0.06)                                   | 2.48<br>(0.06)                 |
| Share lost temper                                 | 0.092<br>(0.004) | 0.097<br>(0.006)                   | 0.078<br>(0.011)                   | 0.113<br>(0.013)                                 | 0.093<br>(0.007)               |
| Share punished child                              | 0.084<br>(0.004) | 0.071<br>(0.005)                   | 0.134<br>(0.014)                   | 0.108<br>(0.013)                                 | 0.077<br>(0.007)               |
| Share child was uncooperative most/all of the day | 0.139<br>(0.004) | 0.159<br>(0.007)                   | 0.137<br>(0.014)                   | 0.187<br>(0.016)                                 | 0.099<br>(0.007)               |
| Share child was worried most/all of the day       | 0.054<br>(0.003) | 0.063<br>(0.005)                   | 0.045<br>(0.009)                   | 0.087<br>(0.011)                                 | 0.032<br>(0.004)               |
| <i>N</i>                                          | 6,059            | 2,610                              | 575                                | 611                                              | 1,653                          |

Standard errors in parentheses.

Table 3. Effect of Emeryville Fair Workweek Ordinance on daily work schedule disruptions

|                                             | Wave 3<br>only as<br>Post | Waves 2<br>and 3 as<br>Post | Waves 2<br>and 3<br>unique<br>effects |
|---------------------------------------------|---------------------------|-----------------------------|---------------------------------------|
| <u>Outcome: Any schedule change</u>         |                           |                             |                                       |
| Policy impact <sup>a b</sup>                | -0.037<br>(0.029)         | -.042+<br>(0.024)           | -0.025<br>(0.028)                     |
| Wave 2 policy impact                        |                           |                             | -.055*<br>(0.025)                     |
| <u>Outcome: Last-minute schedule change</u> |                           |                             |                                       |
| Policy impact <sup>a b</sup>                | -0.032<br>(0.022)         | -.034+<br>(0.019)           | -0.029<br>(0.021)                     |
| Wave 2 policy impact                        |                           |                             | -.039+<br>(0.020)                     |
| <u>Outcome: Change in work hours</u>        |                           |                             |                                       |
| Policy impact <sup>a b</sup>                | -0.031<br>(.022)          | -0.027<br>(.021)            | -0.021<br>(.024)                      |
| Wave 2 policy impact                        |                           |                             | -0.031<br>(.022)                      |
| <u>Outcome: Canceled shift</u>              |                           |                             |                                       |
| Policy impact <sup>a b</sup>                | 0.012<br>(.015)           | 0.002<br>(.011)             | 0.014<br>(.014)                       |
| Wave 2 policy impact                        |                           |                             | -0.008<br>(.012)                      |
| <u>Outcome: Surprise shift</u>              |                           |                             |                                       |
| Policy impact <sup>a b</sup>                | -.019*<br>(.007)          | -.017*<br>(.007)            | -.019*<br>(.007)                      |
| Wave 2 policy impact                        |                           |                             | -.016*<br>(.008)                      |

<sup>a</sup> Treatment x Wave 3 for Models 1 and 3

<sup>b</sup> Treatment x post (Wave 2 and 3) for Model 2

+  $p < .10$ ; \*  $p < .05$



Table 4. Effect of Emeryville Fair Workweek Ordinance on daily work and work hours

|                                                                        | Model 1:<br>Wave 3 only<br>as Post | Model 2:<br>Waves 2<br>and 3 as<br>Post | Model 3:<br>Waves 2 and 3<br>unique effects |
|------------------------------------------------------------------------|------------------------------------|-----------------------------------------|---------------------------------------------|
| <u>Outcome: Worked today</u>                                           |                                    |                                         |                                             |
| Policy impact <sup>a b</sup>                                           | -.128*<br>(.064)                   | -.098*<br>(.048)                        | -.118+<br>(.058)                            |
| Wave 2 policy impact                                                   |                                    |                                         | -0.082<br>(.052)                            |
| <u>Outcome: Hours worked on work days</u>                              |                                    |                                         |                                             |
| Policy impact <sup>a b</sup>                                           | .509*<br>(.250)                    | 0.185<br>(.254)                         | .393+<br>(.233)                             |
| Wave 2 policy impact                                                   |                                    |                                         | 0.009<br>(.316)                             |
| <u>Outcome: Hours worked including non-workdays</u>                    |                                    |                                         |                                             |
| Policy impact <sup>a b</sup>                                           | -0.474<br>(.515)                   | -0.433<br>(.401)                        | -0.381<br>(.479)                            |
| Wave 2 policy impact                                                   |                                    |                                         | -0.475<br>(.437)                            |
| <u>Outcome: Hours worked across all jobs (including non-work days)</u> |                                    |                                         |                                             |
| Policy impact <sup>a b</sup>                                           | -0.698<br>(.743)                   | 0.441<br>(.666)                         | -0.623<br>(.734)                            |
| Wave 2 policy impact                                                   |                                    |                                         | 1.372+<br>(.818)                            |

<sup>a</sup> Treatment x Wave 3 for Models 1 and 3

<sup>b</sup> Treatment x post (Wave 2 and 3) for Model 2

+  $p < .10$ ; \*  $p < .05$

Table 5. Effect of Emeryville Fair Workweek Ordinance on daily family well-being

|                              | Wave 3<br>only as<br>Post     | Waves 2<br>and 3 as<br>Post | Waves 2<br>and 3<br>unique<br>effects | Wave 3<br>only as<br>Post        | Waves 2<br>and 3 as<br>Post | Waves 2<br>and 3<br>unique<br>effects |
|------------------------------|-------------------------------|-----------------------------|---------------------------------------|----------------------------------|-----------------------------|---------------------------------------|
| <b>Parental well-being</b>   | Outcome: Parent negative mood |                             |                                       | Outcome: Parent sleep difficulty |                             |                                       |
| Policy impact <sup>a,b</sup> | -3.740<br>(5.397)             | -0.869<br>(4.172)           | -3.839<br>(5.228)                     | -.281*<br>(0.137)                | -0.196<br>(0.124)           | -.282*<br>(0.136)                     |
| Wave 2 policy impact         |                               |                             | 1.738<br>(3.991)                      |                                  |                             | -0.118<br>(0.142)                     |
| <b>Parenting behaviors</b>   | Outcome: Lost temper          |                             |                                       | Outcome: Punished child          |                             |                                       |
| Policy impact <sup>a,b</sup> | -2.306<br>(1.976)             | -1.693<br>(1.684)           | -2.564<br>(1.886)                     | 2.507<br>(2.319)                 | 1.820<br>(1.846)            | 1.864<br>(2.269)                      |
| Wave 2 policy impact         |                               |                             | -1.031<br>(2.216)                     |                                  |                             | 1.699<br>(1.999)                      |
| <b>Child well-being</b>      | Outcome: Child uncooperative  |                             |                                       | Outcome: Child worried           |                             |                                       |
| Policy impact <sup>a,b</sup> | -1.328<br>(4.319)             | -2.168<br>(3.242)           | -2.014<br>(4.161)                     | 0.893<br>(2.383)                 | 0.087<br>(1.878)            | 0.211<br>(2.355)                      |
| Wave 2 policy impact         |                               |                             | -2.539<br>(3.166)                     |                                  |                             | -0.147<br>(1.811)                     |

<sup>a</sup> Treatment x Wave 3 for Models 1 and 3

<sup>b</sup> Treatment x post (Wave 2 and 3) for Model 2

+  $p < .10$ ; \*  $p < .05$

Table 6. Intent-to-Treat Analysis of Effect of Emeryville Fair Workweek Ordinance on daily work schedule disruptions

|                                             | Wave 3 only<br>as Post | Waves 2 and<br>3 as Post | Waves 2 and 3<br>unique effects |
|---------------------------------------------|------------------------|--------------------------|---------------------------------|
| <u>Outcome: Any schedule change</u>         |                        |                          |                                 |
| Policy impact <sup>a b</sup>                | -0.129*                | -.042+                   | -0.025                          |
|                                             | (0.064)                | (0.024)                  | (0.028)                         |
| Wave 2 policy impact                        |                        |                          | -.055*                          |
|                                             |                        |                          | (0.025)                         |
| <u>Outcome: Last-minute schedule change</u> |                        |                          |                                 |
| Policy impact <sup>a b</sup>                | -0.032                 | -.034+                   | -0.029                          |
|                                             | (0.022)                | (0.019)                  | (0.021)                         |
| Wave 2 policy impact                        |                        |                          | -.039+                          |
|                                             |                        |                          | (0.020)                         |
| <u>Outcome: Change in work hours</u>        |                        |                          |                                 |
| Policy impact <sup>a b</sup>                | -0.031                 | -0.027                   | -0.021                          |
|                                             | (.022)                 | (.021)                   | (.024)                          |
| Wave 2 policy impact                        |                        |                          | -0.031                          |
|                                             |                        |                          | (.022)                          |
| <u>Outcome: Canceled shift</u>              |                        |                          |                                 |
| Policy impact <sup>a b</sup>                | 0.012                  | 0.002                    | 0.014                           |
|                                             | (.015)                 | (.011)                   | (.014)                          |
| Wave 2 policy impact                        |                        |                          | -0.008                          |
|                                             |                        |                          | (.012)                          |
| <u>Outcome: Surprise shift</u>              |                        |                          |                                 |
| Policy impact <sup>a b</sup>                | -.019*                 | -.017*                   | -.019*                          |
|                                             | (.007)                 | (.007)                   | (.007)                          |
| Wave 2 policy impact                        |                        |                          | -.016*                          |
|                                             |                        |                          | (.008)                          |

<sup>a</sup> Treatment x Wave 3 for Models 1 and 3

<sup>b</sup> Treatment x post (Wave 2 and 3) for Model 2

+  $p < .10$ ; \*  $p < .05$

Table 7. Intent-to-Treat Analysis of Effect of Emeryville Fair Workweek Ordinance on daily work and work hours

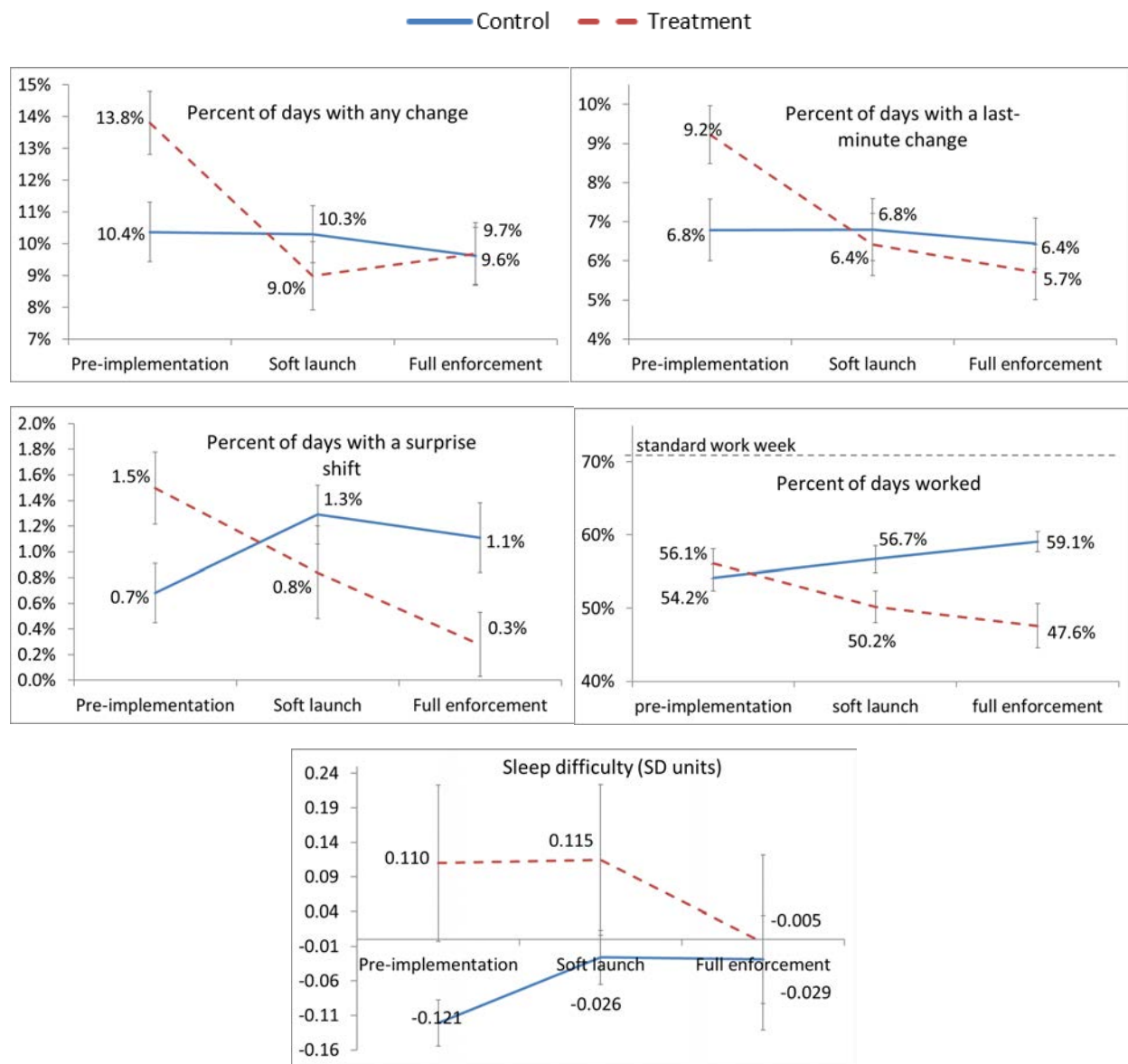
|                                                                        | Model 1:<br>Wave 3 only<br>as Post | Model 2:<br>Waves 2<br>and 3 as<br>Post | Model 3:<br>Waves 2 and 3<br>unique effects |
|------------------------------------------------------------------------|------------------------------------|-----------------------------------------|---------------------------------------------|
| <u>Outcome: Worked today</u>                                           |                                    |                                         |                                             |
| Policy impact <sup>a,b</sup>                                           | -.129*<br>(.064)                   | -.098*<br>(.048)                        | -.118+<br>(.058)                            |
| Wave 2 policy impact                                                   |                                    |                                         | -0.082<br>(.052)                            |
| <u>Outcome: Hours worked on work days</u>                              |                                    |                                         |                                             |
| Policy impact <sup>a,b</sup>                                           | .509*<br>(.250)                    | 0.185<br>(.254)                         | .393+<br>(.233)                             |
| Wave 2 policy impact                                                   |                                    |                                         | 0.009<br>(.316)                             |
| <u>Outcome: Hours worked including non-workdays</u>                    |                                    |                                         |                                             |
| Policy impact <sup>a,b</sup>                                           | -0.474<br>(.515)                   | -0.433<br>(.401)                        | -0.381<br>(.479)                            |
| Wave 2 policy impact                                                   |                                    |                                         | -0.475<br>(.437)                            |
| <u>Outcome: Hours worked across all jobs (including non-work days)</u> |                                    |                                         |                                             |
| Policy impact <sup>a,b</sup>                                           | -0.698<br>(.743)                   | 0.441<br>(.666)                         | -0.623<br>(.734)                            |
| Wave 2 policy impact                                                   |                                    |                                         | 1.372+<br>(.818)                            |

<sup>a</sup> Treatment x Wave 3 for Models 1 and 3

<sup>b</sup> Treatment x post (Wave 2 and 3) for Model 2

+  $p < .10$ ; \*  $p < .05$

Figure 1.



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ORDINANCE NO. -N.S.

FAIR WORKWEEK EMPLOYMENT STANDARDS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.110 is added to read as follows:

**CHAPTER 13.110  
FAIR WORKWEEK EMPLOYMENT STANDARDS**

Sections:

- 13.110.010 Purpose and Intent**
- 13.110.020 Definitions.**
- 13.110.030 Applicability.**
- 13.110.040 Waiver through Collective Bargaining**
- 13.110.050 Advance Notice of Work Schedules.**
- 13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.**
- 13.110.070 Offer of Work to Existing Employees.**
- 13.110.080 Right to Rest.**
- 13.110.090 Right to Request a Flexible Working Arrangement.**
- 13.110.100 Notice and Posting.**
- 13.110.110 Implementation.**
- 13.110.120 Enforcement.**
- 13.110.130 Retaliation Prohibited**
- 13.110.140 Retention of Records.**
- 13.110.150 City Access.**
- 13.110.160 No Preemption of Higher Standards.**
- 13.110.170 Severability.**

**13.110.010 Purpose and Intent**

This chapter shall be known and may be cited as the "Berkeley Fair Workweek Ordinance". It is the purpose of this chapter and the policy of the City: (i) to enact and enforce fair and equitable employment scheduling practices in the City of Berkeley; (ii) to provide the working people of Berkeley with protections that ensure employer scheduling practices do not unreasonably prevent workers from attending to their families, health, education, and other obligations; and (iii) to require Employers needing additional hours, whether temporary or permanent, to first offer those hours to current part-time Employees.

**13.110.020 Definitions**

As used in this chapter, the following terms shall have the following meanings:

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(a) "Building services" means the care and maintenance of property, including, but not limited to, janitorial services, building and grounds maintenance services, and security services.

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(b) "Calendar week" shall mean a period of seven ~~(7)~~ consecutive days starting on Sunday.

(c) "City" shall mean the City of Berkeley.

(d) "Covered employer" shall mean an employer subject to the provisions of this chapter, as specified in Section 13.110.030.

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(e) ~~(d)~~ "Department" shall mean the ~~Department of Finance or other City Manager's Department, as specified in Chapter 2.36, or another~~ department or agency as the City Manager shall ~~by resolution~~ designate.

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(f) ~~(e)~~ "Employee" shall mean any person who:

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(1) In a calendar week performs at least two ~~(2)~~ hours of work within the geographic boundaries of the City of Berkeley for an employer;

(2) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Labor Code Section 1197 and wage orders published by the California Industrial Welfare Commission. Employees shall include learners, as defined by the California Industrial Welfare Commission; and

(3) Is (i) not exempt from payment of an overtime rate of compensation pursuant to Labor Code Section 510; and (ii) is not paid a monthly salary equivalent to at least forty hours per week at a rate of pay of twice the minimum wage required by Berkeley Municipal Code Section 13.99.040.

(g) ~~(f)~~ "Employer" shall mean any person, ~~including corporate officers or executives, as defined in Section 18 of the California Labor Code Section 18,~~ who directly or indirectly through any other person or employer, ~~including through the services of a temporary employment agency, staffing agency, subcontractor or similar entity,~~ employs or exercises control over the wages, hours or working conditions of any Employee, or any person receiving or holding a business license through Title 9 of the Berkeley Municipal Code.

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~~(g) "Firm" shall mean a business organization or entity consisting of one (1) or more establishments under common ownership or control. In the case of a franchise, the franchisor shall be considered the firm.~~

(h) "Franchise" shall have the meaning in California Business and Professions Code Section 20001.

(i) "Franchisee" shall have the meaning in California Business and Professions Code Section 20002.

(j) "Franchisor" shall have the meaning in California Business and Professions Code Section 20003.

(k) "Good faith" shall mean a sincere intention to deal fairly with others.

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(l) "Healthcare" shall mean either a Hospital, Medical Practitioner Office, Nursing Home, or Supportive Housing as defined in BMC Section 23F.04.10, or a facility that provides outpatient maintenance dialysis.

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(m) "Hotel" shall mean Tourist Hotel as defined in BMC Section 23F.04.10.

(n) "Manufacturing" shall mean a Manufacturing Use as defined in BMC Section 23F.04.10.

(o) "Predictability pay" shall mean wages paid to an employee, calculated on an hourly basis at the employee's regular rate of pay as that term is used in 29 U.S.C. Section 207 (e), as compensation for schedule changes made by a covered employer to an employee's schedule pursuant to Section 13.110.060, in addition to any wages earned for work performed by that employee.

(p) "Restaurant" shall mean a Food Service Establishment as defined in BMC Section 23F.04.10.

(q) "Retail" shall mean a Retail Products Store as defined in BMC Section 23F.04.10.

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(r) "Shift" shall mean the consecutive hours an employer requires an employee to work including employer-approved meal periods and rest periods.

(s) "Warehouse services" shall mean Warehouse Based Non-Store Retail as defined in BMC Section 23F.04.10.

(t) "Work schedule" shall mean all of an employee's shifts, including specific start and end times for each shift, during a calendar week.

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**13.110.030 Applicability**

(a) ~~All sections of this chapter shall apply to: the City of Berkeley as an employer, and all any employers in the City of Berkeley that is: who are primarily engaged in any of the following industries:~~

~~(1) building services;~~

~~(2) healthcare;~~

~~(3) hotel;~~

~~(4) manufacturing;~~

~~(5) restaurant;~~

~~(6) retail; or~~

~~(7) warehouse services.~~

(b) ~~Notwithstanding subdivision (a), this chapter shall apply only to an employer that~~

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- (1) primarily engaged in the building services, healthcare, hotel, manufacturing, retail, or warehouse services industries, is not a restaurant and employs fifty (50) 56 or more employees globally; or
- (2) primarily engaged in the restaurant industry, is a restaurant operator and employing ten (10) or more employees in the city of Berkeley and employs one hundred (100) or more globally; or
- (3) is a franchisee primarily engaged in the retail or restaurant industries employing ten (10) or more employees in the city of Berkeley and is associated with a network of franchisees with franchisees employing in the aggregate one hundred (100) or more employees globally.

~~(c)(b)~~ This chapter does not apply to a not-for-profit corporation organized under Section 501 of the United States Internal Revenue Code unless it employs ~~one hundred (100)~~ or more employees globally.

~~(cd)~~ In determining the number of employees performing work for an covered employer during a given week, all employees performing work for the covered employer for compensation on a full-time, part-time, or temporary basis, at any location, shall be counted, including employees made available to work through the services of a temporary services or staffing agency or similar entity.

~~(de)~~ For the purposes of determining whether a nonfranchisee entity is a covered employer as defined by this chapter, separate entities that form an integrated enterprise shall be considered a single employer. Within one year of the effective date of the ordinance, the City Manager shall promulgate rules pursuant to the authority provided in Section 13.110.110 to implement this subsection clarifying factors to be considered in determining what constitutes an integrated enterprise. under this chapter. Separate entities will be considered an integrated enterprise and a single employer under this chapter where a separate entity controls the operation of another entity. The factors to consider in making this assessment include, but are not limited to:

- ~~(1) Degree of interrelation between the operations of multiple entities;~~
- ~~(2) Degree to which the entities share common management;~~
- ~~(3) Centralized control of labor relations; and~~
- ~~(4) Degree of common ownership or financial control over the entities.~~

~~There shall be a presumption that separate legal entities, which may share some degree of interrelated operations and common management with one another, shall be considered separate employers for purposes of this chapter as long as (i) the separate legal entities operate substantially in separate physical locations from one another, and (ii) each separate legal entity has partially different ultimate ownership.~~

(e) For the City of Berkeley as an employer, this chapter shall become operative with respect to non-represented employees one year after the effective date of the ordinance. Subject to a waiver under Section 13.110.040, with respect to employees

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subject to a collective bargaining agreement, this chapter shall become operative upon the commencement of a bona fide successor collective bargaining agreement ~~applying to members of a respective bargaining unit,~~ or one year after the effective date of the ordinance, whichever is earlier.

(f) For all other employers, with respect to employees subject to a collective bargaining agreement, this chapter shall become operative on the commencement of a bona fide successor collective bargaining agreement, subject to a waiver pursuant to Section 13.110.040.

(g) For all other employers not subject to a collective bargaining agreement, this chapter shall become operative one year after the effective date of the ordinance.

**13.110.040 Waiver through Collective Bargaining**

To the extent permitted by law, all or any portion of the applicable requirements of this chapter may be waived in a bona fide collective bargaining agreement; provided, that such waiver is explicitly set forth in such agreement in clear and unambiguous terms that the parties thereto intend to and do thereby waive all of or a specific portion(s) of this chapter. The requirements of all or of specific portions of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

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**13.110.050 Advance Notice of Work Schedules.**

(a) Initial Estimate of Minimum Hours.

(1) ~~Prior to or on commencement of employment, a covered An~~ employer shall provide each employee with a good faith estimate in writing of the employee's work schedule. ~~The~~

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(2) ~~Prior to or on commencement of employment, the~~ employee may submit a written request ~~to that the covered employer~~ modify the estimated work schedule, ~~and provided under subsection (a)(1) of this section. T~~he covered employer shall consider any such request, and in its sole discretion may accept or reject the request; ~~provided, that the covered employer~~ and shall notify the employee of covered employer's determination in writing prior to or on commencement of employment.

(b) Two ~~(2)~~ Weeks' Advance Notice of Work Schedule. A covered employer shall provide its employees with at least two ~~(2)~~ weeks' notice of their work schedules by doing one ~~(4)~~ of the following:

(1) posting the work schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees; or

(2) transmitting the work schedule by electronic means, so long as all employees are given access to the electronic schedule at the workplace. For new employees, a covered employer shall provide the new employee prior to or on their first day of employment with an initial work schedule. Thereafter, the covered employer shall

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include the new employee in an existing schedule with other employees. ~~If the covered employer changes an employee's work schedule after it is posted and/or transmitted, such changes shall be subject to the notice and compensation requirements set forth in this chapter.~~

(c) An Employee who is a victim of domestic violence or sexual violence may request that the Employee's Work Schedule not be posted or transmitted to other employees. An oral or written request shall be sufficient and implemented immediately and is sufficient until the Employee gives written permission to post the Employee's schedule. An Employer may request a written statement from the Employee that states that the Employee is a victim of domestic violence or sexual violence. The written statement shall constitute the documentation needed for the Employer to implement the request. The Employer may not require a written statement more than once in a calendar year from any Covered Employee for this purpose.

### **13.110.060 ~~Notice, Right to Decline, and Compensation for Schedule Changes.~~**

(a) Notice. A covered employer shall provide an employee written notice of any change to the employee's posted or transmitted work schedule within 24 hours of a schedule change. ~~The covered employer shall provide such notice by in-person conversation, telephone call, email, text message, or other electronic communication. If the Employee accepts the additional shift via a verbal conversation, the Employer shall immediately follow up with written confirmation to document the agreement and when it was accepted.~~ This notice requirement shall not apply to any schedule changes the employee initiates, ~~such as employee requested sick leave, time off, shift trades, or additional shifts.~~

(b) Right to Decline. Subject to the exceptions in subsections (d) and (e) of this section, an employee has the right to decline any previously unscheduled hours that the covered employer adds to the employee's schedule, and for which the employee has been provided advance notice of less than ~~fourteen (14)~~ days before the first day of any new schedule.

(c) Predictability Pay for Schedule Changes. Subject to the exceptions in subsections (d) and (e) of this section, a covered employer shall provide an employee with the following compensation per shift for each previously scheduled shift that the covered employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled shift that the covered employer adds to the employee's schedule:

(1) with less than ~~fourteen (14)~~ days' notice, but ~~twenty-four (24)~~ hours or more notice to the employee: one ~~(1)~~ hour of predictability pay;

(2) with less than ~~twenty-four (24)~~ hours to the employee,

(i) When hours are cancelled or reduced, ~~four (4)~~ hours or the number of cancelled or reduced hours in the employee's scheduled shift, whichever is less, ~~when hours are canceled or reduced;~~

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~~\_\_\_\_\_~~ (ii) ~~For additions and all other changes, one (1) hour of predictability pay for all other changes.~~ The compensation required by this subsection shall be in addition to the employee's regular pay for working ~~that such~~ shift.

~~(c) (d)~~ ~~Scheduling~~ Exceptions. The requirements of this section shall not apply under any of the following circumstances:-

~~(1) Mutually agreed-upon work shift swaps or coverage arrangements among employees;~~

~~(2) Employee initiated voluntary shift modifications, such as voluntary requests to leave a scheduled shift prior to the end of the shift or to use sick leave, vacation leave, or other policies offered by the Employer. This paragraph shall apply only to the employee initiating the voluntary shift modification; or~~

~~(3) To accommodate the following transitions in shifts:~~

~~(i) If an employee works no more than thirty minutes past the end of a scheduled shift to complete service to a customer, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.~~

~~(ii) An employee begins or ends their scheduled shift no more than ten minutes prior to or after the scheduled shift, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.~~

~~(d) Operational~~ ~~Exceptions~~Exceptions. The requirements of this section shall not apply under any of the following circumstances:

(1) Operations cannot begin or continue due to threats to covered employers, employees or property, or when civil authorities recommend that work not begin or continue;

(2) Operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system;

(3) Operations cannot begin or continue due to: acts of nature (including but not limited to flood, fire, explosion, earthquake, tidal wave, drought), pandemic, war, civil unrest, strikes, or other cause not within the covered employer's control;

~~(4) Mutually agreed-upon work shift swaps or coverage arrangements among employees.~~

~~(5) Employee initiated voluntary shift modifications, such as voluntary requests to leave a scheduled shift prior to the end of the shift or to use sick leave, vacation leave, or other policies offered by the Employer. This paragraph shall apply only to the employee initiating the voluntary shift modification.~~

~~(6) To accommodate the following transitions in shifts:~~

~~(i) If an employee works past the end of a scheduled shift to complete service to a customer, which service would entitle the employee to receive a commission, tip, or other incentive pay based on the completion of that service, provided the~~

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~~employee is compensated at their regular rate of pay for the additional work performed by the employee.~~

~~(ii) An employee begins or ends their scheduled shift no more than ten minutes prior to or after the scheduled shift, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.~~

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~~(47) When, in manufacturing, events outside of the control of the manufacturer result in a reduction in the need for Covered Employees, including, but not limited to, when a customer requests the manufacturer to delay production or there is a delay in the receipt of raw materials or component parts needed for production;~~  
~~or-~~

~~(58) With regard to healthcare employers, in (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of an Employer's disaster plan, or incident causing a hospital to activate its Emergency Operations Plan, that will substantially affect or increase the need for healthcare services; (ii) any circumstance in which patient care needs require specialized skills through the completion of a procedure; or (iii) any unexpected substantial increase in demand for healthcare due to large public events, severe weather, violence, or other circumstances beyond the Employer's control.~~

(e) Nothing in this section shall be construed to prohibit a covered employer from providing greater advance notice of employee's work schedules and/or changes in schedules than that required by this section.

### **13.110.070 Offer of Work to Existing Employees.**

(a) Subject to the limitations ~~herein in this chapter~~, before hiring new employees ~~or contract employees~~, including hiring through the use of temporary services or staffing agencies, a covered employer shall first offer additional hours of work to existing part-time employee(s) who have worked on behalf of the employer for more than two weeks, ~~and if the part-time employee(s) are qualified to do the additional work, as reasonably and in good faith determined by the covered employer. This section shall not be construed to require any employer to offer employees work hours paid at a premium rate under Labor Code Section 510 nor to prohibit any employer from offering such work hours.~~ ~~requires covered employers to offer to part-time employees only up to the number of hours required to schedule a part-time employee forty (40) hours of work in a calendar week. In order to facilitate communication with current employees who may be interested in additional work, an Employer may specify how employees may in advance communicate their interest of additional work and which positions and hours of work employees would be interested in covering.~~

(b) A covered employer has discretion to ~~divide-distribute~~ the additional work hours among part-time employees consistent with this section; provided, that: (1) the employer's system for distribution of hours must not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, disability, age, marital or familial status, nor on the basis of family

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caregiving responsibilities ~~or status as a student~~; and (2) the employer may not distribute hours in a manner intended to avoid an increase in the number of employees working 30 or more hours per week, or with regard to the City of Berkeley, to avoid ~~the~~ granting of any benefits that an employee earns based on hours worked.

(c) A part-time employee may, but is not required to, accept the covered employer's offer of additional work under this section.

(1) A part-time employee shall have ~~twenty-four (24)~~ hours to accept an offer of additional hours of work under this section, after which time the covered employer may hire new employees to work the additional hours.

(2) The ~~twenty-four (24)~~ hour period referred to in this subsection begins either when the employee receives the written offer of additional hours, or when the covered employer posts the offer of additional hours as described in subsection (d) of this section, whichever is sooner. A part-time employee who wishes to accept the additional hours must do so in writing.

(d) When this section requires a covered employer to offer additional hours to existing part-time employees, the covered employer shall make the offer either in writing or by posting the offer in a conspicuous location in the workplace ~~or electronically~~ where notices to employees are customarily posted. ~~Covered employers may post the notice electronically on an internal website in a conspicuous location and which website is readily accessible to all employees. The notice shall include the total hours of work being offered, the schedule of available shifts, whether those shifts will occur at the same time each week, and the length of time the covered employer anticipates requiring coverage of the additional hours, and the process by which part-time employees may notify the covered employer of their desire to work the offered hours.~~

~~(e) The covered employer shall retain each written offer no less than three (3) years as required under Section 13.110.140.~~

~~(f) This section shall not be construed to require any covered employer to offer employees work hours paid at a premium rate under California Labor Code Section 510 nor to prohibit any covered employer from offering such work hours.~~

### **13.110.080 Right to Rest.**

(a) An employee has the right to decline work hours that occur:

- (1) Less than ~~eleven (11)~~ hours after the end of the previous day's shift; or
- (2) During the ~~eleven (11)~~ hours following the end of a shift that spanned two ~~(2)~~ days.

(b) An employee who agrees in writing to work hours described in this section shall be compensated at one and one-half ~~(1-1/2)~~ times the employee's regular rate of pay for any hours worked less than ~~eleven (11)~~ hours following the end of a previous shift.

### **13.110.090 Right to Request a Flexible Working Arrangement.**

An employee has the right to request a modified work schedule, including but not limited to additional shifts or hours; changes in days of work or start and/or end times for the shift; permission to exchange shifts with other employees; limitations on availability;

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part-time employment; job sharing arrangements; reduction or change in work duties; or part-year employment. Notwithstanding any obligations under Section 13.110.060, an employer may accept, modify, or decline the employee's request. A covered employer shall not retaliate against an employee for exercising their rights under this section or the rights outlined in the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, Berkeley Municipal Code Chapter 13.101.

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### **13.110.100 Notice and Posting.**

(a) The Department shall publish and make available to covered employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by covered employers in the workplace informing employees of their rights under this chapter.

(b) Each covered employer shall give written notification to each current employee and to each new employee at time of hire of their rights under this chapter. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all employees. Every covered employer shall also provide each employee at the time of hire with the covered employer's name, address, and telephone number in writing. Failure to post such notice shall render the covered employer subject to administrative citation, pursuant to the provisions of this chapter. The Department is authorized to prepare sample notices and covered employer use of such notices shall constitute compliance with this subsection.

### **13.110.110 Implementation.**

(a) The Department shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the City shall have the force and effect of law and may be relied on by covered employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring covered employer compliance with this chapter, and for providing administrative hearings to determine whether a covered employer has violated the requirements of this chapter.

(b) Reporting Violations. An aggrieved employee may report to the Department in writing any suspected violation of this chapter. The Department shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee reporting the violation; provided, however, that with the authorization of such employee, the Department may disclose their name and identifying information as necessary to enforce this chapter or other employee protection laws.

(c) Investigation. The Department may investigate any possible violations of this chapter by a covered employer. The Department shall have the authority to inspect workplaces, interview persons and subpoena records or other items relevant to the enforcement of this chapter.

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(d) Informal Resolution. If the Department elects to investigate a complaint, the City shall make every effort to resolve complaints informally and in a timely manner. The City's investigation and pursuit of informal resolution does not limit or act as a prerequisite for an employee's right to bring a private action against a covered employer as provided in this chapter.

