

4. The underpaying of employees by the County and its contractors fosters high turnover, absenteeism, and occasionally lackluster performance, all of which tend to inhibit the quality and quantity of goods and services rendered to the County and to the public. Conversely, adequate compensation promotes the amelioration of these undesirable conditions and the provision of high quality goods and services.

5. Inadequate employee compensation paid by the County and by recipients of taxpayer assistance also forces more County residents to rely on social services to meet basic human needs.

It is unacceptable that the expenditure of County funds should support employment conditions that continue to place a burden on social services. The County, as a provider and funder of social services, has an interest in promoting an employment environment that protects limited social service resources.

6. Allegheny County has limited taxpayer resources to expend for economic development and job growth. The County has an interest in adopting criteria for the expenditure of those resources, that support the creation and preservation of living wage jobs.

7. The County holds a proprietary interest in the work performed by the employees of lessees and licensees of County property and by their service contractors and subcontractors.

The success or failure of County operations may turn on the success or failure of these enterprises, and the County has a stake in how the public perceives the services rendered for them by such businesses. Inadequate employee compensation adversely impacts the performance of the County's lessee or licensee, and thereby does the same for the success of County operations.

8. Paying direct County employees a living wage, and requiring recipients of County taxpayer assistance to pay their employees a living wage, serves both proprietary and humanitarian concerns of the County. Allegheny County's payment of prevailing wage rates for County public works projects has been tremendously beneficial for County workers and their families, Allegheny County communities, and the area economy. The use of taxpayer dollars to promote the retention and creation of living wage jobs will increase consumer income, decrease levels of poverty, invigorate neighborhood businesses

and reduce the need for taxpayer-funded social programs in other areas.

The Council of the County of Allegheny hereby enacts as follows:

Section 1. Purpose

The purpose of this chapter is to assure that the County, County contractors, subcontractors and beneficiaries of tax, loan, grant and subsidy assistance or abatements provided by the County pay their employees a wage sufficient to permit a family of four with two full-time wage earners to afford food, housing, medical care, child care, transportation, clothing and other basic living needs. This chapter is also designed to maximize access for Allegheny County residents to the jobs that are created, maintained, or subsidized through County assistance.

Section 2. Definitions

For the purposes of this Ordinance, the following terms are defined as follows:

(a) "Applicable Department"--Office of the Allegheny County Controller, or such other County department or agency responsible for administering a contract for Assistance.

(b) "Assistance"--shall include:

(1) any grant, loan, tax incentive, bond financing, subsidy, or other form of assistance with a value of at least \$10,000, that a for-profit employer employing at least 10 employees, or any non-profit employer employing at least 25 employees, receives within any 12 month period, by or through the authority or approval of Allegheny County and/or any Authority receiving cooperation or assistance from Allegheny County, including, but not limited to, abatement or compromise of taxes, Tax Increment Financing (TIF), industrial development bonds, Community Development Block Grant (CDBG) loans, Enterprise Zone designations, below-market

sale of property, or any combination thereof, awarded after the effective date of this Ordinance.

(2) any contract or series of contracts with Allegheny County and/or with any Authority receiving cooperation or assistance from Allegheny County, with an aggregate value (including change orders) in any twelve month period of at least \$10,000, that is entered into with a for-profit employer of at least 10 employees, or a non-profit employer of at least 25 employees to provide goods and/or services, and that is awarded, renegotiated or renewed after the effective date of this Ordinance.

(3) any subcontract(s) of any contract(s) described in the preceding paragraph, awarded, renegotiated, or renewed after the effective date of this Ordinance, with an aggregate value in any twelve-month period of at least \$5,000, and awarded to a for-profit employer of more than 05 employees or a non-profit employer of more than 15 employees;

(4) any lease awarded by a Beneficiary, or any sublease thereto, for the use of property or equipment that was purchased, improved or developed as the result of Assistance as defined in paragraph (b) (1), provided that the lease or sublease was signed or reached after the effective date of this Ordinance; and providing further that the leaseholder or subleaseholder be a for-profit employer of at least 05 employees or a non-profit employer of at least 15 employees.

(5) any lease or license, or any sublease or sublicense thereto, of property that is owned by the County, or by a Related Authority, on which services are rendered by employees of the lessee or licensee (or sublessee or sublicensee), provided that (1) the services are rendered on property at least a portion of which is visited by substantial numbers of the public on a frequent basis (including but not limited to parking facilities, transportation facilities, and public sports and entertainment venues), (2) the lease or license (or sublease or sublicense) was signed or reached after the effective date of this ordinance, and (3) the leaseholder or licenseholder (or subleaseholder or sublicenseholder) is a for-profit employer of at least 05 employees or a non-profit employer of at least 15 employees.

(6) For purposes of determining whether the assistance and employment thresholds contained in paragraphs 2(b)(1) through 2(b)(5) are met, all affiliates, controlled organizations, controlling

organizations, and/or organizations having an identity of interest shall be treated as a single entity.

(c) "Beneficiary" means any Person or other entity that is a recipient of "Assistance".

(d) A Community Based Organization means a non-profit organization that has (1) an established community membership base, (2) a record of conducting substantial outreach in low- and moderate-income communities in Allegheny County, and (3) either a governing board comprised of a majority of low- or moderate-income residents of Allegheny County, or the majority of services provided by the organization are furnished to low- or moderate residents of Allegheny County.

