

OFFICE OF LABOR STANDARDS ENFORCEMENT

PATRICK MULLIGAN, DIRECTOR



Labor Standards Fact Sheet (Dual-Funded Projects)

Information and requirements for contractors and subcontractors bidding on dual-funded public works contracts in the City and County of San Francisco:

- Pay the higher rate of pay when comparing Davis-Bacon vs. *California Department of Industrial Relations (DIR)* prevailing wages. Pay workers the correct prevailing wage rates for each craft, classification and type of work performed. *SF Administrative Code 6.22(e)(1); CA Labor Code § 1773 and 1774; 40 USC §3141 et seq; CCR 8 §16001*
- Employ apprentices registered in a DIR-approved apprenticeship program and with the Department of Labor (DOL). Submit DIR apprentice certifications and DOL-approved apprentice certifications into LCPtracker. *CA Labor Code §1777.5; 29 CFR 5.5(a)(4)(i)*
- Post the applicable *Davis-Bacon* wage determination with the *Davis-Bacon poster (WH- 1321)* and OLSE prevailing wage poster on the jobsite in a prominent and accessible place. *SF Administrative Code 6.22(e)(7)(D); 48 CFR § 22.404-10*
- Submit certified payroll reports and fringe benefit statements into the City's electronic payroll reporting system (LCPtracker). *SF Administrative Code 6.22(e)(6); CA Labor Code §1776; 29 CFR 5.5(a)(3)(ii)(A)*
- Furnish employees with itemized pay stubs and retain payroll records. *CA State LC §226*
- Maintain Office of Labor Standards Enforcement (OLSE) daily sign-in sheets documenting all hours worked and the classifications of work performed. *SF Administrative Code 6.22(e)(7)(C)*
- Register with the DIR. *CA State Labor Code §1725.5*
- Comply with local labor laws including *Minimum Compensation Ordinance, Health Care Accountability Ordinance, Health Care Security Ordinance, Fair Chance Ordinance and miscellaneous Prevailing Wage Ordinances* where applicable. *SF Administrative Code Ch. 14, 12P, 12Q, 12T and 21C*

All work is subject to compliance monitoring and enforcement by the San Francisco Office of Labor Standards Enforcement (OLSE). *SF Administrative Code 6.24 and 6.22(e)(7)(A)*

OLSE Compliance Officers have the right to engage in random inspections of job sites and to have access to the employees of the contractor, employee time sheets, inspection logs, payroll records and employee paychecks. *SF Administrative Code 6.22(e)(7)(B)*

Failure to comply with prevailing wage requirements shall result in a forfeiture of back wages due plus penalties of not less than \$50 per day per worker, and may result in disqualification as a contractor or subcontractor on any public work or improvement for the City and County of San Francisco for a period of up to five years. *SF Administrative Code 6.22(e)(8)(A); CA Labor Code Section §1775*

Labor Standards Resources

The current prevailing wage rates are available on the Internet, from OLSE or the Awarding Department. For specific information about prevailing wage requirements you can visit the websites listed below:

OLSE Website	https://sf.gov/information/understanding-prevailing-wage <ul style="list-style-type: none"> • Prevailing Wage News • Public Works Requirements • Public Works Tools and Resources for Contractors • Links to Statutory Authority Regarding Prevailing Wage <ul style="list-style-type: none"> ➢ SF Administrative Code, Ch. 6.22 ➢ SF Administrative Code, Ch. 21C ➢ CA Labor Code sections pertaining to Public Works • Link to LCPtracker
DIR Prevailing Wage Rates (including Scope of Work, Travel, and Holiday Provisions)	http://www.dir.ca.gov/OPRL/PWD/
Davis-Bacon Wage Rates	https://sam.gov/content/wage-determinations
DIR Public Works Contractor Registration	https://www.dir.ca.gov/Public-Works/Contractor-Registration.html
DIR Public Works Manual	http://www.dir.ca.gov/dlse/PWManualCombined.pdf
Apprentice Wage Rates	http://www.dir.ca.gov/DAS/PWAppWage/PWAppWageStart.asp
Apprenticeship Programs, Requirements & Forms	http://www.dir.ca.gov/DAS/PublicWorksForms.htm
Contractors State License Status	https://www.cslb.ca.gov/OnlineServices/CheckLicense/CheckLicense.aspx
Information on laws for non - trade employees performing work on City Contracts	www.sf.gov/olse <ul style="list-style-type: none"> • Minimum Compensation Ordinance (MCO) • Health Care Accountability Ordinance (HCAO) • Health Care Security Ordinance (HCSO) • Paid Sick Leave Ordinance (PSLO) • Paid Parental Leave Ordinance (PPLO) • Fair Chance Ordinance (FCO)

For more information, call OLSE at (415) 554-6573 or email prevailingwage@sfgov.org

GENERAL SERVICES AGENCY
OFFICE OF LABOR STANDARDS ENFORCEMENT
 PATRICK MULLIGAN, DIRECTOR



2023 OLSE/LCPtracker Training Schedule

No fees or registration required

Payroll Reporting Training

*Includes an overview of prevailing wage and Citywide PLA
 (2nd Tuesday of the Month)*

Tuesday, January 10, 2023*	Tuesday, July 11, 2023*
Tuesday, February 14, 2023*	Tuesday, August 8, 2023*
Tuesday, March 14, 2023*	Tuesday, September 12, 2023*
Tuesday, April 11, 2023*	Tuesday, October 10, 2023*
Tuesday, May 9, 2023*	Tuesday, November 14, 2023*
Tuesday, June 13, 2023*	<i>No Training in December 2023</i>

*Live webinars will be conducted on Microsoft Teams. Please visit OLSE's website for up-to-date information.

