

OFFICE OF LABOR STANDARDS ENFORCEMENT

PATRICK MULLIGAN, DIRECTOR



Labor Standards Fact Sheet (Dual-Funded Projects)

Information and requirements for contractors and subcontractors bidding on dual-funded public works contracts in the City and County of San Francisco:

- Pay the higher rate of pay when comparing Davis-Bacon vs. *California Department of Industrial Relations (DIR)* prevailing wages. Pay workers the correct prevailing wage rates for each craft, classification and type of work performed. *SF Administrative Code 6.22(e)(1); CA Labor Code § 1773 and 1774; 40 USC §3141 et seq; CCR 8 §16001*
- Employ apprentices registered in a DIR-approved apprenticeship program and with the Department of Labor (DOL). Submit DIR apprentice certifications and DOL-approved apprentice certifications into LCPtracker. *CA Labor Code §1777.5; 29 CFR 5.5(a)(4)(i)*
- Post the applicable *Davis-Bacon* wage determination with the *Davis-Bacon poster (WH- 1321)* and OLSE prevailing wage poster on the jobsite in a prominent and accessible place. *SF Administrative Code 6.22(e)(7)(D); 48 CFR § 22.404-10*
- Submit certified payroll reports and fringe benefit statements into the City's electronic payroll reporting system (LCPtracker). *SF Administrative Code 6.22(e)(6); CA Labor Code §1776; 29 CFR 5.5(a)(3)(ii)(A)*
- Furnish employees with itemized pay stubs and retain payroll records. *CA State LC §226*
- Maintain Office of Labor Standards Enforcement (OLSE) daily sign-in sheets documenting all hours worked and the classifications of work performed. *SF Administrative Code 6.22(e)(7)(C)*
- Register with the DIR. *CA State Labor Code §1725.5*
- Comply with local labor laws including *Minimum Compensation Ordinance, Health Care Accountability Ordinance, Health Care Security Ordinance, Fair Chance Ordinance and miscellaneous Prevailing Wage Ordinances* where applicable. *SF Administrative Code Ch. 14, 12P, 12Q, 12T and 21C*

All work is subject to compliance monitoring and enforcement by the San Francisco Office of Labor Standards Enforcement (OLSE). *SF Administrative Code 6.24 and 6.22(e)(7)(A)*

OLSE Compliance Officers have the right to engage in random inspections of job sites and to have access to the employees of the contractor, employee time sheets, inspection logs, payroll records and employee paychecks. *SF Administrative Code 6.22(e)(7)(B)*

Failure to comply with prevailing wage requirements shall result in a forfeiture of back wages due plus penalties of not less than \$50 per day per worker, and may result in disqualification as a contractor or subcontractor on any public work or improvement for the City and County of San Francisco for a period of up to five years. *SF Administrative Code 6.22(e)(8)(A); CA Labor Code Section §1775*

Labor Standards Resources

The current prevailing wage rates are available on the Internet, from OLSE or the Awarding Department. For specific information about prevailing wage requirements you can visit the websites listed below:

OLSE Website	https://sf.gov/information/understanding-prevailing-wage <ul style="list-style-type: none"> • Prevailing Wage News • Public Works Requirements • Public Works Tools and Resources for Contractors • Links to Statutory Authority Regarding Prevailing Wage <ul style="list-style-type: none"> ➢ SF Administrative Code, Ch. 6.22 ➢ SF Administrative Code, Ch. 21C ➢ CA Labor Code sections pertaining to Public Works • Link to LCPtracker
DIR Prevailing Wage Rates (including Scope of Work, Travel, and Holiday Provisions)	http://www.dir.ca.gov/OPRL/PWD/
Davis-Bacon Wage Rates	https://sam.gov/content/wage-determinations
DIR Public Works Contractor Registration	https://www.dir.ca.gov/Public-Works/Contractor-Registration.html
DIR Public Works Manual	http://www.dir.ca.gov/dlse/PWManualCombined.pdf
Apprentice Wage Rates	http://www.dir.ca.gov/DAS/PWAppWage/PWAppWageStart.asp
Apprenticeship Programs, Requirements & Forms	http://www.dir.ca.gov/DAS/PublicWorksForms.htm
Contractors State License Status	https://www.cslb.ca.gov/OnlineServices/CheckLicense/CheckLicense.aspx
Information on laws for non - trade employees performing work on City Contracts	www.sf.gov/olse <ul style="list-style-type: none"> • Minimum Compensation Ordinance (MCO) • Health Care Accountability Ordinance (HCAO) • Health Care Security Ordinance (HCSO) • Paid Sick Leave Ordinance (PSLO) • Paid Parental Leave Ordinance (PPLO) • Fair Chance Ordinance (FCO)

