

Title 17 MISCELLANEOUS AGENCIES, BOARDS, AND COMMISSIONS
Subtitle 04 MAYOR’S OFFICE OF EMPLOYMENT DEVELOPMENT

CHAPTER 01 LOCAL HIRING RULES

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Subtitle 04 MAYOR’S OFFICE OF EMPLOYMENT DEVELOPMENT

CHAPTER 01 LOCAL HIRING RULES

Authority: City Code Article 5, Subtitle 27

17.04.01.01. Adoption and Applicability.

- A. These rules and regulations are promulgated by the Mayor’s Office of Employment Development (“MOED”) pursuant to City Code Article 5, Subtitle 27.
- B. These rules are
 - (1) applicable to:
 - (a) every contract for more than \$300,000 made by the City, or on its behalf, or
 - (b) every agreement authorizing assistance valued at more than \$5,000,000 to a City-subsidized project; but
 - (2) not applicable to a contract or an agreement that is made by the City, or on its behalf
 - (a) in the event of an emergency,
 - (c) pursuant to Baltimore City Charter Article VI, §11(e)(ii).

17.04.01.02. Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Beneficiary” means any person who:

- (a) has a contract with the City for more than \$300,000; or
 - (b) will benefit from more than \$5,000,000 in assistance for a City subsidized project.
- (2) “City-subsidized project” means any project for which the City or any of its agents or contractors provides funds, resources, or financial assistance, including:
- (a) the sale or transfer of land substantially below its appraised value.
 - (b) payment in lieu of taxes,
 - (c) tax increment financing,
 - (d) grants or loans that equal or exceed 15% of total projected project costs; or
 - (e) installation or repair of physical infrastructure directly related to the project and with value equal to or exceeding 5% of total projected project costs.
- (3) “Good faith effort” as used in Article 5, §27-6(b)(1) means a set of activities conducted by the contractor, vendor or other person demonstrating multiple outreach efforts to City residents including:
- (a) ads in local papers,
 - (b) paid local job boards,
 - (c) information to local educational and workforce organizations, and
 - (d) an objective review and rating of resumes of City residents.
- (4) “Local hiring law” means the provisions of Article 5, Subtitle 27 and these regulations.
- (5) “MOED” means the Mayor’s Office of Employment Development.
- (6) “Person” means:
- (a) an individual;
 - (b) a partnership, firm, association, corporation, or other entity of any kind; or
 - (c) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.
- (7) "Satisfactory special workforce development training or placement arrangement" as used in Article 5, §27-6(b)(3) means a written agreement
- (a) with MOED or a recognized workforce partner
 - (b) for a customized training or on-the-job training opportunity leading to unsubsidized employment.
- (8) “Substantially below appraised value” as used in Article 5, §27-1(c)(1) means

- (a) the sale or transfer of land
- (b) applicable to property that has been approved and sold for an amount below 30% of the appraised value.

17.04.01.03. Hiring Rules.

- A. The local hiring law requires compliance by
 - (1) vendors, contractors and their subcontractors regardless of the subcontractor award amount, and
 - (2) all persons benefitting from an agreement involving more than \$ 5,000,000.00 in assistance for a City subsidized project.
- B. The local hiring law applies to the original term of a contract award greater than \$300,000.00, and to any contract modification including
 - (1) an amendment,
 - (2) a renewal,
 - (3) extra work or change order, and
 - (4) a task order.
- C. A determination of whether a City subsidized project is subject to the local hiring law shall be made when the City executes an agreement authorizing assistance valued at more than \$5,000,000.00.
- D. The local hiring law applies to on-call contracts when the cumulative task awards increase to over \$300,000.00.
- E. Upon the execution of a contract or approval of an agreement for subsidy that is subject to the local hiring law, the involved City agency shall complete a MOED vendor contact form providing contact information for
 - (1) each vendor or contractor awarded, or
 - (2) each beneficiary of a qualifying City subsidized project.
- F. Upon receipt of the completed form from the City agency MOED will contact the vendor or beneficiary.
- G. The section of the Board of Estimates summary form requesting local hiring law applicability shall
 - (1) be completed for all contracts, and
 - (2) include vendor contact information, if applicable.
- H. The party awarded a contract or the beneficiary of an agreement for subsidy shall work with a representative of MOED to complete an Employment Analysis.

- (1) The Employment Analysis shall begin within two weeks of
 - (a) the contract award,
 - (b) approval of an agreement for a City subsidized project covered by the law, or
 - (c) the receipt of a vendor contact form once a contract becomes subject to the local hiring law.
 - (2) The Employment Analysis shall project total workforce and new hires in the Baltimore area needed to fulfill the contract or agreement.
 - (3) The Employment Analysis shall include
 - (a) all information reasonably required by MOED
 - (b) at a minimum general location, both in and out of the Baltimore area, of all workforce positions required to complete the contract or agreement.
- I. Documentation shall be attached to a written waiver request of the 51 percent residency requirement of the local hiring law showing
- (1) a good faith effort to comply with the requirement, or
 - (2) another exception provided under Article 5, § 27-6(b).

17.04.01.04. Local Hiring Review Committee.

- A. A Local Hiring Review Committee ("LHRC") shall be established.
- B. The composition of the LHRC may include representatives or designees from:
 - (1) Mayor's Office of Employment Development,
 - (2) Baltimore City's Procurement Office, Bureau of Purchases,
 - (3) Baltimore City Department of Transportation,
 - (4) Baltimore City Department of Public Works,
 - (5) Baltimore City Law Department,
 - (6) Baltimore City Department of General Services, and
 - (7) other attendees may be included at the recommendation of the committee.
- C. The primary role of the LHRC is to
 - (1) review the local hiring process, and
 - (2) make recommendations to MOED regarding the approval or denial of waiver requests.

- D. The LHRC shall recommend to the Board of Estimates potential penalties and debarment for noncompliance by those persons or entities subject to the local hiring law.
- E. The LHRC shall meet as needed.
- F. MOED shall coordinate the materials to be presented to the LHRC and provide it with administrative staff support.

17.04.01.05. Required Reports.

- A. Vendors and others subject to the local hiring law must submit monthly employment reports by the fifth business day of the month for the preceding month.
- B. Subcontractors shall submit employment reports for the period of their activity in the contract
 - (1) as specified by the start and end date on their signed employment analysis form, and
 - (2) as confirmed by the prime contractor.
- C. City agency directors will be notified of persons or entities subject to the local hiring law that are not in compliance with the law's requirements.
- D. Persons or entities subject to the law who remain noncompliant will be reported to the LHRC.

Administrative History

Effective Date: