



**COUNTY OF NASSAU
RULES OF THE COMPTROLLER**

**THE NASSAU COUNTY LIVING WAGE LAW
LOCAL LAW 1-2006, MISCELLANEOUS LAWS TITLE 57**

TABLE OF CONTENTS

PART I:	INTRODUCTION.....	3
	SECTION A: AUTHORITY AND USAGE.....	3
PART II:	INVESTIGATION, MONITORING & ENFORCEMENT.....	3
	SECTION A: INVESTIGATING COVERED EMPLOYEE COMPLAINTS.....	3
	1. RESPONSIBILITIES OF COVERED EMPLOYERS.....	3
	SECTION B: MONITORING AND ENFORCEMENT.....	3
	1. RESPONSIBILITIES OF THE LIVING WAGE UNIT.....	3
	2. RESPONSIBILITIES OF COVERED EMPLOYERS.....	4
PART III:	RECORD KEEPING & REPORTS.....	4
	SECTION A: PUBLICATION OF LIVING WAGE RATES.....	4
	1. RESPONSIBILITIES OF COVERED EMPLOYERS.....	4
	SECTION B: PAYROLL RECORDS OF COVERED EMPLOYERS.....	5
	1. RESPONSIBILITIES OF COVERED EMPLOYERS.....	5
	SECTION C: COMPENSATED DAYS OFF.....	5
	1. RESPONSIBILITIES OF COVERED EMPLOYERS.....	5

PART I

INTRODUCTION

SECTION A: AUTHORITY AND USAGE

- a. These Rules are promulgated pursuant to Local Law 1-2006, Section 7(a) which authorizes the Comptroller to monitor, investigate, and audit compliance by all contracting agencies and may contract with non-governmental agencies to investigate possible violations of the Living Wage Law.
- b. Whenever the term “Law” or “Living Wage Law” is used in this document, it shall mean Local Law 1-2006, otherwise known as the Nassau County Living Wage Law. Whenever the terms “Rule” or “Rules” are used in this document, it shall mean these Rules of the Nassau County Comptroller regarding the Nassau County Living Wage Law.

PART II

INVESTIGATION, MONITORING & ENFORCEMENT

SECTION A: INVESTIGATING COVERED EMPLOYEE COMPLAINTS

1. RESPONSIBILITIES OF COVERED EMPLOYERS

- a. Covered Employers are required to cooperate with the *Living Wage Unit* so that it may perform its monitoring, investigating and auditing functions pertaining to the Law. Covered Employers must permit access to work sites, payroll records and other relevant documents for compliance purposes. Cooperation includes, but is not limited to, producing payroll records for inspection and copying if deemed relevant and necessary by the *Living Wage Unit*.

SECTION B: MONITORING AND ENFORCEMENT

1. RESPONSIBILITIES OF THE LIVING WAGE UNIT

The Living Wage Unit is responsible for ensuring that Covered Employers are in compliance with the Living Wage Law. The investigation process may include, but is not limited to, the following:

- a. Visiting relevant work site(s).
- b. Notifying Covered Employers and Contracting Agencies if any non-compliance determinations have been made.

- c. Conducting follow-up investigations or audits with Covered Employers to ensure that corrective action has been taken.
- d. Referring any cases of non-compliance to the County Attorney and the Contracting Agency for further appropriate action.

2. RESPONSIBILITIES OF COVERED EMPLOYEES

- a. Covered Employers must ensure that its covered subcontractors comply with the requirements of the Law by attaching to each subcontract, a provision obligating the subcontractor to comply with the requirements of the Law. This provision shall also provide that failure to comply with the requirements of the Law may constitute a material breach of contract by the subcontractor.
- b. During the term of the County service contract, Covered Employers must notify the Contracting Agency and the *Living Wage Unit* of any material changes in the information contained in their current certification or their subcontractors' certification within sixty (60) days of the date of the material change.

PART III

RECORD KEEPING & REPORTS

SECTION A: PUBLICATION OF LIVING WAGE RATES

1. RESPONSIBILITIES OF COVERED EMPLOYERS

- a. Provide written notification to each of their Covered Employees of the adjusted living wage and the health benefit supplement rates and the effective date of the change at least seven (7) days prior to the effective date.
- b. Post Living Wage notices in a conspicuous manner at all relevant work sites/locations no later than the day on which any work begins under a County service contract.
- c. Provide all covered subcontractors with Living Wage notices (see subsection (b) above) for posting in a conspicuous manner at each covered work site/location.
- d. Provide all subcontractors with certification of compliance forms. Covered Employers must maintain in their files for inspection, copies of Living Wage-related subcontractor completed paperwork.

SECTION B: PAYROLL RECORDS OF COVERED EMPLOYERS

1. RESPONSIBILITIES OF COVERED EMPLOYER:

- a. Maintain its payroll records in accordance with the Living Wage Law, Section 5(b).
- b. Upon request by the Living Wage Unit, provide a separate list of Covered Employees which shall include the name, date of hire, position, rate of pay and benefits paid for each employee.
- c. Submit any required information in a timeframe established by the Living Wage Unit.
- d. Require its subcontractors to maintain payroll records for its Covered Employees and related records under each subcontract including, but not limited to, the following:
 - Number of hours worked each day for each employee;
 - Base rate of wages for each employee;
 - Gross wages;
 - Deductions made;
 - The actual wages paid each employee; and
 - A record of compensated days off.
- e. Require its subcontractors to preserve its payroll records for a period of four (4) years after the expiration of the subcontract.

SECTION C: COMPENSATED DAYS OFF

1. RESPONSIBILITIES OF COVERED EMPLOYERS

In furtherance of Section 3b of the Living Wage Law, Covered Employers may offer eligible Employees the option of receiving cash payments in lieu of accrued days off, in accordance with the accrual requirements of the Law. Employers cannot, however, mandate that Employees take cash payments. Compensation policies shall include dates certain for when cash payments will be made, which shall be no less than every six (6) months.

A copy of the Employer's policy on compensated days off shall be provided to each Employee within thirty (30) days of the Employee's start date. Amendments to the policy shall be communicated to Employees within thirty (30) days of the amendment(s).

Where an employee separates from service with a Covered Employer for any reason, the Employer shall pay out an employee's accrued days bank within thirty (30) days of the employee's last day of employment.