

Living Wage Program Contractor Guide

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Introduction and Background

The County of Los Angeles (County) is proud to present the Living Wage Program (LW Program) Contractor's Guide. This guide is intended to provide Proposers/Contractors with an overview of the LW Program.

The LW Program, Los Angeles County Code, <u>Chapter 2.201</u>, Ordinance No.99-0048 ("Ordinance" or "LWO"), was adopted by the Board of Supervisors (Board) on July 22, 1999, became effective October 22, 1999, and is applicable to all Proposition A and cafeteria services contracts and amendments subject to Los Angeles County Code, <u>Chapter 2.121</u>, Contracting with Private Businesses. Proposition A and cafeteria contracts are defined as contracts with private businesses to perform services which are currently performed, or which could be performed, by County employees.

In adopting the Ordinance, the Board made a finding that the County is the principal provider of social and health services within the County, especially for persons who are compelled to turn to the County for such services. The Board also noted that employers' failure to pay a living wage to their employees caused those employees to use County social and health services thereby placing an additional burden on the County.

In July 2015, the Board noted that the LW Program had not kept pace with changes in the economy and did not reflect the basic cost of living without dependence on government benefits. In addition, due to the implementation of the Affordable Care Act and other legislative changes, the LW Program framework and methodology has been restructured to reflect rising housing and consumer costs.

Effective March 1, 2016, the LW Program requires that Proposition A and cafeteria services County Contractors and Subcontractors pay all full-time and part-time employees no less than the hourly rates as follows:

Effective Date	Hourly Rate
January 1, 2018	\$15.00
January 1, 2019	\$15.79
January 1, 2020	\$16.31
January 1, 2021	\$16.62
January 1, 2022	\$17.14
January 1, 2023	\$18.49
January 1, 2024	\$18.86
January 1, 2025	\$19.44
January 1, 2026	CPI-W

Effective January 1, 2020, and thereafter the Living Wage rate will increase annually based on the U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles metropolitan area for the 12-month period preceding July 1 of each year.

Applicability

The Living Wage is applicable to Contractors or Subcontractors who have or will receive an aggregate sum of \$25,000 or more in County Proposition A and/or cafeteria services contracts, including the proposed contract amount, in any 12-month period.

Contractors and Subcontractors providing Proposition A or cafeteria services are required to use full-time employees, defined as those employees working a minimum of 40 hours per week, or a lesser number of hours in accordance with recognized industry standards, but not less than 35 hours worked per week.

NOTE: A contractor's employee who works part-time on County contracts, and also works part-time on non-County facilities for a combined total of 40 hours per week is considered a full-time employee of the contractor.

In addition, the LW Program only requires that the employer pay the living wage to the employee for the hours worked on the County contract.

Mandatory Proposer Conference

Departments may require that Proposers attend a mandatory conference for each solicitation to ensure that they understand the LW Program provisions and requirements.

Proposers who do not attend a mandatory conference are disqualified from submitting a proposal.

Exemption

The LW Program provides for an exemption based on <u>Collective Bargaining</u> <u>Agreements</u>(County Code Section 2.201.090.B).

The LWO does not apply to agreements between the Contractor and a labor organization (i.e., union) or collective bargaining unit that expressly supersedes the ordinance.

If a Proposer requests an exemption based on the existence of a Collective Bargaining Agreement, the department should obtain guidance from County Counsel to make an affirmative determination of the following:

1. That the Collective Bargaining Agreement is bona fide and was an arm's length transaction entered into in good faith, and

- 2. That the Collective Bargaining Agreement expressly provides that 1) it supersedes all of the provisions of the LW Program or 2) if not all, those specific provisions that are superseded.
- If the Collective Bargaining Agreement supersedes some but not all of the provisions of the LWO, the department must ensure that the Proposer has certified that Proposer will comply with all of the provisions of the LWO that are not expressly superseded by its Collective Bargaining Agreement.
- 4. In the event that a department recommends award of a contract to a Proposer determined by the department to have qualified for the collective bargaining exemption to the LW Program, the department must report such determination, and the basis for it, to the Board.

