

SECTION 5 – LIVING WAGE ORDINANCE

GENERAL INFORMATION

Rev. 062211, Express Request Doc. #1019

NOTE: SECTION 5 contains information concerning City's Living Wage Ordinance. You are responsible for obtaining a copy prior to bidding. If you do not have a revision dated 062211 or later on file you may download a copy from the Terms and Conditions section of our website at <http://www.norwalkct.org> Document number **1019**

Summary Description for Vendors Regarding Norwalk's Living Wage Ordinance

Effective January 9, 2007, the City of Norwalk adopted a living wage ordinance. This Summary Description is designed to provide any vendor bidding on a City of Norwalk contract with the key provisions of that ordinance. It does not contain the full ordinance.

LIVING WAGE REQUIREMENT:

The ordinance requires that companies awarded service contracts by the City of Norwalk exceeding \$25,000, but not exceeding \$100,000.00 pay their **Eligible Employees a living wage**. Companies considered **Covered Employers** subject to this requirement are defined below. The City of Norwalk has determined that the contract resulting from this bid or Request for Proposals will be subject to the ordinance if the total contract value is \$25,000 but not exceeding \$100,000.00

The living wage is currently calculated to be \$12.36 per hour for employees that are provided comprehensive health care benefits, or \$15.83 per hour for employees that are not provided comprehensive health care benefits.

The living wage and health benefit requirements are adjusted annually effective February 1st of each calendar year. Companies will be required to pay the applicable living wage rate in effect during the term of their contracts.

COVERED EMPLOYERS AND EXEMPTIONS:

The ordinance requires that Covered Employers pay the living wage rate. Certain employers are excluded from paying the living wage rate. They are as follows:

- Non-profit organizations as defined by the ordinance, and
- Entities that employ less than 25 employees, including full-time, part-time and seasonal employees.

ELIGIBLE EMPLOYEES:

Eligible employees are **all permanent, full time employees** (defined as a normal work week of at least 30 hours) of the company, **not just those working on the City contract**. The following are not considered eligible employees for the purposes of the living wage requirement:

- Employees with a normal work week of less than 30 hours.
- Seasonal or temporary employees.
- Employees under the age of 18.
- Employees hired as part of a school-to-work program.

- Students who serves in a work-study program or as an intern.
- Trainees participating for not more than six months in a training program.
- Employees enrolled in a governmentally funded vocational rehabilitation program.
- Volunteers working without pay.
- Employees exempted under Section 14(c) of the Fair Labor Standards Act due to disabilities.
- Any person whose wage rate is subject to a federal or State of Connecticut statute or regulation mandating a prevailing wage rate.

EMPLOYER OBLIGATIONS:

Covered Employers are required to do the following pursuant to the ordinance.

- Certify with the submission of their bid or proposal a) that they will pay the required living wage to eligible employees if awarded a contract, or b) that they are exempt from requirements of the ordinance,
- Provide a complete report, signed by an officer of the company, on a form provided by the City disclosing eligible employees, their wages, health benefits, if any, and employer’s contributions to any health insurance plans. This report shall be filed with the City within 30 days of a request being made by the City in the first year of the contract.
- Notify their employees of their rights under the Living Wage Ordinance by posting a copy of the ordinance and other materials prepared by the City of Norwalk in locations where employees will see them.
- Make best efforts to attempt to hire residents of the City of Norwalk for all new positions which result from a service contract subject to the ordinance.

PROHIBITED PRACTICES:

- Covered Employers cannot decrease non-wage benefits (such as insurance, vacation, or pension) as a means of complying with the living wage requirements.
- Covered Employers cannot retaliate or discriminate against any employee for making a complaint against the covered employer regarding compliance with living wage requirements.

ENFORCEMENT:

The City may enforce the provisions of this ordinance by the imposition of fines, suspension of contract or declaring the Covered Employer ineligible for future contracts.

EXEMPTIONS:

The ordinance provides for the exemptions of certain requirements in the ordinance. However, exemption waivers shall not be considered until the bidding process has been completed and a contract has been awarded. Requests for exemption waivers must be made by the Covered Employer, in writing, to the Office of Corporation Counsel, City of Norwalk, Post Office Box 0798, Norwalk, CT 06856-0798, Attention Living Wage Compliance Coordinator. The Covered Employer shall submit the exemption waiver request to the aforementioned Office which shall have the sole discretion as to whether it is granted.

