

Court Rejects Cintas's Attack on City Living Wage Law

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Court Rejects Attack on Living Wage Laws

Alameda County Superior Court rules that laundry workers' claims for unpaid wages may go forward

Hayward, CA -- Laundry workers and labor activists, together with community, environmental, and civil rights allies, applauded the decision by Alameda County Superior Court Judge Steven Brick upholding the City of Hayward's living wage law. Friday, Judge Brick denied a motion by the Cintas Corporation seeking to dismiss a lawsuit filed by its laundry workers claiming years of back wages for work covered under Hayward's living wage law. The ruling confirmed cities' broad power to adopt living wage laws and rejected arguments that would have called into question other important protections, including environmental and civil rights standards, for businesses that perform city contracts.

Cintas, the largest uniform rental provider in North America, contracted

with Hayward in 1999 to launder city uniforms. As part of the contract, Cintas agreed to pay its employees working on the contract Hayward's "living wage" — currently \$9.26 per hour plus health benefits or \$10.71 without. But Cintas then continued to pay many of its workers far less, alleges the class action lawsuit filed in 2003 by two workers at Cintas's San Leandro plant seeking years of unpaid back wages.

Cintas sought to have the case thrown out on the grounds that cities lack the power to establish contracting standards for contractors operating outside of city boundaries. The challenge posed a threat not only to living wage laws, but also to civil rights, environmental and other anti-poverty protections that are incorporated into city contracting laws. A group of five California cities and fifteen workers' rights, environmental and civil rights organizations filed an amicus brief to help the City of Hayward and the Cintas workers defend the Hayward law.

"I am very excited about the judge's decision," said Francisca Amaral, a thirteen-year Cintas employee and one of the named plaintiffs in the class action suit. "It brings us one step closer to claiming the thousands of dollars the company withheld from us for so many years. I am currently injured and cannot work due to injuries sustained on the job at Cintas. These back wages could make a big difference in helping to support my family."

"We hope this ruling sends a message to Cintas that rather than attempting to overturn living wage policies, they should move forward with fulfilling their contractual obligations to meet minimum standards for their workers," said Amaha Kassa, co-director of the East Bay Alliance for a Sustainable Economy (EBASE).

"Living wage laws ensure that businesses competing for city contracts are rewarded for the efficiency of their operations — not for how little they can pay their workers," said Paul Sonn, associate counsel at the

Brennan Center for Justice at NYU School of Law, which drafted the amicus brief. “This ruling confirms that cities have broad powers to ensure fairness in their contracting programs.”

The Brennan Center and EBASE coordinated the group of five local governments — Berkeley, San Francisco, Santa Cruz, West Hollywood and Fairfax — and fifteen organizations — including the Sierra Club, the Lambda Legal Defense and Education Fund, the Disability Rights Education and Defense Fund, the Mexican American Legal Defense and Educational Fund, the Asian Law Caucus, ACORN and the East Bay Interfaith Committee for Worker Justice — that filed the amicus brief defending the Hayward law.

“We are pleased that the judge saw through Cintas’ self-serving argument,” said Tim Frank of the Sierra Club, one of the groups joining the amicus brief. “This decision brings these workers one step closer to justice and also protects local laws that favor environmental stewardship and civil rights. A Cintas win could have undermined the ability of local governments to set a good example with their own contracts by setting higher standards on everything from wage and hour rules to the use of recycled products.”

“Cintas’ efforts to divide our community have failed again. As residents of the Bay Area, we know that we are part of a large community,” said Hayward City Councilmember Kevin Dowling. “While each city and county is free to pass its own laws, it is in our interest to work together, not to pit cities against one another in a ‘race to the bottom’ in terms of wages, working conditions, environmental protection and civil rights. This ruling reaffirms our regional values.”

More than 100 cities nationwide have enacted living wage laws over the last decade.

Last month workers at three Southern California Cintas facilities filed a

class action suit against the company as well, alleging violations of the City of Los Angeles' living wage law.

The Brennan Center provides legal assistance to community groups and state and local lawmakers around living wage legislation and other initiatives to raise living standards for low-income families. EBASE supports research, policy development, coalition building, and leadership development around issues impacting the low-wage workforce in the San Francisco East Bay region.

For additional information on the Brennan Center's living wage initiatives, please visit the Brennan Center's [Living Wage](#) page.

The Brennan Center for Justice at NYU School of Law, founded in 1995, unites thinkers and advocates in pursuit of a vision of inclusive and effective democracy. Its mission is to develop and implement an innovative, nonpartisan agenda of scholarship, public education, and legal action that promotes equality and human dignity, while safeguarding fundamental freedoms. Please visit www.brennancenter.org.