

January 29, 2016

The Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

Dear Members of the Pasadena City Council:

As restaurant owners, we all care about our employees, but a minimum wage increase to \$15 per hour without mitigations will have devastating consequences for the very workers you seek to help and may force many of us to cut hours, eliminate jobs or close our doors.

A 60% increase in the minimum wage must be carefully considered and thoughtfully mitigated to balance the need for increased wages with the need to protect Pasadena's small businesses, opportunities and the economy.

In developing a new minimum wage policy for Pasadena we urge you to:

- Develop a **minimum wage committee** with representatives from business and labor to discuss what is best for Pasadena
- Consider **total compensation** for tipped employees who make well above minimum wage to help create income equality between front and heart-of-house workers
- Incorporate a **teen/training wage** to protect access to entry-level jobs for young and unskilled workers
- Include **slower implementation timeline for small businesses** to ensure an increase is steady and predictable

Sincerely,

Toni K. [REDACTED]

626 - 893 - [REDACTED]

January 29, 2016

The Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Pete [REDACTED]

626 - 793 - [REDACTED]

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Sincerely,

John [REDACTED]

626 - 524 - [REDACTED]

January 29, 2016

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Sincerely,

Kelley [REDACTED]

626 - 793 - [REDACTED]

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Sincerely,

Maria [REDACTED]

626 - 272 - [REDACTED]

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Sincerely,

Jim [REDACTED]

626 - 379 - [REDACTED]

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Sincerely,

Sirak [REDACTED]

818 - 636 - [REDACTED]

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Sincerely,

Fred [REDACTED]

626 - 755 - [REDACTED]

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Sincerely,

Jessie [REDACTED]

626 - 808 - [REDACTED]

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Sincerely,

Vasak [REDACTED]

818 - 970 - [REDACTED]

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Sincerely,

Wil [REDACTED]

626 - 296 - [REDACTED]

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Sincerely,

Don [REDACTED]

714 - 402 - [REDACTED]

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Sincerely,

Lisa [REDACTED]

626 - 390 - [REDACTED]

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Sincerely,

Randy [REDACTED]

626 - 233 - [REDACTED]

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Sincerely,

David [REDACTED]

626 - 644 - [REDACTED]

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Sincerely,

Lorraine [REDACTED]

626 - 844 - [REDACTED]

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Sincerely,

Chef Tony [REDACTED]

626 - 533 - [REDACTED]

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Sincerely,

Efrain [REDACTED]

626 - 644 - [REDACTED]

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Sincerely,

Michael [REDACTED]

626 - 437 - [REDACTED]

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Sincerely,

Jeff [REDACTED]

626 - 872 - [REDACTED]

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Sincerely,

Andrew [REDACTED]

626 - 375 - [REDACTED]

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Sincerely,

Linda [REDACTED]

212 - 920 - [REDACTED]

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Sincerely,

Phillippe [REDACTED]

818 - 317 - [REDACTED]

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Sincerely,

Sergio [REDACTED]

909 - 725 - [REDACTED]

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Sincerely,

R-lene [REDACTED]

626 - 695 - [REDACTED]

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Sincerely,

Tom [REDACTED]

626 - 353 - [REDACTED]

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A 60% increase in the minimum wage must be carefully considered and thoughtfully mitigated to balance the need for increased wages with the need to protect Pasadena's small businesses, opportunities and the economy.

In developing a new minimum wage policy for Pasadena we urge you to:

- Develop a **minimum wage committee** with representatives from business and labor to discuss what is best for Pasadena
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- Incorporate a **teen/training wage** to protect access to entry-level jobs for young and unskilled workers
- Include **slower implementation timeline for small businesses** to ensure an increase is steady and predictable

Sincerely,

Dargetta [REDACTED]

626 - 255 - [REDACTED]

January 29, 2016

The Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

Dear Members of the Pasadena City Council:

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Sincerely,

David [REDACTED]

310 - 570 - [REDACTED]

January 29, 2016

The Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Amer [REDACTED]

626 - 319 - [REDACTED]

