

Power in partnership

How government agencies and community partners are joining forces to fight wage theft

Report • By [Rachel Deutsch](#) and [Terri Gerstein](#) • June 8, 2023

Executive summary

In the face of widespread wage violations and limited resources, some labor enforcement agencies have created community enforcement programs to bolster their reach and improve effectiveness. Such programs have been implemented at the federal, state, and local levels. In these programs, worker and community-based organizations (CBOs) receive public funding to assist labor agencies in a range of functions, including most often providing education and outreach to marginalized worker communities and referring cases to enforcement agencies.

This report:

- Explains the concept of community enforcement programs
- Reviews the policy rationales for such programs, both for government enforcement agencies and for worker organizations/workers
- Explores existing and potential roles that community organizations can play in relation to labor standards enforcement
- Identifies decision points for designing publicly funded community enforcement programs
- Explores additional methods to ensure worker input into enforcement operations and policymaking
- Identifies potential public funding sources for community enforcement programs
- Identifies areas for further research
- Provides snapshots of a number of existing programs (Appendix A)
- Provides links to sample Requests for Proposals (RFPs) and other program materials from various jurisdictions (Appendix B)

Policy rationale underlying community enforcement

programs: Community enforcement programs bring myriad benefits to government agencies and to worker organizations and to workers.

Benefits to government enforcement agencies from these

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programs include the following, among other things:

- CBOs help reach vulnerable workers who may be difficult for government to reach, often including marginalized workers experiencing serious labor violations. Such workers often face considerable barriers in reporting labor violations, and CBOs' relationship of trust in communities enables them to serve as a bridge for many workers.
- CBOs can educate a wide range of workers about their rights; CBOs' language skills and cultural competency often enable them to reach a wide range of worker populations, in many instances far more than government can readily reach. As a local labor standards agency observed, community partners allow the agency to achieve "outreach in different languages, industries, and communities beyond what our internal staff could achieve."
- CBOs can assist in practical, tangible ways in relation to ongoing investigations, such as keeping in touch with worker witnesses who move, answering worker inquiries about case status, and locating workers owed restitution.
- Some CBOs have specialized knowledge about particular industries, their business models, and their methods of violating the law; this specialized knowledge can inform strategic enforcement initiatives or identify potential targets.
- CBO involvement in helping refer or navigate cases can identify areas for needed improvements in agency protocols or operations.
- Inside/outside relations between CBOs and agencies can help broaden the pool of strong candidates for government enforcement positions.
- Overall, formal partnerships with worker organizations can significantly enhance government labor enforcement agencies' ability to inform workers of their rights, assist workers in pursuing legal claims, design effective interventions in high-violation industries, monitor workplaces for compliance, and implement case resolutions.

Benefits to CBOs and worker organizations from these programs include the following, among other things:

- Funding from and participation in programs helps build the capacity of worker organizations.
- Programs help CBOs better serve their members and constituencies, by helping them gain access to government services and address employer violations.
- Community enforcement programs enable CBOs to develop ongoing relationships with government agencies and officials.
- CBOs gain knowledge about and insight into government labor standards enforcement.
- Programs can provide CBOs with a vehicle for providing feedback to an agency and having more meaningful input into protocols, policies, and procedures.
- The partnership and relationship with government agencies provides CBOs with added credibility among workers, in the community, and with employers.

- Such programs help build worker leadership and help promote worker voices within government and in public policy.

In addition, a largely unexplored but noteworthy benefit of community enforcement programs involves the civic engagement and participation it fosters, particularly among low-income working people who are often less represented in civic engagement programs.

Existing and potential roles for CBOs. Most frequently, CBO participants have provided outreach and education to workers, especially immigrant workers or workers in marginalized communities who may be unlikely to know their rights or may face obstacles in reporting violations to government agencies. CBO participants have commonly also referred violations or assisted workers in referring violations to agencies. CBOs could also potentially play a range of other roles, most of which have been tried in some format, including a “navigator” function assisting workers through wage claim processes; collaborating on strategy in relation to high-violation industries; assisting with collection and/or distribution of restitution; and more. The appropriate role(s) for CBOs may vary depending on the agency’s needs and the capacities and interests of organizational partners.

Program design considerations. In addition to the primary question regarding the CBO’s role in the program, several other decisions must be made. Reviewing the many community enforcement programs that cities, states, and the federal government have launched, this report identifies key decision points that agencies and community organizations should consider when launching or updating such programs. Several key recommendations are as follows:

- Where possible, labor enforcement agencies should consider streamlining the process for bidding on contracts or applying for grants, in light of limited administrative capacity within CBOs.
- For the same reason, agencies should consider streamlining CBO reporting activities, while still ensuring the oversight required as a steward of public resources.
- Dedicated agency staff may help the agency implement, sustain, and reap the benefits of the community partnership.
- Enforcement agencies and CBO participants should develop clear mechanisms for ongoing scheduled meeting and communication between agency and CBO staff.
- Funding levels for community enforcement programs should accurately reflect the full range of activities expected of the organizations (including documentation of these activities), livable wages for CBO staff, and the value of organizations’ longstanding efforts to build the relationships of trust with community members that are the linchpin of such programs.

Additional methods to ensure worker voice in relation to labor matters. While community enforcement programs can help provide workers with input and agencies with feedback regarding enforcement policies, they do not necessarily ensure meaningful worker input into enforcement priorities or broader labor policy matters in a given

jurisdiction. Worker boards and advisory councils are two ways to achieve these goals:

- Some localities, such as Seattle, Durham (North Carolina), Detroit, and Harris County (Texas), have created (by statute) boards or councils to provide workers with a formal role and/or access to local government, independent of funded community enforcement programs. Some are industry-specific; others have broader scope. They may hold hearings, issue reports, educate the public, and make recommendations for reform, among other things, of laws or enforcement processes. These structures create a vehicle for institutionalizing worker input and voice into local government deliberations.
- Some enforcement agencies have created advisory councils comprised of representatives of worker organizations, with routine scheduled meetings to ensure communication, two-sided information flow, and input by worker organizations.

Potential sources for public funding for community enforcement programs. Public funding for community enforcement partnerships is appropriate because participating CBOs perform a function needed by government to fulfill its mission of enforcing workplace laws. Public funding for community enforcement programs has most often been resourced through budget allocations. There is also precedent for using penalties collected from lawbreaking employers for enforcement purposes; this is another possible source. Numerous previously unexplored public funding options exist as well, including district attorney forfeiture funds, as well as interest on (or a revolving portion of) unclaimed wages. Philanthropic support can also be crucial to seed community enforcement programs or supplement public funding.

Areas for further research. Further research could analyze the impact of community enforcement programs in reaching a broader range of marginalized and vulnerable workers; improving agency functioning through feedback loops; deterring employer violations; and/or increasing civic engagement and leadership among marginalized communities.

The report concludes by noting the importance of multiple strategies to make legal protections meaningful for all workers, including, perhaps most importantly, increased and sufficient funding for government staff to enforce workplace protections. Other urgent needs include a strategic approach to prioritizing enforcement resources, as well as meaningful penalties for employers who have violated the law. Community enforcement partnerships can successfully dismantle many barriers that impede worker reports of violations, but they cannot on their own create a culture of broad employer compliance with labor standards. While they are a valuable and important element of strategic labor enforcement, partnerships cannot and should not substitute for robust, strategic, and aggressive enforcement of core workplace rights by a fully staffed corps of trained career government investigators.

Introduction

Violations of workers' rights are widespread, including the most basic right of being fully paid for one's work. At the same time, the system for enforcing these rights is in crisis: Funding for labor standards enforcement agencies is grossly insufficient and has stagnated even as the size of the workforce has mushroomed, and as the growth of employer "fissuring"—the use of contingent and temporary work, outsourcing, and subcontracting to obscure responsibility for compliance with labor laws—makes enforcement work more complex and resource intensive (Weil 2014). Outdated labor laws (McNicholas, Poydock, and Rhinehart 2021) have led to a decades-long decline in union density (currently 6% of private-sector workers [Gurley 2023]); this, too, creates enforcement challenges because unions' presence at a worksite is correlated with better enforcement of workplace laws (Amengual and Fine 2016). Unions act as an on-site compliance monitor and reduce fear of retaliation for reporting violations (Banerjee et al. 2021). Meanwhile, private litigation—always a critical pillar in the enforcement landscape—is impeded by widespread employer use of forced arbitration clauses, which prevent the majority of workers from being able to file lawsuits in court (Hamaji et al. 2019). Such private lawsuits have historically played a key role in enforcement, and this was the intent of legislators who included attorneys' fees provisions and private rights of action in federal and state wage-related laws.

As a result, although state and local policymakers have boosted the minimum wage for over 25 million workers and created new rights to paid sick leave and a fair workweek (Wykstra 2019), the impact of these new standards is diluted by widespread noncompliance (Lathrop, Lester, and Wilson 2021; A Better Balance 2021, 2022). Just one form of wage theft—paying less than the minimum wage—robs working people of over \$15 billion each year, more than the total value of shoplifted goods (Traub 2017). Workers of color, immigrants, workers with disabilities, and low-wage workers are especially vulnerable to wage theft and other workplace abuses (Bernhardt et al. 2009).

In response to this enforcement crisis, worker advocates and government actors have sought strategies to extend the impact of limited public enforcement resources. In addition to urging greater funding for labor enforcement agencies, efforts have included adopting a strategic enforcement approach, publicizing employers' violations, barring violators from contracting with the government, criminally prosecuting egregious violators, and more.

One approach that has received increasing attention involves community enforcement programs (sometimes referred to as "co-enforcement"), in which nongovernmental community-based organizations (CBOs) play a formal role in labor standards enforcement. Within these programs, unions, worker centers,¹ or immigrant rights organizations are funded to fulfill a range of functions: They may conduct outreach to educate workers about their rights, refer complaints to the agency, support workers to navigate the wage claim process, flag potential enforcement targets with serious violations for agency staff, or help implement settlements.²

Community enforcement has existed at the federal level for nearly half a century, since the

Occupational Safety and Health Administration (OSHA) established the Susan Harwood grant program in 1978.³ The program awards grants to organizations “to provide training and education programs for employers and workers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces and to inform workers of their rights and employers of their responsibilities.” In recent years, a number of states and localities have developed their own community enforcement programs. In these jurisdictions, policymakers and enforcers have come to embrace CBOs as valuable partners in delivering public services. In some instances, the COVID-19 pandemic helped demonstrate the critical role that such organizations play in reaching isolated or marginalized populations.

To help provide context and an understanding of community enforcement programs, this report:

- Explains the concept of community enforcement programs
- Reviews the policy rationales for such programs, as well as identifying potential concerns
- Explores the roles that community organizations can play in relation to labor standards enforcement
- Identifies decision points for designing publicly funded community enforcement programs
- Explores additional methods to ensure worker input into enforcement operations and policymaking
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What is community enforcement?

Community enforcement programs are programs in which nongovernmental organizations, typically worker or community-based organizations (CBOs), have an institutionalized relationship with a government enforcement agency and play a role in governmental enforcement programs. In some instances, government agencies or legislators allocate funding for CBOs to perform key functions in relation to effective labor enforcement. These include:

- Providing “know your rights” education and outreach about labor law, particularly to populations that are marginalized or isolated (such as immigrants or low-wage workers)
- Referring specific complaints and potential cases to enforcement agencies

- Explaining agency processes to workers, and helping workers overcome logistical, language, and other barriers to filing complaints
- Serving as a bridge between agencies and workers throughout the pendency of a case (such as maintaining contact with workers as they change jobs or residences or alerting agencies if employers take adverse action against witnesses)
- Amplifying the impact of government enforcement through publicity and other efforts
- Assisting with locating workers for distribution of restitution
- Educating enforcement agencies about business practices, working conditions, and financial structure of high-violation industries
- Offering input into strategies to bring about compliance in high-violation industries
- Assisting with post-resolution activities, such as monitoring compliance
- Helping workers navigate complaint or benefit application processes
- Educating employers about their obligations and offering compliance assistance, especially to those unlikely to have ready access to counsel (small businesses, minority- and women-owned businesses, immigrant-owned businesses)

Why community enforcement?

Before exploring the operational rationale for community enforcement, it is helpful to understand some of the theory underlying this approach. Regulatory scholars Ian Ayres and John Braithwaite’s “republican tripartism” calls for public interest organizations to hold formal, funded roles in regulation and enforcement to balance the influence of regulated companies (Ayres and Braithwaite 1992). Under this theory, regulators can develop expertise and insight via ongoing relationships with companies, but those relationships threaten to corrupt or “capture” the agency (Fine 2018, p. 148). In the labor context, under this theory, that risk can be mitigated if worker organizations are granted a formalized role in the process; Ayres and Braithwaite sketch out an expansive role, for example, for union health and safety representatives during a government inspection: They would “have the same rights to accompany the [government] inspector in the workplace as the company safety officer” and would participate in conferences between the inspector and the company, receive all correspondence and inspection reports, and have the ability to pursue enforcement action when needed.

