

Legislative #
180999A

ARTICLE III. - ALACHUA COUNTY GOVERNMENT MINIMUM WAGE

Sec. 22.45. - Definitions.

County means the Alachua County Board of County Commission, its departments and divisions.

Cooperative purchasing agreement means services purchased under the terms and conditions of another local, state, federal, or other public agency's bid or cooperative bids put together by agencies.

Covered employee is a person paid by a contractor or subcontractor directly involved in providing covered services pursuant to the contractor or subcontractor's contract with the county, during the period of time he or she is providing the services. Covered employee does not include an inmate, a student enrolled in a degree program who is employed under the auspices of the educational institution, a person who is employed through an ongoing written job training program, or a worker with a disability as defined in 29 CFR 525.3.

Covered services:

- (a) Are defined as the following services purchased by the county under a single contract that is over the current bid threshold as defined in section 22.09(a) of this Code, and are any of the following:
 - (1) Agriculture and forestry.
 - (2) Clerical or other non-supervisory office work, including secretarial, typing, data entry, filing, transcription, specialized billing, sorting or completing forms, and word, data, and information processing.
 - (3) Construction.
 - (4) Food preparation and distribution.
 - (5) Janitorial and custodial.
 - (6) Landscaping and grounds maintenance.
 - (7) Facilities maintenance.
 - (8) Refuse removal and recycling.
 - (9) Printing and reproduction.
 - (10) Security.
- (b) However, covered services are excluded from the article when:
 - (1) The funds used to pay for the services do not allow for increased cost due to local procurement requirements;
 - (2) Non-profit organizations established under a 501(c) offering services to the community and citizens; or
 - (3) Exempt from bidding under section 22.11 (2), (3), (4), (5), (15) of this Code.

Health benefits are any plan, fund, or program established or maintained by the service contractor or subcontractor for the purpose of providing for its participants or beneficiaries, through the purchase of insurance or otherwise, medical, surgical, or hospital care or benefits.

Health benefit wage is equivalent to the wage of the lowest paid classified employee of the county.

Non-health benefit wage is the health benefit wage plus the average premium under the Affordable Care Act (Gold Plan) for Alachua County based on a non-smoking individual 40 years of age with allowed subsidies.

Inmate is a person who is providing services while under the supervision of state or county probation or corrections.

Payroll records are the name, address, employee classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid and, if applicable, those records necessary to

determine whether health benefits, as described herein, are being provided or offered to covered employees.

Service contractor or subcontractor is an individual, business entity, corporation, partnership, limited liability company, joint venture, or similar business, providing a covered service to the county, but not including employees of any subsidiaries, affiliates or parent businesses. The calculation of number of employees is made as of the date of execution of the contract for covered services.

(Ord. No. 2016-05, § 1, 4-12-16)

Sec. 22.46. - Alachua County Government Minimum Wage.

- (a) A contractor or subcontractor of the county providing a covered service to the county shall pay to all of its covered employees an Alachua County Government Minimum Wage of either the health benefit wage and provide health benefits or pay a non-health benefit wage.
- (b) If the health benefit program of a contractor or subcontractor requires an eligibility period of employment for a new employee to be eligible for health benefits, then such contractor or subcontractor, in order to comply, may pay the non-health benefit wage until such time as the new employee is offered or provided health benefits.
- (c) The health benefit wage and non-health benefit wage shall be recalculated on October 1st of each year.
- (d) The contractor shall certify to the county that it will pay each of its covered employees the Alachua County Government Minimum Wage, and ensure that it will require that of its subcontractors. Upon execution, the certification shall become an obligation under the contract. The certification must also include, at a minimum, the following:
 - (1) The name, address, and phone number of the service contractor or subcontractor and a local contact person;
 - (2) The specific project for which the service contract is sought;
 - (3) An agreement to comply with the terms of this article as part of its contractual obligations.
- (e) A copy of the Alachua County Government Minimum Wage rate shall be posted by the contractor in a prominent place where it can easily be seen by the covered employees and shall be supplied to any covered employee upon request. In addition, it is the responsibility of the contractor to make any person submitting a bid for a subcontract providing covered services aware of the requirements of this article.

(Ord. No. 2016-05, § 1, 4-12-16)

Sec. 22.47. - Application and enforcement.

- (a) The Alachua County Government Minimum Wage shall be a requirement in all solicitations of covered services.
- (b) If such solicitation results in no responsive bids, the purchasing manager may solicit the covered services after notification is provided to the county manager and the board a second time without requiring compliance with the Alachua County Government Minimum Wage requirement.
- (c) The requirements of this article shall apply to contracts for covered services that are amended or solicited after the effective date of this ordinance. However, regarding amendments, contracts that have been awarded via a request for proposals shall be adjusted after negotiation, and contracts that have been awarded by bid will not be adjusted until after they are rebid.
- (d) The county shall include in its contracts for covered services the requirements that:

- (1) The contractor comply with the provisions of the Alachua County Government Minimum Wage requirements, and that failure to do so shall be deemed a breach of contract and shall authorize the county to withhold payment of funds in accordance with Chapter 218, FS.
 - (2) The contractor will include necessary provisions in each of its subcontracts for covered services to ensure compliance with this article. However, the county shall not be deemed a necessary or indispensable party in any litigation between the contractor and a subcontractor.
- (e) A person who claims that he or she is a covered employee and that the employer is not complying with the requirements of this article may file a written complaint with the Alachua County Equal Opportunity Office. A covered employer may be required to produce payroll and other records deemed relevant to the investigation of a complaint. This remedy is not exclusive or in any way meant to prohibit any relief afforded by a court of law, or otherwise prohibit the county from terminating a contract or taking other action as allowed by law.
- (f) A contractor or subcontractor shall not discharge, reduce the compensation of, or otherwise discriminate against any covered employee for filing a written complaint or otherwise asserting his or her rights under this article, participating in any of its proceedings or using any available remedies to enforce his or her rights under this article. A person who claims that he or she has been a victim of a violation of this subsection may file a written complaint with the Alachua County Equal Opportunity Office

(Ord. No. 2016-05, § 1, 4-12-16)