

San Mateo County Living Wage Ordinance

Frequently Asked Questions

This document provides general guidance only. Please refer to the Living Wage Ordinance itself for more details, link here: [Living Wage Ordinance](#)

1. What is San Mateo County’s Living Wage Ordinance and When Does it Take Effect?

The Living Wage Ordinance sets a minimum wage contractors are required to pay employees providing services under County contracts.

- Beginning January 1, 2017, all **AMENDMENTS TO EXISTING CONTRACTS** must comply with the Ordinance.
- Beginning April 1, 2017, all **NEW CONTRACTS** must comply with the Ordinance.
- **EXISTING CONTRACTS** as of January 1, 2017 are not affected until or unless they are amended.

2. What types of contracts must comply with the Living Wage Ordinance?

The Living Wage Ordinance applies to contracts for **SERVICES**, which includes agreements for professional, technical, and non-technical services. The Ordinance does **NOT** apply to contracts for:

- Goods, products
- Leases, concessions, franchises, easement agreements, and other real estate interests
- “Public works” as defined under California Labor Code §§ 1720 and 1720.2, subject to the payment of a Prevailing Wage
- Information technology programs and systems

3. I am a contractor – Do I have to comply with the Living Wage Ordinance?

Unless waived (See FAQ #4), the Living Wage Ordinance applies to **all contractors and subcontractors, including NONPROFIT contractors**, providing **SERVICES** under a County contract, EXCEPT: Government entities, such as cities, counties, school districts, and state agencies.

	Contract existing before 1/1/17	New contract between 1/1/17 and 4/1/17	Amendment between 1/1/17 and 4/1/17	New contract on or after 4/1/17	Amendment on or after 4/1/17
MUST PAY LIVING WAGE			X	X	X
NOT REQUIRED TO PAY LIVING WAGE	X	X			

4. I'm a contractor – Can I request a waiver for the Living Wage Ordinance?

Yes. The County may waive the Ordinance requirements on a case-by-case basis where such waiver is in the best interests of the County.

5. I'm a contractor – What happens if I violate the Living Wage Ordinance?

In each new County contract or amendment, contractors must **CERTIFY** they are complying with the Ordinance. Contractors are required to maintain documentation demonstrating compliance, such as payroll records, and the County reserves the right to audit that documentation to ensure the Ordinance is being enforced.

The County will investigate complaints from employees and may audit contractors and subcontractors. If a contractor is found to be in violation of the Ordinance, the County may:

- **Pursue contractual remedies, including terminating the contract.**
- **Pursue civil remedies, including bringing legal action against the contractor for breach of contract**
- **Disqualify the contractor from contracting with the County for a period of up to five years**

6. I am an employee working on a County contract – Should I be paid the Living Wage?

Employees providing SERVICES under a County contract must be paid the Living Wage, including employees who are **full-time, part-time, permanent, and temporary**.

However, the Ordinance does **NOT** apply to:

- Uncompensated volunteers
- Students earning academic credit
- Individuals working toward a license/professional accreditation
- Elections workers
- In-Home Supportive Services (IHSS) workers

7. What can I do if I'm not being paid the Living Wage but think I should be?

Contractors and subcontractors are prohibited from retaliating against whistleblowers.

- **Submit a complaint to the County.** Complaint forms are available in English and Spanish from the County's Procurement Department by emailing procurement@smcgov.org. Complaints and any supporting documentation must be submitted to the Procurement Department at procurement@smcgov.org. The County will investigate complaints, and if it appears an employer is violating the Ordinance, the County will notify the contractor of its findings and may take action against the contractor to enforce the Ordinance. In many cases, this may resolve your issue as well. The County's enforcement process does not include awarding damages (e.g., back wages) to employees, nor does the County take legal action on behalf of employees against their employers.
- **Seek the advice of an attorney.** Employees may bring their own civil lawsuit against their employer to recover wages.

8. How does this Ordinance interact with the Federal Minimum Wage, the California State Minimum Wage, the Prevailing Wage, and other city minimum wages in the region? Which one must be followed?

In all of these instances, the highest applicable wage rate must be paid to the employee.