### 13.110.120 Enforcement.

(a) Enforcement by City. Where prompt compliance with the provisions of this chapter is not forthcoming, the Department may take any appropriate enforcement action to ensure compliance, including but not limited to the following:

The Department may issue an administrative citation pursuant to Chapter 1.28 of the Berkeley Municipal Code. The amount of this fine shall vary based on the provision of this chapter violated, as specified below:

- (1) A fine may be assessed for retaliation by a covered employer against an employee for exercising rights protected under this chapter. The fine shall be ~~one thousand dollars (\$1,000.00)~~ for each employee retaliated against.
- (2) A fine of ~~five hundred dollars (\$500.00)~~ may be assessed for any of the following violations of this chapter:
  - (i) Failure to provide notice of employees' rights under this chapter.
  - (ii) Failure to timely provide an initial work schedule or to timely update work schedules following changes.
  - (iii) Failure to provide predictability pay for schedule changes with less than ~~twenty four (24)~~ hours' advance notice.
  - (iv) Failure to offer work to existing employees before hiring new employees or temporary staff or to award work to a qualified employee.
  - (v) Failure to maintain payroll records for the minimum period of time as provided in this chapter.
  - (vi) Failure to allow the Department access to payroll records.
- (3) A fine equal to the total amount of appropriate remedies, pursuant to subsection (c) of this section. Any and all money collected in this way that is the rightful property of an employee, such as back wages, interest, and civil penalty payments, shall be disbursed by the Department in a prompt manner.

(f) City Access. Each covered employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

(g) Any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall



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be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of \$50 to each Employee or person whose rights under this Chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief to Employees, and reasonable attorneys' fees and costs.

(i) This Section shall not be construed to limit an Employee's right to bring legal action for a violation of any other laws concerning wages, hours, or other standards or rights nor shall exhaustion of remedies under this Chapter be a prerequisite to the assertion of any right.

(j) The remedies for violation of this chapter include but are not limited to:

1. Reinstatement, the payment of predictability pay unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of ~~fifty dollars (\$50.00)~~ to each employee whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this chapter or State law.

2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.

3. Reimbursement of the City's administrative costs of enforcement and reasonable attorney's fees.

4. If a repeated violation of this chapter has been finally determined in a period from July 1 to June 30 of the following year, the Department may require the employer to pay an additional sum as a civil penalty in the amount of ~~fifty dollars (\$50.00)~~ to the City for each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this Code or State law.

(k) The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

(l) No criminal penalties shall attach for any violation of this chapter, nor shall this chapter give rise to any cause of action for damages against the City.

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**13.110.130 Retaliation Prohibited.**

An employer shall not discharge, reduce the compensation of, discriminate against, or take any adverse employment action against an employee, including discipline, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment, reduction of hours or denial of additional hours, informing another employer that the person has engaged in activities protected by this chapter, or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former employee or family member of an employee to a Federal, State or local agency, for making a complaint to the Department, participating in any of the Department's proceedings, using any civil remedies to enforce their rights, or otherwise asserting their rights under this chapter. Within ~~one hundred twenty (120)~~ days of an employer being notified of such activity, it shall be unlawful for the employer to discharge any employee who engaged in such activity unless the employer has clear and convincing evidence of just cause for such discharge.

**13.110.140 Retention of Records.**

Each employer shall maintain for at least three ~~(3)~~ years for each employee a record of their name, hours worked, pay rate, initial posted schedule and all subsequent changes to that schedule, consent to work hours where such consent is required by this chapter, and documentation of the time and method of offering additional hours of work to existing staff. Each employer shall provide each employee a copy of the records relating to such employee upon the employee's reasonable request.

**13.110.150 City Access.**

Each employer shall permit access to work sites and relevant records for authorized Department representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

**13.110.160 No Preemption of Higher Standards.**

The purpose of this chapter is to ensure minimum labor standards. This chapter does not preempt or prevent the establishment of superior employment standards (including higher wages) or the expansion of coverage by ordinance, resolution, contract, or any other action of the City. This chapter shall not be construed to limit a discharged employee's right to bring a common law cause of action for wrongful termination.

**13.110.170 Severability.**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

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Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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ORDINANCE NO. -N.S.

FAIR WORKWEEK EMPLOYMENT STANDARDS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.110 is added to read as follows:

**CHAPTER 13.110  
FAIR WORKWEEK EMPLOYMENT STANDARDS**

Sections:

- 13.110.010 Purpose and Intent**
- 13.110.020 Definitions.**
- 13.110.030 Applicability.**
- 13.110.040 Waiver through Collective Bargaining**
- 13.110.050 Advance Notice of Work Schedules.**
- 13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.**
- 13.110.070 Offer of Work to Existing Employees.**
- 13.110.080 Right to Rest.**
- 13.110.090 Right to Request a Flexible Working Arrangement.**
- 13.110.100 Notice and Posting.**
- 13.110.110 Implementation.**
- 13.110.120 Enforcement.**
- 13.110.130 Retaliation Prohibited**
- 13.110.140 Retention of Records.**
- 13.110.150 City Access.**
- 13.110.160 No Preemption of Higher Standards.**
- 13.110.170 Severability.**

**13.110.010 Purpose and Intent**

This chapter shall be known and may be cited as the “Berkeley Fair Workweek Ordinance”. It is the purpose of this chapter and the policy of the City: (i) to enact and enforce fair and equitable employment scheduling practices in the City of Berkeley; (ii) to provide the working people of Berkeley with protections that ensure employer scheduling practices do not unreasonably prevent workers from attending to their families, health, education, and other obligations; and (iii) to require Employers needing additional hours, whether temporary or permanent, to first offer those hours to current part-time Employees.

**13.110.020 Definitions**

As used in this chapter, the following terms shall have the following meanings:

- (a) "Building services" means the care and maintenance of property, including, but not limited to, janitorial services, building and grounds maintenance services, and security services.
- (b) "Calendar week" shall mean a period of seven consecutive days starting on Sunday.
- (c) "City" shall mean the City of Berkeley.
- (d) "Covered employer" shall mean an employer subject to the provisions of this chapter, as specified in Section 13.110.030.
- (e) "Department" shall mean the City Manager's Department, as specified in Chapter 2.36, or another department or agency as the City Manager shall designate.
- (f) "Employee" shall mean any person who:
  - (1) In a calendar week performs at least two hours of work within the geographic boundaries of the City of Berkeley for an employer;
  - (2) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Labor Code Section 1197 and wage orders published by the California Industrial Welfare Commission. Employees shall include learners, as defined by the California Industrial Welfare Commission; and
  - (3) Is (i) not exempt from payment of an overtime rate of compensation pursuant to Labor Code Section 510; and (ii) is not paid a monthly salary equivalent to at least forty hours per week at a rate of pay of twice the minimum wage required by Berkeley Municipal Code Section 13.99.040.
- (g) "Employer" shall mean any person, as defined in Labor Code Section 18, who directly or indirectly through any other person or employer, , employs or exercises control over the wages, hours or working conditions of any Employee, or any person receiving or holding a business license through Title 9 of the Berkeley Municipal Code.
- (h) "Franchise" shall have the meaning in California Business and Professions Code Section 20001.
- (i) "Franchisee" shall have the meaning in California Business and Professions Code Section 20002.
- (j) "Franchisor" shall have the meaning in California Business and Professions Code Section 20003.
- (k) "Good faith" shall mean a sincere intention to deal fairly with others.
- (l) "Healthcare" shall mean either a Hospital, Medical Practitioner Office, Nursing Home, or Supportive Housing as defined in BMC Section 23F.04.10, or a facility that provides outpatient maintenance dialysis.
- (m) "Hotel" shall mean Tourist Hotel as defined in BMC Section 23F.04.10.
- (n) "Manufacturing" shall mean a Manufacturing Use as defined in BMC Section 23F.04.10.

- (o) “Predictability pay” shall mean wages paid to an employee, calculated on an hourly basis at the employee’s regular rate of pay as that term is used in 29 U.S.C. Section 207 (e), as compensation for schedule changes made by a covered employer to an employee’s schedule pursuant to Section 13.110.060, in addition to any wages earned for work performed by that employee.
- (p) “Restaurant” shall mean a Food Service Establishment as defined in BMC Section 23F.04.10.
- (q) “Retail” shall mean a Retail Products Store as defined in BMC Section 23F.04.10.
- (r) “Shift” shall mean the consecutive hours an employer requires an employee to work including employer-approved meal periods and rest periods.
- (s) “Warehouse services” shall mean Warehouse Based Non-Store Retail as defined in BMC Section 23F.04.10.
- (t) “Work schedule” shall mean all of an employee’s shifts, including specific start and end times for each shift, during a calendar week.

### **13.110.030 Applicability**

- (a) This chapter shall apply to: the City of Berkeley as an employer, and any employer in the City of Berkeley that is:
- (1) primarily engaged in the building services, healthcare, hotel, manufacturing, retail, or warehouse services industries, and employs 56 or more employees globally; or
  - (2) primarily engaged in the restaurant industry, and employs 10 or more employees in the city of Berkeley and employs 100 or more globally; or
  - (3) is a franchisee primarily engaged in the retail or restaurant industries employing 10 or more employees in the city of Berkeley and is associated with a network of franchises with franchisees employing in the aggregate 100 or more employees globally.
- (b) This chapter does not apply to a not-for-profit corporation organized under Section 501 of the United States Internal Revenue Code unless it employs 100 or more employees globally.
- (c) In determining the number of employees performing work for an covered employer during a given week, all employees performing work for the covered employer for compensation on a full-time, part-time, or temporary basis, at any location, shall be counted, including employees made available to work through the services of a temporary services or staffing agency or similar entity.
- (d) For the purposes of determining whether a nonfranchisee entity is a covered employer as defined by this chapter, separate entities that form an integrated enterprise shall be considered a single employer. Within one year of the effective date of the ordinance, the City Manager shall promulgate rules pursuant to the authority provided in

Section 13.110.110 to implement this subsection clarifying factors to be considered in determining what constitutes an integrated enterprise. .

(e) For the City of Berkeley as an employer, this chapter shall become operative with respect to non-represented employees one year after the effective date of the ordinance. Subject to a waiver under Section 13.110.040, with respect to employees subject to a collective bargaining agreement, this chapter shall become operative upon the commencement of a bona fide successor collective bargaining agreement or one year after the effective date of the ordinance, whichever is earlier.

(f) For all other employers, with respect to employees subject to a collective bargaining agreement, this chapter shall become operative on the commencement of a bona fide successor collective bargaining agreement, subject to a waiver pursuant to Section 13.110.040.

(g) For all other employers not subject to a collective bargaining agreement, this chapter shall become operative one year after the effective date of the ordinance.

#### **13.110.040 Waiver through Collective Bargaining**

The requirements of all or of specific portions of this chapter may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

#### **13.110.050 Advance Notice of Work Schedules.**

(a) **Initial Estimate of Minimum Hours.** An employer shall provide each employee with a good faith estimate in writing of the employee's work schedule. The employee may submit a written request to modify the estimated work schedule, and the covered employer in its sole discretion may accept or reject the request and shall notify the employee of covered employer's determination in writing prior to or on commencement of employment.

(b) **Two Weeks' Advance Notice of Work Schedule.** A covered employer shall provide its employees with at least two weeks' notice of their work schedules by doing one of the following:

(1) posting the work schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees; or

(2) transmitting the work schedule by electronic means, so long as all employees are given access to the electronic schedule at the workplace. For new employees, a covered employer shall provide the new employee prior to or on their first day of employment with an initial work schedule. Thereafter, the covered employer shall include the new employee in an existing schedule with other employees.

(c) An Employee who is a victim of domestic violence or sexual violence may request that the Employee's Work Schedule not be posted or transmitted to other employees. An oral or written request shall be sufficient and implemented immediately and is

sufficient until the Employee gives written permission to post the Employee's schedule. An Employer may request a written statement from the Employee that states that the Employee is a victim of domestic violence or sexual violence. The written statement shall constitute the documentation needed for the Employer to implement the request. The Employer may not require a written statement more than once in a calendar year from any Covered Employee for this purpose.

### **13.110.060 Schedule Changes.**

(a) Notice. A covered employer shall provide an employee written notice of any change to the employee's posted or transmitted work schedule within 24 hours of a schedule change. This notice requirement shall not apply to any schedule changes the employee initiates.

(b) Right to Decline. Subject to the exceptions in subsections (d) and (e) of this section, an employee has the right to decline any previously unscheduled hours that the covered employer adds to the employee's schedule, and for which the employee has been provided advance notice of less than 14 days before the first day of any new schedule.

(c) Predictability Pay for Schedule Changes. Subject to the exceptions in subsections (d) and (e) of this section, a covered employer shall provide an employee with the following compensation per shift for each previously scheduled shift that the covered employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled shift that the covered employer adds to the employee's schedule:

(1) with less than 14 days notice, but 24 hours or more notice to the employee: one hour of predictability pay;

(2) with less than 24 hours to the employee,

(i) When hours are cancelled or reduced, four hours or the number of cancelled or reduced hours in the employee's scheduled shift, whichever is less;

(ii) For additions and all other changes, one hour of predictability pay. The compensation required by this subsection shall be in addition to the employee's regular pay for working such shift.

(c) Scheduling Exceptions. The requirements of this section shall not apply under any of the following circumstances:

(1) Mutually agreed-upon work shift swaps or coverage arrangements among employees;

(2) Employee initiated voluntary shift modifications, such as voluntary requests to leave a scheduled shift prior to the end of the shift or to use sick leave, vacation leave, or other policies offered by the Employer. This paragraph shall apply only to the employee initiating the voluntary shift modification; or

(3) To accommodate the following transitions in shifts:



- (i) If an employee works no more than thirty minutes past the end of a scheduled shift to complete service to a customer, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.
  - (ii) An employee begins or ends their scheduled shift no more than ten minutes prior to or after the scheduled shift, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.
- (d) Operational Exceptions. The requirements of this section shall not apply under any of the following circumstances:
- (1) Operations cannot begin or continue due to threats to covered employers, employees or property, or when civil authorities recommend that work not begin or continue;
  - (2) Operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system;
  - (3) Operations cannot begin or continue due to: acts of nature (including but not limited to flood, fire, explosion, earthquake, tidal wave, drought), pandemic, war, civil unrest, strikes, or other cause not within the covered employer's control;
  - (4) When, in manufacturing, events outside of the control of the manufacturer result in a reduction in the need for Covered Employees, including, but not limited to, when a customer requests the manufacturer to delay production or there is a delay in the receipt of raw materials or component parts needed for production; or
  - (5) With regard to healthcare employers, in (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of an Employer's disaster plan, or incident causing a hospital to activate its Emergency Operations Plan, that will substantially affect or increase the need for healthcare services; (ii) any circumstance in which patient care needs require specialized skills through the completion of a procedure; or (iii) any unexpected substantial increase in demand for healthcare due to large public events, severe weather, violence, or other circumstances beyond the Employer's control.
- (e) Nothing in this section shall be construed to prohibit a covered employer from providing greater advance notice of employee's work schedules and/or changes in schedules than that required by this section.

**13.110.070 Offer of Work to Existing Employees.**

(a) Subject to the limitations in this chapter, before hiring new employees, including hiring through the use of temporary services or staffing agencies, a covered employer shall first offer additional hours of work to existing part-time employee(s) who have worked on behalf of the employer for more than two weeks, if the part-time employee(s) are qualified to do the additional work, as reasonably and in good faith determined by the covered employer. This section shall not be construed to require any employer to offer employees work hours paid at a premium rate under Labor Code Section 510 nor to prohibit any employer from offering such work hours. .

(b) A covered employer has discretion to distribute the additional work hours among part-time employees consistent with this section; provided, that: (1) the employer's system for distribution of hours must not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, disability, age, marital or familial status, nor on the basis of family caregiving responsibilities; and (2) the employer may not distribute hours in a manner intended to avoid an increase in the number of employees working 30 or more hours per week, or with regard to the City of Berkeley, to avoid a granting of any benefits that an employee earns based on hours worked.

(c) A part-time employee may, but is not required to, accept the covered employer's offer of additional work under this section.

(1) A part-time employee shall have 24 hours to accept an offer of additional hours of work under this section, after which time the covered employer may hire new employees to work the additional hours.

(2) The 24 hour period referred to in this subsection begins either when the employee receives the written offer of additional hours, or when the covered employer posts the offer of additional hours as described in subsection (d) of this section, whichever is sooner. A part-time employee who wishes to accept the additional hours must do so in writing.

(d) When this section requires a covered employer to offer additional hours to existing part-time employees, the covered employer shall make the offer either in writing or by posting the offer in a conspicuous location in the workplace or electronically where notices to employees are customarily posted.

### **13.110.080 Right to Rest.**

(a) An employee has the right to decline work hours that occur:

(1) Less than 11 hours after the end of the previous day's shift; or

(2) During the 11 hours following the end of a shift that spanned two days.

(b) An employee who agrees in writing to work hours described in this section shall be compensated at one and one-half times the employee's regular rate of pay for any hours worked less than 11 hours following the end of a previous shift.

### **13.110.090 Right to Request a Flexible Working Arrangement.**

An employee has the right to request a modified work schedule, including but not limited to additional shifts or hours; changes in days of work or start and/or end times for the shift; permission to exchange shifts with other employees; limitations on availability; part-time employment; job sharing arrangements; reduction or change in work duties; or part-year employment. Notwithstanding any obligations under Section 13.110.060, an employer may accept, modify, or decline the employee's request. A covered employer shall not retaliate against an employee for exercising their rights under this section or the rights outlined in the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, Berkeley Municipal Code Chapter 13.101.

### **13.110.100 Notice and Posting.**

(a) The Department shall publish and make available to covered employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by covered employers in the workplace informing employees of their rights under this chapter.

(b) Each covered employer shall give written notification to each current employee and to each new employee at time of hire of their rights under this chapter. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all employees. Every covered employer shall also provide each employee at the time of hire with the covered employer's name, address, and telephone number in writing. Failure to post such notice shall render the covered employer subject to administrative citation, pursuant to the provisions of this chapter. The Department is authorized to prepare sample notices and covered employer use of such notices shall constitute compliance with this subsection.

### **13.110.110 Implementation.**

(a) The Department shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the City shall have the force and effect of law and may be relied on by covered employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring covered employer compliance with this chapter, and for providing administrative hearings to determine whether a covered employer has violated the requirements of this chapter.

(b) Reporting Violations. An aggrieved employee may report to the Department in writing any suspected violation of this chapter. The Department shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee reporting the violation; provided, however, that with the authorization of such employee, the Department may disclose their name and identifying information as necessary to enforce this chapter or other employee protection laws.

(c) Investigation. The Department may investigate any possible violations of this chapter by a covered employer. The Department shall have the authority to inspect workplaces, interview persons and subpoena records or other items relevant to the enforcement of this chapter.

(d) Informal Resolution. If the Department elects to investigate a complaint, the City shall make every effort to resolve complaints informally and in a timely manner. The City's investigation and pursuit of informal resolution does not limit or act as a prerequisite for an employee's right to bring a private action against a covered employer as provided in this chapter.

### **13.110.120 Enforcement.**

(a) Enforcement by City. Where prompt compliance with the provisions of this chapter is not forthcoming, the Department may take any appropriate enforcement action to ensure compliance, including but not limited to the following:

The Department may issue an administrative citation pursuant to Chapter 1.28 of the Berkeley Municipal Code. The amount of this fine shall vary based on the provision of this chapter violated, as specified below:

(1) A fine may be assessed for retaliation by a covered employer against an employee for exercising rights protected under this chapter. The fine shall be \$1,000 for each employee retaliated against.

(2) A fine of \$500 may be assessed for any of the following violations of this chapter:

(i) Failure to provide notice of employees' rights under this chapter.

(ii) Failure to timely provide an initial work schedule or to timely update work schedules following changes.

(iii) Failure to provide predictability pay for schedule changes with less than 24 hours advance notice.

(iv) Failure to offer work to existing employees before hiring new employees or temporary staff or to award work to a qualified employee.

(v) Failure to maintain payroll records for the minimum period of time as provided in this chapter.

(vi) Failure to allow the Department access to payroll records.

(3) A fine equal to the total amount of appropriate remedies, pursuant to subsection (c) of this section. Any and all money collected in this way that is the rightful property of an employee, such as back wages, interest, and civil penalty payments, shall be disbursed by the Department in a prompt manner.

(f) City Access. Each covered employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

(g) Any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of \$50 to each Employee or person whose rights under this Chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief to Employees, and reasonable attorneys' fees and costs.

(i) This Section shall not be construed to limit an Employee's right to bring legal action for a violation of any other laws concerning wages, hours, or other standards or rights nor shall exhaustion of remedies under this Chapter be a prerequisite to the assertion of any right.

(j) The remedies for violation of this chapter include but are not limited to:

1. Reinstatement, the payment of predictability pay unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of \$50 to each employee whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this chapter or State law.
2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.
3. Reimbursement of the City's administrative costs of enforcement and reasonable attorney's fees.
4. If a repeated violation of this chapter has been finally determined in a period from July 1 to June 30 of the following year, the Department may require the employer to pay an additional sum as a civil penalty in the amount of \$50 to the City for each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this Code or State law.

(k) The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect

any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

(l) No criminal penalties shall attach for any violation of this chapter, nor shall this chapter give rise to any cause of action for damages against the City.

#### **13.110.130 Retaliation Prohibited.**

An employer shall not discharge, reduce the compensation of, discriminate against, or take any adverse employment action against an employee, including discipline, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment, reduction of hours or denial of additional hours, informing another employer that the person has engaged in activities protected by this chapter, or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former employee or family member of an employee to a Federal, State or local agency, for making a complaint to the Department, participating in any of the Department's proceedings, using any civil remedies to enforce their rights, or otherwise asserting their rights under this chapter. Within 120 days of an employer being notified of such activity, it shall be unlawful for the employer to discharge any employee who engaged in such activity unless the employer has clear and convincing evidence of just cause for such discharge.

#### **13.110.140 Retention of Records.**

Each employer shall maintain for at least three years for each employee a record of their name, hours worked, pay rate, initial posted schedule and all subsequent changes to that schedule, consent to work hours where such consent is required by this chapter, and documentation of the time and method of offering additional hours of work to existing staff. Each employer shall provide each employee a copy of the records relating to such employee upon the employee's reasonable request.

#### **13.110.150 City Access.**

Each employer shall permit access to work sites and relevant records for authorized Department representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

#### **13.110.160 No Preemption of Higher Standards.**

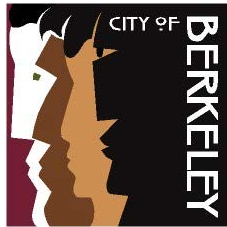
The purpose of this chapter is to ensure minimum labor standards. This chapter does not preempt or prevent the establishment of superior employment standards (including higher wages) or the expansion of coverage by ordinance, resolution, contract, or any other action of the City. This chapter shall not be construed to limit a discharged employee's right to bring a common law cause of action for wrongful termination.

#### **13.110.170 Severability.**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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Kate Harrison  
Vice Mayor, District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** April 12, 2022

**Item #:** 40a.

**Item Description:** Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

**Submitted by:** Vice Mayor Harrison

### **Recommendation:**

1. Delay Council consideration of the Fair Workweek Ordinance to a date certain: the May 24, 2022 Council meeting, to provide HHCS staff with additional time to consider staffing needs with regard to enforcement.
2. Submit to the June 2022 Budget Process of approximately \$104,863 in General Funds with additional benefits to hire another Community Development Project Coordinator to assist with enforcement of this ordinance and other labor laws and regulations.

### **Background:**

Vice Mayor Harrison originally submitted this ordinance to the Labor Commission in 2018. Due Council consideration and enactment of this ordinance continues to be a top priority for workers within across the city, including within the City Departments.

While the pandemic has been extremely challenging for businesses, workers have also suffered greatly. Indeed, the fight for worker rights has received renewed attention during the pandemic and following high profile unionization efforts at Starbucks and Amazon. It is in the public interest for the City of Berkeley to finish the work its started in 2018 and finally stand in solidarity with part-time workers whose schedules are precarious and uncertain. The proposed Fair Work Week Ordinance, modelled on ordinances in neighboring cities and those across the nation, would bring predictability and added compensation to part-time workers.

Vice Mayor Harrison's office respectfully disagrees that this ordinance should be referred to a Council Policy Committee for up to another 120 days. This ordinance was already duly considered by the Ad Hoc Subcommittee on Paid Family Leave and Fair Work Week in 2018. In addition, the Labor Commission considered the ordinance



closely for nearly four years and submitted its updated version of the ordinance for Council action.

In consulting with the Deputy City Manager and the Director of the Health, Housing & Community Services Department, it is prudent to delay consideration of the ordinance for one month to the May 24, 2022 Council meeting to provide staff with additional time to consider enforcement and staffing needs to effectively implement the ordinance. This compromise avoids further and unnecessary delays and provides workers and the community with timely consideration and possible action.

This supplemental also includes an initial budget referral to hire an additional Community Development Project Coordinator to assist with enforcement of this ordinance and other labor laws and regulations.



Commission on Labor

ACTION CALENDAR  
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Commission on Labor

Submitted by: Michael Berne, Chairperson, Commission on Labor

Subject: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

RECOMMENDATION

Adopt first reading of the proposed Fair Workweek Ordinance, adding Berkeley Municipal Code Chapter 13.110.

FISCAL IMPACTS OF RECOMMENDATION

This ordinance provides for both private enforcement and enforcement by the City. Comparable jurisdictions report a small number of complaints annually, but additional staffing may be required to investigate complaints and hold enforcement hearings. Temporary staffing and one-time mailing costs will be required to conduct outreach to covered employers. The Commission anticipates that these cost projections will be quantified in a companion staff report.

SUMMARY

Key features of the proposed ordinance include:

Scheduling Notification and Requests

- Schedules must be given 14 days in advance
- Employees must be provided with an initial estimate of hours
- Employees have the right to decline hours they are given with less than 14 days notice
- Employees shall have the right to request flexible and predictable schedules to accommodate childcare, education, second jobs etc.
- Employees have the right to decline any shift that either occurs less than 11 hours after the end of their previous shift; if accepting such a shift, will be compensated at 1½ times their regular rate of pay.

Predictability Pay

- Employees will receive predictability pay equal to a specified number of hours at their hourly rate of pay as compensation for schedule changes, ranging from 1 hour of pay for a shift scheduled less than 14 days in advance but at least 24

hours up to 4 hours of pay or hours equal to the amount of hours lost when a shift is canceled or reduced

#### Offer of Work to Existing Employees

- Before hiring new employees, employers must offer additional hours to existing part-time employees for any new hours available
- Employees shall have 24 hours to accept additional hours

#### Applicability

- In general, employers in Berkeley with 50 or more employees globally engaged in the following industry sectors: building services, healthcare, hotel, manufacturing, retail, or warehouse services;
- Restaurant employers with at least 100 employees globally and 10 or more in Berkeley;
- Franchisees associated with a network of franchises employing 100 or more employees globally and 10 or more; and
- The City of Berkeley as an employer.
- Specifically **excluded** are nonprofit organizations with fewer than 100 employees globally (which includes most arts organizations).

#### BACKGROUND

The City Council referred to the Commission on Labor in 2018 to draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley.

The City Council's referral observed that:

Even with sick pay and strong minimum wage laws, workers in Berkeley, particularly shift workers, still face unfair and exploitative work practices. Since the passage of the Affordable Care Act, a frequent issue that has arisen is the practice of businesses keeping their employees below 30 hours a week to avoid having to provide them health care. Workers may be forced to take "clopening" shifts, where an employee covers the closing shift one day and the opening shift the next day, giving them little time for rest. Shift workers frequently have shifts added or removed hours before they are set to begin, making scheduling impossible and creating financial difficulties for those with children who need child care.

At the time of the City Council's referral, multiple jurisdictions had introduced or enacted measures to address these inequitable conditions, including the Cities of Emeryville, San Jose, San Francisco, and New York, and the State of Oregon, with the strongest at the time being the City of Emeryville. The referral directed the ordinance to be based on the City of Emeryville, strengthened with the following principles:

## Fair Workweek Ordinance

- The right to refuse “clopening” shifts, the right to request a flexible work arrangement, and a prohibition on refusing hours to prevent the application of benefits should apply to all employers and employees
- The right to at least two weeks notice of work schedule, to decline additional hours, and to “predictability pay” if changes are made to the schedule after the 2 two week deadline should apply to all businesses of at least 25 employees
- The requirement that new shifts first be offered to all qualified existing employees until they have at least 35 hours of work per week on average should apply to all Retail, Hotel, and Restaurant firms with at least 25 employees
- All requirements of the ordinance apply to the City of Berkeley and the Berkeley Rent Stabilization Board.

Since the referral, several of the above-mentioned jurisdictions passed the introduced ordinances, in addition to the City of Chicago. Sectoral coverage in the proposed ordinance is generally modeled after Chicago, while firm size is generally modeled after Emeryville.

After many deliberative meetings before the full Commission and a dedicated subcommittee, and considering input from stakeholders including affected employers and workers, the Commission developed a proposed ordinance taking into account the Council’s direction. At its November 17, 2021 meeting, the Commission on Labor voted to appoint Commissioners Katz and Botello to draft the Fair Workweek Council report recommending adoption of the draft ordinance and to send to Council without further action from the commission. (M/S/C: Katz/Osborne. Yes: Scantlebury, Harlow, Botello, Jones, Berne. Noes: None. Absent: Medak, Schriener.) By passing this ordinance, Berkeley has the opportunity to be at the forefront of worker protections and to support the essential workers that have gotten us through this pandemic.

The Commission found many of the workers employed in the retail, restaurant, and hospitality industries suffer from low wages and unpredictable schedules, while needing to work multiple jobs just to get by. Volatile scheduling leads to difficulty in managing multiple jobs, school work, and childcare. Following the model adopted by the City of Chicago, the proposed ordinance would cover building services (including janitorial and security), healthcare, manufacturing, and warehouse services.

In response to input received by stakeholders, the proposed ordinance applies only to employers employing fifty or more employees globally (similar to Emeryville), but for restaurants or franchises would apply if the employer employed at least ten employees in the City of Berkeley and at least one hundred globally. This attempts to balance an interest in achieving the broadest coverage of any ordinance or law in the United States, while avoiding coverage of locally owned businesses that do not have the human resources support of a franchisor.

Fair Workweek Ordinance

The strengthening elements requested by the City Council are mostly incorporated, except for the applicability thresholds based on our deliberative process, compliance with federal laws as applicable, the requirement for new shift offers reflects a forty-hour workweek, and the Rent Stabilization Board employees are presumed incorporated within City of Berkeley employees.

The City Council may wish to consider a delayed effectiveness date, such as until the beginning of the following calendar year, for private sector employers to allow for the time necessary for staff to provide outreach and education to affected businesses. While private sector employers should be provided a reasonable amount of time to set up systems to ensure compliance with the ordinance, the subcommittee recommends that the City of Berkeley as an employer can and should implement the new procedures promptly.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This action is not expected to have any impact on the environment and is exempt from CEQA.

RATIONALE FOR RECOMMENDATION

Enactment of workplace protections. See background discussion.

ALTERNATIVE ACTIONS CONSIDERED

The Commission recognizes the labor standards benefits of applying the right to refuse “clopening” shifts, and refusal of hours to prevent employees from attaining thirty hours per week to all employers, and applying the two week notice and predictability pay to all sectors of the economy. The right to request a flexible working arrangement remains applicable to all employers that employ ten or more employees under the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, adopted in 2017. The proposed ordinance’s focus on uniform application to the seven sectors covered in Chicago’s model reflects (a) the expected education and outreach required for compliance, (b) the sectors where working conditions require intervention the most, and (c) that the employers covered by the proposed ordinance are in the best position to comply with its provisions in the near term, and does not preclude broadening coverage in the future.

CITY MANAGER

See companion report.

CONTACT PERSON

Margot Ernst, Commission Secretary, 510-981-5427

Fair Workweek Ordinance

Attachments:

1: Ordinance

Exhibit A: Fair Workweek Ordinance

ORDINANCE NO. -N.S.

FAIR WORKWEEK EMPLOYMENT STANDARDS; ADDING BERKELEY MUNICIPAL CODE CHAPTER 13.110

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 13.110 is added to read as follows:

**CHAPTER 13.110  
FAIR WORKWEEK EMPLOYMENT STANDARDS**

Sections:

- 13.110.010 Purpose and Intent**
- 13.110.020 Definitions.**
- 13.110.030 Applicability.**
- 13.110.040 Waiver through Collective Bargaining**
- 13.110.050 Advance Notice of Work Schedules.**
- 13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.**
- 13.110.070 Offer of Work to Existing Employees.**
- 13.110.080 Right to Rest.**
- 13.110.090 Right to Request a Flexible Working Arrangement.**
- 13.110.100 Notice and Posting.**
- 13.110.110 Implementation.**
- 13.110.120 Enforcement.**
- 13.110.130 Retaliation Prohibited**
- 13.110.140 Retention of Records.**
- 13.110.150 City Access.**
- 13.110.160 No Preemption of Higher Standards.**
- 13.110.170 Severability.**

**13.110.010 Purpose and Intent**

This chapter shall be known and may be cited as the “Berkeley Fair Workweek Ordinance”. It is the purpose of this chapter and the policy of the City: (i) to enact and enforce fair and equitable employment scheduling practices in the City of Berkeley; (ii) to provide the working people of Berkeley with protections that ensure employer scheduling practices do not unreasonably prevent workers from attending to their families, health, education, and other obligations; and (iii) to require Employers needing additional hours, whether temporary or permanent, to first offer those hours to current part-time Employees.

### 13.110.020 Definitions

As used in this chapter, the following terms shall have the following meanings:

- (a) "Calendar week" shall mean a period of seven (7) consecutive days starting on Sunday.
- (b) "City" shall mean the City of Berkeley.
- (c) "Covered employer" shall mean an employer subject to the provisions of this chapter, as specified in Section 13.110.030.
- (d) "Department" shall mean the Department of Finance or other City department or agency as the City shall by resolution designate.
- (e) "Employee" shall mean any person who:
  - (1) In a calendar week performs at least two (2) hours of work within the geographic boundaries of the City of Berkeley for an employer;
  - (2) Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Labor Code Section [1197](#) and wage orders published by the California Industrial Welfare Commission. Employees shall include learners, as defined by the California Industrial Welfare Commission; and
  - (3) Is (i) not exempt from payment of an overtime rate of compensation pursuant to Labor Code Section 510; and (ii) is not paid a monthly salary equivalent to at least forty hours per week at a rate of pay of twice the minimum wage required by Berkeley Municipal Code Section 13.99.040.
- (f) "Employer" shall mean any person, including corporate officers or executives, as defined in Section [18](#) of the California Labor Code, who directly or indirectly through any other person, including through the services of a temporary employment agency, staffing agency, subcontractor or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee, or any person receiving or holding a business license through Title [9](#) of the Berkeley Municipal Code.
- (g) "Firm" shall mean a business organization or entity consisting of one (1) or more establishments under common ownership or control. In the case of a franchise, the franchisor shall be considered the firm.
- (h) "Franchise" shall have the meaning in California Business and Professions Code Section [20001](#).
- (i) "Franchisee" shall have the meaning in California Business and Professions Code Section [20002](#).
- (j) "Franchisor" shall have the meaning in California Business and Professions Code Section [20003](#).
- (k) "Good faith" shall mean a sincere intention to deal fairly with others.