(e) "County Assistance Advisory Committee" has the meaning stated in Section 7 of this Ordinance.

(f) "Covered Employer" means Allegheny County, or a Beneficiary of or an applicant for Assistance that has not been granted an exemption from this Ordinance pursuant to Section 6 of this Ordinance.

(g) "Covered Employee" means a Person employed by Allegheny County, or by a Covered Employer in connection with any project that is funded or subsidized in whole or in part by Assistance as defined in Section 2(b)(1) or Section 2(b)(4), or any contract or subcontract that is included within Section 2(b)(2) or Section 2(b)(3), or any proprietary lease or license that is included in Section 2(b)(5).

(h) "Living Wage" means the wage defined in Section 3 of this Ordinance.

(i.) "Person" means one or more of the following or their agents, employees, servants, representatives, and legal representatives: any individual, corporation (including any affiliate or successor corporation), partnership, joint venture, association, labor organization, educational institution, mutual company, joint stock company, trust, unincorporated association, trustee, trustee in bankruptcy, receiver, fiduciary, or any other entity recognized at law by this Commonwealth.

(j) A Related Authority means any Authority, corporation, or other entity which receives cooperation or assistance from the County, or which administers Assistance (as that term is defined in paragraph 2(b) above) on behalf of the County, and which has adopted a board resolution requiring the entity to comply with all provisions of this Ordinance. For the purposes of this paragraph, A cooperation or assistance shall include, but not be limited to, any transfer of funds, transfer of property, appointment of members, use of bond authority, or any other action that in any way benefits or supports an Authority, corporation or other entity.

Section 3. Living Wage

(a) Applicability.--

(i) Allegheny County shall pay no less than the Living Wage to its employees.

(ii) Covered Employers who receive County subsidies (Assistance as defined in Section 2(b)(1)) shall pay no less than the Living Wage to employees working within Allegheny County.

(iii) Covered Employers who hold contracts or subcontracts with the County or with a Related Authority (Assistance as defined in Section 2(b)(2) and Section 2(b)(3)) shall pay no less than the Living Wage to employees during any week in which the employee performs work related to the contract or subcontract.

(iv) Covered Employers who lease or sublease property from the County, a Related Authority, or a Beneficiary (Assistance as defined in Section 2(b)(4) or Section 2(b)(5)), shall pay no less than the Living Wage to their employees during any week in which the employee performs work on or related to the leased property.

(b) Amount of Wage.--The Living Wage shall be calculated on an hourly basis and shall be sufficient to enable a family of four with two full-time wage earners to afford food, housing, medical care, child care, transportation, clothing and other basic living needs. The applicable rate as of the effective date of this ordinance shall be \$9.12 per hour for all Covered Employees who receive full individual health insurance from their employer or an employer contribution equivalent to no less than \$1.50 per hour toward the cost of family health

insurance. The Living Wage for Covered Employees who do not receive such health insurance contributions from their employer shall be 10.62 per hour.

(c) Annual Adjustment.--The Living Wage shall be upwardly adjusted each year no later than March first, by an amount equal to the increase in the Annual Average Consumer Price Index for All Urban Consumers (CPI), Pittsburgh SMSA, as published by the Bureau of Labor Statistics, United States Department of Labor, or any comparable index, and as calculated at the immediately preceding year-end.

(d) Assistance to Employers Paying Less Than Living Wage Barred.--Prior to entering into any agreement for Assistance, a Covered Employer must certify for the Applicable Department that it will pay each of its Covered Employees no less than the Living Wage, as defined in Section 3(b), and that it will grant the Applicable Department, the County Controller, and the County Law Department access to its workplace and to all books and records related to such employment. No Beneficiary may enter into any contract, subcontract, lease, sublease, license or sublicense, involving Assistance as defined in Sections 2(b)(3) through 2(b)(5) of this Ordinance, with any person unless such person executes a certification as described herein. Failure of a Beneficiary or other person to execute a certification as required herein shall render an agreement or subagreement for Assistance null and void.

(e) Phase-in for Non-Profit Organizations.--A non-profit organization which is a party to a contract or series of contracts with Allegheny County, or any subcontract thereto (Assistance as defined in Sections 2(b)(2) and 2(b)(3) herein), as of the effective date of this Ordinance, shall be subject to from the requirements of this Ordinance according to the following schedule:

(i) Within one year of the effective date of this Ordinance, upon renewal or extension of the contract(s) or subcontract(s) with Allegheny County, the non-profit organization must reduce the gap between the hourly wage of any of its employees who are earning less than the Living Wage (as defined in Section 3 herein) and the Living Wage by no less than 15% (i.e., if the organization pays some of its employees \$1 per hour less than the

Living Wage, the organization would be required to increase the hourly wage for those employees by \$0.15).

(ii) Within two years of the effective date of this Ordinance, upon renewal or extension of the contract(s) or subcontract(s) with Allegheny County, the non-profit organization must reduce the gap between the hourly wage of its employees who are earning less than the Living Wage and the Living Wage by no less than 35% (i.e., using the previous example, the organization would be required to increase its employees' hourly wage by an additional \$0.35, assuming the Living Wage has not increased from the previous year)

(iii) Within three years of the effective date of this Ordinance, upon renewal or extension of the contract(s) or subcontract(s) with Allegheny County, the non-profit organization must be in full compliance with the provisions of this Ordinance.