The late political scientist and Nobel prize winner Elinor Ostrom argues that government services are “co-produced” by the government agency and the recipients of their services, citing evidence that infrastructure development projects produce better outcomes when the people they are intended to serve participate in their design and maintenance. “Co-production implies that citizens can play an active role in producing public services and goods of consequence to them” (Ostrom 1996). Applying this theory to labor standards enforcement, for agencies to successfully enforce workplace laws, they require workers and other nongovernmental actors to play a part in that process. This nongovernmental role can include, for example, educating workers about their rights, alerting government

enforcers to an employer violating the law; providing detailed information about the nature of those violations; or alerting enforcers to the existence of specific potential evidence that could help substantiate allegations. During an investigation, if a worker is unlawfully terminated in retaliation for reporting violations, a CBO can help the worker secure needed social services and support, like food or housing assistance; the government enforcement agency can pursue a retaliation lawsuit but may not be equipped to handle these other matters.

Later, if an agency finds violations and recovers lost wages for cheated workers, the value and product of those actions can vary considerably based on nongovernmental actors. If a CBO or worker center publicizes the finding of violations and recovery of back wages, more workers may become aware of their rights and be inspired to come forward with their own complaints of noncompliance; also, some employers may take voluntary corrective action after hearing about enforcement against a peer employer. Under Ostrom's theory, enforcement and deterrence, then, have been "co-produced" by the agency's investigation and enforcement along with the CBO or worker center's participation in the process. In short, "no consistent regulation is really possible without hearing from the workers themselves, and their voices will remain silent unless they have some institution that protects them from the consequences of speaking up" (Lichtenstein 2013).

Implicit in the "coproduction" theory when applied to the labor enforcement context is the notion that worker organizations and enforcement staff bring "nonsubstitutable capabilities" (Fine 2018, p. 149) to labor standards enforcement, and can make unique contributions to labor standards enforcement that are different from and complementary to what government alone can do. This notion is not innovative: Government agencies contract for a wide range of services that they are not best able to provide. For example, while government agencies (especially labor agencies) should strive to hire staff with language skills needed to serve the broader community, most government agencies contract with companies to provide their formal interpretation and translation services, because such companies are best able to meet this need effectively.

Benefits of community enforcement programs for government agencies

Because worker organizations bring important capacities to enforcement, government agencies benefit considerably from partnerships.

Trust and relationships with communities of workers

Many of the workers most likely to be victims of wage theft or workplace abuse face powerful obstacles to connecting with government agencies that may help them. The director of the San Francisco Office of Labor Standards noted that community partnerships "are important in helping us reach limited English proficient, immigrant communities that may be uncomfortable seeking support from governmental agencies."⁴ Workers also often

fear retaliation from their employer for reporting violations; such reprisals are illegal but common (Grittner and Johnson 2022).

An evaluation of California’s census outreach quoted one government official on the value of community partnerships: “If you’re distrustful of government, [it] doesn’t matter if it’s state, federal, or local, you need someone outside of that realm to advocate on your behalf” (LPC Consulting Associates, Inc. 2021).⁵

CBOs have longstanding presence in the community and trust that can help overcome these barriers. They also often have linguistic capacity and cultural competency, and sometimes also expertise about business models and practices in specific low-wage industries. CBOs often hire staff from the communities they organize and serve. Workers may trust the CBO because they have received valuable assistance from it before, because the CBO has advocated for policies that benefit their families, or simply because the CBO staff feel familiar because they hail from the same community, speak the same language, or even have worked in the same low-wage jobs. These features give CBOs unique power to overcome workers’ fear and skepticism and support workers to assert their rights. Worker organizations can help workers assess their options for fighting wage theft or unsafe conditions, demystify the investigation process, point to examples of other workers who won victories by participating in an enforcement action in the same region or industry, and provide solidarity and tangible support when they come forward.

In enacting a community enforcement pilot for domestic workers, the California legislature noted that “community-based organizations serve as ‘trusted messengers,’” and are “rooted in the fabric of local communities and neighborhoods.”⁶ The legislature credited CBOs’ “innovative outreach...reach[ing] workers on nights and weekends and through local community institutions such as churches, bus stops, public parks, food banks, and even workers’ private homes” with “creating a culture of trust, longevity and regular contact.” To be sure, many government enforcement agencies are endeavoring to increase trust through various measures, including by hiring more staff with ties to communities vulnerable to wage theft. But even as that process is underway, it is critical for government to maintain close ties to the irreplaceable trusted relationships that CBOs have cultivated through years of their own service provision and advocacy to the community.

“The partnership with the Employee Rights Center builds trust in the community that our office is actually here to help protect the rights of the most vulnerable workers.... [The Center] has been in the community for many years helping workers. Now working in a partnership illustrates that the local government has a critical interest to protect the rights of workers.”

— Brandon Butler, Director, County of San Diego Office of Labor Standards and Enforcement

One example of a successful enforcement action that emerged from the community enforcement strategy involved a 2014 case against San Francisco restaurant Yank Sing, which ultimately paid workers \$4.25 million and adopted comprehensive changes in its workplace policies (Patel and Fisk 2018, pp. 15–16). The case was brought after a CBO, the Chinese Progressive Association, spent months visiting the homes of dozens of workers “who previously didn’t trust the government agency and wouldn’t talk to investigators” (Fine 2017; Foster et al. 2023).

CBOs can help bring violations to light by educating workers about their rights

Workers possess first-hand knowledge of employer practices; as Rutgers Professor Janice Fine has noted, even if enforcement agencies had the resources to station an inspector in every workplace, the cost of doing so would be enormous compared with each worker keeping their eyes and ears open during the course of their workdays (Fine 2018, pp. 150–151; see also p. 163). In reality, most workplaces are never inspected by labor standards officials, making it even more important to harness workers’ intelligence-gathering capabilities.

While workers possess valuable information about workplace violations, workers might not share such information with enforcement agencies. In addition to the obstacles already outlined above, many workers are unaware of their legal rights, and therefore do not realize their employers’ practices constitute violations (Rankin and Lew 2018; Miller and Tankersley 2020). Awareness of workplace rights is especially low for more recently enacted rights (such as paid sick leave) and among low-wage workers, immigrants, and workers with less formal education (Rankin and Lew 2018). Because traditional complaint-based enforcement relies on workers coming forward with allegations of noncompliance, worker organizations can play a crucial role in boosting enforcement simply by spreading knowledge of workplace rights—and how to report violations—among their existing networks (Patel and Fisk 2018, p. 7). Organizations with deep ties to workers in high-violation industries can also aggregate and assess information coming from many different workers to provide the agency with crucial insights into industry practices.

CBOs can lend specialized knowledge to and assist with strategic enforcement initiatives

“Strategic enforcement,” a term popularized by former U.S. Department of Labor Wage and Hour Division leader David Weil, is an alternative to traditional, “reactive” complaint-based investigations. Although most complaints reflect real workplace problems, those problems may not be more urgent than other unreported workplace abuses, nor might they represent systemic, workforce-wide violations (Weil 2010, p. 8). Strategic enforcement, in contrast, seeks to utilize government resources in a manner that maximizes deterrence and brings about lasting change and greater compliance by employers. This approach often involves focusing enforcement on industries with high rates of violations, and selecting enforcement approaches likely to move the dial toward compliance in a long-term manner. Rather than waiting for complaints, agencies conduct affirmative

investigations based on analysis of industry structure and common employment practices. In recent years, strategic enforcement has become a more significant component of labor standards enforcement at the federal, state, and local levels, although investigating complaints remains the predominant strategy.

Community enforcement partnerships are especially vital for agencies seeking to launch or expand strategic enforcement initiatives to target industries such as residential care, domestic work, car wash, restaurants, garment production, and other sectors that pay low wages and predominantly employ immigrants and people of color. Many worker organizations (notably, but not exclusively, unions) focus on organizing in specific industries and have accumulated vast and detailed knowledge about their industries' business practices and ownership structures (Fine and Gordon 2010, p. 562). Organizations rooted in immigrant communities also tend to develop specific knowledge of the industries where their members primarily work. Finally, organizations rooted in a specific region or neighborhood will develop expertise in the industries that are the largest employers in that geography. Synthesizing information gained from many workers over many years, these organizations may have deeper insight into industry functioning and root causes of violations than labor standards investigators, particularly where investigators handle violations in a wide range of sectors rather than developing industry specialization (Fine 2017, p. 366).

For example, many Filipino immigrants in California's Bay Area work in care industries. The Filipino Community Center learned that workers in small residential care facilities were responsible for round-the-clock care, not compensated for all hours worked, with food and housing expenses illegally deducted from their paychecks. Funding the Filipino Community Center to conduct outreach and refer cases helped San Francisco's Office of Labor Standards Enforcement in 2014 to investigate 10 residential care homes, ultimately recovering over \$1 million in back wages in a previously unregulated industry (Fine 2017, p. 378).

Acting U.S. Labor Secretary Julie Su credited community and labor partnerships as key to launching strategic enforcement initiatives as California's Labor Commissioner. Previously, investigators conducted randomized sweeps to detect violations, selecting targets via internet searches, for example. With insights provided by their members, community and labor organizations were able to direct investigators to the companies where violations were frequent, and were able to alert investigators on methods used by employers to hide wrongdoing. This approach to inspections led to the highest rate of civil penalty citations in 10 years (Fine 2017, p. 376).

Importantly, where agencies solely or primarily conduct complaint-based enforcement, community enforcement partnerships can meaningfully expand the pool of complaints filed with the agency, and thereby help ensure that even a complaint-based approach nonetheless has a strategic angle, and responds to needs of the marginalized workers facing some of the most serious violations. As David Weil has written, there are industries with high and low rates of complaints, and high and low rates of employer violations (Weil 2010, Figure 6.2). Community enforcement programs, by connecting marginalized workers with government agencies, can help bring a greater number of complaints from low-

complaint, high-violation sectors.

Improvements to agency effectiveness

Assistance with investigations

CBOs' close relationships with workers can help labor agencies more efficiently and comprehensively investigate employers suspected of violations. CBOs can help locate witnesses, for example, when needed in enforcement cases. They can provide background information on industries and specific employers (including the often-Byzantine relationships between lead firms and webs of subcontractors). CBOs can swiftly alert agency officials when there is workplace retaliation following worker complaints, or when employers seem poised to close a business or dissipate assets. Worker organizations also play a critical role in ensuring workers receive back pay by maintaining contact with workers over the many months or even years that the case is pending. Without this contact, agencies often struggle to deliver restitution when workers move, change phone numbers, or get new jobs.

Broadening the perspective of agency staff

Long-term relationships with workers and worker organizations can deepen investigators' understanding of the impact and broader context of their work. By collaborating with worker organizations, investigators may receive additional perspective on the low-wage economy and the experiences of marginalized workers. While some enforcement agencies have internal trainings on cultural competency, working with CBOs is also a valuable way for investigators to learn culturally competent approaches to interviewing and collecting evidence (Patel and Fisk 2018, p. 20). Skills, knowledge, and perspective gained from this collaboration are likely to improve investigators' work across the board, not only in the cases worked with community partners.

Studying a partnership between California Labor Commissioner's Janitorial Enforcement Team and an enforcement watchdog funded by unionized janitors and their employers, Janice Fine and Jennifer Gordon found that the partnership provided investigators with insight into "the schemes that are behind the violations" and "galvanized government inspectors to pursue violators much more aggressively" (Fine and Gordon 2010, p. 567). The Carpenters Union has provided several enforcement agencies with training on the multilevel structures often present on construction sites, with developers, general contractors, subcontractors, labor brokers, and more.

Moreover, by deepening the enforcement expertise of worker advocates and community organizers, community enforcement programs may also expand the pool of qualified candidates for agencies that seek to hire diverse, culturally competent staff with a nuanced grasp on the world of low-wage work.

Benefits of community enforcement programs for workers and worker organizations

Community enforcement programs expand the capacity for labor standards enforcement

Publicly funded community enforcement programs allow worker organizations to expand their work fighting wage theft, enabling them to hire or retain staff, to create outreach materials, to hold educational events, and more. It also permits them to spend their limited philanthropic or dues revenue on campaigns to raise labor standards (rather than focusing only on enforcing existing standards) or on services that meet urgent member needs. In addition, many organizations with deep roots in communities vulnerable to wage theft currently prioritize other issues, such as immigrant rights; these organizations may invest capacity in labor standards enforcement if funded programs allow them to do so without compromising existing commitments. In the process, these organizations gain valuable knowledge of workplace protections and enforcement processes that allow them to better serve their communities.

Unions, worker centers, and other community organizations also directly participate in enforcing labor standards, although this role is typically unofficial, uncompensated, and not institutionalized (Patel and Fisk 2018, p. 3). Often, worker centers recover back wages for workers without any government involvement at all; they use informal processes such as demand letters explaining the company's legal obligations, protests, and picketing, allowing the agency to focus on more intransigent employers. As one reporter wrote, Make the Road New York, a multi-issue membership organization rooted in immigrant communities, "helps the generally underfunded state agencies launch what feels like a sting operation against unscrupulous employers, and the impact ripples out well beyond the stores that get fined" (McAlevey 2013). Community enforcement programs thus can benefit CBOs by enabling them to get funding and institutionalized recognition for the important role in relation to enforcement that many are already playing.