(l) "Predictability pay" shall mean wages paid to an employee, calculated on an hourly basis at the employee's regular rate of pay as that term is used in [29 U.S.C. Section 207\(e\)](#), as compensation for schedule changes made by a covered employer to an employee's schedule pursuant to Section 13.110.060, in addition to any wages earned for work performed by that employee.

(m) "Shift" shall mean the consecutive hours an employer requires an employee to work including employer-approved meal periods and rest periods.

(n) "Work schedule" shall mean all of an employee's shifts, including specific start and end times for each shift, during a calendar week.

(o) "Building services" means the care and maintenance of property, including, but not limited to, janitorial services, building maintenance services, and security services.

(p) "Healthcare" shall mean either a Hospital, Medical Practitioner Office, Nursing Home, or Supportive Housing as defined in BMC Section 23F.04.10, or a facility that provides outpatient maintenance dialysis.

(q) "Hotel" shall mean Tourist Hotel as defined in BMC Section 23F.04.10.

(r) "Manufacturing" shall mean a Manufacturing Use as defined in BMC Section 23F.04.10.

(s) "Restaurant" shall mean a Food Service Establishment as defined in BMC Section 23F.04.10.

(t) "Retail" shall mean a Retail Products Store as defined in BMC Section 23F.04.10.

(u) "Warehouse services" shall mean Warehouse Based Non-Store Retail as defined in BMC Section 23F.04.10.

### **13.110.030 Applicability**

(a) All sections of this chapter shall apply to: the City of Berkeley as an employer, and all employers in the City of Berkeley who are primarily engaged in any of the following industries:

- (1) building services;
- (2) healthcare;
- (3) hotel;
- (4) manufacturing;
- (5) restaurant;
- (6) retail; or
- (7) warehouse services.

(b) Notwithstanding subdivision (a), this chapter shall apply only to an employer that

- (1) is not a restaurant and employs fifty (50) or more employees globally;

(2) is a restaurant operator employing ten (10) or more employees in the city of Berkeley and employs one hundred (100) or more globally; or

(3) is a franchisee employing ten (10) or more employees in the city of Berkeley and is associated with a network of franchises employing one hundred (100) or more employees globally.

(c) This chapter does not apply to a not-for-profit corporation organized under Section 501 of the United States Internal Revenue Code unless it employs one hundred (100) or more employees globally.

(d) In determining the number of employees performing work for a covered employer during a given week, all employees performing work for the covered employer for compensation on a full-time, part-time, or temporary basis, at any location, shall be counted, including employees made available to work through the services of a temporary services or staffing agency or similar entity.

(e) For the purposes of determining whether a nonfranchisee entity is a covered employer as defined by this chapter, separate entities that form an integrated enterprise shall be considered a single employer under this chapter. Separate entities will be considered an integrated enterprise and a single employer under this chapter where a separate entity controls the operation of another entity. The factors to consider in making this assessment include, but are not limited to:

- (1) Degree of interrelation between the operations of multiple entities;
- (2) Degree to which the entities share common management;
- (3) Centralized control of labor relations; and
- (4) Degree of common ownership or financial control over the entities.

There shall be a presumption that separate legal entities, which may share some degree of interrelated operations and common management with one another, shall be considered separate employers for purposes of this chapter as long as (i) the separate legal entities operate substantially in separate physical locations from one another, and (ii) each separate legal entity has partially different ultimate ownership.

### **13.110.040 Waiver through Collective Bargaining**

To the extent permitted by law, all or any portion of the applicable requirements of this chapter may be waived in a bona fide collective bargaining agreement; provided, that such waiver is explicitly set forth in such agreement in clear and unambiguous terms that the parties thereto intend to and do thereby waive all of or a specific portion(s) of this chapter.

**13.110.050 Advance Notice of Work Schedules.**

(a) Initial Estimate of Minimum Hours.

(1) Prior to or on commencement of employment, a covered employer shall provide each employee with a good faith estimate in writing of the employee's work schedule.

(2) Prior to or on commencement of employment, the employee may request that the covered employer modify the estimated work schedule provided under subsection (a)(1) of this section. The covered employer shall consider any such request, and in its sole discretion may accept or reject the request; provided, that the covered employer shall notify the employee of covered employer's determination in writing prior to or on commencement of employment.

(b) Two (2) Weeks' Advance Notice of Work Schedule. A covered employer shall provide its employees with at least two (2) weeks' notice of their work schedules by doing one (1) of the following: (1) posting the work schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees; or (2) transmitting the work schedule by electronic means, so long as all employees are given access to the electronic schedule at the workplace. For new employees, a covered employer shall provide the new employee prior to or on their first day of employment with an initial work schedule. Thereafter, the covered employer shall include the new employee in an existing schedule with other employees. If the covered employer changes an employee's work schedule after it is posted and/or transmitted, such changes shall be subject to the notice and compensation requirements set forth in this chapter.

(c) An Employee who is a victim of domestic violence or sexual violence may request that the Employee's Work Schedule not be posted or transmitted to other employees. An oral or written request shall be sufficient and implemented immediately and is sufficient until the Employee gives written permission to post the Employee's schedule. An Employer may request a written statement from the Employee that states that the Employee is a victim of domestic violence or sexual violence. The written statement shall constitute the documentation needed for the Employer to implement the request. The Employer may not require a written statement more than once in a calendar year from any Covered Employee for this purpose.

**13.110.060 Notice, Right to Decline, and Compensation for Schedule Changes.**

(a) A covered employer shall provide an employee notice of any change to the employee's posted or transmitted work schedule. The covered employer shall provide such notice by in-person conversation, telephone call, email, text message, or other electronic communication. If the Employee accepts the additional shift via a verbal conversation, the Employer shall immediately follow up with written confirmation to document the agreement and when it was accepted. This notice requirement shall not

apply to any schedule changes the employee initiates, such as employee requested sick leave, time off, shift trades, or additional shifts.

(b) Subject to the exceptions in subsection (d) of this section, an employee has the right to decline any previously unscheduled hours that the covered employer adds to the employee's schedule, and for which the employee has been provided advance notice of less than fourteen (14) days.

(c) Subject to the exceptions in subsection (d) of this section, a covered employer shall provide an employee with the following compensation per shift for each previously scheduled shift that the covered employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled shift that the covered employer adds to the employee's schedule: (1) with less than fourteen (14) days' notice, but twenty-four (24) hours or more notice to the employee: one (1) hour of predictability pay; (2) with less than twenty-four (24) hours to the employee, (i) four (4) hours or the number of hours in the employee's scheduled shift, whichever is less, when hours are canceled or reduced; (ii) one (1) hour of predictability pay for all other changes. The compensation required by this subsection shall be in addition to the employee's regular pay for working that shift.

(d) Exceptions. The requirements of this section shall not apply under any of the following circumstances:

- (1) Operations cannot begin or continue due to threats to covered employers, employees or property, or when civil authorities recommend that work not begin or continue;
- (2) Operations cannot begin or continue because public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities or sewer system;
- (3) Operations cannot begin or continue due to: acts of nature (including but not limited to flood, fire, explosion, earthquake, tidal wave, drought), war, civil unrest, strikes, or other cause not within the covered employer's control;
- (4) Mutually agreed-upon work shift swaps or coverage arrangements among employees.
- (5) Employee initiated voluntary shift modifications, such as voluntary requests to leave a scheduled shift prior to the end of the shift or to use sick leave, vacation leave, or other policies offered by the Employer. This paragraph shall apply only to the employee initiating the voluntary shift modification.
- (6) To accommodate the following transitions in shifts:
  - (i) If an employee works past the end of a scheduled shift to complete service to a customer, which service would entitle the employee to receive a commission, tip, or other incentive pay based on the completion of that service, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.

(ii) An employee begins or ends their scheduled shift no more than ten minutes prior to or after the scheduled shift, provided the employee is compensated at their regular rate of pay for the additional work performed by the employee.

(7) When, in manufacturing, events outside of the control of the manufacturer result in a reduction in the need for Covered Employees, including, but not limited to, when a customer requests the manufacturer to delay production or there is a delay in the receipt of raw materials or component parts needed for production.

(8) With regard to healthcare employers, in (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of an Employer's disaster plan, or incident causing a hospital to activate its Emergency Operations Plan, that will substantially affect or increase the need for healthcare services; (ii) any circumstance in which patient care needs require specialized skills through the completion of a procedure; or (iii) any unexpected substantial increase in demand for healthcare due to large public events, severe weather, violence, or other circumstances beyond the Employer's control.

(e) Nothing in this section shall be construed to prohibit a covered employer from providing greater advance notice of employee's work schedules and/or changes in schedules than that required by this section.

### **13.110.070 Offer of Work to Existing Employees.**

(a) Subject to the limitations herein, before hiring new employees or contract employees, including hiring through the use of temporary services or staffing agencies, a covered employer shall first offer additional hours of work to existing part-time employee(s) who have worked on behalf of the employer for more than two weeks, and if the part-time employee(s) are qualified to do the additional work, as reasonably and in good faith determined by the covered employer. This section requires covered employers to offer to part-time employees only up to the number of hours required to schedule a part-time employee forty (40) hours of work in a calendar week. In order to facilitate communication with current employees who may be interested in additional work, an Employer may specify how employees may in advance communicate their interest of additional work and which positions and hours of work employees would be interested in covering.

(b) A covered employer has discretion to divide the additional work hours among part-time employees consistent with this section; provided, that: (1) the employer's system for distribution of hours must not discriminate on the basis of race, color, creed, religion, ancestry, national origin, sex, sexual orientation, gender identity or expression, disability, age, marital or familial status, nor on the basis of family caregiving responsibilities or status as a student; and (2) the employer may not distribute hours in a manner intended to avoid an increase in the number of employees working 30 or

more hours per week, or with regard to the City of Berkeley, to avoid a the granting of any benefits that an employee earns based on hours worked.

(c) A part-time employee may, but is not required to, accept the covered employer's offer of additional work under this section.

(1) A part-time employee shall have twenty-four (24) hours to accept an offer of additional hours of work under this section, after which time the covered employer may hire new employees to work the additional hours.

(2) The twenty-four (24) hour period referred to in this subsection begins either when the employee receives the written offer of additional hours, or when the covered employer posts the offer of additional hours as described in subsection (d) of this section, whichever is sooner. A part-time employee who wishes to accept the additional hours must do so in writing.

(d) When this section requires a covered employer to offer additional hours to existing part-time employees, the covered employer shall make the offer either in writing or by posting the offer in a conspicuous location in the workplace where notices to employees are customarily posted. Covered employers may post the notice electronically on an internal website in a conspicuous location and which website is readily accessible to all employees. The notice shall include the total hours of work being offered, the schedule of available shifts, whether those shifts will occur at the same time each week, and the length of time the covered employer anticipates requiring coverage of the additional hours, and the process by which part-time employees may notify the covered employer of their desire to work the offered hours.

(e) The covered employer shall retain each written offer no less than three (3) years as required under Section [13.110.140](#).

(f) This section shall not be construed to require any covered employer to offer employees work hours paid at a premium rate under California Labor Code Section [510](#) nor to prohibit any covered employer from offering such work hours.

### **13.110.080 Right to Rest.**

(a) An employee has the right to decline work hours that occur:

- (1) Less than eleven (11) hours after the end of the previous day's shift; or
- (2) During the eleven (11) hours following the end of a shift that spanned two (2) days.

(b) An employee who agrees in writing to work hours described in this section shall be compensated at one and one-half (1-1/2) times the employee's regular rate of pay for any hours worked less than eleven (11) hours following the end of a previous shift.

### **13.110.090 Right to Request a Flexible Working Arrangement.**

An employee has the right to request a modified work schedule, including but not limited to additional shifts or hours; changes in days of work or start and/or end times for the

shift; permission to exchange shifts with other employees; limitations on availability; part-time employment; job sharing arrangements; reduction or change in work duties; or part-year employment. A covered employer shall not retaliate against an employee for exercising their rights under this section or the rights outlined in the Berkeley Family Friendly and Environment Friendly Workplace Ordinance, Berkeley Municipal Code Chapter 13.101.

### **13.110.100 Notice and Posting.**

(a) The Department shall publish and make available to covered employers, in English and other languages as provided in any implementing regulations, a notice suitable for posting by covered employers in the workplace informing employees of their rights under this chapter.

(b) Each covered employer shall give written notification to each current employee and to each new employee at time of hire of their rights under this chapter. The notification shall be in English and other languages as provided in any implementing regulations, and shall also be posted prominently in areas at the work site where it will be seen by all employees. Every covered employer shall also provide each employee at the time of hire with the covered employer's name, address, and telephone number in writing. Failure to post such notice shall render the covered employer subject to administrative citation, pursuant to the provisions of this chapter. The Department is authorized to prepare sample notices and covered employer use of such notices shall constitute compliance with this subsection.

### **13.110.110 Implementation.**

(a) The Department shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the City shall have the force and effect of law and may be relied on by covered employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost-effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring covered employer compliance with this chapter, and for providing administrative hearings to determine whether a covered employer has violated the requirements of this chapter.

(b) Reporting Violations. An aggrieved employee may report to the Department in writing any suspected violation of this chapter. The Department shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee reporting the violation; provided, however, that with the authorization of such employee, the Department may disclose their name and identifying information as necessary to enforce this chapter or other employee protection laws.

(c) Investigation. The Department may investigate any possible violations of this chapter by a covered employer. The Department shall have the authority to inspect workplaces, interview persons and subpoena records or other items relevant to the enforcement of this chapter.

(d) Informal Resolution. If the Department elects to investigate a complaint, the City shall make every effort to resolve complaints informally and in a timely manner. The City's investigation and pursuit of informal resolution does not limit or act as a prerequisite for an employee's right to bring a private action against a covered employer as provided in this chapter.

### **13.110.120 Enforcement.**

(a) Enforcement by City. Where prompt compliance with the provisions of this chapter is not forthcoming, the Department may take any appropriate enforcement action to ensure compliance, including but not limited to the following:

The Department may issue an administrative citation pursuant to Chapter 1.28 of the Berkeley Municipal Code. The amount of this fine shall vary based on the provision of this chapter violated, as specified below:

(1) A fine may be assessed for retaliation by a covered employer against an employee for exercising rights protected under this chapter. The fine shall be one thousand dollars (\$1,000.00) for each employee retaliated against.

(2) A fine of five hundred dollars (\$500.00) may be assessed for any of the following violations of this chapter:

(i) Failure to provide notice of employees' rights under this chapter.

(ii) Failure to timely provide an initial work schedule or to timely update work schedules following changes.

(iii) Failure to provide predictability pay for schedule changes with less than twenty-four (24) hours' advance notice.

(iv) Failure to offer work to existing employees before hiring new employees or temporary staff or to award work to a qualified employee.

(v) Failure to maintain payroll records for the minimum period of time as provided in this chapter.

(vi) Failure to allow the Department access to payroll records.

(3) A fine equal to the total amount of appropriate remedies, pursuant to subsection (c) of this section. Any and all money collected in this way that is the rightful property of an employee, such as back wages, interest, and civil penalty payments, shall be disbursed by the Department in a prompt manner.

(f) City Access. Each covered employer shall permit access to work sites and relevant records for authorized City representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance,



including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

(g) Any person aggrieved by a violation of this Chapter, any entity a member of which is aggrieved by a violation of this Chapter, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of \$50 to each Employee or person whose rights under this Chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief. Provided, however, that any person or entity enforcing this Chapter on behalf of the public as provided for under applicable state law shall, upon prevailing, be entitled only to equitable, injunctive or restitutionary relief to Employees, and reasonable attorneys' fees and costs.

(i) This Section shall not be construed to limit an Employee's right to bring legal action for a violation of any other laws concerning wages, hours, or other standards or rights nor shall exhaustion of remedies under this Chapter be a prerequisite to the assertion of any right.

(j) The remedies for violation of this chapter include but are not limited to:

1. Reinstatement, the payment of predictability pay unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to each employee whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this chapter or State law.
2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.
3. Reimbursement of the City's administrative costs of enforcement and reasonable attorney's fees.
4. If a repeated violation of this chapter has been finally determined in a period from July 1 to June 30 of the following year, the Department may require the employer to pay an additional sum as a civil penalty in the amount of fifty dollars (\$50.00) to the City for each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this Code or State law.

(k) The remedies, penalties and procedures provided under this chapter are cumulative and are not intended to be exclusive of any other available remedies, penalties and procedures established by law which may be pursued to address violations of this chapter. Actions taken pursuant to this chapter shall not prejudice or adversely affect any other action, administrative or judicial, that may be brought to abate a violation or to seek compensation for damages suffered.

(l) No criminal penalties shall attach for any violation of this chapter, nor shall this chapter give rise to any cause of action for damages against the City.

### **13.110.130 Retaliation Prohibited.**

An employer shall not discharge, reduce the compensation of, discriminate against, or take any adverse employment action against an employee, including discipline, suspension, transfer or assignment to a lesser position in terms of job classification, job security, or other condition of employment, reduction of hours or denial of additional hours, informing another employer that the person has engaged in activities protected by this chapter, or reporting or threatening to report the actual or suspected citizenship or immigration status of an employee, former employee or family member of an employee to a Federal, State or local agency, for making a complaint to the Department, participating in any of the Department's proceedings, using any civil remedies to enforce their rights, or otherwise asserting their rights under this chapter. Within one hundred twenty (120) days of an employer being notified of such activity, it shall be unlawful for the employer to discharge any employee who engaged in such activity unless the employer has clear and convincing evidence of just cause for such discharge.

### **13.110.140 Retention of Records.**

Each employer shall maintain for at least three (3) years for each employee a record of their name, hours worked, pay rate, initial posted schedule and all subsequent changes to that schedule, consent to work hours where such consent is required by this chapter, and documentation of the time and method of offering additional hours of work to existing staff. Each employer shall provide each employee a copy of the records relating to such employee upon the employee's reasonable request.

### **13.110.150 City Access.**

Each employer shall permit access to work sites and relevant records for authorized Department representatives for the purpose of monitoring compliance with this chapter and investigating employee complaints of noncompliance, including production for inspection and copying of its employment records, but without allowing Social Security numbers to become a matter of public record.

**13.110.160 No Preemption of Higher Standards.**

The purpose of this chapter is to ensure minimum labor standards. This chapter does not preempt or prevent the establishment of superior employment standards (including higher wages) or the expansion of coverage by ordinance, resolution, contract, or any other action of the City. This chapter shall not be construed to limit a discharged employee's right to bring a common law cause of action for wrongful termination.

**13.110.170 Severability.**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.





Office of the City Manager

ACTION CALENDAR  
April 12, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services

Subject: Companion Report: Fair Workweek Ordinance; Adding Berkeley Municipal Code Chapter 13.110

RECOMMENDATION

Direct this item to the Health, Life Enrichment, Equity, and Community Policy Committee for the following:

- Review and evaluate the proposed policy; and
- Evaluate resources needed to conduct the necessary analysis of impacts and costs associated with implementing the proposed policy.

FISCAL IMPACTS OF RECOMMENDATION

The costs of implementing the proposed Fair Workweek policy are currently unknown but are expected to be significant. If implemented correctly, and with an equitable approach, this important policy is expected to positively impact many low-income workers in Berkeley. The City currently does not have a full understanding of the impacted businesses, employees, and how to implement this policy for the unique needs of the Berkeley community.

A comprehensive impact analysis of this proposed policy is required to fully determine the upfront and future costs and ongoing staffing needs associated with effectively administering and enforcing the ordinance. Impacted City departments will include Health, Housing, and Community Services, Finance, Neighborhood Services, the City Attorney's Office, and the Office of Economic Development. Resources are also needed to conduct a comprehensive impact analysis.

The cost of ongoing implementation and administration of a Fair Workweek policy depends on many factors including, but not limited to:

- The final determination and consideration for which industry sectors shall be covered;
- The size of employers (based on the number of global and local employees);

- The total number of employers covered by the policy;
- The success of proactive efforts to educate affected employers; and
- A clear expectation of the level of technical assistance provided by City staff to employers and employees covered under the policy.

These factors will inform the breadth of the policy's impact on City employers (how many total employers will be covered) and are necessary to determine how much staff time will be needed to effectively setup and administer the program.

Neighboring jurisdictions that have passed similar policies, including San Francisco and Emeryville, have dedicated additional funds for outreach and education to impacted employers. For the policy to be successful, these proactive efforts are essential in that they aim to reduce the number of enforcement complaints by proactively working with affected employers to build business practices that conform to the noticing and documentation standards required by the ordinance.

Further, significant staff time will be required to accurately identify which employers would be covered by this policy. This is anticipated to be a time-intensive process due to the complexity of screening local employers against the applicable criteria used to determine employer eligibility. It is also expected that the Finance Department would need to make substantial changes to the business license application to help properly identify businesses subject to the regulations; including information about an employer's status as a franchise, their total employee counts worldwide, and employee counts within Berkeley.

#### CURRENT SITUATION AND ITS EFFECTS

Adding a Fair Workweek policy to Berkeley's labor standards is an important consideration for the community. This policy has been contemplated for many years by Council, the Commission on Labor, and the City's labor standards staff. Many thoughtful hours of work have already gone into drafting the proposed ordinance. Experts on the commission took public comment multiple times and discussed at length the potential impacts to local employers, given the ongoing financial, staffing, and operational struggles some businesses have faced throughout the pandemic. With that in mind, the commission moved this policy forward in consideration of the urgent need for equitable and fair treatment of Berkeley workers, and in support of the essential service workers who have gotten us through the pandemic, many of whom are lower-income and persons of color.

City staff have a similar approach. If adopted, the City first needs to better understand the probable impacts to the business community, employees, and City staff. This includes understanding what is really needed in order to effectively and equitably implement an important and wide-reaching policy such as this. The current economic circumstances also warrant especially careful analysis of the impacts to local employers

as they continue to face ongoing challenges related to the pandemic, including compounding supply chain and inflation issues.

Additionally, adding this policy to the current labor standards and enforcement portfolio will require additional staff resources for initial outreach and education as well as ongoing administration and enforcement. However, even prior that, in order to fully understand the staffing needs and cost associated with administering and enforcing this policy, a comprehensive impact analysis of this proposed policy is required to fully determine the upfront and future costs and ongoing staffing needs associated with effectively administering and enforcing the ordinance. This approach aims to ensure the policy is implemented in the best way for Berkeley, its businesses, and local low-income workers.

The current portfolio of local labor standards and enforcement policies in Berkeley includes: 1) The Minimum Wage Ordinance, 2) The Living Wage Ordinance, 3) The Berkeley Paid Sick Leave Ordinance, and 4) The Berkeley Family Friendly and Environment Friendly Workplace Ordinance. The work to administer these policies, including providing general information as well as conducting formal investigations and enforcement of the policies is considerable. Adding the Fair Workweek Policy to this portfolio significantly expands this body of work and should be considered alongside a cost analysis.

It should be noted that Berkeley Municipal Code Chapter 13.110 is currently dedicated to the COVID-19 Emergency Response Ordinance. If the Fair Workweek Ordinance is to proceed to a first reading, it would need a different Chapter number in Title 13. If adopted as-is, the Fair Workweek Ordinance would supersede the existing Chapter 13.110 and replace the existing language regarding COVID-19 Response.

### BACKGROUND

In 2018, the City Council referred this item to the Commission on Labor and directed them to “draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley...” The referral included a copy of the Emeryville Fair Workweek Ordinance as a template for consideration.

The Commission appointed a subcommittee to work on the draft ordinance and held several public meetings which were attended by dozens of participants from the public, representing both workers and employers with interest in the policy. The Subcommittee ultimately presented a draft policy that took elements from both the City of Emeryville Fair Workweek Ordinance and the Fair Workweek Ordinance from the City of Chicago that covered more business industries than the Emeryville Ordinance does.

At the November 17, 2021 Commission on Labor Meeting, The Commission approved a motion to recommend the draft policy to the City Council with the motion and vote below:

***Recommend approval of draft Fair Workweek Ordinance to the Berkeley City Council.***

(M/S/C: Scantlebury/Katz. Yes: Botello, Harlow, Osborne, Jones. Noes: Schriener, Berne. Abstentions: None. Absent: Medak).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

Staff is recommending that the Council direct the draft Fair Workweek Ordinance to the Health, Life Enrichment, Equity, and Community Policy Committee to evaluate the Commission's recommendations and also evaluate the availability of existing resources to conduct a more thorough analysis of the policy's impacts.

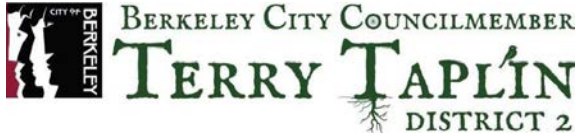
ALTERNATIVE ACTIONS CONSIDERED

The Council could adopt the ordinance now as written, but without an evaluation of the resources needed to enforce the ordinance and commitment of those resources, the ordinance is unlikely to achieve the desired impact. Outreach, education and consistent responses will be key to achieving the goal of a fair workweek for Berkeley workers.

CONTACT PERSON

Margot Ernst, Manager of Housing and Community Services, HHCS, (510) 981-7410





CONSENT CALENDAR  
May 30, 2022

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Taplin, Councilmember Harrison (co-sponsor),  
 Councilmember Hahn (co-sponsor), [Councilmember Robinson \(co-sponsor\)](#)  
 Subject: Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs

RECOMMENDATION

Refer to the City Manager:

- (1) To establish a Re-entry Employment Program, [leveraging county/state/federal resources to the extent feasible, including but not limited to County Criminal Justice Realignment \(AB-109\) funding for adult reentry services](#), and
- (2) [To study the feasibility of and seek grant funding and/or other sources of funding](#) for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. [Considerations for target populations in pilot phases may include local Equity Indicators measuring racial justice and social equity outcomes such as poverty and financial health, educational disparities, environmental and mental health, housing quality, infrastructure, and public safety.](#)
- (3) In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on [outcomes and](#) performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, [adult reentry programs](#), mental health crisis responses, and any other services under the auspices of Reimagining Public Safety.

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FINANCIAL IMPLICATIONS

The City Council's omnibus budget referral for Reimagining Public Safety passed on May 5, 2022 included \$1M for staffing the Office of Racial Equity, and \$100,000 for Grant Writing Services. Implementing this recommendation would be contingent on those funds.

[Additionally, the National Institute for Criminal Justice Reform recommended \\$1,250,000 in funding one year after council approval, from "5% of County Criminal Justice Realignment funds allocated to community services for Berkeley residents."](#)

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CURRENT SITUATION AND ITS EFFECTS

Studying employment and poverty reduction programs in the Office of Racial Equity is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

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Adult Re-entry and Municipal Employment

The population of adults on parole or probation has declined over the past two years in Berkeley, reflecting countywide trends. In the most recently available dataset, the Alameda County Probation Department (ACPD)<sup>1</sup> reports 223 adult probationers in Berkeley in Q3 2021, down from 312 active adult clients in March 2020.<sup>2</sup> In spite of this decline, independent assessments had previously identified needs for further progress.

In 2019, the Alameda County Board of Supervisors approved an updated Adult Reentry Strategic Plan for the county, which includes performance measures for workforce development & employment.<sup>3</sup> This program includes subcontractors with both subsidized and unsubsidized employment. The evidence has shown marginal effectiveness of these programs in reducing recidivism, which warrants consideration of supplemental programs at the municipal level to alleviate poverty and further reduce recidivism.

With the signing of Assembly Bill 109 (the Public Safety Realignment Act) in 2011, responsibility for incarceration and supervision of many low-level inmates and parolees transferred from the California Department of Corrections and Rehabilitation (CDCR) to the county level, with the intent of reducing the incarcerated population. According to a 2020 evaluation of Alameda County’s AB 109 implementation by Research Development Associates, “Alameda County’s AB 109-funded services and Behavioral Health Care Service programs reduce the likelihood of recidivism and reduce the rate at which individuals recidivate.” However, the report also warns that “findings about AB 109-funded service receipt should be read with some caution. A relatively small proportion of individuals received AB 109-funded services...it appears service expansion could reduce recidivism rates among Alameda County’s probation population moving forward.”<sup>4</sup> [emphasis added]

In June 2020, the City Council passed a budget referral authored by Councilmember Rashi Kesarwani to establish a framework for a new Office of Racial Equity within the Office of the City Manager.<sup>5</sup> This is consistent with best practices in neighboring cities, such as Oakland and San Francisco, which have recently established such an office. The duties of such an office can be manifold, but a primary responsibility should be to support CBOs and programs advancing the Reimagining Public Safety framework, including those that provide cash assistance, workforce development and employment

<sup>1</sup> <https://probation.acgov.org/data.page>

<sup>2</sup> <https://www.bscc.ca.gov/wp-content/uploads/Alameda-FY-20-21-CCP-Update.pdf>

<sup>3</sup> [https://probation.acgov.org/probation-assets/files/Reentryandpublicsafetydocs/AC\\_Adult%20Reentry%20Strategic%20Plan\\_Road%20to%20Reentry\\_2019%20Update.pdf](https://probation.acgov.org/probation-assets/files/Reentryandpublicsafetydocs/AC_Adult%20Reentry%20Strategic%20Plan_Road%20to%20Reentry_2019%20Update.pdf)

<sup>4</sup> [https://probation.acgov.org/probation-assets/files/Reentryandpublicsafetydocs/RDA\\_AB109OverviewAndOutcomes\\_7-20.pdf](https://probation.acgov.org/probation-assets/files/Reentryandpublicsafetydocs/RDA_AB109OverviewAndOutcomes_7-20.pdf)

<sup>5</sup> See Attachment 4.

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opportunities for the formerly incarcerated to reduce recidivism (either a municipal program similar to Berkeley YouthWorks, or supplementing county services).

On May 5, 2022, the Berkeley City Council passed a budget referral to advance Reimagining Public Safety initiatives, which included \$100,000 for grant writing services, and slightly over \$1 million for staffing a new Office of Racial Equity.<sup>6</sup> These services could assist in researching and soliciting funding for these and other promising programs to improve public safety and advance economic justice.

The National Institute for Criminal Justice Reform (NICJR)'s Report on Reimagining Public Safety in Berkeley provided recommendations on a Guaranteed Income pilot and workforce development, the latter with a focus on "community beautification" services.<sup>7</sup> These recommendations were accepted with modifications by the Reimagining Public Safety Task Force (RPSTF) in their Response and New Recommendations to NICJR's Report:

Members are very interested in increasing job skills and opportunities. However, programs should be centered on the interests of the target group. The Task Force therefore rejects the idea of a 'beautification' program but fully supports programs that focus on professional development, and serve as a pipeline to employment, especially for those who face additional barriers like a criminal record. Any program should have the goal of being transformative.<sup>8</sup>

While the emphasis in these reports is on a municipal employment program, the Task Force's focus on professional development is consistent with Chicago's Green ReEntry program managed by the nonprofits Chicago CRED and the Inner-City Muslim Action Network, which provides vocational training for skilled trades, weekend programs, and housing assistance for formerly incarcerated individuals.<sup>9</sup>

NICJR's Report recommended funding workforce development through 5% of County Criminal Justice Realignment funds allocated to community services for Berkeley residents. In contrast to municipal workforce development proposals, Alameda County focuses on public-private partnerships, and the Alameda County Probation Department currently procures employment services with one lead contractor, the nonprofit Building Opportunities for Self Sufficiency (BOSS). This contract provides services including: Employability Assessments, Job Readiness Training, Transitional Work Programs, Subsidized/Unsubsidized Employment, and Job Retention Services.

<sup>6</sup> [https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley\\_0.pdf](https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley_0.pdf)

<sup>7</sup> [https://berkeley-rps.org/wp-content/uploads/2022/03/BerkeleyReport\\_032422FNL.pdf](https://berkeley-rps.org/wp-content/uploads/2022/03/BerkeleyReport_032422FNL.pdf)

<sup>8</sup> RPSTF report final draft is included in appendices: [https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001c%20Discussion%20and%20Possible%20Action\\_0.pdf](https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001c%20Discussion%20and%20Possible%20Action_0.pdf)

<sup>9</sup> ABC7 Chicago. (2020). Chicago Re-Entry Program Rebuilds Lives with Hands-On Training. ABC News. Retrieved from <https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/>

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According to the Community Corrections Partnership Executive Committee (CCPEC)'s Year Seven Status Update on Public Safety Realignment Alameda County, BOSS's employment program saw an increase in clients enrolled in recent years, but job retention languished: "During FY 17/18, there was a significant increase in the number of clients, in all the aforementioned benchmarks, from the previous year. Notwithstanding these increases, the decline in the proportion of clients reaching subsequent benchmarks after being referred, depicts the challenges facing participants to remain stable (in terms of housing, substance use, etc.) in order to proceed through the employment process and reach 180 days of employment."<sup>10</sup>

While the NICJR Report recommended a program employing "at least 100" individuals, the Office of Racial Equity may consider a smaller initial scope by focusing on the adult re-entry population to expand opportunities where the need is most acute.

Guaranteed Income

The NICJR report recommended \$1,800,000 for a Guaranteed Income Pilot Program, from local, federal, or philanthropic funding sources. The RPSTF accepted the recommendation with conditions:

Members strongly support this type of program and note that other communities have implemented these programs successfully. More information is needed to understand how families would be selected, and the city should consider whether other groups, like the AAPI or Indigenous community, should be included in this program.

The California Guaranteed Income Pilot Program was established in the Governor's Fiscal Year 21-22 Budget to provide grants for guaranteed income pilot programs through the California Department of Social Services (CDSS). The department states that it "will prioritize funding for pilot programs and projects that serve California residents who age out of the extended foster care program at or after 21 years of age or who are pregnant individuals."<sup>11</sup>

While the City of Berkeley would seek to leverage state and county resources as needed, this proposal would direct the Office of Racial Equity to study a municipal public works program for adult reentry (and/or municipal support for county services), in addition to a "guaranteed income" cash transfer pilot program that may indirectly reduce recidivism without being strictly targeted for the adult reentry population. To the extent that services are operated with City funding, the Office of Racial Equity would also be directed to evaluate outcomes, objective performance metrics and fiscal sustainability of programs under its auspices, as well as associated services provided by third-party contracting entities.

Why Guaranteed Income?

<sup>10</sup> [https://probation.acgov.org/probation-assets/files/Public%20Safety%20Realignment Y7%20Status%20Update.pdf](https://probation.acgov.org/probation-assets/files/Public%20Safety%20Realignment%20Y7%20Status%20Update.pdf)

<sup>11</sup> <https://www.cdss.ca.gov/inforesources/guaranteed-basic-income-projects>

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Poverty, crime, and racial inequality are deeply interconnected phenomena throughout US history. In particular, the lack of employment opportunities for the formerly incarcerated increases recidivism, fueling a vicious cycle of repeated offenses, high crime and poverty in majority minority communities.

