

1 **BOARD BILL NUMBER 83FSAA** **SPONSORED BY ALDERMAN SHANE COHN,**
2 **ALDERWOMAN CHRISTINE INGRASSIA, ALDERWOMAN MEGAN GREEN,**
3 **ALDERWOMAN CARA SPENCER, ALDERMAN FREEMAN BOSLEY, SR.,**
4 **PRESIDENT LEWIS REED, ALDERWOMAN CAROL HOWARD, ALDERWOMAN**
5 **BETH MURPHY, ALDERMAN CHRIS CARTER, ALDERWOMAN SHARON TYUS,**
6 **ALDERMAN SAMUEL MOORE**

7 An ordinance establishing a minimum wage in the City of St. Louis, providing certain
8 exemptions and exceptions from the minimum wage, providing for updates to the minimum
9 wage rate in the future, setting forth remedies for violations of the minimum wage rate, requiring
10 employers to notify employees regarding the provisions of this Ordinance, acknowledging the
11 right of collective bargaining, and containing a savings provision, a severability provision, and
12 an emergency clause.

13 **WHEREAS**, the defining issues of our time include the increase in income inequality,
14 the growing gap between rich and poor, and the obstacles preventing people from rising into the
15 middle class; and

16 **WHEREAS**, real wages for most workers have increased little if at all since the early
17 1970s, while wages for the top earners has risen precipitously; and

18 **WHEREAS**, low-wage workers in the St. Louis region struggle to meet their most basic
19 needs and to provide their children a stable foundation, a safe dwelling, and an opportunity to
20 obtain a high-quality education; and

1 **WHEREAS**, the population of the City of St. Louis suffers from higher rates of poverty
2 than surrounding areas and a high prevalence of obesity, diabetes, heart disease, and other health
3 problems associated with low-incomes; and

4 **WHEREAS**, many workers in the City of St. Louis cannot fully participate in our
5 region’s dynamic civic life or pursue the myriad educational, cultural, and recreational
6 opportunities that constitute a flourishing life because many struggle to meet their households’
7 most basic needs; and

8 **WHEREAS**, minimum wage laws promote the general welfare, health, and prosperity of
9 the City of St. Louis by ensuring that workers can better support and care for their families and
10 fully participate in the community; and

11 **WHEREAS**, the City of St. Louis is home to many innovative employers who contribute
12 significantly to the economic prosperity of the region; and

13 **WHEREAS**, businesses in the City of St. Louis that have implemented an increased
14 minimum wage have found that the increased wage improved their employees’ well-being,
15 reduced turnover, and decreased their training costs, and that the increased wage did not require
16 the businesses to raise prices charged to consumers; and

17 **WHEREAS**, state and local governments around the country have implemented and
18 enforced minimum wages that exceed the federal minimum wage rate; and

19 **WHEREAS**, significant economic evidence exists demonstrating that increases in the
20 minimum wage have had little or no negative impact on employment of minimum-wage workers,

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1 but have had a stimulative impact on the economy as low-wage workers spend their additional
2 earnings, raising demand and increasing job growth.

3 **WHEREAS**, in January 2014, Mayor Francis Slay announced an initiative to ensure that
4 no City of St. Louis employee was paid less than \$10.10 per hour, including part-time
5 employees; and

6 **WHEREAS**, Section 1, Paragraph 25 of the Charter of the City of St. Louis empowers
7 the City to “regulate all acts, practices, conduct, business, occupations, callings, trades, uses of
8 property and all other things whatsoever detrimental or liable to be detrimental to the health,
9 morals, comfort, safety, convenience or welfare of the inhabitants of the city”; and

10 **WHEREAS**, Section 1, Paragraph 26 of the Charter of the City of St. Louis empowers
11 the City to “prescribe limits within which business, occupations and practices liable to be . . .
12 detrimental to the health, morals, security or general welfare of the people may lawfully be
13 established, conducted or maintained”; and

