



**CITY OF CLEVELAND**  
Mayor Justin M. Bibb

## CITY OF CLEVELAND FAIR EMPLOYMENT WAGE LAW REQUIREMENTS

### **NOTICE TO BIDDERS:**

#### Introduction

The Cleveland City Council passed the Fair Employment Law on June 19, 2000 to be effective on January 1, 2001.

A contract that may be awarded pursuant to this bid is subject to the City of Cleveland Fair Employment Wage Ordinance, Chapter 189 of the Codified Ordinances, which requires, among other things, that unless specific exemptions apply, Covered Employers, as defined, under contracts with the City shall provide payment of a minimum level of compensation to employees. Failure to comply with that chapter and/or any implementing regulations may result in termination of the contract or debarment from future contracts.

#### Bid Schedules

Schedule 1	Declaration of Number of Employees
Schedule 2	Declaration of Health Insurance Coverage
Schedule 3	Affidavit of Compliance with C.O. Chapter 189
Schedule 4	Statement of Current Contracts with the City

#### Fair Employment Wage

From October 1, 2025 through September 30, 2026, the Fair Employment Wage is at least \$16.26 per hour.

#### Covered Employers



The Fair Employment Law is applicable to employers described below. The applicable employers are referred to as "Covered Employers". Covered Employers include entities described below that contract directly with the City and any subcontractors of those entities. Subcontractors of Covered Employers are not restricted to those providing a particular good or service or those of a particular size.

1. You or your company will provide one of the following services to the City of Cleveland as a primary part of the contract to be awarded hereunder:

Food Service  
Janitorial  
Security Services  
Parking Lot Attendants  
Home Health Care Aides  
Waste Management  
Automotive Repair Services  
Landscaping  
Towing  
Building and Maintenance Services  
Carpentry  
Clerical Services  
Urban Forestry  
Housekeeping  
Street Maintenance and Repair  
Sidewalk Maintenance and Repair;

and

2. The aggregate value of all such outstanding service contracts with the City and the bidder and the contract on which you are bidding is at least \$25,000; and

3. The bidder is either

- (a) a for profit company with at least 20 employees at the time of execution of a contact with the City;



or

(b) a non-profit employer with at least 50 employees at the time of execution of a contract with the City and the salary ratio between the highest and lowest paid employees is more than 5 to 1.

### Covered Employees

#### A. Definition.

The Fair Employment Law applies to the following employees, who are referred to as "Covered Employees" in the ordinance:

1. Any person employed by or working as a trainee for a Covered Employer who is a for-profit contractor or subcontractor on a City Service Contract.
2. Any person employed by or working as a trainee for a Covered Employer who is a non-profit contractor on a City Service Contract if such person expends at least half of his or her time performing such services pursuant to such Service Contracts.

#### B. Exclusions.

The following categories of employees are not Covered Employees under the Fair Employment Wage Law.

1. Uncompensated volunteers
2. Individuals in job training programs with classroom instruction where the individual is a client of the program
3. Employees who work on public construction projects subject to state or federal wage rate laws.
4. Employees covered by collective bargaining agreements or the Railway Labor Act
5. Employees of commercial retail establishments
6. Persons not employed in the State of Ohio
7. Persons under 18 years of age



8. Persons working, on average, less than 30 hours per week

Exemptions from Fair Employment Wage Law

The Cleveland City Council, by ordinance, may grant a partial or whole exemption from the requirements of the Fair Employment Wage Law based on hardship. You must demonstrate a specific, particular harm that would be felt uniquely by you if the law were to be applied. Economic harm alone will not suffice to demonstrate hardship unless it is of a type that would not affect any other actual competitor for the contract or subcontract. The following types of specific particular harm may provide grounds for a hardship exemption:

1. a loss of profitability that will result in the elimination of jobs
2. a loss in profits that will substantially impact your long-term stability
3. as to not-for-profit community or social service agencies or organizations, a substantial hindrance in the ability to deliver service

To apply for an exemption, you may direct your application to the Applicable Director through the Commissioner of Purchases and Supplies. Your request should include the wage paid by you to your employees, a detailed explanation of how the payment of the Fair Employment Wage will cause particular harm to you and supporting financial statements or other documents. A determination about whether to submit legislation to Council allowing an exemption will be made within ten days of your request. If legislation is submitted to Council to approve an exemption, the Council must then consider and pass that legislation before an exemption will be granted.

Health Care Insurance Preference

The bidder may be eligible for a preference if you provide reasonable health care insurance coverage to employees who work over 30 hours a week. However, no preference shall be given if the price bid for the service contract exceeds the lowest price bid by more than five percent (5%). Section 189.031 of the Codified Ordinances of the City of Cleveland defines reasonable health care coverage as a plan that is comparable or superior to the family health care plan offered by the City of Cleveland to its employees. In order for the plan to be deemed comparable or



superior, the plan must meet or exceed the plan of the City of Cleveland in the following respects:

- The amount of the employee contribution
- The amount of any deductible
- The amount of any co-payments
- Whether dental insurance is provided
- The range of services covered

You or your company may also be eligible for a preference if you can demonstrate that you have offered reasonable health care insurance to your employees, but as a group they have refused that insurance.