(iv) During each of the first three years after the effective date of this Ordinance, no less than 60 days prior to renewal or extension of the contract(s) or subcontract(s) with Allegheny County, the non-profit organization shall provide the Applicable Department with sufficient information to enable the Applicable Department to determine the non-profit organization's cost of complying with this Section. Upon verifying the reasonableness and accuracy of the cost of compliance, the Applicable Department shall increase the non-profit organization's compensation under the contract(s) or subcontract(s) according to a formula to be established in the Annual Budget for Allegheny County. During the first year of phased in coverage under this Section, the increased compensation from the Applicable Department shall be no less than 100% of the non-profit organization's reasonable cost of compliance.

(v) During the second and third years of phased in coverage under this Section, if the non-profit organization provides satisfactory evidence to the Applicable Department that its reasonable costs of complying with this Section, minus compensation received from the Applicable Department and any other net increases in funding, are greater than 1% of its total operating budget, the Applicable Department may extend

implementation of phased in coverage under this Section. Implementation shall only be extended to the extent necessary to bring the non-profit organization=s reasonable cost of compliance within 1% of its total operating budget. In no case may implementation be extended for more than three one-year periods.

(vi) In order to qualify for the phased in coverage provided under this Section,

a non-profit organization must provide the Applicable Department with a current copy of the organization=s articles of incorporation or similar documentation of non-profit status.

Section 4. Community Jobs.

(a) Definitions. In addition to the definitions in Section 2, the following terms shall apply:

(1) "One Stop Career Center" means a facility, such as a Job Center, established by the federal and state government, within Allegheny County, to provide employment referral and job readiness services to individuals seeking work.

(2) "Community Based Hiring Hall" means any organized job registry or referral service operated by (i) a labor union, or (ii) a Community-Based Organization (as defined in section 2(d)) that is certified by the County Assistance Advisory Committee (see Section 8, below) as satisfying the following criteria. The County Assistance Advisory Committee shall periodically review its certification of non-profit organizations, and may withdraw certification whenever, in the sole discretion of the Committee, a non-profit organization fails to satisfy the following criteria. To be certified as a Community Based Hiring Hall, a Community-Based Organization must satisfy the following criteria:

(I) a computerized skill bank where individuals may register free of charge for employment and training opportunities;

(ii) an established process whereby an employer can post job openings, and where referrals can begin within 48 hours of such posting; and

(iii) a proven track record of non-discriminatory job placement with respect to race, color, religion, ancestry, national origin, place of birth, gender, sexual orientation, familial status, age, nonjob related handicap or disability in employment (or a satisfactory plan for achieving such a track record within a specified period of time).

(3) "Employment Agreement"--means a written agreement between Allegheny County and any proposed or current Beneficiary that is negotiated before Assistance is approved.

(4) "First Source Hiring Agreement"--means a signed agreement between a proposed or current Beneficiary and a One Stop Career Center, containing the terms specified in Section 4(c).

(b) Applicability.--Covered Employers who receive Assistance (as defined in Section 2(b)) shall, prior to the receipt of such Assistance, enter into an Employment Agreement with the Applicable Department. At a minimum, the Employment Agreement shall contain the following elements:

(i) one or more signed First Source Hiring Agreements between the Beneficiary and one or more Allegheny County One Stop Career Centers; and

(ii) one or more signed First Source Hiring Agreements between the Beneficiary and one or more Community Based Hiring Halls, or a signed affidavit from the President or Chief Operating Officer of the Covered Employer certifying that no Community Based Hiring Hall was willing to enter into a First Source Hiring Agreement with the Covered Employer, and stating the reason given for such refusal;

(c) First Source Hiring Agreement.--The First Source Agreement shall stipulate that:

(1) for any job opening to be filled in connection with any project for which a Beneficiary receives Assistance, the Beneficiary shall notify the One Stop Career Center(s)

and any Community-Based Hiring Halls covered by the agreement, of the availability of the position, including a job description, wages, benefits, period of employment, and minimum qualifications;

(2) for any such job opening, the Beneficiary shall not advertise, announce, or recruit for open positions covered by the agreement, without having first notified the One Stop Career Center(s) and any Community-Based Hiring Halls covered by the agreement.

(3) for any such job opening, the Beneficiary shall hire from among qualified individuals referred by the One Stop Career Center(s) or Community-Based Hiring Halls covered by the agreement;

(4) for any such job opening, the Beneficiary shall not hire from a source other than the One Stop Career Center(s) or Community Based Hiring Halls covered by the agreement, unless the Beneficiary can demonstrate that no qualified applicants were referred within a period of thirty (30) days after the date of notification;

(5) the One Stop Career Center(s) shall facilitate the participation of Community Hiring Halls in the referral process, and shall make Job Center applications available to Community Hiring Halls;

(6) the One Stop Career Center(s) and Community-Based Hiring Halls shall maintain a database of job opportunities subject to this Ordinance and shall provide information on such job opportunities to all Allegheny County residents; and

(7) the Covered Employer will not discriminate on the basis of race, color, religion, ancestry, national origin, place of birth, gender, sexual orientation, familial status, age, or disability.

