

Excerpt from the City of Atlanta, Georgia - Code of Ordinances

ARTICLE XI. FIRST SOURCE JOBS POLICY

DIVISION 1. GENERALLY

Sec. 2-1651. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beneficiary means the immediate recipient of any industrial revenue bonds, commercial or industrial abatement, urban redevelopment action grants or community development block funds administered by the city or agencies substantially controlled by the city, including the economic development corporation, urban residential finance authority. The term shall only apply to those entities benefiting from such city funds or administered funds in the amount of \$25,000.00 or more with 15 or more employees.

Contractor means an individual or entity employing 15 or more employees entering into any type of agreement with the city, including purchase orders, regardless of what they may be called, for the procurement or disposal of supplies, services, construction, professional or consultant services or the lease of space, which is funded in whole or part with city funds or city-administered funds in which the contractor is to receive \$50,000.00 or more in city expenditures or committed expenditures.

Eligible project means any project funded in whole or part with city funds or administered funds as set out in the definitions for beneficiary and contractor in this section.

Employment agreement means a contract executed by the city and the beneficiary or contractor, the terms of which shall include, among other provisions, details as to the number and description of each entry-level job for which the beneficiary or contractor is required to use the first source register and other applicable sections of this article.

Entry-level job means any non-managerial, nonprofessional or nontechnical position for which little or no prior work experience or vocational skill training is required to successfully perform the job tasks.

First source register means a listing of low-income city residents, including graduates of programs funded by the Workforce Investment Act (WIA).

Low-income city resident means any city resident who is eligible for Workforce Investment Act (WIA) services, which includes any recipient of food stamps or public assistance (AFDC, general assistance or SSI), any member of a household with a family income at or below the poverty level as defined by the Federal Office of Management and Budget (OMB) or anyone with a major barrier to employment such as the handicapped, veterans, teenage parents, high school dropouts, dislocated, laid-off or older workers. Such individuals must be at least 18 years old and, if not a high school graduate, must not have been enrolled in a secondary school or below within the past six months.

(Code 1977, § 5-8001; Ord. No. 2007-18(07-O-0354), § 1, 3-27-07)

Cross references: Definitions generally, § 1-2.

Sec. 2-1652. Severability.

If any provision of this article shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision of this article.

(Code 1977, § 5-8007)

Sec. 2-1653. Duties of office of contract compliance.

The duties of the office of contract compliance shall include:

- (1) Administration and enforcement of this article.
- (2) The establishment of written procedures to effectuate this article.
- (3) The determination in writing, with reasons therefore, as to whether potential beneficiaries or contractors for eligible projects are in compliance with this article.
- (4) Approval of employment agreements to which the city is a party with beneficiaries or contractors for compliance with this article.
- (5) Investigations of alleged violations of this article and issuance of written determinations following the investigations, stating the reasons therefor.
- (6) Provision of all necessary forms, applications, documents and papers necessary to comply with this article.
- (7) Determination as to whether any of the penalties set forth in section 2-1657 for noncompliance are appropriate.
- (8) Notification to an affected party by registered mail that the party has the right to appeal a determination of noncompliance with this article to the contract compliance hearing officer within seven days of receipt of the notice of noncompliance.
- (9) Notification to the chief procurement officer or other appropriate city officials of any determination of noncompliance with the requirements of this article and any appeal from such determination of noncompliance.
- (10) Review annually and report yearly to the council committee with legislative overview of this article to determine the need for its continued implementation.

(Code 1977, § 5-8006; Ord. No. 2002-71, § 42, 9-16-02)

Sec. 2-1654. First source register created.

(a) The City of Atlanta Workforce Development Agency (AWDA) shall compile and maintain a first source register.

(b) In compiling and maintaining the first source register, AWDA shall contact the state department of labor, community-based organizations, welfare agencies and any other agency whose primary target group is the economically disadvantaged.

(Code 1977, § 5-8002; Ord. No. 2007-16(07-O-0283), § 1, 3-27-07)

Sec. 2-1655. Employment agreement required.

(a) Under this article, the city shall require the immediate beneficiary or primary contractor for every eligible project to enter into an employment agreement with the city and the Atlanta Workforce Development Agency:

- (1) The first source for finding employees to fill all entry-level jobs created by the eligible project will be the first source register.
- (2) The goal of each employment agreement shall be that 50 percent of the entry-level jobs created by the eligible project will be hired from the first source register.

(3) Each beneficiary and contractor shall make a good faith effort to reach the goal of each employment agreement, and, after a reasonable time, each beneficiary or contractor shall be free to fill entry-level jobs from other sources.