14 **WHEREAS**, Section 1, Paragraph 33 of the Charter of the City of St. Louis empowers
15 the City to “do all things whatsoever expedient for promoting and maintaining the comfort,
16 education, morals, peace, government, health, welfare, trade, commerce or manufactures of the
17 city or its inhabitants”; and

18 **WHEREAS**, the Department of Human Services of the City of St. Louis is responsible
19 for overseeing programs provided by, and funded by, the City focused on the poor, the indigent,
20 and those seeking to rise into the middle class, as well as regulating conduct that protects the

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1 welfare and well-being of those who live and work in the City of St. Louis;

2 **WHEREAS**, Missouri law does not prohibit municipalities from establishing a minimum
3 wage rate that exceeds the state minimum wage rate in that Missouri’s Minimum Wage sets a
4 floor that does not bar higher local minimum wage rates and in that § 67.1571, RSMo., was
5 unconstitutionally enacted as held in Order and Decision entered in *Missouri Hotel and Motel*
6 *Association v. City of St. Louis*, No. 004-02638 (Mo. Cir. Ct. July 18, 2001); and

7 **WHEREAS**, the Missouri General Assembly recently passed House Bill 722, which
8 acknowledges that a municipality may adopt and enforce municipal minimum wage ordinance;
9 and

10 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

11 **SECTION ONE. Definitions.**

12 The terms used in this Ordinance are defined as follows, and have the same meaning whether or
13 not the terms are capitalized within this Ordinance:

14 A. “Bonuses” means non-discretionary payments in addition to hourly, salary,
15 Commission, or Piece-Rate payments paid under an agreement between an
16 Employer and an Employee.

17 B. “Commission” means a sum of money paid to an employee upon completion of a
18 task, usually selling a certain amount of goods or services.

19 C. “Effective Date” means the date on which this Ordinance becomes effective under
20 the laws of the City of St. Louis. Each and every requirement of this Ordinance

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1 shall be deemed in effect as of the date it is signed into law by the Mayor of the
2 City of St. Louis, including any increases in the minimum wage rate that begin
3 after that date, notwithstanding that any such increase begins after that date.

4 D. "Employ" means to suffer or permit to work.

5 E. "Employer" means any individual, partnership, association, corporation, business
6 trust, or any person or group of persons acting directly or indirectly in the interest
7 of an employer in relation to an employee, and shall include the City of St. Louis
8 and its departments, divisions, and agencies, but shall not include any other
9 governmental entity which includes, for purposes of this Ordinance, any other unit
10 of local government, the state government, and the government of the United
11 States, except that the term "Employer" shall not include any individual,
12 partnership, association, corporation, entity, business trust, or any person or group
13 of persons:

- 14 1. Whose annual gross revenues made or business done is less than five
15 hundred thousand (\$500,000), or if the business has been in operation for
16 less than one year whose annual gross revenues made or business done is
17 reasonably projected to be less than five hundred thousand (\$500,000); or
- 18 2. Which has employed no more than fifteen (15) regardless of location or
19 status as exempt under this ordinance, during each calendar week within
20 the current calendar year and the previous calendar year, whether on a

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1 part-time, full-time or temporary basis, and shall include contingent and
2 contracted workers and individuals working through a temporary service,
3 staffing or employment agency or similar entity either directly, indirectly,
4 or through affiliates. If the Employer is a franchise within the meaning of
5 Mo. Rev. Stat §407.400(1), all employees of franchisees associated with
6 the same franchisor or a network of franchises, wherever located, shall be
7 counted in the aggregate in determining whether the Employer is eligible
8 for this exclusion.

