



NOTICE

RESPONSIBLE CONSTRUCTION ORDINANCE—MOUNTAIN VIEW WORKERS—KNOW YOUR RIGHTS

To help prevent wage theft on construction sites, the City of Mountain View adopted a Responsible Construction Ordinance. Starting January 1, 2023, contractors on a project subject to the City's Ordinance must post this notice in a conspicuous place at each job site where work takes place. **This Notice provides workers information about their rights under the City's Responsible Construction Ordinance.**

What types of projects are covered under the Ordinance?

The Responsible Construction Ordinance applies to all new construction projects of 15,000 square feet or more requiring a building permit. New construction projects include entirely new structures and qualifying additions and remodels. Projects subject to prevailing wage requirements under State law are exempt.

What is required under the Ordinance?

For projects covered under the City's Ordinance, owners, contractors, and/or qualifying subcontractors are required to acknowledge responsibilities and make specified certifications upon completion of a project. The required certifications include that: (1) employees were provided written wage statements and notice of the employers' pay practices as required under State law (or, alternatively, are covered by a valid collective bargaining agreement); and (2) they have no Unpaid Wage Theft Judgments.

What is wage theft?

Wage theft is the denial of wages or employee benefits that are rightfully owed to an employee as established at the Federal, State, and local level, including the Federal Fair Labor Standards Act, the California Labor Code, and any local minimum wage, living wage, or prevailing wage requirements. Wage theft includes failure to pay overtime, minimum wage violations, unauthorized deductions in pay, or not being paid at all. Workers, communities, responsible businesses, and taxpayers are all negatively affected by wage theft.

What is an "Unpaid Wage Theft Judgment"?

A judgment, decision or order, for which all appeals have been exhausted or the time to appeal has expired, that was issued by a court of law, or an investigatory government agency authorized to enforce applicable Federal, State, and local wage and hour laws, including, but not limited to, the Federal Fair Labor Standards Act, the California Labor Code, and the City of Mountain View Minimum Wage Ordinance, and which has not been fully paid or satisfied.



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(Continued)

Who can file a complaint with the City for an Unpaid Wage Theft Judgment?

Any person who is legally entitled to payment of an Unpaid Wage Theft Judgment against the contractor or a qualifying subcontractor on a project subject to the City's Ordinance may submit a complaint to the City Manager. Subcontractors whose work exceeds \$100,000 or 1% of the value of the construction costs of the Project, whichever is greater, are subject to the City's Ordinance.

How do I file a complaint for an Unpaid Wage Theft Judgment with the City of Mountain View?

The complaint must be received by the City Manager prior to issuance of a Certificate of Occupancy for the project. The complaint must be submitted to the: City of Mountain View, Attn: City Manager's Office, 500 Castro Street, Mountain View, California, 94041.

The complaint must include: (1) a copy of the investigatory government agency's order, decision, or award; (2) a copy of the judgment entered by the superior court; and (3) a declaration signed under penalty of perjury that the specified contractor or subcontractor is the subject of an Unpaid Wage Theft Judgment that is owed to the complaining party.

What is the City's review process of a filed complaint?

Written notice of the complaint is provided to the project owner, contractor, and subcontractor (if applicable). They may provide a written response to the complaint within 30 business days. After consideration of the complaint and any response, the City will issue a notice of decision. A copy of the decision will be mailed to the project owner, contractor, subcontractor (if applicable), and party who filed a complaint. A project owner, contractor, or subcontractor who is aggrieved by a decision of the City may appeal the decision.

Can I file an anonymous complaint?

No. You must include your contact information.

Will my employer know that I complained?

Yes. The project owner, contractor, and subcontractor (if applicable) will be provided a copy of the complaint. They may provide a written response in accordance with the City's review process.

Contact the City Manager's Office for more information:

650-903-6300 or city.mgr@mountainview.gov.