(d) Protection of Union Jobs--In no instance shall a Covered Employer employ individuals pursuant to this Section where such employment would result in the displacement of its employees already covered by a collective bargaining agreement. Nor shall a Covered Employer construe this Section as requiring or authorizing the Covered Employer to refuse to bargain in good faith for the extension or renewal of a collective bargaining agreement covering its employees. Regardless of whether a

Covered Employer=s existing employees are covered by a collective bargaining agreement, any new employee hired pursuant to this Section shall be entitled to the same rights and benefits as the existing employees.

Section 5.

Employee Retention

(a) Definitions. In addition to the definitions in Section 2, the following terms shall apply:

(1) A Successor Contract means a contract that falls within the meaning of Assistance in Section 2(b)(2) or 2(b)(3), and that provides for the continuation of substantially the same service that had previously been provided by (i) direct employees of Allegheny County, or (ii) another contractor who was the beneficiary of such Assistance (or a subcontractor thereof).

(2) A Retention Employee means any person who is employed by Allegheny County or by a contractor or subcontractor to provide direct labor or service that is substantially the same as that of a Successor Contract, provided that the person is not an An exempt employee under the Fair Labor Standards Act and provided further that the person (i) was employed for at least the six (6) month period immediately prior to the effective date of the Successor Contract or (ii) was employed on a seasonal basis at any time during the twelve (12) month period immediately prior to the effective date of the Successor Contract.

(3) Predecessor Contractor. Any contractor who was a beneficiary of Assistance as defined in Section 2(b)(2) or 2(b)(3), or any subcontractor thereof, and who provided substantially the same service as that provided under a Successor Contract.

(b) Applicability.--Covered Employers shall provide for continued employment of all qualified Retention Employees.

(c) Exception.--A Covered Employer may deem a Retention Employee not to be qualified for continued employment only if:

(i) the Retention Employee has been convicted of a crime that is related to the job or to his or her job performance, or

(ii) the Covered Employer can demonstrate to the satisfaction of the Applicable Department that the Retention Employee presents a significant danger to customers, co-workers, or County staff.

(d) Current Employees.--the Covered Employer may retain a current employee, pursuant to the process outlined in Section 6(e) below, if it can demonstrate to the satisfaction of the Applicable Department that employment of a Retention Employee would result in the termination of an existing employee who has been employed by the Covered Employer for at least the six (6) month period immediately prior to the effective date of the Successor Contract, or who was employed on a seasonal basis at any time during the twelve (12) month period immediately prior to the effective date of the Successor Contract.

(e) In the event the Covered Employer does not have enough positions available for all qualified Retention Employees and its eligible current employees, the Covered Employer shall hire Retention Employees and retain eligible current employees by seniority within each employment classification. For any positions that become available during the initial ninety (90) day period of the Successor Contract, the Covered Employer shall hire Retention Employees and rehire eligible current employees by seniority within each employment classification.

(f) Protection of Union Jobs Where application of the preceding paragraph would violate an existing collective bargaining agreement, a Covered Employer shall retain eligible current employees and hire Retention Employees according to the terms of that agreement.

(g) Retention Employees may not be discharged without cause during the initial ninety (90) day period of the Successor Contract.

(h) Each Retention Employee who receives a satisfactory performance evaluation at the end of the initial ninety (90) day period of employment shall be offered continued employment under terms and conditions established by the Covered Employer for all of its employees at that job site or under the service contract with the County.

(i) Maintenance of Wage Standards--For each position in which a Covered Employer employs a person pursuant to a Successor Contract, the minimum compensation to be paid for said position shall be the greater of (i) the Living Wage as defined in Section 3 of this Ordinance, or (ii) the wage rate paid by Allegheny County or the Predecessor

Contractor to employees of the most similar classification and experience, plus the cash value of health and other benefits paid to such employees.

Section 6. Exemptions

(a) Automatic Exemptions.--The Applicable Department shall grant an exemption from the requirements of this Ordinance in the following situations:

(1) Youth Employment Exemption. A Beneficiary which is an organization that regularly employs individuals under the age of 18 in a summer youth program, school-to-work program or other related seasonal work, shall be exempt as to those employees under the age of 18.

(2) Job Training Exemption.--A Beneficiary which provides training under the Job Training Partnership Act (JTPA) shall be exempt as to those employees participating in the training program, for a period not to exceed six months.

(b) Discretionary Exemptions.--County Council may grant a partial or whole exemption from the requirements of this Ordinance in the following situations:

(1) Exemption for Conflict with Other Legal Requirements. Where a Covered Employer alleges that application of this Ordinance will violate a specific state or federal statutory or regulatory provision or provisions, County Council shall make a determination with advice from the County Law Department. The requirements of this Ordinance shall be deemed applicable unless County Council makes a specific determination to the contrary.

(2) Peculiar Harm Exemption. Otherwise Covered Employers may seek exemption from application of this Ordinance where the Covered Employer can demonstrate a specific, peculiar harm that would be felt uniquely by the Covered Employer seeking the exemption, if the Ordinance were to be applied. Economic harm alone will not suffice to demonstrate hardship, unless it is of a type that would not affect any other actual competitor for the contract/subcontract/lease.

