

MINIMUM WAGE POLICY OPTIONS

CITY COUNCIL DIRECTION FROM MAY 6, 2019 COUNCIL MEETING

(See right 2 columns)

MINIMUM WAGE POLICY COMPONENTS	State Law – Large Employers	State Law – Small Employers	North Bay Jobs for Justice Proposal Large E/Rs	North Bay Jobs for Justice Proposal Small E/Rs	Council Committee Proposal		COUNCIL DIRECTION 5/6/2019	COUNCIL DIRECTION 5/6/2019
							Large Employers	Small Employers
Differentiated by Employer Size	Yes – More than 25 Employees	Yes – Less than 26 Employees	Yes – More than 25 Employees	Yes – Less than 26 Employees	No Distinction – All Employers Covered		Yes – More than 25 Employees	Yes – Less than 26 Employees
2019	\$12.00	\$11.00	10/1/19 \$12.75	10/1/19 \$11.66			\$12.00	\$11.00
2020	\$13.00	\$12.00	10/1/20 \$15.00	10/1/20 \$13.32	1/1/20 \$13.50	Jan. 2020	\$13.00	\$12.00
2021	\$14.00	\$13.00	10/1/21 CPI	10/1/21 CPI	1/1/21 \$14.50	June 2020	\$14.00	\$13.00
2022	\$15.00	\$14.00			1/1/22 \$15.50	June 2021	\$15.00	\$14.00
2023	CPI	\$15.00			1/1/23 \$16.50	June 2022	\$16.00	\$15.00
2024		CPI			1/1/24 CPI	June 2023	CPI	\$16.00
						June 2024		CPI
CPI ADJUSTMENT	US CPI-W (no more than 3.5%)	US CPI-W (no more than 3.5%)	SF/OAK CPI-W (no cap)	SF/OAK CPI-W (no cap)	US CPI-W (no more than 3.5%)		Western Region BC CPI-U Cap - TBD	Western Region BC CPI-U Cap - TBD
COVERED EMPLOYEES	Employee works in city more than 2 hours/weekly	Employee works in city more than 2 hours/weekly	Employee works in city more than 2 hours/weekly	Employee works in city more than 2 hours/weekly	Employee works in city more than 2 hours/weekly		Employee works in city more than 2 hours/weekly	Employee works in city more than 2 hours/weekly
LEARNERS (85% of min. wage for first 160 hours; there-after full min. wage)	Yes	Yes	Yes	Yes	Yes		Yes	Yes

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	EXEMPTIONS							
GOVERNMENTS	No	No	Not Addressed	Not Addressed	Yes; Except for City of Sonoma		Yes	Yes
COLLECTIVE BARGAINING CONTRACTS	No	No	Yes	Yes	No		No	No
Tips ¹	No	No	No	No	No		No	No
Lodging	?	?	Not mentioned	Not mentioned	No		No	No
Food	?	?	Not mentioned	Not mentioned	No		No	No
Medical/Health Care Credit	No	No	No	No	Not discussed		No	No
COMMISSION ²	Yes; but if less than min. wage, employer must backfill	Yes; but if less than min. wage, employer must backfill	Yes; but if less than min. wage, employer must backfill	Yes; but if less than min. wage, employer must backfill	Yes; but if less than min. wage, employer must backfill		Yes; but if less than min. wage, employer must backfill	Yes; but if less than min. wage, employer must backfill

¹ Research has disclosed that crediting discretionary tips or gratuities against the amount an employer must pay as minimum wage is unlawful.

² Under State law, commissions are considered “wages” and thus are to be credited against the State’s minimum wage. CA Labor Code §200(a). They can also be credited against the City’s minimum wage amount that exceeds the State’s minimum wage, but because the State law authorizes the City to adopt an ordinance which may contain provisions that are “more stringent” than State law, the City Council may adopt an ordinance which prohibits employers from crediting commissions earned by their employees against the City’s minimum wage amount. CA Labor Code §1205(b).

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NOTICES / ADMINISTRATION								
City to prepare form of notice for posting at employer’s place of business; Employer to give notice to current and new employees			Yes	Yes	Yes		Yes	Yes
City Manager to promulgate regulations to implement ordinance			Yes	Yes	Yes			

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ENFORCEMENT								
VIOLATION OF ORDINANCE NOT CRIME			Yes	Yes	Yes		Yes	Yes
CITY TO RECEIVE AND INVESTIGATE COMPLAINTS AND ATTEMPT INFORMAL RESOLUTION			Yes	Yes	No		No	No
CITY TO ENFORCE with FINES OR FILE SUIT			Yes	Yes	No		No	No
PRIVATE SUIT WITH RECOVERY OF ATTY'S FEES, BACK PAY, INTEREST; PLUS \$50/DAY/PERSON PENALTY; PLUS TREBLE WAGES FOR RETALIATION			Yes	Yes	Yes		Yes Fines = \$100/day/person	Yes Fines = \$100/day/person