

Sec. 18-557. - Living wage.

(a) *Living wage paid.*

- (1) New service contractors. All new service contracts shall pay to all its employees who provide covered services a living wage of no less than \$15.00 per hour without health benefits; or a wage of no less than \$13.19 an hour with health benefits as defined in this section unless otherwise excluded pursuant to this article.
- (2) Existing service contracts. Service contracts awarded and effective or competitively solicited prior to January 1, 2017, shall not be subject to the payment of the living wage set forth in this section and shall continue to be governed by the terms and conditions of the respective solicitation and resulting contractual documents, when applicable.
- (3) The living wage provisions shall apply to all contracts covered by this section unless specifically excluded by one or more subsections below:
 - a. The living wage provision is disallowed by a federal or state law or regulation, grant requirements, or by a contract the city is accessing by "piggybacking", and which contract does not include a living wage provision;
 - b. Funding sources for the contract disallow the living wage provision or provide contradictory funding requirements, or are contained in a contract awarded or solicited prior to the effective date of January 1, 2017, and which contract includes renewals or extensions;
 - c. Professional service contracts awarded under the "Consultants Competitive Negotiation Act", F.S. § 287.055, for the professional services within the scope of the practice of architecture, professional engineering, landscape architecture, registered surveying, and/or mapping;
 - d. The living wage provision is waived by the city commission by resolution, prior to issuance of the competitive solicitation document, upon written recommendation of the city manager or authorized designee, when the city commission finds it is in the best interest(s) of the city to approve such waiver, in which case the living wage provision shall not apply in the competitive solicitation document; or

- e. All responsible wage construction contracts covered by section 18-120 of this Code.
- (4) *City employees.* For covered employees of the city, the city will begin to pay the living wage on a phase-in basis over a nine-year period beginning with the 2006-2007 city budget year to be implemented in the 2014-2015 fiscal year. The city manager, in his/her sole discretion, without further city commission approval, shall have the option to consider whether it is in the city's best interest to complete the phase-in payment of living wage to city employees on a four-year period. Thereafter, the living wage to be paid by the city shall be subject to negotiations within the collective bargaining structure.
- (b) *Health benefits; eligibility period.* For a covered employer to comply with this article by choosing to pay the lower wage scale available when a covered employer also provides a standard health benefit plan, such health benefit plan shall consist of a payment of at least \$1.81 per hour toward the provision of health benefits for covered employees and their dependents and shall be approved by the city.

If the health benefit plan of the covered employer requires an initial period of employment for a new employee to be eligible for health benefits (the "eligibility period"), a covered employer may qualify to pay the \$13.19 per hour wage scale for a term not to exceed the new employee's eligibility period, provided the new employee will be paid health benefits upon completion of the eligibility period, which period shall not exceed 90 days.

- (c) *Certification required before payment.* Any and all service contracts subject to this article shall be void, and no funds may be released, unless prior to entering any such contract with the city, the service contractor certifies to the city that it will pay each of its covered employees no less than the living wage. A copy of this certificate must be made available to the public upon request. The certificate, at a minimum, must include the following:
 - (1) The name, address, and phone number of the employer, a contact person, and the specific project for which the service contract is sought;
 - (2) The amount of the service contract and the city department the contract will serve.
 - (3) A brief description of the project or service provided;
 - (4) A statement of the wage levels for all covered employees; and
 - (5) A commitment to pay all covered employees the living wage.

- (d) *Observation of other laws.* Every covered employee shall be paid without subsequent deduction or rebate on any account (except as such payroll deductions as are directed or permitted by law or by a collective bargaining agreement). The service contractor shall pay covered employees wage rates in accordance with federal and all other applicable laws such as overtime and similar wage laws.
- (e) *Posting.* A copy of the living wage rate shall be kept posted by the service contractor subject to this article, at the site of the work in a prominent place where it can easily be seen and read by the covered employees and shall be supplied to such employees within a reasonable time after a request to do so. Additionally, service contractors subject to this article, shall furnish a copy of the requirements of this article to any entity submitting a bid for a subcontract on any service contract subject to this article.

Posting requirements will not be required where the service contractor subject to this article, prints the following statements on the front of the covered employee's first paycheck and every six months thereafter. "You are required by the City of Miami Living Wage Ordinance to be paid a living wage. If you do not believe you are being paid at the living wage rate, contact your employer, an attorney, or the City of Miami." All notices will be printed in English, Spanish and Creole.

- (f) *Collective bargaining.* Nothing in this article shall be read to require or authorize any service contractor subject to this article, to reduce wages set by a collective bargaining agreement or as required under any prevailing wage law.

(Ord. No. 12787, § 2, 4-6-06; Ord. No. 13110, § 2, 10-22-09; Ord. No. 13405, § 2, 9-26-13; Ord. No. 13648, § 2, 11-17-16; Ord. No. 13676, § 2, 4-27-17)