(c) Procedures. Requests for automatic exemptions shall be submitted to the Applicable Department. Requests for

discretionary exemptions shall be submitted to County Council, with copies to the County Law Department and the County Assistance Advisory Committee (see Section 7, below). The County Law Department and the County Assistance Advisory Committee may issue a recommendation to Council at any time prior to final Council action, which shall not take place less than thirty (30) days after receipt of the request. Council shall determine whether to grant or deny an exemption upon review of the request and any recommendation of the County Law Department or the County Assistance Advisory Committee.

(d) Contents--All exemption requests shall include the following:

- (1) the nature of the Assistance to which this Ordinance applies;
- (2) the specific or official name of the Assistance and Assistance Program, the statutory or regulatory authority for the granting of the Assistance, and a copy of that authority;
- (3) a statement of the grounds for exemption;
- (4) the number of employees covered by the exemption request; and
- (5) the estimated hourly wage to be paid to each employee.

(e) In addition to the requirements in subsection (d) above, all requests for a Youth Employment Exemption shall include the following:

- (1) documentation that the Covered Employer is an organization that regularly employs individuals under the age of 18 in a summer youth program, school-to-work program or other related seasonal work; and
- (2) for each employee for which an exemption is sought, the employee=s age and the anticipated end date of employment.

(f) In addition to the requirements in subsection (d) above, all requests for a Job Training Exemption shall include the following:

(1) for each employee for which an exemption is sought, documentation that the Covered Employer is providing training under the Job Training Partnership Act (JTPA); and

(2) for each employee for which an exemption is sought, the anticipated end date of training.

(g) In addition to the requirements in subsection (d) above, all requests for an Exemption for Conflict with Other Legal requirements shall include the following:

- (1) the conflicting statutory, regulatory or constitutional provision(s) that make compliance with this Ordinance unlawful and a copy of each such provision;
- (2) a factual explanation and legal analysis of how compliance with this Ordinance would violate the cited provision(s) and the legal consequences that would attach if this violation were to occur;

(h) In addition to the requirements in subsection (d) above, all Peculiar Harm Exemption requests shall include the following:

- (1) a detailed explanation of how the coverage of this Ordinance will cause a peculiar harm, including supporting financial statements;

Section 7. County Assistance Advisory Committee

(a) Composition. Pursuant to Section 401.09(D) of the County Administrative Code, the County Executive, with the advice and consent of County Council, shall appoint a County Assistance Advisory Committee which shall be comprised of seven members, as follows:

(1) Five of the members of the Committee shall be chosen from nominations submitted by the following organizations, and such other organizations as the County Executive and County Council may solicit. The Committee shall include at least one representative from each group:

(i) Community-Based Organizations (as defined in Section 2(d)), operating solely within Allegheny County;

- (ii) The Western Pennsylvania Living Wage Campaign;
 - (iii) The Greater Pittsburgh Chamber of Commerce;
 - (iv) The Allegheny County Labor Council; and
 - (v) neighborhood-based Merchants' associations.
- (b) Members of this committee shall serve a three-year term.
- (c) Responsibilities. The County Assistance Advisory Committee shall be responsible for reviewing the effectiveness of this Ordinance at creating and retaining living wage jobs in Allegheny County, and advising County Council and the County Executive on matters concerning implementation of this Ordinance, requests for exemptions from the requirements of this Ordinance, and the effective use of County Assistance for the creation and retention of living wage jobs.
- (d) Meetings--The County Assistance Advisory Committee shall meet quarterly and in special session as required. All meetings of the County Assistance Advisory Committee shall be open to the public. All meetings will allow for public testimony on the uses of the County Assistance generally, and on specific instances of Assistance or proposed Assistance as received or sought by individual enterprises.
- (e) Pursuant to its responsibilities above, the County Assistance Advisory Committee shall, upon request, have access to any records, data, and information that Covered Employers are required to submit.

Section 8. Notice of Application for Assistance

(a) Any and all contracts or agreements to provide Assistance shall be void, and no Assistance may be awarded, unless, at least twenty-one (21) days before Assistance is awarded or an Agreement to provide Assistance is signed, the applicant for Assistance files with the Office of the County Controller a publicly available Notice of Application for Assistance which shall include the following:

- (1) the identity of the contract or project to which the Assistance applies, including the identification number

for the request for proposals or other solicitation, if any;

(2) the name, address, and phone number of a local contact person for the prospective Beneficiary;

(3) a workforce profile of the prospective Beneficiary, including, but not limited to, number of employees who are employed within Allegheny County;

(4) a written summary of the prospective Beneficiary's past efforts to hire low and moderate-income Allegheny County residents;

(5) a statement of the prospective Beneficiary's projected employment needs under the anticipated award;

(6) a written commitment by the prospective Beneficiary to pay all Covered Employees no less than a Living Wage, or the information required under paragraphs 7(d) through 7(h) in support of a request for an exemption;

(7) a statement of the projected wage levels for all of the prospective Beneficiary's Covered Employees in each of the five subsequent years;

(8) the prospective Beneficiary's written plan for the training of low and moderate income Allegheny County residents for skilled positions, including signed agreements from any third parties to be responsible for training, if any;

(9) the prospective Beneficiary's numerical goals for filling new hire positions with low- and moderate-income Allegheny County residents, if any;

(10) the total cost to the Applicable Department of the Assistance, including both expenditures by the County, as well as revenue not collected as a result of the Assistance;

(11) a projection of the net increase or decrease in jobs by job classification and wage rates that will result from the Assistance.

