

1 [Office of Labor Standards Enforcement.]

2
3 Ordinance adding Section 2A.23 to Chapter 2 of the San Francisco Administrative Code
4 to establish the Office of Labor Standards Enforcement within the Department of
5 Administrative Services to enforce the Minimum Wage Ordinance, Minimum
6 Compensation Ordinance, Health Care Accountability Ordinance, Prevailing Wage
7 Ordinances and carry out additional duties as established by Charter or ordinance; and
8 amending Section 6.24 of the Administrative Code to delete language duplicative of
9 Section 2A.23.

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The San Francisco Administrative Code is hereby amended by adding
15 Section 2A.23, to read as follows:

16 SEC. 2A.23. OFFICE OF LABOR STANDARDS ENFORCEMENT.

17 (a) There is hereby created within the Department of Administrative Services an Office of
18 Labor Standards Enforcement. The Office of Labor Standards Enforcement shall enforce the City's
19 Minimum Wage Ordinance (Chapter 12R of the Administrative Code), Minimum Compensation
20 Ordinance (Chapter 12P of the Administrative Code), Health Care Accountability Ordinance (Chapter
21 12Q of the Administrative Code), Prevailing Wage Ordinances, and shall carry out any additional
22 duties and functions as assigned by Charter or ordinance.

23 (b) The Office shall be administered by the Labor Standards Enforcement Officer, who shall
24 be appointed by, and shall serve at the pleasure of, the Mayor. In appointing the Labor Standards
25 Enforcement Officer, the Mayor shall consider, among other relevant factors, the individual's

Supervisor Amirano, Mirkarimi
BOARD OF SUPERVISORS

1 experience enforcing labor standards, including prevailing wage requirements, and the diversity of San
2 Francisco in the construction industry. The Labor Standards Enforcement Officer shall coordinate his
3 or her activities with federal and state labor standards agencies.

4 (c) All City departments shall cooperate with the Labor Standards Enforcement Officer and
5 his or her designees. The Labor Standards Enforcement Officer shall have the authority to subpoena
6 the production of books, papers, records or other items relevant to investigations under the jurisdiction
7 of the Office of Labor Standards Enforcement.

8 Section 2. The San Francisco Administrative Code is hereby amended by amending
9 section 6.24, to read as follows:

10 SEC. 6.24. OFFICE OF LABOR STANDARDS ENFORCEMENT; PREVAILING WAGE
11 REQUIREMENTS.

12 (A) ~~There is hereby created within the Department of Administrative Services an Office of~~
13 ~~Labor Standards Enforcement. The Office of Labor Standards Enforcement shall have the authority to~~
14 ~~ensure that public work contractors comply with the prevailing wage requirements and other labor~~
15 ~~standards imposed by the Charter, this Administrative Code and State and/or Federal Law on public~~
16 ~~work contractors. The Office shall be administered by the Labor Standards Enforcement Officer, who~~
17 ~~shall be appointed by, and shall serve at the pleasure of, the Mayor. In appointing the Labor Standards~~
18 ~~Enforcement Officer, the Mayor shall consider, among other relevant factors, the individual's~~
19 ~~experience enforcing labor standards, including prevailing wage requirements, and the diversity of San~~
20 ~~Francisco in the construction industry.~~ Subject to the approval of the Mayor and Director of the

21 Department of Administrative Services, the Labor Standards Enforcement Officer shall
22 develop and administer a plan for the enforcement of the prevailing wage requirements and
23 other labor standards imposed by the Charter and this Chapter on public work contractors.
24 The Labor Standards Enforcement Officer shall coordinate his or her activities with federal

1 and state labor standards agencies. The Labor Standards Enforcement Officer shall direct
2 the City's enforcement of the prevailing wage requirements and other labor standards
3 imposed by the Charter and this Chapter on public work contractors as directed by the Mayor,
4 and to this end all City departments shall cooperate with the Labor Standards Enforcement
5 Officer. The Labor Standards Enforcement Officer has the authority to seek for violations of
6 prevailing wage, working conditions and apprenticeship requirements all of the penalties
7 imposed by this Chapter, including the authority to file charges, in the same manner and to
8 the same extent as a department head, which may lead to the debarment of the contractor
9 under Article V of this Chapter. The Labor Standards Enforcement Officer shall oversee the
10 training of City personnel in the area of labor standards enforcement. In accordance with
11 applicable law, the Mayor may enter into a contract for investigative and monitoring services
12 to further the purposes of this section. In evaluating the qualifications of persons seeking that
13 contract, the Mayor shall consider, among other relevant factors, the experience of those
14 persons in monitoring and investigating labor standards compliance.