Community enforcement programs also benefit workers by providing funding to organizations that can sometimes deploy labor standards enforcement tactics that are not available to government agencies, often securing results without requiring legal action. Like many worker centers, the Center for Worker Justice of Eastern Iowa, which receives funding from several localities, issues demand letters on workers' behalf, enlists local elected officials to join "delegations" to pressure offending employers to pay wages that are owed, and organizes protests if the delegations are unsuccessful (Center for Worker Justice of Eastern Iowa n.d.). According to the Center's former Executive Director Mazahir Salih, the Center helped workers recover over \$170,000 in unpaid wages through such efforts. Johnson County, Iowa, Supervisor Rod Sullivan says that expanding the Center's capacity can shift local business norms toward a culture of compliance with labor standards: "If people know that 'if I steal from my employees I'll get caught and shamed,' hopefully they won't do it anymore."⁷

Enhanced access and relationships with government agencies and officials

One of the most obvious benefits of these programs is the access they provide for worker organizations to connect with government enforcement personnel on behalf of their members, clients, and constituents. This access allows for ongoing lines of communication with the agency, and presumably leads to improved responsiveness and better outcomes as well.

Government recognition of worker organizations' valuable contribution to labor standards enforcement also validates the organization within the community, among employers, and among potential funders, helping the organizations attract new members or additional funding sources (Patel and Fisk 2018, p. 20). As Sharon Block and Benjamin Sachs wrote, "a partnership with a government agency can play a legitimizing role for a worker organization, encouraging workers to take the organization more seriously" (Block and Sachs 2020, p. 88). Such partnerships may also encourage employers to take the organization more seriously. Community enforcement partnerships may lead to relationships with other agencies (in addition to labor agencies), allowing CBOs to connect their members to other government services.⁸

Improving workplace standards through creative settlements

Government agencies, like any litigants, can reach settlements that include terms that are different from what they might achieve through litigation. Some agencies, like the New York State Attorney General's Office, routinely include settlement terms requiring training of workers and managers about labor law, among other things, and the office's Greengrocer Code of Conduct from the early 2000s achieved paid days off for workers in the workplaces that participated (Bodie 2003).⁹ Community enforcement partnerships may help lead to resolutions that include significant workplace changes in addition to the back wages won through enforcement, as CBOs help workers collectively develop solutions to longer-term concerns and ideas about ensuring ongoing compliance. For example, in a 2014 case involving San Francisco's Yank Sing restaurant, worker organizations that referred cases to the agency for investigation obtained improvements to pay and paid time off in addition to the back wages won through enforcement (Patel and Fisk 2018, p. 16).¹⁰

Enhancing worker voice, leadership, and civic engagement

Through campaign contributions, lobbyists, and more, corporations have considerable access to government policymakers in general, and also to decision makers within enforcement agencies.¹¹ Workers and worker organizations generally lack the same opportunity to ensure that their voices and concerns are heard and considered.¹²

Community enforcement programs help bridge the divide between government and

community and foster civic engagement, including by members of the community who may otherwise be marginalized or unable to find vehicles to engage as protagonists in improving conditions in their community. As a report by the Clean Slate for Worker Power noted, “When so many people are excluded or disengaged from participation in the political systems and governments that affect their lives, co-enforcement provides a very concrete method for building community engagement and involvement in government processes and for fostering connection to government power” (Block and Sachs 2020, p. 91).

One agency director who administers a community enforcement program noted the agency benefits from “growing the capacity of the partner organizations. By supporting their work financially, the city is supporting the shared interest of advancing workers’ rights. These partners help elevate, promote and protect our collective work and its impact.”

(Brian Walsh, Director, Labor Standards Enforcement Division, City of Minneapolis
Department of Civil Rights)

A 2013 Pew Research Center study found that traditional political activities and civic engagement are both more common among financially well-off people or those with higher levels of formal education (Smith 2013). Although they are not generally proposed or analyzed in the context of civic engagement, community enforcement programs related to labor standards may be a highly promising way of involving a broader range of people, including those who are lower-income or working class, in activities related to their communities, including voting (Foster et al. 2023, p. 42). While a broad discussion of civic engagement is beyond the scope of this report, increased civic engagement is a valuable result stemming from community enforcement programs and merits further focus and analysis.

CBOs can accumulate significant policy expertise by synthesizing workers’ experiences and formulating recommendations to improve them. At the same time, by investing in worker organizations—supporting their growth and activities through funding, making the experiences of low-wage workers more visible, and helping worker organizations recruit and mobilize members—community enforcement programs make it more likely such expertise will translate into policy and budget decisions that protect workers.¹³

By training directly impacted workers to participate effectively in enforcement, community enforcement partnerships can also develop the skills and leadership of low-wage workers. California’s Domestic Worker and Employer Education and Outreach Program, which emphasizes peer-to-peer outreach, has graduated 129 worker-leaders from its Worker Dignity Leadership Development cohort.¹⁴ Workers who play leadership roles in community enforcement programs may help seek support from government agencies and advocate for their communities’ needs. Ultimately, these programs may help expand the number of low-wage workers later serving in government, where they are sorely

underrepresented.

The Maine AFL-CIO's provision of free navigation to help workers seeking unemployment insurance (UI) benefits in 2020 illustrates many of the civic engagement benefits of community partnerships (Myall 2021). Through scaled service delivery to workers seeking benefits, Maine's unions and allied community groups quickly detected systemic challenges in the UI system. Advocates collaborated with legislators and the Maine labor department to develop comprehensive UI reform legislation¹⁵ that was ultimately enacted, investing political power to improve government services needed by their members. The UI navigator project also served the labor federation's goal of helping workers to understand the benefits of unionizing: According to Maine AFL-CIO Executive Director Matt Schlobohm, nonunion workers who received this support perceived unions as institutions that advocate for all working people and help meet their material needs.

Existing and potential roles for community organizations in labor standards enforcement

Community enforcement encompasses a variety of CBO activities. Some programs enable CBOs to expand and formalize activities the organizations already engage in as part of their ongoing work; others require a more intensive focus and more intertwined level of collaboration with government. The approaches we discuss can be combined; for example, the same community enforcement program could include both outreach and navigator activities. The most frequently used model in the labor standards enforcement context includes education and outreach (sometimes including referrals to the agency), while the navigator model has been extensively used for other government purposes.

Education and outreach model

In the education and outreach model, worker organizations are contracted to disseminate information from the agency to workers in high-violation industries or vulnerable communities, and sometimes also to refer potential cases to the enforcement agency. This model addresses information gaps that prevent workers from taking action to enforce their rights. The outreach model is a cost-effective way to help workers understand when their rights may be violated and their options for fighting back. The outreach model generally involves activities with which CBOs already have experience, such as addressing wage theft and other violations; these CBOs can scale up to expand impact. In some instances, funded education and outreach programs also exist to educate a strategically selected group of employers as well.

OSHA's Susan Harwood program, previously discussed, generally follows this model. Seattle's Office of Labor Standards has a Community Outreach and Education Fund which grants money to community organizations focused on worker populations with high rates

of workplace violations (Seattle OLS n.d.). Seattle’s office also administers a fund focused on education of small businesses owned by low-income and historically disenfranchised communities. In California’s Santa Clara County, staff of CBOs participating in the Fair Workplace Collaborative conduct outreach directly at job sites, where they provide workers with know-your-rights materials. While there, outreach staff also distribute cards with the phone number of the county’s workplace rights advice line (also staffed by the Collaborative) where workers can consult attorneys in English, Spanish, Vietnamese, Tagalog/Visayan, and Mandarin about workplace issues.¹⁶

On the state level, California recently launched a worker outreach program “to protect essential workers and their families and ultimately slow the spread of COVID-19 virus.” The COVID-19 Workplace Outreach Project has promoted information about workplace health and safety protections, temporary sick and family leave, and later, vaccinations (Center at Sierra Health Foundation n.d.). CBOs helped to develop multilingual outreach materials and partnered with the enforcement agency to organize caravans visiting locations across the state with high concentrations of low-wage workers.

Navigator model

In the “navigator” model, which originated in efforts to encourage underserved communities to access public benefits, CBOs provide individualized assistance to help workers file claims. This model is supported by research indicating that misperceptions are not the only obstacle to seeking government services; therefore, outreach to provide information alone may be insufficient. People may feel intimidated by an application process, or may feel they lack skills to complete paperwork properly. Transaction costs, such as the time and energy required to apply for benefits, also deter people from seeking available assistance. In one study, providing low-income families with information about nearby colleges and financial aid eligibility had no effect on their children’s college enrollment; but when that information was paired with assistance in completing applications, the families were more likely to apply for financial aid and their children were more likely to attend college (Bettinger et al. 2012).

The navigator model has quietly become fairly widespread in government programs. Examples of its use include:

- The Affordable Care Act was implemented with navigators to help low-income and other vulnerable populations access health coverage (Center for Medicare and Medicaid Services n.d.).
- The U.S. Department of Agriculture supports outreach for the Supplemental Nutritional Assistance Program (SNAP, also known as food stamps), particularly through community-based organizations, which has also increased take-up of benefits (Finkelstein and Notowidigdo 2018).
- The federal Small Business Administration launched a \$100 million community navigator pilot program to provide “one-on-one, targeted support” to small businesses owned by women, veterans, people of color, and rural entrepreneurs to

help them access pandemic aid (SBA 2021).

- California funds legal services for immigrant Californians seeking to adjust their immigration status or defend against deportation orders (Steenhausen 2020).
- The California Mortgage Relief Program has partnered with labor and community organizations to provide locally based outreach and application assistance for homeowners to ease mortgage burdens that resulted from the COVID-19 pandemic, funded by the 2021 American Rescue Plan Act's Homeowners Assistance Fund (California Mortgage Relief n.d.).
- Illinois is establishing Energy Transition Navigators to help workers at risk of job loss caused by the transition to the clean energy sector (Illinois Government 2021).
- The U.S. DOL recently implemented a navigator pilot to address inequity in access to unemployment insurance (UI) and has authorized states to hire unemployed workers to help their former coworkers access rapid response services after a mass layoff (DOL 2022a; DOL n.d.-d).

Navigator services, in which assistance must be provided individually, require more resources than outreach activities, which may provide useful information to many workers at once. However, empirical data shows that navigator services substantially increase the share of workers who access government services. Affordable Care Act navigators have been shown to increase enrollment in health insurance and overcome trust-related obstacles (Sommers et al. 2015; Vargas 2016). One study evaluated outreach to elderly adults likely to be eligible for SNAP and found that just receiving information about likely eligibility increased enrollment by 83%; enrollment increased by 200% when the outreach information included a number to call for personalized assistance enrolling (Finkelstein and Notowidigdo 2018). Navigator programs can also have important impacts beyond the individual people who receive assistance. Some navigator programs include “train the trainer” elements, in which the CBO develops the capacity of community leaders to disseminate relevant information to their peers (Labor Occupational Health Program n.d.). In addition, organizations that provide navigator services are uniquely positioned to provide feedback to agency partners about barriers to access, helping the agency design and implement systemic changes to advance equitable access.¹⁷

While navigator programs are more common in the context of benefit access, they may have an even more significant impact in facilitating labor standards enforcement. Workers typically face considerably higher transaction costs when pursuing unpaid wages, like the risk of employer retaliation, compared with those that exist when people apply for public benefits. Furthermore, even in jurisdictions that have streamlined the complaint process in an effort to make it accessible to workers who are not represented by legal counsel, case outcomes are far better for workers who are supported by advocates familiar with the process and legal standards. There is also an important role for consultation services in which workers receive advice and information to help them informally resolve their claims through discussion with their employers. California's Domestic Worker and Employer Outreach Program has held 580 consultations with domestic workers, resulting in more than \$236,000 in owed wages recuperated back into the hands of workers.¹⁸

Legal aid organizations often have deep expertise in employment law, but limited capacity to provide representation. Nonlawyer navigators, trained and supported by legal aid staff, can not only help workers file complaints and gather evidence, but can also provide interpretation or translation, maintain contact with the agency as the case continues over time (as workers change addresses and jobs), and assist in scheduling interviews and hearings. CBOs that provide navigator services are also well positioned to share recommendations for expediting the wage claim process, insights into industry practices, and observations about workers' experiences with the agency.

Strategic enforcement partner

A third model involves a more intertwined relationship between CBOs and the agency, sometimes referred to as “co-enforcement.” This model departs from the outreach and navigator models by inviting CBO input into enforcement strategies and participation in some components of the enforcement process. Co-enforcement allows the state to obtain more detailed information about possible violations and benefit from industry-specific expertise, both when selecting cases to prioritize and while investigating and prosecuting those cases.

One co-enforcement program that utilizes this model is the California Strategic Enforcement Partnership, formed in late 2016 by the California Labor Commissioner's Office (California Labor Commissioner's Office 2018). The partnership, which focuses on eight low-wage, high-violation industries, is a collaboration between the Labor Commissioner's Office, the National Employment Law Project, and 17 workers' rights and legal advocacy organizations (Lazo and Kuang 2022; California Labor Commissioner's Office 2018). Goals include collection of unpaid wages, improving agency practices, developing industry-specific enforcement strategies, bringing high-impact, highly visible cases to deter violations, and increasing worker engagement in advocating for better working conditions. According to the labor commissioner, the partnership has helped her office pursue bigger companies with complex ownership structures and yielded much larger citations. Advocates also point to changes workers have attained beyond back pay, such as better staffing, more equitable distribution of tips, and fairer work schedules (Lazo and Kuang 2022).

Provision of legal services to workers, sometimes independently of government enforcement

Several programs exist in which public funding has been used simply for fighting wage theft and handling workers' cases as a general matter, whether through agency referrals, lawsuits, or on-site demands and negotiation. This approach has been used in other contexts; for example, California funds legal services for immigrant Californians seeking to adjust their immigration status or defend deportation orders, and New York does as well (California Department of Social Services n.d.; Vera Institute of Justice n.d.).

