

1 [Defining material collected for recycling to be solid waste under prevailing wage/displaced
2 worker ordinance pertaining to City contracts for hauling of solid waste.]

3 **Ordinance amending Administrative Code Section 21.25-5 – requiring payment of**
4 **prevailing wages to workers engaged in the hauling of solid waste generated by the**
5 **City in the course of City operations, and retention of such workers upon a change in**
6 **contractor – to include material collected for recycling in the definition of solid waste.**

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.
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Administrative Code is hereby amended by amending
12 Section 21.25-5(a) to read as follows:

13 **Sec. 21.25-5. PREVAILING RATE OF WAGES AND WORKER RETENTION**
14 **REQUIRED FOR WORKERS ENGAGED IN HAULING OF SOLID WASTE GENERATED BY**
15 **THE CITY IN THE COURSE OF CITY OPERATIONS .**

16 (a) Definitions. For purposes of this Section, the following definitions shall apply to
17 the terms used herein.

18 (1) "City" shall mean the City and County of San Francisco.

19 (2) "Contracting Officer" shall mean any officer or employee of the City authorized
20 to enter into a Contract on behalf of the City.

21 (3) "Contract" shall mean an agreement with the City for the hauling of solid waste,
22 generated by the City in the course of City operations, to be performed at the expense of the
23 City or to be paid out of moneys deposited in the treasury or out of trust moneys under the
24 control or collected by the City. For purposes of this Section, "Contract" shall not include (a) a
25 permit issued under the Refuse Collection and Disposal Ordinance, Appendix 1 of the San

1 Francisco Administrative Code, or (b) a contract governed by the provisions of Chapter 6 of
2 the San Francisco Administrative Code.

3 (4) "Contractor" shall mean any Person who submits a bid and/or enters into a
4 Contract with the City for the hauling of solid waste generated by the City in the course of City
5 operations.

6 (5) "Employee" shall mean any individual engaged in the hauling of solid waste,
7 generated by the City in the course of City operations, for a Contractor or Subcontractor. For
8 purposes of this Section, "Employee" shall not include a person who (a) is a managerial,
9 supervisory, or confidential employee, including those employees who would be so defined
10 under the Fair Labor Standards Act; or (b) does not possess or has not maintained a required
11 occupational license.

12 (6) "Hauling" of solid waste shall mean collection and transport of solid waste
13 generated by the City in the course of City operations. For purposes of this Section, "hauling"
14 shall not include "solid waste disposal" or "disposal" as defined in Section 40192 of the
15 California Public Resources Code.

16 (7) "Person" shall mean any individual, proprietorship, partnership, joint venture,
17 corporation, limited liability company, trust, association, or other entity that may employ
18 individuals or enter into contracts, or any combination thereof.

19 (8) "Prevailing Rate of Wages" shall mean that rate of compensation, including
20 fringe benefits or the matching equivalents thereof, being paid to a majority of workers
21 engaged in the hauling of solid waste, if a majority of such workers are paid at a single rate; if
22 there is no single rate being paid to a majority, then the prevailing rate shall be that single rate
23 being paid to the greatest number of workers.

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1 (9) "Solid Waste" shall mean "solid waste" as defined in Section 40191 of the
2 California Public Resources Code and includes material collected for "recycling" as defined in
3 Section 40180 of the California Public Resources Code.

4 (10) "Subcontract" shall mean any agreement under or subordinate to a prime
5 Contract.

6 (11) "Subcontractor" shall mean any Person who enters into a Subcontract with a
7 Contractor.

8 Section 2. The foregoing amendment to Section 21.25-5(a) of the Administrative Code
9 shall have no force and effect until Section 21.25-5 becomes law.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By: _____
14 PAUL ZAREFSKY
15 Deputy City Attorney
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