Research has generally found that high quality jobs with good wages are most effective at reducing recidivism, particularly for those who have served prison sentences for property crimes.<sup>12</sup> In addition to re-entry programs, cash transfer programs from Kenya to California (colloquially dubbed “basic” or “guaranteed income”) have repeatedly been shown to successfully reduce the social and psychological impacts of poverty, and a new guaranteed income pilot program in Alachua County, Florida is specifically aimed at reducing recidivism.<sup>13</sup>

Cities across the country have seen remarkable success with such programs. The City of Chicago supports capital investment for a Green ReEntry program managed by the nonprofits Chicago GRED and the Inner City Muslim Action Network, which provides vocational training for skilled trades, weekend programs, and housing assistance for formerly incarcerated individuals.<sup>14</sup> In 2019, former Mayor Michael Tubbs launched the Stockton Economic Empowerment Demonstration (SEED) pilot program. SEED provides \$500 per month for two years to 125 randomly selected residents of Stockton in neighborhoods with below median income. In a one-year follow-up study, recipients reported improved mental health, financial stability, and employment opportunities.<sup>15</sup>

## BACKGROUND

In June 2020, the City Council passed a budget referral authored by Councilmember Rashi Kesarwani to establish a framework for a new Office of Racial Equity within the Office of the City Manager.<sup>16</sup> This is consistent with best practices in neighboring cities, such as Oakland and San Francisco, which have recently established such an office. The duties of such an office can be manifold, but a primary responsibility should be to support CBOs and programs that provide cash assistance, workforce development and

<sup>12</sup> Yu, T. (2018). Employment and Recidivism. *Evidence Based Policy Society*. Retrieved from <https://www.ebpsociety.org/blog/education/297-employment-recidivism>

<sup>13</sup> McDonough, S. (2022). A bold new experiment out of Florida: Guaranteed income for the formerly incarcerated. *Vox*. Retrieved from <https://www.vox.com/22911023/ubi-guaranteed-income-prison-florida>

<sup>14</sup> ABC7 Chicago. (2020). Chicago Re-Entry Program Rebuilds Lives with Hands-On Training. *ABC News*. Retrieved from <https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/>

<sup>15</sup> West, S. et al. (2020). Preliminary Analysis: SEED's First Year. *Stockton Economic Empowerment Demonstration*. Retrieved from [https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED\\_Preliminary+Analysis-SEEDs+First+Year\\_Final+Report\\_Individual+Pages+-2.pdf](https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED_Preliminary+Analysis-SEEDs+First+Year_Final+Report_Individual+Pages+-2.pdf)

<sup>16</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/06\\_June/Documents/06-09\\_Annotated\\_Agenda\\_4pm\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/06-09_Annotated_Agenda_4pm_pdf.aspx)

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CONSENT CALENDAR  
May 30, 2022

employment opportunities for the formerly incarcerated to reduce recidivism (similar to Berkeley YouthWorks).

Poverty, crime, and racial inequality are deeply interconnected phenomena throughout US history. In particular, educational disparities and the lack of employment opportunities for the formerly incarcerated increases recidivism, fueling a vicious cycle of repeated offenses, high crime and poverty for Black people and other people of color in the criminal justice system.<sup>17</sup>

Studies have found causal relationships between unemployment<sup>18,19,20,21</sup> and crime, and there is recent evidence showing that sharp unemployment shocks during the COVID-19 pandemic may be related to increased gun violence and homicides.<sup>22</sup> Empirical evidence and structural models suggest that unemployment can incentivize criminal behavior by lowering “the opportunity cost of choosing illegitimate work over legitimate work.”<sup>23</sup> The evidence is also clear that a lack of stable employment contributes to recidivism—when formerly incarcerated individuals commit new offenses that bring them back into the criminal justice system. Research has generally found that high-quality jobs with good wages are most effective at reducing recidivism, particularly for those who have served prison sentences for property crimes.<sup>24</sup>

In addition to re-entry programs, cash transfer programs can raise the “opportunity cost” of crime by providing reliable liquidity to households so they can settle their balance sheets without resorting to “illegitimate” sources of cash. Experiments from Kenya to California with cash transfers (colloquially dubbed “basic” or “guaranteed income”) have repeatedly been shown to successfully reduce the social and psychological impacts of poverty, and a new guaranteed income pilot program in Alachua County, Florida is specifically aimed at reducing recidivism.<sup>25</sup>

<sup>17</sup> Lockwood, S. K., Nally, J. M., Ho, T., & Knutson, K. (2015). Racial disparities and similarities in post-release recidivism and employment among ex-prisoners with a different level of education. *Journal of Prison Education and Reentry*, 2(1), 16-31.

<sup>18</sup> Bianchi, G., & Chen, Y. (2021). Testing effects of hospitality employment on property crime in the United States. *Tourism Economics*, 13548166211001180.

<sup>19</sup> Raphael, S., & Winter-Ebmer, R. (2001). Identifying the effect of unemployment on crime. *The journal of law and economics*, 44(1), 259-283.

<sup>20</sup> Lin, M. J. (2008). Does unemployment increase crime? Evidence from US data 1974–2000. *Journal of Human resources*, 43(2), 413-436.

<sup>21</sup> Nordin, M., & Almén, D. (2017). Long-term unemployment and violent crime. *Empirical Economics*, 52(1), 1-29.

<sup>22</sup> Schleimer, J.P., Pear, V.A., McCort, C.D. et al. Unemployment and Crime in US Cities During the Coronavirus Pandemic. *J Urban Health* 99, 82–91 (2022). <https://doi.org/10.1007/s11524-021-00605-3>

<sup>23</sup> Melick, M. D. (2003). The relationship between crime and unemployment. *The Park Place Economist*, 11(1), 30-36.

<sup>24</sup> Yu, T. (2018). Employment and Recidivism. Evidence Based Policy Society. Retrieved from <https://www.ebpsociety.org/blog/education/297-employment-recidivism>

<sup>25</sup> McDonough, S. (2022). A bold new experiment out of Florida: Guaranteed income for the formerly incarcerated. Vox. Retrieved from <https://www.vox.com/22911023/ubi-guaranteed-income-prison-florida>

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CONSENT CALENDAR  
May 30, 2022

Cities across the country have seen remarkable success with programs that provide legitimate work and/or cash assistance. The City of Chicago supports capital investment for a Green ReEntry program managed by the nonprofits Chicago CRED and the Inner-City Muslim Action Network, which provides vocational training for skilled trades, weekend programs, and housing assistance for formerly incarcerated individuals.<sup>26</sup> In 2019, former Mayor Michael Tubbs launched the Stockton Economic Empowerment Demonstration (SEED) pilot program. SEED provides \$500 per month for two years to 125 randomly selected residents of Stockton in neighborhoods with below median income. In a one-year follow-up study, recipients reported improved mental health, financial stability, and employment opportunities.<sup>27</sup>

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The City of Oakland's Guaranteed Income pilot<sup>28</sup> provides monthly cash payments to a randomly selected pool of low-income residents, and is funded entirely through private philanthropic donations, with collaborative management by the City and nonprofit agencies. Currently in its second phase, the pilot selected 300 applicants by random lottery "in a roughly one square mile area of East Oakland living with incomes below 50% of Area Median Income and at least one child under 18, a target area identified according to the Oakland Equity Index.<sup>29</sup>

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The City of Compton raised an initial \$8 million for its Guaranteed Income pilot program, the Compton Pledge, in partnership with the Jain Family Institute, which launched in December 2020. The program launched with 800 low-income Compton households receiving regular payments of varying sizes, with participants able to choose between payment options (e.g. direct deposit, Venmo, prepaid card) on a customized online platform (See Attachment 3). More recently, the City of Long Beach adopted the Long Beach Recovery Act in March 2021, which included funding for the Long Beach Guaranteed Income Pilot, with recommendations later made by a Community Working Group to inform a Request for Proposals (RFP) for a two-year contract (see Attachment 1).

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In June 2020, the City Council passed a budget referral authored by Councilmember Rashi Kesarwani to establish a framework for a new Office of Racial Equity within the Office of the City Manager.<sup>30</sup> This is consistent with best practices in neighboring cities, such as Oakland and San Francisco, which have recently established such an office. The duties of such an office can be manifold, but a primary responsibility should be to support CBOs and programs that provide cash assistance, workforce development and

<sup>26</sup> [ABC7 Chicago. \(2020\). Chicago Re-Entry Program Rebuilds Lives with Hands-On Training. ABC News. Retrieved from https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/](https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/)

<sup>27</sup> [West, S. et al. \(2020\). Preliminary Analysis: SEED's First Year. Stockton Economic Empowerment Demonstration. Retrieved from https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED+Preliminary+Analysis-SEEDs+First+Year+Final+Report+Individual+Pages+-2.pdf](https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED+Preliminary+Analysis-SEEDs+First+Year+Final+Report+Individual+Pages+-2.pdf)

<sup>28</sup> <https://oaklandresilientfamilies.org/about>

<sup>29</sup> <http://www2.oaklandnet.com/oakca1/groups/cityadministrator/documents/report/oak071073.pdf>

<sup>30</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/06\\_June/Documents/06-09\\_Annotated\\_Agenda\\_4pm\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/06-09_Annotated_Agenda_4pm_pdf.aspx)

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[employment opportunities for the formerly incarcerated to reduce recidivism \(similar to Berkeley YouthWorks\).](#)

[On May 5, 2022, the Berkeley City Council passed a budget referral to advance Reimagining Public Safety initiatives, which included \\$100,000 for grant writing services, and slightly over \\$1 million for staffing a new Office of Racial Equity.<sup>31</sup> These services could assist in researching and soliciting funding for these and other promising programs to improve public safety and advance economic justice.](#)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin      Council District 2      510-981-7120

ATTACHMENTS

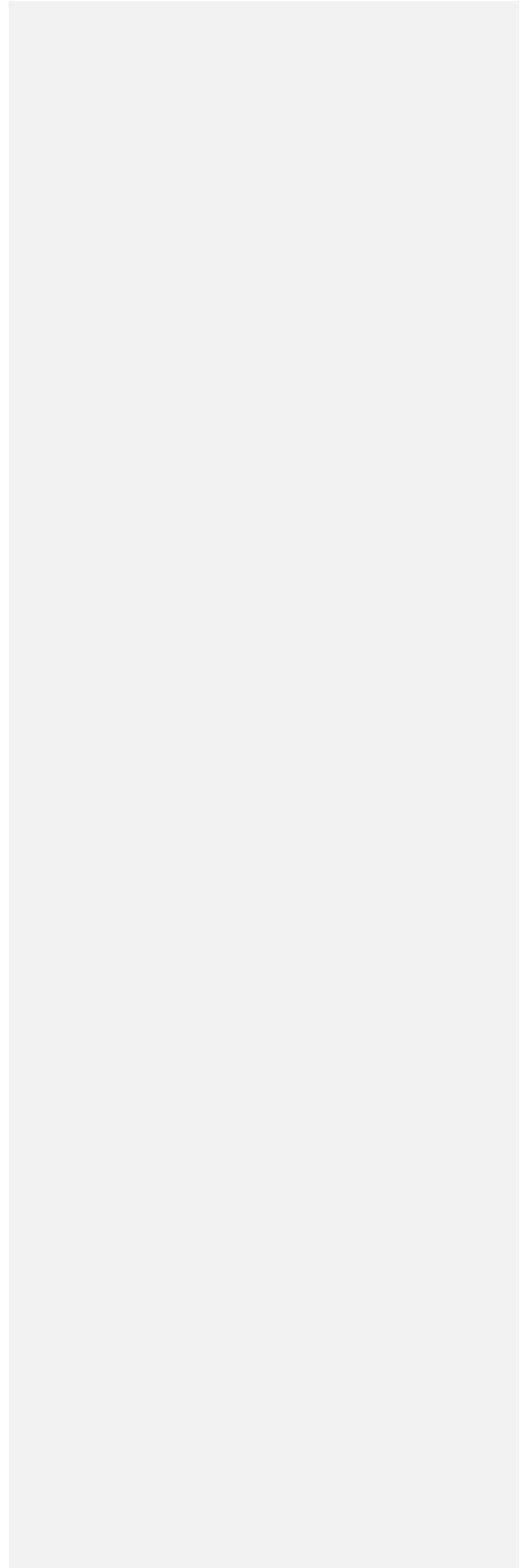
- [1. City of Long Beach RFP](#)
- [2. Guaranteed Income Toolkit - Jain Family Institute](#)
- [3. Compton Pledge - April 2021 Press Release](#)
- [4. Annotated Agenda - Berkeley City Council - Tuesday, June 9, 2020](#)

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<sup>31</sup> [https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley\\_0.pdf](https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley_0.pdf)





# City of Long Beach

Request for Proposals Number ED22-023  
Long Beach Recovery Act (LBRA) Guaranteed  
Income Pilot Program Implementation &  
Administrator



## Overview

### Summary

The City of Long Beach (City), Department of Economic Development, seeks proposals from qualified vendor(s) to implement and administer the Long Beach Guaranteed Income Pilot Program.

The selected vendor shall provide for the full implementation of the Pilot, including pre-pilot planning, launch preparation, implementation and administration, and other services as specified.

### Key Dates

Release Date: February 14, 2022

Questions Due to the City: 11:00am February 22, 2022

Proposals Due: 11:00 p.m. March 7, 2022

*The City reserves the right to modify these dates at any time, with appropriate notice to prospective Contractors.*

### Proposal Information

Instructions for what to include in your proposal and how to submit it are detailed in Section 4.

Proposals must be submitted electronically via the City's PlanetBids portal, available at <https://pbsystem.planetbids.com/portal/15810/portal-home>.

### RFP Official Contact

Tommy Ryan  
[rfppurchasing@longbeach.gov](mailto:rfppurchasing@longbeach.gov)  
562-570-5664

## Contents

- 1 The Opportunity
  - 1.1 Project Summary
  - 1.2 Background
  - 1.3 Goals
  - 1.4 Award Terms
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    - 2.2.1 Performance Metrics
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- 3 How We Choose
  - 3.1 Minimum Qualifications
  - 3.2 Evaluation Criteria
  - 3.3 Selection Process & Timelines
- 4 Proposal Instructions & Content
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  - 4.2 Proposal Content
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# 1 The Opportunity

## 1.1 Project Summary

The City is seeking proposals from qualified vendors to implement and administer the Long Beach Guaranteed Income Pilot Program (Pilot). The selected vendor will be responsible for making direct payments to participants over the course of the 12-month Pilot. The City anticipates the direct payments to total approximately \$1.5 million, though the scope of the Pilot may be expanded pending future funding availability.

## 1.2 Background

The COVID-19 pandemic has created an economic recession that has further intensified existing economic inequities. The economic impacts of the COVID-19 recession have been unequal and have impacted specific sectors, business owners, workers, property owners, nonprofit organizations, geographic areas, and racial groups differently. The sudden and unanticipated public health emergency necessitated the immediate restrictions (through State and local Health Orders) and, in many cases, closure of specific businesses and customer activities. Following these Health Orders, unemployment rapidly increased from a pre-pandemic low of 4 percent to a high of 21 percent during the peak summer months of 2020, affecting businesses and workers in sectors most impacted by the health restrictions such as retail, hospitality, and services.

Recognizing the inordinate economic impacts that the pandemic has had on Long Beach residents, workers, and business owners, on December 15, 2020, the City Council requested that staff develop an Economic Recovery Strategy to address the economic impacts of COVID19. Staff have initiated five economic equity studies, conducted more than 30 listening sessions with over 350 community leaders and representatives, and received City Council input at numerous steps in the process of drafting this plan. Incorporating this diverse input and existing City Council-adopted recommendations the Economic Recovery Strategy (Strategy), including proposals for the economic development strategies needed to create equitable economic opportunities for residents, workers, investors, and entrepreneurs in Long Beach for sustained economic recovery.

In March 2021, the City adopted the Long Beach Recovery Act (LBRA), a plan to fund economic and public health initiatives, including the Strategy, as a response to individuals and businesses critically impacted by the COVID-19 pandemic. The LBRA has **dedicated funding to support the City's Economic Recovery which includes funding for the Long Beach Guaranteed Income Pilot (Pilot).**

### *Guaranteed Income*

Guaranteed Income (GI) is an innovative approach to supporting people in a rapidly changing economy by providing a minimum amount of income to supplement the basic costs of living. GI is a cash transfer program that provides regular, unrestricted and unconditional direct payments to individuals or entire households. These payments help offset basic living expenses so that program participants can pay for housing, food, healthcare, and transportation among other living expenses; so that they can work and care for their families without falling into poverty or losing their jobs.

A common overarching theme of GI programs is to lift working people and their families out of poverty over time and start to reduce economic inequalities that exist in communities where people live and work together but some cannot afford the basic cost of living. These supplemental payments can also take the cost burden off of local small business owners, who cannot afford to pay workers more to live in high-cost areas like Long Beach or Southern California. Supplemental GI payments can also provide the added benefit of stimulating the local economy by boosting access to discretionary spending for goods and services in the surrounding community.

### *Community Working Group*

In April 2021, a Community Working Group, composed of eight representatives selected for their extensive background in the Long Beach community was convened to make recommendations for a potential GI program in Long Beach. The Working Group began its review of more than two dozen GI pilot programs from other municipalities that have either launched or are in planning stages for roll out of their own GI programs. Over the course of five bi-weekly meetings, the Working Group members reviewed and discussed in-depth the impact and investment of these program as through detailed analysis of GI program studies, research questions, participant selection criteria, control and treatment groups, outreach and marketing, self-application, and income distribution processes.

After extensive review of Long Beach-specific research, the Working Group identified a number of Key Performance Indicators (KPI) to focus the development of recommendations about the GI pilot program. The following provides a summary of the KPI recommended by the Working Group for City Council consideration:

- COVID-19 Impacts: Data provided by HHS showed the highest concentration of COVID-19 cases occurring in the five Zip Codes of 90804, 90805, 90806, 90810, and 90813.
- Median Household Income: Though the Median Family Income in Long Beach exceeds \$85,000, all household incomes in the targeted Zip Codes fall well below that with income in 90813 being less than half of the citywide median.

- Impact: More than half of all families residing in Long Beach live within the five zip codes most impacted by COVID-19. The Working Group then turned to looking at the number and percentage of families in poverty.
- Poverty: According to the analysis, 80 percent of all Long Beach households living in poverty reside within the five targeted Zip Codes. The highest concentration of poverty is found within 90813 - as close to one out of every four families fall within the United States Department of Health and Human Services Federal Poverty Level Guidelines.

### *Long Beach Guaranteed Income Pilot (Pilot)*

Based on the recommendations of the Working Group and other considerations, such as funding availability, the Pilot program will include the following key elements:

- Direct Payments: The initial allocation funded by the Recovery Act will provide up to 250 participants with \$500 per month for 12 months.
- Participants: Program participants will be Single Headed Households with incomes below the poverty line.
- Geographic Focus: Direct payments should focus on the highest concentrated area of family poverty within the targeted five Zip Codes, which is in 90813. This will allow for the greatest potential for community impact and will provide documentable results that can be included within the national experiment and research currently underway throughout the United States.

According to departmental analysis based on available US Census data there are 58,380 residents of the 90813 zip code with 65% identifying as Hispanic or Latino, 11.5% Black or African-American, 12.5% as Asian, 0.4% as Native Hawaiian and other Pacific Islander, and 0.2% as American Indian or Alaska Native. According to the California Hard-to-Count Index 72% of all residents live within a multi-unit structure, 87.8% live in housing units that are renter-occupied, 46.5% have income below 150 percent of the poverty line, and 41.9% of those aged 25 and older are not high school graduates.

- Support Services: In addition to the direct cash assistance program, participants will receive the offer of additional services including digital technology packages, assistance with accessing childcare, job placement and job training access, and other identified support services to expand upon the initial \$500 investment.
- Reporting: Consistent with other pilot programs, no additional reporting will be required for participants beyond the completion of a monthly survey. In addition to the treatment group there will be a yet-to-be-determined number of participants who will be included in the control group.
- Incentives: The control group will also be incentivized to complete a monthly survey but will not receive the direct cash payments.

Note, if additional matching funds are secured, the Pilot may be expanded to serve additional cohort participants in other high-need Zip Codes.

### 1.3 Goals

The goal of the Pilot is to increase the monthly income of the City's most vulnerable residents with the highest unemployment, highest rates of violence and whom have had the greatest continued impact from COVID-19.

In one year or less, the Pilot will distribute \$1.5 million in direct cash assistance in the form of guaranteed income to 250 families living at or below the poverty line in the 90813 zip-code. Using data collected as part of the Pilot, the City hopes to contribute to the discourse around local, regional and national guaranteed income policy and its efficacy.

Over the course of the Pilot, the program will have achieved the following:

- 1) 250 or more households will have participated within the treatment group;
  - a. Program participants will be Single Headed Households with incomes at or below the poverty line in the 90813 zip-code;
- 2) Each participating household will have received \$500 a month for a period of twelve months;
- 3) Each participating household will have access to multiple payment options;
- 4) Each household will have access to expert financial benefits counseling to ensure that zero impact will be had on any participant's local, county, State or federal public benefits;
- 5) City will have received viable recommendations on how to fund, sustain and expand Guaranteed Income within the City.

### 1.4 Award Terms

This contract will be for a period of two years with the option to renew for three additional one-year periods. The total contract term will not exceed five years.



## 2 Scope of Work

### 2.1 Description of Services

This opportunity is for qualified vendors to implement and administer the Pilot. The selected vendor shall provide for the partial implementation and administration of the Pilot including, but not limited to: creating and operating a digital payment solution to pay Pilot participants, creating and maintaining a Pilot website/portal, providing financial counseling services and identifying potential funding for the expansion and/or sustainment of the program.

As a part of the Pilot, the City will also contract with a Pilot Research and Evaluation Partner to design the Pilot, engage the community, identify pilot participants and evaluate the program. The Research and Evaluation Partner will be selected through a separate process. The selected Implementation & Administration vendor will be required to **collaborate with the City's selected** Pilot Research and Evaluation vendor throughout the Pilot to conform with the Pilot design and to ensure appropriate data collection and information sharing in support of the overall evaluation of the program.

Specific services for the Pilot shall include, but are not limited to, the following:

- Creating and operating a customizable digital (electronic) payment solution capable of supporting multiple payment distribution types for maximum flexibility of participants;
- Providing for the enrollment of selected Pilot participants, as needed, to facilitate receipt of payments;
- Creating and maintaining an overall Pilot website and/or portal to promote the program and serve as a live public dashboard for performance metrics;
  - This website should be **compatible and connected to the City's Recovery website, for use by participants, City staff and the City's Pilot Research and Evaluation vendor;**
  - Should include both Pilot and City branding;
  - Be compatible with mobile communications devices;
  - Website content should be made available in English, Spanish, Khmer and Tagalog, in accordance with the City's Language Access Plan
- Providing case management services, including:
  - Resolution of any issues related to payment distribution;
  - Financial benefits counseling to ensure that zero impact will be had on any **participant's local, county, State or federal public benefit;**
- Providing support for ongoing data collection and information sharing to City staff and the City's selected Pilot Research and Evaluation Partner;
  - Assisting the City in identifying additional financial resources, including grants, fundraising opportunities or other strategies to grow the Pilot.

- Providing documentation and audit trail that meets program requirements that will be clearly defined before Pilot launch, including but not limited to the following:
- Providing all information that the City deems necessary, including but not limited to weekly funding obligation amounts, expenditures, and projections;
- Managing a technology-driven duplication of benefits process that ensures compliance with Federal law;
- Facilitating issuance of 1099 Miscellaneous Tax forms tax process for any payments deemed taxable;
- Transferring data, files, and records to the City to be retained for future audits;
- Having organizational capacity to scale the Pilot if additional funding becomes available. This may include (but is not limited to) the following:
  - the ability to increase the number of participants;
  - the ability to track separate cohorts of participants;
  - the ability to invoice separately based on the funding source;
  - the ability to flexibly modify program elements to meet the requirements of new funding, including record keeping, reporting and audit requirements.

## 2.2 Performance Metrics & Contract Management

### 2.2.1 Performance Metrics

The table below highlights the targets that will be tracked and reviewed collaboratively with the awarded contractor during the contract. This list is an indication of the performance metrics of interest to the City and is not exhaustive or final. As a part of a response to this RFP, Proposers may propose additional or alternative performance metrics to be tracked on a regular basis. The final set of performance metrics and frequency of collection will be negotiated by the successful Proposer and the City prior to the finalization of an agreement between parties and may be adjusted over time as needed.

| METRIC                               | DESCRIPTION                                                                 | TARGET           | DATA SOURCE    |
|--------------------------------------|-----------------------------------------------------------------------------|------------------|----------------|
| 1. Number of participants enrolled   | The total number of Pilot participants that receiving the guaranteed income | 250 <sup>1</sup> | Monthly report |
| 2. Number of payments issued on time | The total number of payments issued on a monthly basis                      | 100%             | Monthly report |

|                                                                                                                                                                                                                                 |                                                                                       |                                                                                                           |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------|
| 3. Percentage of payment issues resolved                                                                                                                                                                                        | The percentage of participant payments issues that are resolved                       | 100% of issues resolved on a monthly basis                                                                | Monthly report   |
| 4. Impact on Public Benefits                                                                                                                                                                                                    | Number of participants whose public benefits are decreased as a result of Pilot funds | Zero participants' benefits are impacted                                                                  | Quarterly report |
| 5. Funding Options                                                                                                                                                                                                              | Number of viable funding options presented to the City to expand the program          | Minimally, present funding solutions to increase the number of potential participant households to 1,000+ | Monthly report   |
| <p>1. 250 is the minimum number of participants expected to be served during the Pilot based on current available funding. This metric will be reevaluated should the program be expanded to serve additional participants.</p> |                                                                                       |                                                                                                           |                  |

### 2.2.2 Contract Management

The selected vendor will receive consistent support and communication from a City liaison throughout the process. This liaison will be the main contact for providers and will send out reminders to providers before reporting, invoice, and narrative metrics are due to provide clarification about deadlines and answer any questions. These efforts are to ensure that any issues can be openly shared, solved early and any funds that may not be expended may be redirected.

#### Kick Off Meeting

The selected vendor shall participate in project kickoff meeting to introduce lead project staff, review project scope, review project timelines, review vendor invoicing and reporting requirements, and create regular project meeting and project reporting schedule.

#### Milestones/Approval from City on Key Program Decisions

The selected vendor shall submit the following deliverables to City staff by the designated deadline and receive approval before implementing. Final deadlines shall be negotiated and agreed upon during contract negotiations.

- Recommendations on program design;
- Website/portal design;
- Participant payment enrollment process;

- Payment resolution procedure;
- Sample reports for required data, including number of participants, number of payments issued, number of payment issues resolved, and others to be determined;
- Process for creating an escrow account and a schedule of deposits made by the City to said account to process payments to Pilot participants (if applicable).

### Communications and Reporting

Vendor and City staff shall meet regularly during the start of the engagement to review project status, address project issues, assess opportunities to improve effectiveness and efficiency, and actively work toward the launch of the Pilot.

After the Pilot has launched, the vendor and staff shall meet regularly to review project status and performance, address project issues, assess opportunities to improve effectiveness and efficiency, and review service data and monitor performance.

The vendor shall identify a lead project manager that will be available to speak and answer questions from City staff as needed.

#### 2.2.3 Vendor Invoicing & Payments

The City issues payment based upon services rendered. After a contract is finalized and work is performed, the Contractor should invoice the City. The City will remit payment within 30 calendar days of being billed.

To process payments efficiently, the vendor is encouraged to use an invoice template provided by the City but may also use their own and, at minimum, include the following information on their invoices:

- Invoice
  - Amount applied to administrative costs
  - Amount remitted to participants
  - Monthly Payroll Registers and receipts to coincide with admin costs reported
  - Monthly listing of participants to whom payment was remitted
  - Monthly reporting attesting to participants' eligibility
- Invoice number
- Date of invoice
- Purchase Order (PO) number
- Identify name of department, program, and program lead
- Summarize title of services performed and service period

### 3 How We Choose

#### 3.1 Minimum Qualifications

- Qualification to conduct business in the City
- Not having been debarred by Federal, State or local government
- Verifiable experience in designing, implementing, and administering a cash transfer program within the last 36 months with a minimum of 50 concurrent participants.
- Financial stability and staff capacity to effectively deliver service within the Pilot's 12-month timeframe.
- Ability to keep records according to Federal Single Audit standards, respond to federal audit requests, and regularly self-report on contract performance.

#### 3.2 Evaluation Criteria

Proposals shall be consistently evaluated based upon the following criteria:

| CRITERION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>□ Organizational Capacity &amp; Experience                             <ul style="list-style-type: none"> <li>• Experience serving comparable demographics to those selected for the Pilot.</li> <li>• Organizational capacity to successfully deliver, develop, and implement services.</li> <li>• Organizational capacity to scale the Pilot if additional funding becomes available. This may include (but is not limited to) the following: 1) the ability to increase the number of participants, 2) the ability to track separate cohorts of participants 3) the ability to invoice separately based on the funding source, 4) the ability to flexibly modify program elements to meet the requirements of new funding, including record keeping, reporting and audit requirements.</li> <li>• Demonstrated experience with recommended payment solution and participant portal.</li> <li>• Language access capacity.</li> <li>• Availability, experience, and qualifications of key personnel.</li> <li>• Conformance to the terms of the RFP.</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>□ Method of Approach                             <ul style="list-style-type: none"> <li>• Quality, user experience, and capacity of guaranteed income cash payments portal</li> <li>• Ability to have a fully operational system ready for final review within 3 weeks of award</li> <li>• Capacity to implement a comprehensive case management, including financial benefits counseling service</li> <li>• Ability to securely process direct cash payments on behalf of City</li> <li>• Ability to develop and present viable strategies to fund the expansion of the Pilot program</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Communications & Reporting <ul style="list-style-type: none"> <li>• Ability to participate in mandatory meetings.</li> <li>• Ability and experience in data collection and reporting.</li> </ul>                                                               |
| <input type="checkbox"/> Reasonableness of Cost: <ul style="list-style-type: none"> <li>• Cost per participant served.</li> </ul>                                                                                                                                                       |
| <input type="checkbox"/> Desired Qualifications <ul style="list-style-type: none"> <li>• Prior experience with conducting a program disbursing federal funding</li> <li>• Knowledge of the Final Ruling of American Rescue Plan</li> <li>• Knowledge of OMB Uniform Guidance</li> </ul> |

### 3.3 Selection Process & Timelines

| EVALUATION STAGE                         | ESTIMATED DATE               | DESCRIPTION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Evaluation of Narrative & Cost Proposals | 3/8/2022 – 3/11/2022         | <ul style="list-style-type: none"> <li>• An Evaluation Committee will review Narrative &amp; Cost Proposals to select the proposal that best meets the needs of the City.</li> <li>• Evaluations will be conducted using a methodology derived from the evaluation criteria listed in Section 3.2.</li> </ul>                                                                                                                                                                                                  |
| Interviews and Demos                     | TBD                          | <ul style="list-style-type: none"> <li>• An interview and demos will be provided</li> <li>• The City may interview or request demos from none, one, some or all Proposers.</li> </ul>                                                                                                                                                                                                                                                                                                                          |
| Negotiation & Contractor Selection       | March 2022                   | <ul style="list-style-type: none"> <li>• Selected Contractor(s) will be notified in writing.</li> <li>• Any award is contingent upon the successful negotiation of final contract terms. If contract negotiations cannot be concluded successfully, the City reserves the right to negotiate a contract with another Contractor or withdraw the RFP.</li> <li>• Negotiations shall be confidential and not subject to disclosure to competing Contractors unless and until an agreement is reached.</li> </ul> |
| Estimated Contract Execution             | April 2022                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Proposer Debrief                         | After Contractor is Selected | <ul style="list-style-type: none"> <li>• Successful and unsuccessful Proposers are encouraged to request phone call or in person meeting with the City to discuss the</li> </ul>                                                                                                                                                                                                                                                                                                                               |

strengths and weaknesses of their proposal. The intent of the debrief is to provide the Proposer with constructive feedback to equip them with information to effectively meet the City's needs and be successful in future proposals.

## 4 Proposal Instructions & Content

### 4.1 Proposal Timelines & Instructions

| MILESTONE                 | TIME (PACIFIC) & DATE        | LOCATION / ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Release date              | February 14, 2022            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Questions due to the City | 11:00 a.m. February 22, 2022 | <ul style="list-style-type: none"> <li>Submit all inquiries via email to <a href="mailto:rfppurchasing@longbeach.gov">rfppurchasing@longbeach.gov</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Posting of the Q&A        | February 25, 2022            | <ul style="list-style-type: none"> <li>Responses to the questions will be posted on the City's PlanetBids portal, available at <a href="https://pbsystem.planetbids.com/portal/15810/portal-home">https://pbsystem.planetbids.com/portal/15810/portal-home</a>.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Proposals due             | 11:00 p.m. March 7, 2022     | <ul style="list-style-type: none"> <li>Proposals should be submitted electronically via the City's PlanetBids portal, available at <a href="https://pbsystem.planetbids.com/portal/15810/portal-home">https://pbsystem.planetbids.com/portal/15810/portal-home</a>.</li> <li>Late proposals, or proposals submitted through other channels will not be accepted.</li> <li>Proposers are responsible for submitting their proposals completely and on time. <ul style="list-style-type: none"> <li>Proposers will receive an e-bid confirmation number with a time stamp from PlanetBids indicating that the proposal was submitted successfully. The City will only receive proposals that were transmitted successfully.</li> <li>Technical support is available by phone at (818) 992-1771</li> <li>Support resources including a list of Frequently Asked Questions are available on PlanetBids at</li> </ul> </li> </ul> |

<https://pbsystem.planetbids.com/porta/15810/help>.

## 4.2 Proposal Content

Complete proposals will include the following. Proposers are encouraged to use this table as a checklist to ensure all components are included in their proposal.

| PROPOSAL                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Narrative Proposal | The Narrative Proposal should provide a straightforward, concise delineation of capabilities to satisfy the RFP. Guidance on preparing a Narrative Proposal is detailed below in Section 4.3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <input type="checkbox"/> Cost Proposal      | <p>The Cost Proposal should adhere to the following:</p> <ul style="list-style-type: none"> <li>• Provide a proposed budget with estimated costs to provide personnel and support needed to deliver the Pilot.</li> <li>• Provide any additional information that describes your fee structure and that provides a comprehensive estimate of total program costs for <b>your organization's</b> proposal.</li> <li>• The cost proposal and scope of work shall include and specify the <b>firm's labor, indirect costs, and any subconsultant costs</b>. This should include any additional costs related to the potential scaling of the program as described in Section 3.1.</li> <li>• The fee to be paid to the Consultant will be made at the <b>Consultant's</b> established billable rates for staff hours and expenses accrued in producing the required services, up to a maximum fee to be established through negotiations.</li> <li>• The <b>Consultant's billable rates shall not include mark-ups</b> on reimbursable items or mark-ups for overhead and profit; no additional payment will be made for those items. The City will neither reimburse the Consultant for mileage, office supplies, overhead expenses, nor for the use of computer equipment.</li> <li>• All sub-consultant fees and costs shall not include mark-ups and will be reimbursed on an actual-cost basis. The <b>City will not reimburse for a subconsultant's mileage, office supplies, overhead expenses, or for the use of computer equipment.</b></li> <li>• Primary Consultants located outside the Los Angeles/Orange County area shall not assume the City</li> </ul> |



|                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                               | will reimburse for travel to the City without prior approval. Consultants outside of Los Angeles/Orange County should discuss how their remoteness will affect their responsiveness in delivering services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>PROPOSAL APPENDICES</b>                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> Financial Stability                                                                                                                                                                                                  | Proposers should include one or more of the following financial statements to provide the City with enough information to determine financial stability of the Proposer and subcontractor. <ul style="list-style-type: none"> <li>• Financial Statement or Annual Report</li> <li>• Business tax return</li> <li>• Statement of income and related earnings</li> <li>• Formal Audit Report conducted by an external CPA firm, if available</li> <li>• Internal Control Report, if available</li> </ul>                                                                                                                                                                                             |
| <input type="checkbox"/> Other Addenda (if applicable)                                                                                                                                                                                        | Colored displays, promotional materials, and other collateral are not necessary or desired. However, if a complete response cannot be provided without referencing supporting documentation, it may be provided as an addendum clearly cited in the Narrative or Cost Proposal.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>MANDATORY ATTACHMENTS</b>   <i>The following are included as Attachments in PlanetBids. They must be signed by the individual legally authorized to bind the Proposer.</i>                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> A. Authorization & Certification                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> B. Equal Benefits Ordinance (EBO) Form                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> C. W-9                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>NON-MANDATORY ATTACHMENTS</b>   <i>The following are required for awarded Contractors prior to contract execution. If possible, Proposers are encouraged to include this information as part of their proposal to expedite processing.</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> D. Business License                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> E. Proof of Registration with Secretary of State                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> F. Pro Forma – Reference only                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <input type="checkbox"/> <b>G. INSURANCE.</b>                                                                                                                                                                                                 | As a condition precedent to the effectiveness of this Agreement, Contractor shall procure and maintain at Contractor's expense for the duration of this Agreement from an insurance company that is admitted to write insurance in the State of California or that has a rating of or equivalent to an A:VIII by A.M. Best and Company the following insurance: <ol style="list-style-type: none"> <li>a. Commercial general liability insurance equivalent in coverage scope to ISO CG 00 01 10 93 naming the City of Long Beach and its officials, employees, and agents as additional insureds on a form equivalent in coverage scope to ISO CG 20 26 11 85 from and against claims,</li> </ol> |

demands, causes of action, expenses, costs, or liability for injury to or death of persons, or damage to or loss of property arising out of activities or work performed by or on behalf of the Contractor in an amount not less than One Million Dollars (US \$1,000,000) per occurrence and Two Million Dollars (US \$2,000,000) in general aggregate.