Along these lines, the Center for Worker Justice of Eastern Iowa has received grants from at least three cities and the county in which the center is located for helping workers in a variety of ways, including education, outreach, and directly handling complaints. Similarly, the Washington, D.C., Attorney General's Office administers a grant program established by local legislation: The AG's office allows CBOs to propose their own scope of work that may be for outreach and worker education, legal services, or a combination of all three; the program requires regular reporting back by CBOs based on their own selected activities. This approach—providing broad parameters within which CBOs can effectively tailor a request for specific resources related to wage enforcement, with regular reporting on activities and impact—is a fitting response, especially in areas where the labor standards enforcement apparatus is still nascent. Importantly, though, while such a model should be considered for broader adoption, it should not substitute for, and in no way obviates the need for, a strong agency-driven labor standards enforcement in any given jurisdiction.¹⁹

Post-resolution activities

When a case is formally resolved through a court order or settlement agreement, agencies must collect money from the employer and distribute it to workers. Some state and local labor agencies have also required employers to undergo training on workplace laws, allow on-site training for employees, create employee handbooks, assign internal compliance monitors, and/or hire third-party monitors for a set period to assess ongoing compliance. The Labor Bureau of the New York Attorney General's Office has at times required third-party monitoring as part of a settlement agreement; in one case, that monitoring was performed by the Employment Law Unit of the Legal Aid Society (NY State AG 2012).

One local jurisdiction has enlisted a funded community organization partner to play a formal role in this post-resolution work: The agency requires employee training in many of its settlement agreements, and its community enforcement partner provides these on-site trainings to workers. Meanwhile, given their prior involvement in cases and ongoing connection to workers, CBOs often remain involved in and assist with cases post-resolution in an informal and uncompensated manner.

However, formal and funded CBO involvement in post-resolution enforcement appears to be a comparatively underdeveloped area of community enforcement that merits further exploration. As a general rule, separate and apart from the question of community enforcement programs, post-resolution monitoring of some kind should be a standard component of settlement agreements. Absent such provisions, there is no way to ensure that an employer has come into compliance with the law, undermining deterrence. Community enforcement programs provide a stronger infrastructure for post-resolution activities to succeed, from collecting back wages owed to monitoring subsequent compliance.

CBOs can provide effective post-settlement support (for example, training workers on their rights under the settlement agreement and relevant statutes, or helping workers document noncompliance) regardless of whether the organization originally referred

complaints that resulted in the enforcement action. Training and empowering workers to hold their employers accountable is an important way to ensure prospective compliance, and dovetails with CBOs' organizing goals as workers gain skills and confidence to assert their rights.

Two additional very practical roles that CBOs could play include assisting with distribution of restitution and with collection of back wages owed. When cases are resolved, agencies often collect restitution not only for the workers who reported violations and with whom they have been in contact, but also for workers throughout the entire workforce going back in time for two or more years. This is a labor-intensive process. CBOs could assist with the distribution process, much like some class action lawyers contract with companies to aid with distribution in their cases. (In fact the Philadelphia Department of Labor relied on community organizations to distribute relief funds to workers excluded from state and federal aid during the early months of the COVID-19 pandemic [Chewning and Matti 2022]). Even without directly handling distribution, CBOs can help with locating workers, for example.

In addition, once they have completed an investigation and determined that wages are owed, many labor agencies struggle considerably with collection of the money (Kuang and Lazo 2022; Reyes 2023). If a CBO developed expertise in collections, contracting with that organization would likely be of considerable interest to some labor enforcement agencies that currently lack the capacity to effectively enforce their orders or judgments.

Program design considerations

As discussed above, CBOs can play several different roles in relation to labor standards enforcement. Whether launching a community enforcement program or reassessing an existing one, government agency and CBO leaders should seek alignment on the nature of the collaboration and the functions the CBOs will perform, as well as consider various aspects of program design. In addition, Appendix C of a prior report (Gerstein 2021) on the role of district attorneys and attorneys general in combating wage theft contains valuable advice for community organizations and labor enforcement agencies generally seeking to initiate or deepen collaborative relationships, whether funded or not.

Selecting CBO participants

Governments must determine whether program goals are best achieved by prioritizing community partners with labor standards expertise or those with capacity to reach demographic groups vulnerable to workplace abuse. One labor standards enforcement agency prefers to work with organizations that “already have an interest in worker advocacy and possess at least some of the specialized, substantive wage/hour legal knowledge.”²⁰ The initial grant program in Washington, D.C., invested in organizations with deep ties to specific communities, including one serving veterans and another serving the Ethiopian community. The D.C. Council later directed a shift in strategy to increasing the capacity of organizations that were already performing significant workers' rights outreach

and education, such as Jobs With Justice.²¹ Partnering with CBOs that bring issue expertise may allow the program to accomplish results more quickly and with less capacity-building investment by the agency. Prioritizing a track record in labor standards enforcement may compromise other objectives, however, as organizations with legal expertise may or may not have deep connections with every community vulnerable to wage theft within a given region or jurisdiction.

Philadelphia's Department of Labor currently focuses on maximizing awareness of legal rights, including many recently passed laws, among low-wage workers in immigrant communities and communities of color (Matti 2022). The agency has selected community partners that serve specific vulnerable groups, with "staff demographics [that] represent the community served." These organizations, which include Vietlead, Haitian-Americans United for Change, the Cambodian Association of Greater Philadelphia, and the Philly Black Worker Project, have deep linguistic and cultural expertise and community trust but limited knowledge of labor standards. The primary goal of the grant's first stage is to increase the community partners' own labor-related expertise, with outreach beginning later in the grant period.²²

Governments can maximize their ability to form productive partnerships by allowing CBOs to propose varying scopes of work that align with each CBO's strengths, mission, and strategies. Some jurisdictions, like Seattle, have flexible eligibility criteria: An organization can qualify based on experience providing (for example) language or culturally specific materials and outreach to immigrant neighborhoods or communities of color, or based on experience with labor standards enforcement activities, or a combination. Santa Clara County asks CBO applicants to select among the following services: outreach and education, legal counseling, and/or legal representation and impact litigation. As noted above, Washington, D.C., allows CBOs to propose their own scope of work that may be for outreach and worker education, legal services, or a combination of all three; in addition, the CBO may serve a specific demographic group provided it is consistent with the agency's outreach goals. The Attorney General's Office, which administers the grant, "wanted to leave it broader so that people in this field doing this type of work in very different ways" could contribute to the broader project.²³ San Francisco, in contrast, requires all community partners to participate in community outreach, consultation and referrals, publicity, capacity building, settlement support, and development of multilingual outreach materials.

CBOs must also assess whether their goals and strategies are compatible with government partnerships, which can require significant time, patience, and diplomacy (Patel and Fisk 2018). In organizations for which workplace justice is just one of several priorities, it may not be strategic to devote extensive capacity to labor standards expertise and partnership, particularly if funding levels are low relative to deliverables or reporting processes are onerous. Even organizations committed to labor standards enforcement, with valuable insights to share with government enforcers, may conclude that intense government collaboration is not aligned with the CBO's theory of change, organizational culture, or core strengths (Fine 2018, p. 380).²⁴ Shaw San Liu, whose leadership in the Chinese Progressive Association has been instrumental in several community enforcement projects, recommends that participating CBOs should develop a clear theory

of organizational goals and strategies in connection with community enforcement, “otherwise the casework can seem endless and we can lose sight of our goals for systemic change.”²⁵

Finally, most community enforcement programs thus far established have focused on worker centers, community organizations, and “alt-labor” organizations, without extensive formal participation by labor unions.²⁶ Given the critical role unions—especially those organizing low-wage workers—play in educating workers about their rights and advocating for workplace justice generally (not just in relation to their members), it is worth considering whether broader inclusion of unions in community enforcement programs should be pursued.

Program administration considerations

Contract or grant?

Laws governing procurement may dictate agency processes for awarding and monitoring community enforcement contracts. While these laws ensure transparency and accountability for companies seeking to sell products and services to government, aspects of them may create obstacles to implementing community enforcement partnerships. CBOs may feel trepidation about attesting to compliance with dozens of pages of contract terms, many of which reference federal, state, and local legal requirements that require further research to understand.²⁷ Contracting laws may also require CBOs to devote more time to administrative activities, diverting resources from the core functions of the partnership.

Structuring community enforcement partnerships as grants may provide more flexibility to achieve program goals. Washington D.C.’s Office of the Attorney General allowed grantees Many Languages One Voice (MLOV) and First Shift Justice Project to invest in capacity building during the first grant year, including hiring staff, improving office space, and acquiring needed equipment to help the organizations have a greater impact in future years.²⁸ Philadelphia’s grant program has a similar capacity-building focus: Organizations commit to having their staff participate in four trainings administered by the Office of Worker Protections so they can disseminate accurate information about labor standards to their communities.²⁹ Cross-jurisdiction support for community enforcement, such as the grants to CWJ in Iowa, would be impossible or difficult to structure as contracts.

Competitive bidding and reporting

Contracts and grants for CBOs to perform specific labor standards enforcement duties are typically awarded via a transparent competitive bidding process.³⁰ Selection criteria may be defined in authorizing legislation or by the agency when issuing its request for proposals (RFPs) (see Appendix B for sample RFPs).

Agencies should streamline and simplify the process of applying for and complying with contracts or grants. Smaller organizations lack dedicated development staff, requiring

typically overburdened executive directors to devote many hours to drafting proposals. Onerous application and reporting requirements may deter even larger organizations from applying, reducing the agency's pool of qualified organizations. According to the former director of Make the Road New York, burdensome administrative and reporting requirements for OSHA's Susan Harwood grants outweighed the benefits of receiving the resources.³¹ In contrast, one workplace safety and health-focused CBO that received grant money from the Manhattan District Attorney's Office (from civil forfeiture funds) reported that the ease of this grant enabled staff to focus on providing education, outreach, and services to workers.

Reporting requirements should be carefully examined to support the agency's obligation to monitor performance, and assess the program's impact, without overwhelming CBOs with paperwork. In Seattle, for example, the reporting requirements relate to the goals of the program: CBOs must also report demographic data about the individuals with whom the organization engaged including languages spoken, industry sector, and any violations alleged. In general, relevant performance metrics may include numbers of workers contacted, cases referred to the agency, trainings or community events, and media coverage and social media posts. Overall, though, agencies should consider whether the utility of requiring certain information may be outweighed by the burden it places on their organizational partners. In particular, they should consider how often reports are required: Detailed monthly reporting may be burdensome for CBOs accustomed to reporting annually or semiannually to philanthropic funders; quarterly reporting may represent a reasonable compromise.

Agencies should consider asking partner CBOs for feedback on eligibility criteria and the contracting and reporting process, if such requests for input are permissible in their agency or jurisdiction. Operational considerations may be significant in minimizing administrative burdens, including questions regarding whether organizations can submit sign-in sheets from community education workshops to document the number of participants, or whether the agency can accept Microsoft Excel uploads so CBOs avoid duplicating data entry.³² If reporting duties cannot be streamlined, the time required to complete them should be factored into the funding amount, as discussed further below.

CBO administrative capacity

In some community enforcement programs, such as in San Francisco and Minneapolis, the agency contracts with one or more larger, better-resourced CBOs, which then subgrant to other community agencies. This "prime contractor" model, which can also be found in the federal Small Business Administration navigator grant, addresses the participation barriers facing smaller grassroots worker organizations with limited capacity for data collection and tracking completion of deliverables (SBA n.d.). It also allows for economies of scale: While smaller organizations may not have dedicated lawyers or communications teams, for example, a larger lead CBO may be able to provide such assistance for all participants (Patel and Fisk 2018, p. 10).

Seattle permits organizations to apply individually, provided they possess "organizational infrastructure and staff capacity to submit reports, process invoices and have dedicated

staff to complete work goals,” or collaboratively, provided they demonstrate “2–3 unifying reasons for why they are working together,” “a well thought-out process” for collaboration, and a lead organization with capacity to administer the contract and “provide consistent training and technical support” to partner organizations.³³ In California’s COVID-19 Workplace Outreach Project, twelve participating CBOs held additional responsibilities as regional leads in a project with approximately five dozen total CBO participants. This structure was particularly helpful in rural regions where cross-organizational collaboration on labor standards was less developed. In the California Strategic Enforcement Partnership, the National Employment Law Project played a role that included onboarding new organizations, collecting information from participants to include in grant reporting, providing technical assistance, and supporting communication between the government agency and CBOs.

Designating lead organizations can streamline contract management for the government agency, which may have limited capacity to administer contracts (including identifying potential CBO partners, inviting and reviewing applications, and monitoring contract compliance). Encouraging CBOs to work together on labor standards enforcement may also improve the CBOs’ coordination to advocate on broader issues.³⁴ Finally, lead organizations can serve as thought partners to help implement and improve the program. Compensation for lead organizations should reflect the intensive activity required to coordinate both among CBOs and between CBOs and the enforcement agency.