9 F. “Employee” means any individual employed by an Employer and who performs at
10 least 20 hours of work within a calendar year for an Employer while physically
11 present within the geographic boundaries of the City of St. Louis, whether on a
12 part-time, full-time or temporary basis, and shall include contingent and contracted
13 workers and individuals working through a temporary service, staffing or
14 employment agency or similar entity, except that the term “Employee” shall not
15 include:

16 1. Any individual engaged in the activities of an educational, charitable,
17 religious, or nonprofit organization where the employer-employee
18 relationship does not, in fact, exist or where the services rendered to the
19 organization are on a voluntary basis;

20 2. Any individual standing in loco parentis to foster children in their care;

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- 1 3. Any individual employed for less than four months in any year in a
2 resident or day camp for children or youth, or any individual employed by
3 an educational conference center operated by an educational, charitable or
4 not-for-profit organization;
- 5 4. Any person employed on a casual basis to provide baby-sitting services;
- 6 5. Any individual who is an offender, who is incarcerated in any correctional
7 facility, including offenders who provide labor or services on the grounds
8 of such correctional facility;
- 9 6. Students of a secondary or post-secondary educational institution
10 participating in a bona fide work-study program shall be exempt from the
11 minimum wage requirements of this ordinance provided that said work-
12 study program is certified in advance by the Director of the Department of
13 Human Services or their designee. For purposes of this paragraph, a
14 “work-study program” means an internship or similar program in which a
15 student receives academic credit toward graduation at his or her school in
16 exchange for work or service under the monitoring of a professional.
- 17 G. “Minimum Wage” means all Wages, Commissions, Piece-Rate, and Bonuses,
18 actually received by the employee.
- 19 H. “Piece-Rate” means a price paid per unit of work.
- 20 I. “Rate of Inflation” means the Consumer Price Index annual percent change for

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1 urban wage earners and clerical workers, termed CPI-W, or a successor index, for
2 the St. Louis Metropolitan Area (or if not available, for a comparable geographic
3 area), for the twelve months prior to each July 1st as calculated by the United
4 States Department of Labor.

5 J. “Tips” (a) means a verifiable sum to be presented by a customer as a gift or
6 gratuity in recognition of some service performed for the customer by the
7 employee receiving the tip; and (b) separately-designated amounts collected by an
8 employer from customers that are for services by employees, or are described in
9 such a way that customers might reasonably believe that the amounts are for such
10 services, including but not limited to those charges designated on receipts under
11 the term “service charge,” “delivery charge,” or “portage charge.”;

12 K. “Wage” means compensation due to an Employee by reason of employment,
13 payable in legal tender of the United States or checks on banks convertible into
14 cash on demand at full face value, subject to such deductions, charges, or
15 allowances as may be permitted by rules of the Department of Human Services.
16 Commissions, Piece-Rate, and Bonuses are included in wages. Tips and Employer
17 payments toward a retirement, medical, or other benefit plan do not constitute
18 Wages for purposes of this Ordinance.

19 **SECTION TWO. Wage Requirements.**

20 A. Payment of Minimum Wage Rate Required. Except as specifically provided in

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1 this Ordinance, every Employer shall pay wages to each Employee for each hour
2 worked while physically present within the geographic boundaries of the City of
3 St. Louis, beginning the Effective Date, at a rate not less than \$11.00 per hour
4 and, beginning on January 1, 2019, at the rate established by Section 2(B) of this
5 Ordinance and as thereby amended annually. Notwithstanding the above, any
6 Employer that-complies in full with every requirements of this Ordinance, shall be
7 entitled to pay Employees at or above the lower minimum wage rates set forth in
8 Section 2(B)(1) as of the dates stated therein and, beginning on January 1,
9 2019~~21~~, shall pay Employees at or above the lower minimum wage rates set forth
10 in Section 2(B)(2) and as thereafter amended annually. In addition to any other
11 penalties, obligations, or requirements set forth in this ordinance, any Employer
12 that pays an Employee at a rate less than the minimum wage rates required herein
13 shall be required to pay wages to its Employees at a rate not less than \$11.00 per
14 hour beginning from the date of first violation until January 1, 2019, when it shall
15 then pay at a rate not less than the rate as established by Section 2(B)(2) and as
16 thereafter amended annually. The rates set forth herein are subject to Section
17 2(B)(4).

