Effective March 1, 2019 the Living Wage Rates to be applied to services covered under ordinance #140296 are as follows.

<table>
<thead>
<tr>
<th></th>
<th>March 1, 2018 Rate</th>
<th>March 1, 2019 Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees with Health Insurance Coverage</td>
<td>$12.0673 per hour</td>
<td>$12.3798 per hour</td>
</tr>
<tr>
<td>Employees without Health Insurance Coverage</td>
<td>$13.3173 per hour</td>
<td>$13.6298 per hour</td>
</tr>
</tbody>
</table>

The Living Wage rates apply to all new bid solicitations and existing contracts.

The U.S. Department of Health and Human Services 2019 Poverty Guidelines have been released. Per the City of Gainesville’s Living Wage ordinance, section 2-616, the Living Wage is adjusted on the first day of the second month following the publication of the guidelines, or March 1, 2019. The 2019 poverty guideline for a family of four living in the 48 contiguous states and the District of Columbia is $25,750/year. The hourly Living Wage rate with health insurance is the annual poverty guideline for a family of four divided by 2,080 hours. Without health insurance, the hourly Living Wage is an additional $1.25 higher.
ORDINANCE NO. 080755
0-09-09

An ordinance of the City of Gainesville, Florida, creating Article IX, of Chapter 2 of the City of Gainesville Code of Ordinances, establishing a living wage requirement for certain employees of contractors providing selected services to the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City awards contracts to provide services for the public. Such expenditures of public money also serve the public purpose by creating jobs, expanding the City's economic base, and promoting economic security for all citizens; and

WHEREAS, the City provides direct financial assistance to businesses for the purpose of economic development and job growth; and

WHEREAS, the City has set an example by providing a living wage to City employees as determined consistent with budgetary, pay plan and bargaining unit considerations; and

WHEREAS, The City desires to improve the quality of services to the City and the public through the payment of an adequate wage that promotes stability and quality in the work force and does not perpetuate underemployment, while at the same time not creating unemployment;

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

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WHEREAS, the Public Hearings were held pursuant to the published
notice described at which hearings the parties in interest and all others had an
opportunity to be and were, in fact, heard; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY

COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Sections 2-615, 2-616, and 2-617 of Article IX, entitled
"Living Wage Requirements", of Chapter 2 of the City of Gainesville Code of
Ordinances of Gainesville, Florida, is hereby created as follows:

ARTICLE IX. LIVING WAGE REQUIREMENTS

Sec. 2-615. Definitions.

[The following words and phrases as used in this article shall have the
following meanings unless a different meaning is clearly required by the context:]

City means the City of Gainesville Municipal Corporation.

Cooperative purchasing agreement "is materials, equipment or services
purchased under the terms and conditions of another local, state, federal, or other
public agency's bid or cooperative bids put together by agencies.

Covered employee means an employee of a service
contractor/subcontractor, as further defined in this article, that is directly involved
in providing covered services pursuant to the service contractor's/subcontractor's
contract with the city, during the period of time he or she is providing the covered
services. The term "covered employee" shall not include a person described in 29
USC 213(a)(3) (seasonal employee), a student enrolled in a degree program who
is employed under the auspices of the educational institution, a person who is

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employed by the service contractor/subcontractor through an ongoing written job
training program, a worker with a disability as defined in 29 CFR 525.3, or
employees hired or leased for temporary assignments of less than one year such as
short-term projects, substituting for an absent employee, or substituting while a
vacant position is being filled.

Covered services are the following services purchased by the city under a
single contract over $100,000.00:

   (1) Food preparation and/or distribution;

   (2) Custodial/cleaning;

   (3) Refuse removal;

   (4) Maintenance and repair;

   (5) Recycling;

   (6) Parking services;

   (7) Painting/refinishing;

   (8) Printing and reproduction services;

   (9) Landscaping/grounds maintenance;

   (10) Agricultural/forestry services;

   (11) Construction services;

except when such services are services provided under a cooperative purchasing
agreement, or services provided by service contractors/subcontractors located
within the City of Gainesville enterprise zone.

Health benefits are any plan, fund, or program established or maintained
by the service contractor/subcontractor for the purpose of providing for its

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participants or beneficiaries, through the purchase of insurance or otherwise.

medical, surgical, or hospital care or benefits.

Payroll records include name, address, the covered employee's correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid and, if applicable, those records necessary to determine whether health benefits, as described herein, are being provided or offered to covered employees.

Service contractor/subcontractor is a for-profit individual, business entity, corporation, partnership, limited liability company, joint venture, or similar business, providing a covered service, who or which employs 50 or more persons, but not including employees of any subsidiaries, affiliates or parent businesses.

The calculation of number of employees is made as of the date of execution of the contract for covered services.

Sec. 2-616. Amount of living wage.

(a) Living wage paid. A service contractor/subcontractor shall pay to all of its covered employees a living wage of no less than $8.70 per hour (health benefit wage) and offer health benefits as described in this section, or otherwise.

$9.95 per hour (non-health benefit wage).

(b) Health benefits. For a service contractor/subcontractor to comply with the living wage provision by choosing to pay the lower wage scale available when the service contractor/subcontractor also offers health benefits, such health benefits shall cost an average of $1.25 per hour per employee towards the provision of health benefits. The requirement may be satisfied by a cafeteria plan.

