

WHEREAS, The Board of Aldermen of the City of Waterbury, being desirous of amending the Waterbury Code of Ordinances under the title “Hiring of Waterbury Residents on Certain Publicly-Funded Construction Projects”, also known as the “Good Jobs Ordinance”, does hereby approve and adopt the following amendments to the Code.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WATERBURY THAT: Waterbury Code of Ordinances § 34.10 is hereby added and §§ 34.17 through 34.20 and §34.22 are hereby repealed and the following are added in lieu thereof:

§ 34.10 TITLE.

The City of Waterbury Code of Ordinances §§ 34.10 through 34.22 entitled “Hiring of Waterbury Residents on Certain Publicly-Funded Construction Projects” shall also be known and may be cited as the “Good Jobs Ordinance” for the City.

§ 34.17 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR. The person(s), city department or agency designated by the Mayor of the city with the responsibility of overseeing the implementation and enforcement of this subchapter.

APPRENTICE. Definition as set forth in Conn. Gen. Stat. § 31-22m and any subsequent amendments approved by the Connecticut General Assembly is incorporated by reference herein.

BASIC SKILLED WORKER. A person who is currently enrolled in or having completed a training program administered by or on behalf of a legally organized labor union or a state-approved standardized craft training program. Specifically excluded from this definition is an APPRENTICE as defined by Conn. Gen. Stat. § 31-22m.

CITY. The City of Waterbury, Connecticut.

CITY FUNDS. Funds originating within the city pursuant to the city’s taxing powers or authority to raise money through the sale of public bonds, permit tax abatements and enter into tax fixing agreements and tax increment financing agreements.

CONSTRUCTION. The process of building, altering, repairing, improving or demolishing any public infrastructure facility, including any public structure, public building or other public improvements of any kind to city property or other property or space in which the city has an interest. It does not include the routine operation, routine repair or routine maintenance of any existing public infrastructure facility, including structures, buildings or real property.

CONSTRUCTION PROJECT. Any project for which the primary purpose involves construction, as defined above, deconstruction, the remediation of any hazardous materials as defined in the Connecticut General Statutes, the rehabilitation or renovation of any structure or the creation, extension, reconstruction, reconditioning or rebuilding of any portion of a municipal infrastructure or public utility system.

CONTRACTOR. Any person hired by the city, directly or indirectly through an owner, to perform construction work on covered projects, ~~including subcontractors hired by general contractors.~~

COVERED PROJECT. Any construction project taking place in the city with a value of \$500,000 or greater, funded in whole or in part by city funds or funds administered by the city in accordance with federal or state grant or loan programs or any other federal or state programs ~~pursuant to which the city is funding, in whole or in part, the project.~~ This definition of **COVERED PROJECT** shall include funds derived from the aforementioned federal or state grant, loan or other programs only to the extent permitted by federal and state law. The value of the projects shall equal the total consideration to be paid to all contractors stated in each contract pursuant to which contractors are performing construction work on covered projects.

FIRST-SOURCE REFERRAL PROGRAM. A program whose purpose includes but is not limited to, job training and the referral of qualified residents to contractors. The **FIRST-SOURCE REFERRAL PROGRAM** shall use the Good Jobs! umbrella coalition of community groups and churches as a priority source for recruitment.

GOOD JOBS ADMINISTRATION BUDGET. The amount of funding required to oversee the implementation and enforcement of this subchapter in a given fiscal year.

HIRING GOAL. The 30% of the total worker hours on each covered project shall be performed by residents. At least 25% of construction trade jobs shall go to apprentices and/or basic skilled workers. At least 70% of all "new hires" (those workers hired by a contractor on a project, other than existing employees and those referred by union hiring halls with prior seniority in the case of a union job) shall be "economically disadvantaged"

individuals, defined as those earning less than 150% of the poverty line at the time of application. A minimum of 5% of the construction workforce labor hours will be local resident, minority artisans. A minimum of 5% of the construction workforce labor hours will be women. A minimum of 10% of the total work hours shall be allocated for minorities. Contractors are expected to employ a workforce that represents the population of the city.