Areas in which CBO partners may bring or need capacity

Communications

Communications capacities are central to community enforcement efforts focused on outreach because they vastly expand the audience receiving the project’s message. For example, California’s COVID-19 Worker Outreach Project launched caravans to reach agricultural workers in rural communities like Modesto, Calexico, and Visalia, where a truck “blared information about workers’ rights in English, Spanish, Punjabi, Mixteco, Triqui and Zapoteco” (Briseño 2021; Morales 2022; Bolanos 2021). Community partners persuaded reporters to cover the caravans, amplifying information about workplace safety in local newspapers and radio stations. Earned media (meaning media coverage that is not purchased or paid for) is also significant in strategic enforcement partnerships, because news of significant consequences for lawbreaking companies maximizes deterrence for other companies and can shift practices throughout a targeted industry (Johnson 2020).³⁵ In fact, a recent consultant report to the Los Angeles County Office of Labor Standards (the recommendations of which were adopted in full by the office) recommended that the agency hire a communications director to focus on strategic communications (Ulmet 2023).

While labor standards agencies can announce enforcement actions with press releases, reporters are more likely to cover them when worker organizations provide added context

and especially when they facilitate interviews with affected workers, because reporters generally like to put a “face” to the story. Many workers rights advocates have developed strong relationships with local journalists, who may have reported on the CBO’s campaigns or protests against specific employers. Smaller CBOs, however, often lack dedicated communications staff. It is worth considering building internal communications capacity among CBOs into future community enforcement programs, potentially by including communications budgets in contracts with regional lead or other anchor organizations, or retaining a vendor that can support and build communications capacity for CBOs.

Legal expertise

CBO legal capacity may also be important to community enforcement partnerships, depending on the model used. Legal expertise is less central to the education and outreach model, although lawyers assist in ensuring that outreach materials are accurate and complete. For the navigator model, lawyers can provide training and technical assistance to nonlawyer navigators, including worker-leaders. In strategic enforcement partnerships, CBO staff attorneys can apply legal expertise to build stronger cases. Legal capacity within CBOs may also be essential to implement information-sharing agreements, as discussed below. If legal expertise is needed, a nonprofit legal aid organization should ideally be retained to provide technical assistance to a range of CBOs, as many do not have attorneys on staff.

Agency staffing to support community enforcement programs

Managing the substantive aspects of community enforcement takes time: In addition to time handling contracting and administrative functions, there is also the need to train, communicate, and collaborate with the community partners. Ideally, there would be agency staff dedicated to these functions. At the same time, excessive management is likely not needed or helpful: From both an effectiveness and efficiency standpoint, CBOs should ideally be given sufficient leeway to select the most impactful approaches based on their knowledge of the communities they serve. Institutionalizing some amount of agency staffing is important to the long-term success of community enforcement programs, even though it may reduce the resources allocated to CBOs.³⁶

Civil service positions supporting community enforcement allow the staff in these positions to develop ongoing relationships with participating CBOs, thereby creating longer-term partners for the work that outlast changes in administrations. In the Seattle Office of Labor Standards, each CBO meets monthly with their contract administrator and meets quarterly as a collective of all funded partners with members of the outreach team and the enforcement team’s strategic enforcement advisor. This ensures that CBOs have multiple relationships in the agency, ensuring continuity regardless of staff turnover. Dedicated agency staffers can lead internal agency and CBO trainings, propose innovations that would allow for ongoing evolution of the program, and serve as internal advocates for the program.

The number of internal positions needed to support community enforcement will vary depending on the scale and scope of the program, including the number of CBOs funded, and whether the agency will administer contracts itself or work with a larger CBO that subgrants to other groups and can serve as a point of contact. California’s Domestic Workers and Employers Education and Outreach Program legislation prohibits the labor agency from spending more than 5% of the budget allocation on administering the domestic worker outreach program, but programs designed to reach multiple low-wage industries may involve higher overhead costs. In Seattle, which currently allocates \$4.2 million over two years to community enforcement, three staff members administer the contracts for outreach to workers and businesses: monitoring contract compliance, providing technical assistance and other support, and co-creating joint programming initiatives. San Francisco (current funding: \$783,276 annually) and the County of San Diego (current funding: \$167,000 annually) both have one staff person dedicated to liaising with community partners for administration of the program (other agency staff still investigate and oversee specific collaborative-referred cases). Even if funding for agency administration is limited, it is important to allocate some staff time to the program and designate at least one point person, rather than assigning agency staff to handle administration, collaboration, and coordination on top of all other existing responsibilities.

Moreover, even before establishing funded community partnerships, agencies can make staffing choices designed to facilitate collaboration and communication with community organizations. In New York State, the Department of Labor created “Immigrant Community Liaison” civil service positions in what was then the Bureau of Immigrant Workers’ Rights (currently the Department of Immigrant Policies and Affairs) and filled those positions with longstanding workers’ rights advocates well known among the community of advocacy organizations. Both original hires remained in the position for a decade or more and provided an ongoing point of access for worker organizations.

Partnership structure and communication

Agencies in Seattle, San Francisco, Minneapolis, Chicago, San Francisco, the County of Santa Clara, the County of San Diego, Washington, D.C., and Philadelphia meet regularly with their community counterparts. It is valuable to have routine, pre-scheduled check-ins in order to, among other things, ensure adequate communication, assess progress toward program goals, update the agency regarding CBO activities and the CBO regarding status of prior case referrals, provide the agency with CBO feedback regarding operations, and provide the CBO with agency updates regarding new laws as well as investigative or outreach needs. It is useful to set clear ground rules at the outset about the respective roles of the CBO and of the government agency. At the same time, flexibility to revisit those rules as the partnership progresses will help ensure the program’s success (Patel and Fisk 2018).

Successful partnerships require agency and CBO leaders to invest in understanding their diverging organizational imperatives and negotiating shared expectations. Some agency staff find it “inappropriate for groups to continue organizing and pressuring the employer” after referring the case for agency investigation (Fine 2017, p. 278). For example, there

may be instances in which investigators plan covert investigation measures; public pressure on the employer or mention of agency involvement can harm enforcers' ability to act prior to surfacing with an employer. Worker comments to the media can create inconsistent statements that could be used to impeach their credibility as witnesses. At the same time, a community organization can damage its credibility if it seems that it has become "simply an arm of the state"; its utility in the enforcement process is predicated on its credibility with workers and in the community, which in turn depends on the CBO "demonstrat[ing] its commitment first and foremost to respecting the will of the workers" (Fine 2018, p. 152). Meanwhile, CBOs must also understand the government's imperative to provide adequate due process to investigated parties and to conduct independent and unbiased investigations. Discussing these differing goals and tensions up front can help build a more productive relationship.

Sharing case updates

Government enforcement agencies and CBOs must reach a shared understanding regarding communication about cases that CBOs refer to the agency. During the course of a specific investigation, there is likely to be an asymmetry of information flow between CBOs and an enforcement agency, with more information going to the agency from the CBO than vice versa. However, this situation can be damaging for CBO partners, who expend significant effort and relational capital building trust with workers. If they have no information about a case's progress, it can undermine their credibility with workers and with the community.³⁷ In addition, they may have concerns about whether the agency is indeed pursuing the case.

One solution is to adopt common interest agreements, often used between co-counsel in litigation, to memorialize commitments around information sharing. Executing these agreements with CBO partners may put agency staff at ease by preserving confidentiality and legal privileges while clarifying which information can be shared with CBOs and which documents—such as information received in response to subpoenas—should be kept internal. Operationalizing information sharing is particularly critical in navigator programs, which may require granting vetted community partners limited access to agency systems to assess case status and resolve internal roadblocks.

In the absence of common interest agreements, agencies should carefully consider how to share as much relevant information as possible to CBOs (including any information that would otherwise be subject to disclosure under laws governing requests for public records). Agencies should generally not seek to restrict information from partner CBOs unless there is a compelling reason for doing so, beyond longstanding agency practices. It may be useful for the agency to provide CBOs with detailed training about the investigative process, from start to finish, along with estimated time ranges for completion of each stage, so that CBOs know what to expect and can help prepare workers accordingly. One agency has given after-the-fact walk-throughs of completed investigations to help familiarize CBOs with the stages of the process. Agencies could at least advise CBOs of what stage they have reached within the investigative process.

Restricting information about cases referred by CBOs undermines workers' trust in these

organizations—trust being one of the most valuable qualities CBOs bring to labor standards enforcement—and may ultimately discourage CBOs from participating in the program or referring cases for enforcement.

Additional mechanisms to institutionalize worker input

As discussed above, worker organizations can aggregate feedback about obstacles workers face in filing or pursuing complaints. Creation of a community enforcement program does not necessarily lead to substantive input by CBOs into agency priorities or processes: Whether or not this occurs depends on the design of a program. Some jurisdictions seek to formalize this feedback by facilitating input into higher-level agency strategy, operations, and policy. For example, a provision in California’s Domestic Worker pilot requires recurring meetings:

The division and CBOs shall meet...to coordinate efforts around outreach, education, and enforcement, including sharing information...that will shape and inform the overall enforcement strategy of the division regarding low-wage industries, including the domestic work industry. (S.B. 83 [Cal. 2019])

Other vehicles for routine worker input into labor enforcement policies and procedures include the following.

Statutory worker boards or councils

Several localities have created boards or councils to provide workers with a formal role and/or access to local government, independent of funded community enforcement programs. Industry-specific examples include a Domestic Workers Standards Board in Seattle and an Essential Workers Board in Harris County (Texas). More general examples include the Durham, North Carolina, Workers’ Rights Commission, the Twin Cities’ Workplace Advisory Committees, and the Detroit Industry Standards Boards, as well as Los Angeles County’s public health councils instituted during the COVID-19 pandemic (Gerstein and Gong 2022).

Workers’ boards typically investigate challenges facing workers by engaging in activities such as conducting hearings and outreach, issuing reports on findings, and making recommendations for improving labor standards and enforcement processes.³⁸ Legislating an obligation to meet regularly with worker organizations and provide meaningful responses to their feedback can ensure that communication does not end at the whim of a new agency director. These structures can be created to institutionalize worker feedback and input alongside a funded community enforcement program of any kind (education and outreach, navigator services, or full strategic enforcement partnership), or even in the absence of such programs.

Advisory councils

Agencies don't need statutory authorization to create advisory councils composed of representatives of worker organizations, with routine scheduled meetings to ensure communication, two-sided information flow, and input by worker organizations. For example, the Fair Labor Division in the Massachusetts Attorney General's Office's Labor Advisory Council (consisting primarily of leaders from organized labor) meets roughly quarterly. In addition, the office is a member of the state's Fair Wage Campaign (made up of immigrant worker centers and legal services offices that meet approximately every two months). Participants in both sets of meetings discuss cases, trends, challenges, new approaches, priorities, and other matters. In addition, the office holds monthly wage theft clinics in conjunction with many of these organizations, to meet the needs of workers with cases the AG's office will not be able to handle. Through these ongoing relationships, worker and community organizations have not only a structured and certain opportunity to have input with the office, but also relationships and a comfort level that allows them to immediately reach out independently when needed. Several district attorney offices, such as those in Suffolk County (New York), Queens County (New York), and San Francisco also have labor advisory councils with regularly scheduled meetings to ensure ongoing communication.

Funding community enforcement partnerships

Why does public funding matter?

For government, funding labor and community organizations may be the most cost-effective way to accomplish many essential enforcement functions, especially (but not only) outreach to demographic groups likely to work in high-violation industries, and unlikely to report violations or seek help from government officials. One California official who worked with community organizations on census outreach concluded, "You have to pay [the advocates], they're spending a lot of time and a lot of work" (LPC Consulting Associates, Inc. 2021).

Worker centers, unions, and other CBOs have played a critical role in uncovering labor abuses, but these organizations have scant resources (Fine 2015). Union density is declining due to employer intransigence and broken federal labor law, and unions must effectively serve their members, as well as engage in organizing and political strategies (Shierholz et al. 2022). Meanwhile, worker centers and CBOs are dependent on philanthropy and sorely underfunded. Funding these activities through an agency contract or grant ensures that they will be better able to play their critical roles in relation to the enforcement process. Without funding, many CBOs cannot dedicate meaningful time to these endeavors. Moreover, funding respects the crucial contributions of these organizations and ensures ongoing access to their valuable expertise, relationships, and community trust.

How much money?

Program success will depend on sufficient funding levels according to what is expected of participating CBOs. Ideally, funding would be sufficient to support at least one organizer devoted full time to labor standards enforcement. Funding levels that are inadequate relative to the labor expended by CBOs, and that come with onerous reporting requirements, risk setting community enforcement programs up for failure and potentially even counterproductively harming relationships between the agency and its CBO partners. Again, however, enforcement programs should supplement, not replace, government spending on public employee career investigators.

The funding amount should realistically cover the effort required to produce the outcomes promised in the CBO's contract or grant. Washington, D.C., grants CBOs at least \$100,000 per year. Philadelphia's minimum funding per CBO is just \$16,000 per year, but deliverables are appropriately scaled to that modest amount: CBO staff will attend four trainings, publish four multilingual social media posts, and recruit two entities to amplify the agency's message, for example by asking a grocery that serves a specific ethnic group to display linguistically appropriate workplace rights posters (Matti 2022).³⁹ In general, funding should also cover the CBO's overhead costs and time the CBO invests in ancillary activities such as trainings, regular meetings with agency staff, and documenting activities, outcomes, and feedback. Funding should also support living wages and fair working conditions for CBO staff.⁴⁰

The funding amount should also reflect that these partnerships not only provide specific services but provide the agency with considerable value based on legitimacy accrued by the CBO over years of community building, service, and organizing. As Seema N. Patel and Catherine L. Fisk note, "time the community partner staff spend out in the community doing the organizing work that is the root of it all" is central to their ability to refer and sustain worker involvement in high-impact cases. "The connections [organizers] forge with workers...take time and energy" (Patel and Fisk 2018, p. 12). Beyond knowing their rights, workers need "community spaces that allow them to be courageous enough to come forward" and report violations, according to Deborah Axt, former executive director of Make the Road New York.⁴¹

As discussed above, community enforcement programs can train directly impacted workers to participate effectively in enforcement. Worker-leaders and CBO staff who have worked in low-paid jobs and high-violation industries organically and frequently share information about workplace rights with their communities outside of formal community enforcement activities. In addition, community enforcement partnerships can seed a new crop of more representative civic leaders by deepening worker-leaders' understanding of government functions and supporting mastery of important skills. However, structuring community outreach activities to foster leadership development requires extra labor: Consider an organizer who recruits three worker-leaders to help distribute workers' rights information at a community event, compared with distributing the flyers herself, or prepares a leader to train other workers rather than conducting the training herself. Organizational capacity for such leadership development should be considered in funding

levels.

