

1 [Providing for a new complaint procedure for the enforcement of the prevailing wage
2 requirements.]

3 **Ordinance adding Subsection 6.24(C) to San Francisco Administrative Code, Chapter 6,**
4 **Article II, Section 6.24 to establish a procedure for the Labor Standards Enforcement**
5 **Officer's administration of complaints in the enforcement of prevailing wage**
6 **requirements.**

7 Note: Additions are *single-underline italics Times New Roman*;
8 deletions are *strikethrough italics Times New Roman*.
9 Board amendment additions are double underlined.
10 Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Administrative Code is hereby amended by adding
13 Subsection (C) to Section 6.24, to read as follows:

14 SEC. 6.24. OFFICE OF LABOR STANDARDS ENFORCEMENT.

15 (A) There is hereby created within the Department of Administrative Services an Office
16 of Labor Standards Enforcement. The Office of Labor Standards Enforcement shall have the
17 authority to ensure that public work contractors comply with the prevailing wage requirements
18 and other labor standards imposed by the Charter, this Administrative Code and State and/or
19 Federal Law on public work contractors. The Office shall be administered by the Labor
20 Standards Enforcement Officer, who shall be appointed by, and shall serve at the pleasure of,
21 the Mayor. In appointing the Labor Standards Enforcement Officer, the Mayor shall consider,
22 among other relevant factors, the individual's experience enforcing labor standards, including
23 prevailing wage requirements, and the diversity of San Francisco in the construction industry.
24 Subject to the approval of the Mayor and Director of the Department of Administrative
25 Services, the Labor Standards Enforcement Officer shall develop and administer a plan for

1 the enforcement of the prevailing wage requirements and other labor standards imposed by
2 the Charter and this Chapter on public work contractors. The Labor Standards Enforcement
3 Officer shall coordinate his or her activities with federal and state labor standards agencies.
4 The Labor Standards Enforcement Officer shall direct the City's enforcement of the prevailing
5 wage and other labor standards imposed by the Charter and this Chapter on public work
6 contractors as directed by the Mayor, and to this end all City departments shall cooperate with
7 the Labor Standards Enforcement Officer. The Labor Standards Enforcement Officer has the
8 authority to seek for violations of prevailing wage, working conditions and apprenticeship
9 requirements all of the penalties imposed by this Chapter, including the authority to file
10 charges, in the same manner and to the same extent as a department head, which may lead
11 to the debarment of the contractor under Article V of this Chapter. The Labor Standards
12 Enforcement Officer shall oversee the training of City personnel in the area of labor standards
13 enforcement. In accordance with applicable law, the Mayor may enter into a contract for
14 investigative and monitoring services to further the purposes of this section. In evaluating the
15 qualifications of persons seeking that contract, the Mayor shall consider, among other relevant
16 factors, the experience of those persons in monitoring and investigating labor standards
17 compliance.

18 (B) Subject to the fiscal and budgetary provisions of the charter, the Office of Labor
19 Standards Enforcement is authorized to receive from departments awarding public work
20 contracts the amount reasonably calculated to pay for the costs, including litigation costs, of
21 enforcing the City prevailing wage requirements and other labor standards for contracts
22 awarded by those departments. The Labor Standards Enforcement Officer shall supervise
23 the expenditure of all funds appropriated for enforcement of prevailing wage requirements and
24 other labor standards imposed by the Charter and this Chapter on public works contractors.

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1 (C) The Labor Standards Enforcement Officer shall establish an administrative procedure to
2 address allegations of labor standards violations in connection with any public work contract under
3 this Chapter. The Labor Standards Enforcement Officer shall have sole authority over the
4 administration of this complaint procedure. The complaint procedure shall include but need not be
5 limited to the following: (1) any person may file a complaint, written or oral, alleging one or more
6 violations of any labor standards requirement imposed by this Chapter on public work contractors; (2)
7 before beginning to investigate the complaint, the Labor Standards Enforcement Officer shall
8 determine if the allegations of the complaint are sufficient and based on that assessment shall
9 determine to either dismiss it or proceed with an investigation; (3) if the Labor Standards Enforcement
10 Officer at any time determines that the allegations contained in the complaint are without merit, the
11 Labor Standards Enforcement Officer shall notify the complainant; and (4) if the Labor Standards
12 Enforcement Officer finds that any allegations in a complaint have merit, the Labor Standards
13 Enforcement Officer shall proceed in accordance with the enforcement procedures under section 6.22
14 of this Chapter. This complaint procedure is applicable to allegations of labor standards violations in
15 connection with any public work contract under this Chapter, but is not applicable to those matters
16 under the administrative jurisdiction of the San Francisco Human Rights Commission. This procedure
17 shall not preclude the Labor Standards Enforcement Officer from initiating or proceeding with an
18 investigation on his or her own authority. All public work contractors and departments engaged in
19 public work shall cooperate fully with the Office of Labor Standards Enforcement in connection with
20 any investigation of any complaint filed in accordance with this complaint procedure. The Labor
21 Standards Enforcement Officer may interview, either at the worksite or elsewhere, any witness who
22 may have information relative to a complaint.

23 APPROVED AS TO FORM:
24 DENNIS J. HERRERA, City Attorney
25 By: _____
Sheryl L. Bregman
Deputy City Attorney