LIAISON COMMITTEE. The committee established by the Board of Aldermen to monitor compliance with the provisions of this subchapter, and make recommendations to the Administrator and the Board of Aldermen regarding ~~enforcement administration of this subchapter~~. The committee shall convene ~~monthly at a minimum of once every quarter~~ in a space open to the public. The committee shall be comprised of two representatives of the Board of Aldermen one to be appointed by the President of the Board of Aldermen and one to be appointed by the Minority Leader on the Board of Aldermen, one representative from the Board of Education to be appointed by the President of the Board of Education, one representative of the Workforce Development Board, and ~~seven-five~~ representatives who are appointed by the Board of Aldermen ~~from a list of three nominees submitted by each of the following interested parties~~ to represent: one contractor, one union, one civil rights group, one community and one Human Rights Commission. The committee members shall serve for a term of two years, and this nomination and selection process shall be used to fill any vacancy.

NEW HIRE. Those workers hired by a contractor on a project, other than existing employees, and those referred by union hiring halls with prior seniority in the case of a union job.

OWNER. The person who enters into a contract with a contractor for work on a covered project other than the city.

PERSON. An individual or a company, partnership, foreign or domestic corporation, partnership, limited liability company or other business entity.

RESIDENT. Any person whose domicile is the City of Waterbury, Connecticut.

ROUTINE MAINTENANCE. Simple, small-scale activities (usually requiring only minimal skills or training) planned and performed at regular intervals and being necessary to (1) extend the life of, or to delay or prevent the premature failure of, any plant or system or of any structure or structural system, building component or equipment; or (2) protect against normal wear and tear; or (3) maintain a suitable aesthetic appearance. Examples of ROUTINE MAINTENANCE may include, but are not limited to, lawn or grass cutting,

hedge trimming, painting, caulking, sealing, plumbing or electrical repairs, carpet cleaning or other cleaning performed at regular intervals.

SUBCONTRACTOR. Any person hired by a contractor to perform construction work on covered projects.

§ 34.18 HIRING GOAL AND IMPLEMENTATION.

(A) All contractors **and subcontractors** performing work on covered projects shall make good faith efforts to satisfy the hiring goal.

(B) Any contractors **or subcontractors** that fail to meet the hiring goal shall be required to demonstrate to the Administrator's satisfaction that the contractor **or subcontractor** made good faith efforts to meet the hiring goal.

(C) (1) The Mayor of the city shall appoint an Administrator annually no later than June 30th to serve as the Administrator for the city's fiscal year following such appointment or within 30 days of a vacancy that might arise during any fiscal year. The foregoing notwithstanding, an incumbent Administrator shall serve until their successor has been appointed and qualified. If, in the event of a vacancy, the Mayor fails to appoint a replacement Administrator within the first 30 days following the effective date of that vacancy, then the Board of Aldermen shall have the power to fill the vacancy provided that the Board does so:

(a) Within 30 days from the date upon which the power to make the appointment vested in the Board; or

(b) Prior to May 31st if the power to make the appointment vests in the Board on or after May 1st.

(2) Should the Board fail to make the appointment during any 30 day period it has to do so, or prior to May 31st if the power to make the appointment vests in the Board on or after May 1st, then the power of appointment shall revert to the Mayor. Thereafter, throughout the remainder of the then current fiscal year, the power to make the appointment shall alternate between the Mayor and the Board, at 30 day intervals, until an appointment is made or until June 1st at which point in time the power to make the appointment shall vest in the Mayor.

(D) The Mayor shall annually, prior to the adoption of the city's budget for the then next fiscal year and after consultation with the Administrator and all relevant city department

heads, establish a Good Jobs Administration Budget for the then next fiscal year and the Mayor shall include a line item in his annual budget submission to the Board of Aldermen sufficient to fund the Good Jobs Administration Budget. If, during the fiscal year in which the Mayor submits a given Good Jobs Administration Budget as part of his budget submission, the city has ~~retained-received~~ as liquidated damages, pursuant to its contracts for covered projects, an amount greater than or equal to the Good Jobs Administration Budget as then submitted by the Mayor, the city shall be required to fund the Good Jobs Administration Budget as submitted by the Mayor ~~and approved by the Board of Aldermen~~. ~~To the extent possible, the cost required to oversee the implementation and enforcement of this subchapter for each project shall be funded and paid for through each project.~~

§ 34.19 REFERRAL MECHANISM.