To apply for an exemption, Proposers must complete and submit an "Application for Exemption" form, Appendix A, as instructed in the Solicitation document, and must include a copy of the bona fide Collective Bargaining Agreement that expressly provides that it supersedes all of the provisions of the LW Program.

The department will review the exemption status on an annual basis to ensure that the exemption is still valid by having the Contractor fill out the Annual Verification of Exemption to LW Program. The Contractor has a continuing obligation throughout the Contract period to notify the County if it no longer qualifies for the exemption.

Proposal Submission - Living Wage Forms

Solicitation documents include contractual requirements of the LW Program. Forms that Proposers are required to submit with their Proposal, or as instructed in the Solicitation, include but are not limited to the following:

1. Application for Exemption, Appendix A (if applicable)

If a Proposer believes that it meets the exemption to the Living Wage Program, then the Proposer must complete and submit to the County the "Application for Exemption", and include supporting documentation.

2. Proposer's Debarment History and List of Terminated Contracts, Appendix C

Proposer completes this form to report debarment history and list of all contracts that have been terminated prior to contract expiration within the last three (3) years and the reason for termination.

3. Staffing Plan, Appendix F

The Proposer must submit with its proposal a staffing plan, using full-time employees for the Contract. If the Proposer wants to use part-full time employees, the Proposer must submit to the County, along with its proposal, a written request detailing the Proposer's request and justification. The County must approve the use of part-time employees prior to submitting a Staffing Plan.

Pre-Job Conference

The awarding department will hold a Pre-Job Conference with the successful non-exempt Contractor and all Subcontractors, and Internal Services Department (ISD), prior to the start of the contract, to provide information on the LW Program provisions and responsibilities, and to distribute the required reporting and monitoring forms including the Contractor Implementation Action Plan Checklist, Appendix B. The required Notice to Employees – English and Spanish, Appendix G, will be provided to the Contractor for distribution to employees. The Notice to Employees – Receipt Acknowledgement, Appendix H, will be given to the Contractor to be used to document the distribution of the notice to employees.

Reporting Requirements

Once a contract is awarded and services begin, the Contractor will be required to submit monthly compliance/monitoring reports to the awarding department. Generally, the forms include, but are not limited to the following:

- Certified Payroll Report; and
- Payroll Statement of Compliance, Appendix E

In addition, the following supplemental documents may be required:

- Annual Calendar of Payroll Periods
- Detailed list of Contract Employees
- Comprehensive list of all payroll identification codes on Payroll Reporting Form, Appendix D
- Updated Staffing Plan

The reporting period for LW Program compliance/monitoring forms is the calendar month. Forms are submitted to the designated department monitor by the 15th of the month following the reporting period.

Non-Compliance

If a Contractor is having difficulty meeting the LW Program requirements, the awarding department, and ISD, if necessary, may work with an individual Contractor to make a good faith effort to resolve the problem. If a contractor is unable to resolve the problem and

is found to be in violation of the LW Program requirements, the following actions may be taken by the County:

- Withholding of monies owed to the contractor
- Assessment of liquidated damages
- Possible termination of the contract and/or debarment from future County contracts (in accordance with the Contractor Non-Responsibility and Contractor Debarment Ordinance, Los Angeles County Code Section 2.202.010 through 2.202.060)

For additional information the Living Wage Hotline information is as follows:

Telephone: (888) 550-WAGE

Fax Number: (626) 457-3112

TTY: (213) 482-2598

Email: <u>LWO-Construction-info@isd.lacounty.gov</u>

COUNTY OF LOS ANGELES LIVING WAGE PROGRAM

APPLICATION FOR EXEMPTION

The contract to be awarded pursuant to the County's solicitation is subject to the County of Los Angeles Living Wage Program (LW Program) (Los Angeles County Code, Chapter 2.201). Contractors and subcontractors must apply individually for consideration for an exemption from the LW Program. To apply, Contractors must complete and submit this form with supporting documentation to the County by the due date set forth in the solicitation document. Upon review of the submitted Application for Exemption, the County department will determine, in its sole discretion, whether the contractor and/or subcontractor is/are exempt from the LW Program.