Section 9.

Reporting and Compliance

(a) Maintenance of Payroll Records.--Each Covered Employer shall maintain payroll records for each Covered Employee and basic records related thereto and shall preserve them for a period of three years. The records shall contain the following:

(i) name, address, telephone number, union membership status and job classification;

(ii) the number of hours worked each day, gross wages, net wages, and an itemization of all deductions made;

(iii) a copy of all employment tax records, and verification of payment thereof;

(iv) a record of fringe benefit payments including health benefits, contributions to approved plans, funds or programs, and/or additional cash payments; and

(v) any such other data as may be required by the Applicable Department or the County Assistance Advisory Committee from time to time.

(b) Quarterly Reports from Covered Employers--

(1) Covered Employers shall provide quarterly reports to the Applicable Department of their employment activities. The quarterly reports shall contain the following:

(i) the identity of the contract or project under which the Covered Employer receives Assistance, including the identification number for the request for proposals or other solicitation, if any;

(ii) the identity of the subcontract, sublease, or sublicense, if any;

(iii) a unique number or other means of identifying each Covered Employee;

(iv) for each Covered Employee, the number of weeks during the quarter that the employee performed work on or related to the contract or project;

(v) for each Covered Employee, the gross wage (both hourly and total) paid during each week that the employee performed work on or related to the contract or project;

(vi) for each Covered Employee, the average gross wage (both hourly and total) paid during each week that the employee performed work for the Covered Employer that was not on or related to the contract or project, if applicable;

(vii) for each Covered Employee, a statement indicating whether the employee received employer-provided health insurance benefits during each week that the employee performed work on or related to the contract or project;

(viii) the job classification, race, gender, zip code and union representation status of each Covered Employee;

(ix) the name, address, and telephone number of a local compliance person for the Covered Employer.

(2) Each Applicable Department shall provide the County Controller with a copy of each quarterly report it receives from a Covered Employer, within thirty (30) days after receipt. The copy shall be in a format specified by the County Controller.

(3) The County Controller shall maintain a data base, accessible to the public, consisting of the information contained in the quarterly reports received from each Applicable Department and/or Covered Employer.

(c) County Assistance Reports.--Each Applicable Department (including the County Controller) shall file a County Assistance Report with the County Controller, and submit copies of said report to the County Council, the County Executive, and the County Assistance Advisory Committee, within ten (10) working days following each calendar year. The report shall include:

(1) for each Assistance package or contract approved during the preceding calendar year:

(i) the name of the Assistance program;

(ii) the identity of the contract or project to which the Assistance applies, including the identification number for the request for proposals or other solicitation, if any;

(iii) the name, address, and telephone number of a local compliance person for the Covered Employer;

(iv) the total cost to the Applicable Department and/or the County of Assistance provided to each Beneficiary, including both direct expenditures as well as revenue not collected as a result of the Assistance;

(v) the number of jobs within Allegheny County associated with the contract or project, by job classification, wage rates, race, gender, zip code and union representation status; and

(vi) the net increase or decrease in the number of jobs within Allegheny County associated with the contract or project, by job classification, wage rates, race, gender, zip code and union representation status.

(2) for all Assistance packages or contracts approved by the Applicable Department during the preceding calendar year:

(i) the aggregate number of jobs within Allegheny County by job classification, wage rates, race, gender, zip code and union representation status; and

(ii) the net increase or decrease in the aggregate number of jobs within Allegheny County, by job classification, wage rates, race, gender, zip code and union representation status.

(d) County Controller Duties.--It shall be the responsibility of the County Controller to examine promptly all reports for compliance. The County Controller shall cause investigations to be made as may be necessary to determine whether there has been compliance with the provisions of this Ordinance.

(e) Covered Employer to Cooperate.--The Covered Employer shall permit County representatives and members of the County Assistance Advisory Committee to observe work being performed upon the work site, to privately interview employees, and to examine and copy the books and records relating to covered employment to determine whether or not the Covered Employer is in compliance with this Ordinance.

(f) Posting Requirements.--all Covered Employers shall be required to provide notice to Covered Employees' of their rights arising from this Ordinance. The notice will be provided by the County, and must be posted in a conspicuous place frequented by Covered Employees in the Covered Employer's workplace(s). The County Assistance Advisory Committee shall have the right to contact Covered Employees in order to verify the Covered Employer=s compliance with this Ordinance.

(g) Contract and Lease Requirements.--Beneficiaries shall notify the Applicable Department of any contract, subcontract, lease, sublease, license or sublicense (Assistance as defined in Sections 2(b)(3) through 2(b)(5) of this Ordinance) entered into with any person. Beneficiaries shall include compliance with this Ordinance as a condition of any such subagreement for Assistance.

Section 10.

Enforcement

(a) Complaints.--Any employee, Community Based Hiring Hall, or other person who alleges harm as a result of non-compliance with the requirements of this Ordinance may file a complaint with the County Controller. The County Controller shall provide a copy of the complaint to the County Assistance Advisory Committee and to each Beneficiary involved within five business days. Statements, written or oral, made by an employee, shall be treated as confidential and shall not be disclosed to a Covered Employer without the employee=s consent.

(b) Investigations--The County Controller shall investigate any complaint, and, in conjunction with the County Law Department, require the production by the Covered Employer of such evidence as is necessary to resolve the complaint.

