

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, at the end, strike the period and insert ”; and to amend Section 189.04 of the Codified Ordinances, as amended by Ordinance No. 2009-A-99, passed June 19, 2000, relating to the Fair Employment Wage Board.”.

2. In Section 1, at new Section 190.01(b), line 2, strike “at least every six (6) months” and insert “every month”; and in line 3, strike “two (2)” and insert “three (3)”.

3. In Section 1, at new Section 190.01(f), line 1, after “person” insert “or entity”; after 190.01(j) insert the following two new divisions:

“(k) “Person or Entity” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity recognized at law by the State of Ohio, and their successors, predecessors, affiliates, and assigns, who may employ individuals or enter into contracts with the City.

(l) “Recipient of Assistance” means:

(1) Any Person or Entity who enters into one (1) or more Contracts with the City for Assistance;

(2) Any Person or Entity that is a direct recipient of Assistance.”;

and in Section 190.01, renumber existing divisions (k), (l), and (m), to new divisions “(m)”, “(n)” and “(o)”.

4. In Section 1, at new Section 190.02(a), line 4 and 190.02(b), line 2 and line 5, strike “two (2)” and insert “three (3)” in both places.

5. In Section 1, at new Section 190.01, in existing subdivision (m), line 4 and at 190.03(a) lines 2 and 7, insert “federal or” before “state” in each place.

6. In Section 1, at new Section 190.03(a), line 5, strike “notarized”.

7. In Section 1, at new Section 190.03(b), line 4, strike “six (6) months” and insert “month”.

8. In Section 1, at new Section 190.05, line 1, before “The FEWB shall”, insert “(a)” and in line 2, after “state and local law” insert “, provide information to residents about available resources.”; and at the end of the section, insert new division (b) to read as follows: “(b) The FEWB shall review the effectiveness of the wage theft and payroll fraud ordinance to ensure that those entities receiving public assistance, government loans, and contracts from the City are adhering to the ordinance. The FEWB shall make recommendations to the Council, when appropriate, regarding issues pertaining to the wage theft and payroll fraud policy.”.

9. Insert new Sections 2, 3, and 4 to read as follows:

"Section 2. That Section 189.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2009-A-99, passed June 19, 2000, is amended to read as follows:

Section 189.04 Fair Employment Wage Board

(a) The Fair Employment Wage Board (FEWB) shall review the effectiveness of the living wage ordinance to ensure that the community is informed on whether those companies that are receiving public assistance, government loans, and service contracts from the City are adhering to the ordinance. The FEWB shall make recommendations to the Cleveland City Council, when appropriate, regarding issues pertaining to the living wage policy. The FEWB shall also perform the duties and responsibilities assigned to it under the Wage Theft and Payroll Fraud Prevention ordinance as codified in Chapter 190.

(b) The FEWB shall be composed of two (2) representatives from the business community, two (2) representatives from labor organizations, one (1) representative from community groups, one (1) representative from the Mayor's office and one (1) representative from Cleveland City Council. The FEWB members shall be appointed to the FEWB by the Mayor, subject to the approval of City Council. Each FEWB member shall be a resident of the City of Cleveland. No person shall be appointed to the Fair Employment Wage Board who has any interest in a contract, loan, grant or other financial assistance from the City of Cleveland.

(c) The Mayor shall initially appoint three (3) members of the FEWB for one (1) year terms, two (2) members to two (2) year terms, and two (2) members for a three (3) year term. Thereafter, all members shall serve three (3) year terms. Members may serve more than one (1) term.

(d) At the beginning of each year the FEWB members shall elect a chairperson and vice chairperson by majority vote. The FEWB shall hold meetings quarterly and in special sessions as called by the chairperson or by a majority of the members. All meetings of the FEWB shall be open to the public. All meetings will allow for public testimony on compliance with the Fair Employment Wage Chapter and minutes of all meetings shall be taken. The FEWB shall adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business."

(e) The FEWB shall be provided with and shall review:

(1) All reports on compliance filed by Applicable Departments as provided by this chapter;

(2) The results of any investigations of Covered Employers as provided by this chapter;

(3) All applications for exemptions from coverage filed by recipients of Assistance and Service Contractors as provided by this chapter.

The FEWB shall provide recommendations regarding such matters to City Council.

(f) The FEWB shall monitor, analyze and study information provided by the City to ensure that Covered Employees whose employers are receiving incentives for the offer or provision of health care insurance are receiving or being offered substantially equivalent health care benefits as are provided to City employees.

Section 3. That existing Section 189.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2009-A-99, passed June 19, 2000, is repealed.

Section 4. That any vacancies on the FEWB shall be filled no later than 180 days after the effective date of this ordinance."

10. Renumber existing Section 2 to new "Section 5".

Date: _____ (Signed): _____

Ronda G. Curtis
Chief Corporate Counsel

Ord. No. 892-2022