MAYOR
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Deede Weithorn
Jonah Wolfson

City Manager
Jorge M. Gonzalez

City Attorney
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GLOSSARY OF TERMS
"Covered Employee" relates to anyone employed by the City or any service contractor, as further defined in this division, either full or part time, as an employee with or without benefits.
"Covered Employer" relates to the City and any and all service contractors, whether contracting directly or indirectly with the City, and subcontractors of a service contractor.
"Health Benefits" shall, at a minimum, mean health insurance coverage which consists of wellness and preventive care, including maternity, and that meets the requirements of a "standard health benefits plan" as defined in Subsection 627.6699 (12)(b)(4), Florida Statutes,* as may be amended from time to time.

Florida Statutes:
The standard health benefit plan shall include:
a. Coverage for inpatient hospitalization;
b. Coverage for outpatient services;
c. Coverage for newborn children pursuant to s. 627.6575;
d. Coverage for child care supervision services pursuant to s. 627.6579;
e. Coverage for adopted children upon placement in the residence pursuant to s. 627.6578;
f. Coverage for mammograms pursuant to s. 627.6613;
g. Coverage for handicapped children pursuant to s. 627.6615;
h. Emergency or urgent care out of the geographic service area; and
i. Coverage for services provided by a hospice licensed under s. 400.602 in cases where such coverage would be the most appropriate and the most cost-effective method for treating a covered illness.

PROCUREMENT DIVISION
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We are committed to providing excellent public service and safety to all who live, work, and play in our vibrant, tropical, historic community.

a guide to the LIVING WAGE

MIAMIBEACH

UNDERSTANDING THE LAW

The Living Wage Ordinance, § 2-407 thru 2-410 of the Miami Beach City Code (the Ordinance), was adopted by the Mayor and Commission on April 18, 2001, and became effective on April 28, 2001, with the intent to provide salary rates for full-time employees equivalent to the poverty level plus 10 percent, and therefore, eliminate sub-poverty level wages.

On June 9, 2010, the Mayor and Commission amended the Ordinance. The amendment included an adjustment to the original hourly rates paid to employees under the original Ordinance. Commencing on October 1, 2010, this adjustment will increase the hourly rate that employers are required to pay employees covered under the Ordinance. The increase will be phased in over a three (3) year period.

What is the Living Wage Ordinance requirement?

Effective October 1, 2010, all employers covered by the Living Wage Ordinance are required to pay employees performing Covered Services, no less than $10.16 per hour with health benefits, or $11.41 per hour without health benefits (please see Ordinance No. 2010-3682 for hourly wage rate increases over a three (3) year phase-in).

Living Wage Ordinance requirements apply to:

City employees, contractors and subcontractors of City service contracts involving the City's expenditure of over $100,000 per year providing the following types of covered services:

- Food preparation and/or distribution;
- Security services;
- Routine maintenance services such as custodial, cleaning, refuse removal, repair, refinishing, and recycling;
- Clerical or other non-supervisory office work, whether temporary or permanent;
- Transportation and parking services;
- Printing and reproduction services;
- Landscaping, lawn and/or agricultural services; and,
- Park and public property maintenance.

EMPLOYER RESPONSIBILITIES

What are the employer's responsibilities to the employee?

- Pay the employee at least bi-weekly the applicable hourly living wage rate.
- Offer the employee the option to elect health benefits coverage during the employer's annual enrollment period.*
- Pay the employee at least $1.25 per hour towards a health benefits plan* (as defined under Florida law) for covered employees and their dependents.
- Pay wage rates in accordance with federal and all other applicable laws such as overtime.

> ***NOTE:*** *Amendment to Section 2-408(c) entitled "Annual open Enrollment/Election of Benefits," and definition of "Health Benefits" adopted June 19, 2010.

- Post the living wage rates in a prominent place, or on employees' paychecks every six (6) months, in English, Creole and Spanish.
- Permit interview of employees without interference.
- No retaliation or discrimination against an employee who files a complaint or otherwise asserts his/her rights under the Ordinance, is permitted.

What are the employer's responsibilities to the City of Miami Beach?

- Maintain payroll records for three (3) years.
- File complete payroll records with the Procurement Contracts Compliance Specialist every six (6) months and allow inspection upon request.
- Submit list of all subcontractors and corresponding payroll records for employees working on the contract.
- If employer offers health benefits, the plan must be a "health benefit plan"; as defined under Florida law.
- Ensure subcontractors' compliance with Ordinance.
- Maintain an "open enrollment period" at least once a year, during which employees can elect and advise the employees whether they wish to be covered under the employees' health plan.
- Pay employees who elect, during the annual open enrollment period, not to be covered under the employer's health benefits plan, the higher hourly living wage (by the next pay period following the employee's election).

EMPLOYEE RIGHTS AND ENFORCEMENT

What are the employee's rights?

- A covered employee, or former covered employee who believes that the Ordinance applies, and whose employer is not complying with the Ordinance, has a right to file a complaint with the City's procurement director within one (1) year after the violation occurred.
- Instead of filing a complaint with the City, but not in addition to, a covered employee may file an action in civil court.

What are the City's complaint procedures and sanctions?

- The City will promptly investigate the complaint and require corrective action from the employer when applicable.
- If an employer fails to comply with any notice of corrective action issued, the City Manager may issue an order to appear at an administrative hearing before one of the City's Special Masters at a set time.

Retaliation and Discrimination Barred

A covered employer shall not discharge, reduce compensation of, or otherwise discriminate or take adverse action against any covered employee for making a complaint to the City, under the Ordinance. Allegations of retaliation or discrimination, if found true, shall result in an order of restitution (please see Ordinance No. 2010-3682, Section 2-410(g) for more information).

Employer to Cooperate

An employer shall permit the City to observe work being performed at, in, or on the project site. Furthermore, the City may conduct interviews with the covered employees performing work at, in, or on the project site to determine compliance.

Violations of the Living Wage Ordinance

- Failure to post wages on site.
- False or inaccurate payrolls
- Retaliation against employees
- Underpayment of covered employees
- Failure to submit payrolls
- Not allowing access to employees or payroll records

Penalties and Sanctions

- Stop Payment (for any amount deemed to employee).
- Contract termination.
- Damages payable to the employee for each week per covered employee(s) found to have not been paid in accordance with the Ordinance.
- Ineligibility for future service contracts for three (3) years or until all restitution has been paid in full to the covered employee and all penalties (if any) paid to the City, whichever is longer.
- Pay the City's reasonable costs (for investigating and defending the complaint and remedying the violation).

> ***NOTE:*** *Further complaint procedures and sanctions apply; please refer to Ordinance No. 2010-3682 for a complete description.*