Please note: The above information is intended to be a summary of the requirements of the living wage ordinance as they affect covered employers and is provided for informational purposes only. Employers should read the entire Living Wage Ordinance. A copy of the Living Wage Ordinance is posted on the City of Norwalk's website www.norwalkct.org Refer to section labeled "City Codes (Code Book). This ordinance can be found within Chapter 62 of the Code Book.

**CITY OF NORWALK
LIVING WAGE CERTIFICATION FORM**

The City of Norwalk has determined that this contract may be subject to the provisions of the Norwalk's Living Wage Ordinance, Code of the City of Norwalk, Chapter 62, Sections 62-1 through 62-12.

Bidders are required to indicate whether they are a Covered Employer as defined by the Norwalk Living Wage Ordinance or are exempt from the requirements by marking the appropriate section below. **FAILURE TO INDICATE MAY RESULT IN THE REJECTION OF YOUR BID.**

_____ I/We are a covered employer and shall pay the required living wage to eligible employees and comply with the requirements of the ordinance during the term of the contract.

Or that:

_____ I/We are not a Covered Employer and therefore not subject to Norwalk's Living Wage Ordinance for the reason indicated below:

_____ Charitable foundations, charitable trusts or nonprofit agencies or nonprofit corporations, provided that the foundation, trust or nonprofit agency or corporation is exempt from federal income taxation and may accept charitable contributions under Section 501 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as from time to time amended.

_____ Bidder employs less than twenty five (25) employees including full time, part time and seasonal employees.

_____ Annual contract value is less than \$25,000.00 or more than \$100,000.00.

I, _____ of _____ do hereby certify
Officer, Owner, Authorized Rep. Company Name

that the representations made above are accurate for _____
:

Bid Name or RFP Name

Signed by:

_____ Dated: _____

TO BE RETURNED WITH BID OR RFP SUBMISSION.

NOTICE TO EMPLOYEES LIVING WAGE APPLICABILITY

Covered Employer: _____

Contract: _____

You are employed by a company that performs services for the City of Norwalk, Connecticut. The City of Norwalk has a Living Wage Ordinance which may require that you be paid for the term of the contract, an hourly wage of not less than \$12.36 per hour when health benefits are provided. As defined by the ordinance, health benefits mean paid comprehensive family medical coverage which does not require the employee to contribute more than 33% of their annual wages toward the payment of the health insurance premium and deductible. If health benefits are not provided to the employee, the employer must pay the living wage of \$15.83 per hour, which includes \$3.47 per hour in lieu of health benefits. Employees performing work for the above-cited contract shall be compensated according to the Living Wage stated rate.

The Living Wage Ordinance provides that:

- Hourly rate may not be reduced to achieve the stipulated Living Wage.
- Employees shall be informed about the minimum wage they should receive according to the Living Wage Ordinance.
- An employee has the right to file a complaint with the City of Norwalk's Office of Corporation Counsel regarding an employer non-compliance with the Living Wage Ordinance.
- Employees are entitled to wage restitution when compensation is less than the established Living Wage.
- Fines and penalties will be applied to employers in non-compliance with the Living Wage Ordinance.

If you have not been compensated according to the Living Wage hourly rate, please complete the attached complaint form and send it to the Office of Corporation Counsel, City of Norwalk, 125 East Avenue, Post Office Box 0798, Norwalk, CT, 06856-0798. Additional copies of this notice and complaint form are posted on the City of Norwalk Purchasing Department website <http://www.bid.ci.norwalk.ct.us/>

**CITY OF NORWALK
LIVING WAGE COMPLAINT FORM**

Name: _____ **Address:** _____

Company Working For: _____ **Date:** _____

Job Title: _____ **Job Start Date:** _____

Starting Hourly Wage: _____ **Present Hourly Wage:** _____

Describe Work Performed: _____

Do you receive comprehensive medical insurance? _____ **Yes** _____ **No**

Please describe your complaint and list all supported documentation included to this complaint.