Finally, it is worth considering the appropriate size of the community enforcement program relative to the resources of the labor enforcement agency. It is critical that community enforcement must complement, not supplant, enforcement by public employees with the skills and specialization needed to be effective full-time labor standards investigators. In addition, if the funding for community enforcement programs is disproportionate in relation to the enforcement agency's overall budget, there is the potential for CBOs to conduct public education and reach many workers, only then to refer cases to an agency with insufficient staffing to handle the incoming cases. For example, one office with a sizable community enforcement program has a wait list for incoming complaints. This potential situation, of course, only points to the need for greater overall funding for labor enforcement agencies.⁴²

Funding sources

Labor standards enforcement agencies typically have discretion to select enforcement methods and do not require legislative authorization to collaborate with community organizations. However, funding for community organizations usually must be allocated in the budget that is approved annually by the legislative body.⁴³ In several cities, community enforcement programs were launched with a small budget, which advocates persuaded the city council to increase in subsequent years. Elsewhere, as in Maine and Iowa, governments have taken advantage of federal funding opportunities—such as the American Rescue Plan—to pilot navigator or community enforcement strategies. Governments and advocates may also find success jointly applying for ongoing federal grant programs. Below we briefly discuss considerations for potential sources of funding for community enforcement programs.

Funding sources of current or past programs

Legislative vehicles

Budgets are shaped by the priorities of the executive branch (e.g., mayor or governor) in addition to the legislature. Funding for community enforcement programs could be incorporated into a jurisdiction's budget. Establishing a dedicated revenue stream for labor standards enforcement—including community enforcement—can help insulate the program from the vicissitudes of the annual legislative budget cycle, so that a deficit in the general fund does not jeopardize labor enforcement funding by placing it in competition with other budget priorities.

One potential way to do that would be to require employers, especially violators, rather than the general public, to bear the cost of enforcing a level playing field for business. For example, California has created two funds that support labor standards enforcement and education. First, the Labor and Workforce Development Fund funds education about California's labor standards. The fund receives penalties collected from employers for labor law violations, primarily via the Private Attorneys General Act, which generated \$107

million⁴⁴ for the Labor and Workforce Development Fund in 2020 and \$128 million in 2021. In addition, the Labor Enforcement and Compliance Fund (Labor Code § 62.5) provides stable funding for labor enforcement agencies. Each year, the state's Department of Industrial Relations (responsible for labor standards enforcement) determines the total resources needed, then applies a statutory formula using payroll data to spread that assessment across California employers. These funds in California do not currently provide dedicated funding to community enforcement activities, but in drawing on employers as a funding source, they provide a model that could be used elsewhere. Indeed, a bill⁴⁵ inspired by California's Private Attorneys General Act was passed by the legislature in Maine (though vetoed by the governor); it would have earmarked a portion of the resulting penalties for community enforcement activities.

Philanthropy

Public investment is necessary to sustain community enforcement partnerships over the long term, and it is appropriate because CBOs are performing a public function when assisting labor standards agencies with enforcement. However, philanthropic resources can be helpful to seed or extend public funding. In California, the James Irvine Foundation funded worker rights organizations to partner with the Labor Commissioner's Office in the California Strategic Enforcement Partnership (Lazo and Kuang 2022). Following the launch of this partnership, community enforcement programs were publicly funded by the state legislature in the domestic care and garment industries.⁴⁶ In Maine, the coalition anchored by Maine's labor federation successfully applied for philanthropic support to supplement state and federal funding for its unemployment insurance/workforce development navigator pilot, allowing the project to hire more staff and set more ambitious goals (Maine AFL-CIO n.d.). Philanthropy can also supplement public spending by supporting activities that are essential to the long-term success of community-agency partnerships but may not be fully resourced by public funding, such as evaluation and stakeholder reflection to assess what has worked, what has not, and how the partnership can improve over time.

If agency leaders and CBOs are enthusiastic about launching community enforcement but expect challenges convincing elected officials to allocate adequate resources, jointly applying for philanthropic support may offer a path forward. Privately funded partnerships for pilot programs can provide proof of concept, which can persuade legislators to allocate funding.

District attorney forfeiture funds

Property used in the commission of a crime or obtained by way of criminal activity is subject to civil forfeiture. District attorney offices around the country possess asset forfeiture funding that could represent a potential resource for community enforcement, although the amounts vary considerably, as do offices' discretion in directing the use of civil forfeiture funds. The New York Committee on Occupational Safety and Health (NYCOSH) received nearly \$1.6 million from the Manhattan District Attorney's Office to train workers on workplace safety and health (CJII n.d.). District attorney and prosecutor offices may see the value in such partnerships if they already routinely pursue wage theft, worker exploitation, payroll fraud, and workers' compensation fraud cases.

Innovative funding possibilities

Employer-funded post-resolution activities

It is particularly appropriate to require lawbreaking employers to bear the community enforcement costs that stem directly from their own unlawful conduct. As discussed above, community organizations can play an essential role in implementing judgments and settlement agreements at the conclusion of enforcement actions, in particular through post-settlement training and monitoring. Some settlements require lawbreaking employers not only to make workers whole but also to reimburse the agency for costs, which could involve these activities. Instituting this policy would allow agencies to expand community enforcement programs beyond the activities funded in their budgets. Agencies could also significantly expand post-resolution compliance work without compromising other enforcement priorities.⁴⁷

In large cases, distribution of funds to workers presents a considerable administrative burden. Distribution costs should be borne by the employer, and often are, as in the Fair Labor Division of the Massachusetts Attorney General's Office settlement with the temp agency Labor Ready. A community organization can potentially be more effective than the agency or a private firm in locating workers and distributing restitution, especially when the workers are day laborers, immigrants, or other geographically mobile workers. Funding CBOs to keep workers informed of post-resolution activities, such as the status of an employer's payouts, lessens the burden on government agencies of dealing with repeat inquiries from workers about such matters, and also further deepens the workers' trust in and relationships with CBOs.

Settlement proceeds and government cy pres awards

When parties (including government agencies) resolve cases through settlements, they can negotiate and agree to terms that are different from what a court might order, including payment of settlement funds to be used for a range of purposes. Some examples: The New York State attorney general used proceeds from a vitamin price-fixing antitrust case to fund health-related organizations and activities, and from a price-fixing case involving women's shoes to fund domestic violence and breast cancer awareness groups (NY State AG 2001, 2002). In 2020, the D.C. Attorney General's Office reached a settlement resolving DoorDash's unlawful retention of worker tips in which the company distributed \$1.5 million to workers and contributed \$250,000 to two local charities (DC AG 2020).

Relatedly, cy pres is a doctrine that allows a court to award unallocated, unclaimed, or undeliverable funds from a settlement or judgment to a nonprofit organization that would advance the interests of the class and people similarly situated. Cy pres (pronounced "sigh-pray") awards are commonly used in large class action suits when some money awarded to class members goes unclaimed, or when the monetary award is too small to warrant the cost of distribution. Unfortunately, the amount of money potentially available via cy pres for worker causes may be decreasing because of the marked increase in forced arbitration and class waivers in employment contracts.⁴⁸

Creative settlement proceeds and cy pres awards are generally unpredictable, one-time designations of funding. They are therefore unlikely candidates for ongoing financing of community enforcement programs. However, dollar amounts can be sizable, and application and reporting requirements may be less onerous than alternative sources. One-time infusions can seed pilot programs that could later potentially be funded through agency budgets. In addition, even a program that is time-limited can be helpful in building CBO capacity: developing new expertise, skills, and materials; reaching new communities and populations; bringing important cases to the enforcement agency's attention; and developing collaborative and fruitful relationships between the agency and CBO.

Unclaimed funds from wage enforcement cases

Lawyers often handle money that belongs to their clients (settlement checks, fees for services not yet performed, etc.) This money is held in trust by the lawyer, and often the amount of money is too small or held too briefly to earn interest for the client; however, these funds *collectively* earn significant interest. These funds are held in trust accounts, and the collective interest (Interest on Lawyers' Trusts Accounts, or IOLTA) is used nationwide to fund civil legal services for indigent clients (ABA n.d.).

A similar approach could possibly be used to fund community enforcement programs: Currently, most labor agencies collect unpaid wages for workers that they hold for a period of time and in some cases, are ultimately unable to distribute. While the amount of unclaimed funds that are attributable to undistributed wage or labor-related collections will vary from state to state and is not generally public information at present, if that amount is sizable, it could potentially generate interest sufficient to create a pool of public funding to support at least *some* community enforcement activities.

In addition, given that such unclaimed funds are virtually never all claimed by workers, a percentage of the outstanding unclaimed fund amount could be designated for community enforcement programs. A bill pending in Illinois would allow the state labor department, after three years of diligently trying to locate workers owed money, to use 15% of the pool of unclaimed funds for labor enforcement purposes.⁴⁹

Conclusion: Impact of community enforcement programs and areas for further research

Years of experience in a multitude of contexts have demonstrated that partnerships with community organizations can help government agencies to reach a wide range of workers and meet other objectives, with additional benefits for workers and civil society as discussed above. Community enforcement programs can have a meaningful impact; car wash workers reported significant improvements in pay practices and safety equipment following an intensive strategic enforcement effort that was part of a community enforcement program.⁵⁰ As labor commissioner in California, Julie Su led an agency

change process that included an emphasis on strategic enforcement in partnership with community organizations, leading to investigations and inspections uncovering more violations and assessing 20 times more wages owed. The agency concluded, “better targeting leads fewer law-abiding employers to be inspected, more unpaid wages to be found, and more citations to be issued per employer” (California Labor Commissioner’s Office FY 2017–2018).⁵¹ The outreach model has also proven effective: There is no other conceivable way for any agency to educate 37,000 workers in a single week, as California’s COVID-19 Workplace Outreach Project accomplished (CA LWDA 2022a). In the labor context specifically, California’s Strategic Enforcement Partnership has led to bigger citations through targeted enforcement than previously was the case (Lazo and Kuang 2022).

Additional research could help examine the impact of community enforcement programs in reaching a broader range of marginalized and vulnerable workers; improving agency functioning and identifying needs for substantive workplace protections through feedback loops; deterring employer violations; and increasing civic engagement and leadership among marginalized communities. Agencies or researchers could, for example, survey workers on how those who file complaints learn of their rights, and the degree to which workers are more likely to pursue wage claims when community organizations offer assistance and support. Research on community enforcement programs should be carefully designed and evaluated, as many impacts will be impossible to measure. For example, it is possible to analyze how many workers of different language groups or industries filed complaints before and after community enforcement programs were initiated, but it would be far more difficult to measure any increase in informal resolution of worker complaints at the company level caused by workers asserting newly understood rights, educating their employers, and pushing those companies to come into compliance with or without the support of CBOs.

Drawing on the variety of community enforcement partnerships in existence across the country, we reach several important conclusions that may guide development of future programs. First, partnerships with community organizations are essential for overcoming the many obstacles that frequently prevent government from reaching many of the populations in most urgent need of government services. In the labor enforcement context, CBOs can also be key partners in strategic investment in high-impact enforcement initiatives, and help build agencies’ expertise and sensitivity to workers’ needs. Although community enforcement was originally envisioned as a partnership between CBOs and an enforcement agency, Johnson County’s grant to CWJ represents an innovative approach for jurisdictions where establishing an agency may be less immediately feasible: using public resources to expand the capacity of community organizations with relevant expertise.

Second, governments and worker advocates that seek to secure meaningful workplace rights through community enforcement face a number of questions about how to design a program to best suit local needs. Government agencies and potential CBO partners should consider their priorities and goals for the program at the outset, and their capacity to engage in it. They will also need to determine the model to be used; the role for community partners; funding levels and sources; program structure, administration, and

deliverables; methods for ensuring ongoing collaboration and communication; whether there will be dedicated staffing within the government agency; ways to ensure CBO feedback on agency operations; and plans for ensuring continuity. In addition, it would be useful for government agencies and CBOs participating in community enforcement programs to have shared convening spaces, to learn from each other's experiences and spark improvement and further innovation.

Finally, partnerships with labor and community organizations can successfully dismantle many barriers that impede worker reports of violations and overall participation in enforcement, but cannot on their own create a culture of broad employer compliance with labor standards. As economists Orley Ashenfelter and Robert S. Smith wrote, "employers will not comply with the law if the expected penalties are small either because it is easy to escape detection or because assessed penalties are small" (Ashenfelter and Smith 1979). Simply put, too often consequences for noncompliance are just a cost of doing business. Attaining greater compliance, then, requires greatly increased funding for enforcement,⁵² including a fully staffed team of career investigators, a strategic approach, and meaningful penalties for employers who have violated the law. Community enforcement partnerships can play an important part in this urgent, multifaceted program.

