

RESOLUTION

**BY: Mrs. LoCurto, Pridgen, Kearns, Fontana, and Rivera**

**RE: Compliance with the Living Wage Ordinance**

Whereas, the City of Buffalo enacted a Living Wage Ordinance in 1999 and amended it in 2003 and 2007, *Buffalo City Code § 96-19*; and

Whereas, the Living Wage Ordinance applies to certain employers with over ten employees who make contracts worth over \$50,000 with the City of Buffalo; and

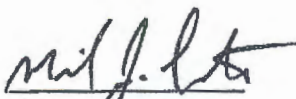
Whereas, the Living Wage Ordinance requires at Section E(1) that "Simultaneous with the submission of the bid for the proposed contract, the department authorized to enter into the contract shall obtain an application for contract from the prospective employer and shall forward a copy to the Commission on a Living Wage;" and

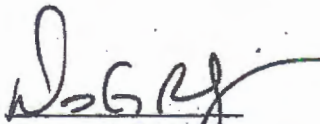
Whereas, the Living Wage Ordinance requires at Section F(2) that "Each service contract to which these regulations apply shall provide that violation of this section shall enable any aggrieved employee to file an action against the contractor for damage. In addition, such service contract shall also indicate that the City has the discretion to terminate the service contract and pursue any other legal remedies available to the City if the contractor fails to comply with this section;"

*Be it resolved that*

The Common Council will not approve any City contract (other than contracts for the purchase of materials) unless


- a. The contract includes the language attached to this Resolution as Appendix 1, and the department or other City entity making the contract has certified in writing that the application for contract has been obtained and forwarded to the Living Wage Commission, or
- b. The Law Department has certified in writing that the Living Wage Ordinance does not apply to the contract, with a brief explanation of why it does not apply.

  
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## Appendix 1

### Living Wage Language for City Contracts

#### Living Wage Ordinance

Contractor shall comply with the Living Wage Ordinance of the City of Buffalo (Buffalo City Code § 96-19), if applicable. The Ordinance applies to contracts in which the City pays or receives over \$50,000 and the employer has at least ten employees. It does not apply to contracts for professional services. Compliance includes:

- Paying all covered employees a living wage. Covered employees are all employees, full or part-time, employed in, on, or for the project or matter subject to the contract, except persons employed in construction work covered pursuant to federal or state prevailing wage laws.
- Submitting quarterly reports to the Living Wage Commission, including the name, address, classification, period of employment and wage rate of all employees covered by the Ordinance.
- Posting two copies of the Ordinance or a summary approved by the Living Wage Commission in conspicuous places where notices to employees and applicants for employment are customarily posted.
- Informing employees making less than \$12 per hour of their possible right to the Federal Earned Income Credit and making available forms required to secure advance Earned Income Credit payments from Contractor.

Violating the Ordinance will enable any aggrieved employee to file an action against the contractor for damages and/or a grievance with the City's Living Wage Commission. The City has the discretion to terminate the contract and pursue any other legal remedies if Contractor fails to comply with the Ordinance.