- b. As applicable, workers' compensation coverage in accordance with the Labor Code of the State of California and Employer's liability insurance with minimum limits of One Million Dollars (US \$1,000,000) per accident or occupational illness. The policy shall be endorsed with a waiver of the insurer's right of subrogation against the City of Long Beach and its officials, employees, and agents.
- c. If use of vehicles is part of the scope of services, commercial automobile liability insurance equivalent in coverage scope to ISO CA 00 01 06 92 in an amount not less than Five Hundred Thousand Dollars (US \$500,000) combined single limit (CSL) covering Symbol 1 (any auto).
- d. Professional Liability (or Errors and Omissions Liability) insurance covering the profession or professions (for example, licensed professions such as accountants or lawyers) provided within the Agreement in the amount of not less than one million dollars (\$1,000,000) per claim.

Any self-insurance program or self-insurance retention must be approved separately in writing by City and shall protect the City of Long Beach and its officials, employees, and agents in the same manner and to the same extent as they would have been protected had the policy or policies not contained retention provisions. Each insurance policy shall be endorsed to state that coverage shall not be suspended, voided, or canceled by either party except after thirty (30) days prior written notice to City, and shall be primary and not contributing to any other insurance or self-insurance maintained by City.

Any subcontractors which Contractor may use in the performance of this Agreement shall be required to indemnify the City to the same extent as the Contractor and to maintain insurance in compliance with the provisions of this section.

Contractor shall deliver to City certificates of insurance and original endorsements for approval as to sufficiency and form prior to the start of performance hereunder. The certificates and endorsements for each insurance policy shall contain the original signature of a person authorized by that insurer to bind coverage on its behalf. "Claims-made" policies are not acceptable unless City Risk Manager determines that "Occurrence" policies are not available in the market for the risk being insured. In a "Claims-made" policy is accepted, it must provide for an extended reporting period of not

less than three (3) years. Such insurance as required herein shall not be deemed to limit Contractor's liability relating to performance under this Agreement. City reserves the right to require complete certified copies of all said policies at any time. Any modification or waiver of the insurance requirements herein shall be made only with the approval of City Risk Manager. The procuring of insurance shall not be construed as a limitation on liability or as full performance of the indemnification provisions of this Agreement.

- PlanetBids | *Ensure your organization's PlanetBids profile is up to date, including an email address, phone number, and for any socioeconomic classifications you may qualify for.*

### 4.3 Narrative Proposal Template

An editable version of the template below has been posted to PlanetBids. Proposers should complete the editable template and submit it as their narrative proposal.

#### Organizational Capacity & Experience

| PROPOSER CONTACT INFORMATION                 |                                              |       |
|----------------------------------------------|----------------------------------------------|-------|
| Organization                                 | Company Name                                 |       |
|                                              | Company Address                              |       |
|                                              | Website                                      |       |
|                                              | Federal Tax ID Number                        |       |
| Authorized Representative                    | Name                                         |       |
|                                              | Title                                        |       |
|                                              | Email Address                                |       |
|                                              | Phone Number                                 |       |
| Other Point of Contact (if required)         | Name                                         |       |
|                                              | Title                                        |       |
|                                              | Email Address                                |       |
|                                              | Phone Number                                 |       |
| PROPOSER CAPACITY & EXPERIENCE               |                                              |       |
| What type of enterprise is the organization? | <input type="checkbox"/> Non-Profit          |       |
|                                              | <input type="checkbox"/> Sole Proprietorship |       |
|                                              | <input type="checkbox"/> General Partnership |       |
|                                              | <input type="checkbox"/> Corporation         |       |
|                                              | <i>State and Date of incorporation:</i>      | <hr/> |

|                                                                                                                                                                                                 |                                                                                            |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--|
|                                                                                                                                                                                                 | <input type="checkbox"/> Limited Liability Company<br><input type="checkbox"/> _____ Other |  |
| Where is the organization that would service the City's account located?                                                                                                                        |                                                                                            |  |
| Does the organization reside in Long Beach?                                                                                                                                                     |                                                                                            |  |
| Please describe why the organization is qualified to provide the services described in this RFP (1-2 paragraphs).                                                                               |                                                                                            |  |
| How many employees does the organization have in total and residing in Long Beach?                                                                                                              |                                                                                            |  |
| Where are the representative(s) that would service the City's account located?                                                                                                                  |                                                                                            |  |
| Please provide a plan of overview for how the project will be staffed, including the percentage of time each employee will be allocated to the project, and the names and titles of principles. |                                                                                            |  |
| Who are the key staff involved in the project? For each, please provide a name, title, and resume either as an attachment or 1 paragraph description.                                           |                                                                                            |  |
| Does the proposal include subcontractors?                                                                                                                                                       | <input type="checkbox"/> Yes<br><input type="checkbox"/> No                                |  |
| <b>REFERENCES</b>                                                                                                                                                                               |                                                                                            |  |
| Reference 1                                                                                                                                                                                     | Company                                                                                    |  |
|                                                                                                                                                                                                 | Project Manager                                                                            |  |
|                                                                                                                                                                                                 | Phone Number                                                                               |  |
|                                                                                                                                                                                                 | Project Description                                                                        |  |
| Reference 2                                                                                                                                                                                     | Project Start and End Dates                                                                |  |
|                                                                                                                                                                                                 | Company                                                                                    |  |
|                                                                                                                                                                                                 | Project Manager                                                                            |  |
|                                                                                                                                                                                                 | Phone Number                                                                               |  |
| Reference 3                                                                                                                                                                                     | Project Description                                                                        |  |
|                                                                                                                                                                                                 | Project Start and End Dates                                                                |  |
|                                                                                                                                                                                                 | Company                                                                                    |  |
|                                                                                                                                                                                                 | Project Manager                                                                            |  |
|                                                                                                                                                                                                 | Phone Number                                                                               |  |

|             |                             |  |
|-------------|-----------------------------|--|
|             | Project Description         |  |
|             | Project Start and End Dates |  |
| Reference 4 | Company                     |  |
|             | Project Manager             |  |
|             | Phone Number                |  |
|             | Project Description         |  |
| Reference 5 | Project Start and End Dates |  |
|             | Company                     |  |
|             | Project Manager             |  |
|             | Phone Number                |  |
|             | Project Description         |  |
|             | Project Start and End Dates |  |
|             | Company                     |  |
|             | Project Manager             |  |

|                                                                                                                                                       |                                                    |       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-------|
| <b>SUB-CONTRACTOR CONTACT INFORMATION (if applicable)</b><br><i>Please provide this information for all subcontractors included in this proposal.</i> |                                                    |       |
| Organization                                                                                                                                          | Company Name                                       |       |
|                                                                                                                                                       | Company Address                                    |       |
| Authorized Representative                                                                                                                             | Name                                               |       |
|                                                                                                                                                       | Title                                              |       |
|                                                                                                                                                       | Email Address                                      |       |
|                                                                                                                                                       | Phone Number                                       |       |
| Other Point of Contact (if required)                                                                                                                  | Name                                               |       |
|                                                                                                                                                       | Title                                              |       |
|                                                                                                                                                       | Email Address                                      |       |
|                                                                                                                                                       | Phone Number                                       |       |
| <b>SUBCONTRACTOR CAPACITY &amp; EXPERIENCE</b>                                                                                                        |                                                    |       |
| What type of enterprise is the organization?                                                                                                          | <input type="checkbox"/> Non-Profit                |       |
|                                                                                                                                                       | <input type="checkbox"/> Sole Proprietorship       |       |
|                                                                                                                                                       | <input type="checkbox"/> General Partnership       |       |
|                                                                                                                                                       | <input type="checkbox"/> Corporation               |       |
|                                                                                                                                                       | <i>State and Date of incorporation:</i>            | _____ |
|                                                                                                                                                       | <input type="checkbox"/> Limited Liability Company |       |

|                                                                                                                              |                                         |
|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|                                                                                                                              | <input type="checkbox"/> Other<br><hr/> |
| Which specific requirements of this RFP will the subcontractor perform?                                                      |                                         |
| Is the subcontractor registered with the California Department of Industrial Relations? If yes, provide registration number. |                                         |
| Please describe why the organization is qualified to provide the services described in this RFP (1-2 paragraphs).            |                                         |
| Please describe the length of time the organization has been providing the services described in this RFP (1-3 sentences).   |                                         |
| How many employees does the organization have nationally, locally, and residing in Long Beach?                               |                                         |
| Where are the representative(s) that would service the City's account located?                                               |                                         |

Organizational Capacity & Experience

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. Please provide an overview of past guaranteed income or comparable cash transfer programs your organization is conducting or has conducted in the past. In your answer, be sure to share the total cost of the project, the number of participants served, amount of staff or resources involved, and metrics on the accomplishments and impact of the project. (suggest highlighting 2-4 programs, 1-2 paragraphs per program)</p>                                                                                            |
| <p>2. Please describe your experience in serving demographics comparable to those selected for the Pilot. (1 paragraph max)</p>                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>3. Please describe your organizational capacity to scale the Pilot should additional funding become available. This may include (but is not limited to) the following: 1) the ability to increase the number of participants, 2) the ability to track separate cohorts of participants 3) the ability to invoice separately based on the funding source, 4) the ability to flexibly modify program elements to meet the requirements of new funding, including record keeping, reporting and audit requests. (1-2 paragraphs)</p> |

|                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Please describe your experience and organizational capacity in data collection and reporting. (1 paragraph max)                                                                                                                                                         |
|                                                                                                                                                                                                                                                                            |
| 5. Please describe your organization's capacity to provide outreach and education in non-English (Spanish, Khmer, Tagalog) or non-verbal languages. (250 words max)                                                                                                        |
|                                                                                                                                                                                                                                                                            |
| 6. Describe your organization's ability to keep records according to Federal Single Audit standards, respond to federal audit requests, and regularly self-report on contract performance.                                                                                 |
|                                                                                                                                                                                                                                                                            |
| 7. (Optional) If there is any other information you have not provided above that will help the City evaluate your qualifications for these efforts, please provide them below. Please refer to Sections 3.1 Minimum Qualifications and 3.2 Evaluation Criterion as needed. |
|                                                                                                                                                                                                                                                                            |

Method & Approach

|                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Please describe in detail how your organization intends to implement and administer the Pilot in partnership with the City and its selected Pilot Research and Evaluation partner. Include proposed timelines for launching the website/portal, enrolling identified participants to receive payment, and issuing first payments.        |
|                                                                                                                                                                                                                                                                                                                                             |
| 2. Please describe in detail your organization's approach for identifying additional financial resources, including grants, fundraising opportunities or other strategies to grow the Pilot. If your organization has fundraising capabilities that could be leveraged in support of the program, please elaborate on this capability here. |
|                                                                                                                                                                                                                                                                                                                                             |
| 3. Please describe your organization's approach to providing a customizable digital (electronic) payment solution capable of supporting multiple payment distribution types.                                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4. Describe the end-user digital portal experience from the perspective of program participants.                                                                                                                                                         |
|                                                                                                                                                                                                                                                          |
| 5. Summarize steps you would take to immediately resolve any operational issues that may occur with the portal or prevent the issuance of payments to program participants.                                                                              |
|                                                                                                                                                                                                                                                          |
| 6. This opportunity requires that your organization will serve as a Subject Matter Expert to provide technical assistance to City staff and the City's Pilot Research and Evaluation vendor. Describe how your organization will work with these groups. |
|                                                                                                                                                                                                                                                          |
| 7. Summarize your proposed approach to case management and how will you ensure your organization's solution is able to assist a diverse, multi-lingual population.                                                                                       |
|                                                                                                                                                                                                                                                          |
| 8. Outline what you will need from the City to implement the contract successfully.                                                                                                                                                                      |
|                                                                                                                                                                                                                                                          |

Communications & Reporting

|                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Explain the data and reporting systems that will be used to routinely evaluate program performance, how this data will be used for program management, or how you have used data and reporting systems for program management in the past. |
|                                                                                                                                                                                                                                               |
| 2. Explain how employees responsible for case management will be supervised.                                                                                                                                                                  |
|                                                                                                                                                                                                                                               |
| 3. Please describe your organizational capacity to participate in mandatory meetings as described in Section 2.2.2 of the RFP.                                                                                                                |
|                                                                                                                                                                                                                                               |
| 4. Explain how you will report on performance to the City and coordinate with the City to meet the objectives of the RFP.                                                                                                                     |
|                                                                                                                                                                                                                                               |



- |                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. The City requires that the awarded Contractor provide proof of payment of any subcontractors used for this project. If the proposal includes subcontractors, please describe the plan for how the City will be notified of such payments. |
|                                                                                                                                                                                                                                              |

## 5 Terms & Conditions

### 5.1 Acronyms/Definitions

1. Awarded Contractor: The organization/individual that is awarded a contract with the City of Long Beach, California for the services identified in this RFP.
2. City: The City of Long Beach and any department or agency identified herein.
3. Contractor / Proposer: Organization/individual submitting a proposal in response to this RFP.
4. Department / Division: City of Long Beach, Department of Economic Development
5. Evaluation Committee: An independent committee comprised solely of representatives of the City established to review proposals submitted in response to the RFP, evaluate the proposals, and select a Contractor.
6. May: Indicates something that is not mandatory but permissible.
7. RFP: Request for Proposals.
8. Shall / Must: Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of a proposal as non-responsive.
9. Should: Indicates something that is recommended but not mandatory. If the Proposer fails to provide recommended information, the City may, at its sole option, ask the Proposer to provide the information or evaluate the proposal without the information.
10. Subcontractor: Third party not directly employed by the Proposer who will provide services identified in this RFP.

### 5.2 Solicitation Terms & Conditions

1. The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the City to do so.
2. The City reserves the right to request clarification of any proposal term from Proposers.

3. The City may contact the references provided; contact any Proposer to clarify any response; contact any current users of a Proposer's services; solicit information from any available source concerning any aspect of a proposal; and seek and review any other information deemed pertinent to the evaluation process.
4. The level and term of documentation required from the Proposer to satisfy the City will be commensurate with the size and complexity of the contract and Proposers should submit accordingly. If the information submitted by the Proposer, or available from other sources, is insufficient to satisfy the City as to the Proposer's contractual responsibility, the City may request additional information from the Proposer or may deem the proposal non-responsive.
5. The City reserves the right to waive informalities and minor irregularities in proposals received.
6. The City reserves the right to reject any or all proposals received prior to contract award.
7. The City's determination of the Proposer's responsibility, for the purposes of this RFP, shall be final.
8. Unless otherwise specified, the City prefers to award to a single Contractor but reserves the right to award contracts to multiple contractors.
9. The City shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the City of Long Beach after all factors have been evaluated.
10. Any irregularities or lack of clarity in the RFP should be brought to the Purchasing Division designee's attention as soon as possible so that corrective addenda may be furnished to Proposers.
11. Proposals must include any and all proposed terms and conditions, including, without limitation, written warranties, maintenance/service agreements, license agreements, lease purchase agreements and the Proposer's standard contract language. The omission of these documents may render a proposal non-responsive.
12. Alterations, modifications or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
13. Proposals which appear unrealistic in the terms of technical commitments, lack of technical competence, or are indicative of failure to comprehend the complexity and risk of this contract, may be rejected.

14. Proposals may be withdrawn by written notice received prior to the proposal opening time.
15. The price and amount of this proposal must have been arrived at independently and without consultation, communication, agreement or disclosure with or to any other Contractor or prospective Contractor.
16. No attempt may be made at any time to induce any firm or person to refrain from submitting a proposal or to submit any intentionally high or noncompetitive proposal. All proposals must be made in good faith and without collusion.
17. Prices offered by Proposers in their proposals are an irrevocable offer for the term of the contract and any contract extensions. The awarded Contractor agrees to provide the purchased services at the costs, rates and fees as set forth in their proposal in response to this RFP. No other costs, rates or fees shall be payable to the awarded Contractor for implementation of their proposal.
18. The City is not liable for any costs incurred by Proposers prior to entering into a formal contract. Costs of developing the proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the City.
19. Proposal will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law. Each Proposer may clearly label all or part of a proposal as "CONFIDENTIAL" provided that the Proposer thereby agrees to indemnify and defend the City for honoring such a designation. The failure to so label any information that is released by the City shall constitute a complete waiver of any and all claims for damages caused by any release of the information.
20. A proposal submitted in response to this RFP must identify any subcontractors, and outline the contractual relationship between the Proposer and each subcontractor. An official of each proposed subcontractor must sign, and include as part of the proposal submitted in response to this RFP, a statement to the effect that the subcontractor has read and will agree to abide by the Proposer's obligations.
21. If the Contractor elects to use subcontractors, the City requires that the awarded Contractor provide proof of payment of any subcontractors used for this project. Proposals shall include a plan by which the City will be notified of such payments.
22. Each Proposer must disclose any existing or potential conflict of interest relative to the performance of the contractual services resulting from this RFP. Any such relationship that might be perceived or represented as a conflict should be

disclosed. The City reserves the right to disqualify any Proposer on the grounds of actual or apparent conflict of interest.

23. Each Proposer must include in its proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Proposer or in which the Proposer has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The City reserves the right to reject any proposal based upon the Proposer's prior history with the City or with any other party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.
24. The City reserves the right to negotiate final contract terms with any Proposers selected. The contract between the parties will consist of the RFP together with any modifications thereto, and the awarded Contractor's proposal, together with any modifications and clarifications thereto that are submitted at the request of the City during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded Contractor's proposal, and the awarded Contractor's proposal. Specific exceptions to this general rule may be noted in the final executed contract.
25. The City will not be responsible for or bound by any oral communication or any other information or contact that occurs outside the official communication process specified herein, unless confirmed in writing by the City Contact.
26. Any contract resulting from this RFP shall not be effective unless and until approved by the City Council / City Manager, as applicable.
27. The City will not be liable for Federal, State, or Local excise taxes.
28. Execution of Attachment A of this RFP shall constitute an agreement to all terms and conditions specified in the RFP, including, without limitation, the Attachment B contract form and all terms and conditions therein, except such terms and conditions that the Proposer expressly excludes.
29. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Any Proposer misrepresentation shall be treated as fraudulent concealment from the City of the true facts relating to the proposal.
30. Proposals shall be kept confidential until a contract is awarded.

31. No announcement concerning the award of a contract as a result of this RFP may be made without the prior written approval of the City.
32. Proposers are advised that any contract awarded pursuant to this procurement process that exceeds \$100,000 shall be subject to the applicable provisions of Long Beach Municipal Code Section 2.73 et seq, the Equal Benefits Ordinance. Proposers shall refer to Attachment G for further information regarding the requirements of the ordinance. If Attachment G is not present in the RFP, the Equal Benefits Ordinance does not apply to this procurement.
33. All Proposers shall complete and return, with their bid, the Equal Benefits Ordinance Compliance form contained in Attachment B, if applicable. Unless otherwise specified in the procurement package, Proposers do not need to submit with their bid supporting documentation proving compliance. However, supporting documentation verifying that the benefits are provided equally shall be required if the proposer is selected for award of a contract.

### 5.3 Contract Terms & Conditions

1. The awarded Contractor will be the sole point of contract responsibility. The City will look solely to the awarded Contractor for the performance of all contractual obligations which may result from an award based on this RFP, and the awarded Contractor shall not be relieved for the non-performance of any or all subcontractors.
2. The awarded Contractor must maintain, for the duration of its contract, insurance coverages as required by the City. Work on the contract shall not begin until after the awarded Contractor has submitted acceptable evidence of the required insurance coverages.
3. The Long Beach Municipal Code (LBMC) requires all businesses operating in the City of Long Beach to pay a business license tax. In some cases, the City may require a regulatory permit and/or evidence of a State or Federal license. Prior to issuing a business license, certain business types will require the business license application and/or business location to be reviewed by the Development Services, Fire, Health, and/or Police Departments. Additional information is available at [www.longbeach.gov/finance/business\\_license](http://www.longbeach.gov/finance/business_license).
4. All work performed in connection with construction shall be performed in compliance with all applicable laws, ordinances, rules and regulations of federal, state, county or municipal governments or agencies (including, without limitation, all applicable federal and state labor standards, including the prevailing wage provisions of sections 1770 et seq. of the California Labor Code), and (b) all directions, rules and regulations of any fire marshal, health officer, building

inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction.

5. Contractor shall indemnify, protect and hold harmless City, its Boards, Commissions, and their officials, employees and agents ("Indemnified Parties"), from and against any and all liability, claims, demands, damage, loss, obligations, causes of action, proceedings, awards, fines, judgments, penalties, costs and expenses, including attorneys' fees, court costs, expert and witness fees, and other costs and fees of litigation, arising or alleged to have arisen, in whole or in part, out of or in connection with (1) Contractor's breach or failure to comply with any of its obligations contained in this Contract, including any obligations arising from the Project's Contractor's compliance with or failure to comply with applicable laws, including all applicable federal and state labor requirements including, without limitation, the requirements of California Labor Code section 1770 et seq. or (2) negligent or willful acts, errors, omissions or misrepresentations committed by Contractor, its officers, employees, agents, subcontractors, or anyone under Contractor's control, in the performance of work or services under this Contract (collectively "Claims" or individually "Claim").
6. In addition to Contractor's duty to indemnify, Contractor shall have a separate and wholly independent duty to defend Indemnified Parties at Contractor's expense by legal counsel approved by City, from and against all Claims, and shall continue this defense until the Claims are resolved, whether by settlement, judgment or otherwise. No finding or judgment of negligence, fault, breach, or the like on the part of Contractor shall be required for the duty to defend to arise. City shall notify Contractor of any Claim, shall tender the defense of the Claim to Contractor, and shall assist Contractor, as may be reasonably requested, in the defense.
7. If a court of competent jurisdiction determines that a Claim was caused by the sole negligence or willful misconduct of Indemnified Parties, Contractor's costs of defense and indemnity shall be (1) reimbursed in full if the court determines sole negligence by the Indemnified Parties, or (2) reduced by the percentage of willful misconduct attributed by the court to the Indemnified Parties.
8. If the Contractor elects to use subcontractors, Contractor agrees to require its subcontractors to indemnify Indemnified Parties and to provide insurance coverage to the same extent as Contractor.
9. If the Contractor elects to use subcontractors, the Contractor shall not allow any subcontractor to commence work until all insurance required of subcontractor is obtained.

10. The provisions of this Section shall survive the expiration or termination of this Contract.

#### 5.4 Additional Requirements

The payments made to Pilot participants under the Pilot will be funded with federal funding from the Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan Act of 2021 (ARPA). When disbursing ARPA Funds to beneficiaries under the Program, the Contractor shall comply with all federal laws and requirements of the SLFRF Statute (Title VI of the Social Security Act Sections 602 and 603, as added by Section 9901 of ARPA); the US Treasury's Final Rule (31 CFR 35; 87 FR 4338); the terms and conditions of the US Treasury's award of ARPA Funds to City, and any and all compliance and reporting requirements for the expenditure of SLFRF funds as outlined in the Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds (issued by the US Treasury on 11/5/21, Version 2.0) (collectively, "SLFRF Program requirements"). The Contractor shall adhere to such SLFRF Program requirements whether or not such requirements are specifically described in this RFP; and to the extent any provisions of this RFP conflict with such federal requirements, the SLFRF Program requirements shall control.

Furthermore, the contract arising from this procurement process may be funded in whole or in part by additional local, state or federal grants in which case the contract may be amended to incorporate additional grant requirements based on the new funding source.

Pursuant to the SLFRF Program requirements, the awarded Contractor will be required to comply with (and to incorporate into its agreements with any sub-consultants) the following provisions in the performance of the contract, as applicable.

1. SAM.gov Requirement: Contractors must register with SAM.gov and maintain eligibility to receive federal funds.
2. Allowable Costs: Contractors must have adequate financial management systems and internal controls in place to account for the expenditure of federal funds.
3. Period of Performance: Contractors must use SLFRF funds to cover eligible costs during the period outlined the Contractor's contract with the City, and in no event may Contractor expend SLFRF funds after December 31, 2026.
4. Civil Rights Compliance: Contractors distributing federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that the Contractor does not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency),

disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

5. Reporting Requirements: Contractors are required to assist the City in the reporting required by the SLFRF Program. In order to facilitate the City's reporting, Contractors must have a robust system to track programmatic data. Contractors will provide reports to the City that detail expenditures and key performance indicators. In addition to more frequent progress reports as required under the Contractor's contract with the City, Contractors will be required at a minimum to submit quarterly and annual reports to the City within 10 days of the close of the City's SLFRF reporting period.

## 5.5 Protest Procedures

### Who May Protest

Only a Proposer who has actually submitted a proposal is eligible to protest a contract awarded through a Request for Proposals (RFP). A Proposer may not rely on the protest submitted by another Proposer but must pursue its own protest.

### Time for Protest

The City will post a notice of the intent to award a contract at least ten (10) business days before an award is made. The notice will be available to all Proposers who submitted a proposal via the City's electronic bid notification system at <http://www.longbeach.gov/purchasing>. A Proposer desiring to submit a protest for a proposal must do so within five (5) business days of the electronic notification of intent to award. The City Purchasing Agent must receive the protest by the close of business on the fifth (5th) business day following posting of notification of intent to award the contract. Proposers are responsible for registering with the City's electronic bid notification system and maintaining an updated Contractor profile. The City is not responsible for Proposers' failure to obtain notification for any reason, including but not limited to failure to maintain updated email addresses, failure to open/read electronic messages and failure of their own computer/technology equipment. The City's RFP



justification memo will be available for review by protestors once the notification of intent to award has been posted via the City's electronic bid notification system.

#### Form of Protest

The protest must be in writing and signed by the individual who signed the proposal or, if the Proposer is a corporation, by an officer of the corporation, and addressed to the City Purchasing Agent. Protests must be submitted via the email address above. They must include a valid email address and phone number. Protests must set forth a complete and detailed statement of the grounds for the protest and include all relevant information to support the grounds stated, and must refer to specific portions of the RFP and attachments upon which the protest is based. Once the protest is received by the City Purchasing Agent, the City will not accept additional information on the protest unless the City requests it.

#### City Response to Protest

The City Purchasing Agent or designee will respond with a decision regarding the protest within five (5) business days of receipt of protest to the email address provided in the protest. This decision shall be final.

#### Limitation of Remedy

The procedure and time limits set forth herein are mandatory and are the Proposer's sole and exclusive remedy in the event of a protest. The Proposer's failure to comply with these procedures shall constitute a waiver of any right to further pursue a protest, including filing a Government Code Claim or initiation of legal proceedings.

# Guaranteed Income in the U.S.

A toolkit of best practices, resources, and existing models of planned and ongoing research in the U.S.

## About the Jain Family Institute

The Jain Family Institute (JFI) is a nonpartisan applied research organization in the social sciences that works to bring research and policy from conception in theory to implementation in society. Within JFI's core policy area of guaranteed income, JFI is the design and implementation partner on The Compton Pledge and has consulted on the Stockton, CA SEED pilot, the Alaska Permanent Fund Dividend, and related policies in New York City and Chicago, as well as on forthcoming pilots in Newark and Atlanta. JFI is leading an evaluation of a 42,000-person guaranteed income program in Marica, Brazil, a keystone of the movement for a solidarity economy. JFI has also provided expert commentary on a range of cash transfer policies from relief checks to the EITC and CTC. Founded in 2014 by Robert Jain, JFI focuses on building evidence around the most pressing social problems. The Phenomenal World is JFI's independent publication of theory and commentary on the social sciences.

[jfi@jfiresearch.org](mailto:jfi@jfiresearch.org)

Jain Family Institute

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568 Broadway, Suite 601, New York, NY, 10012

[www.JFIresearch.org](http://www.JFIresearch.org)

## What is in this toolkit?

This toolkit is designed to provide a concrete starting point for anyone interested in supporting a guaranteed income for their community, particularly by launching a guaranteed income pilot. It begins by answering some of the key questions that arise in this undertaking, including what guaranteed income is, why it is gaining attention right now, what the open questions are that a pilot might answer, and what is involved in the creation of a local pilot.

For those who are interested in creating a pilot accompanied by a research program, it outlines the current state of guaranteed income research and describes how new research can be designed to make a valuable contribution and avoid repeating findings. It also provides advice on how to design an effective messaging strategy to maximize the impact of your pilot through storytelling, consistent framing, and thoughtful communication of research results.

Finally, it provides an overview of the current state of the guaranteed income movement including ongoing and planned municipal pilots, past examples of guaranteed income in practice, and a description of the network of lawmakers, advocates, and philanthropists pushing the movement forward today.

## Who is this toolkit for?

This toolkit is built for a variety of audiences that are interested in the field of guaranteed income and seeking a starting point: policymakers working in local, state, or federal government in the U.S. or abroad; philanthropic leaders interested in effecting change through guaranteed income programs; and practitioners or non-profit leaders focused on economic inclusion, equity, and justice. For all of these audiences, this document provides tools to evaluate whether and how to pilot guaranteed income in a given community, and other ways to both learn from and contribute to the movement around direct cash policy.

## Why did JFI create it?

JFI is a leading applied research organization in guaranteed income and cash policy. We have worked with public servants, local governments, foundations, international governments and media in their exploration of guaranteed income policy. This report provides answers to some of the questions we receive most frequently based on our research and insights from working in the field.

## Acknowledgements

This toolkit was built in collaboration and consultation between JFI's guaranteed income team and partner organizations conducting pilots or researching this policy alongside us. Special thanks to JFI Fellow in PR and Policy Communications, Charles de la Cruz, for his work on this toolkit, as well as Halah Ahmad, Stephen Nuñez, Alexander Jacobs, Molly Dektar, and Sidhya Balakrishnan. Likewise, we would like to acknowledge the contributions of Leah Hamilton, JFI Senior Fellow in Guaranteed Income and board member at Basic Income Earth Network (BIEN); Malcolm Berry at Basic Income Earth Network; Sarah Berger-Gonzalez at Stanford Basic Income Lab; Rachel Black and Sheida Elmi at the Aspen Institute's Financial Security Program; Stacia Martin of the University of Pennsylvania Center for Guaranteed Income Research, the University of Tennessee Knoxville and co-Principal Investigator of Stockton SEED; Nika Soon-Shiong and the Compton Pledge team; and to our many partners among pilot administrators in the U.S., without whom none of this work would be possible. Likewise, we want to thank the wider community of academics, advocates, policymakers and early implementers of this policy for their immense efforts to further a policy rooted in agency, trust, stability, and relief.

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## The Basics

### What is guaranteed income?

Guaranteed income (GI) is a type of cash transfer program that provides regular, unconditional, and unrestricted cash transfers to individuals or households. This differs from typical social safety net policies by providing a steady, predictable stream of cash to recipients to spend however they see fit without requiring that they perform specific activities—like working, going to school, or seeking employment—to remain eligible.

While guaranteed income is always unconditional, it may be *targeted* toward people below a certain income threshold. Targeting can take place at the *front end* through means-testing or at the *back end* through an income phase-out, meaning that everyone receives the benefit but people with higher incomes pay back some or all of this benefit through taxes. This targeting is distinct from conditionality, which refers to behavioral requirements for benefit recipients. Guaranteed income can be both unconditional and targeted. Universal basic income (UBI) refers to a guaranteed income that is both unconditional and untargeted. While the idea of a UBI has gained much attention in recent years, this toolkit is focused on the broader category of guaranteed income policy and advocacy, particularly through local pilots. In other words, we are focused on unconditional cash transfers generally, whether universal or income-targeted.

Among researchers, advocates, and pilot administrators, there are differences in opinion on the exact definitions of guaranteed income and UBI. For example, researchers at the [Stanford Basic Income Lab](#) consider GI to be income-targeted by definition and distinguish it from UBI based on this lack of universality. JFI defines guaranteed income more broadly as any regular, unconditional, and unrestricted cash transfers program whether universal (e.g. UBI) or targeted. This document uses the broader definition of GI.

Notably, most current pilots are front-end targeted for low-income recipients, while the wider vision for a guaranteed income policy is one that is universal, with any targeting occurring through post-hoc clawbacks in taxes or otherwise.

### Why are many policymakers turning to guaranteed income policy?

Over the last several years, guaranteed income has exploded in popularity across the United States. A first round of pilots in 2017, led by Stockton's SEED program and The Magnolia Mother's Trust in Mississippi, brought increased attention to the need for guaranteed income as a policy tool to fight poverty, improve social mobility, and reduce economic inequality. These pilots, along

with the creation of [Mayors for a Guaranteed Income](#), have fueled the creation of numerous local guaranteed income pilots across the country, including large pilots in Compton, CA; Chelsea, MA, Oakland, CA; and Newark, NJ (see section: "[Planned and ongoing pilot research in the U.S.](#)," for a running list). This is a growing movement driven by the recognition that existing policies have failed to break cycles of poverty or promote widespread prosperity and that new approaches are needed.

In the wake of the COVID-19 pandemic, federal, state and local governments as well as non-profit organizations provided [effective](#) cash relief to millions of individuals who became unemployed, had to stay home from work due to public health risks, or lost necessary income when they were already living paycheck to paycheck. Yet, even before the COVID-19 pandemic, the deficiencies of the U.S. social safety net, with its patchwork of modest, targeted, means-tested, employment-conditioned programs, had become apparent. The limited assistance leaves the US with a financially fragile middle class, the highest post-tax poverty rate in the developed world, and dramatic racial and gender inequality. These issues became more dire during the pandemic and economic downturn of 2020. Safety net targeting means young adults, non-custodial parents, and others considered "undeserving" fall through the cracks; means testing imposes upfront burdens on the eligible and leads to delays and incorrect rejections; and employment conditioning punishes recipients for labor market conditions and can exacerbate economic downturns.

This system could be greatly improved. After all, Canada, the U.K., and other countries with similarly structured welfare regimes have managed to reduce poverty with more generous benefits, less onerous upfront paperwork, and gentler phase outs of means-tested benefits. But decades after the U.S. declared a War on Poverty, the ongoing stalemate has led to calls for a broader rethinking of how we structure our welfare state. And that is what U.S. guaranteed income advocates hope to accomplish.

