

Requiring The Payment Of A Living Wage To Employees Of Contractors And Sub-Contractors That Provide Services To The County Of Ulster

Referred to: The Ways and Means Committee (Chairman Gavaris and Legislators Archer, Bartels, Haynes, Maio, Parete, Ronk, and Walter)

Legislator John Parete offers the following:

WHEREAS, through the Legislative process of consideration of Resolution No. 322 of 2015, the Ulster County Legislature determined that compensation for current employees of the County of Ulster with an employment status of provisional, permanent, temporary, or contingent permanent, who work a minimum of seventeen (17) hours per week, or thirty-four (34) hours per two week period, is an amount no less than fifteen (15) dollars per hour worked in addition to retirement, health or other benefits received by a County employee; and

WHEREAS, the Ulster County Legislature hereby finds that to promote the health safety and welfare of all employees that perform work for Ulster County, service contractors and sub-contractors shall provide a livable wage to employees that perform work in accordance with such service contracts with the County of Ulster; and

WHEREAS, pursuant to Section C-11 of the Ulster County Charter and Section A2-5(A) of the Ulster County Administrative Code, the Ulster County Legislature is “the legislative, appropriating and policy determining body of the County and, as such, shall have and exercise all powers and duties now or hereinafter conferred upon it by applicable law and any powers necessarily implied or incidental thereto”; and

WHEREAS, pursuant to Section C-11(h) of the Ulster County Charter and Section A2-5(A)(8) of the Ulster County Administrative Code, the Ulster County Legislature is empowered to fix the compensation of all officers and employees paid from County funds, or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within a range”; and

WHEREAS, the Ulster County Legislature further determines that a living wage for employees of contractors and sub-contractors engaged in services contracts with the County of Ulster is an amount of no less than fifteen (\$15.00) dollars per hour, in addition to retirement, health or other benefits received by said employee, if any; now, therefore, be it

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RESOLVED, that the following definitions shall apply throughout this Resolution:

1. County: The County of Ulster and any division, subdivision, office, department, board, commission, bureau thereof.
2. Contract: Any written agreement for the purchase of services where a contractor is required to provide services to the County and the County is required to expend funds or is entitled to receive funds from a contractor in connection with a contract or subcontract for services.
3. Contractor: Any person that enters into a service contract with the County.
4. Subcontractor: Any person, other than an employee, that enters into a contract with a contractor to assist the primary contractor in performing a service contract.
5. Covered Employee and/or Employee: An employee, either full-time or part-time, employed by a covered employer in, on or for the project or matter subject to the contract. This definition shall include any employee who is employed as an employee of a contractor or subcontractor on or under the authority of one or more service contracts and who expends any of his or her time thereon.
6. Covered Employer: Any contractor or subcontractor directly involved in providing a covered service to the County.
7. Covered Service: any service provided to the County of Ulster including but not limited to food-service, janitorial, security, parking attendants, landscaping, clerical and waste management.
8. Person: One or more of the following or their agents, employees, representatives and legal representatives, individuals, corporations, partnerships, joint ventures, associations, labor organizations, educational institutions, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, fiduciaries and all other entities recognized by the County of Ulster.

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9. Not-for-profit Organization: A corporation having tax exempt status pursuant to Section 501(c)(3) of the United States Internal Revenue Code and recognized under New York State Not-For-Profit Corporation Law;

and, be it further

RESOLVED, for every contract entered on and after September 1, 2021, compensation for covered employees employed by covered employers shall be set in 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; and, be it further

RESOLVED, that an exemption to this Resolution may be granted, with prior Legislative approval, to any provider of covered services to the County or its Departments; and, be it further

RESOLVED, that no provision of this Resolution shall supplant or contradict the terms of existing collective bargaining agreement(s), service contracts, or any provision of Federal Law or New York State Law; and, be it further

RESOLVED, in the event any court of competent jurisdiction shall hold any provision of this Resolution invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provisions hereof,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Ways and Means on March 9, 2021 for one week

Postponed in Committee: Ways and Means on March 16, 2021 with consent

Passed Committee: Ways and Means on _____.

FINANCIAL IMPACT: TBD