

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0159

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

Committee Report: Favorable, and amended by a Floor Amendment
Council action: Adopted
Read second time: May 13, 2013

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.

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

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

4 (C) *CITY-SUBSIDIZED PROJECT.*

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

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

9 (2) PAYMENT IN LIEU OF TAXES;

10 (3) TAX INCREMENT FINANCING;

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

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

16 (D) *MOED.*

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

18 (E) *PERSON.*

19 “PERSON” MEANS:

20 (1) AN INDIVIDUAL;

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

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

25 **§ 27-2. SCOPE OF SUBTITLE.**

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

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

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

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

4 **§ 27-3. {RESERVED}**

5 **§ 27-4. EMPLOYMENT ANALYSIS.**

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

10 **§ 27-5. INITIAL HIRING TO BE THROUGH MOED.**

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

13 **§ 27-6. NEW EMPLOYEES TO BE BALTIMORE CITY RESIDENTS.**

14 (A) *IN GENERAL.*

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

17 (B) *EXCEPTIONS.*

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

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

21 (2) THE BENEFICIARY IS LOCATED OUTSIDE THE BALTIMORE STANDARD
22 METROPOLITAN STATISTICAL AREA AND NONE OF THE CONTRACT WORK IS
23 PERFORMED INSIDE THE BALTIMORE STANDARD METROPOLITAN STATISTICAL
24 AREA;

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

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

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1 **§ 27-7. RULES AND REGULATIONS.**

2 (A) *MOED TO ADOPT.*

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

5 (B) *FILING.*

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

8 **§ 27-8. REQUIRED REPORTS.**

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

- 11 (1) THE NUMBER OF EMPLOYEES NEEDED FOR THE CONTRACT OR PROJECT;
- 12 (2) THE NUMBER OF CURRENT EMPLOYEES TRANSFERRED;
- 13 (3) THE NUMBER OF NEW JOB OPENINGS CREATED;
- 14 (4) THE NUMBER OF JOB OPENINGS LISTED WITH MOED;
- 15 (5) THE TOTAL NUMBER OF BALTIMORE CITY RESIDENTS HIRED FOR THE REPORTING
16 PERIOD AND THE CUMULATIVE TOTAL NUMBER OF BALTIMORE CITY RESIDENTS HIRED;
- 17 (6) TOTAL NUMBER OF ALL EMPLOYEES HIRED FOR THE REPORTING PERIOD AND THE
18 CUMULATIVE TOTAL OF EMPLOYEES HIRED; AND
- 19 (7) FOR EACH NEW HIRE DURING THE REPORTING PERIOD, THE NEW HIRE'S:
- 20 (1) NAME;
- 21 (2) SOCIAL SECURITY NUMBER;
- 22 (3) JOB TITLE;
- 23 (4) HIRE DATE;
- 24 (5) RESIDENCE; AND
- 25 (6) REFERRAL SOURCE.

26 **§ 27-9. {RESERVED}**

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1 § 27-10. PENALTIES.

2 (A) DEBARMENT FOR 1 YEAR.

3 IF THE BOARD OF ESTIMATES, ON RECOMMENDATION FROM MOED, AND AFTER NOTICE
4 AND HEARING, DETERMINES THAT ANY BENEFICIARY HAS VIOLATED THE PROVISIONS OF
5 THIS SUBTITLE AND THAT THE FAILURE WAS INTENTIONAL, NO CONTRACT MAY BE
6 AWARDED TO THAT BENEFICIARY, OR TO ANY FIRM, CORPORATION, OR PARTNERSHIP IN
7 WHICH THAT BENEFICIARY HAS AN INTEREST, UNTIL 1 YEAR HAS ELAPSED FROM THE DATE
8 OF THE DETERMINATION.

9 (B) CRIMINAL PENALTIES.

10 AN INTENTIONAL VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS A MISDEMEANOR,
11 AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE.

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

15 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
16 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