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Rachel Deutsch recently joined the California Coalition for Worker Power as campaign director. Previously, at the Center for Popular Democracy, Deutsch anchored passage and implementation of Fair Workweek policies and built a national campaign hub to fight forced arbitration and advance innovative policy for collective enforcement of workplace rights. In 2020, Deutsch launched Unemployed Action, a digital organizing initiative, and led a national coalition to win extension of federal pandemic unemployment benefits for 14 million workers. Deutsch previously litigated cases involving labor and employment, elections, and environmental protection. Before law school, Deutsch organized hospital

workers with the Service Employees International Union.

Appendix A. Examples of publicly funded community partnerships in labor standards and other areas

Federal programs and grants

OSHA’s Susan Harwood Training Grant Program

The Occupational Safety and Health Administration (OSHA) created the Susan Harwood Training Grant Program in 1978; it is perhaps the earliest example of community enforcement of labor standards (DOL n.d.-b). The program awards grants to organizations “to provide training and education programs for employers and workers on the recognition, avoidance, and prevention of safety and health hazards in their workplaces and to inform workers of their rights and employers of their responsibilities.” Over the past 10 years, the program has distributed approximately \$10 million each year in amounts ranging from \$25,000 to \$180,000 (DOL n.d.-a). Additional grants specifically for COVID-related workplace safety training in 2021 totaled \$6.7 million and \$3.2 million in 2022 (DOL 2021; DOL 2022b). The Trump administration repeatedly threatened to terminate funding for the program, but worker advocates and Congressional allies successfully pressed for the program’s continuation.

Nonprofit organizations, unions, and employer associations are eligible for Susan Harwood grants, as are public higher education institutions. Grants may be available to expand organizations’ ability to provide health and safety training and assist more workers; to train workers and/or employers on specific hazards; or to develop training materials.

The Fostering Access, Rights, and Equality (FARE) grants of the U.S. Department of Labor Women’s Bureau

The United States Department of Labor (USDOL)’s Women’s Bureau and Employment and Training Administration recently created a new grant program to educate low-wage women workers about their rights at work and public benefits such as child care subsidies (Grants.gov n.d.). In 2021, the FARE grant program awarded a total of \$2 million to six state and territory agencies, who were encouraged to partner with community organizations and unions. In 2022, the six FARE grantees are nonprofit community organizations who will conduct outreach/education and navigator activities targeting specific groups of women workers—for example, Latina and Asian immigrant workers in rural mountainous Western North Carolina’s poultry industry (DOL Women’s Bureau n.d.; Western North

Carolina Workers' Center n.d.).

Unemployment insurance navigator pilots

Earlier this year, the U.S. Department of Labor announced Unemployment Insurance Navigator Grants (Hertel-Fernandez and Evermore 2022). Seven states received a total of \$18 million “to partner with community-based organizations to deliver outreach, training, education and general assistance with completing applications for unemployment benefits” (DOL 2022c). States will regrant navigator funds to unions and community organizations to conduct outreach to marginalized and underserved communities of workers, improving community awareness of the unemployment insurance (UI) system while helping UI agencies improve their strategies to reach and serve these communities. Worker organizations will directly assist workers to access benefits by helping them file UI claims, complete identity verification, and appeal denials. Importantly, the program also institutionalizes a role for community partners in monitoring state UI programs and spurring operational changes: Partners must “regularly report on the barriers and obstacles that they observe to state UI agencies so that partners and UI agencies can work to address those barriers” (DOL 2022a).

State and D.C. programs

California

In recent years, California policymakers have shown a growing recognition of the value of partnership with community organizations to ensure that government services reach vulnerable and marginalized populations. The state invested in community partnerships to maximize participation in the 2020 census, resulting in completion rates higher than the previous census (despite pandemic-related challenges) and higher than the national average (LPC Consulting Associates, Inc. 2021). The state has invested over \$100 million in partnerships with more than 200 community-based organizations to mitigate the spread of COVID-19, including the COVID Workplace Outreach Project (California Department of Public Health 2022). Due to the success of these partnerships, California allocated \$230 million to create a new Office of Community Partnerships and Strategic Communications to “manage the state’s highest-priority public awareness and community outreach campaigns” (California Budget & Policy Center 2022). The state has also been an innovator in funding community partnerships to enforce labor standards in high-violation industries.

Domestic Workers and Employers Education and Outreach Program

In 2019, California’s legislature established the Domestic Workers and Employers Education and Outreach Program to enforce its Domestic Workers Bill of Rights.⁵³ The state allocated \$5 million over 5 years for CBOs to conduct outreach and education about workplace rights to domestic workers and their employers. During the initial

implementation phase of 27 months, the program held nearly 400 trainings for over 10,600 workers, communicated with over 165,000 domestic workers, and provided one-on-one legal consultations to over 800 workers that have resulted in the recovery of about \$275,000 in stolen wages. The CBOs also reached nearly 45,000 domestic employers and trained over 1,100 of them in fair employment practices. The coalition launched capacity-building cohorts that trained 129 member-leaders and 29 staff members, nearly half of whom were also former domestic workers. The coalition also trained over 200 employees in the Labor Commissioner’s Office and 50 labor attorneys in the field to better understand and monitor the domestic and residential care industries.⁵⁴ The coalition also trained over 200 agency staff to better understand and monitor the domestic and residential care industries.⁵⁵

COVID-19 Workplace Outreach Project

The COVID-19 Workplace Outreach Project is a trusted-messenger public education campaign targeting workers at risk for workplace transmission of COVID-19. This project demonstrated the substantial value of CBO partnerships even under the uniquely challenging conditions of a global pandemic. Sixty-two worker organizations across the state participated and experienced collaboration with the state’s labor agency, also increasing their staff’s expertise in state labor laws. In the first 14 months of the project, community organizations reported that they held interactive conversations with nearly 2 million workers in 46 languages through trainings, community canvassing, booths at community events, and door-to-door outreach, and over 6 million total worker touchpoints including through phone- and text-banking and digital outreach (CA LWDA 2022b). During a single “week of action” the project reached over 37,000 workers (CA LWDA 2022a). Two-thirds of participating organizations applied for and received subsequent rounds of funding, indicating that the project was valuable for organizations while also effectively serving the government’s outreach objectives.

Garment Worker Wage Claim Pilot Program

The Garment Worker Wage Claim Pilot Program, enacted in 2021, combines elements of the outreach, navigator, and co-enforcement models to address rampant workplace abuse in California’s garment industry. The legislation creating the program finds that “egregious wage violations and flagrant health and safety violation[s]” in the garment industry during the COVID-19 pandemic had caused “the deaths of dozens of garment workers.” But “not all workers who experience these violations have access to advocates in order to vindicate their rights, due to the limited capacity of legal aid and community-based organizations” (CA Labor Code § 2693). The pilot therefore seeks “to increase the capacity and expertise of qualified organizations to improve the education of wage violations to garment workers and the securing of wage claims for garment workers” (CA Labor Code § 2693.1(a)).

To implement this legislation, the Department of Industrial Relations plans to partner with community organizations to refine enforcement strategies for this challenging industry. Grantees may assist in conducting industry research, including “detect[ing] potential liable entities and their contact information [and] analysis of joint and several liability.” Partner

organizations may also make recommendations for strategic enforcement and “work collaboratively” with the agency by “identifying violating employers, collecting evidence of violations, calculating unpaid wages and penalties, identifying potential witnesses, monitoring employers business practices...[and] preparing and supporting workers throughout investigation, appeal and recovery processes.”

Maine workforce navigators

Maine established a peer workforce navigator program⁵⁶ in 2021, using \$1 million in American Rescue Plan funds, to help underserved communities access unemployment insurance, reemployment and job training services, and other available benefits (ME DOL 2022). This program grew out of efforts spearheaded by the Maine AFL-CIO to support jobless workers during the COVID-19 pandemic by training volunteers to serve as informal UI navigators (Madland and Wall 2021). Following a competitive bidding process, a coalition consisting of the AFL-CIO, a legal aid group, and three local community organizations, was awarded a two-year contract to provide outreach and navigator services (State of Maine 2021). The AFL-CIO’s previous experience supervising peer support workers assisting laid-off workers after plant closures under the Department of Labor’s Rapid Response program, together with Maine Equal Justice’s expertise in UI policy, and participation of two immigrant-led organizations, provided complementary expertise and skills. The coalition has hired five navigators, including one who served as a volunteer UI navigator beginning in 2020 (Peer Workforce Navigator n.d.; O’Brien 2022). The coalition and Maine DOL also successfully applied for a federal UI navigator grant, demonstrating how state investment in community enforcement can position the state to compete for federal funds.

Washington, D.C.

The Washington, D.C., Department of Employment Services administered a Workplace Leave Navigator grant program, which the city’s legislative body restructured and placed within the Office of the Attorney General (Office of the Attorney General FY 2022). The program seeks to provide outreach, education, and legal services to help enforce a range of workplace laws, including wages, paid leave, and unemployment insurance, and to provide feedback to inform the attorney general’s work. Applicants are asked to submit a proposed work plan, including metrics, that advances these goals. In FY2022, \$744,292 in grants were divided between First Shift Justice Project and Many Languages One Voice (MLOV) in partnership with DC Jobs with Justice (DC JWJ) and Restaurant Opportunities Center DC (ROC-DC).⁵⁷

Local programs

Several city and county labor standards agencies have created funded community enforcement programs that contract unions, worker centers, and community-based organizations. Samples of requests for proposals, contracts, and grant documents can be

found in Appendix B.

Chicago

The Chicago Office of Labor Standards launched its community enforcement program with a \$100,000 contract, funded in part by the city and in part by a grant from the Chicago Foundation for Women, to Arise Chicago, a faith-driven worker center (CHI Government n.d.). The funding is for outreach and education on city labor laws, with a special focus on domestic workers: providing trilingual trainings in developing contracts and offering template contracts in Spanish, Polish, and English, among other things.

Johnson County, Iowa

The Center for Worker Justice of Eastern Iowa (CWJ) is the only entity fighting wage theft in Johnson County (Center for Worker Justice of Eastern Iowa n.d.). (Iowa's Workforce Development agency assigns two staffers to enforce labor standards across the state [Finn 2022]). In 2022, CWJ persuaded local governments to collaborate in allocating pandemic-recovery American Rescue Plan funds to expand CWJ's capacity to educate workers and protect their rights. Johnson County and the cities of Coralville, North Liberty, and Iowa City each granted CWJ between \$7,000 and \$32,000 each year, for a total of \$322,000 over five years. These resources enabled CWJ to hire a full-time wage theft organizer to undertake outreach and education to workers and employers, creating multilingual know-your-rights materials, and training volunteers to handle wage theft intakes.

Minneapolis

A city ordinance requires the development and implementation of “a multilingual and culturally specific outreach and community engagement program to educate employees and employers about their rights and obligations under this chapter...[with] media, trainings and materials accessible to the diversity of employees and employers in the city”⁶⁰. Since 2018, the Office of Labor Standards has contracted with community organizations for these purposes, with annual funding generally at \$365,000. The Office of Labor Standards received additional funding for this program through the American Rescue Plan, and for 2023 and 2024, total funding is \$482,630 per year (City of Minneapolis n.d.).⁶¹ The Centro de Trabajadores Unidos en La Lucha (CTUL) is the prime contractor and has subcontracted to other organizations over time, including Awood (a worker center serving the East African community), the local chapter of the Restaurant Opportunities Center, New Justice Project MN, and the Building Dignity and Respect Standards Council (CTUL n.d.; Awood Center n.d.; ROC Minnesota n.d.; New Justice Project n.d.; Building Dignity and Respect n.d.).

Philadelphia

Philadelphia's Office of Worker Protections recently awarded outreach grants to 14 community organizations. The office is fairly new, as are many of the laws that it enforces.

Launched in 2022, the community enforcement program's primary goal is to build the capacity of trusted organizations to educate their communities about workplace rights and encourage workers to report suspected violations to the agency. The program is funded by \$50,000 in the labor agency's budget and a \$200,000 one-time allocation from the Operations Transformation Fund, a city-affiliated nonprofit that also administers the grants (Philadelphia City Fund n.d.; Obafemi 2022; Islam 2022).

San Diego County

San Diego County's Office of Labor Standards and Enforcement was formed in 2021 and implemented its first community enforcement contract soon after. The Employee Rights Center receives \$167,000 over one year to perform worker outreach, legal consultations, and referrals, including staffing a multilingual advice line.

San Francisco

The Office of Labor Standards Enforcement in San Francisco operates the longest-standing local program of this type (SF Government n.d.).⁵⁸ The program was established under a 2006 amendment to the city's minimum wage law⁵⁹, requiring the Office of Labor Standards Enforcement to create a community-based education and outreach program focused on workers in particular industries. Originally resourced with \$186,500 over a three-year period, the program now allocates \$783,276 annually to community partners each year (Patel and Fisk 2018, p. 8).

Santa Clara County, California

After a campaign by Silicon Valley's Wage Theft Coalition, Santa Clara County established an Office of Labor Standards Enforcement (OLSE) with a budget that included funding for community outreach partnership (Santa Clara OLSE n.d.-b). The County Board of Supervisors allocated \$1.5 million to OLSE, who in turn partnered with the Fair Workplace Collaborative to conduct community outreach and education on workers' rights, business compliance, and wage and hour laws (Santa Clara OLSE n.d.-c). The Fair Workplace Collaborative consists of five small worker centers and two ethnic business centers that provide information and resources to workers and businesses countywide, with focused outreach to the retail food industry (Santa Clara OLSE n.d.-a).