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which includes health benefits, towards which the service
contractor/subcontractor makes a contribution of at least $1.25 per hour for each
covered employee. If the health benefit program of a service
contractor/subcontractor requires an initial period of employment for a new
employee to be eligible for health benefits (eligibility period), such service
contractor/subcontractor may pay the health benefit living wage scale for up to six
months of a new employee's initial eligibility period. In this event, upon six
months of employment, the new employee will be paid the non-health benefit
wage until such time as the new employee is offered or provided health benefits.

(c) Adjustment. The living wage (health benefit wage) specified in
subsection (a) above is based on the federal poverty guidelines for a family of four
as determined by the U.S. Department of Health and Human Services (DHHS),
and published in the Federal Register February 14, 2002. It will be adjusted
annually as of the first day of the second month following the month of
publication of the new federal poverty guidelines by the DHHS, the non-health
benefit wage will be adjusted the same amount, and the adjusted rates will be
applied to contracts for which bids/proposals are solicited, or
extensions/amendments of existing contracts entered into, after the effective date
of the adjustment. Provided further, however, that in no event shall the health
benefit wage exceed the lowest hourly base rate of pay of any regular, full-time
city employee in effect at the time bids/proposals for contracts are solicited, or in
the case of extensions/amendments of then existing contracts, the rate in effect at
the time such extension/amendment is entered into. The applicable living wage.

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shall be noted in all solicitations for covered services, and disclosed during
negotiations for extensions/amendments of contracts for covered services.

(d) Certification. Prior to executing any contract with the city or service
contractor for a covered service the service contractor/subcontractor, as
applicable, shall certify to the contractor administrator (city) that it will pay each
of its covered employees a living wage as herein defined, during the period of
time they are directly involved in providing covered services under the contract.
Upon execution, the certification shall become an obligation under the contract.
The certification must also include, at a minimum, the following:

(1) The name, address, and phone number of the service
contractor/subcontractor and a local contact person;

(2) The specific project for which the service contract is sought;

(3) The amount of the contract and the department contract
administrator;

(4) An agreement to comply with the terms of this article as part
of its contractual obligations.

(e) Posting. A copy of the living wage rate shall be kept posted by the
employer in a prominent place where it can easily be seen by the covered
employees and shall be supplied to any covered employee upon request. In
addition, it is the responsibility of the service contractors/subcontractors to make
any person submitting a bid for a subcontract providing covered services aware of
the requirements of this article.

Sec. 2-617. Application; enforcement.
(a) Procurement specifications. The living wage shall be required for new contracts for covered services solicited, and extensions or amendments of existing contracts for covered services with service contractors/subcontractors entered into, after the effective date of the ordinance from which this article derives. This article shall be implemented in a fashion consistent with otherwise applicable city purchasing policies and procedures.

(b) Each contracting department shall include the following clause in each of its contracts for covered services (and extensions/amendments to existing contracts if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor shall comply with the provisions of the City of Gainesville's living wage requirements, as applicable. Failure to do so shall be deemed a breach of contract and shall authorize the city to withhold payment of funds until the living wage requirements have been met.

(2) The contractor will include the provision of (1) above in each subcontract for covered services with a service contractor/subcontractor, as defined herein, so that the provisions of (1) above will be binding upon each such service contractor/subcontractor. The contractor will take such action with respect to any such subcontract as may be directed by the contract administrator as a means of enforcing such provisions; provided, however, the city shall not be deemed a necessary or indispensable
party in any litigation between the contractor and a subcontractor

concerning compliance with living wage requirements.

(c) A person who claims that this article applies or applied to him or her

as a covered employee and that the service contractor/subcontractor is or was not

complying with the requirements of this article has a right to file a written

complaint. Each charter officer shall establish administrative procedures for the

filing, processing and resolution of written complaints under this ordinance for

their respective areas of responsibility(s) of the city. A covered employer may be

required to produce payroll and other records deemed relevant to the investigation

of a complaint. Remedies set forth in any administrative procedures will not be

exclusive or in any way meant to prohibit any relief afforded by a court of law or

otherwise prohibit the city from terminating a contract, filing a complaint, or

taking legal action for noncompliance.

(d) Retaliation and discrimination unlawful. It shall be unlawful and

punishable as provided in section 1-9 of this Code for an employer to discharge,

reduce the compensation of, or otherwise discriminate against any employee for

filing a written complaint or otherwise asserting his or her rights under this

ordinance, participating in any of its proceedings or using any available remedies

to enforce his or her rights under the ordinance.

Section 2. The Codifier is directed to delete Sections 2-615 through 2-617

of the current Code of Ordinances because of the automatic repeal provision in

Section 7 of Ordinance No. 020663. It is the intention of the City Commission

that the provisions of Section 1 of this ordinance shall become and be made a part

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of the Code of Ordinances of the City of Gainesville, Florida, and that the
Sections and Paragraphs of this Ordinance may be renumbered or relettered in
order to accomplish such intentions.

Section 3. If any word, phrase, clause, paragraph, section or provision of
this ordinance or the application hereof to any person or circumstance is held
invalid or unconstitutional, such finding shall not affect the other provisions or
applications of the ordinance which can be given effect without the invalid or
unconstitutional provisions or application, and to this end the provisions of this
ordinance are declared severable.

Section 4. All ordinances, or parts of ordinances, in conflict herewith are
to the extent of such conflict hereby repealed.

Section 5. This ordinance shall become effective immediately upon
adoption.

PASSED AND ADOPTED this 2nd day of April, 2009.

PEGLEN HANRAHAN, MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION L. RADSON
CITY ATTORNEY

This Ordinance passed on first reading this 19th day of March, 2009.
This Ordinance passed on second reading this 2nd day of April, 2009.

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