AN ORDINANCE CONCERNING

Finance and Procurement – Local Hiring

FOR the purpose of requiring employers benefitted by City contracts and subsidies to take measures to hire Baltimore City residents; making certain exceptions; defining certain terms; requiring employment reports; establishing certain penalties; and generally relating to employment in furtherance of City contracts and City-subsidized projects.

BY adding

   Article 5 - Finance, Property, and Procurement
   Section(s) 27-1 to 27-10 to be under the new subtitle,
   “Subtitle 27. Local Hiring”

Baltimore City Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 27. Local Hiring

§ 27-1. DEFINITIONS.

(A) IN GENERAL.

   IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) BENEFICIARY.

   “BENEFICIARY” MEANS ANY PERSON WHO:

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
Strike-out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.
(1) HAS A CONTRACT WITH THE CITY FOR MORE THAN $300,000; OR

(2) WILL BENEFIT FROM MORE THAN $5,000,000 IN ASSISTANCE FOR A CITY-SUBSIDIZED PROJECT.

(C) CITY-SUBSIDIZED PROJECT.

“CITY-SUBSIDIZED PROJECT” MEANS ANY PROJECT FOR WHICH THE CITY OR ANY OF ITS AGENTS OR CONTRACTORS PROVIDES FUNDS, RESOURCES, OR FINANCIAL ASSISTANCE, INCLUDING:

(1) THE SALE OR TRANSFER OF LAND SUBSTANTIALLY BELOW ITS APPRAISED VALUE;

(2) PAYMENT IN LIEU OF TAXES;

(3) TAX INCREMENT FINANCING;

(4) GRANTS OR LOANS THAT EQUAL OR EXCEED 15% OF TOTAL PROJECTED PROJECT COSTS; OR

(5) INSTALLATION OR REPAIR OF PHYSICAL INFRASTRUCTURE DIRECTLY RELATED TO THE PROJECT AND WITH VALUE EQUAL TO OR EXCEEDING 5% OF TOTAL PROJECTED PROJECT COSTS.

(D) MOED.

“MOED” MEANS THE MAYOR’S OFFICE OF EMPLOYMENT DEVELOPMENT.

(E) PERSON.

“PERSON” MEANS:

(1) AN INDIVIDUAL;

(2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY KIND; OR

(3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR REPRESENTATIVE OF ANY KIND.

§ 27-2. SCOPE OF SUBTITLE.

(A) CITY CONTRACTS OVER $300,000.

THIS SUBTITLE APPLIES TO EVERY CONTRACT FOR MORE THAN $300,000 MADE BY THE CITY, OR ON ITS BEHALF, WITH ANY PERSON.
Council Bill 12-0159

(B) CITY-SUBSIDIZED PROJECTS RECEIVING ASSISTANCE OVER $5,000,000.

This subtitle applies to every agreement authorizing assistance valued at more than $5,000,000 to a City-subsidized project.

§ 27-3. {RESERVED}

§ 27-4. EMPLOYMENT ANALYSIS.

Before the disbursement of any City funds, the beneficiary must perform an employment analysis with MOED to determine how many jobs will be required to complete the contract or project and how many of those jobs will require new hiring.

§ 27-5. INITIAL HIRING TO BE THROUGH MOED.

All new jobs needed for the contract or project must be posted through MOED for a period of 7 days before being publically advertised.

§ 27-6. NEW EMPLOYEES TO BE BALTIMORE CITY RESIDENTS.

(A) IN GENERAL.

At least 51% of the new jobs required to complete the contract or project must be filled by Baltimore City residents.

(B) EXCEPTIONS.

MOED may waive or lower the requirement of subsection (A) of this section if it finds that:

(1) A good faith effort to comply has been made by the beneficiary;

(2) The beneficiary is located outside the Baltimore Standard Metropolitan Statistical Area and none of the contract work is performed inside the Baltimore Standard Metropolitan Statistical Area;

(3) The beneficiary has entered into a satisfactory special workforce development training or placement arrangement with MOED; or

(4) There are insufficient numbers of Baltimore City residents in the labor market who possess the skills required by the new jobs needed to be filled for the contract or project.
§ 27-7. RULES AND REGULATIONS.

(A) MOED TO ADOPT.

MOED MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE OR TO CLARIFY ANY TERMS OR PHRASES IN THIS SUBTITLE.

(B) Filing.

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

§ 27-8. REQUIRED REPORTS.

IN EACH MONTH OF THE CONTRACT OR PROJECT THE BENEFICIARY MUST SUBMIT A REPORT TO MOED, ON THE FORM DESIGNATED BY MOED, THAT INCLUDES THE FOLLOWING:

(1) THE NUMBER OF EMPLOYEES NEEDED FOR THE CONTRACT OR PROJECT;

(2) THE NUMBER OF CURRENT EMPLOYEES TRANSFERRED;

(3) THE NUMBER OF NEW JOB OPENINGS CREATED;

(4) THE NUMBER OF JOB OPENINGS LISTED WITH MOED;

(5) THE TOTAL NUMBER OF BALTIMORE CITY RESIDENTS HIRED FOR THE REPORTING PERIOD AND THE CUMULATIVE TOTAL NUMBER OF BALTIMORE CITY RESIDENTS HIRED;

(6) TOTAL NUMBER OF ALL EMPLOYEES HIRED FOR THE REPORTING PERIOD AND THE CUMULATIVE TOTAL OF EMPLOYEES HIRED; AND

(7) FOR EACH NEW HIRE DURING THE REPORTING PERIOD, THE NEW HIRE’S:

(1) NAME;

(2) SOCIAL SECURITY NUMBER;

(3) JOB TITLE;

(4) HIRE DATE;

(5) RESIDENCE; AND

(6) REFERRAL SOURCE.

§ 27-9. [RESERVED]
§ 27-10. PENALTIES.

(A) DEBARMENT FOR 1 YEAR.

If the Board of Estimates, on recommendation from MOED, and after notice and hearing, determines that any beneficiary has violated the provisions of this subtitle and that the failure was intentional, no contract may be awarded to that beneficiary, or to any firm, corporation, or partnership in which that beneficiary has an interest, until 1 year has elapsed from the date of the determination.

(B) CRIMINAL PENALTIES.

An intentional violation of any provision of this subtitle is a misdemeanor, and, on conviction, is subject to a fine of not more than $500 for each offense.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 36th 180th day after the date it is enacted.

Certified as duly passed this _____ day of ______________, 20__

___________________________
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of ______________, 20__

___________________________
Chief Clerk

Approved this _____ day of ______________, 20__

___________________________
Mayor, Baltimore City