



Legislation Text

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ORDINANCE AMENDING ORDINANCE 6S&f-a (S), OCTOBER 11, 2000, ESTABLISHING A FIRST SOURCE EMPLOYMENT LINKAGE PROGRAM TO FACILITATE AND ENCOURAGE PRIVATE SECTOR EMPLOYMENT OPPORTUNITIES FOR NEWARK RESIDENTS BY REMOVING THE CONCEPT “GOOD FAITH EFFORT” AND ESTABLISHING A NEWARK RESIDENTIAL CONSTRUCTION CAREERS POLICY.

Sponsors: Osborne/McCallum

Tabled 6F-d 012115 Osborne/McCallum

[**WHEREAS**, the Municipal Council of the City of Newark adopted an ordinance, establishing a First Source Employment Linkage Program, 6S&Fa(S), October 11, 2000, which was not codified or implemented by the City of Newark; and

WHEREAS, there is a desire to amend that ordinance to deleted the concept of “Good Faith Effort” and add a Newark Residential Construction Careers Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

(Note: strikethroughs represent deletions and bold and underline represents additions)

Section 1. Ordinance 6S&Fa(S), October 11, 2000, is hereby amended as follows:

Section 1. The Municipal Council does hereby establish a First Source Employment Linkage Program to facilitate and encourage private sector employment opportunities to qualified Newark residents by requiring the Recipient of any Economic Incentive to execute a First Source Agreement ~~and make a good faith effort~~ to hire qualified Newark residents for all ~~long term~~ jobs associated with the project for which incentives have been provided.

Section 2.

(1) The Newark Department of Economic and Housing Development and the ~~Mayor's Office of Employment Training~~ **One Stop Career Center-Newark WORKS (“MOET”)** shall serve as intermediary between the business community and a network of service providers, job training agencies and educational institutions to best maximize the socio-economic potential of this agreement.

(2) **One Stop Career Center-Newark WORKS** ~~MOET~~ shall attempt to evenly distribute job referrals amongst the network of service providers, job training agencies and educational institutions. This effort is to ensure that the city as a whole is able to benefit from this First Source Program. The network of service providers, job training agencies and educational institutions shall refer to **One Stop Career Center-Newark WORKS** ~~MOET~~ only qualified individuals that reside in the City of Newark.

(3) One Stop Career Center-Newark WORKS MOET shall send semi-annual reports to the Administration and Municipal Council outlining: how many individuals were referred by One Stop Career Center-Newark WORKS MOET to be interviewed during that particular semi-annual period; how many individuals referred by One Stop Career Center-Newark WORKS MOET that were hired during that particular semi-annual period; the dates of termination of any individual referred by One Stop Career Center-Newark WORKS MOET that was hired and the length of each individual's employment; if applicable, from which service provider, job training agency or educational institution the hired individuals were referred to One Stop Career Center-Newark WORKS MOET; which Ward the hired individuals reside in; and the wages and benefits received by the hired individuals. If a lack of Good Faith has been demonstrated on the part of any Recipient, this shall also be included in the reports. One Stop Career Center-Newark WORKS MOET shall also include recommendations and suggestions about how this employment linkage program could be improved.

Section 3. Definitions:

"First Source Agreement" is defined as a binding agreement between the City and any Recipient of an Economic Incentive, wherein the Recipient agrees to make a Good Faith Effort hire qualified individuals who reside in the City of Newark. The form of the Agreement shall be substantially the same as the Agreement attached to this Ordinance as Schedule "A".

~~"Long Term Job"~~ [definition deleted in its entirety].

"City of Newark" includes its employees, agents and assignees.

"Recipient" is defined as any individual, partnership, association, organization, for-profit corporation or other entity, whether public or private, which receives an Economic Incentive. This includes any contractor, sub-contractor or agent of the Recipient.

"Economic Incentive" is defined as any of the following economic benefits approved by the Municipal Council for a Recipient:

- (i) A tax abatement or exemption for a property which reduces the cumulative amount of taxes otherwise due by \$25,000.00 or more;
- (ii) Any federal, state, county or municipal grant or loan of \$25,000.00 or more;
- (iii) City property which is conveyed at a private sale for no or nominal consideration, which has an actual fair market of \$25,000.00 or more; and/or
- (iv) A City contract for services over \$100,000.00

"Exclusivity period" is defined as the period of time commencing with the Pre-Hiring Notification of One Stop Career Center-Newark WORKS MOET by the Recipient during which time the Recipient may not take any actions to fill a position, including but not limited to advertising, announcing, recruiting, or interviewing. The length of the exclusivity period shall be determined by One Stop Career Center-Newark WORKS MOET after consultation with the recipient, but in no event shall be less than fifteen days:

~~“Good Faith Effort” includes but is not limited to all of the following activities:~~

~~(1) Pre-Hiring Notification and Exclusivity Period: [eliminated in its entirety].~~