January 29, 2016

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City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Kathleen [REDACTED]

626 - 578 - [REDACTED]

January 29, 2016

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City of Pasadena
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Pasadena, CA 91109

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Sincerely,

Paul [REDACTED]

323 - 719 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Angel [REDACTED]

626 - 372 - [REDACTED]

January 29, 2016

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City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Anson ■

626 - 794 - ■

January 29, 2016

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City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Judy [REDACTED]

626 - 797 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Adaobi [REDACTED]

909 - 636 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

John [REDACTED]

626 - 617 - [REDACTED]

January 29, 2016

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Sincerely,

Eroka ■■■

626 - 808 - ■■■

January 29, 2016

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City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Luis [REDACTED]

808 - 866 - [REDACTED]

January 29, 2016

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City of Pasadena
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Pasadena, CA 91109

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Sincerely,

Melanie [REDACTED]

310 - 528 - [REDACTED]

January 29, 2016

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City of Pasadena
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Pasadena, CA 91109

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Sincerely,

Thibbodee [REDACTED]

213 - 359 - [REDACTED]

January 29, 2016

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City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

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Sincerely,

Bernardo [REDACTED]

626 - 577 - [REDACTED]

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Pasadena, CA 91109

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Sincerely,

Abel [REDACTED]

626 - 795 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Shalom [REDACTED]

310 - 749 - [REDACTED]

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Pasadena, CA 91109

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Sincerely,

Marcial [REDACTED]

626 - 319 - [REDACTED]

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Pasadena, CA 91109

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Sincerely,

Bill [REDACTED]

626 - 827 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Ryan [REDACTED]

213 - 448 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Stacy [REDACTED]

626 - 429 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Jennine [REDACTED]

626 - 201 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

Bobby [REDACTED]

626 - 665 - [REDACTED]

January 29, 2016

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Pasadena, CA 91109

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Sincerely,

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626 - 665 - [REDACTED]

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Sincerely,

Tom [REDACTED]

818 - 441 - [REDACTED]

January 29, 2016

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Sincerely,

Ted [REDACTED]

630 - 217 - [REDACTED]

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Sincerely,

Woradit [REDACTED]

323 - 552 - [REDACTED]

Novelo, Lilia

Subject: FW: Request for Distribution to City Council for Monday, Feb 1 Meeting/Ltg from CA Restaurant Assn
Attachments: PasadenaCouncilLetter ms edits.pdf; ATT00001.htm

From: John Kabateck <john@kabstrat.com>
Date: January 29, 2016 at 2:30:57 PM PST
To: <mjomsky@cityofpasadena.net>, <cityclerk@cityofpasadena.net>
Subject: Request for Distribution to City Council for Monday, Feb 1 Meeting/Ltg from CA Restaurant Assn

Dear Mr. Jomsky and City Clerk Staff,

Attached is a letter from Matt Sutton, Vice President of the California Restaurant Association, to the Pasadena City Council, urging their consideration of the CRA and Pasadena Chamber proposal for the citywide minimum wage policy.

Please distribute to all City Council members and any other appropriate staff in advance of or by the time of the Council meeting this coming Monday, February 1. Can you please confirm receipt of this and that you will distribute this to all said parties?

Thank you very much

John Kabateck
Kabateck Strategies
(916) 956-9027

02/01/2016
Item 6



January 29, 2016

The Honorable Mayor and City Council
City of Pasadena
100 N. Garfield Avenue
Pasadena, CA 91109

Re: LOCAL MINIMUM WAGE ORDINANCE PROPOSAL

Dear Mayor Tornek and Council Members:

On behalf of the members of the California Restaurant Association, I am writing to share with you our opposed position on a local super minimum wage ordinance for the city of Pasadena. Additionally, I would like to share some solutions that we believe would mitigate the negative economic impacts of extreme increases and would allow the local restaurant community to better handle the costs when the City Council proceeds with an ordinance.

Minimum wage increases often have a perverse effect on the restaurant community. Although we recognize that an increase to the minimum wage for the general workforce in Pasadena is likely to occur, we are urging you to understand that an increase without targeted language to address the restaurant community will ultimately cause unintended harm to those employees we are all wanting to help.

