

Tab 6 – Recycle Plus RFP Policy Requirements

The sample agreements contained in the Recycle Plus RFP require that contractors, and their approved subcontractors, adhere to the City's Wage Policy concerning prevailing wage, employee retention, displaced workers and labor peace.

Prevailing Wage

If the eligible employees of the contractor are not represented by a union, then the contractor must pay not less than the prevailing rate of per diem wages for the employee craft/classification as determined by the City of San José's Office of Equality Assurance.

Employee Retention

If the award of the contract is to a company other than the current service provider(s), then the new contractor is required to *offer* employment to all **Qualified Displaced Workers** who have been employed by the current contractor for at least 120 calendar days prior to July 1, 2007. In addition, the new contractor is prohibited from discharging any qualified displaced workers for at least 90 days after the start-up date of the new contract except for cause.

Current employees of the new contractor are considered **Current Eligible Retention Employees** if they have been employed by the contractor for at least the six month period prior to the date of the new service or labor contract and would otherwise be terminated as a result of the implementation of the retention requirements.

Displaced Workers

The new contractor is required to offer continued employment to all displaced workers who are interested in such continued employment. It is the City's responsibility to provide the new contractor with information regarding which employees of the outgoing contractor are Qualified Displaced Workers.

If the new contractor does not have enough positions available to hire all Qualified Displaced Workers or to retain its Current Eligible Retention Employees, the new contractor must hire the workers based on seniority within each employment classification.

Labor Peace

The Office of Equality Assurance determined that the level of vulnerability of the proposed agreements to service or labor disputes is sufficient to warrant that labor peace is essential to the propriety interest of the City. As such, proposers were required to include in their proposal how they will assure that no labor dispute or unrest will occur during the term of the agreement.

Exhibits included in this tab are:

- Exhibit 1 – Wage Policy as contained in the Request for Proposals
- Exhibit 2 - Office of Equality Assurance Wage Determination