

## **Office of Workforce Development**

### **Regulations Governing Implementation of the Living Wage Ordinance With Respect to Compliance, Complaints, and Enforcement**

#### **I. Authority**

Pursuant to Section 70-810 of the Code of the City of New Orleans, the Office of Workforce Development (OWD) proposes the following regulations relative to implementation of Article VIII of Chapter 70 of the City Code, entitled the Living Wage Ordinance, including but not limited to regulations on compliance and enforcement.

#### **II. Applicability**

These regulations apply to “Covered employer” as defined under Section 70-804 of the City Code.

#### **III. Requirements**

- (1) Pursuant to Section 70-806 of the City Code, every Covered employer shall pay employees no less than the living wage for all hours worked as a Covered employee. The living wage shall be \$10.55, plus any applicable adjustment provided in Section 70-806, subpart (2).
- (2) Pursuant to Section 70-807 of the City Code, Covered employers shall permit Covered employees to take at least seven (7) days per year of compensated leave. Such leave shall comply with the guidelines set forth in Section 70-807.
- (3) Pursuant to Section 70-808 of the City Code, no Covered employer shall reduce any wages or benefits due to any employee to offset the costs of the Living Wage Ordinance or otherwise retaliate against any Covered employee based on the provisions of the Ordinance.

#### **IV. Public Education**

Pursuant to Section 70-810, subpart (1), Covered employers must post notice in a prominent place regarding the applicability of the Living Wage Ordinance in every workplace in which Covered Employees are working that is within the employer’s custody and control.

On an annual basis Covered Employers should update notice materials to ensure alignment with updated living wage rates.

#### **V. Complaints**

1. Violations of the ordinance by Covered employers may be reported to the OWD by completing and submitting a formal Living Wage Ordinance Complaint form. The complaint form is posted at <http://www.nola.gov/economic-development/workforce-development/hire-wage-ordinance/complaint/>. Individuals may also obtain the complaint form by calling 311 or visiting the Office of Workforce Development in person at 3400 Tulane Avenue, 2<sup>nd</sup> Floor, New Orleans, LA 70118.
2. Within five (5) business days of receiving a completed complaint form for a Covered employer, the OWD staff shall (a) notify the complainant by phone or email that the complaint has been received, and (b) notify the Covered employer by certified mail of the alleged violation that has been received.

## **VI. Periodic Review**

OWD shall conduct an annual periodic policy review to review compliance and monitoring mechanisms of the policy.

## **VII. Enforcement**

1. Following receipt of a complaint form, OWD shall conduct an investigation to determine if there has been a violation of the Living Wage Ordinance. Such investigation shall be completed within ninety (90) days from receipt of the complaint form, pursuant to Section 70-810(4) of the City Code.
2. Upon initiation of an investigation, the City shall suspend payment to the Covered employer on the contract in question until a determination on compliance has been made.
3. OWD may request payroll records or other necessary documentation in the course of its investigation. The Covered employer shall provide payroll records, or any other documentation requested by OWD, within ten (10) business days from the date of the request, pursuant to Section 70-810(1).
4. In the event OWD determines that no violation of the Ordinance has occurred the City will release the suspension of payment affecting the Covered Employer.
5. In the event a Covered employer is determined to be in violation of the Ordinance, the Covered employer will be required to remit payment in the amount identified by OWD on the Restitution form. Such restitution shall be paid to the affected employees within thirty (30) days of notification that the Covered employer has violated the Living Wage Ordinance

6. Upon successful remittance of restitution payment(s) to covered employee(s), the Covered employer in question shall submit an affidavit to OWD signed by all affected parties confirming receipt of the full restitution amount.
7. The City will release the suspended payment(s) upon verification of the affidavit submitted by the Covered employer.
8. Failure to remit restitution may result in the following:
  - i. Modification termination, or suspension of the contract in question in whole or in part;
  - ii. Termination or suspension of City financial assistance, as defined in Section 70-802;
  - iii. Any other remedy available by law.

**VII. Effective Date**

These regulations shall become effective on the 22<sup>nd</sup> day following adoption by the New Orleans City Council, pursuant to Section 2-1000(g) of the City Code.