We have put forward several solutions that, if adopted, could result in a smarter and more targeted minimum wage hike that could truly raise the living standard for the intended beneficiaries while giving employers the ability to better manage these new costs. A thoughtful and balanced approach is what we are seeking.

We believe the City of Pasadena has broad authority as a charter city to set its own citywide minimum wage and define eligible employees. We also know that targeting the Pasadena minimum wage policy towards those who truly earn a minimum hourly wage is a

smarter and more reasonable approach to helping the intended recipients of this increase. We further believe that exempting teenagers (without dependents) from the Pasadena minimum wage would preserve entry level, first-time jobs at a time when they are needed the most. And lastly, we encourage you to phase-in any increase, incrementally, over a period time that would allow businesses to absorb what could be a devastating blow if implemented too fast, too high.

(1) Total Earnings Model:

We are suggesting a "total earnings" framework where employees whose total taxable and verifiable earnings are greater than the proposed local minimum wage would continue to receive at least the state minimum wage. This proposal would use the state minimum wage as the earnings floor, plus other taxable and employer-verified income as defined by the State of California. It would not be a "tip credit" or "sub-minimum wage" as some have recklessly portrayed. To the contrary, we are suggesting a minimum guarantee of \$15.00 in total hourly earnings for those workers that meet the total earnings threshold.

Incorporating this solution would allow the restaurant community to use their finite labor dollars to benefit those employees who are bringing home a salary based on wages alone (no other taxable earnings and benefits) and are most in need of additional compensation.

(2) A Training or Teen Wage:

The restaurant community has long been an entry point for many young people into the job market. In fact nearly half of all adults have worked in the restaurant community at some point during their lives and more than one out of four adults had their first job in a restaurant. Many of our young employees are unskilled, inexperienced and looking for a part-time opportunity while they are in school. For many years, the restaurant community has hired and trained these first time employees knowing that more than half will decide to leave their positions soon after being hired. Despite this risk, the restaurant community continues to employ our youth because they recognize their role in our communities and their unique ability to provide our youth with the skills and opportunity for growth.

We propose that the Pasadena minimum wage exempt teenagers (without dependents), so that restaurants can continue to provide first time jobs and training to unskilled youth.

(3) Phase It In with Triggers

A gradual increase over time with built-in triggers to review any possible negative impact on business and adjust if necessary.

The state minimum wage increased in July 2014 and went up again to \$10 per hour just days ago. The restaurant community is characterized by razor-thin profit margins that range



between three to five percent in a strong economy. Our members are busy working on ways to absorb the state increases, the Affordable Care Act, new paid sick leave requirements, and rising worker's compensation rates, and unemployment insurance tax increases- all while trying to maintain their workforce and continue to price their product so that it is affordable to their consumer. We propose that any Pasadena increase be gradual and stepped based on a thoughtful and reflective analysis process that would allow a regular evaluation of any negative economic impact on local business.

We remain committed to working cooperatively to help the Council design a minimum wage policy that is a win-win for our hard working employees and for the Pasadena employer community.

Respectfully Submitted,



Matt Sutton
Vice President, Government Affairs and Public Policy
California Restaurant Association



January 29, 2016.

Dear Mayor Tornek, Vice-Mayor Matusda and City Council Members:

We write you to inform you of our opposition to the City proposed minimum wage increase to \$15 per hour by 2020.

We are of the opinion that a rapid increase in the minimum wage would be extremely detrimental to our local workforce and small businesses. We support the Pasadena Chamber of Commerce and California Restaurant Associations proposals to increase wages at a slower rate that would be "less risky for the businesses and our Local economy". We would support a gradual increase in the minimum wages to \$12.50 per hour by 2020. This would give the City the time to measure the impact to Pasadena's economy as well as on local small businesses.

We have absolutely no problem increasing the minimum wage to those staff members who do not receive gratuities or other forms of compensation.