18 B. Establishment of a City Minimum Wage Rate.

- 19 1. Phase-in of minimum wage rate. Beginning on the Effective Date, the
20 minimum wage rate shall be the minimum wage rate established by the

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1 State of Missouri. Beginning October 15, 2015, the minimum wage rate
2 shall be increased to \$8.25 per hour. Beginning on January 1, 2016, the
3 minimum wage rate shall be increased to \$9.00 per hour. Beginning on
4 January 1, 2017~~8~~, the minimum wage rate shall be increased to \$10.00 per
5 hour. Beginning on January 1, 2018~~9~~, the minimum wage rate shall be
6 increased to \$11.00 per hour.

7 2. Annual revision following phase-in of minimum wage rate. Beginning
8 January 1, 2021, and on each January 1 of each successive year thereafter,
9 the minimum wage rate from the previous year shall be increased ~~or~~
10 ~~decreased~~ annually on a percentage basis to reflect the Rate of Inflation.
11 By October 1, 2018 and each October 1 of each successive year thereafter,
12 the Ways and Means Committee of the Board of Aldermen shall report the
13 Rate of Inflation and direct the Director of the Department of Human
14 Services to promulgate a rule establishing the revised minimum wage rate
15 effective January 1 of the upcoming calendar year based on the Rate of
16 Inflation calculated to the nearest five cents. In addition, by October 1,
17 2018 and each October 1 of each successive year thereafter, the City shall
18 post on its website a bulletin announcing the adjusted minimum wage rate
19 for the upcoming calendar year. The rate set by rule shall not be less than
20 the previous amount established.

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- 1 3. Effect of Economic Activity and Regional Impact. Annually, following
2 the first rate increase in the minimum wage under this Ordinance, the
3 Board of Estimate & Apportionment shall report to the Board of Aldermen
4 on the economic health of residents and businesses located within the City
5 of St. Louis from the findings of an independent study of a firm selected
6 by the Board of Estimate & Apportionment. Said report shall include, but
7 is not limited to, quantitative and comparative (year-over-year) data
8 pertaining to unemployment rates, poverty rates, business licenses issued,
9 graduation rates, reported payrolls, and other information as requested by
10 the Chair of the Ways and Means or Health and Human Services
11 Committees prior to the development of said report.
- 12 4. Effect of Higher State or Federal Minimum Wage Rate. If the state or
13 federal minimum wage rate is at any time greater than the minimum wage
14 rate established by this Ordinance, then that greater rate shall become the
15 minimum wage rate for purposes of this Ordinance, and shall be increased
16 annually pursuant to Section 2(B)(2) of this Ordinance, beginning January
17 1, 2019, for as long as that rate is greater.
- 18 C. Tipped Employee Minimum Wage.
- 19 1. Employees customarily receiving tips. With respect to any Employee
20 engaged in an occupation in which the Employee customarily and

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1 regularly receives more than \$30 per month in Tips, the Employer shall
2 pay Wages in the amount not less than 50% percent of the minimum wage
3 rate specified pursuant to this Ordinance, provided that the total
4 compensation in Tips and Wages for such Employee shall total at least the
5 minimum wage rate specified pursuant to this Ordinance, the difference
6 being made up by the Employer. It is the Employer's obligation to
7 provide evidence of any amount received by the Employee as Tips.

8 D. Ordinance Adherence. This Ordinance does not modify, alter, or amend
9 requirements under the City of St. Louis' Living Wage Ordinance, Service
10 Contracts Ordinance, or other City ordinances relating to wages and benefits; and,
11 individuals and entities subject to those ordinances shall pay wages at the rates set
12 under those ordinances, or the applicable rate set under this Ordinance, whichever
13 rate is higher.

