

**TITLE:** AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE CITY OF ORANGE TOWNSHIP, CHAPTER 7, "AFFIRMATIVE ACTION", TO ADD ARTICLE III, ENTITLED "ORANGE RESIDENTS' EMPLOYMENT POLICY" TO REQUIRE HIRING OF CITY RESIDENTS ON CONSTRUCTION PROJECTS. (Sponsored by Council Member Donna Williams).

**WHEREAS**, there is a need to establish a program to ensure the creation of employment and training incentives and opportunities for City of Orange Township residents; and

**WHEREAS**, in order to begin implementing a solution to the systemic unemployment and lack of training opportunities, there is a need to address immediate problems with viable short term solutions, while studying and developing more fulsome programs to address the systemic problems; and

**WHEREAS**, the City Council of the City of Orange Township is desirous of enacting a first source requirement to address the immediate short term training and employment opportunities and to assess further comprehensive first source legislation to establish long term processes and procedures.

**NOW, THEREFORE BE IT ORDAINED** that the City Council of the City of Orange Township that Chapter 7 of the Code is amended and supplemented as follows:

**SECTION 1.**

**ARTICLE III Orange Residents' Employment Policy**

**§ 7-13. Declaration of Public Policy.**

It is hereby declared to be the public policy of the Municipal Council that the hiring of Orange residents to the greatest extent possible by developers, construction contractors and any other entities or individuals which have been contracted to conduct business with the City of Orange shall be applied to any and all Federally or State assisted, City sponsored or privately funded developments within the City limits, with bona fide Orange residents being afforded a minimum of forty (40%) percent of the total employee worker hours in each construction trade and/or company position. The term employees shall apply to persons filling apprenticeship and on-the-job-training positions, and said developers, contractors and employers may rely upon the traditional referral methods in the hiring of employees, journeymen, apprentices, trainees and helpers. By way of example: for a construction contract, the categories shall include, but not be limited to, carpenters, drywall (sheetrock) installers, electricians, framers, glazers, hazardous materials removers, heavy equipment operators, laborers, landscapers, masons, painters, pipe fitters, plumbers, roofers and window installers.

**§ 7-14. Contractors' Best Efforts.**

- A. In order to validate a good faith effort with the qualified Orange residents, the contractor shall require each subcontractor to designate an individual to serve as a compliance officer for the purpose of pursuing the Orange Residents Jobs Policy.
- B. Prior to the start of construction, the contractor and each subcontractor then selected, shall meet with appropriate representatives of the construction trade unions, the Affirmative Action Officer, a representative from the Department of Planning and Development, and the awarding or contracting authority for the purpose of reviewing the standards and the estimated employment requirements for construction activity over the construction period of the project. The Affirmative Action Officer shall be responsible for maintaining records, providing a point of contact for Orange residents seeking employment, maintaining a First Source Register of job opportunities on municipal contracts and unemployed persons, which shall be made available to Contractors/Vendors as a first source for their employment needs.
- C. Whenever any person involved in the construction of a project makes a request to a union hiring hall, business agent or contractors' association of qualified workers, the requestor shall ask that those qualified applicants referred for construction positions be referred in the proportions specified in the Orange Residents Construction Employment standards and shall further contain a recitation of such standards. However, if the requesting party's workforce composition at any time falls short of any one (1) or more of the proportions specified in the standards, the requesting party shall adjust his or her request so as to seek to more fully achieve the proportions as specified in whom a request for qualified employees has been made fails to fully comply with the request, the requesting party's compliance officer shall seek written confirmation that there are insufficient employees in the categories specified in the request and that such insufficiency is documented on the unemployment list maintained by the hall, agent or association. Copies of any confirmation so obtained shall be forwarded to the Affirmative Action Commission. Copies of any requests for qualified employees made at the time that the requesting party's workforce composition fall short of any one (1) or more such standards shall be forwarded contemporaneously to the Affirmative Action Officer and Department of Planning and Development.
- D. All persons applying directly to the contractor or any subcontractor for employment in construction of a project who are not employed by the party to whom application is made shall be referred by said party to the Affirmative Action Officer, and a written record of such a referral shall be made by said party, a copy of which shall be sent to the Affirmative Action Commission and Department of Planning and Development.