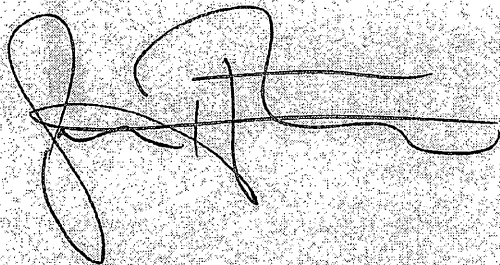
The average gratuities of our servers is \$25 To \$50 per hour. How will an increase to \$15 per hour help them?

Raising our menu prices will only be a small part of the solution to this matter. We urge the council to look at our industry wage issue more closely. Any minimum wage increase will have a chain reaction all the way to the top position paid employees in our industry. This is the sad part of our industry which we are willing to cope with, but in a more reasonably calculated environment.

This June we will be celebrating our 23rd year in Old Pasadena. As an Property owner and a business owner me and my brother Vasken will say that it wasn't an easy ride. Our plan is to be here for another 23 years. We also believe all of you at the City council chamber are wise individuals that know how to encounter these issues. Please listen to us as we're only asking you all to be reasonable.

Thank you for your consideration.

Respectfully,



Panos Haitayan



Vasken Haitayan



SANTORINI
The Mediterranean Cuisine

64 West Union Street, Old Pasadena, CA 91103
Tel. 626.564.4200 • Fax. 626.564.4227
www.cafesantorini.com

02/01/2016
Item 6

Novelo, Lilia

Subject: FW: Union minimum wage exemption

From: Paul Little <Paul@pasadena-chamber.org>

Date: January 29, 2016 at 7:15:25 PM PST

To: "city council@cityofpasadena.net" <city_council@cityofpasadena.net>

Cc: "Jomsky, Mark" <mjomsky@cityofpasadena.net>, "Beck, Michael" <mbeck@cityofpasadena.net>, "Mermell, Steve" <smermell@cityofpasadena.net>, "Eric Duyshart @ Econ Dev" <eduyshart@cityofpasadena.net>

Subject: Union minimum wage exemption

At the ED Tech Committee meeting, Assistant City Manager Steve Mermell said that Pasadena does not have to do an exemption for unions because federal law already exempts unions.

That is NOT TRUE.

Assistant City Attorney Brad Fuller did not support this interpretation, saying something to the effect that he is not familiar enough with federal labor law to render an opinion.

If federal labor law exempts union contracts, why are unions in Los Angeles and LA County and Santa Monica specifically asking for exemptions?

Here is an LA Times story on the issue. Note the remarks from local union leaders (highlighted).

The City Attorney is (understandably) reluctant to recommend total earnings. Should you accept the assertion that federal law excludes union contracts from local or state minimum wage laws, you will likely invite litigation on that, as well.

Enjoy your weekend.

Paul

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Here is the article (will provide legal citations on Monday after conferring with our legal team):

Why union leaders want L.A. to give them a minimum wage loophole

Peter Jamison Contact Reporter

One of the most divisive issues that Los Angeles City Council members expect to confront when they return this week from a summer recess will be a proposal by labor leaders to exempt unionized workers from the city's new minimum wage.

The push for the loophole, which began in the final days before the law's passage, caused a backlash rarely seen in this pro-union city and upended perceptions of labor's role in the fight to raise pay for the working poor. Union activists were among the most stalwart backers of L.A.'s ordinance raising the wage to \$15 by 2020, and argued against special consideration for nonprofits and small businesses.

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Rusty Hicks, head of the Los Angeles County Federation of Labor, said the union waiver would be a routine protection against challenges to the ordinance under federal labor law. "This is about staying consistent with previous provisions and crafting something that will withstand legal scrutiny and delay," Hicks said in May. In California, he added, "we've seen every city that has passed a minimum wage include this kind of a provision."

A Times review of other cities' minimum wage laws, as well as interviews with labor leaders and legal experts, suggests the truth is more complicated.