Company Name:

	y Address:		
City:		State:	Zip Code:
nder or	ness has received an aggregate sum of less than \$25,00 ne or more Proposition A contracts and/or cafeteriald contract amount.		
	uesting an exemption from the LW Proposition that supports your plain to the	•	• • • • • • • • • • • • • • • • • • • •
My k	entation that supports your claim to the business is subject to or intends to enter in ach agreement); AND	•	
My b	business is subject to or intends to enter in	nto a bona fide Collective expressly provides the	e Bargaining Agreement



COUNTY OF LOS ANGELES LIVING WAGE PROGRAM

IMPLEMENTATION ACTION PLAN CHECKLIST

The contract listed below is subject to the County of Los Angeles Living Wage Program (LW Program) (Los Angeles County Code, Chapter 2.201). In order to standardize implementation of the LW Program, awarding departments and successful contractors/subcontractors are invited to a LW Program "Pre-Job Conference" (Pre-Job) with Internal Services Department (ISD). The Pre-Job provides specific information on your LW Program responsibilities (including what forms to submit) and provides an opportunity to discuss any options available to assist you in meeting your LW Program compliance reporting requirements. Generally, the Pre-Job is conducted after the Board awards the contract but before the actual start of the service. Please complete the following contract information:

Company Name:		
Company Address:		
City:	State:	Zip Code:
Contact Name:	Telephone Number:	
Facsimile Number:	Email Address:	
Awarding Department:		Contract Term:
Contract Service Title:		
Annual Contract Dollar Amount:		Contract Number:
To another full compliance with the LVV Drogram on	d aaaaaa aa a na	than with the County the

To ensure full compliance with the LW Program and success as a partner with the County, the following company owner/agent declares that during this Pre-Job Conference, the provisions of the LW Program were discussed, contractor LW Program responsibilities were defined, and required compliance reporting and monitoring forms were distributed and explained. This "Implementation Action Plan Checklist" must be fulfilled by the agreed upon due date to complete LW Program implementation.

Owner's/Agent's Authorized Signature:	Print Name and Title:						
Date of Conference:	Submission Date: Date Action Items Complet						
FOR COUNTY USE ONLY: Department, upon completion of all Action Item keep a copy for your files.	s, sign below, submit th	is checklist to ISD, and					
Department Authorized Signature	Print Name and Title:						
Date Action Items Completed:	Date Sent to ISD:						
ISD Deputy Compliance Officer:	Completed File Date:						