(c) Finding of Noncompliance--If at any time the County Controller, upon investigation of a complaint or upon

independent investigation, finds that a violation of this Ordinance has occurred, it shall issue a Finding of Noncompliance/Notice of Corrective Action to the Covered Employer. The Finding of Noncompliance shall specify the areas of noncompliance, impose deadlines for achieving compliance, and specify any sanctions imposed pursuant to Section 11(a), below.

(d) Dispute of Finding of Noncompliance.--A Covered Employer may dispute a Finding of Noncompliance/Notice of Corrective Action by requesting a hearing with a Hearing Officer, within thirty (30) days of the date of the Finding. The Hearing Officer shall affirm or reverse the Finding of Noncompliance based upon evidence presented by the County Controller and the Covered Employer. Where the Finding of Noncompliance contains an order for wage restitution, the Covered Employer must, as a precondition to a request for a hearing, provide evidence that such wages have either been paid or placed into an escrow account for the satisfaction of the judgment of the Hearing Officer. A Covered Employer who does not request a hearing, or who fails to pay or escrow wages as provided herein, waives the right to dispute a Finding of Noncompliance.

(e) Failure to Comply with Notice--If a Covered Employer has failed to comply for more than sixty (60) days after a Notice of Corrective Action has become final, the County Controller shall issue a Finding of Failure to Take Corrective Action. A Notice of Corrective Action shall become final if either the Covered Employer fails to request a hearing within thirty (30) days as provided in the preceding paragraph, or the Hearing Officer affirms such Notice after a hearing. The Finding of Failure to Take Corrective Action shall specify the areas of noncompliance, and shall impose the sanctions provided in Section 11(b), below. A Covered Employer may dispute a Finding of Failure to Take Corrective Action by requesting a hearing as provided in the preceding paragraph.

(f) Enforcement Powers--If necessary for the enforcement of this Ordinance, the County Controller may issue subpoenas, compel the attendance and testimony of witnesses and production of books, papers, records and documents relating to payroll records necessary for hearing, investigations, and proceedings. In case of disobedience of a subpoena, the County Law Department may apply to a court of appropriate jurisdiction for an order requiring the attendance and testimony of witnesses

and the production of books, papers, records and documents, and other relief as the court deems appropriate.

(g) Retaliation and Discrimination Barred--A Covered Employer shall not discharge, reduce the compensation or otherwise discriminate against any employee for making a complaint to the employer, its agents, or the County Controller, or by otherwise asserting his or her rights under this Ordinance, participating in any of its proceedings or using any civil, statutory or collective bargaining remedies to enforce his or her rights under this Ordinance. The County Controller shall investigate allegations of retaliation or discrimination. The County Controller shall make a determination regarding the allegations. If the allegations are found to be true, the County Controller may order appropriate relief, including restitution, and reinstatement of a discharged employee with back pay to the date of the violation. Nothing in this Section will be construed to conflict with, interfere with or supersede any rights collectively bargained for by any union represented Covered Employees. A Covered Employer may dispute a finding of retaliation or discrimination by requesting a hearing as provided in paragraph (d) above.

(h) A Covered Employer shall not engage in any activity with the intent of evading the coverage of this Ordinance. Prohibited activities include, but are not limited to, business reorganization, subcontracting, or subleasing, where such activity has the effect of limiting or avoiding the coverage of this Ordinance, unless the Covered Employer demonstrates to the satisfaction of the County Controller that there is a compelling independent business justification for such activity.

Section 11. Sanctions

(a) In the event that the County Controller or Hearing Officer shall determine that any Covered Employer has failed to pay the Living Wage rate or has otherwise violated the provisions of this Ordinance, the County Controller or Hearing Officer may order any or all of the following penalties and relief:

(1) Fines in the sum of \$500 for each week for each employee found to have not been paid in accordance with this Ordinance;

(2) Wage restitution for each affected employee;

(3) A directive to the Applicable Department to withhold any payments due the Covered Employer, and to apply such payments to the payment of fines or the restitution of wages;

(4) Rescission of any contract or grant of Assistance;
and

(5) Ineligibility for future Assistance for up to three years or until all penalties and restitution have been paid in full, whichever is longer. Said ineligibility shall apply to the Covered Employer and to any affiliate, controlled organization, controlling organization, reconstituted organization, and/or organization having an identity of interest with the Covered Employer.

(b) In the event the County Controller or Hearing Officer determines that a Covered Employer has failed to comply for more than sixty (60) days after a Notice of Corrective Action has become final, or in the event the Hearing Officer determines that any portion of a Covered Employer's dispute of a Finding of Noncompliance is frivolous or was brought for the purpose of delaying compliance, the County Controller or Hearing Officer, in addition to the sanctions that may be imposed pursuant to paragraph (a), above, shall order the following penalties:

(1) A directive to the Applicable Department to withhold any payments due
the Covered Employer for the satisfaction of wage restitution and/or fines;

(2) Rescission of any contract or grant of Assistance;
and

(3) Ineligibility for future Assistance for a period of three years or until all penalties and restitution have been paid in full, whichever is longer. Said ineligibility shall apply to the Covered Employer and to any affiliate, controlled organization, controlling organization, reconstituted organization and/or organization having an identity of interest with the Covered Employer

(c) This Ordinance shall not be construed to limit an employees' civil remedies under any federal, state or local laws relating to employment.