#### Record-keeping Responsibilities

You or your company shall be obligated to maintain payroll and related records for three years following the termination of an agreement with the City. Those records shall contain the following information:

1. employee names
2. employee address
3. employee job titles
4. employee classifications
5. the number of hours worked by employees each day
6. employee gross wages earned
7. deductions made on those gross wages
8. net wages paid to employees
9. a record of contributions to health care plans
10. any other data that the City may require

Upon demand of the City, you or your company shall provide access to the payroll records required to be maintained, and shall allow City representatives to observe work being performed and to interview employees as may be necessary to monitor compliance or to investigate a charge of noncompliance with the Fair Employment Wage provisions.



### Employee Notice Requirements

You or your company shall provide notice to employees of their rights arising under the Fair Employment Wage Law. The City will provide this notice to you and you must post it in a conspicuous place frequented by Covered Employees in your workplace.

You or your company shall inform eligible employees of the Earned Income Credit and provide the necessary forms in English, Spanish and other languages spoken by a significant number of employees.

### City Resident Hiring

The bidder shall establish a goal that at least forty percent (40%) of persons newly hired to perform work on a contract shall be residents of the City of Cleveland.

### Compliance with Federal Laws

The bidder shall comply with all applicable Federal labor laws, including the National Labor Relations Act.



## **SCHEDULE 1**

### **DECLARATION OF NUMBER OF PERSONS EMPLOYED BY THE BIDDER**

1. Are you a for-profit \_\_\_\_\_ or a non-profit \_\_\_\_\_ entity?

2.

Number of Current Employees

Number of Employees If Contract Is  
Awarded

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\*

\*

\*

3. If you are a non-profit entity, what is highest amount paid to any employee (please identify in what increment that amount is paid)?-----

4. If you are a non-profit entity, what is the lowest amount paid to any employee (please identify in what increment that amount is paid)?-----

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Name:-----

Title:-----



## SCHEDULE 2

### DECLARATION OF HEALTH INSURANCE COVERAGE

**NOTE: All bidders must complete items 1 and 2.**

To be eligible for a preference based on the provision of a reasonable health care plan, this schedule must be completed. If you do not desire to obtain this preference, do not complete items 3-5. However, you must sign the form regardless of how much of the form you complete.

1. Do you provide or offer to provide health care insurance to your employees who work thirty (30) or more hours a week?

----- Yes ----- No

2. What are the basic outlines of any health care insurance plans offered?

3. Answer the following specific questions about all of the health care insurance plans offered to your employees who work thirty (30) or more hours a week.

- a. What is the monthly employee contribution to the health care insurance plan?



b. What is the amount of any employee deductible for plan coverage?

c. What is the amount of any employee co-payments for plan coverage?

d. Is dental insurance offered to your employees?

e. Describe the range of services offered under any health care insurance plans offered to your employees.

4. Have you offered reasonable health care insurance to your employees that they, as a group, have refused? \_\_\_\_\_yes \_\_\_\_\_no

When? \_\_\_\_\_



If the answer to question number 4 is yes, provide the information requested in number 3 above regarding the type of plan offered.

-----  
Name: \_\_\_\_\_

Title: \_\_\_\_\_



### **SCHEDULE 3**

#### **AFFIDAVIT OF COMPLIANCE WITH CLEVELAND CODIFIED ORDINANCE CHAPTER 189**

County of \_\_\_\_\_) ) ss:  
State of \_\_\_\_\_)

I, \_\_\_\_\_, being duly sworn according to law,  
and having personal knowledge of the facts stated herein,  
hereby state as follows:

1. I am the \_\_\_\_\_ (title) of  
\_\_\_\_\_ (name of entity or company) and am  
authorized to sign this affidavit.
2. The above-named entity/company agrees to comply with the  
requirements of the Fair Employment Wage Law, Cleveland Codified Ordinance Chapter 189,  
if it is awarded a contract pursuant to this bid/proposal.
3. Indicate in the space provided whether all Covered Employees, as  
defined in C.C.O. 189.01(d) of the above-named entity are currently paid the Fair Employment  
Wage, as defined in C.C.O. 189.02(a).

----- YES ----- NO

FURTHER AFFIANT SAYETH NAUGHT.

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Name: \_\_\_\_\_  
Title: \_\_\_\_\_

SWORN TO BEFORE ME and subscribed in my presence this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

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Notary Public



## **SCHEDULE 4**

### **CURRENT CONTRACTS WITH THE CITY**

Provide the following information about any current contracts you or your company have with the City of Cleveland.

1. City Contract Number.
2. Type of Services.
3. Contract Expiration Date.
4. Dollar Amount of Contract.
5. Amount paid to date (specify date).