For more information, call OLSE at (415) 554-6573 or email prevailingwage@sfgov.org

GENERAL SERVICES AGENCY
OFFICE OF LABOR STANDARDS ENFORCEMENT
 PATRICK MULLIGAN, DIRECTOR



2024 OLSE/LCPtracker Training Schedule

No fees or registration required

Payroll Reporting Training

*Includes an overview of prevailing wage and Citywide PLA
 (2nd Tuesday of the Month)*

Tuesday, January 09, 2024*	Tuesday, July 09, 2024*
Tuesday, February 13, 2024*	Tuesday, August 13, 2024*
Tuesday, March 12, 2024*	Tuesday, September 10, 2024*
Tuesday, April 09, 2024*	Tuesday, October 08, 2024*
Tuesday, May 14, 2024*	Tuesday, November 12, 2024*
Tuesday, June 11, 2024*	<i>No Training in December 2024</i>

*Live webinars will be conducted on Microsoft Teams. Please visit OLSE’s website for up-to-date information.

<https://sf.gov/take-payroll-training>

Time:

For City Staff - upon request - please email prevailingwage@sfgov.org
 10:30 am - 12:00 pm - City Contractor & Subcontractors

Webinar:

Available 24/7 & covers the basics of submitting certified payrolls.

<https://sf.gov/take-payroll-training>

For certified payroll reporting training questions, please contact Jimmy Hewitt:
 (415) 554-6211, james.hewitt@sfgov.org

EMPLOYEE RIGHTS

UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

Office of Labor Standards Enforcement
415-554-OLSE (6573)

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



San Francisco Labor Laws for SFO Contractors

Effective July 1, 2023

(Revised: November 2023)

Minimum Compensation Ordinance (MCO)

Wages and Paid Time Off (PTO)

For a company that has 5 employees or greater, anywhere in the world. Includes subcontractors.

Any employee who works on a City contract for services:

- **For-profit rate** is \$20.22/hour as of 7/1/23
- **Non-profit rate** is \$18.93/hour as of 7/1/23
- 0.04615 hours of Paid Time Off (PTO) per hour worked (can be used as vacation or sick leave, and is vested and cashed out at termination)
- 0.03846 hours of Unpaid Time Off per hour worked – allowed without consequence
- Employee must sign a “Know Your Rights” form
- Posting Requirement

Contact the MCO unit: mco@sfgov.org and (415) 554-7903

Health Care Accountability Ordinance (HCAO)

For a company that has > 20 workers (for profit)/ > 50 workers (nonprofit), anywhere in the world – Includes subcontractors

Any employee who works **at least 20 hours a week** on a City contract for services:

- Either:
 - A) Offer a compliant health plan with no premium charge to the employee. See Minimum Standards
 - OR
 - B) Pay \$6.35* per hour to SF General Hospital (not Healthy San Francisco and not a benefit to employees)
 - OR
 - C) Pay \$6.35* per hour to covered employee. N/A to SFO and San Bruno Jail locations. Employee must live outside of SF and work on a City contract outside of SF. See HCAO for more details.
- Employee must sign a “Know Your Rights” form
- Posting Requirement

* Rate changes every July 1st

Contact the MCO unit: hcao@sfgov.org and (415) 554-7903

Please Post Where Employees Can Read It Easily

CITY AND COUNTY OF SAN FRANCISCO



NOTICE TO EMPLOYEES – JULY 1, 2023

Minimum Compensation Ordinance

This employer is a contractor with the City and County of San Francisco. This contract agreement is subject to the Minimum Compensation Ordinance (MCO). If under this contract agreement you perform any work funded under an applicable contract, you must be provided no less than the Minimum Compensation outlined below.

THESE ARE YOUR RIGHTS . . .