15 (B) Subject to the fiscal and budgetary provisions of the charter, the Office of Labor
16 Standards Enforcement is authorized to receive from departments awarding public work
17 contracts the amount reasonably calculated to pay for the costs, including litigation costs, of
18 enforcing the City prevailing wage requirements and other labor standards for contracts
19 awarded by those departments. The Labor Standards Enforcement Officer shall supervise
20 the expenditure of all funds appropriated for enforcement of prevailing wage requirements and
21 other labor standards imposed by the Charter and this Chapter on public works contractors.


22 The Labor Standards Enforcement Officer shall establish an administrative procedure
23 to address allegations of labor standards violations in connection with any public work
24 contract under this Chapter. The Labor Standards Enforcement Officer shall have sole
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1 authority over the administration of this complaint procedure. The complaint procedure shall
2 include but need not be limited to the following: (1) any person may file a complaint, written or
3 oral, alleging one or more violations of any labor standards requirement imposed by this
4 Chapter on public work contractors; (2) before beginning to investigate the complaint, the
5 Labor Standards Enforcement Officer shall determine if the allegations of the complaint are
6 sufficient and based on that assessment shall determine to either dismiss it or proceed with
7 an investigation; (3) if the Labor Standards Enforcement Officer at any time determines that
8 the allegations contained in the complaint are without merit, the Labor Standards Enforcement
9 Officer shall notify the complainant; and (4) if the Labor Standards Enforcement Officer finds
10 that any allegations in a complaint have merit, the Labor Standards Enforcement Officer shall
11 proceed in accordance with the enforcement procedures under Section 6.22 of this Chapter.
12 This complaint procedure is applicable to allegations of labor standards violations in
13 connection with any public work contract under this Chapter, but is not applicable to those
14 matters under the administrative jurisdiction of the San Francisco Human Rights Commission.
15 This procedure shall not preclude the Labor Standards Enforcement Officer from initiating or
16 proceeding with an investigation on his or her own authority. All public work contractors and
17 departments engaged in public work shall cooperate fully with the Office of Labor Standards
18 Enforcement in connection with any investigation of any complaint filed in accordance with
19 this complaint procedure. The Labor Standards Enforcement Officer may interview, either at
20 the worksite or elsewhere, any witness who may have information relative to a complaint.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
AMY S. ACKERMAN
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051652

Date Passed:

Ordinance adding Section 2A.23 to Chapter 2 of the San Francisco Administrative Code to establish the Office of Labor Standards Enforcement within the Department of Administrative Services to enforce the Minimum Wage Ordinance, Minimum Compensation Ordinance, Health Care Accountability Ordinance, Prevailing Wage Ordinances and carry out additional duties as established by Charter or ordinance; and amending Section 6.24 of the Administrative Code to delete language duplicative of Section 2A.23.

January 10, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

January 17, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval
Excused: 1 - Ammiano

File No. 051652

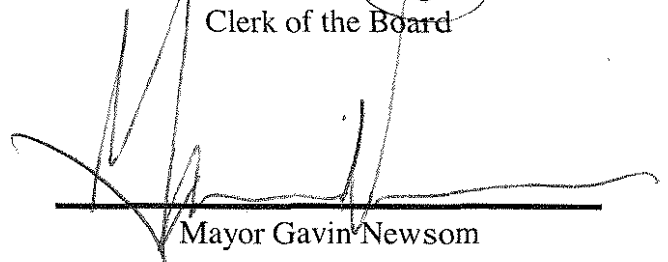
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on January 17, 2006 by the Board of Supervisors of the City and County of San Francisco.

01/20/06

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom