

“Living Wage Plus” Provisions

Living wage laws have been enacted in more than one hundred communities around the country. While many of these laws focus simply on requiring government contractors and subsidy recipients to pay their workers a living wage, there are some living wage laws that have included provisions that go beyond wage mandates – what we call “Living Wage Plus” provisions. These types of provisions are described below, and reflect some campaigns’ strategies to use the living wage vehicle to protect workers rights.

- **Collective Bargaining Agreement Exemption/Supercession:** Living wage ordinances with this type of “Living Wage Plus” provision automatically exempt employers/workers from coverage under the living wage ordinance when there is a collective bargaining agreement in place, i.e., the contract automatically “supercedes” the terms of the living wage ordinance.
- **Collective Bargaining Agreement Opt Out:** This “Living Wage Plus” provision allows parties to collective bargaining agreements for workers covered by the living wage ordinance to waive the living wage requirement for workers covered by the collective bargaining agreement. But the collective bargaining agreement must expressly waive the provisions of the ordinance – this “Living Wage Plus” provision does not automatically exempt or the contract. The parties to the collective bargaining agreement must explicitly agree that the living wage requirements are waived.
- **Financial Accountability:** Living wage laws can prevent covered employers from using government grant or program dollars to pay for an employer’s costs related to influencing its employees’ decision about whether to form or join a union. This type of “Living Wage Plus” provision does not ban any specific employer conduct; rather, it prohibits the use of taxpayer dollars to fund such conduct.
- **Worker Retention:** This type of “Living Wage Plus” provision generally requires new contractors to retain a predecessor contractor’s employees under certain circumstances. These provisions help to insure the continuity and quality of government services by protecting the current workforce from being displaced every time contracts change hands.
- **Hiring Hall/Community Hiring:** Designed to encourage hiring within the community, often through community hiring halls or similar programs, this type of “Living Wage Plus” provision may contain requirements that range from establishing a preference for assisting businesses that hire from the community to actually establishing procedures for registering jobs and referring applicants.
- **Preventing Service Disruptions:** A community can protect its proprietary interests to uninterrupted revenues and services with a “Living Wage Plus” provision that requires assurances against disruptions due to labor disputes which might arise during union organizing campaigns. Such assurances may be necessary to protect the community’s income stream from, e.g., property developments in which it has a financial interest,

and/or to avoid disruptions to critical services it funds, such as transportation for the disabled and elderly.

- **Protection Against Contracting Out:** Some living wage ordinances contain a “Living Wage Plus” provision that provides the current government workforce with some level of protection against contracting out. Such a provision requires that if services which were being performed by local government employees when a living wage ordinance was enacted are to be contracted out, the contractors for these services will be covered by the living wage ordinance’s requirements. In this situation, coverage is required, regardless of whether or not the contractor meets a specific threshold coverage requirement (such as the number of employees employed, or the value of the service contract.)
- **Compliance with Laws:** Companies covered by living wage ordinances are required to comply with state and federal laws governing wages and hours, discrimination, health and safety, and local building and fire codes, under this type of “Living Wage Plus” provision.
- **Non-discrimination/Retaliation:** This type of "Living Wage Plus" provision prohibits discrimination and/or retaliation against employees who attempt to enforce their rights under the Living Wage ordinance and provides a mechanism to prosecute violations.
- **Training and Notification:** Some living wage ordinances require that employees be notified of their rights under the ordinance; such ordinances can also provide that training and education about their rights be provided by community organizations, including labor organizations.