1. Minimum Hourly Compensation:

For contracts entered into or amended on or after October 14, 2007

- For-Profit Rate is **\$20.22/hour effective 7/1/23**
- Non-profits is **\$17.90/hour effective 7/1/22**
- Public Entities is **\$18.75/hour effective 7/1/22**
- Rates subject to change; your employer must pay the then-current rate posted on the OLSE web site: <https://sf.gov/information/understanding-minimum-compensation-ordinance>

For contracts entered into prior to October 14, 2007

- For work performed within the City Of S.F.: SF Minimum Wage (\$18.07/hour effective 7/1/23)
- For work performed outside of S.F.: \$15.50/hour

2. Paid Days Off:

- 12 paid days off per year for vacation, sick leave, or personal necessity
- The paid days off for part-time employees are prorated based on hours worked

3. Unpaid Days Off:

- 10 unpaid days off per year
- Unpaid days off for part-time employees are prorated based on hours worked

IF YOU BELIEVE YOUR RIGHTS ARE BEING VIOLATED CONTACT THE OFFICE OF LABOR STANDARDS ENFORCEMENT AT (415) 554-7903.

Office of Labor Standards Enforcement (OLSE)

City Hall, Room 430

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

<https://sf.gov/information/understanding-minimum-compensation-ordinance>



Minimum Compensation Ordinance (MCO)
KNOW YOUR RIGHTS – JULY 1, 2023

This notice is intended to inform you of your rights under the Minimum Compensation Ordinance (MCO), Chapter 12P of the San Francisco Administrative Code. The MCO requires your employer to provide a prescribed minimum level of compensation be paid to employees of (1) contractors and their subcontractors providing services to the City and County; (2) public entities whose boundaries are coterminous with the City and County who have city contracts; and, (3) tenants and subtenants on Airport property and their subcontractors. The Office of Labor Standards Enforcement (OLSE) is charged with enforcing the MCO. You will be asked to sign this document after you have reviewed the following information. Do not sign this document unless you fully understand your rights under this law.

THE MCO REQUIREMENTS

1. Minimum Hourly Wage

- For-Profit Rate is **\$20.22/hour effective 7/1/23**
- Non-profits is **\$17.90/hour effective 7/1/22**
- Public Entities rate is **\$18.75/hour effective 7/1/22**
- For contracts entered into prior to October 14, 2007, the rate for work performed within the City of S.F. is the San Francisco minimum wage (\$18.07/hour effective July 1, 2023). The rate for work performed outside of S.F. is \$15.50/hour.
- Rates are subject to change. Your employer is obligated to keep informed of the requirements and to notify employees in writing of any adjustment to the MCO wage.

2. Paid Days Off

- 12 paid days off per year for vacation, sick leave or personal necessity
- The paid days off for part-time employees are prorated based on hours worked

3. Unpaid Days Off

- 10 unpaid days off per year
- Unpaid days off for part-time employees are prorated based on hours worked
- Temporary and casual employees are not eligible for unpaid time off

RETALIATION PROHIBITED

Your employer may not retaliate against you or any other employee for trying to learn more about the MCO or exercising your rights under the law. If you believe that you have been discriminated or retaliated against for inquiring about or exercising your rights under the MCO, contact the OLSE at (415) 554-7903 to file a MCO complaint.

Do not sign this document unless you fully understand your rights under this law. If you have any questions about your employer's responsibilities or your rights under this Ordinance, contact the OLSE at (415) 554-7903 or visit <https://sf.gov/information/understanding-minimum-compensation-ordinance> for more information about this law.

Print Name of Employee: _____

Signature of Employee: _____ Date: _____

Para asistencia en Español, llame al (415) 554-7903

需要中文幫助，請電 (415) 554-7903

For a complete copy of the Minimum Compensation Ordinance, visit <https://sf.gov/information/understanding-minimum-compensation-ordinance>.

CITY AND COUNTY OF SAN FRANCISCO



NOTICE TO EMPLOYEES – JULY 1, 2023

Health Care Accountability Ordinance

This employer is a contractor with the City and County of San Francisco. This contract agreement is subject to the Health Care Accountability Ordinance (HCAO). The HCAO requires your employer to provide health plan benefits to covered employees, make payments to the City for use by the Department of Public Health (DPH), or, under limited circumstances, make payments directly to employees. **If you work at least 20 hours per week on a City contract, you are a covered employee and your employer must choose one of the following options:**

1. PROVIDE YOU WITH A HEALTH PLAN THAT MEETS THE MINIMUM STANDARDS OUTLINED BY THE DIRECTOR OF PUBLIC HEALTH

- Your employer cannot require you to contribute any amount towards the premiums for health plan coverage for yourself.
- Coverage must begin no later than the first of the month that begins after 30 days from the start of employment on a covered contract.