## Key components for effective guaranteed income

An effective guaranteed income is not a complete replacement for the existing network of safety net programs, but it can be designed to correct for many of its shortcomings. Above all, guaranteed income programs should be **universal** (available to all rather than subject to burdensome front-end means-testing, although they may be universal with targeting through post-hoc taxation), **unconditional** (not contingent on labor market participation, training, or other activities), and **unrestricted** (allowing recipients to decide how to spend funds). It is also important that they be designed while keeping in mind their interactions and potential conflicts with other safety net programs.

### Universal

Front end targeting (means testing) requires households to prove that they meet eligibility requirements before they can receive aid. This has obstructed the efficient disbursement

of funds and other benefits through existing welfare programs. It overburdens the most vulnerable with circuitous qualification tests and bureaucratic forms that hinder their ability to receive urgently needed support for which they are technically eligible.

In addition to limiting access, means testing can also create a “benefits cliff” in which, for example, a family’s increased income means that they no longer qualify for benefits, but the value of the lost benefits is greater than the increase in income. The result is that an increase in household income can actually leave a family worse off financially.

The federal poverty line used to means-test benefits is a notoriously weak measure of household income precarity. Before the pandemic, 40% of Americans would have struggled to cover an unexpected \$400 expense even though only about 10% of families fell below the official poverty line. In some cases, means-tests on asset values contribute to this problem by penalizing benefit recipients for accumulating savings. A universal program would provide cash benefits to every household with few to no upfront hoops to jump through.

Some may object to a system that includes people who need the cash assistance less, or not at all. **But a universal guaranteed income can be targeted on the back end such that everyone receives the benefit while wealthier households pay back some or all of it through progressive taxation.** In other words, front end targeting that places the bureaucratic burden on needy households applying for aid can be replaced with universal distribution and back end targeting that adds an extra item to the tax forms of high-income households instead. A universal program is both simpler to administer and more likely to ensure that nobody who needs assistance falls through the cracks.

### Unconditional

Safety net programs in the U.S. are often accompanied by a set of conditions that must be met to continue receiving support. In some cases, like drug testing requirements, these conditions communicate a lack of respect for or trust in recipients that are often rooted in long standing racial prejudice. More commonly, financial support is conditioned on work requirements: recipients must either be employed, actively seeking employment, or engaged in job training activities. In each case, the burden falls to the already-disadvantaged recipient to navigate regularly the paperwork required to prove their eligibility.

Conditioning aid on employment status often undermines its own purpose. Perversely, it is when the economy is in recession and the need for assistance greatest that a work-conditioned safety net is least effective. When work is scarce, so too is assistance. For example, the EITC provides benefits only to people who are employed. As a result,



recipients can be punished for forces outside of their control, including the hiring practices of employers.

Unconditional cash transfer programs avoid these issues. They remove the administrative burden of repeatedly demonstrating compliance. And by eliminating work requirements they ensure that people are able to receive support even during economic downturns and in the face of employment discrimination.

### **Unrestricted**

Unlike benefits like food stamps or housing vouchers, a guaranteed income is intended to allow recipients to decide how to use the funds in the ways that best fit their needs. Unrestricted aid programs place value on recipients' autonomy and judgment while recognizing their expertise over their own financial lives. Spending restrictions in existing welfare programs are ultimately rooted in a lack of trust in recipients, but research consistently supports the fact that when provided with cash support people use the money responsibly. As a policy principle, unrestricted aid is about recognizing that poverty results from a lack of resources, not a lack of judgment.

### **Regular, predictable payments over time**

Financial security is rooted in stable and predictable income. Though research is inconclusive on the optimal disbursement frequency (monthly versus yearly or otherwise), existing research suggests that a regular, and therefore predictable, pace of cash transfers affords families the financial stability for long-term financial planning.

### **In tandem with other safety net programs**

Guaranteed income policy is not a panacea. While it *may* better serve the role of income support than TANF, SNAP, or EITC if it is implemented with less paternalism and administrative burden, it cannot replace important public insurance programs like Social Security, Unemployment Insurance, or Medicaid/Medicare. And it is no substitute for direct government intervention where markets simply don't work (well) such as in healthcare, child care, and education. Likewise, there can be proposals for guaranteed income to exist alongside other forms of income support; many emerging pilots will provide useful case studies for this, such that marginalized communities have robust economic security and the potential for economic mobility. For a deeper look at ways a guaranteed income could fit into the existing safety net, see JFI's recent white paper on this topic, "[Reweaving the Safety Net](#)." To explore some of the ways that guaranteed income would interact with benefits from other federal, state, and local programs for a range of household situations, check out this [net GI value calculator](#) created by the Atlanta Fed.

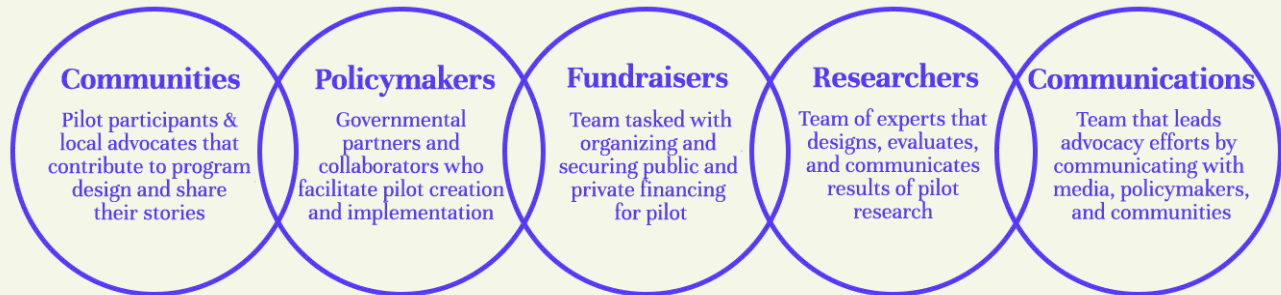
## What is a guaranteed income pilot?

A guaranteed income pilot is a program that provides cash transfers to a limited group of participants for a specific period of time while collecting data that can inform policymakers and researchers as well as contribute to ongoing public discourse around guaranteed income policy.

While this can take the form of a rigorous quantitative study of participant outcomes, there are a range of means by which a pilot can make a valuable contribution. For example, there is much room for experimentation with different methods of administering guaranteed income through partnerships with financial institutions and local organizations, or through varying frequencies and amounts. And in addition to quantitative measures, there is much to be gained from both qualitative research and, separately, storytelling. Qualitative research can give necessary nuance and evidence to explain quantitative outcomes and inform better research foci. Storytelling can shed light on the lived experience of recipients within wider media and break down tropes in public perceptions of social benefits. Quantitative research can provide more generalizable evidence for causation within positive GI outcomes. Many researchers are focused on all three of those, including JFI, GiveDirectly, and the [Center for Guaranteed Income](#), which incorporates mixed methods RCTs with participatory action research (PAR).

Local pilots have typically been privately funded through philanthropic donations or institutional grants. That is, in part, because sustainable public financing of a guaranteed income policy is difficult to achieve at the local level. As a result, the long-term goal of the guaranteed income movement is the establishment of a guaranteed income policy at the state or federal level where this kind of large-scale public financing would be feasible. While there is much to be gained from local pilots in terms of research and influence on public opinion, it is important to remember that these pilots are advocacy opportunities that represent small steps toward this larger goal.

## Anatomy of a guaranteed income pilot



This graphic outlines the key stakeholders that form the core of any guaranteed income pilot, drawing on the Stanford Basic Income in Cities [guide](#), and corroborated by JFI's work.

**Communities** are important participants at every stage of the process, from early consultation on pilot design to long-term advocacy and storytelling around the pilot's vision. **Policymakers** facilitate the pilot or policy implementation through coordination with existing social service programs and communications that channel public buy-in for sustained advocacy even after the pilot has ended. The **Funding Team** secures financing for the pilot, including funds for distribution to participants and the costs of administration and research evaluation. Recent municipal pilots have most often been funded through philanthropic donations and institutional grants, but in some cases local governments may be able to fund a pilot by drawing on discretionary funds, federal pass-through grants, or even emergency funds.

**Researchers** are in charge of designing the guaranteed income program in ways that will provide insights into open questions around the impact of GI on the community and the optimal methods of program implementation. The next section will cover these questions of research design in more depth. Finally, the **Communications Team** plays a key role in using the pilot as an opportunity to build widespread support for guaranteed income. This involves direct engagement to share community members' stories with the broader public, ensuring that the pilot gains the attention of media and legislators, while developing a consistent messaging strategy that clarifies the pilot's guiding vision throughout. The team also collaborates with researchers to ensure that research results are communicated effectively. The elements of an effective messaging strategy are discussed below in the "Pilot Messaging" section.

Although there will often be overlap between these different stakeholder groups, it is useful to distinguish them functionally from the very beginning in order to effectively coordinate the key elements of a successful guaranteed income pilot. Further practical notes on pilot planning are on [page 18](#).

## What to know if you are considering a guaranteed income research project for your community

There are several ways to contribute to the movement around guaranteed income. One of those ways is to pilot a guaranteed income program in your community and research its effects. If you are considering doing so it is important to understand what research has already been done, what the open questions about guaranteed income are, and what it takes to collect evidence on GI. In this section we provide an overview of each of these topics to help you think through whether a pilot is right for your community.

### What evidence do we already have about guaranteed income's effects?

Although there has been a surge of recent interest and research on GI, scholars have been studying cash transfer policy for decades. This includes research on guaranteed income-like pilots and policies like the North American Negative Income Tax experiments in the 1970s and the Alaska Permanent Fund Dividend, which has offered checks annually to residents since 1982. But it also includes research into inheritances, lottery winnings, conditional cash transfer programs, and pensions. Cash is cash, so much of what we know about the effects of additional income in general on household wellbeing and choices applies to guaranteed income.

Extensive social science research on cash transfer programs around the world shows that cash transfers increase expenditure on education and training, improve food security, increase durable good consumption (buying a car, a refrigerator, etc.), and improve measures of well-being. The positive impact of guaranteed income has been studied for decades, with [evidence](#) indicating that cash transfers are an effective anti-poverty measure with an array of welfare benefits. [Empirical evidence](#) also indicates that people keep their jobs and [spend](#) the extra money on groceries, utilities or other basic needs; those who work fewer hours largely invest that time in education, job training, or caring for children. Key findings include:

- There is [little evidence](#) that cash transfers decrease the motivation to work.
- Cash transfers [do not](#) lead to spending on “temptation goods.”
- Cash transfers [reduce](#) inequality, and have had multiple [positive impacts](#) on [recipients'](#) welfare, alongside positive [spillover effects](#) for [non-recipients](#).

In other words, there is already a robust literature on the employment, poverty/material hardship, and consumption effects of GI. We do not need to demonstrate that GI will not lead to a major

reduction in the labor supply nor increased drug/tobacco/alcohol consumption; researchers have already established this several times across several countries. To the extent that this message has not been absorbed by the public, that is best rectified through further communication efforts rather than additional research.

## What are the open questions around guaranteed income?

In light of the above, why pilot guaranteed income at all? It is useful to break that question down into two separate ones:

- Do we need to pilot guaranteed income before moving forward with efforts to enact one on a state or federal level?
- Are there important unanswered questions that further research can address that would be of value to policy makers?

The answer to the first question is, as regards more evidence needed, no. We already know enough about how GI works for GI advocates to push for GI legislation. Still, local piloting efforts can have an impact for short-term poverty alleviation, and serve a key role in building public awareness and support for the policy, as addressed in later sections.

The answer to the second question, however, is definitely yes. There are several important outstanding questions around guaranteed income policy that researchers should address. It is also worth looking into what pilots are currently being developed or are underway to answer some of these open questions. See the section on "[planned and ongoing pilots](#)" to check if there are existing initiatives in your area or on the questions you might want to answer.

Some of the urgent questions for researchers include:

- What are the macroeconomic effects of GI (e.g. price, wages, or inflation effects) and how can it be responsibly financed?
- How much money should each individual receive considering the need to fund other important safety net policies?
- How often should the money be disbursed? Yearly? Quarterly? Biweekly?
- How do we build a cash disbursement infrastructure that quickly and efficiently gets money into recipients' hands?
- What are the long-term effects of GI on education, criminal justice involvement, civic and political engagement, and other lesser studied outcomes?
- What programs should GI be paired with to maximize its benefits?
- What are the broader political effects of GI on public perception of the safety net, the stigma attached to government assistance, etc.?

- What outcome measures are most salient to inform robust benefit-cost analyses for policymakers? How do the economic benefits to individuals and communities compare to the costs of the program?
- *How* does a GI generate the observed impacts? For example, what effects on recipient decision-making and future planning might explain better educational or other outcomes? Likewise, how do GI recipients compare their experiences with means-tested programs, particularly with regard to the unconditional and unrestricted nature of GI support? Qualitative research can particularly elucidate these questions.
- What effects do GI recipients' perceptions and meaning-making have on their outcomes? What meanings do recipients attach to the program design?

## Where can pilot research usefully contribute/which of these questions can pilots help answer?

There is, as noted above, research still to be done on guaranteed income. Pilots can contribute answers to some but not all open questions—though it is worth emphasizing that the cost of high-quality research, persuasive to academics and policymakers, is substantial. That said, an RCT of significant scale could definitively solidify the shape of an ideal guaranteed income policy. Pilots can also provide important data on the effects of variation in disbursement amount and frequency or of pairing GI with other services. Still, they are ill-equipped to investigate things like different financing schemes or macroeconomic effects. This is because GI pilots are by necessity limited in size and duration and will not generate the sorts of economy-wide economic effects on prices, wages, and interest rates that scholars are interested in exploring. Such questions have been more usefully investigated through models and sophisticated [simulations](#) of local and national economics than real-world pilots.

Pilots can contribute to our understanding of guaranteed income in important ways by focusing on the open questions discussed above. Additionally, as discussed below in the messaging section, pilots can play a valuable role in bringing public attention to the need for and benefits of guaranteed income policy even without a significant research component. If a more ambitious impact analysis is not feasible, making an effort to publicize the stories of recipients and developing a consistent messaging strategy can allow a guaranteed income pilot to have real impact on public opinion. Even small pilots can contribute to research by helping us develop best practices for implementation.

## How can guaranteed income pilots and programs be funded?

Almost all guaranteed income pilots currently underway in the U.S. have been privately funded with philanthropic dollars and/or institutional grants, with only recent examples of emergency or one-time funds used or proposed in the cases of St. Paul, Mountain View, Los Angeles, and a few others. Typically the majority of the program dollars have come from high-net-worth individuals

but recently, and in response to the pandemic, philanthropic foundations have begun to express interest in funding pilots and associated research.

Guaranteed income pilots with a significant research component generally require initial funding of at least \$5-10 million, with about 20% of funds going to research and administrative costs. Smaller pilots focused more on messaging and sharing recipient stories can be launched with a smaller budget and less overhead.

A universal guaranteed income policy at the state or federal level can potentially be funded through a wealth tax, an increase in progressive income tax, a VAT tax, a carbon tax, a budget reallocation, or dividend from sources including natural resource royalties, casino revenue, or other social wealth funds. This is an area of substantial interest to the research community though, as noted, this work is typically done through modeling and simulation. In 2021, JFI will release a deep-dive analysis of the implications of financing choice for guaranteed income as part of its whitepaper series, "[From Idea to Reality: Getting to Guaranteed Income.](#)"

## What kinds of research can accompany pilots?

Pilot programs need not include a rigorous research study, but policymakers and researchers are often interested in studying the implementation and impact of the pilot program to draw lessons that can be applied in future policy design. Those interested in exploring a study should be mindful that research can be expensive, operationally complex, and potentially burdensome for participants.

There are two main types of research projects typically attached to a pilot (often together): Impact analysis and implementation analysis. Impact or outcome analysis is an exploration of the effect that the program had on participants, their households, and/or their communities; implementation analysis explores the development and roll-out of the pilot itself, including what went well and what did not.

### Impact analysis

Impact or outcome analyses can be performed using a wide variety of methodologies. This includes qualitative analyses like interviews and focus groups as well as formal statistical analysis of outcomes using administrative and survey data. Formal impact analysis includes attempts to identify and establish a counterfactual: what would have happened in the absence of the program? For example, if a program participant started the program with a \$35,000/year salary and ended it with a \$45,000/year salary, how much of that change can be attributed to participation in the program? Might this change have occurred anyway?

The techniques researchers use to establish the counterfactual and thus estimate the “impact” of the program are complex and outside the scope of this document. However, generally speaking, researchers either devise an experiment or a “quasi experiment.” Experiments involve random assignment of participants to the program group(s) to create two or more groups that are broadly similar. This allows researchers to rule out differences in individual or household characteristics or circumstances as potential causes in any observed differences in outcome. Quasi-experiments typically use coincidences, arbitrary eligibility thresholds, and other statistical techniques to mimic experimental conditions.

All impact analyses, whether qualitative or quantitative, must be approved by an Institutional Review Board (IRB), an entity that reviews research proposals to ensure they are ethical and protect participants’ data and privacy. Universities and non-profit research organizations typically have their own IRBs or work with an external board.

While a qualitative research plan can be done relatively cheaply and effectively with 30-50 individuals (including some that are not receiving the program benefit), quantitative research requires much larger sample sizes and much more expensive data collection. This is because experiments and quasi-experiments need hundreds or thousands of participants to both to ensure that they have established the counterfactual and to ensure that they can detect the impact within the statistical “noise” and generate a precise estimate. RCTs (experiments) require at least 100 individuals/households (assigned 50/50 between program and control groups) to establish causality and typically 800 or more to generate confidence that program impacts will be reliably captured. Quasi-experimental analysis may instead require 2,000 to 4,000 study participants to do the same.

The size requirements to do formal impact analysis, of course, also generate sizable data collection costs—costs over and above those of the program itself. Some important participant outcomes can be measured using administrative data (though there is time and expenditure involved in gaining access to these records) but many require fielding surveys. This can be costly due to tracking and other logistical costs and the typical need to provide payments to survey respondents to reimburse them for their time. Pilots undergoing formal impact analysis, therefore, typically cost in excess of \$1 million.

For those interested in impact analysis but unable to absorb such costs, there are generally two good contingencies. The first is to pool resources with other organizations and/or municipalities to build a sufficient sample. A “multi-site” study where each individual site is small can, through pooling, potentially generate precise impact estimates. The second is to focus on qualitative impact analysis rather than on statistical modeling. Qualitative research fleshes out impact analysis and helps scholars understand the “why” behind observed impacts (some examples include an ongoing study of [Baby’s First Years](#), an unconditional cash program for mothers after childbirth). It is valuable on its own or, when paired with statistical analysis, in a so-called mixed-methods design.

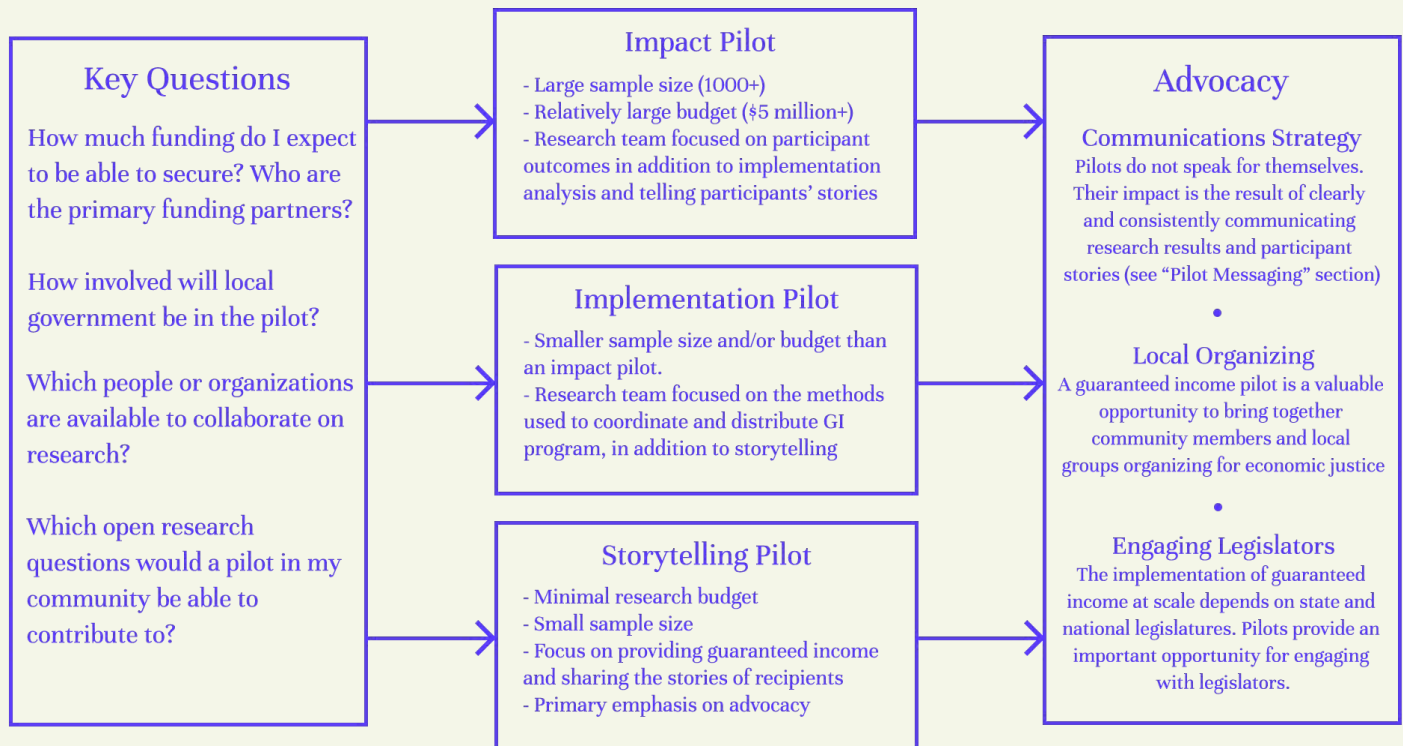


It is, by contrast, not advisable to attempt an experiment with a very small sample or to use a non-experimental method to generate impact estimates (e.g. a pre/post design). These approaches will not generate useful data for the field and will thus make demands on pilot participants' time for minimal gain.

### Implementation analysis

Implementation analysis explores the development and roll-out of a program and can be immensely useful in helping policymakers better understand the logistical challenges in serving a population and how to effectively and quickly administer aid. While we understand a great deal about the impacts of cash assistance on individual and household wellbeing, we have considerably less knowledge of how best to get cash into people's hands. Whether it be government officials investigating the failures in federal aid disbursement during the COVID-19 crisis or nonprofits looking to better identify, reach, or reimburse clients, there is great need for analysis of what works and what doesn't in cash infrastructure design. Therefore government and nonprofit organizations running pilots can contribute meaningfully to the research around GI policy by focusing all or part of their research on these topics. This is typically done through qualitative analysis: interviews and focus groups with study participants and with employees and leaders of the organizations involved in the pilot efforts. It may also include an analysis of record keeping practices, computer systems, and any materials or methods used to interact with (potential) cash recipients.

With these different avenues of research in mind, you can think of your options in terms of three broad categories of pilot, depicted below along with some of the key questions that should inform your decisions about pilot design from the beginning. In general, impact analysis will require the largest budget and sample size, while a pilot that emphasizes storytelling rather than formal research can be executed with the fewest resources. But regardless of type, any pilot can make a valuable contribution to the guaranteed income movement through messaging and advocacy.



## What are some best practices for pilot design?

Along with many others in guaranteed income research, we find that pilots are most successful when they are built in consultation with community members and their specific needs. Rachel Black and Aisha Nyandoro have also [advised](#) and [modeled](#) this approach. Moreover, a clear messaging strategy is a core component of a successful pilot, rather than relying on the program to “speak for itself.” Drawing on JFI’s experiences working with multiple municipalities in the U.S. and internationally, our research team can help you evaluate appropriate guaranteed income approaches for your locality alongside community-based organizations that should fundamentally inform the design.

Many cities have also found it valuable to create a dedicated **task force**, assembling multiple stakeholders to define the community needs motivating the pilot and to collaborate on its vision, design, and implementation. Such a coalition of local nonprofits, community leaders, academics, and residents also can help generate public attention and strengthen the pilot’s connection to local perspectives and expertise. A task force may also provide a forum to discuss research design and any supportive programs. Task forces typically produce reports (e.g. [Newark’s](#), or [Atlanta’s](#)) which may be of use in subsequent fundraising efforts.

Though each pilot should be designed for the specific needs of its community there are several best practices designers should consider:

#### **Target low-income individuals**

Although the ideal guaranteed income program would be universal, with the limited resources available for any pilot, targeting low-income households ensures the greatest benefit for those most in need. To target low-income populations is often to address issues of racial, gender-based and economic inequality, as communities of color are often most marginalized by the existing safety net and both historic and present economic policy. This targeting can be crucial for storytelling efforts because the stories of low-income communities, especially of color, can help amplify voices often ignored by the media and rebut harmful stereotypes about the value of cash as an anti-poverty tool.

#### **Provide full-package services**

Cash transfers can be more effective when they are accompanied by additional forms of support from local organizations such as financial coaching and job placement assistance. Participation in these services should always be completely voluntary for recipients, consistent with the unconditional nature of guaranteed income. Understanding how guaranteed income interacts best with other support programs is also one of the pressing questions for GI research, so pilots should seek these synergies both for their immediate benefits and because they provide opportunities for learning.

#### **Enhance individual agency**

In line with the principles of unrestricted and unconditional guaranteed income, pilots should enhance individual agency by providing cash transfers with no strings attached. This maximizes recipients' agency by leaving it to them to decide how best to use the funds in their unique circumstances.

#### **Promote long-term economic inclusion**

A pilot is an opportunity to improve the well-being of recipients by connecting them to the resources and infrastructure they need in the long-term, not just while they are receiving benefits. For example, connecting recipients to local credit unions or nonprofits that provide low or no-cost financial services can help support the unbanked. Pilots may also offer the opportunity to rethink or newly build payments infrastructure. These improvements can persist and continue to provide benefit to residents after the pilot period.

#### **Provide regular, not one-time, support**

A pilot should be designed to provide regular cash transfers over a period of time rather than all at once. While participants might benefit from a one-time transfer, it is the predictability and long-term security provided by recurring cash transfers that are of

greatest interest both to researchers and value to the public. Providing payments over time has the added benefit of expanding the presence of the pilot in public discourse.

#### **Offer simple, efficient enrollment procedures**

Enrollment should involve minimal paperwork and demonstration of need. Reducing barriers like these, which currently prevent millions from receiving means-tested social benefits to which they are entitled, is one of the virtues of guaranteed income policy; this should be reflected in the pilot's enrollment procedures.

#### **Serve a long-term guaranteed income agenda**

Guaranteed income pilots do not create impact in isolation, but rather through engagement with the broader movement for guaranteed income and economic justice. Pilots should be designed with this context in mind, working with advocacy organizations oriented towards future policy. In addition to focusing on research questions that are likely to drive the discourse forward rather than reiterating established claims, pilots should be designed with a deliberate messaging strategy that engages with and supports the broader movement.

Involving participants in the research design and centring their agency and needs is inherent to a successful implementation of the above principles (also see Rachel Black and Aisha Nyandoro's [work](#) on this). Likewise, participant confidentiality should be prioritized. In general, participants should understand that choosing not to participate in the research has no bearing on their pilot payments. Separating continued participation in research from continued receipt of payments is important to avoid creating a coercive situation. This should be addressed during the IRB review.

## Planning a Pilot

A successful guaranteed income pilot is often a multi-year project that requires careful planning and coordination. This section will cover some of the practical questions that emerge in designing and executing a pilot, including timelines, costs, and potential obstacles. The [Guaranteed Income Community of Practice \(GICP\)](#), formed in 2021, of which JFI is a member, can also be a resource for emerging questions. While the details below provide a starting point for scoping out the planning needs and timeline of a pilot, a closer look at your own needs may be best served by further conversations with us or our partners. Reach out to [jfi@jainfamilyinstitute.org](mailto:jfi@jainfamilyinstitute.org) to chat or to be connected with another pilot.


















#### **Pilot costs**

The total cost of a pilot will include both the money distributed to recipients and the costs of evaluation and administration, which can be expected to take up roughly 20% of the budget with a robust research program. For a given level of funding, program administrators and researchers must find a balance between **benefit size**, **benefit duration**, and **number of recipients**. For example, one million dollars could provide (a) 100 people \$833/mo for a year, (b) 50 people

\$1666/mo for a year, or (c) 200 people \$833/mo for 6 months. These three parameters will be balanced based on the pilot's objectives.

In 2020 the city of Newark, NJ collaborated with JFI to release a [task force report](#) which includes a helpful breakdown of the relative costs of a few different pilot designs (see right). These designs are inspired by earlier research on [unconditional cash transfers in Kenya](#) by JFI senior fellow Johannes Haushofer & Jeremy Shapiro.

The [task force report](#) for Atlanta's guaranteed income pilot provides some helpful cost estimates for different program sizes. JFI provided estimates that a program with 600 recipients in which half receive \$800/mo for 36 months and half receive \$200/mo for 36 months will total about \$13 million, including administration and evaluation. Generally, an RCT research program focused on quantitative impact analysis will require a cohort of at least this size to ensure that its findings are robust. On the other hand, the report also describes a potential qualitative research program with a cohort of just 200 participants in which 130 receive \$800/mo for 36 months and 7 receive \$200/mo for 36 months. The total for this smaller program would be about \$5 million.

| PILOT STUDY 1                                                                                                                                                                                                                                             | PILOT STUDY 2                                                                                                                                                                                     | PILOT STUDY 3                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <br>500 participants randomly assigned to receive either \$250/month or \$500/month for 18-months (50/50) <sup>64</sup>                                                  | <br>1000 participants randomly assigned to receive either \$500/month or no cash benefit for 18 months (50/50). | <br>1000 participants randomly assigned to receive 9,000 dollars lump sum or \$500/month for 18 months <sup>64</sup> |
| <br>Disbursement: 250 program A group members x 250 dollars x 18 months: \$1,125,000<br>Disbursement: 250 program B group members x 500 dollars x 18 months: \$2,250,000 | <br>Disbursement: 500 program group members x 500 dollars x 18 months: \$4,500,000                              | <br>Disbursement: 1000 participants receiving 9,000 dollars over 18 months: \$9,000,000                              |
| <br>1 endline survey at 80 percent response rate: \$400,000                                                                                                              | <br>1 endline survey at 80 percent response rate: \$800,000                                                     | <br>1 endline survey at 80 percent response rate: \$800,000                                                          |
| <br>Qualitative research including interviews with staff and participants: \$50,000                                                                                     | <br>Qualitative research including interviews with staff and participants: \$100,000                           | <br>Qualitative research including interviews with staff and participants: \$100,000                                |
| <br>Overhead: 20%                                                                                                                                                      | <br>Overhead: 20%                                                                                             | <br>Overhead: 20%                                                                                                  |
| <br>Total: \$4,590,000                                                                                                                                                 | <br>Total: \$6,480,000                                                                                        | <br>Total: 11,880,000                                                                                              |

### Developing a Timeline

A guaranteed income pilot will generally be designed to distribute benefits for at least one year in order to provide researchers with enough information to make meaningful evaluations. Many pilots are designed to run for two or more years to better understand the long-term impacts of guaranteed income. However, creating a successful GI pilot is a process that begins well before payments start going out and continues after they have stopped. It is important to start

developing an expected timeline early to ensure that there is enough time allotted for key prerequisites for a successful pilot launch.

Fundraising can be time consuming. A pilot may require multiple funders including foundations and high-net-worth individuals and each may be hesitant to be the first mover on the project. Money may also come with strings attached or earmarking (reserved for program or research costs alone). While pilots with early support from funders have been able to begin administering cash on an accelerated pilot design schedule, such as within 3-4 months, these scenarios often rely on significant staffing capacity, existing pilot or research designs, and the structures of existing service providers and platforms to reach intended recipients or administer cash. Such programs can also be hampered by the existing limitations of the structures they employ. More likely fundraising timelines would be a year and two years to encompass both direct cash and research or administrative costs.

A successful pilot requires extensive coordinated efforts to implement. You will need to find implementation partners: organizations who can help you identify participants from the clientele roster or from other data sources (e.g. in Compton, a handful of community-based organizations alongside the City); organizations that can distribute money or that can develop a cash disbursement platform should such a system be needed (e.g. MoCaFi, or the Compton Pledge Portal with Venmo, Paypal and other financial partners); and organizations or individuals who can play the role of communications lead and interface with the media and your local community. If you are planning on exploring cash assistance as an overlay on existing benefits rather than a benefit that may substitute others or conflict with eligibility, you may wish to request waivers from the department that oversees state-administered benefits. This can involve lawyers where statutes are unclear. But even straightforward waiver applications, such as for SNAP, can take 6 to 12 months to resolve.

Research can take time to design. Once you bring a team on board, they may wish to build an advisory council; researchers will likely want to come up with several options that depend on fundraising success to ensure a statistically valid design even if the project falls short of fundraising goals; research must be conducted under the supervision of an Institutional Review Board and an application process that can take 3-6 months to conclude; the research team may need to find and hire a subcontracting organization to carry out survey field work (this is common practice in evaluation); and, of course, researchers will have to develop data collection instruments, data sharing agreements/NDAs, and a formal analysis plan for the pilot. While much of this work can be done in parallel it is important to allocate sufficient time for it, especially given the possibility of “snags” in the process.

**Common administrative challenges include public benefits eligibility and participant selection.**

Providing low-income pilot participants with additional income creates risks that this additional income will disqualify them for public benefits programs they are enrolled in. These risks should be anticipated and addressed ahead of time to ensure that participation in the pilot does not

leave anyone worse off. Public benefits programs exist at the federal, state, and local level with eligibility requirements that vary with geography. Navigating the set of public programs that pilot participants may be enrolled in will require consultation with legal counsel and benefits specialists.

Mayors for a Guaranteed Income has produced a useful [overview of program design considerations](#) in relation to public benefits. They suggest structuring pilot benefits as gifts when possible, which can prevent them from being counted toward safety net eligibility requirements and, when less than the annual gift exclusion amount, do not need to be reported in tax filings. In other cases it may be necessary to seek waivers from government agencies to ensure that pilot participants do not lose public benefits.

Regarding participant selection and recruitment, there are a number of methods of recruiting and selecting participants in a given guaranteed income pilot or program. Depending on the research objectives and target populations, it can be very difficult to both select within and to reach vulnerable populations. Random selection among those in need helps make this process more fair. Likewise, a pilot may choose to provide cash to individuals or households (and within households sometimes designating who receives funds to ensure the income supports the full family). Moreover, **maintaining the principles of a guaranteed income, and ensuring an effective intervention, relies on minimizing the burden on recipients to receive cash, and expanding eligibility as widely as possible within the scope of the pilot's research.** Some examples from existing programs include:

In Hudson, New York, the pilot created a simple application that was circulated through community-based organizations and publicized by the city. A communications campaign through local partners helped allay any fears that the application was a fraud. Then, a weighted lottery system was used to favor applicants in greatest need across a variety of factors.

In Compton, the pilot worked with community based organizations to complement lists of city residents with individuals who often fall outside of governmental resources. Then, Compton selected randomly from those lists of low-income qualifying households. Despite widespread media coverage in local and national news outlets, Compton's enrollment, like all pilots, required a careful process of continuing to build trust through local partners, and multiple conversations with residents. It was also crucial to make clear to the public how recipients would be selected. Stockton SEED created a simple explanatory video on social media, as did Compton, as a tool to address significant inbound to the mayor's office regarding how to join the program.