<https://sf.gov/take-payroll-training>

Time:

For City Staff - upon request - please email prevailingwage@sfgov.org

10:30 am - 12:00 pm - City Contractor & Subcontractors

Webinar:

Available 24/7 & covers the basics of submitting certified payrolls.

<https://sf.gov/take-payroll-training>

For certified payroll reporting training questions, please contact Jimmy Hewitt:
 (415) 554-6211, james.hewitt@sfgov.org



OFFICE OF LABOR STANDARDS ENFORCEMENT

415-554-OLSE (6573)

California law requires that construction workers employed on City funded projects be paid not less than the prevailing wage rate.

TO ENSURE LABOR STANDARDS COMPLIANCE, THE OLSE:

- Visits jobsites and interviews workers regarding rates of pay and types of work performed
- Investigates complaints to verify that workers receive prevailing wages including fringe benefits, travel and subsistence, holiday, overtime, and other required payments
- Conducts audits by reviewing certified payroll records, fringe benefit statements, inspector's logs, sign-in sheets, and pay check stubs to verify payment of prevailing wage and proper classification of work
- Assesses penalties for non-submission of records or non-payment of prevailing wage

For additional information, please visit the OLSE website at www.sf.gov/OLSE and/or email us at prevailingwage@sfgov.org

If you have any questions or would like to file a complaint, please call (415) 554-6573.

Si tiene alguna pregunta, o si desea presentar una queja, por favor llame al (415) 554-6573.

如果你有任何疑問或想提出投訴, 請致電 (415) 554-6573.

Kung mayroon kayong katanungan o nais ninyong magsampa ng reklamo, mangyari pong tumawag sa (415) 554-6573.

Если у Вас есть какие-либо вопросы, или Вы хотите подать жалобу, пожалуйста, позвоните по телефону (415) 554-6573.

Nếu bạn có bất cứ câu hỏi nào hoặc muốn nộp đơn khiếu nại, xin hãy gọi (415) 554-6573.

EMPLOYEE RIGHTS

UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

Office of Labor Standards Enforcement
415-554-OLSE (6573)

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



San Francisco Labor Laws for City Contractors

Effective July 1, 2022

Minimum Compensation Ordinance (MCO) – 12P

Wages and Paid Time Off (PTO)

For a company that has 5 employees or greater, anywhere in the world. Includes subcontractors.

Any employee who works on a City contract for services:

- For-profit rate is \$19.15/hour as of 7/1/22
- Non-profit rate is \$17.90/hour as of 7/1/22
- Public Entities rate is \$18.75/hour as of 7/1/22
- 0.04615 hours of Paid Time Off (PTO) per hour worked (can be used as vacation or sick leave, and is vested and cashed out at termination)
- 0.03846 hours of Unpaid Time Off per hour worked – allowed without consequence
- Employee must sign a “Know Your Rights” form
- Posting Requirement

Health Care Accountability Ordinance (HCAO) – 12Q

For a company that has > 20 workers (for profit)/ > 50 workers (nonprofit), anywhere in the world – Includes subcontractors

Any employee who works **at least 20 hours a week** on a City contract for services:

- Either:
 - A) Offer a compliant health plan with no premium charge to the employee. See Minimum Standards
 - OR
 - B) Pay \$6.10 per hour to SF General Hospital (not Healthy San Francisco and not a benefit to employees)
 - OR
 - C) Pay \$6.10 per hour to covered employee. N/A to SFO and San Bruno Jail locations. Employee must live outside of SF and work on a City contract outside of SF. See HCAO for more details.
- Employee must sign a “Know Your Rights” form
- Posting Requirement

Video

<https://youtu.be/Jgy5OpPzQqM>

** Rate changes every July 1

Health Care Security Ordinance (HCSO)

Any employee who works an average of 8 hours a week in the City of San Francisco (whether or not on a City contract) and is **not covered by the HCAO**:

- Spend \$2.20 or \$3.30 (depending on your size) per hour on their health care (e.g. health insurance, or a contribution to Healthy San Francisco)
- Employee can only waive their rights:
 - o By signing an official HCSO voluntary waiver, and
 - o If they show they have insurance through another employer
- Posting Requirement

Fair Chance Ordinance (FCO) – 12T

Hiring Process

- You may not ask about criminal background in a job application or at the start of the hiring process
- Job announcements must include language specified by the law
- You may inquire into criminal background after an interview or once a conditional offer has been made
- If you intend to consider criminal background in your hiring decision, you must give the applicant the opportunity to provide evidence of rehabilitation or mitigating circumstances
- Posting Requirement

Office of Labor Standards and Enforcement (OLSE)

City Hall Room, 430

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

(415) 554-7903

mco@sfgov.org

hcao@sfgov.org