

# Notice of Employee Rights Concerning Wage and Labor Standards for Port Contractors

RATES EFFECTIVE JULY 1, 2011

## This Business has a Contract or Lease with the Port of Oakland and may be Required to Pay Living Wage Compensation Rates

### § 728 of the Charter of the City of Oakland

**Summary of Actions:** In 2002, the voters of the City of Oakland amended the Charter of the City, adding Section 728 entitled "Living Wage and Labor Standards at Port-Assisted Businesses." This amendment applies to certain businesses that enter into contracts, or amend existing contracts, with the Port of Oakland on or after April 26, 2002.<sup>1</sup>

Eligible employees of a business covered by Section 728 are entitled to wages and benefits of at least the rate of the Living Wage established by the City of Oakland. As of **July 1, 2011**, the living wage rate of Oakland is:

**\$11.35**

Per hour if the wage is adjusted by credits for health benefits

**\$13.05**

Per hour if the wage is not adjusted by credits for health benefits

### APPLICABILITY

The provisions of this Charter Amendment apply if the employee is not exempt and the employer is a covered business.

#### Covered Business:

An employer that: is involved in a business that:

1. Receives more than \$50,000 in financial assistance from the Port or
2. Employs more than 20 people per pay period in Port related employment or on Port property, and either:
  - a. Pays the Port, over the term of a contract or during the next five years if the term is less than one year, with extensions, an amount of more than \$50,000; or
  - b. Receives payments from the Port, over the term of the contract, an amount of more than \$50,000; or
  - c. Has executed a subcontract, a sublease, sublicense, management agreement or other transfer or assignment under an agreement described in a. or b. above.

#### Exempt Employee

An employee is exempt from this amendment if (s)he: works for an employer who employs less than 20 employees in Port related employment or on Port property; is under 21 years of age and is employed by a non-profit entity for after-school or summer work or for training up to 90 days; or spends less than 25% (10 hours per week for full time work, 4 hours per week for part time work) of his/her time on Port-related work Or on Port property.

#### Federal Earned Income Credits

Employees earning less than \$12/hour shall be provided, upon request to her/his employer, forms to secure Earned Income Credit payments from the employer pursuant to the Internal Revenue Code of 1954, 26 U.S.C. §32.

#### Service Employee Limited Rights to Retain Temporary Employment

If a covered employer is replaced by a subsequent covered business and you are a Service Employee, you may be entitled to employment with the subsequent covered business during the first 90 work days, with exceptions as fully set forth at §728.5 of the Living Wage Charter Amendment.

#### Waiver

A covered employer may request a waiver of all or part of the Living Wage Charter Amendment.

#### Retaliation and Discrimination Barred

A covered business shall not discharge, reduce the compensation of or otherwise discriminate against any person for making a complaint to the Port, participating in any of its proceedings, using any civil remedies to enforce his/her rights, or otherwise asserting his/her rights under this Section of the Charter.

<sup>1</sup> A copy of the Charter Amendment is available from your employer or the Social Responsibility Division of the Port of Oakland. Contact Connie Ng-Wong at (510) 627-1390 for any additional information.