

HOLLY L. WOLCOTT  
CITY CLERK

City of Los Angeles  
CALIFORNIA

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When making inquiries relative to  
this matter, please refer to the  
Council File No.: [18-0002-S56](#)

**OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL**

May 30, 2018

**Council File No.:** [18-0002-S56](#)

**Council Meeting Date:** May 29, 2018

**Agenda Item No.:** 21

**Agenda Description:** CONTINUED CONSIDERATION OF RESOLUTION (BUSCAINO - RODRIGUEZ) relative to establishing the City's position regarding SB 1402 (Lara) which would make retailers who contract with trucking companies jointly liable for any abuses of port truck drivers.

**Council Action:** RESOLUTION (BUSCAINO - RODRIGUEZ) - ADOPTED

**Council Vote:**

YES	BLUMENFIELD	YES	HARRIS-DAWSON	YES	O'FARRELL
YES	BONIN	YES	HUIZAR	YES	PRICE
YES	BUSCAINO	YES	KORETZ	YES	RODRIGUEZ
YES	CEDILLO	YES	KREKORIAN	YES	RYU
YES	ENGLANDER	YES	MARTINEZ	YES	WESSON

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**Pursuant to Charter/Los Angeles Administrative Code Section(s): 231(h)**

**FILE SENT TO MAYOR:**

**LAST DAY FOR MAYOR TO ACT:**

**APPROVED**

**\*DISAPPROVED**

**\*VETO**

\_\_\_\_\_  
Mayor

06/05/2018  
\_\_\_\_\_  
**DATE SIGNED**

**RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS**  
**RESOLUTION**

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California's port drayage industry employs an estimated 25,000 drivers who move freight between California's ports and distribution centers, and is a vital part of the goods movement economy; and

WHEREAS, a 2017 USA Today investigation revealed that port trucking companies in Southern California have been forcing drivers to finance their own trucks by taking on debt they could not afford, and identified instances where drivers owed money to their employers, resulting in the drivers essentially working for free; and

WHEREAS, the investigation further revealed that these port trucking companies have routinely been paying unfair wages, imposing unlawful expenses on their employees, and misclassifying the drivers as independent contractors instead of employees; and

WHEREAS, port drayage drivers are largely an immigrant workforce and particularly vulnerable to exploitation; and

WHEREAS, existing law requires a client employer to share with a labor contractor all civil legal responsibility and liability for all workers supplied by that labor contractor for payment of wages, with certain exclusions; and

WHEREAS, SB 1402 (Lara) would make retailers who contract with trucking companies jointly liable for any abuses of port truck drivers, including but not limited to wage theft, misclassification of drivers, and imposing unlawful expenses; and

WHEREAS, SB 1402 would create a list of trucking companies that failed to pay final judgments and holding retailers accountable for hiring any of the companies on the list to move goods through the ports, and liable for future state labor and employment law violations by these companies.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 State Legislative Program SUPPORT of SB 1402 (Lara), which would make retailers who contract with trucking companies jointly liable for any abuses of port truck drivers, including but not limited to wage theft, misclassification of drivers, and imposing unlawful expenses; and create a list of trucking companies that failed to pay final judgements, holding retailers accountable for hiring any of the companies on the list to move goods through the ports, and liable for future state labor and employment law violations by these companies.

PRESENTED BY: 

JOE BUSCAINO  
Councilmember, 15<sup>th</sup> District

SECONDED BY: 

MAY 08 2018

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ORIGINAL