14 E. Violations. It shall be a violation of this Ordinance for any Employer to pay any
15 Employee a Wage below the minimum wage rate set forth herein. Each day that
16 the Employer pays the Employee a Wage below the minimum wage rate set forth
17 herein shall be a separate violation.

18 **SECTION THREE. Other Prohibited Conduct.**

19 A. It shall be a violation of this Ordinance for an employer or any other person to
20 interfere with, restrain, or deny the exercise of, or the attempt to exercise any right

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1 protected under this Ordinance.

2 B. It shall be unlawful, and a violation of this Ordinance, for any employer to
3 discharge any employee, to reduce the compensation of any employee, to take any
4 adverse action against an employee, or to discriminate against an employee
5 because the employee engaged in any of the following activities:

- 6 1. making a complaint to the Department of Human Services regarding
7 compliance with this Ordinance;
- 8 2. participating in any investigation of the Department of Human Services
9 regarding compliance with this Ordinance; or
- 10 3. informing his or her employer, fellow employees, union or similar
11 organization, or legal counsel about an employer's alleged violation of this
12 Ordinance;
- 13 4. exercising, in good faith, the rights protected by this Ordinance;
- 14 5. opposing or otherwise speaking or advocating against any policy, practice,
15 or act that is unlawful under this Ordinance;
- 16 6. availing himself or herself of any of the civil remedies provided herein.

17 C. It shall be a violation for an Employer to enter into any agreement whereby the
18 Employer will pay an individual to work for less than the minimum wage
19 prescribed in this Ordinance as that minimum wage may be amended from time to
20 time.

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1 D. It shall be a violation of this Ordinance for any employer to violate the rules and
2 regulations promulgated to set the annual minimum wage rate, or that are
3 otherwise promulgated to interpret, apply, or enforce this Ordinance by the
4 Department of Human Services.

5 E. It shall be a violation of this Ordinance for any employee to make any complaint or
6 report to the Department of Human Services that the employee knows to be false.

7 **SECTION FOUR. Notice and Posting**

8 A. By October 15, 2015, every Employer shall post in a conspicuous place at each
9 facility where any Employee works that is located within the geographic
10 boundaries of the City a notice advising the Employee of the current minimum
11 wage and of the Employee's rights under this ordinance. Such notice shall include
12 the text of Sections 2, 3, and 5 of this Ordinance. Employers that do not maintain a
13 business facility within the geographic boundaries of the City and households that
14 serve as worksites for domestic workers are exempt from this paragraph.

15 B. Beginning October 15, 2015, every Employer shall provide with the first
16 paycheck subject to this ordinance that is issued to the Employee, a notice advising the
17 Employee of the current minimum wage and the Employee's rights under this ordinance.
18 Such notice shall include the text of Sections 2, 3, and 5 of this Ordinance.

19 C. The Director of the Department of Human Services shall prepare and make
20 available to Employers form notices that satisfy the requirements of this section.

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1 These notices will require approval from the Ways and Means Committee of the
2 Board of Alderman.

3 **SECTION FIVE. Enforcement.**

4 A. Rules and Regulations. The Director of the Department of Human Services may,
5 with direction and approval from the Ways and Means Committee of the Board of
6 Aldermen, promulgate rules and regulations regarding the interpretation,
7 application, and enforcement of this Ordinance. Such rules and regulations may
8 include, but are not limited to, those further defining terms used in this Ordinance,
9 and setting forth more particularized applications of this Ordinance's exceptions
10 and exemptions.

11 B. Complaints and Investigations. The Department of Human Services and the City
12 Counselor's Office are authorized to receive any complaint regarding a possible or
13 suspected violation of this Ordinance and further authorized to take appropriate
14 steps to enforce this Ordinance including, regardless of whether there is a
15 complaint, investigating any possible or suspected violation of this Ordinance.