COUNTY OF LOS ANGELES LIVING WAGE PROGRAM

IMPLEMENTATION ACTION PLAN CHECKLIST

ACTION (if not applicable, indicate with "N/A")	Due Date	Completed							
1. Is Contractor using subcontractor(s)? If yes, subcontractors must also attend Pre-Job Conference and are subject to the LWO. Yes \[\] No \[\]									
Update Staffing/Work Plan with employees names, work schedule, etc. (update and submit to the department when changes occur)									
Staffing/Work Plans provide (4) categories, if applicable:									
a) Full-Time employees									
b) Full-time employees providing part-time service to County									
 Substitute, replacement, rovers, utility employees who will "fill-in" for regular full-time employees 									
d) Part-Time employees (if applicable): Submit written request for approval to use part-time (i.e., less than 40 hours/ week) employees (the County must approve the use of any part-time employee).									
3. Identify pay periods: Check one: Weekly Bi-weekly Semi-monthly Monthly									
4. Provide a detailed payroll calendar denoting pay periods and <u>identify the monthly cut-off dates</u> for LWO reporting (<i>reporting period is the calendar month</i>)									
 5. Determine monthly compliance/monitoring forms: a) Contractor will use County "LWO-Payroll Reporting Form" (complete and attach Payroll Statement of Compliance) Yes No 									
b) Contractor elects to submit their automatic payroll reports (prior to first reporting period, submit a sample payroll report for department review and approval). Report(s) must provide the same information as requested in the "LWO-Payroll Reporting Form."									
c) If applicable, when computer "codes/abbreviations" are used in automated reports, provide a listing of all payroll codes and their respective definitions to department (e.g., "02" = absent, "AWOP" = Absent Without Pay, "S" = Sick, etc.)									
6. Living Wage Program - Payroll Statement of Compliance must be submitted with each: (Choose one) Payroll period report ☐ Monthly report package ☐									
7. LWO "Notice to Employees" handout (other languages are available). Yes No									
8. LWO Receipt Acknowledgement (proof employees received Notice)									
9. LWO "Notice to Employees Working on County Contracts" poster (other languages are available). Yes No									
10. Other Unresolved Issues? (Attach addendum and describe) Yes No									

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COUNTY OF LOS ANGELES PROPOSER'S DEBARMENT HISTORY AND LIST OF TERMINATED CONTRACTS

Proposer's Name:

1. DEBARMENT HISTORY (Check one)	YES	NO				
Proposer is currently debarred by a public entity						
If yes, please provide the name of the public entity:						
2. LIST OF TERMINATED CONTRACTS (Check one	YES	NO				
Proposer has contracts that have been terminated in t	the past three (3) years.					

If yes, please list all contracts that have been terminated prior to expiration within the last three (3) years.

COUNTY OF LOS ANGELES IVING WAGE ORDINANCE - PAYROLL REPORTING FORM

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(1) CONTRACTOR													- 1	(6) C(_											
□ SUBCONTRACTO	DR													(7) TYPE OF SERVICE															
(2) NAME:														(8) W	ORK	LOCA	TION	(S):											
(3) ADDRESS:																													
(4) CONTACT PERSON:			(5) TE	LEPH	HONE	& EN	/IAIL:							(9) PAYROLL PERIOD (Beginning and end dates):															
																								DEDUC	TIONS				(25) Comments
	(11) Last 4 digits SS	(13) Position Title:						(14)	DAY	AND	DA ⁻	ΓΕ							(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	
(10) NAME / ADDRESS		<u> </u>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		Total	Pay		Medi-SS	Fed	State			Total	Net	
	(12) ☐ Full		16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Hours	Rate	Gross	FICA	Tax	Tax	SDI	Other	Deduct	Wages	
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(40) NAME (ADDDEO)	(11) Last 4 digits SS	Title:						<u> </u>	DAY _ T				1	1	1	1				(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25) Comments
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Rev. April 2017

The form may be adjusted to include additional rows to itemize the earnings and deductions in accordance with the contract requirements.

COUNTY OF LOS ANGELES LIVING WAGE PROGRAM

PAYROLL STATEMENT OF COMPLIANCE

Ι,	(Name of Owner or Company Representative), (Title)
Do	hereby state:
1.	That I pay or supervise the payment of the persons employed by(Contractor/Subcontractor) on the(Contract) that during the payroll period commencing on the(day) of(Month and Year), and ending the(day) of(Month and Year), all persons employed on said work site have been paid the full weekly wages earned, that no rebates have been or will be made, either directly or indirectly to or on behalf of(Contractor/Subcontractor) from the full weekly wages earned by any person and that no deductions have been made either directly or in directly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 357; 40 U.S.C. 276c), and described below:
	That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for employees contained therein are not less than the applicable County of Los Angeles Living Wage rates contained in the contract.
	ave reviewed the information in this report and as company owner or authorized agent for this mpany, I sign under penalty of perjury certifying that all information herein is complete and correct.
Prin	Owner or Company Representative Signature: DATE:
CO	E WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE NTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. IN ADDITION, THE NTRACTOR OR SUBCONTRACTOR MAY BE SUSPENDED AND PRECLUDED FROM BIDDING ON OR RTICIPATING IN ANY COUNTY CONTRACT OR PROJECT FOR A PERIOD OF THREE (3) YEARS.