Guarantees that organized workers should be allowed to bargain for a subminimum wage appear to have scant legal justification, some experts said. They are not a universal feature of local wage ordinances, in California or other states. San Diego, the largest California city to raise its minimum wage in recent years before L.A., did not include such an exception.



Could you live on L.A.'s new minimum wage?

And whether the exemptions are what their harshest critics say — a scheme to swell union rolls with more dues-paying members by appealing to businesses that would rather let workers organize than be forced to pay them more — they are unpopular even among some at the highest levels of the labor movement.

"Unions in America, obviously we're in decline," said Dave Regan, president of SEIU-UHW, the union that represents home healthcare workers and is leading the campaign for a California ballot measure to raise the statewide minimum wage to \$15. "I don't think we help ourselves by taking positions where we don't hold ourselves to the same standards as everybody else."

Regan said that "under no circumstances" would such an exemption be included in the 2016 initiative that SEIU-UHW is championing. He said it was "silly" to suggest, as some in L.A. do, that the exemption would make a wage increase more legally defensible. "I just think that's a red herring," he said. "It's not true."

In May, when L.A. elected leaders approved the minimum wage hike, they opted to defer debate on the question of a union waiver and asked for further research into the matter from city analysts. It is still unclear when the provision could come up for a vote.

Hicks declined to comment for this report. In previous statements, he and others have warned that one way opponents of the \$15 minimum wage could

challenge the ordinance in court is asserting that it violates the National Labor Relations Act by intruding on the collective bargaining process. He said a waiver for unions would safeguard the law from such arguments.

Legal experts said the attack that Hicks described would be unlikely to succeed. The U.S. Supreme Court has held that "minimum labor standards" don't conflict with workers' right to unionize, said William B. Gould IV, a professor emeritus at Stanford Law School and former chairman of the National Labor Relations Board. Many lower courts have held that a minimum wage is such a standard.

Betsy Johnson, an attorney with the national firm Ogletree Deakins who has practiced employment law in California for three decades, said she could see no conflict between collective bargaining rights and L.A.'s new minimum wage. "All it does is set a higher floor for the unions to work from" when bargaining, she said.

Recent history also indicates that the exemptions don't discourage lawsuits. In fact, when hotel industry groups went to federal court to challenge a 2014 L.A. ordinance that raised the hourly minimum wage to \$15.37 for workers at large hotels, the groups' lawyers argued that the measure's union exception was one way in which it ran afoul of federal labor law. (The case is pending.)

The experience of other cities suggests that a range of different motives can drive unions to seek exemptions for their workers.

When City Council members in San Diego voted to raise the hourly minimum wage to \$11.50 last year, some activists sought an escape clause for union workers. Tom Lemmon of the San Diego County Building and Construction Trades Council, one of the groups that lobbied for the waiver, said the survival of labor-friendly businesses was at stake.

Without leeway to pay a subminimum wage, he said, those companies could be outbid by nonunion shops that chose to ignore the new pay standards.

"The reason we asked was so that we could continue to be competitive," Lemmon said. "We knew that our people were going to be following the rules

and other folks would not.... One more layer of rules was just going to make it harder for our contractors to compete."

San Diego ultimately did not include the exemption. Business leaders opposed to the city's wage increase gathered enough signatures to force a referendum on the law, which is on hold pending the vote's outcome.

Some see thinly veiled self-interest at work in labor's quest for waivers in minimum wage laws. Glenn Spencer of the U.S. Chamber of Commerce said that Southern California in particular shows the potential benefits of such provisions for private-sector unions at a time when many are struggling to stanch long-term declines in membership.

Beginning in 2006, the local chapter of the national hotel workers union Unite Here successfully campaigned for ordinances in L.A. and Long Beach that raised the minimum wage for workers at some large hotels. As a result of union opt-out clauses in those laws, Spencer says, Unite Here was able to pitch itself to hotel companies as a means for evading employee pay raises — the "low-cost option."

Spencer pointed to data from the federal government's Office of Labor Management Standards showing that Unite Here Local 11, which covers L.A. and Long Beach, grew from 11,936 members in 2006 to 20,691 in 2014. But the exact cause of that influx is unclear. The same federal data show Local 11's spending jumped from 2006 to 2014, suggesting Unite Here might simply have attracted new members by pouring more resources into organizing.