- (i) **Mandatory Contract Provisions:** All contracts entered into by the Recipient or the Recipient’s contractor shall be required to comply with this Ordinance and the Agreement executed thereunder. The Recipient will require the contractor or subcontractor, regardless of tier, to complete and provide One Stop Career Center-Newark WORKS MOET with a statement that it will comply with this Ordinance and the Agreement executed thereunder.
- (ii) **Collective Bargaining Agreement:** The Recipient will cause the contractor to submit to One Stop Career Center-Newark WORKS MOET copies of any collective bargaining agreements covering workers to be employed including any collective bargaining agreements of any subcontractor.
- (iii) **Pre-Hiring Interviews:** The Recipient shall interview any applicants referred to it by One Stop Career Center-Newark WORKS MOET.
- (iv) **Semi-Annual Reports:** The Recipient will submit written semi-annual employment reports to MOET in the form to be provided by MOET. If the Recipient failed to fill any position with any qualified applicant referred by MOET, the report shall include the reasons why. The Recipient shall file with One Stop Career Center-Newark WORKS MOET a report regarding its compliance with this ordinance on a form prepared by One Stop Career Center-Newark WORKS MOET.
- (v) **Other Reports:** The recipient shall furnish such other reports as are reasonably required by One Stop Career Center-Newark WORKS MOET to implement the purposes of the Agreement.
- (vi) **Record Access:** The Recipient will insure that One Stop Career Center-Newark WORKS MOET will have reasonable access necessary to all files and records reasonably necessary to confirm the accuracy of the information set forth in the reports, including but not limited to records of employment and employment advertisement, application forms and EEO-I forms.
- (vii) **Work Place Access:** The recipient shall insure that One Stop Career Center- Newark Works MOET has reasonable access to the project site to physically monitor the work site to verify the accuracy of the information set forth in the reports.

Section 4. Prior to implementation of this First Source Employment Linkage Program, One Stop Career Center-Newark WORKS MOET must prepare and present to the Municipal Council a strategy as to how it will serve as intermediary between the business community and the service providers, job training agencies and educational institutions. This strategy should include:

- 1) Creating an efficient network to identify qualified job recipients between One Stop Career Center-

Newark WORKS MOET and the network of service providers, job training agencies, and educational institutions, including but not limited to those entities listed on the attached Schedule “B”.

- 2) Creating all necessary documents to ensure compliance on the part of the Recipient. At a minimum, these documents will detail the names, addresses, the last four digits of social security numbers, dates of hire/termination, wages, benefits and positions hired, for all new hires and terminations during each semi-annual period.
- 3) Designing a plan to educate employers about the First Source Job Linkage Program and the system described above.

Section 5. Damages: Because damages will not be capable of determination with any reasonable degree of certainty, the City will be entitled to liquidation damages from the Recipient in the amount of \$25,000.00, for every worker hired where **One Stop Career Center-Newark WORKS MOET** can prove that a qualified individuals who reside in the City of Newark **but** yet the Recipient failed to hire qualified individuals who reside in the City of Newark as outlined above. The City reserves any other remedies it may have at law or equity, including but not limited to the termination of any Economic Incentives (such as the recalling of loans, repealing of tax abatements or canceling of contracts), if appropriate, for a material breach of the Recipient’s obligation to hire qualified individuals who reside in the City of Newark as outlined above. This Section relating to Damages is subject to the written default notice provisions and expirations of a period to correct any violations, as set forth in the First Source Agreement to be entered into by the Recipient.

[New Section] **Newark Residential Construction Careers Policy**

Coverage:

This policy would cover residential construction on projects receiving financial assistance from the City of Newark.

Policy requirements:

Each contractor working on the project shall meet the following requirement:

- **Pay a living wage of at least \$25/hr to all employees**
- **50% of contractors’ work hours shall be worked by individuals who graduated from a City Approved Training Program in the past two years**
- **Certify that it is not subject to any contractual or regulatory barriers to meeting the 50% work-hours requirement**

A “City Approved Training Program” is one that has been approved by a designated City agency which shall only approve programs that:

- **Maintain open-enrollment policy for new trainees, subject only to budget/space limitations**

- Does not require trainees to find employment as a condition of participating in training
- Recruit applicants from low-income neighborhoods, with a preference given to those that live near the construction projects locations
- Offer mentoring follow up monitoring and/or support to ensure retention of participants in the training program and in residential construction careers
- Demonstrate a track record of graduating and placing trainees from underrepresented communities in a career-track residential construction jobs
- Provide at least 400 hours of classroom training prior to graduation, including health and safety as well as hazardous material recognition (asbestos, mold, lead)

Section 2. All prior ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 3. This ordinance amendment shall take affect effect 90 days after final passage and publication in accordance with the Laws of the State of New Jersey.

Section 4. Should any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, be found by a court of competent jurisdiction to be invalid, the remainder to this Ordinance shall remain in full force and effect.

STATEMENT

This ordinance amends the First Source Employment Linkage Program , to facilitate and encourage private sector employment opportunities for Newark residents and establishes a Newark Residential Construction Careers Policy.