(A) ~~No less than four (4) weeks P~~prior to the commencement of construction on covered projects, the ~~contractor shall meet with the Administrator shall find out from the contractor and provide~~ the number of job positions to be created by the project by trade and the qualifications by job title. The Administrator shall ~~also make reasonable efforts to~~ ensure that adequate job training is available to the extent necessary to achieve the hiring goal and that screening and referral mechanisms are in place so that contractors can access qualified residents. Additionally, the Administrator shall designate a first-source referral program for the city.

(B) In the event a contractor ~~or subcontractor~~ cannot satisfy the hiring goal through its own employees and union hiring halls, the contractor ~~or subcontractor~~ shall next utilize the first source referral program in order to satisfy the hiring goal. The contractor ~~or subcontractor~~ must wait five business days after a request has been submitted before advertising the position elsewhere.

(C) Qualifications required shall be only those relevant to the job. In satisfying the hiring goal, the contractor ~~and any subcontractor~~ shall employ all qualified persons referred by the first source referral program. The contractor ~~and any subcontractor~~ must utilize the first source referral program whenever its hiring needs increase and they are unable to comply with the hiring goals.

§ 34.20 MONITORING.

(A) The owner for a covered project shall require all construction contracts to comply with all provisions of this subchapter, and a copy of this subchapter shall be included with

all contracts with contractors **and subcontractors** performing construction work on covered projects. **This** subchapter must be a contractual obligation in all contracts.

(B) All contractors **and subcontractors** performing construction work on covered projects shall submit to the Administrator weekly certified payroll records within five working days of the end of each payroll period. The records must show the person-hours on a craft-by-craft basis and identify the address, social security number, hiring date, ethnicity, gender and trade (journeyman or apprentice) of all employees on the project. All reports must have an original signature and be signed by an authorized officer or employee of the company. Failure to comply with the provisions of this division (B) ~~may~~ shall be deemed by the Administrator to be a violation of this subchapter **and shall be subject to, and invoiced, liquidated damages on a weekly basis**. Any willful misrepresentation contained in the information requested pursuant to this division (B) shall be deemed by the Administrator to be a violation of this subchapter **and shall be subject to, and invoiced, liquidated damages on a weekly basis**. **The Administrator shall notify the City of Waterbury Department of Finance upon any violation of this subchapter. No portion of any invoice submitted by a contractor that is subject to liquidated damages shall be paid by the city until such time as all liquidated damages relating to that invoice have been paid to the city.**

(C) Unless prohibited by federal, state or local law, all records in the city's possession shall be available for public inspection.

(~~C~~D) The Administrator shall review all information provided pursuant to division (B) hereof and submit monthly reports to the Liaison Committee and to the Board of Aldermen summarizing the information.

§ 34.22 CONTRACT REQUIREMENTS FOR COVERED SERVICES.

(A) This city shall include provisions in Chapter 38, entitled "Centralized Procurement System," of the Code of Waterbury mandating that each contract for a covered project, as that term is defined herein, awarded pursuant to Chapter 38 include provisions addressing compliance with the provisions of this subchapter by the contractor or contractors thereunder and by any subcontractor or subcontractors performing work related to any such contract.

(B) Whenever provisions are included in a contract for a covered project pursuant to division (A) of this section, they shall include provisions establishing liquidated damages for the failure of any contractor or subcontractor to comply with the provisions of this subchapter **on a weekly basis**. The liquidated damages shall be based on an estimate of the

cost the city would incur in having to provide alternative employment opportunities, or alternative economic assistance, to those residents who would have benefited by the city's investment in the covered project if they had been hired by the contractor or subcontractor had they complied with the provisions of this subchapter.

(C) Whenever provisions regarding liquidated damages are included in a contract for a covered project pursuant to division (B) of this section, that contract shall, if applicable, also include provisions addressing the following matters:

(1) Weekly compliance reviews by the Administrator for the purpose of assessing compliance with the provisions of this subchapter, or the lack thereof;

(2) Requiring a separate certification of compliance by the Administrator prior to the payment of any funds by the city under any such contract;

(3) The **weekly assessment and invoicing** of liquidated damages **per noncompliant contractor or subcontractor** while said contract is executory;

(4) ~~The retention, by the city, of funds due from it under the contract in amounts sufficient to offset any assessment of liquidated damages outstanding at the time the funds are due from the city. No portion of any invoice submitted by a contractor that is subject to liquidated damages shall be paid by the city until such time as all liquidated damages relating to that invoice have been paid to the city.~~