One of Unite Here's top executives, Maria Elena Durazo, held Hicks' job as head of the L.A. county labor federation until last year. Durazo declined to comment. Hotel managers contacted by The Times either did not respond or declined to comment, citing the confidentiality of the hotels' dealings with employees.

Mike Casey, the outgoing president of Unite Here Local 2 in San Francisco — a city whose \$15 minimum wage law includes a collective-bargaining exemption

— rejected suggestions that such clauses are intended to pressure businesses to unionize.

"This is not some cynical thing," Casey said. "It gives us more latitude and more flexibility at the bargaining table."

For example, he said, workers might choose to accept a subminimum wage in exchange for better benefits. Because of tax breaks associated with employer-provided health insurance, such trade-offs can be advantageous both for businesses and workers.

Whatever labor leaders' motives for seeking freedom for union members to earn a subminimum wage, others argue that the exemptions' potential benefits should be carefully balanced against the suspicions they create.

"At this point in our history, we have to be very careful to send the message that we stand up for all workers," said David Rolf, an SEIU leader in Seattle who helped pass that city's \$15 minimum wage ordinance, which does not include a union waiver.

"A wage is a wage is a wage," he said. "It's very hard to justify why you'd want any worker to make less than the minimum wage."

Flores, Valerie

To: Flores, Debra
Subject: RE: Wage increase Mijares Mexican Restaurant

From: R-lene Delang [mailto:rdelang@mijaresrestaurant.com]
Sent: Saturday, January 30, 2016 8:19 AM
To: City_Council; Madison, Steve
Subject: Wage increase Mijares Mexican Restaurant
Importance: High

Dear City Council,

As one of Pasadena's oldest businesses it is very disappointing that we have to perhaps have this increase in wages. The \$10.00 per hour has already put a large strain on our business. Another increase will cause us to close down. We always believed that Pasadena was a unique city and did not follow the trends of cities like Los Angeles which are out of touch with the Realities of running a business. We have voted for you and trust that you won't let us down! Our city has so many problems that cost business excess money.

R-lene Mijares de Lang
Alice Mijares Recendez
Tom Recendez
Tina Jimenez

02/01/2016
Item 6

Jomsky, Mark

From: Bob Harrison <bob@greenstreetrestaurant.com>
Sent: Monday, February 01, 2016 12:39 PM
To: City_Council
Cc: Jomsky, Mark
Subject: Minimum wage discussion

February 1, 2016

Dear Mayor Tornek and Council Members,

There has been much accomplished in the minimum wage discussion through the efforts of the Ed/Tech committee. What has surfaced is a staff recommendation (endorsed by committee members) and a proposal from the Chamber of Commerce that deserves more consideration by council members. We believe the Chamber proposal raises significant issues that have not been adequately considered by the committee and therefore the staff recommendation is not ready to be considered by the full council.

We strongly urge you to consider forming one last committee made up of proponents of the proposal, and business people to fully discuss the matter and develop a well thought out proposal that would represent a blending of the two proposals. This has been accomplished successfully in other cities.

Unfortunately, there has been a lot of mis-information presented as fact by some well publicized individuals. We have provided you with actual financial information from our business records (as did others) when we sat down with you. We hope that you will use that information to see the discrepancy in the wild claims you will hear in public comment tonight and the real effect of raising wages in our businesses.

As we have stated throughout this process. We are not against Pasadena raising the minimum wage but only if done in a manner that balances the need for increased wages with the need to protect Pasadena's small businesses, the jobs they provide, and ultimately our local economic health. To strike that balance, Pasadena should form a minimum wage committee comprised of local leaders, organized labor, community organizations and local businesses.

Bob Harrison & Michael Hawkins

Green Street Restaurant
146 S. Shopper's Lane
Pasadena, Ca. 91101
626.577.5739

Bob@GreenStreetRestaurant.com
"A Pasadena Tradition Since 1979"