(d) Private Right of Action.--Any Covered Employee, or any person who was formerly employed by a Beneficiary, may bring an action to enforce the provisions of this Ordinance to recover back pay and benefits, attorneys fees and costs, in any court of competent jurisdiction.

(e) Remedies Herein Non-Exclusive--No remedy set forth in this Ordinance is intended to be exclusive or a prerequisite for Allegheny County or any other person to assert a claim for relief or to enforce any rights granted under this Ordinance in a court of law.

(f) Nothing in this Section shall be construed to conflict with, interfere with or supersede any rights collectively bargained for by any union representing Covered Employees.

(g) Injunctive relief shall be available in any court of competent jurisdiction to
compel a Predecessor Contractor to produce a list of employees for the purpose of
determining eligibility under Section 5(a)(2) of this Ordinance, to enforce a decision of a
hearing Officer, or to enforce any other provision of this Ordinance.

Section 12. Responsible and Harmonious Labor Practices Encouraged

In order to prevent disruption of goods and services being provided to or on behalf of Allegheny County and its residents, Allegheny County shall, to the greatest extent feasible, give preference for assistance to businesses that engage in responsible and harmonious labor relations.

Section 13. Union Neutrality

Beneficiaries of Allegheny County Assistance, as that term is defined in Section 2 of this Ordinance, shall not use County funds to support or oppose unionization, including but not limited to, preparation or distribution of materials which advocate for or

against unionization; hiring or consulting legal counsel or other consultants to advise the Beneficiary about how to assist, promote or deter union organizing or how to impede a union which represents the beneficiary=s employees from fulfilling its representational responsibilities; holding meetings to influence employees about unionization; planning or conducting activities by supervisors to assist, promote or deter union activities; or defending against unfair labor practice charges brought by federal or state enforcement agencies.

Section 14. Liberal Interpretation of Coverage

This Ordinance shall be liberally construed so as to effectuate its purposes of promoting the retention and creation of jobs and improving the economic conditions of Allegheny County residents. Any disputes as to whether an employer or a particular type of assistance is covered by this Ordinance shall be resolved by application of a rebuttable presumption of coverage.

Section 15. Severability

In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions hereof.

Section 16. Related Authorities

The County shall not provide any cooperation or assistance to any Authority, corporation, or other entity unless such entity has adopted a board resolution requiring the entity to comply with all provisions of this Ordinance. For the purposes of this Section, A cooperation or assistance shall include, but not be limited to, any transfer of funds, transfer of property, appointment of members, use of bond authority, or any other action that in any way benefits or supports an Authority, corporation or other entity.

Section 17. Effect on County Prevailing Wage Requirements

Any reference to a prevailing wage in any other provision of this Ordinance or in any County Ordinance shall be construed to mean the higher of prevailing wage or living wage.

Section 18. Effective Date

This Ordinance shall be effective on

At its regularly scheduled meeting to be held on September 19, 2000, at 5:00 p.m. in the Gold Room, Fourth Floor of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, PA 15219, Allegheny County Council will consider enactment of this Ordinance.

A copy of this Ordinance is available for review at the office of the Chief Clerk, Room 119 Courthouse, 436 Grant Street, Pittsburgh, PA 15219.

John Mascio
Chief Clerk
Allegheny County Council

DEC 13 1994

CITY OF BALTIMORE

ORDINANCE NO. 442

(Council Bill No. 716)

1 AN ORDINANCE concerning

2 PREVAILING WAGE

3 FOR the purpose of requiring contracts for goods and services,
4 including professional services, to conform to the
5 requirements relating to hours and prevailing wages for
6 construction contracts provide for the payment of a
7 prevailing wage.

8
9 BY repealing and reordaining with without amendments
10 Article 1 - Mayor, City Council, and Municipal Agencies
11 Subtitle - Contracts - Hours and Wages to be under the new
12 heading "Construction Contracts"
13 Section 19 (First paragraph)
14 Baltimore City Code (1983 Replacement Volume, as amended)

15 BY adding
16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Subtitle - Contracts - Hours and Wages to be under the new
18 heading "Service Contracts"
19 Section 26A
20 Baltimore City Code (1983 Replacement Volume, as amended)

21 BY authority of
22 Article II
23 Section (4)
24 Baltimore City Charter (1964 Revision, as amended)

25 PREAMBLE

26 WHEREAS, It is the purpose of this Ordinance to provide for
27 a prevailing minimum hourly wage rate for workers employed by
28 vendors who are awarded service contracts for certain services;
29 and

30 ~~WHEREAS, Upon enactment of this Ordinance a prevailing~~
31 ~~minimum hourly wage rate of \$6.10 shall apply to service~~
32 ~~contracts beginning July 1, 1995; and~~

33 WHEREAS, It is the intent of this Ordinance to require
34 vendors who are awarded professional contracts to pay their non-
35 professional employees the prevailing minimum hourly wage rate
36 provided for under this Ordinance; and

EXPLANATION: CAPITALS INDICATE ADDED TO EXISTING LAW.
[BRACKETS] indicate matter deleted from existing law.
Underlining indicates amendment to bill.

~~Strikethrough~~ indicates matter stricken from the bill by
amendment or deleted from the law by amendment.