COUNTY OF LOS ANGELES LIVING WAGE PROGRAM STAFFING PLAN

Company Name:

												Н	OURS					WEEKLY HOURS		
REGION NO.	FACILITY NO.	FACILITY NAME/LOCATION	ADDRESS	CITY	EMPLOYEE NAME OR IDENTIFIER	POSITION TITLE	FULL/PART	WORK SCHEDULE	HRS / DAY	MON	TUE	WED	THU	FRI	SAT	SUN	COUNTY	NON-COUNTY	TOTAL	HOURLY
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NOTICE TO EMPLOYEES

Working on County Contracts



The County of Los Angeles Board of Supervisors established the Living Wage Program (Los Angeles County Code <u>Chapter 2.201</u>). This employer is a contractor with the County of Los Angeles and you may be entitled to receive the Living Wage rate of pay for the hours you work on the County contract.

Living Wage

If you are a full-time or part-time employee and perform any service to the County under this contract, you must be paid not less than the Living Wage hourly rate as follows:

Effective Date	Hourly Rate
January 1, 2019	\$15.79
January 1, 2020	\$16.31
January 1, 2021	\$16.62
January 1, 2022	\$17.14
January 1, 2023	\$18.49
January 1, 2024	\$18.86
January 1, 2025	\$19.44
January 1, 2026	CPI-W

Effective January 1, 2020, and thereafter the Living Wage rate will increase annually based on the U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for the Los Angeles metropolitan area for the 12-month period preceding July 1 of each year.

Retaliation

You cannot be transferred, demoted, or terminated because you reported violations of the Living Wage Program. All acts of retaliation can be reported to the Internal Services Department by calling the Living Wage Hotline.

Federal Earned Income Tax Credit

You may be eligible to apply for the Federal Earned Income Tax Credit and receive an annual monetary amount established by the IRS if you qualify. Application forms are available from your employer or by contacting the Internal Revenue Service at (800) 829-3676.

Worker Retention

If the County of Los Angeles terminates its contract with your current employer before the contract's expiration date and enters into a new contract with another contractor for the same service, you may be eligible to continue working as an employee of the new contractor for a period not less than 90 days following the start of the new contract.

Employees that qualify for Worker Retention rights are:

- 1. Employees who are full-time or part-time contract workers.
- Employees who are not exempt under the minimum wage and maximum hour exemptions.
- 3. Employees who have been employed under the predecessor's contract for six months prior to the termination of the predecessor's contract.

Complaints of Violation

Complaints and violations of the Living Wage Program can be reported by calling the Living Wage HOTLINE at:

Internal Services Department Countywide Contract Compliance Section (888) 550-WAGE or (888) 550-9243

OR

the awarding Department at:

Department Name	Department Phone Numbe

AVISO PARA EMPLEADOS

Trabajando en Contratos del Condado



La Junta de Supervisores estableció el Programa del Sueldo Digno (<u>Capítulo 2.201</u> del Código del Condado de Los Ángeles). Este empleador es un contratista con el Condado de los Ángeles y usted puede tener derecho a recibir la tarifa de pago del Sueldo Digno por las horas que usted trabaje en el contrato del Condado.