When the COVID-19 pandemic erupted, the county's COVID-19 Emergency Operations Center invested \$6 million in community outreach. One partner in the Fair Workplace Collaborative was contracted to canvass communities disproportionately impacted by the pandemic to educate employers and workers about preventing workplace spread of COVID-19, the importance of regular testing, and COVID-19 resources under the Community Health and Business Engagement Team, which made COVID-19 vaccine appointments for workers when vaccines were available and provided antigen tests in the hardest hit communities. Ultimately, partners made over 180,000 residential contacts, interacted with over 48,000 businesses, assisted in getting over 30,000 individuals vaccinated, and more.

Seattle

The Office of Labor Standards in Seattle has a Community Outreach and Education Fund that contracts with community organizations focused on worker populations with high rates of workplace violations (SEA Government n.d.; Seattle OLS n.d.). The most recent round of consultant contracts was announced in December 2021; more than \$3 million in funding will be provided over two years to nine organizations that will provide outreach, education, and support to low-wage workers (SEA Government 2021). The office also has a Business Outreach and Education Fund that provides assistance and outreach to small businesses owned by low-income and historically disenfranchised communities, in order to increase their compliance with city labor laws (Seattle OLS n.d.). For the two-year period starting in January 2021, the fund committed \$1.1 million to five organizational grantees as well as \$50,000 to an organization to provide outreach to domestic employers about their obligations.

Appendix B. Sampling of community enforcement materials: Requests for proposals, contracts, reporting, and more

State level (California and Washington, D.C.)

California

- 2022 Request for Proposal for Garment Worker Wage Claim Pilot Program (State of California 2022)
- Powerpoint of Domestic Worker & Employer Education and Outreach Program 2021 accomplishments (DWEEOP 2021)
- Preliminary Campaign Performance Report, California COVID-19 Workplace Outreach Project, August 6, 2021 (CA LWDA 2021)
- COVID-19 Workplace Outreach Project (CWOP) Insights Summarized Findings (CA Industrial Relations 2023)
- National Employment Law Project Regrant Request for Proposals 2019 Release (Owens 2019)

Washington, D.C.

- 2020 Announcement by Department of Employment Services about Workplace Leave

Navigators Grant (DC Paid Family Leave n.d.)

- 2020 Request for Applications from Department of Employment Services regarding Workplace Leave Navigators Grant (DC Department of Employment Services 2020)
- 2022 Request for Applications from D.C. Office of the Attorney General FY 2023 Workplace Rights Grant Program (DC AG 2022b)
- Notice of Funding Availability FY 2023 Workplace Rights Grants Program, from D.C. Office of the Attorney General (DC AG 2022a)

Localities

Chicago

- City of Chicago Contract with Arise Chicago, 2021–2022 (CHI Government 2021)

Johnson County, Iowa

- Research (2015) and supporting letters (2021) for proposal submitted by the Center for Worker Justice of Eastern Iowa to Johnson County Supervisors for American Rescue Plan funding (Gordon 2015)

Minneapolis

- Contract with Centro de Trabajadores Unidos en la Lucha (CTUL), 2019 (City of Minneapolis 2019)
- Centro de Trabajadores Unidos en la Lucha (CTUL) City of Minneapolis Community Contract Reporting, 2021–2022 (Walsh 2023)

San Diego County

- Contract: Agreement with Labors Training and Community Development Alliance for worker labor law education, outreach, and advice line services, signed August 2022 (County of San Diego 2022)

San Francisco

- Contract: Agreement between the City and County of San Francisco and Chinese Progressive Association, July 1, 2022 (City and County of SF 2022a)
- Request for Proposals: Worker Rights Protection and Labor Law Outreach Services, City and County of San Francisco, Office of Labor Standards Enforcement, March 21, 2022 (City and County of SF 2022b)

Santa Clara County

- Informal Competitive Procurement, Workers’ Rights Legal Services, issued in 2021 by the Santa Clara County, Office of Labor Standards Enforcement (Santa Clara County Executive 2021)
- Request for Proposals: Labor Standards Outreach and Education Initiative, Bid Request for Proposals, Santa Clara Labor Standards Outreach and Education Initiative, 2019, Santa Clara County, Office of Labor Standards Enforcement (County of Santa Clara 2019)

Seattle

- Powerpoint about Community and Business Outreach and Education Funds, Seattle Office of Labor Standards, 2021 (Seattle OLS 2021b)
- Request for Proposal, Business Outreach and Education Fund, 2023–2024, Seattle Office of Labor Standards (Seattle OLS 2023)
- Request for Proposal 2022–2023 Guidelines, Community Outreach and Education Fund, Seattle Office of Labor Standards (Seattle OLS 2021a)

Notes

1. Worker centers are organizations, often focused on a particular demographic group, that provide services to workers while also engaging those workers in advocacy and organizing. See Fine 2005.
2. We use “CBOs” here to refer to the range of organizations that have participated in community enforcement programs, including labor unions, worker centers, legal services providers, and organizations rooted in immigrant communities.
3. See Appendix A and DOL n.d.-c.
4. Conversation with Terri Gerstein, June 6, 2023.
5. Most labor agencies are adamant about not asking about workers’ immigration status (because it is unrelated to wage and hour and other labor rights), but immigrant workers who are undocumented (or have undocumented co-workers or family members) may nonetheless fear that contact with any government agency may trigger communication with immigration authorities.
6. California Senate Bill 83, section 42 (2019). CBO offices are often located within communities of low-wage workers and generally operate beyond the traditional work hours that government offices tend to keep.
7. Rod Sullivan, interview with Rachel Deutsch, January 13, 2023.
8. See Foster et al. 2023, pp. 42–47, for a discussion of how CPA for example built its co-enforcement “muscle” vis-à-vis the relevant agency, SF OLSE.
9. Notably, that effort involved close, albeit unfunded, collaboration with unions and worker organizations.

10. Patel and Fisk 2018 describe settlement terms including paid sick days, raises, holiday and vacation pay, and the right to take up to four consecutive weeks of time off to allow workers to travel to China to visit family. See also Lazo and Kuang 2022.
11. Recent state-level bills to weaken child labor laws demonstrate the incorporation of business interests in government operations; in Iowa, for example, the idea was developed by a seven-member state workforce development board consisting of five business representatives, one social service agency, and one labor union representative. See Zhang 2023.
12. Unions serve as the primary institutionalized voice for working people within the United States, but nationally, only 6% of private-sector workers are unionized, even though nearly half of nonunion workers would join a union if given the chance. See Economic Policy Institute 2021.
13. Alexander Hertel-Fernandez (now Deputy Assistant Secretary for Research and Evaluation at the U.S. Department of Labor) described “policy feedback loops” as follows: “Initial changes in public policy produce further changes in politics with implications for later policymaking” (Hertel-Fernandez 2020).
14. Megan Whelan, email to Rachel Deutsch, May 4, 2023.
15. See Maine Revised Statutes Title 26, Ch. 13, as amended by P.L. 2021, c. 456.
16. Ruth Silver-Taube, email to Rachel Deutsch, April 29, 2023.
17. See DOL 2022a.
18. California Senate Bill 686, section 1(p) (2023).
19. It is worth noting that the Eastern Iowa program emerged in a state with limited enforcement by the labor department, and the Washington, D.C., program emerged in a jurisdiction in which enforcement by the primary labor enforcer (D.C. Department of Employment Services) has been described by researchers as “inadequate” with “deficient processes” (Palmer 2021). Ideally, however, community enforcement programs complement and extend the reach of effective enforcement by long-term government employees.
20. Correspondence: Google survey completed January 3, 2023, by Brian Walsh, Director, Minneapolis Labor Standards Enforcement Division, upon request of the authors.
21. Applicants must demonstrate three years of experience in both “conducting outreach to and establishing working relationships with significant numbers of individuals” from target demographics; and “working on or assisting workers to secure rights under employment laws.”
22. Candace Chewning, interview by Rachel Deutsch, January 20, 2023. Agencies in Minneapolis, Los Angeles, the County of San Diego, and Seattle hold joint trainings with agency and CBO staff, which are also a core component of California’s Strategic Enforcement Partnership. If internal capacity for training is low, capacity can also be built by enlisting CBOs with labor standards expertise to provide training and technical assistance to partners selected for other strengths.
23. Gabrielle Breven and Pamela Pratt, interview by Terri Gerstein, January 19, 2023.
24. If the program’s goals include strengthening the agency as discussed above, participation will most benefit CBOs whose theory of change permits them to build and sustain trusting relationships with government actors.
25. Shaw San Liu, email to Rachel Deutsch, March 21, 2023.

26. A notable exception is California's COVID-19 Workplace Outreach Project: Four local Central Labor Councils have participated (California Labor Federation n.d.).
27. Deborah Axt, interview by Rachel Deutsch, January 20, 2023.
28. Gabrielle Breven and Pamela Pratt, interview by Terri Gerstein, January 19, 2023.
29. Candace Chewning, interview by Rachel Deutsch, January 20, 2023.
30. During the COVID-19 state of emergency, California's COVID-19 Worker Outreach Project contracts were not subject to the usual competitive bidding and procurement procedures, in order to expedite the goal of disseminating information needed to protect Californians from workplace transmission of COVID. Instead, the Labor and Workforce Development Agency relied on the Center at Sierra Health Foundation, which had prior experience managing community outreach contracts, to select CBO grantees based on criteria established by the agency.
31. Deborah Axt, interview by Rachel Deutsch, January 20, 2023.
32. Deborah Axt, interview by Rachel Deutsch, January 20, 2023.
33. Seattle Office of Labor Standards, Community Outreach and Education Fund, Request for Proposal: 2022–2023 Guidelines, issued September 9, 2021.
34. Government decisionmakers should be mindful to ensure a diversity of leadership among the organizations selected as leads, particularly when these organizations will be working in communities of color and holding a management-type relationship with other community organizations participating in the program.
35. See also coverage of the California Strategic Enforcement Partnership's investigation of Adat Shalom, a residential care provider in business and mainstream media outlets (Smith 2021; Huang 2022; Munoz 2021).
36. New programs may have higher overhead costs to support start-up, with lower ongoing costs to support permanent functions.
37. See Amengual and Fine 2016, p. 20.
38. See the Center for American Progress's how-to guide for state and local governments and advocates interested in developing workers' boards or similar structures.
39. Candace Chewning, interview by Rachel Deutsch, January 20, 2023.
40. One CBO that has received public funding from multiple sources noted that the unionized status of the CBO's own employees sometimes created challenges in relation to the expectations of one government funding program.
41. Deborah Axt, interview by Rachel Deutsch, January 20, 2023.
42. Although outside the scope of this paper, whistleblower policies inspired by California's Private Attorneys General Act, or contingency fee arrangements with outside counsel, are important tools in ensuring that workers have access to justice, along with adequately funding enforcement agencies (Deutsch, Fuentes, and Koonse 2020).
43. See Foster et al. 2023 for a discussion of the Chinese Progressive Association's engagement with the San Francisco Board of Supervisors to fund the first local community enforcement program.

44. Brief for the state of California as amicus curiae, p. 16, *Viking River Cruises, Inc. v. Moriana*, 596 U.S. ____ (2022).
45. Maine Legislative Document No. 1711 (2021).
46. See CA Labor Code section 2693.1 (added by Stats. 2021, Ch. 78, Sec. 5. (AB 138)); SB 83, section 42 (2019).
47. Often the employers involved in worker exploitation cases have limited resources, and agencies' first priority is typically restitution for underpaid workers. This means that additional funds for community partners to ensure post-resolution compliance may be available only in cases involving large employers.
48. By next year, an estimated 80% of private-sector, nonunion workers will be prohibited from initiating or joining class action lawsuits by forced arbitration clauses. Government funding for community enforcement could also come from cy pres funds administered by **government agencies**, which are not bound by arbitration clauses (Hamaji et al. 2019; WA AG 2021).
49. SB1667, 103rd Gen. Assemb. (Ill., 2023–2024).
50. See Fine 2017. See also Meyerson 2015.
51. The violations found per investigation rose from 49% in 2010 to 150% in fiscal year 2017–2018, and wages assessed per inspection rose from \$1,402 to \$28,296 over the same time period.
52. Current federal and state labor enforcement resources are grossly inadequate. See Levine 2018, Hamaji et al. 2019, and Rascoe 2023.
53. California Senate Bill 83, section 42 (2019).
54. Megan Whelan, email to Rachel Deutsch, May 4, 2023.
55. See PowerPoint presentation of Domestic Worker & Employer Education and Outreach Program 2021 accomplishments in Appendix B (DWEEOP 2021).
56. Maine Revised Statutes Title 26, Ch. 26-A, § 2065.
57. Gabrielle Breven and Pamela Pratt, interview by Terri Gerstein, January 19, 2023.
58. A detailed description of the program's origins is available [here](#) (Patel and Fisk 2018).
59. San Francisco, Calif., Admin. Code ch. 12R § 25 (2006).
60. Minneapolis, Minn. Code of Ordinances § 40.110(b) (2016).
61. Brian Walsh, email to Terri Gerstein, March 7, 2023.

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