16 C. Penalty for Violations. Performance of any act prohibited by this Ordinance, and
17 failure to perform any act required by this Ordinance, shall be punishable by a
18 sentence of not more than 90 days in jail, or by a fine of not more than \$500.00 per
19 violation or both or by any combination of sentence and fine up to and including
20 the maximum sentence and maximum fine. Each day that any violation hereunder

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1 continues is a separate violation subject to the penalties provided in this Ordinance.

2 In addition to all other penalties set forth herein, an Employer may be subject to
3 conditions which will serve to compensate the victim, including that the Employer
4 pay restitution to any Employee in the form of unpaid back wages plus interest
5 from the date of non-payment or underpayment, to the extent allowed by the City
6 Charter and the law.

7 D. Revocation of Licenses and Permits for Repeated Violations. Every business
8 license issued pursuant to Title 8 of the Revised Code of the City of Saint Louis,
9 may be revoked by the License Collector's Office if the License Collector's Office
10 concludes, upon results of an investigation, that the Employer has engaged in
11 repeated violations or intentional violations of this ordinance. Any Occupancy
12 Permit, and any other permit, variance, or license issued by the City of St. Louis
13 may be revoked by the Board of Public Service if the Board of Public Service
14 concludes, upon notice and hearing, that the Employer has engaged in repeated
15 violations or intentional violations of this Ordinance. Such Board of Public
16 Service proceeding may be initiated by the Board of Public Service itself, the
17 Director of the Department of Human Services, the City Counselor, or by a
18 verified complaint submitted by two or more Employees of the Employer accused
19 of repeated violations or intentional violations of the ordinance that is
20 accompanied by affidavits signed by each such Employee which states with

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1 particularity the facts underlying the complaint. The Board of Public Service shall
2 promulgate rules and regulations setting forth the procedures it will follow in any
3 such revocation proceeding.

4 E. Actions by Employee. Nothing contained in this Ordinance shall be in any way
5 construed to limit or abridge any rights of an Employee at common law, by statute,
6 or by ordinance to bring a civil action against an Employer.

7 **SECTION SIX. Collective Bargaining**

8 Nothing in this Ordinance shall be deemed to interfere with, impede, or in any way
9 diminish the right of employees to bargain collectively with their employers through a
10 representative of their own choosing in order to establish Wages or other conditions of
11 employment in excess of the applicable minimum wage rate established by this Ordinance.

12 **SECTION SEVEN. Savings Provision.**

13 Any act done or right vested or accrued, or any proceeding, suit or prosecution had or
14 commenced in any cause before the effective date of this ordinance shall not be affected by this
15 ordinance; but every act done, or right vested or accrued, or proceeding, suit or prosecution had
16 or commenced shall remain in full force and effect to all intents and purposes as if prior law had
17 remained in full force and effect. No offense committed and no liability or penalty incurred prior
18 to the effective date of this ordinance, shall be discharged or affected by this ordinance; but
19 prosecutions and suits for such offenses, liabilities or penalties shall be instituted and proceeds
20 with in all respects as if this ordinance had not taken effect.

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PRESIDENT LEWIS REED, ALDERWOMAN CAROL HOWARD, ALDERWOMAN
BETH MURPHY, ALDERMAN CHRIS CARTER, ALDERWOMAN SHARON TYUS,
ALDERMAN SAMUEL MOORE**

1 **SECTION EIGHT. Severability Provision.**

2 The provisions of this ordinance are severable. In the event any provision of this
3 ordinance is determined to be invalid, the remaining provisions shall not be affected thereby.

4 **SECTION NINE. Emergency Clause.**

5 This being an Ordinance for the preservation of public peace, health, and safety, it is
6 hereby declared to be an emergency measure within the meanings of Sections 19 and 20 of
7 article IV of the Charter of the City of St. Louis and therefore shall become effective
8 immediately upon its passage and approval by the Mayor.

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