Sueldo Digno

Si usted es empleado de tiempo completo o de tiempo parcial, y desempeña cualquier servicio al Condado bajo este contrato a usted se le deben de pagar al menos las siguientes tarifas por hora del Sueldo Digno:

Fecha de Vigencia	Tarifa por hora	
1° de Enero de 2019	\$15.79	
1° de Enero de 2020	\$16.31	
1° de Enero de 2021	\$16.62	
1° de Enero de 2022	\$17.14	
1° de Enero de 2023	\$18.49	
1° de Enero de 2024	\$18.86	
1° de Enero de 2025	\$19.44	
1° de Enero de 2026	CPI-W	

Efectivo el 1 de enero 2020 y en adelante, la tarifa del Salario Digno aumentará anualmente basado en el índice de precios al consumidor de asalariados urbanos y personal administrativo (CPI-W, por sus siglas en ingles) de la Oficina de Estadísticas Laborales, del Departamento de Trabajo de los Estados Unidos para el área metropolitana de Los Ángeles durante el periodo de 12 meses cada año precediendo el 1 de Julio.

Represalias

Usted no podrá ser transferido, degradado ni despedido debido a que usted dé a conocer infracciones al Programa de Sueldo Digno (Living Wage Program). Todos los actos de represalia pueden ser denunciados al Departamento de Servicios Internos llamando a la Línea Telefónica de Servicio de Sueldo Digno.

Crédito Tributario Federal por Ingresos del **Trabajo**

Usted puede ser elegible para solicitar el Crédito Tributario Federal por Ingresos del Trabajo y recibir una cantidad de dinero anual establecida por el IRS en caso de que usted califique. Los formularios de solicitud están disponibles con su empleador o comunicándose con el Servicio de Impuestos Internos al (800) 829-3676.

Retención del Trabajador

Si el Condado de los Ángeles rescinde su contrato con el empleador que usted tiene actualmente antes de la fecha de vencimiento de contrato, e inicia un nuevo contrato con otro contratista para el mismo servicio, usted puede ser elegible para seguir trabajando como empleado para el nuevo contratista durante un periodo no menor a 90 días a partir del inicio del nuevo contrato.

Los empleados que califican para los derechos de Retención de Trabajadores son:

- 1. Empleados que estén contratados por tiempo completo o por tiempo parcial.
- 2. Empleados que no estén exentos bajo las excepciones de salario mínimo y de horas de jornada máxima.
- Empleados que hayan estado bajo contrato del empleador anterior durante los seis meses previos a la finalización del contrato de ese empleador.

Quejas de Incumplimiento

Se pueden dar a conocer las quejas por incumplimiento al Programa de Sueldo Digno llamando a la Línea Telefónica de Servicio de Sueldo Digno al:

Departamento de Servicios Internos Sección de Cumplimiento de Contratos en todo el Condado

(888) 550-WAGE o (888) 550-9243

0

al Departamento otorgante al:

lombre de Departamento	Número telefónico



LIVING WAGE ORDINANCE NOTICE TO EMPLOYEES

Receipt Acknowledgement

CONTRACTOR NAME:

CONTRACT NUMBER:

POLICY: Contractor shall distribute, at least annually, the LWO Notice to Employees handout to all employees providing a service to the County.

INSTRUCTIONS: Upon contract startup, a copy of the handout shall be provided to each contract employee and a Receipt Acknowledgment completed. The completed acknowledgement shall be retained in contractor's files and be available for review upon request of County staff. If new employees are hired during the term of the contract, the contractor shall provide a copy of the handout to new employees and complete the acknowledgement listing each new employee.

<u>Annually</u>, following the initial service date, the contractor shall redistribute a copy of the LWO Notice to Employees handout to each contract employee and complete an updated Receipt Acknowledgement documenting the redistribution. The completed updated acknowledgement shall be retained in contractor's files and be available for review upon request by County staff.

This form must be retained by contractor for a minimum of seven (7) years.

Employee's Signature acknowledges receipt of a LWO Notice to Employees Handout

EMPLOYEE NAME (LAST, FIRST)	EMPLOYEE NO	EMPLOYEE'S SIGNATURE	DATE

Page of pages