OR

2. PAY \$6.35 PER HOUR WORKED TO THE CITY & COUNTY OF SAN FRANCISCO

- If you live within the City and County of San Francisco or work on a City contract within the City, the San Francisco Airport, or the San Bruno Jail, and your employer does not provide a health plan that meets the Minimum Standards, your employer must pay \$6.35/hour for every hour you work (up to 40 hours a week) to the City and County of San Francisco.

OR

3. PAY AN ADDITIONAL \$6.35 PER HOUR WORKED TO THE EMPLOYEE

- If you live outside the City and County of San Francisco and work on a City contract located outside of the City, and not at the San Francisco Airport or at the San Bruno Jail and your employer does not provide a health plan that meets the Minimum Standards, your employer must pay you an additional \$6.35/hour for every hour you work (up to 40 hours a week) to enable you to obtain health insurance coverage.

IF YOU BELIEVE YOUR RIGHTS ARE BEING VIOLATED CONTACT THE OFFICE OF LABOR STANDARDS ENFORCEMENT AT (415) 554-7903.

Office of Labor Standards Enforcement (OLSE)

City Hall, Room 430

1 Dr. Carlton B. Goodlett Place

San Francisco, CA 94102

<https://sf.gov/information/understand-health-care-accountability-ordinance>



Health Care Accountability Ordinance (HCAO)
KNOW YOUR RIGHTS – JULY 1, 2023

This notice is intended to inform you of your rights under the Health Care Accountability Ordinance (HCAO), Chapter 12Q of the San Francisco Administrative Code. The HCAO requires your employer to provide health insurance to you. Your employer can do this by enrolling you in a health plan, by making payments to the City, or, under limited circumstances, by making payments directly to you. The Office of Labor Standards Enforcement (OLSE) is charged with enforcing this Ordinance. You will be asked to sign this document after you have reviewed the following information. Do not sign this document unless you fully understand your rights under this law.

THE HCAO COMPONENTS

- I.** If you live in San Francisco (regardless of where you work) or if you work in San Francisco, at the San Francisco Airport, or at the San Bruno Jail, your employer must:
 - A. Offer you health coverage that meets the Minimum Standards starting on the first day of the month following 30 calendar days after your first day of work*; **OR**
 - B. For each month in which you averaged at least 20 hours of work per week, pay the City \$6.35 per hour for each hour you work, up to 40 hours or \$254 per week.

- II.** If you do not live in San Francisco and do not work in San Francisco, at the San Francisco Airport, or at the San Bruno Jail, your employer must:
 - A. Offer you health coverage that meets the Minimum Standards starting on the first day of the month following 30 calendar days after your first day of work*; **OR**
 - B. For each month in which you averaged at least 20 hours of work per week, pay you \$6.35 per hour for each hour you work, up to 40 hours or \$254 per week, so that you can obtain health insurance coverage on your own.

**Note that your employer must offer at least one plan that does not require you to contribute any amount towards the cost of premiums for health plan coverage for yourself.*

EXEMPTIONS FROM COVERAGE

Certain categories of employees, including but not limited to students, trainees, and employees of employers subject to Prevailing Wage requirements, are exempt under the HCAO. For more information, go to <https://sf.gov/information/understand-health-care-accountability-ordinance> or call (415) 554-7903.

VOLUNTARY WAIVER OF COVERAGE

Employees may refuse health coverage offered by an employer if the employee signs the Voluntary Waiver Form. Employees may revoke this voluntary waiver at any time.

RETALIATION PROHIBITED

Your employer may not retaliate against you or any other employee for trying to learn more about the HCAO or exercising your rights under the law. If you believe that you have been discriminated or retaliated against for inquiring about or exercising your rights under the HCAO, contact the OLSE at (415) 554-7903 to file an HCAO complaint.

Do not sign this document unless you fully understand your rights under this law. If you have any questions about your employer’s responsibilities or your rights under this Ordinance, contact the OLSE at (415) 554-7903 or visit <https://sf.gov/information/understand-health-care-accountability-ordinance> for more information about this law.

Name of Employee _____ Date _____

Signature of Employee _____

Para asistencia en Español, llame al 554-7903
需要中文幫助，請電 554-7903

NOTE: For a complete copy of the Health Care Accountability Ordinance or the Minimum Standards, visit <https://sf.gov/information/understand-health-care-accountability-ordinance>