- E. Contractors shall maintain a file of the names, addresses, and telephone numbers of each Orange resident who has sought employment with respect to a project or who was referred to the contractor by the Affirmative Action Officer but was not hired. The contractor shall maintain a record of the reason any such person was not hired. If the contraction of a project is subject to any union collective bargaining agreements, it shall be required that the employee complies with any lawful union security clauses contained in such agreement. The contractors shall report the data required by section on an Orange Workforce Compliance Report template, prepared by the Affirmative Action Officer, on a monthly basis. A copy of this Report shall be provided to the Department of Planning and Development. This reporting requirement shall be in addition to any other reporting required by this or any other ordinance.
- F. The contractor shall in a timely manner complete and submit to the Affirmative Action Commission a projection of the workforce needs over the course of construction of the project. Such a submission shall reflect the needs by trade for each month of the construction phase.
- G. The contractor shall obtain from each worker employed in the construction of the project, a sworn statement containing the worker's name and place of residence.
- H. One (1) week following the commencement of construction of the project, and each week thereafter until such work is completed, the contractor shall complete and submit to the Affirmative Action Officer a report which reflects (a) for each employee, the employee's name, place of residence, race, gender, trade and total number of worker hours he or she worked, and (b) the total worker hours of its total workforce. In addition to providing demographic information and the total worker hours of its workforce, the contractor shall report the total number of hours worked by Orange residents, with an additional breakdown by trade, from the beginning of the project to date. To comply with this provision, contractors shall provide this data on the Orange Workforce Compliance Report template, provided by the Affirmative Action Officer for Full Employment.
- I. The contractor and each subcontractor shall maintain records reasonably necessary to ascertain compliance with the steps detailed in paragraphs a. through h. hereof for at least one (1) year after the beginning of the construction of the project. In its review of records of a construction project submitted to demonstrate compliance with these steps, the Affirmative Action Commission shall take into consideration any affirmative action outreach programs and affirmative action job training programs of the particular trades participating in the project.

### **§ 7-15. Developers' Best Efforts.**

- A. In order to validate a good faith effort to hire qualified Orange residents the developer shall incorporate in every general construction contract or construction management agreement an enumeration of the standards and shall impose a responsibility upon such general contractor or construction management to take all steps enumerated in paragraph A. though I. and incorporate such standards in all subcontracts and impose upon all subcontracts the obligation to take such steps.
- B. The developer shall meet with the contractor no less frequently than weekly throughout the period of construction of the project to review the contractor's compliance with such standards and steps. The developer shall maintain minutes of such meetings and shall forward a copy of such minutes to the Affirmative Action Officer within ten (10) days of such meeting.
- C. The following procedures and guidelines must be followed by all subcontractors performing work on the project. This project is subject to the Orange Residents Job Policy, and will be monitored by the Affirmative Action Officer to ensure that employment of forty (40%) percent Orange residents is achieved and maintained.
1. Submit a letter to the union explaining that this project is subject to the Orange Residents Jobs Policy, which requires that employment of forty (40%) percent Orange residents must be achieved on a weekly basis until completion of your contract with this company.
  2. As your company gets ready to hire workers from the local union, keep in mind that all requests made by your job representative in your office must be done in writing. All requests must include:
    - a. The name of the representative making such request, name of persons she/he contacted at the union hall, date of contract and action taken by union representative.
  3. A meeting is to take place with union business agents before your company starts any type of work on this project.
  4. Your office must keep records for all walk-in applicants. Records should include the name, address, and telephone number of the applicant, the position for which the applicant applied, whether the applicant is a resident, and action taken by your office.
  5. A meeting shall be called by the general contractor and the Affirmative Action Officer to discuss what other steps will be taken to help your office comply with these requirements.

### **SECTION 2. Severability of Ordinance Provisions**

Strikeouts are deletions. Underlines are added material.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

**SECTION 3. Conflict of Other Ordinance Provisions**

That all ordinances and parts of ordinances and conflicts that are inconsistent with this ordinance are hereby repealed but only to the extent of such conflict or inconsistency.

**SECTION 4. Effective Date of Ordinance Provisions**

That this ordinance shall take effect upon final passage upon expiration of twenty (20) days following publication unless otherwise provided

**PURPOSE**

To aid with the hiring and training of the City's residents on construction projects within the City of Orange.

**FISCAL IMPACT**

None.

**Adopted:**

\_\_\_\_\_  
**Joyce L. Lanier**  
City Clerk

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**Tency A. Eason**  
Council President

**Approved:**

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**Dwayne D. Warren, Esq.**  
Mayor

**Dated:** \_\_\_\_\_

**ORDINANCE NO 2-2020**

**REGULAR MEETING –FEBRUARY 4, 2020  
INTRODUCTION-FIRST READING**

**MOTION TO ADOPT: Williams**

**SECOND: Wooten**

**YEAS: Jackson, Summers-Johnson, Williams, Wooten & Council Pres. Eason**

**NAYS: Coley & Johnson, Jr.**

**ABSTENTIONS: None**

**ABSENCES: None**

**SECOND READING PUBLIC/FINAL HEARING March 3, 2020**