

LEGISLATIVE DIGEST

[Administrative Code - Prevailing Wages for Commercial Vehicle Loading and Unloading on City Property]

Ordinance amending the Administrative Code to require that prevailing wages be paid for work loading or unloading materials, goods, or products for special events and shows on City property, and the driving of commercial vehicles for that purpose.

Existing Law

In addition to prevailing wage requirements governing public works projects, several City ordinances require the payment of prevailing wages for certain types of work connected with City property, including, among others, janitorial services, parking garage attendant services, theatrical workers services, moving services, trade show work, and broadcast services. See Admin. Code §§ 21C.1-21C.9. There is no prevailing wage ordinance governing work loading, unloading, or driving commercial vehicles for special events or shows on City property.

Amendments to Current Law

The ordinance would require the payment of prevailing wages for any individual engaged in the loading or unloading on City property of materials, goods, or products into or from a Commercial Vehicle in connection with the presentation of a “Show” or a “Special Event.” The prevailing wage requirement would also apply to any Individual driving a Commercial Vehicle from which materials, goods, or products are loaded or unloaded on City property in connection with the presentation of a Show or Special Event.

For purposes of this ordinance, a “Show” has the same meaning as set forth in Administrative Code Section 21C.4, which requires the payment of prevailing wages for individuals engaged in theatrical or technical services related to the presentation of a show on City property (referred to herein as the “Theatrical Workers Ordinance”). That ordinance defines “Show” as “any live act, play, review, pantomime, scene, music, song, dance act, song and dance act, or poetry recitation provided in front of a live audience or recorded for the purpose of later presentation, but shall not include an event where a person solely plays pre-recorded music or pre-recorded performances so long as no other live performance is provided.” (S.F. Admin. Code §21C.4(b)(3).)

For purposes of this ordinance, a “Special Event” has the same meaning as set forth in Administrative Code Section 21C.8, which requires the payment of prevailing wages for individuals engaged in exhibit, display, or trade show work at a Special Event on City property (referred to herein as the “Trade Show Work Ordinance”). That ordinance defines “Special Event” as “any Trade Show, Convention, Exposition, or other Temporary Event with the characteristics of a Trade Show, Convention, or Exposition, that involves Exhibit, Display, or

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Trade Show Work.” (S.F. Admin. Code § 21C.8(b).) In addition, “Special Event” would include mass participation sports event such as a marathon, running race, or bicycle race or tour with anticipated participation by 150 participants or more.

The ordinance defines “Commercial Vehicle” as a vehicle that (1) is used primarily for the transportation of materials, goods, or products, (2) has six wheels or more, and (3) displays or is required to display a California Commercial Vehicle Registration Act weight decal sticker. Commercial Vehicle does not include a vehicle being used exclusively for food catering purposes.

Exemptions

The ordinance would incorporate existing exemptions for certain types of shows and special events that are codified in the Theatrical Workers Ordinance and the Trade Show Work Ordinance. Specifically, this ordinance would not apply to the following types of events:

1. Celebration of a marriage, domestic partnership, or similar civil union.
2. Any permit or agreement to engage in film production pursuant to Chapter 57 of the Administrative Code.
3. Any show or special event for which the time required for the set-up is three hours or less and the number of individuals working on the set-up is no more than two.

In addition, the ordinance would not apply to the following types of shows which are exempt under the Theatrical Workers Ordinance (S.F. Admin. Code § 21C.4(b)(1)):

1. The presentation of a show to which the public has free access when the show is in a public park, on a public street, or on property under the jurisdiction of the Port Commission.
2. Any show on property under the jurisdiction of the Arts Commission

The ordinance also would not apply to the following types of special events which are exempt under the Trade Show Work Ordinance (S.F. Admin. Code § 21C.4(b)):

1. The presentation of a Special Event to which the public has free access when the Special Event is in a public park, on a public street, or on property under the jurisdiction of the Port Commission, and the advertising and promotion for the Special Event is less than \$10,000
2. Any Special Event where the Special Event itself takes five hours or less.
3. Any Special Event that requires the payment of prevailing wage rates applicable to public works projects.
4. A street fair organized by and for which a permit has been issued to a nonprofit entity, where the street fair is free and open to the public and does not have as a primary purpose the advertising or promotion of a product or service.

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Finally, the ordinance would exempt the following types of persons, work and/or events from the prevailing wage requirement:

1. loading or unloading of portable toilets, temporary fencing, temporary barricades, or temporary tents or canopies of less than 700 square feet, or any Individual driving a Commercial Vehicle from which portable toilets, temporary fencing, temporary barricades, or temporary tents or canopies of less than 700 square feet are loaded or unloaded.
2. individual vendors at a flea market or farmers market conducted on City property.
3. work that is covered under a collective bargaining agreement.
4. work that is performed by a City employee.
5. a mass participation sports event that is sponsored by a non-profit entity where the primary purpose of the event is fundraising for that non-profit entity and/or other non-profit entities.

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