In Maricá, Brazil, three years of prior residency is required to apply for a Mumbuca card through the city government's basic income policy. In that case, anyone with three years'

residence and at the designated income level can receive the guaranteed income. There are now many models.

To discuss selection approaches unique to your pilot and context, reach out to us at [jfi@jainfamilyinstitute.org](mailto:jfi@jainfamilyinstitute.org).

## Pilot Messaging

The greatest obstacle to the implementation of guaranteed income policy is not a lack of research, but a lack of political will. At this point, much of the impact of local guaranteed income pilots will come from their ability to influence established attitudes and narratives rather than to provide more empirical evidence reaffirming the benefits of guaranteed income. **The purpose of a guaranteed income pilot should be understood to include its effects on public opinion through messaging, not just its research findings.**

This broader shift in public opinion is essential for building popular support for implementing guaranteed income as a permanent program at the state or federal level. Every pilot, large or small, can contribute to this effort—and make a positive impact in the lives of local residents.

This section will focus on three aspects of effective communication around guaranteed income pilots: storytelling (highlighting the lives and experience of recipients), framing (communicating the benefits of GI by strategically focusing on key elements), and communicating research.

### Storytelling

In order to effectively shift public attitudes towards a guaranteed income, it is important to first understand the established narratives and arguments supporting it. A few of the most common such arguments are:

1. That it can **eliminate poverty** and **increase well-being** by providing an income floor for everyone
2. That it increases **economic and social mobility** by providing people with the economic security they need to pursue new opportunities and weather economic shocks
3. That it ensures that **everyone in need of support receives it** rather than erecting barriers through means-testing and administrative requirements
4. That it **reduces economic inequality** and helps **close racial wealth gaps** by redistributing income



In addition, it is important to understand that changing negative or false narratives about guaranteed income and the safety net often requires changing the narrator. Cynicism about how poor people spend money has often been perpetuated by leaders or analysts who have no experience with financial precarity. Pilots can partake in narrative change by uplifting those with lived experiences of poverty and experiences accessing highly-conditional benefits programs. Transforming the policy debate can involve changing the narrator of policy or research evidence, and supporting the storytelling capacities of those “target populations” for guaranteed income, individuals most marginalized by existing economic and welfare systems, especially across race and gender.

In our experience, the strongest opposition to these claims comes less from doubts about their accuracy than from doubts about whether they are goals that we should collectively pursue—or whether the government should allocate additional resources towards these goals. Many might grant that a guaranteed income would reduce poverty while also denying that poverty-reduction through redistribution should be a policy goal. This belief is a matter of values rather than evidence.

The two most prevalent rebuttals, firmly refuted by empirical research, are that a guaranteed income would:

1. Induce people to become “freeloaders” who receive income without working
2. Be spent irresponsibly on “temptation goods” by low-income recipients

That empirical evidence from decades of cash transfer study runs counter to these claims is insufficient to dislodge them, for they are rooted not in evidence but in long-established race and gender-based narratives about poverty. We believe these attitudes can be transformed not by more evidence, but rather through changes in rhetoric and attitudes.

Many of these established narratives are closely associated with the concept of “welfare” understood by many not just as anti-poverty policy, but as a system in which the government provides resources to the “undeserving” poor who choose to rely on this support rather than working harder to support themselves. These attitudes found most pernicious expression in the figure of the “welfare queen” in the 1980s and 90s, a political symbol used to reinforce the harmful perception of welfare programs as a hand-out to black people taking advantage of the system rather than as essential economic support for low-income families of all races. In the United States, distinctions between the deserving and undeserving poor are often rooted in race and class prejudice; many other nations labor under similar illusions about poverty, in which the poor remain so only by lack of effort or self-discipline.

Every life touched by a guaranteed income program, whatever its size, is an opportunity to rebut such harmful stereotypes in the public imagination. In lieu of abstract stereotypes about poverty,

pilot storytelling can offer humanized and relatable examples of people fighting to get ahead in a system that too often works against them.

**The key storytelling message is that poverty is the result of a lack of resources, not a lack of character**, and that a guaranteed income makes a significant and positive impact on peoples' lives. Stories transform attitudes and narratives at an emotional level through rich, embodied stories. This is especially important because the voices of low-income populations are so often absent in mainstream discourse.

## Framing

As a fast-growing policy area with a wide range of social and economic effects, guaranteed income resonates for different reasons with particular audiences. Accordingly, an effective messaging strategy should make use of one or more frames most effective for its intended audience(s).

Through our work on guaranteed income and across a number of key messaging studies conducted by other scholars, JFI has found certain frames particularly effective in mobilizing support for guaranteed income. Of the list below, pilots would do well to choose some, but not all, to place at the heart of their messaging strategy. That choice, in turn, will depend on your local social and political context. For example, forthcoming research from Catherine Thomas (alongside Markus, H. and Walton, G.) suggests that conservative audiences respond more positively to frames that center the effects of GI on individual freedom and autonomy rather than economic security or financial stability, a conclusion consistent with the recommendations of progressive messaging experts for communications around welfare policy more generally. Stanford Basic Income Lab has also [examined](#) the impacts of different names used to describe cash policy and pilots. In general, **your framing strategy should be based on careful consideration of your audience's values, political orientations, and the local and national issues that are most salient to them**. Whatever you choose to focus on, it is important to be consistent in your framing approach over time.

### Guaranteed Income Frames

#### Poverty Alleviation

A guaranteed income can eliminate or significantly reduce poverty by providing an income floor that ensures that everyone has enough to survive. As a society, we have the resources to ensure that nobody falls into destitution and should recognize a right to basic subsistence.

This frame can also be used to emphasize that a guaranteed income provides a buffer against economic shocks -- unexpected bills, repairs, injuries, irregular employment, or sudden job loss—that keep people trapped in poverty. That is, a guaranteed income not

only lifts people out of poverty in the short term through cash transfers, but also in the longer term by ensuring that they have the positive cash-flow necessary to save in the face of volatility.

### **Economic Stimulus and Community Development**

A guaranteed income is a powerful economic stimulus that puts money directly into the pockets of people who will spend it locally, [supporting the growth of small businesses and local economies even in low-income areas](#). There is also evidence that providing community members with a guaranteed income [reduces both property crime and violent crime](#).

### **Agency and Social Mobility**

A guaranteed income gives people more agency over their lives by providing them with the financial stability they need to pursue their goals without depending entirely on their employer. It facilitates social mobility by encouraging people to pursue potentially risky new opportunities—including education, entrepreneurship, or relocation—with the knowledge that they have a financial buffer. It also supports social mobility by providing protection against the economic shocks that often keep families trapped in cycles of poverty.

### **Breaking Intergenerational Cycles of Poverty**

Guaranteed income programs represent a commitment not just to a minimum standard of living for all, but to the idea that every child deserves to grow up with the resources they need to thrive. Children who grow up in financially secure households are more likely to succeed in school and have more positive outcomes throughout life.

Reducing poverty through cash transfers is not just about helping individuals achieve financial stability; it's also about ensuring that children are not unfairly disadvantaged simply because they were born into one household rather than another. A guaranteed income for parents impacts the whole family, disrupting intergenerational poverty cycles by simultaneously helping parents build financial security and providing children the resources and stable environment they need to flourish.

### **Racial and Economic Equality**

While there are a range of methods that might be used to finance a guaranteed income, it is a fundamentally redistributive policy representing a net transfer of resources from higher to lower income populations relative to the status quo. A guaranteed income is therefore a direct way to reduce economic inequality. Because people of color are disproportionately affected by low wages, income volatility, and poverty, this reduction in economic inequality also reduces racial income and wealth gaps.

## Communicating Research

The above discussions of storytelling and framing are important for any guaranteed income pilot whether or not it has a research component. But for pilots that *are* designed as research programs it is also important to think about how research findings are communicated.

Communicating research to the public involves several different actors, including researchers, politicians, activists, and journalists, which creates many opportunities for miscommunication.

[Karl Widerquist](#) has argued that the different preconceptions of each of these audiences can create a game of “telephone” as findings grow distorted while communicated across audiences with different expectations. For example, researchers are trained to answer specific empirical questions in a balanced way, often hedging their findings with potential challenges, doubts, and further questions. The public, on the other hand, often expects more clear-cut answers not just to empirical questions but also to ethical questions about what policies ought to be implemented. Ethical social science research can tell us what is the case, not what we ought to do with that information. The resulting absence of clear ethical conclusions invites various actors to spin the research in ways that support their views and sow confusion about the meaning of the results.

Widerquist suggests four strategies for ensuring that such research-oriented guaranteed income pilots contribute effectively to public understanding:

1. **Work back and forth from public discussion to the experiment** - The design of a research pilot should start from an engagement with ongoing public discussions and be oriented toward answering questions relevant to them. Reports about experimental findings should relate them to these salient questions.
2. **Focus on the effects rather than the side effects** - Researchers often focus on answering questions that are more quantifiable at the expense of answering questions that are less precisely measurable but more relevant to public discussions. In many cases, it is more valuable to provide an imprecise answer to salient questions than a precise answer to questions that are difficult for the public to appreciate or engage with.
3. **Focus on the bottom line** - Although there are many facets of public discussion about guaranteed income, observers, and especially the media, are ultimately looking for conclusions that relate to the bottom line: an overall evaluation of guaranteed income as a long-term national policy. No single pilot will be able to provide a definite conclusion to questions about the bottom line, but it is important to communicate clearly how specific findings relate to the viability, costs, and benefits of a state or national guaranteed income policy.
4. **Address the ethical controversy** - Although empirical research cannot resolve ethical questions about what ought to be done, it is important for researchers to engage with

public concerns and reduce the potential for spin by clearly explaining what their findings mean for people holding different ethical positions.

Finally, it is important to consider the public perception of the need for additional pilots. [Almaz Zelleke](#) has argued that new pilots can actually hinder progress toward the implementation of a permanent guaranteed income by falsely signalling to the public that it is still an untested policy whose significant unknowns must be tested before any large-scale implementation.

When creating a research pilot, you should be sure to communicate that new research on guaranteed income is valuable not because it will tell us whether guaranteed income “works,” but because it can help refine our understanding of how to a) optimize the design of GI policy and b) contribute to a shift in the narrative around guaranteed income. In other words: emphasize both the questions your pilot seeks to answer and the ones—like impact on overall well-being—that are already well-established.

## The Guaranteed Income Movement

Although the concept of a guaranteed income is not new, the movement that has developed in support of it in recent years represents an exciting boost in public awareness and support for guaranteed income policy. Much of this momentum has been driven by the explosion of local pilots created in the wake of the Stockton SEED demonstration and as part of the creation of [Mayors for a Guaranteed Income](#). Andrew Yang’s 2020 presidential campaign, which promoted a \$1,000 per month universal basic income, also had a significant impact on public awareness of guaranteed income as a policy option.

Most recently, the economic crisis created by the COVID-19 pandemic has created an immediate need for expanded cash transfers through universal cash assistance and large increases in unemployment benefits. These policies have the benefits of direct cash transfers and add to the public momentum in support of guaranteed income not just as a response to crises, but as a permanent part of the social benefits system. This section provides further context for guaranteed income advocacy today by compiling lists of recent local pilots, past examples of guaranteed income in practice, and some of the key individuals and organizations advocating for guaranteed income today. For an updated list of past, ongoing, and planned guaranteed income pilots please also consult the [Stanford Basic Income Lab’s global map](#).

### Planned and ongoing pilot research in the U.S.

Below is a look at the cities implementing guaranteed income pilots and their relative differences in design and targeting. For a larger list of cities interested in guaranteed income pilots, see the [Mayors for Guaranteed Income website](#). Programs indicated with a star (\*) have begun providing cash. Please reach out if you are working on a pilot and would like for it to be included in this list.

| City / Area                       | Recipients | Amount    | Frequency | Length     | Targeting                                                                                                       | Notes                                                                                                                                                                                                                                                                          |
|-----------------------------------|------------|-----------|-----------|------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jackson, MS*<br>(2018, 2020)      | 20, 110    | \$1,000   | monthly   | 12 months  | African-American mothers                                                                                        | After the initial pilot of 20 people from 2018-2019, a second pilot with more than 110 participants began in March 2020. <a href="#">website</a>                                                                                                                               |
| Stockton, CA*<br>(2018)           | 150        | \$500     | monthly   | 24 months  | Residents of neighborhoods with <\$46k median income                                                            | Initiated by Mayor Michael Tubbs, founder of <a href="#">Mayors for a Guaranteed Income</a> . View the Stockton SEED website <a href="#">here</a> .                                                                                                                            |
| Compton, CA*<br>(2020)            | 800        | \$300-600 | varies    | 24 months  | Low-income, formerly incarcerated, and undocumented residents                                                   | Known as the Compton Pledge, this privately funded program is spearheaded by Mayor Aja Brown in collaboration with the Fund for Guaranteed Income. <a href="#">website</a>                                                                                                     |
| Santa Clara County, CA*<br>(2020) | 72         | \$1000    | monthly   | 1 year     | 24-year-olds transitioning out of foster care support                                                           | In July 2020, Santa Clara County began administering the pilot with support from MyPath and Excite Credit Union, with \$900,000 in public funds and financial advising. The pilot was approved by the county's board of supervisors. Press announcement <a href="#">here</a> . |
| Chelsea, MA*<br>(2020)            | 2,000      | \$200-400 | monthly   | ~10 months | Low-income families                                                                                             | Funded by the City of Chelsea along with private funders like the Shah Family Foundation. Fundraising continues in an effort to extend the pilot's duration.                                                                                                                   |
| Hudson, NY*<br>(2020)             | 25         | \$500     | monthly   | 5 years    | Income <\$35k                                                                                                   | Funded by two non-profits: The Spark of Hudson and the Humanity Forward Foundation. <a href="#">website</a>                                                                                                                                                                    |
| St. Paul, MN*<br>(2021)           | 150        | \$500     | monthly   | 18 months  | Families participating in the "CollegeBound Saint Paul" program                                                 | Proposed by Mayor Melvin Carter and unanimously approved by the city council in September 2020. <a href="#">website</a>                                                                                                                                                        |
| Lynn, MA*<br>(2021)               | 15         | \$400     | monthly   | 36 months  | New mothers                                                                                                     | The <a href="#">Family Health Project</a> participants refer into the program through federally qualified community health centers, a corporate partner provides debit cards, and a social services firm provides onboarding and administrative support. Privately funded.     |
| Richmond, VA*<br>(2020)           | 55         | \$500     | monthly   | 2 years    | Low-income families in existing anti-poverty programs; employed but excluded from traditional benefits programs | The Richmond Resilience Initiative started in 2020 with 18 families and was funded through CARES Act funds, but it has since been expanded to add 37 families as part of Mayors for Guaranteed Income.                                                                         |
| Columbia, SC                      | 100        | \$500     | monthly   | 1 year     | Black fathers in Columbia within an                                                                             | The Columbia Life Improvement Monetary Boost ( <a href="#">CLIMB</a> ) program was                                                                                                                                                                                             |

|                          |     |         |         |           |                                                                                                                            |                                                                                                                                                                                                                                                                               |
|--------------------------|-----|---------|---------|-----------|----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2020)                   |     |         |         |           | existing program                                                                                                           | <a href="#">founded</a> in Dec. 2020 by Mayor Stephen Benjamin alongside Midlands Fatherhood Coalition, and supported by private funds. To begin spring 2021.                                                                                                                 |
| Long Beach, CA (2021)    | 150 | \$500   | monthly | 6 months  | Artists                                                                                                                    | Mayor Robert Garcia's proposal was accepted by the city council in Nov 2020 and is in the planning stages.                                                                                                                                                                    |
| Pittsburg, PA (2021)     | 200 | \$500   | monthly | 2 years   | Families earning <50% of area median income                                                                                | Mayor Bill Peduto is calling this pilot the "Assured Cash Experiment of Pittsburgh." Half of the funds are to be sent to households run by black women with the hope of reducing racial and gender inequalities.                                                              |
| San Francisco, CA (2021) | 150 | \$1,000 | monthly | 2 years   | Black and Pacific Islander women during pregnancy & postpartum                                                             | A partnership between the San Francisco Department of Public Health, Hellman Foundation, and University of California - San Francisco to decrease infant mortality.                                                                                                           |
| Oakland, CA (2021)       | 600 | \$500   | monthly | 18 months | BIPOC families earning <50% of area median income, with half earning below 138% of the federal poverty line                | Led by Mayor Libby Schaaf, one of the Mayors for a Guaranteed income, the "Oakland Resilient Families" program is supported by the Family Independence Initiative. Payments starting as soon as spring 2021.                                                                  |
| San Diego, CA (2021)     | 150 | \$500   | monthly | 2 years   | Random selection of low-income families with children under 12 within hardest-hit zip codes for COVID-19 and child poverty | A pilot serving both San Diego and National City families, <a href="#">Resilient Communities for Every Child</a> is supported and housed by Jewish Family Service of San Diego, with a \$2 million fundraising goal.                                                          |
| Marin County, CA (2021)  | 125 | \$1000  | monthly | 2 years   | Low-income mothers of color with children under 18 years of age, with priority for those ineligible for federal benefits   | <a href="#">Introduced</a> with unanimous support of Marin county supervisors, <a href="#">MOMentum</a> has the financial support of the Marin Community Foundation and Family Independence Initiative as an administrative partner for payments.                             |
| Cambridge, MA (2021)     | 120 | \$500   | monthly | 18 months | Single-parent households earning 80% of area median income (AMI) who have children under age 18                            | The City of Cambridge announced <a href="#">Cambridge RISE</a> (Recurring Income for Success and Empowerment) in April 2021, a project spearheaded by Mayor Sumbul Siddiqui with support from Cambridge Community Foundation, Harvard University, MIT, and Boston Foundation. |
| Tacoma, WA (2021)        | 100 | \$500   | monthly | 1 year    | Tacoma residents, single head of household, and Asset-Limited-Income-Constrained while Employed (ALICE)                    | The <a href="#">GRIT Demonstration</a> , Growing Resilience in Tacoma, is a partnership between Mayor Victoria Woodards and United Way of Pierce County, and part of Mayors for a Guaranteed Income (MGI). It will rely on private funds.                                     |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |          |           |                                                                       |                                                                                                                                                                 |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|-----------|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New York, NY (2021)            | 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$500-1000 | biweekly | ~3 years  | Low-income Black and immigrant mothers during first 1000 days of life | Funded and implemented by the Monarch Foundation, the program aims to reach those in Washington Heights & Harlem, with hopes of expanding to other areas.       |
| San Francisco, CA (2021)       | 50                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$330      | monthly  | 6 months  | Young parenting mothers of Hilltop School                             | MyPath and Hilltop School aim to provide financial mentoring and cohort-based learning circles to those receiving the basic income. More <a href="#">here</a> . |
| West Garfield Park, IL (2020)  | 30                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | \$500      | monthly  | 18 months | Formerly incarcerated individuals in the neighborhood                 | Fundraising for EAT (Equity and Transformation) Chicago's <a href="#">pilot</a> began in Nov. 2020 and the program aims to begin disbursement in August 2021.   |
| Other nascent proposals (2021) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |            |          |           |                                                                       |                                                                                                                                                                 |
| Los Angeles, CA                | Los Angeles Mayor Eric Garcetti was among the founding mayors of the Mayors for Guaranteed Income and has proposed expanding his previous Angeleno Campaign, which provided one-time prepaid debit cards of \$700-1500 to eligible families as part of a \$10 million emergency assistance campaign of Accelerator for America alongside Mastercards' City Possible initiative. The program aimed to reach low-wage or hourly workers whose jobs were affected by the COVID-19 pandemic, and received over 400,000 applicants. The expanded guaranteed income program aims to give \$1000 per month to 2000 families in Los Angeles, with a <a href="#">proposed</a> budget of \$24 million.                                                                                                              |            |          |           |                                                                       |                                                                                                                                                                 |
| Atlanta, GA                    | Beginning the week of Juneteenth 2020, Atlanta City Council member Amir Farokhi launched a task force to explore the potential for a guaranteed income program to reduce economic inequality in Atlanta, and particularly Atlanta's historic fourth ward. The Old Fourth Ward Economic Security Task Force brought together 28 local and national stakeholders, with the Georgia Budget & Policy Institute, Economic Security Project and JFI among those weighing in. A key objective was to tackle wealth stratification and particular insecurity among Black and Latinx Atlantans. <a href="#">Their report</a> was published in January 2020. Atlanta Mayor Keisha Lance Bottoms is also a member of Mayors for a Guaranteed Income, launched in 2020 with 34 mayors joining their advocacy to date. |            |          |           |                                                                       |                                                                                                                                                                 |
| Newark, NJ                     | Mayor Ras Baraka of Newark began exploring a guaranteed income program in 2019, forming a Task Force of community-based organizations and national research groups, like JFI, to investigate the role a guaranteed income program could play to address failures of the existing safety net, a lack of economic mobility in Newark, and especially housing precarity. <a href="#">The Newark Guaranteed Income Task Force report</a> , published in early 2020, provides three potential pilot frameworks and recommended policy changes at the state and federal level, while underscoring the specific needs of Newark residents. Since then, Newark launched the <a href="#">Newark Movement for Economic Equity</a> , with plans to begin a first cohort of 30 recipients in spring of 2021.          |            |          |           |                                                                       |                                                                                                                                                                 |
| Chicago, IL                    | Aldermen Gilbert Villegas, Sophia King, and Maria Hadden are advocating for the introduction of a guaranteed income providing \$500/month to 5,000 of Chicago's neediest families. The pilot would be funded by allocating \$30 million of the \$1.8 billion in federal relief funds Chicago is expected to receive this year. This effort is distinct from the task force assembled two years ago to examine the potential for a 1,000 person guaranteed income pilot in the city. Other initiatives in Chicago are pushing for regular cash transfer programs for new moms as well.                                                                                                                                                                                                                     |            |          |           |                                                                       |                                                                                                                                                                 |
| New York, NY                   | Chapin Hall at the University of Chicago and Point Source Youth have been undertaking <a href="#">plans</a> for a direct cash transfer program (DCTP) for young adults facing homelessness in NYC. The target group is 30 young adults, with 30 others receiving usual services and shelters already available (an RCT model). The cash transfers will be \$1250/mo for 2 years, with participants able to choose payment frequency and mechanism (Venmo, Paypa, direct deposit, card) through UpTogether's online platform. The participants will also receive optional support services.                                                                                                                                                                                                                |            |          |           |                                                                       |                                                                                                                                                                 |
| Denver, CO                     | The <a href="#">Denver Basic Income Project</a> founded by Mark Donovan, Denver-based philanthropist and entrepreneur, with the support of Denver Mayor Michael B. Hancock, and researchers at the University of Denver's Center for Housing and Homeless Research. The pilot is explicitly focused on the unhoused, and will provide \$1000 per month to 260 individuals, a lump sum of \$6500 to 260 more, followed by \$500 per month to the lump-sum contingent. A control group of 300 will receive \$50 per month for their participation. The project <a href="#">aims</a> to begin payments July 1, 2021.                                                                                                                                                                                         |            |          |           |                                                                       |                                                                                                                                                                 |
| Oakland County,                | A collaborative group made up of the 18th District Oakland County Commissioner's office, Lighthouse, a local housing non-profit, and researchers from Wayne State University are drafting a pilot program. The focus of this pilot                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |          |           |                                                                       |                                                                                                                                                                 |



|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MI                  | is unique in the space. While others have focused on the efficacy of cash transfers towards positive economic outcomes - this pilot intends to shed light on the physio/psychological impacts that guaranteed income have on an individual and family's health.                                                                                                                                                                                                                                                                                                                                             |
| Minneapolis, MN*    | The Nancy Somers Family Foundation facilitated funding for a pilot providing \$1000 monthly for 15 individuals through a local anti-poverty non-profit, Avivo. The pilot began amid the urgency of the pandemic in 2020 and included low income individuals who were unhoused, challenged by mental illness and/or enrolled in a career training program at Avivo; it will extend for 1 year. The group aims to expand the initiative as "Project Solid Ground" at Avivo, pending future funding.                                                                                                           |
| Long Beach, CA      | Mayor Robert Garcia announced in January 2021 the intent to create a basic income program for low-income students at Long Beach City College. The City Council had previously considered proposals to provide \$500 per month over six months for up to 150 artists. The city previously also provided \$1,000 per month in rental assistance, in part supported by CARES Act funds. San Diego was among 15 cities awarded funds from Jack Dorsey as part of the Mayors for Guaranteed Income, with the aim to supplement funds with private sources. More specific details are not yet available.          |
| Las Vegas, NV       | A Las Vegas City Council candidate supportive of guaranteed income has proposed a program that would aim to provide annual lump sum payments to 60,000 residents in initial disbursements (~9% of the city population).                                                                                                                                                                                                                                                                                                                                                                                     |
| Mountain View, CA   | In April 2021, Mountain View City Council voted to pilot a guaranteed income program. The council plans to dedicate \$1 million in American Rescue Plan (ARPA) funds alongside any philanthropic or corporation donations. Provided exclusively ARPA funding, the recipients would receive \$500 per month for 1 year. While the program design is forthcoming, Mayor Abe-Koga indicated an interest in targeting low-income families, similar to affordable housing.                                                                                                                                       |
| Nashville, TN       | <a href="#">Moving Nashville Forward</a> is a pilot program intended to target residents in North Nashville (zip code 37208), a community that has faced acutely a history of systemic discrimination. The pilot is currently fundraising to provide 100 families a monthly guaranteed income of \$1000 to families with annual incomes under \$40,000. Organizers include Gideon's Army, a group that has supported local tornado recovery efforts, with support from Dr. Stacia West, a University of Tennessee Knoxville Assistant Professor and one of the co-Principal Investigators of Stockton SEED. |
| South San Francisco | South San Francisco has been considering a pilot since early 2021, based on presentations on UBI to the city council led by City Manager Mike Futrell and his team. While eligibility and program design specifics are forthcoming, the group identified the YMCA as a program administrator.                                                                                                                                                                                                                                                                                                               |
| Gainesville, FL     | In collaboration with local nonprofit Community Spring, Mayor Lauren Poe <a href="#">aims</a> to provide a \$600/mo guaranteed income for two years to formerly incarcerated residents. First payments are expected to go out October 1.                                                                                                                                                                                                                                                                                                                                                                    |
| Gary, Indiana       | The Guaranteed Income Validation Efforts (GIVE) program is <a href="#">fundraising</a> to support 125 low-income residents with \$500/mo. Income cut-offs are at \$35,000/year and citywide surveys are being used to identify potential recipients. The effort is supported by Mayors for Guaranteed Income and is looking to raise \$1.6M.                                                                                                                                                                                                                                                                |
| Puget Sound, WA     | In a program to target pregnant families within the Puget Sound urban Indian and Pacific Islander communities, the United Indians of All Tribes Foundation, Seattle Indian Health Board, Cowlitz Behavioral Health, Native American Women's Dialogue on Infant Mortality, and Pacific Islander Health Board are designing a 3-year pilot supported by Perigee Fund. Learn more about their wrap-around services <a href="#">here</a> , and Perigee Fund's interests <a href="#">here</a> .                                                                                                                  |
| Paterson, NJ        | <a href="#">Announced</a> in March 2021, Paterson's Mayor Andre Sayegh aims to provide 110 low-income residents with \$400 per month, regardless of employment status. The income cut-off for individuals and families is \$30,000 and \$88,000 respectively. Residents <a href="#">applied</a> online by April 30 and a lottery system is set to select recipients in May 2021, for payments to begin in July. The research is supported by the Center for Guaranteed Income.                                                                                                                              |
| New York, NY        | The Andrew W. Mellon Foundation is working to launch Creatives Rebuild New York (CRNY) to support dozens of small-to-midsize community arts organizations and over 1000 individual artists with cash over 2 years. More <a href="#">here</a> .                                                                                                                                                                                                                                                                                                                                                              |
| Boston, MA          | The Community Love Fund is a landmark guaranteed income initiative of the National Council for Incarcerated and Formerly Incarcerated Women & Families and Justice as Healing. The aim is to provide unconditional monthly cash transfers to formerly incarcerated women in Roxbury (Boston) for one year, beginning in 2021. More <a href="#">here</a> .                                                                                                                                                                                                                                                   |
| Nevada              | The <a href="#">Move Nevada Forward</a> initiative is focused on advancing economic rights for Nevadans with a particular focus in 2021 on establishing a basic income experiment statewide. It is a coalition of grassroots-led nonprofits. There are other groups in Nevada working to rally public officials for a guaranteed income program in Las Vegas as well.                                                                                                                                                                                                                                       |

*\*These programs have begun to deliver the guaranteed income.*

## Has guaranteed income ever been tried in the United States?

The answer to this question is yes and no. A population-wide guaranteed income has not been tried in the U.S., but forms of regular cash transfer policies have been implemented. The most well-known example of a guaranteed income at the state level is the Alaska Permanent Fund Dividend, which inspired 2020 Democratic presidential candidate Andrew Yang's proposal to implement a UBI nationwide. The examples below are antecedents to a future cash transfer policy that would more closely represent a guaranteed income at scale.

### EITC, Child Tax Credit, and similar cash relief

The Earned Income Tax Credit (EITC) is a refundable tax credit provided by the federal government (and by about half of state governments) for low-income workers, particularly those with children. While childless households can receive a maximum federal benefit of \$538 in 2020, households with one child can receive up to \$3,500 annually and those with three or more children can receive up to \$6,660. Because this tax credit is refundable, households receive these amounts in cash as a refund after subtracting remaining taxes owed. Each year the federal government distributes about \$70 billion in tax credits through this program, lifting millions out of poverty through what are effectively cash transfers.

Using thirty years' worth of data on EITC policy expansions, researchers Bastian and Jones (2018) concluded that EITC is one of the least expensive anti-poverty programs in the United States. For every \$350 in EITC spending, total government revenues increased by \$303, compensating for 87% of the program cost through positive spillover effects. EITC expansions were found to increase average annual earnings and labor supply, increase payroll and sales taxes paid, and reduce dependence on public assistance.

The Child Tax Credit (CTC) provides low-income parents with a fully refundable tax credit for each dependent child. As of 2018, it provided a \$2,000 annual tax credit per qualifying child with a maximum refundable amount of \$1,400. Although it is not targeted exclusively at low-income families, the CTC is an important anti-poverty program, [lifting over 4 million people—including 2 million children—out of poverty in 2018](#). In 2021, the CTC was temporarily expanded until the end of the year as a part of the American Rescue Plan Act. While this expansion is in effect, roughly 80% of parents receive a credit of \$300/mo (\$3,600/year) for each child under 6 and \$250/mo (\$3,000/year) for children age 6-17. Unlike the ordinary CTC, the expanded credit is fully refundable, available to parents with little to no income, and can be distributed monthly rather than all at once after filing taxes. In this way, the expanded CTC much more closely resembles child allowance programs found in other countries (i.e. guaranteed income for parents). Making this expansion permanent would be a large step forward for social policy in the United States. For more details check out JFI's [policy brief comparing CTC expansion proposals](#).

### Alaska Permanent Fund Dividend

The Alaska Permanent Fund has paid a yearly dividend to state residents since 1982. Established to conserve revenue from oil and mineral resources to benefit all Alaskans, the fund also grows its principal through investment and pays out an average dividend of around \$1,600 per year to each resident. It is both the largest and the longest running example of guaranteed income in practice.

### Eastern Band of Cherokee Basic Income

In 1996, the Eastern Band of Cherokee Indians in North Carolina opened a casino and decided to distribute a portion of its annual profits to every tribe member in the form of a cash subsidy. The payouts began at around \$500 per person per year but have increased to several thousand dollars since. In addition to increased financial security, researchers observed a [range of positive effects](#) on community members receiving this additional income, including reduced behavioral and emotional problems in children and less depression, anxiety, and alcohol dependence in adults.

## Which individuals and organizations are working on guaranteed income policy?

The movement for guaranteed income policy is international, and this section does not provide an exhaustive list of the many important organizations and individuals who contribute significantly to the field. In the U.S., the “big tent” of advocacy organizations can include those supporting a wide variety of cash-based safety net policies that involve a regular payment or income floor. Similar policies include a Child Allowance or Child Tax Credit (CTC), the Earned Income Tax Credit (EITC) and historic Negative Income Tax, advocates of Temporary Assistance for Needy Families (TANF), and programs that guarantee businesses can provide paychecks to workers during widespread government and business shut-downs as we saw in 2020 (such as the Paycheck Protection Program, Paycheck Recovery Act, etc.). Notably, interest in federal cash relief in 2020 came alongside the expansion of unemployment insurance programs that can likewise guarantee an income floor, although in more limited and highly-conditioned ways. The importance of these other programs for guaranteed income policy is that many advocates for such benefits believe in fundamentally similar social safety net measures rooted in cash support. **Below are some of the notable organizations that occupy the wider landscape of advocacy and research on guaranteed income or cash transfer policy:**

### Cash support advocates in Congress

“Advocates” are defined as those that have cosponsored or introduced legislation that provides for an income floor or cash-based family support program. This list is not comprehensive of all

cosponsors or all cash transfer legislation, but rather focuses on leading figures in policy that either directly models a guaranteed income or that begins with more modest measures, like a child allowance that provides baseline income for parents and caretakers with children.

