

DIVISION 3.5 LIVING WAGE FOR CERTAIN EMPLOYEES ASSOCIATED WITH
CITY CONTRACTS

Sec. 20-80. Payment of living wages.

(a) Required. Every person employed by any contractor or subcontractor to the City, pursuant to a direct service contract with the City, engaged in the work of a parking lot attendant, security guard, or child care worker at any public building or public parking facility owned by the City, or clerical support worker (the “Covered Workers”), shall be paid not less than a “living wage” as defined and determined under subsection (c).

(b) Contract specifications. The specifications for every direct service contract in excess of two thousand dollars (\$2,000.00) to which the City is a party which engages the work of Covered Workers shall contain a provision stating that the wages to be paid to Covered Workers shall be not less than the wage from time to time determined to be the living wage under subsection (c). Every contract based upon these specifications shall contain a stipulation that the contractor or subcontractor shall pay Covered Workers employed directly upon the site of the work the full amounts accrued at time of payment, computed at wage rates not less than those stated or referenced in the specifications, and any addenda thereto, on the date of the contract or the written purchase order for contract regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such workers. Increases in living wages subsequent to the date of the contract for a period not to exceed one (1) year shall not be mandatory on either the contractor or subcontractors. Future increases in living wages on contracts whose period of performance exceeds one (1) year shall be mandatory for the contractor and subcontractors only on the yearly anniversary date of the contract. In no event shall any increases in living wages over the amounts thereof as stated in such specifications result in any increased liability on the part of the city, and the possibility and risk of any such increase is assumed by all contractors entering into any such contract with the city. Decreases in living wages subsequent to the date of the contract shall not be permitted.

(c) Determination of living wage.

(1) The City Council hereby declares that it is in the best interests of the city to have a uniform determination of the wages to be paid to the various workers which will be required in the performance of work covered by this section.

(2) The City Council hereby finds and concludes that the federal government, in implementing the Community Services Block Grant Act (42 U.S.C. § 9902) and regulations thereunder, possesses superior resources to ascertain and establish the poverty guidelines used to assess eligibility for a variety of federal programs.

As used herein, the “living wage” shall equal the amount set forth as the poverty guideline for the 48 contiguous states and the District of Columbia for a family unit of four, updated annually in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. § 9902(2), divided by the number 2080.

(d) Mandatory contract provisions; enforcement.

(1) Every contract covered by this section shall contain a provision requiring the contractor and every subcontractor under such contract to pay every Covered Worker employed under such contract not less than the living wage provided for under subsections (b) and (c).

(2) Every such contract shall further provide that the contractor shall furnish to the City's auditor, upon the auditor's request, a true and correct copy of the payroll records of all Covered Workers employed under the contract, either by the contractor or subcontractors. Such payroll records shall include information showing the number of hours worked by each Covered Worker employed under the contract, the hourly pay of such worker, any deductions made from pay, and the net amount of pay received by each Covered Worker.

(3) The copy of the payroll record shall be accompanied by a sworn statement of the contractor that the copy is a true and correct copy of the payroll records of all Covered Workers working under the contract, either for the contractor or subcontractors, that payments were made to the Covered Workers as set forth in the payroll records, that no deductions were made other than those set forth in such records, and that all Covered Workers employed on work under the contract, either by the contractor or by any subcontractor, have been paid the living wages as set forth in the contract specifications.

(4) Every such contract shall further provide that the contractor shall post in a place which is prominent and easily accessible to Covered Workers the scale of wages to be paid to the Covered Workers.

(5) Every such contract shall further provide that if any worker employed by the contractor or any subcontractor under the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the City may, at its option, by written notice to the contractor, withhold further payment to the contractor, or suspend or terminate the contractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay the required wages. In the event of termination, the contractor shall be liable to the City for any excess costs occasioned the City thereby.

(e) Covered Workers; intent. The intent of this Division is to insure the payment of a living wage to certain categories of workers providing services exclusively to the City, pursuant to City service contracts. It is not the City's intent to impose wage requirements for (i) persons performing services which are only supportive of, or ancillary to, the services of Covered Workers; (ii) supervisory or management personnel; (iii) City concessionaires; (iv) the City's youth employment programs; or (v) persons subject to the provisions of Division 3 of Chapter 20 of the Revised Municipal Code.

(f) Reporting. The Mayor's Office of Employment and Training, in coordination with the Auditor, shall be authorized to assess on an annual basis the impact of this Division, and to report any findings to the Mayor and the City Council.

Sec. 20-81. Division constitutes part of all contracts.

The provisions of this division shall constitute a part of every contract of employment between every contractor or subcontractor and any Covered Worker.

Section 2. That, consistent with Section 1-10(c)(2) of the Revised Municipal Code, the codifier of this ordinance shall provide and make appropriate changes in catchlines, headings and titles of the Code to reflect accurately the amendments thereto indicated by this ordinance.

Section 3. That this ordinance shall be effective immediately upon its passage and publication, and shall apply to contracts or contract amendments entered into on or after that date.