(4) The first source agreement shall only apply to entry-level jobs created by the eligible project, but it is the intent of this article that the signatories to first source agreements shall comply with the spirit of this article beyond the duration of the first source jobs agreement and continue to make good faith attempts to hire employees of similar background to those appearing on the first source register.

(b) All bid specifications and other similar documents for other eligible projects subject to this article shall include the requirements of this article and a copy of this article.

(c) Each contractor and beneficiary performing work under an eligible project shall include this article and the employment agreement in every subcontract, lease or sublease so that this article will be binding upon each subcontractor, sub lessee or other ultimate recipient of the city funds or city-administered funds. Any subcontractor, sub lessee or ultimate recipient shall be exempt if not meeting the minimum size requirement as set out in the definitions of the terms "beneficiary" and "contractor" in section 2-1651.

(Code 1977, § 5-8003; Ord. No. 2007-17(07-O-0284), § 1, 3-27-07)

Sec. 2-1656. Effect of transfer of business on employment agreement.

Under this article, each employment agreement shall require that if during the term of an employment agreement the beneficiary or contractor should transfer possession of all or a portion of the beneficiary's or contractor's business concerns affected by the agreement to any other party by lease, sale, assignment or otherwise, the beneficiary or contractor as a condition of transfer shall require the transferee to agree, in writing, to the terms of the agreement. A new first source agreement shall be executed with the transferee prior to the effective date of the transaction.

(Code 1977, § 5-8004)

Sec. 2-1657. Penalties.

Upon a determination by the contract compliance officer that a beneficiary or contractor has failed to comply with any portion of this article, the city may impose any or all of the following penalties, based upon a determination of the severity of the noncompliance by the beneficiary or contractor:

(1) Withholding from the beneficiary or contractor in violation ten percent of all future payments under the involved eligible project until it is determined that the beneficiary or contractor is in compliance.

(2) Withholding from the beneficiary or contractor in violation of all future payments under the involved government-assisted project until it is determined that the beneficiary or contractor is in compliance.

(3) Refusal of all future bids on city projects or applications for financial assistance in any form from the city or any of its departments or divisions, until such time as the beneficiary or contractor demonstrates that there has been established and there shall be carried out all of the sections of this article.

(4) Cancellation of the eligible project.

(Code 1977, § 5-8005)

Secs. 2-1658--2-1675. Reserved.

DIVISION 2. ADVISORY BOARD*

***Cross references:** Boards, councils, commissions and authorities, § 2-1851 et seq.

Sec. 2-1676. Composition; qualifications; terms of office.

(a) The first source policy advisory board shall be composed of 11 members who shall select a chair from the membership of the board. Five members of the board shall be selected, one each, from the areas of job placement, job recruitment, social services, the business community, and education. Three of these members so selected shall be appointed by the mayor, and two shall be appointed by the president of the council. The mayor and president of the council shall have the responsibility for coordinating and ensuring that the classifications for membership are adhered to. The remaining six members of the board shall be selected from the public at large, one each, from a list of no more than three candidates provided by the council members from each of the paired districts from which an at-large councilmember is elected, and the members shall be residents of the district. The nominations by the council and council president shall be confirmed by a majority of the council present and voting on these nominations.

(b) Members of the board selected from paired council districts shall each serve a two-year term and until a successor for each is selected and approved.

(c) The successors from each of the paired council districts, the two members appointed by the president of the council and the three members appointed by the mayor shall serve one-year terms and until a successor for each is selected and approved.

(d) Vacancies shall be filled for an unexpired term in the same manner and from the same membership classifications as the initial appointment. No person shall serve as a member longer than four consecutive years or more than six years in the aggregate.

(Code 1977, § 5-8021)

Sec. 2-1677. Compensation.

Each member of the first source policy advisory board shall be paid \$25.00 for each meeting that the board member attends, but the total amount so paid any member shall not exceed the sum of \$300.00 in any one calendar year.

(Code 1977, § 5-8022)

Sec. 2-1678. Staff.

The executive branch shall provide such staff as is required for efficient operation of the first source policy advisory board.

(Code 1977, § 5-8023)

Sec. 2-1679. Functions and duties.

The first source jobs policy advisory board shall monitor the first source agreements, make recommendations to the council and mayor on related problems, hear complaints by citizens regarding employment and training secured under the first source agreement,

promote the first source register, hold an annual public hearing on the status of first source and assist in promoting the first source policy in the business community.
(Code 1977, § 5-8024)
Secs. 2-1680--2-1700. Reserved.