**The legislation that most resembles a guaranteed income has come from these progressive offices:**

- Rep. Bonnie Watson Coleman (D-NJ)
  - [Guaranteed Income Pilot Program Act of 2020](#) (one-pager [here](#))
- Rep. Rashida Tlaib (D-MI)
  - [Automatic Boost to Communities Act](#) (“ABC Act”), BOOST Act (previously known as the LIFT+ Act)
- Rep. Ilhan Omar (D-MN)
  - [RELIEF Act](#) and [letters](#) for continuous relief checks

Legislation around an income floor for parents has even wider support, with many of those advocates also supporting regular payments during the crisis of the coronavirus pandemic. Notably, there is widespread Democratic support for a child tax credit (CTC) proposal, especially with President Biden’s [American Rescue Plan](#) expansion and [American Families Plan](#). Below are just a few key champions of a CTC expansion:

- Rep. Rosa DeLauro (D-CT)
- Sen. Sherrod Brown (D-OH)
- Rep. Suzan DelBene (D-WA)
- Sen. Richard Neal (D-MA)
- Sen. Chris Murphy (D-CT)
- Rep. Nancy Pelosi (D-CA)

In addition to the Child Tax Credit, [Families First Coronavirus Response](#):

- Sen. Michael Bennet (D-CO)
- Sen. Sherrod Brown (D-OH)
- Sen. Cory Booker (D-NJ)

Among other forms of pandemic-related income support were several different paycheck protection bills. Such bills work similarly to the EITC in that they are employment-conditioned. Also included below is an expansion of the EITC:

- Sen. Bernie Sanders (I-VT)
  - Paycheck Recovery Act
- Rep. Pramila Jayapal (D-WA)

- Paycheck Recovery Act
- Co-sponsored Rep. Tlaib's ABC Act
- Former Sen. Kamala Harris (D-CA)
  - [LIFT Act](#)
  - [Monthly Economic Crisis Support Act](#)

Among Republican legislators, support has primarily centered around a pandemic-specific relief. Nonetheless, the following legislators supported more robust checks for families in the wake of COVID-19:

- Sen. Josh Hawley (R-MO)
- Sen. Tom Cotton (R-AR)
- Sen. Mitt Romney (R-UT)
  - Also supports the Child Tax Credit
- Rep. Justin Amash (R-MI)
- Sen. Marco Rubio (R-FL)
- Sen. Mike Lee (R-UT)

Emergency cash relief legislation has garnered much greater support than regular cash relief legislation. While support for the CARES Act, which passed with bipartisan support in the House and Senate, is one example, a few key legislators have put forth additional and more sweeping legislation for cash transfers throughout the course of the pandemic and its economic downturn, including some mentioned above. Some additional examples include:

- Rep. Ro Khanna (D-CA)
  - [Emergency Money to the People Act](#)
- Rep. Tim Ryan (D-OH)
  - [Emergency Money to the People Act](#)
- Rep. Maxine Waters (D-CA)
  - [House Financial Services Committee proposal](#)
- Rep. Alexandria Ocasio-Cortez (D-NY)
  - [Amendment](#) to the CASH Act
  - Cosponsored ABC Act

Efforts are also being made at the state and municipal level to create guaranteed income pilots and programs. Some examples of state level advocates are:

- NY State Sen. Kevin S. Parker
  - [Senate Bill S6696](#) proposing the creation of a 2-year statewide guaranteed income pilot with 10,000 recipients

- [Senate Bill S6552](#) proposing a state-wide universal basic income pilot program and funds to support it
- NY State Sen. Leroy Comrie
  - [Senate Bill S6696](#) co-sponsor
- MA State Sen. James B. Eldridge
  - [Bill H.1632](#) proposing the creation of a state-level universal basic income program
- MA State Rep. Tami L. Gouveia
  - [Bill H.1632](#) joint petitioner
- CA Assemblymember Evan Low
  - [AB-65](#) Stating legislature's intent to implement a universal basic income in California
  - [AB-1338](#) Exempting guaranteed income demonstrations' cash transfers from means tests for CalWORKS, CalFRESH, CalEITC
- CA State Sen. Dave Cortese
  - [SB-739](#) The UBI for Transition Age Foster Youth Act, a bill to provide 3-years of UBI, \$1000/mo for foster youth

## Academic champions for guaranteed income

Among academics, there is a growing acknowledgment of the longstanding empirical evidence in favor of a guaranteed income or similar cash transfer policy. In an [open letter](#) to Congress of over 150 economists and social scientists, academics argued in July 2020 for additional cash relief for families alongside expanded cash-based safety net policies like unemployment insurance. Notable academics working most directly on cash transfer research and guaranteed income include: Our own researchers, Sidhya Balakrishnan, Stephen Nuñez, Johannes Haushofer (also of GiveDirectly), Leah Hamilton, Maximilian Kasy, and Paul Katz; co-Directors of the newly-launched [Center for Guaranteed Income Research](#) at the University of Pennsylvania, Stacia West and Amy Castro Baker; major international researchers in the Brazilian Basic Income Network such as Fabio Waltenberg; Fernando Freitas, Roberta Mendes e Costa; at OpenResearchLabs (formerly YC Research) Elizabeth Rhodes; and, while not all advocates for guaranteed income, longtime cash transfer researchers like Sandra Black, Susan Dynarski, Evelyn Forget, Maura Francese, Ugo Gentilini, Michael Howard, Hilary Hoynes, Damon Jones, Michael A. Lewis, Ioana Marinescu, Delphine Prady, Jesse Rothstein, Philippe Van Parijs, Karl Widerquist, and Almaz Zelleke have written important work on the subject.

## Advocates & civil society in support of guaranteed income

A wide and growing number of grassroots organizations support recurring cash transfers for low-income individuals in particular. During the protest movement surrounding the murder of

George Floyd in 2020, the Movement for Black Lives (M4BL) included a call for guaranteed income in its week of action demands. In addition, M4BL released what has been called “a modern-day Civil Rights Act” known as the BREATHE Act, which calls for a guaranteed income among its economic justice policy proposals. The Compton Pledge guaranteed income pilot worked alongside local organizers of the Electoral Justice Project of M4BL to introduce and pass a local resolution of the BREATHE Act to that effect. With a more direct focus on guaranteed income, the Income Movement Foundation is an advocacy group building grassroots support for a federal basic income. The Economic Security Project (ESP) advocates for a guaranteed income as well as an expanded EITC. ESP was instrumental in launching Mayors for Guaranteed Income (MGI) in 2020, which was led by Mayor Michael Tubbs of Stockton, California alongside over 20 founding mayors calling for pilots and guaranteed income policy at a federal level. Another organization to emerge in 2020 was Humanity Forward, a group that was built after the end of Andrew Yang’s 2020 presidential run in which he called for a universal basic income in the U.S.

More recent and emerging examples in 2021 include grassroots organizations and movements that supported the launch of the Compton, California guaranteed income, the Compton Pledge, which was built by the Fund for Guaranteed Income (also launched in 2020 by Nika Soon-Shiong) and JFI. The supportive partners include founding leaders in the Black Lives Matter movement, the National Council for Incarcerated and Formerly Incarcerated Women, the National Domestic Workers Alliance, Essie Justice Group, One Fair Wage, and A New Way of Life Reentry Project, among others. This growing support for a major guaranteed income initiative in the U.S. may signal more widespread support from these organizations to come. In addition, a Guaranteed Income Community of Practice has formed around multiple emerging pilots (see [here](#)).

## Philanthropy

Much like the public support for cash transfers, there is a growing interest among funders to enable guaranteed income pilots that build on the research and public narrative. Among them are the newly-established Fund for Guaranteed Income, the Schusterman Family Foundation, the Family Independence Initiative, the Shah Family Foundation, Humanity Forward Foundation, Jack Dorsey, and the Economic Security Project (although notably they focus especially on advocacy). Progressive philanthropist George Soros has also advocated for government-based direct cash relief. In developing countries, GiveDirectly has financed guaranteed income programs as well.

## Joining the Movement

If you are interested in contributing to guaranteed income research and advocacy through a community pilot, research or advocacy, JFI can be a resource and partner on additional questions that may not be addressed in this report. As a non-profit, non-partisan research group, we are ready to offer our network and support to initiatives that build on the evidence for a GI in the US. Reach out to us at [jfi@jainfamilyinstitute.org](mailto:jfi@jainfamilyinstitute.org) and we'll discuss potential next steps.

## Further Reading and Global Perspectives

**JFI's publication *Phenomenal World* provides a thorough review of existing academic research on guaranteed income, UBI, and other cash policies - see [here](#).**

JFI also publishes an ongoing whitepaper series titled *From Idea to Reality: Getting to Guaranteed Income*. The series is designed to provide a concrete analysis of the path toward guaranteed income policy in the U.S. by examining specific implementation questions and challenges. View the series [here](#).

Stanford's Basic Income Lab has created a useful and practice-oriented guide for those looking to create municipal basic income pilots. You can access their guide, *Basic Income in Cities*, [here](#).

The Aspen Institute's Financial Security Program released a three-part report bringing together what is known about the need for, innovations in, and the effects of cash transfer programs. You can view the report [here](#).

Ugo Gentilini, along with others at the World Bank, have put together a comprehensive review of social protection programs—including cash transfers—implemented around the world during the COVID-19 pandemic. View the report [here](#).

### Brazil's Bolsa Família

Brazil has been, since 2004, the only country in the world to legislate every citizen's right to a basic income. That same year, Brazil introduced a transformative cash assistance program that proponents see as the first step toward securing that right. Known as Bolsa Família, the program provides families with direct cash transfers in return for keeping their kids in school and attending preventative health care visits. After ten years, Bolsa Família [helped cut](#) the percentage of Brazilians living in extreme poverty in half, from 9.7% to 2.7%. It remains the largest conditional cash transfer program in the world, reaching about a quarter of the population (50 million people).

Within Brazil, the city of Maricá has recently launched an ambitious guaranteed income policy providing more than 42,000 residents with income equivalent to about three quarters of the national poverty line. JFI is closely involved with the accompanying research program designed to study the effects and administration of large-scale guaranteed income policies. You can learn more about Bolsa Família and the Maricá program [here](#).



## GiveDirectly program in Kenya

GiveDirectly has been running one of the largest and longest guaranteed income research programs in the world in Kenya, where they are providing cash transfers to 20,000 individuals across 197 villages. Some recipients will receive regular payments for as long as twelve years. By varying the lengths of time that individuals receive benefits, as well as whether they receive the cash monthly or all at once in a lump sum, researchers hope to learn more about the long-term effects of guaranteed income and the impact of different disbursement patterns.

In addition to the primary pool of subjects, two additional villages are receiving monthly payments for twelve years without being a part of the main study so that researchers can have more in-depth qualitative conversations with them about their experience. This group is very much aligned with the storytelling aspect of pilots discussed earlier. You can read more about the study [here](#).

## Other global implementations

- The Iranian government created a universal basic income program in 2011, providing monthly transfers amounting to 29% of median household income. [Research on its effects](#) did not find evidence of a significant effect on labor supply outside of people in their twenties who were more likely to enroll in higher education.
- Finland conducted a guaranteed income experiment for two years from the beginning of 2017 to the end of 2018. During this time 2,000 unemployed persons received 560 Euros every month, regardless of any other income they had or whether they were looking for work. However, this program had major design and implementation [flaws](#). Read more about the experiment [here](#).
- Many European countries have long-established child allowance programs which provide recurring cash transfers to parents based on the number of children they have. For example, in Germany parents receive a little over 200 Euros per month for each child. You can read more about child allowance policy in various European countries [here](#).
- During the COVID-19 pandemic Spain has introduced a targeted guaranteed minimum income program with the intention of continuing it indefinitely. The program would reach over three million of the country's poorest households and be means-tested according to the type of family, number of children, and financial need.
- During the pandemic, Japan has provided direct cash transfers of \$930 to every citizen in addition to doubling the existing child allowance, bringing it to approximately \$200 per month per child.



# COMPTON PLEDGE DELIVERS \$1 MILLION TO RESIDENTS 800 FAMILIES ARE NOW RECEIVING REGULAR GUARANTEED INCOME PAYMENTS

Compton Mayor Aja Brown, the Fund for Guaranteed Income and the Compton Community Development Corp. managing the largest city-based GI pilot in U.S. history.

## *PRESS RELEASE*

Compton, CA, April 14, 2021 – Today, Mayor Aja Brown and the [Compton Pledge](#) announced the successful enrollment of 800 families in Compton’s guaranteed income pilot program, making it the largest city-based guaranteed income initiative in United States history.

Launched in December 2020 with the support and administration of the Fund for Guaranteed Income (F4GI) and the Compton Community Development Corporation (CCDC), the Compton Pledge has already disbursed \$1 million to support over 1770 recipients, including dependents. A total of \$9.1 million will be distributed in recurring payments over the next two years.

The community-led pilot uses a custom, web-based payments platform to enhance the economic security and self-determination of historically marginalized groups, including undocumented and formerly incarcerated residents. The program is the first to offer a tailored set of payment options and allow participants to switch between them. To date, 50% chose Direct Deposit, 9% chose Venmo, 8% chose PayPal and 33% chose prepaid card.

“There can be no peace without understanding identity, operating in purpose, and the inalienable right of human dignity. I want residents to be empowered by the greatness from where they came,” said Aja Brown, Mayor of Compton.

“Economic empowerment and equity are essential to community wellness and uplift. These vital investments disrupt generational poverty experienced by many families and children,” said Dr. Sharoni Little, Compton Pledge Community Advisory Council member and CEO of the Strategist Group.

The Compton Pledge is supported by a Community Advisory Council as well as national advocacy groups including Black Lives Matter, One Fair Wage, CHIRLA, Essie Justice Group, A New Way of Life, and the National Council for Incarcerated and Formerly Incarcerated Women and Girls.



"The day I received my first payment, there was much-needed medication I was unable to pay for before. Compton has been my city for 30 plus years. I love it and the people in it," said Tiffany, a participant in the program.

"COVID-19 hit this community really hard. After losing my job, the Compton Pledge let me pay for my electricity and internet bills, or buy shoes for my two little ones," said Ileri, who is a member of the Voices of Compton Pledge storytelling initiative.

"As an artist, this is helping me move forwards in faith that I can be a strong businessman. The Compton Pledge is helping me to breathe easier," said De'Shawn, another member of Voices of Compton Pledge.

The [Jain Family Institute](#) (JFI), an applied research organization with international expertise in guaranteed income design and evaluation, is serving as a design and implementation partner.

The pilot is philanthropically funded from private donors and recently received a \$200,000 grant from Amazon Foundation and Amazon Studios Foundation. "Not only is the Compton Pledge performing vital services as the community recovers, but in the long term it is breaking down barriers to opportunity and creating new narratives to foster equity and justice," said Cameron Onumah, Amazon's Public Policy Manager for Southern California.

To follow the progress of the Compton Pledge, a two-year program delivering recurring cash relief to low-income residents, go to [comptonpledge.org](https://comptonpledge.org) and select "sign up for news" or follow Compton Pledge on [Twitter](#), [Instagram](#) or [Facebook](#). To make a tax-deductible donation to the Compton Pledge, led by the nonprofit Fund for Guaranteed Income, go to [comptonpledge.org/donate](https://comptonpledge.org/donate).

###

To learn more about the Compton Pledge or how to get involved, contact [media@comptonpledge.org](mailto:media@comptonpledge.org).

**ANNOTATED AGENDA  
SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL**

**Tuesday, June 9, 2020**

**4:00 P.M.**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.*

*Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.*

*To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/89047645600>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.*

*To join by phone: Dial **1-669-900-9128** and enter Meeting ID: **890 4764 5600**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.*

*To submit an e-mail comment during the meeting to be read aloud during public comment, email [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.*

*Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.*

## Preliminary Matters

**Roll Call:** 4:02 p.m.

**Present:** Kesarwani, Davila, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** None

**Action:** M/S/C (Arreguin/Robinson) to accept temporary rules for the conduct of the meeting related to public comment and Council discussion.

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None Abstain – Davila.

### Ceremonial Matters:

1. Adjourned in memory of George Floyd and all those that are victims of police violence
2. Adjourned in memory of all victims of COVID-19
3. Adjourned in memory of Erik Salgado, victim of California Highway Patrol shooting

### City Manager Comments:

The City Manager announced that she will be hosting a Town Hall meeting for the community on Thursday, June 11, 2020 at 7:00 p.m.

## Action Calendar

**Action:** M/S/C (Arreguin/Harrison) to:

1. Accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) entitled Budget Referral to Establish Structure and Framework for an Office of Racial Equity.
2. Accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Black Lives Matter and Ohlone Recognition.
3. Accept an urgency item from Councilmember Harrison pursuant to Government Code Section 54954.2(b)(2) entitled Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess.
4. Accept an urgency item from Mayor Arreguin pursuant to Government Code Section 54954.2(b)(2) entitled Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic.
5. Accept an urgency item from Councilmember Hahn pursuant to Government Code Section 54954.2(b)(2) entitled Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews.
6. Accept supplemental material from the City Manager on Item 1.

**Vote:** All Ayes.

## Action Calendar

### **Budget Referral to Establish Structure and Framework for an Office of Racial Equity**

**From: Councilmember Kesarwani (Author), Councilmember Wengraf (Co-Sponsor), Councilmember Droste (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Refer to the FY 2020-21 Budget Process the one-time allocation of \$150,000 to establish a structure and framework for an Office of Racial Equity consisting of a Racial Equity Officer and a supporting Specialist. The purpose of the Office of Racial Equity is to: (1) establish a common vision for racial equity across all City departments, (2) create mechanisms for measuring racial inequities in the delivery of all City programs and services; and (3) initiate efforts by all City departments to implement best practices related to metrics, policies, and procedures to close racial inequities in the allocation and delivery of all City programs and services.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** 24 speakers. M/S/C (Hahn/Wengraf) to approve the recommendation amended to include that the Office of Racial Equity should be seated in the Office of the City Manager, and that the programs and services delivered by the Planning and Development Department and the Transportation Division should be included among the Citywide programs and services to be considered by the Office of Racial Equity.

**Vote:** All Ayes.

### **Black Lives Matter and Ohlone Recognition**

**From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Davila (Co-Sponsor), Councilmember Harrison (Co-Sponsor)**

**Recommendation:**

1. In solidarity with the Mayor of Washington, D.C. and the Black Lives Matter movement, direct the City Manager to immediately paint the words "Black Lives Matter" on Martin Luther King Jr Way in front of Old City Hall, between Center Street and Allston Way, with the text to be read from the eastern sidewalk of Martin Luther King Jr Way.
2. In recognition of the fact that Berkeley is situated on Ohlone territory, paint the words "Ohlone Territory" on Milvia Street in between Center Street and Allston Way, with the text read from the west sidewalk of Milvia Street.
3. The City Manager is encouraged to work with local artists to render the paintings. In addition, the City Manager should take care not to interfere with other street markings that are necessary for safety of pedestrians, bikes, or vehicles, or otherwise necessary.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** 4 speakers. M/S/C (Hahn/Droste) to approve the recommendation with the following amendments: 1) the locations for the words to be painted are suggestions for the City Manager's consideration; 2) the City Manager is encouraged to work with the community to render the paintings; and 3) the paintings should not pose challenges to bicycle infrastructure.

**Vote:** All Ayes.

## Action Calendar

**Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess**

**From: Councilmember Harrison (Author), Mayor Arreguin (Author), Councilmember Davila (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)**

**Recommendation:** Adopt an Urgency Resolution directing the Police Review Commission (“PRC”) and City Manager to:

1. Finalize revisions to the use of force policy as referred by Council in 2017 and drafted by the department for PRC review in January, 2020;
2. Submit revised Use of Force Policy directly to the full City Council for the Council to review and adopt before the 2020 Summer recess;
3. Incorporate revisions included the October 31, 2017 Council referral and all outstanding “8 Can’t Wait” use of force policy reforms.

**Financial Implications:** Staff time

Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

**Action:** 59 speakers. M/S/C (Harrison/Davila) to adopt Resolution No. 69,438–N.S. amended to add the following resolved clauses:

*BE IT FURTHER RESOLVED that the City Council directs the Police Review Commission to review the use of control holds.*

*BE IT FURTHER RESOLVED that the City Council directs the City Manager to allow anonymized access to records about use of force to the Police Review Commission to inform deliberation of the use of force general order.*

**Vote:** Ayes – Kesarwani, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Davila.

Recess: 6:21 p.m. – 6:26 p.m.

## Action Calendar

### **Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic**

**From: Mayor Arreguin (Author), Councilmember Harrison (Author), Councilmember Robinson (Author)**

**Recommendation:** Adopt a motion to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition.

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** 23 speakers. M/S/Failed (Wengraf/Kesarwani) to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition. And, to refer the item to the Public Safety Policy Committee and the Police Review Commission for the consideration of a permanent ban of these chemical agents.

**Vote:** Ayes – Kesarwani, Hahn, Wengraf, Droste; Noes – Davila, Bartlett, Harrison, Robinson; Abstain – Arreguin.

**Action:** M/S/Carried (Davila/Harrison) to establish an official City of Berkeley policy 1) prohibiting the use of tear gas by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, and 2) prohibiting the use of pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition.

**Vote:** All Ayes.



## Action Calendar

### **Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews From: Councilmember Hahn (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Mayor Arreguin (Co-Sponsor)**

#### **Recommendation:**

1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following with respect to the declaration of a Local Emergency:
  - a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;
  - b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), Council ratification of such action occurs at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and
  - c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards and is supported by facts.
2. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify policies, terms and procedures for the order, scope, terms, duration, and all other elements and conditions of curfews called in response to, or likely to have the effect of limiting or banning, planned, expected or reasonably foreseeable first amendment activity, including rallies, marches, demonstrations and assemblies of all kinds ("First Amendment Curfews"), as enumerated (1-8) under the "Background" section of this item, below.
3. Advise the City Manager and/or Director of Emergency Services that approval of this item represents the will and direction of the City Council with respect to declarations of Local Emergencies and imposition of First Amendment Curfews, and should the occasion to declare a Local Emergency or impose a First Amendment curfew arise prior to formal Council adoption of the requested amendments and policies, the City Manager and/or Director of Emergency Services shall, to the greatest extent possible under existing law, strive to encompass actionable elements, and meet spirit, of this item.

#### **Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** M/S/C (Arreguin/Wengraf) to continue Items 3, 4, 5, 6, and the urgency item regarding Local Emergency Declarations and First Amendment Curfews, to the June 16, 2020 regular City Council meeting.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

1. **Fiscal Year 2021 Proposed Budget Update Public Hearing #2** *(Continued from June 2, 2020)*  
**From: City Manager**  
**Recommendation:** Conduct a public hearing regarding the FY 2021 Proposed Budget Update.  
**Financial Implications:** See report  
 Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000  
  
**Action:** M/S/C (Arreguin/Robinson) to continue Items 1, 2, and the supplemental material for Item 1 from the City Manager, to a special meeting called by Mayor Arreguin for June 16, 2020 at 2:30 p.m.  
**Vote:** All Ayes.

## Action Calendar

2. **FY 2020 Mid-Year Budget Update** *(Continued from June 2, 2020)*  
**From: City Manager**  
 Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000  
**Action:** Item 2 continued to June 16, 2020 special meeting.
3. **Presentation and Discussion of Community Survey Results and Direction About Next Steps for Possible Ballot Measure Development** *(Item Contains Supplemental Material) (Continued from June 2, 2020)*  
**From: City Manager**  
**Recommendation:** Discuss results of the community survey and provide direction to the City Manager about the drafting of possible measures for inclusion on the November 2020 ballot.  
**Financial Implications:** See report  
 Contact: David White, City Manager's Office, 981-7000  
**Action:** Item 3 continued to June 16, 2020 regular meeting.
4. **Placing Charter Amendment Measure on the November 3, 2020 Ballot Related to Full-Time Status and Salaries for the Mayor and Councilmembers** *(Continued from June 2, 2020)*  
**From: City Manager**  
**Recommendation:**
  1. Adopt a Resolution submitting an Amendment to Article V of the City Charter regarding the full-time status and salaries for the Mayor and City Council to a vote of the electors at the November 3, 2020 General Municipal Election.
  2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.**Financial Implications:** None  
 Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Item 4 continued to June 16, 2020 regular meeting.

## Action Calendar – Public Hearings

5. **Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral** (*Continued from June 2, 2020*)

**From: Energy Commission**

**Recommendation:** The Commission recommends that the City Council develop a referendum and seek approval for it on the 2020 ballot to create a Climate Action Fund, which would support actions to achieve the Berkeley Climate Action Plan, to become Fossil Fuel free, and to respond to the Climate Emergency.

**Financial Implications:** See report.

Contact: Billi Romain, Commission Secretary, (510) 981-7400

**Action:** Item 5 continued to June 16, 2020 regular meeting.

6. **Proposed Amendment to Berkeley’s Minimum Wage Ordinance: Berkeley Municipal Code Chapter 13.99** (*Continued from June 2, 2020*)

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 13.99, revising Section 13.99.040 to reinstate the exemption for youth job training programs, and freezing the youth wages at \$14.50 per hour for FY21, then increase the wage annually according to the Consumer Price Index as will occur with the Berkeley Minimum wage.

**Financial Implications:** See report

Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400

**Action:** Item 6 continued to June 16, 2020 regular meeting.

Recess: 9:49 p.m. – 10:00 p.m.

Councilmember Wengraf absent at 9:49 p.m.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Davila, Bartlett, Harrison, Hahn, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent – Wengraf.

Adjourned at 10:02 p.m.

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

**Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2**

1. 19 similarly-worded form letters

2. Sharon Negri
3. Era Goel
4. Catie
5. Andrew Graves
6. Kate Gingold
7. David Noriega
8. Robert Hurley
9. Russbumper
10. Lauren Hermele
11. Ella Hass
12. Fiona Hass
13. Emilie Reaves
14. Ryan Thayer
15. Amanda Ho
16. Julia Bleier
17. Nirali Patel
18. Chimey Lee
19. Sage Lenier
20. Terry Taplin
21. Riley Hellinger

**Item #5: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral**

22. John Arens

**Supplemental Communications and Reports 3**

**Urgency Item: Urgency Resolution: Directing the Police Review Commission and City Manager to Submit Revised Berkeley Police Department Use of Force Policy for Council Review and Approval Before the 2020 Summer Recess**

23. Urgency item, submitted by Councilmember Harrison, Mayor Arreguin, Councilmembers Davila and Bartlett
24. Che Garcia
25. Yaritza Cruz
26. Mariana Duarte
27. Arev Walker
28. Melody Joliff
29. Jesica Ender
30. Haleigh Fleming
31. Arjun Mayur
32. Jenn Guitart
33. Sal Levinson
34. Bella Lynch
35. Bob Martin
36. Rafael Gonzalez
37. Erwan Illien
38. Benjamin Pierias
39. LeeAnn Dowd (2)
40. Danielle Royston-Lopez
41. Racial and Criminal Justice Reform Group
42. Carole Marasovic

- 43. Jill Suttie
- 44. Ryan Grant
- 45. Sheridan Pauker
- 46. Sarah Pieper

**Urgency Item: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic**

- 47. Urgency item, submitted by Mayor Arreguin, Councilmembers Harrison and Robinson
- 48. Shawn Beckman (2)
- 49. Chimey Lee
- 50. Moni Law
- 51. Kimiye Owens

**Urgency Item: Black Lives Matter and Ohlone Recognition**

- 52. Urgency item, submitted by Councilmember Hahn
- 53. Liza Lutzker, on behalf of Walk Bike Berkeley
- 54. Corinna Gould
- 55. Moni Law (2)

**Urgency Item: Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews**

- 56. Urgency item, submitted by Councilmember Hahn
- 57. Madeline King
- 58. Thomas Lord
- 59. Friends of Adeline (2)
- 60. Carol Denney
- 61. Bryce Nesbitt
- 62. Elisa Mikiten
- 63. Chimey Lee
- 64. Kara O'Malley

**Urgency Item: Budget Referral to Establish Structure and Framework for an Office of Racial Equity**

- 65. Urgency item, submitted by Councilmember Kesarwani
- 66. Amanda Prufer
- 67. Stephanie Prufer
- 68. Caroline Yunker
- 69. Marianne Lagarias (2)

**Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2**

- 70. Christina Romak
- 71. Megan Raymond
- 72. Aimee Trujillo
- 73. Ashley Johnson
- 74. Alex Thomson
- 75. Anna McFall
- 76. Elena Vann Cleave
- 77. Tommy Chung
- 78. Erika Schultz
- 79. Rose Soffa Clarke
- 80. Diana Bohn
- 81. Celia Ford

82. Nick Nold
83. Becky Sotello
84. Noor
85. Jane Francis
86. Heather Hardison
87. Susan Saadat
88. Lilith Gamer
89. Mary Gilg
90. Kate Mather
91. Alfred Twu
92. Rachael Cornejo
93. Steve KoneffKlatt
94. Juliana Schwartz
95. Rachel Shipps
96. Alicia Roy
97. Natasha Geiling
98. Dana Perls
99. Alisdair Broshar
100. Orly Suveda
101. Alix Vadot
102. Eliza Smith
103. Ryan Gorelik
104. Ben Pierias (2)
105. Kayla Moore
106. Sarah Bancroft
107. Angela Clapp
108. Samuel Kaplan
109. Heather and Luke Ball
110. Dewi Zarni
111. Portal Finder
112. Catherine O'Hare
113. Theodora Gibbs-Plessl
114. Taj Herzer-Baptiste
115. Michaela Reilly
116. Julia Sen
117. Ellen McClure
118. Martin Lenarz-Geisen
119. Katrina Lapira
120. Ariella Cooley
121. Natasha Huey
122. Noelle Fa-Kaji
123. Jessica Barber
124. Jean Caiani
125. Lucia Brosgart
126. Tia Bottger
127. Allyson Bogie
128. Michelle Chung
129. Karen Shimoda
130. Jessica Brownell
131. Sanya Sehgal

132. Angela Ames
133. Ace Chen
134. Ryan Hall
135. Maya Sen
136. Dylan Campopiano
137. Allison Zau
138. Firdausi Sudarmadji
139. Judy Grether
140. Zaynab At-Taras
141. Jackie Kennedy
142. Logan Falley
143. Nahkoura Mahnassi
144. Madelyn Weiss
145. Sophia Mahoney-Rohrl
146. Madeleine Muscari
147. Christopher Lin
148. Francie Maguire
149. Laurel Chen
150. Reyna Fa-Kaji
151. Marcelo Felipe Garzo Montalvo
152. Re Nor
153. Chloe Novak
154. Kat Kott
155. Katie Cording
156. Christine Tseng
157. Celia Alter
158. Zoe Westbrook
159. Julian Dennis
160. Daniel Kim
161. Loan Pham
162. Colin Piethe
163. Elizabeth Ferguson
164. Chelsea Lee
165. Maxine Schoefer-Wulf
166. Jessica Olson
167. Daniel Milutin
168. Olivia Neville
169. Bryanna Perez
170. Kei McHale
171. Diane
172. Jordan Mickens
173. Voulette Hattar
174. Emily Haan
175. Christine Schwartz
176. Emily Yao
177. Manduhai Baatar
178. Kacei Conyers
179. Ella Hass
180. Logan Rimel
181. Andrew Lynch

182. Nicole Teixeira
183. Bethany Lourie
184. Anya Platt
185. Erin Rhoades
186. Julia S.
187. Suzanne Merkelson
188. Valerie Kratzer
189. Ceren Fitoz
190. Lanie Peterson
191. Amalee Beattie
192. Emily Bronston-Joseph
193. Alions Alkon
194. Sarah Wulf
195. Jordan Mickens
196. Ann Marie Callegari
197. Leah Renee Smith
198. Liam Bergstrom
199. Bryce Nesbitt
200. Paige
201. Katie Wilson
202. Ivonne Del Valle
203. Chimey Lee (2)
204. Juliana Dearth
205. Jesslyn Janssen
206. Ferri Wahl
207. Anne Whyte
208. Madison Luzar
209. Mark and Agatha Greeley

**Item #2: FY 2020 Mid-Year Budget Update**

210. Angela Jernigan (2)
211. Niels Teunis
212. Leah Naomi Gonzales (2)
213. Councilmember Davila
214. Valerie Kratzer

**Item #5: Recommendation to Prepare a City Ballot Measure to Create a Climate Action Fund, in Response to the Fossil Fuel Free Berkeley Referral**

215. Michael Katz

## **Action Calendar – Public Hearings**

**Item #1: Fiscal Year 2021 Proposed Budget Update Public Hearing #2**

216. Supplemental Material, submitted by City Manager's Office





CONSENT CALENDAR  
May 31, 2022

To: Honorable Mayor and Members of the City Council  
From: Councilmember Taplin, Councilmember Harrison (co-sponsor),  
Councilmember Hahn (co-sponsor)  
Subject: Office of Racial Equity: Re-Entry Employment and Guaranteed Income Programs

#### RECOMMENDATION

Refer to the City Manager to conduct a feasibility study on funding and operating a Re-entry Employment Program and to seek grant funding for a Guaranteed Income pilot program, following operational recommendations in the Reimagining Public Safety process. In addition, the City Manager's Office, and subsequently an Office of Racial Equity as appropriate, shall periodically report on performance metrics, administrative capacity, and fiscal sustainability for partnering CBOs and other NGOs performing violence prevention services, mental health crisis responses, and any other services under the auspices of Reimagining Community Safety.

#### FINANCIAL IMPLICATIONS

The City Council's omnibus budget referral for Reimagining Public Safety passed on May 5, 2022 included \$1M for staffing the Office of Racial Equity, and \$100,000 for Grant Writing Services. Implementing this recommendation would be contingent on those funds.

#### CURRENT SITUATION AND ITS EFFECTS

Studying employment and poverty reduction programs in the Office of Racial Equity is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

Poverty, crime, and racial inequality are deeply interconnected phenomena throughout US history. In particular, the lack of employment opportunities for the formerly incarcerated increases recidivism, fueling a vicious cycle of repeated offenses, high crime and poverty in majority-minority communities.

Research has generally found that high-quality jobs with good wages are most effective at reducing recidivism, particularly for those who have served prison sentences for property crimes.<sup>1</sup> In addition to re-entry programs, cash transfer programs from Kenya to California (colloquially dubbed "basic" or "guaranteed income") have repeatedly been shown to successfully reduce the social and psychological impacts of poverty, and a

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<sup>1</sup> Yu, T. (2018). Employment and Recidivism. *Evidence Based Policy Society*. Retrieved from <https://www.ebpsociety.org/blog/education/297-employment-recidivism>

new guaranteed income pilot program in Alachua County, Florida is specifically aimed at reducing recidivism.<sup>2</sup>

Cities across the country have seen remarkable success with such programs. The City of Chicago supports capital investment for a Green ReEntry program managed by the nonprofits Chicago CRED and the Inner-City Muslim Action Network, which provides vocational training for skilled trades, weekend programs, and housing assistance for formerly incarcerated individuals.<sup>3</sup> In 2019, former Mayor Michael Tubbs launched the Stockton Economic Empowerment Demonstration (SEED) pilot program. SEED provides \$500 per month for two years to 125 randomly selected residents of Stockton in neighborhoods with below median income. In a one-year follow-up study, recipients reported improved mental health, financial stability, and employment opportunities.<sup>4</sup>

## BACKGROUND

In June 2020, the City Council passed a budget referral authored by Councilmember Rashi Kesarwani to establish a framework for a new Office of Racial Equity within the Office of the City Manager.<sup>5</sup> This is consistent with best practices in neighboring cities, such as Oakland and San Francisco, which have recently established such an office. The duties of such an office can be manifold, but a primary responsibility should be to support CBOs and programs that provide cash assistance, workforce development and employment opportunities for the formerly incarcerated to reduce recidivism (similar to Berkeley YouthWorks).

The City of Oakland's Guaranteed Income pilot provides monthly cash payments to a randomly selected pool of low-income residents, and is funded entirely through private philanthropic donations, with collaborative management by the City and nonprofit agencies.<sup>6</sup>

On May 5, 2022, the Berkeley City Council passed a budget referral to advance Reimagining Public Safety initiatives, which included \$100,000 for grant writing services, and slightly over \$1 million for staffing a new Office of Racial Equity.<sup>7</sup> These

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<sup>2</sup> McDonough, S. (2022). A bold new experiment out of Florida: Guaranteed income for the formerly incarcerated. *Vox*. Retrieved from <https://www.vox.com/22911023/ubi-guaranteed-income-prison-florida>

<sup>3</sup> ABC7 Chicago. (2020). Chicago Re-Entry Program Rebuilds Lives with Hands-On Training. *ABC News*. Retrieved from <https://abc7chicago.com/iman-inner-city-muslim-action-network-job-training-reentry-program/5988288/>

<sup>4</sup> West, S. et al. (2020). Preliminary Analysis: SEED's First Year. *Stockton Economic Empowerment Demonstration*. Retrieved from [https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED\\_Preliminary+Analysis-SEEDs+First+Year\\_Final+Report\\_Individual+Pages+-2.pdf](https://static1.squarespace.com/static/6039d612b17d055cac14070f/t/603ef1194c474b329f33c329/1614737690661/SEED_Preliminary+Analysis-SEEDs+First+Year_Final+Report_Individual+Pages+-2.pdf)

<sup>5</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/06\\_June/Documents/06-09\\_Annotated\\_Agenda\\_4pm\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/06-09_Annotated_Agenda_4pm_pdf.aspx)

<sup>6</sup> <https://oaklandresilientfamilies.org/about>

<sup>7</sup> [https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley\\_0.pdf](https://berkeleyca.gov/sites/default/files/2022-05/2022-05-05%20Special%20Item%2001a%20Fulfilling%20the%20Promise%20of%20Berkeley_0.pdf)

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CONSENT CALENDAR  
May 30, 2022

services could assist in researching and soliciting funding for these and other promising programs to improve public safety and advance economic justice.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

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