

ORD. 882-03

An Ordinance repealing Section 187.36 of the Municipal Code entitled, “Living Wage Definitions” and Section 187.37(c) entitled, “Living Wage Requirements, Payment by Employer, Exemptions” and enacting new Section 187.36 entitled, “Living Wage Definitions” and new Section 187.37 entitled, “Living Wage Requirements, Payment by Employer, Exemptions.”

SUMMARY & BACKGROUND:

Since the passage of the Living Wage Ordinance in June, 2000 a number of questions have arising concerning the definition of “seasonal” employees. These questions are: What constitutes a workweek and what constitutes a year for purposes of the Living Wage Ordinance. This amendment will define in terms of hours the number of weeks a seasonal employee can work in order to remain exempt from coverage under the ordinance.

This ordinance will also add an additional exemption to the requirements of the Living Wage Ordinance authorizing the Mayor to waive the requirement no more than twice each year in order to facilitate economic development projects that are in the best interests of the City of Toledo. NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That Section 187.36 and Section 187.37(c) of the Municipal Code, which reads:

187.36 Living wage definitions

(a) "City financial assistance recipient" means any entity that receives financial assistance in excess of \$100,000 from the City.

(b) Financial assistance includes, but is not limited to, bond financing, tax increment financing, tax abatement assistance of any kind; and other funds, that are not governed by any federal or state regulations and are not excluded in this subsection and where the application of this section is consistent with laws authorizing the City to expend such other funds. Financial assistance is also understood to include any in-kind assistance that the recipient would otherwise have to pay. Loans shall not be considered assistance except to the extent they are forgiven or discounted below the available market rate over the life of the loan.

(c) "Contractor" means any entity that enters into a contract with the City to provide goods or services to the City in excess of \$ 10,000.00, or any entity that enters into multiple City contracts in a calendar year that exceed \$10,000 in total.

(d) "Employee" means any individual who may be required or directed by any employer, in consideration of direct or indirect financial gain or profit, to engage in any employment.

(e) "Employer" means any entity who is a City financial assistance recipient who employs at least 50 employees on the payroll within the last quarter prior to the effective date of

the financial assistance; or any contractor or subcontractor who employs at least 25 employees on the payroll within the last quarter prior to the effective date of the contract.

(f) "Person" means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts.

(g) "Subcontractor" means any person not an employee that enters into a contract with (1) a contractor to assist the contractor in performing the contract or (2) a City financial assistance recipient to assist the recipient in performing the work for which the assistance was given.

(h) "Volunteer" means a person who renders aid, performs a service, or assumes an obligation without compensation.

(i) "Seasonal" is an individual who works a certain regular season or period of the year, for a maximum of 32 weeks performing some work or activity limited to that season, or an individual who works as a school crossing guard.

(j) "Intern" is a college or university, full-time student enrolled in a two or four year degree program and who works on special projects in connection with his or her field of study; hours worked do not exceed 1500 hours per calendar year and termination of the internship occurs no later than 3 months after graduation from the college or university.
(Ord. 577-00. Passed 6-6-00.)

187.37 Living wage requirements, payment by employer, exemptions.

(c) Exemptions. The following recipients are exempted from the requirements of this section: (1) contractors or subcontractors with fewer than 25 employees; (2) financial assistance recipients with fewer than 50 employees; (2) recipients of Community Development Block Grant funding; (3) seasonal employees; (4) Interns; (5) nonprofit organizations whose sole purpose is to provide cultural, social or educational services; (6) organizations whose primary mission is to provide job readiness and training services, and whose sole purpose of requesting funding is to provide those services; (7) businesses that pay their employees the prevailing wage rate, or pay their employees pursuant to the Davis Bacon Act; (8) Volunteers.

be and the same is hereby repealed.

(Ord. 577-00. Passed 6-6-00.)

SECTION 2. That a new Section 187.36 and 187.37(c) of the Municipal Code be enacted to read:

187.36 Living wage definitions

(a) “City financial assistance recipient” means any entity that receives financial assistance in excess of \$100,000 from the City.

(b) Financial assistance includes, but is not limited to, bond financing, tax increment financing, tax abatement assistance of any kind; and other funds, that are not governed by any federal or state regulations and are not excluded in this subsection and where the application of this section is consistent with laws authorizing the City to expend such other funds. Financial assistance is also understood to include any in-kind assistance that the recipient would otherwise have to pay. Loans shall not be considered assistance except to the extent they are forgiven or discounted below the available market rate over the life of the loan.

(c) “Contractor” means any entity that enters into a contract with the City to provide goods or services to the City in excess of \$10,000.00, or any entity that enters into multiple City contracts in a calendar year that exceed \$10,000 in total.

(d) “Employee” means any individual who may be required or directed by any employer, in consideration of direct or indirect financial gain or profit, to engage in any employment.

(e) “Employer” means any entity who is a City financial assistance recipient who employs at least 50 employees on the payroll within the last quarter prior to the effective date of the financial assistance; or any contractor or subcontractor who employs at least 25 employees on the payroll within the last quarter prior to the effective date of the contract.

(f) “Intern” is a college or university, full-time student enrolled in a two or four year degree program and who works on special projects in connection with his or her field of study; hours worked do not exceed 1500 hours per calendar year and termination of the internship occurs no later than 3 months after graduation from the college or university.

(g) “Person” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into contracts.

(h) “Seasonal” is a person who works a certain regular season or period of the calendar year, for a maximum of one thousand two hundred eighty (1,280) hours performing same work or activity limited to that season, or an individual who works as a school crossing guard.

(i) “Subcontractor” means any person not an employee that enters into a contract with (1) a contractor to assist the contract in performing the contract or (2) a City financial assistance recipient to assist the recipient in performing the work for which the assistance was given.

(j) “Volunteer” means a person who renders aid, performs a service, or assumes an obligation without compensation.

187.37 Living wage requirements, payment by employer, exemptions.

(c) Exemption. The following recipients are exempted from the requirements of this section: (1) contractors or subcontractors with fewer than 25 employees; (2) financial assistance recipients with fewer than 50 employees; (3) recipients of Community Development Block Grant funding; (4) seasonal employees; (5) interns; (6) non-profit organizations whose sole purpose is to provide cultural, social or educational services; (7) organizations whose primary mission is to provide job readiness and training services, and whose sole purpose of requesting funding is to provide those services; (8) businesses that pay their employees the prevailing wage rate, or pay their employees pursuant to the Davis Bacon Act; (9) volunteers; (10) contractors, subcontractors or employees of financial assistance recipients working on a project which the Mayor has determined is crucial to the economic development of the City. No more than two exemptions pursuant to subparagraph (c)(10) shall be granted during any calendar year.

SECTION 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed: December 23, 2003: yeas 11, nays 0.

Attest: Michael J. Beazley
Clerk of Council

Pete Gerken
President of Council Pro Tem

Approved: December 29, 2003
Jack M. Ford
Mayor