

**CITY OF BALTIMORE
COUNCIL BILL 12-0159
(First Reader)**

Introduced by: President Young, Councilmembers Henry, Branch, Middleton, Curran, Kraft,
Spector, Welch, Clarke, Stokes, Mosby, Scott, Cole, Reisinger

Introduced and read first time: November 19, 2012

Assigned to: Taxation, Finance and Economic Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Mayor's Office of
Employment Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Finance and Procurement – Local Hiring**

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

7 BY adding

8 Article 5 - Finance, Property, and Procurement
9 Section(s) 27-1 to 27-10 to be under the new subtitle,
10 “Subtitle 27. Local Hiring”
11 Baltimore City Code
12 (Edition 2000)

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

15 **Baltimore City Code**

16 **Article 5. Finance, Property, and Procurement**

17 **Subtitle 27. Local Hiring**

18 **§ 27-1. DEFINITIONS.**

19 (A) *IN GENERAL.*

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

21 (B) *BENEFICIARY.*

22 “BENEFICIARY” MEANS ANY PERSON WHO:

23 (1) HAS A CONTRACT WITH THE CITY FOR MORE THAN \$300,000; OR

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 12-0159

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

3 (C) *CITY-SUBSIDIZED PROJECT.*

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

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

8 (2) PAYMENT IN LIEU OF TAXES;

9 (3) TAX INCREMENT FINANCING;

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

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

15 (D) *MOED.*

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

17 (E) *PERSON.*

18 “PERSON” MEANS:

19 (1) AN INDIVIDUAL;

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

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

24 **§ 27-2. SCOPE OF SUBTITLE.**

25 (A) *CITY CONTRACTS OVER \$300,000.*

26 THIS SUBTITLE APPLIES TO EVERY CONTRACT FOR MORE THAN \$300,000 MADE BY THE CITY,
27 OR ON ITS BEHALF, WITH ANY PERSON.

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

29 THIS SUBTITLE APPLIES TO EVERY AGREEMENT AUTHORIZING ASSISTANCE VALUED AT MORE
30 THAN \$5,000,000 TO A CITY-SUBSIDIZED PROJECT.

Council Bill 12-0159

1 § 27-3. *{RESERVED}*

2 § 27-4. **EMPLOYMENT ANALYSIS.**

3 BEFORE THE DISBURSEMENT OF ANY CITY FUNDS, THE BENEFICIARY MUST PERFORM AN
4 EMPLOYMENT ANALYSIS WITH MOED TO DETERMINE HOW MANY JOBS WILL BE REQUIRED TO
5 COMPLETE THE CONTRACT OR PROJECT AND HOW MANY OF THOSE JOBS WILL REQUIRE NEW
6 HIRING.

7 § 27-5. **INITIAL HIRING TO BE THROUGH MOED.**

8 ALL NEW JOBS NEEDED FOR THE CONTRACT OR PROJECT MUST BE POSTED THROUGH MOED FOR
9 A PERIOD OF 7 DAYS BEFORE BEING PUBLICALLY ADVERTISED.

10 § 27-6. **NEW EMPLOYEES TO BE BALTIMORE CITY RESIDENTS.**

11 (A) *IN GENERAL.*

12 AT LEAST 51% OF THE NEW JOBS REQUIRED TO COMPLETE THE CONTRACT OR PROJECT MUST
13 BE FILLED BY BALTIMORE CITY RESIDENTS.

14 (B) *EXCEPTIONS.*

15 MOED MAY WAIVE OR LOWER THE REQUIREMENT OF SUBSECTION (A) OF THIS SECTION IF IT
16 FINDS THAT:

17 (1) A GOOD FAITH EFFORT TO COMPLY HAS BEEN MADE BY THE BENEFICIARY;

18 (2) THE BENEFICIARY IS LOCATED OUTSIDE THE BALTIMORE STANDARD METROPOLITAN
19 STATISTICAL AREA AND NONE OF THE CONTRACT WORK IS PERFORMED INSIDE THE
20 BALTIMORE STANDARD METROPOLITAN STATISTICAL AREA;

21 (3) THE BENEFICIARY HAS ENTERED INTO A SATISFACTORY SPECIAL WORKFORCE
22 DEVELOPMENT TRAINING OR PLACEMENT ARRANGEMENT WITH MOED; OR

23 (4) THERE ARE INSUFFICIENT NUMBERS OF BALTIMORE CITY RESIDENTS IN THE LABOR
24 MARKET WHO POSSESS THE SKILLS REQUIRED BY THE NEW JOBS NEEDED TO BE FILLED
25 FOR THE CONTRACT OR PROJECT.

26 § 27-7. **RULES AND REGULATIONS.**

27 (A) *MOED TO ADOPT.*

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

30 (B) *FILING.*

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

Council Bill 12-0159

§ 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.

Council Bill 12-0159

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

4 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
5 after the date it is enacted.