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.

Note: Additions are single-underlined italics Times New Roman; deletions are strikethrough italics Times New Roman. Board amendment additions are double underlined. Board amendment deletions are strikethrough normal.

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

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

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

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

(b) The Office shall be administered by the Labor Standards Enforcement Officer, who shall be appointed by, and shall serve at the pleasure of, the Mayor. In appointing the Labor Standards Enforcement Officer, the Mayor shall consider, among other relevant factors, the individual's
experience enforcing labor standards, including prevailing wage requirements, and the diversity of San
Francisco in the construction industry. The Labor Standards Enforcement Officer shall coordinate his
or her activities with federal and state labor standards agencies.

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

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

SEC. 6.24. OFFICE OF LABOR STANDARDS ENFORCEMENT: PREVAILING WAGE
REQUIREMENTS.

(A) There is hereby created within the Department of Administrative Services an Office of
Labor- Standards Enforcement. The Office of Labor Standards Enforcement shall have the authority to
ensure that public work contractors comply with the prevailing wage requirements and other labor
standards imposed by the Charter, this Administrative Code and State and/or Federal Law on public
work contractors. The Office shall be administered by the Labor Standards Enforcement Officer, who
shall be appointed by, and shall serve at the pleasure of, the Mayor. In appointing the Labor Standards
Enforcement Officer, the Mayor shall consider, among other relevant factors, the individual's
experience enforcing labor standards, including prevailing wage requirements, and the diversity of San
Francisco in the construction industry. Subject to the approval of the Mayor and Director of the
Department of Administrative Services, the Labor Standards Enforcement Officer shall
develop and administer a plan for the enforcement of the prevailing wage requirements and
other labor standards imposed by the Charter and this Chapter on public work contractors.
The Labor Standards Enforcement Officer shall coordinate his or her activities with federal
and state labor standards agencies. The Labor Standards Enforcement Officer shall direct
the City's enforcement of the prevailing wage requirements and other labor standards
imposed by the Charter and this Chapter on public work contractors as directed by the Mayor,
and to this end all City departments shall cooperate with the Labor Standards Enforcement
Officer. The Labor Standards Enforcement Officer has the authority to seek for violations of
prevailing wage, working conditions and apprenticeship requirements all of the penalties
imposed by this Chapter, including the authority to file charges, in the same manner and to
the same extent as a department head, which may lead to the debarment of the contractor
under Article V of this Chapter. The Labor Standards Enforcement Officer shall oversee the
training of City personnel in the area of labor standards enforcement. In accordance with
applicable law, the Mayor may enter into a contract for investigative and monitoring services
to further the purposes of this section. In evaluating the qualifications of persons seeking that
contract, the Mayor shall consider, among other relevant factors, the experience of those
persons in monitoring and investigating labor standards compliance.

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

The Labor Standards Enforcement Officer shall establish an administrative procedure
to address allegations of labor standards violations in connection with any public work
contract under this Chapter. The Labor Standards Enforcement Officer shall have sole
authority over the administration of this complaint procedure. The complaint procedure shall include but need not be limited to the following: (1) any person may file a complaint, written or oral, alleging one or more violations of any labor standards requirement imposed by this Chapter on public work contractors; (2) before beginning to investigate the complaint, the Labor Standards Enforcement Officer shall determine if the allegations of the complaint are sufficient and based on that assessment shall determine to either dismiss it or proceed with an investigation; (3) if the Labor Standards Enforcement Officer at any time determines that the allegations contained in the complaint are without merit, the Labor Standards Enforcement Officer shall notify the complainant; and (4) if the Labor Standards Enforcement Officer finds that any allegations in a complaint have merit, the Labor Standards Enforcement Officer shall proceed in accordance with the enforcement procedures under Section 6.22 of this Chapter.

This complaint procedure is applicable to allegations of labor standards violations in connection with any public work contract under this Chapter, but is not applicable to those matters under the administrative jurisdiction of the San Francisco Human Rights Commission. This procedure shall not preclude the Labor Standards Enforcement Officer from initiating or proceeding with an investigation on his or her own authority. All public work contractors and departments engaged in public work shall cooperate fully with the Office of Labor Standards Enforcement in connection with any investigation of any complaint filed in accordance with this complaint procedure. The Labor Standards Enforcement Officer may interview, either at the worksite or elsewhere, any witness who may have information relative to a complaint.
APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: [Signature]
AMY S. ACKERMAN
Deputy City Attorney
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.

Date Approved

Gloria L. Young
Clerk of the Board

Mayor Gavin Newsom