**ULSTER COUNTY LIVING WAGE ACT
RULES AND REGULATIONS**

**SECTION 1: OBJECTIVE; EFFECTIVE DATE.**

* 1. The Living Wage Act, as adopted by Ulster County Local Law Number 6 of 2021 was enacted to ensure that service contractors and sub-contractors will provide a livable wage to employees who perform direct, measurable work in accordance with such service contracts with the County of Ulster of at least $50,000 in a fiscal year.
	2. This law is effective for contracts entered into on or after January 1, 2022.

**SECTION 2: LIVING WAGE DEFINED.**

2.1. The living wage shall be an amount no less than fifteen ($15.00) dollars per hour worked, in addition to retirement, health or other benefits received by the covered employee, if any.

2.2. The living wage may be increased by County Resolution to account for current market conditions (e.g., inflation, changes in the consumer price index). Any such increase in the living wage shall be posted on the website for the Ulster County Purchasing Department.

**SECTION 3: EMPLOYER REQUIREMENTS**

3.1. An employer covered by the Living Wage Act must post in a conspicuous place on its premises, where notices to Employees and applicants for employment are customarily posted, a notice informing Employees of their rights under this local law, along with the current living wage rate and the procedure for filing a complaint.

3.2. An employer covered by the Living Wage Act must maintain payroll records with the name, job title, hourly wage rate and benefits paid to each employee covered by the Living Wage Law, and shall submit a certified payroll upon request.

3.3. An employer covered by the Living Wage Act must maintain related payroll records for a period of five years after termination of an individual’s employment.

3.4. All submitted invoices shall be accompanied by a certification that the employer has paid all employees covered by the Living Wage Act an amount no less than the living wage then in effect.

3.5. Any employer covered by the Living Wage Act must allow the County access to work sites and payroll records to investigate and monitor compliance with the Living Wage Act on prior notice and during normal business hours.

**SECTION 4: EXEMPTIONS**

4.1. An employer covered by the Living Wage Act may submit a written application for an exemption on a form provided by the Department of Purchasing. The Purchasing Director may require the employer to submit additional information or documentation to make a determination regarding the exemption request.

4.2. Within 30 days of receiving a completed application and supporting documentation, if any, the Director must either grant or deny the exemption must notify the applicant of the determination. Notice of such determination shall also be filed with the Clerk of the Legislature within 10 days of making any such determination. All requests for exemptions shall be reviewed on a case-by-case basis.

4.3. The Purchasing Department shall publish guidelines for exemptions on its website.

4.4. No provision of the Living Wage Act shall supplant or contradict the terms of existing collective bargaining agreement(s), or any provision of Federal Law or New York State Law.

4.5. The Living Wage Act shall not apply to Service Contracts awarded utilizing New York State Office of General Services or Federal Government Services Administration procurement.

**SECTION 5: EMPLOYEE COMPLAINTS**

5.1. An employee covered by the Living Wage Act who believes that their employer has violated any provision of this local law may file a written complaint with the County within six (6) months of such violation. Complaint forms are available upon request in English and Spanish.

5.2. Within thirty (30) days of receiving a written complaint, the County shall provide such employer with a notice of the allegations contained in the complaint. Within thirty (30) days thereafter, the employer shall submit a response in writing to the County. If the employer denies the complaint or fails to respond, the County shall conduct an investigation. Within sixty (60) days of the initiation of an investigation, the County will issue a written determination as to whether probable cause exists to support the complaint.

 Within thirty (30) days of a finding of cause to support the complaint, the County shall issue a hearing notice to the employer. No less than thirty (30) days after the issuance of the hearing notice, the County shall conduct a hearing in which the County shall have subpoena powers, and the parties shall have the right to present evidence and to be represented by counsel. The County may delay or extend such a hearing by no more than thirty (30) additional days at the request of the employer or based on a determination by the County that it needs more time to prepare for a hearing.

Within thirty (30) days of the conclusion of the hearing, the County shall issue its written findings and a written decision. The County may delay the date by which it will issue its written findings and decision by no more than two (2) increments of thirty (30) days each if the County determines that it needs more time to review the evidence related to a complaint.

5.3. A finding of noncompliance with Section 4, Section 7, or Section 8 of the Living Wage Act shall be accompanied by a decision to impose, at the end of thirty (30) days following such finding, any or all of the penalties listed in Section 9(E), unless the employer submits written proof satisfactory to the County that it has come into full compliance with the ordinance before the thirtieth (30th) day from the finding of noncompliance. Service Contracts that have been suspended for non-compliance according to this section may be renewed, but only after the employer submits written proof satisfactory to the County that it has come into full compliance with this local law.

* 1. An aggrieved party has the right to appeal such decision in an Article 78 proceeding in New York State Supreme Court.
	2. In lieu of seeking redress through a complaint to the County under this section, an employee covered by the Living Wage Act may elect to bring an independent civil action against their employer in a court of competent jurisdiction.

The court may award damages, costs, and attorney fees to the prevailing party, and may direct any other remedy at law or equity, including but not limited to injunctive relief, reinstatement, back wages, and punitive damages.

* 1. The County shall not disclose the identity of a complainant to their employer except where necessary to investigate, pursue or defend a complaint.

**CONTACT**

**For further information regarding the Living Wage Act, call (845) 943-6102 or email uclivingwagelaw@co.ulster.ny.us**