



# CITY OF BOSTON JOBS AND LIVING WAGE ORDINANCE

THE LIVING WAGE DIVISION ● (617) 918-5259

In accordance with the [Boston Jobs and Living Wage Ordinance](#), and the provisions of the promulgated Regulations, any direct recipient ("Beneficiary") of at least \$100,000 of assistance as defined by any grant, loan, tax incentive, bond financing, subsidy, debt forgiveness, or other form of assistance of \$100,000 or more realized by or through the authority or approval of the City of Boston, including, but not limited to Industrial Development Bonds, Community Development Block Grant (CDBG) loans and federal Enhanced Enterprise Community designations awarded after the effective date of this Ordinance shall comply with the "First Source Hiring Agreement" provisions of said Ordinance.

The following forms are Living Wage Forms B1, B2, B3, and 10A.

## **BENEFICIARY AFFIDAVIT (B1)**

Any for-profit Beneficiary who employs at least 25 full-time equivalents (FTE) or any not-for-profit Beneficiary who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the **First Source Hiring Agreement** provisions of the Boston Jobs And Living Wage Ordinance.

*If you are submitting a Request for Proposal, Request for Qualification, or Invitation for Bid, or negotiating a loan, grant, or other financial Assistance that meets the above criteria, you must submit this Affidavit along with your proposal. If you believe that you are exempt from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance, complete Section 4: Exemption: First Source Hiring Agreement provisions, or if you are requesting a General Waiver, please complete Section 5: General Waiver Reason(s).*

**IMPORTANT:** Please print in ink or type all required information. Assistance in completing this Form may be obtained by calling The Living Wage Administrator, The Living Wage Division of the Office Of Jobs And Community Services, telephone: (617) 918-5259, facsimile: (617) 918-5299.

### **Part 1: BENEFICIARY OF ASSISTANCE INFORMATION:**

Name of Beneficiary: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Part 2: ASSISTANCE INFORMATION:**

Name of the program or project under which the Assistance is being awarded:

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Awarding Department: \_\_\_\_\_

Bid or Proposal Amount: \$ \_\_\_\_\_

Date Assistance Documents Executed: \_\_\_\_\_ Award End Date: \_\_\_\_\_

Duration of Award:  1 year  2 years  3 years  Other: \_\_\_\_\_ (years)

**PART 3: ADDITIONAL INFORMATION**

Please answer the following questions regarding your company or organization:

1. Your company or organization is: *check one*:

For Profit  Not For Profit

2. Total number of employees whom you employ: \_\_\_\_\_

3. Total number of employees who will be assigned to work on the above-stated Award: \_\_\_\_\_

4. Do you anticipate hiring any additional employees?

Yes  No

*If yes*, how many additional F.T.E.s do you plan to hire? \_\_\_\_\_

**PART 4: EXEMPTION FROM FIRST SOURCE HIRING AGREEMENT PROVISIONS OF THE BOSTON JOBS AND LIVING WAGE ORDINANCE**

Any Beneficiary who qualifies may request an Exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance by completing the following:

I hereby request an exemption from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance for the following reason(s): Attach any pertinent documents to this Application to prove that you are exempt. Please check the appropriate box(es) below:

The construction contract awarded by the City of Boston is subject to the state prevailing wage law; and

Assistance awarded to youth programs, provided that the award is for stipends to youth in the program. "Youth Program" means any city, state, or federally funded program which employs youth, as defined by city, state, or federal guidelines, during the summer, or as part of a school to work program, or in other related seasonal or part-time program; and

Assistance awarded to work-study or cooperative educational programs, provided that the Assistance is for stipends to students in the programs; and

- Assistance awarded to vendors who provide services to the City and are awarded to vendors who provide trainees a stipend or wage as part of a job training program and provides the trainees with additional services, which may include but are not limited to room and board, case management, and job readiness services, and provided further that the trainees do not replace current City funded positions.

Please give a full statement describing in detail the reasons you are exempt from the First Source Hiring Agreement provisions the Boston Jobs And Living Wage Ordinance (attach additional sheets if necessary):

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**PART 5. GENERAL WAIVER REASON(S)**

I hereby request a General Waiver from the First Source Hiring Agreement provisions of the Boston Jobs And Living Wage Ordinance. The application of the First Source Hiring Agreement provisions to my Assistance violates the following state or federal statutory, regulatory or constitutional provision or provisions.

State the specific state or federal statutory, regulatory or constitutional provision or provisions, which makes compliance with the First Source Hiring Agreement provisions unlawful:

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**GENERAL WAIVER ATTACHMENTS:**

Please attach a copy of the conflicting statutory, regulatory or constitutional provisions that makes compliance with this ordinance unlawful.

Please give a full statement describing in detail the reasons the specific state or federal statutory, regulatory or constitutional provision or provisions makes compliance with the First Source Hiring Agreement provisions unlawful (attach additional sheets if necessary):

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**PART 6: BENEFICIARY OF ASSISTANCE AFFIDAVIT:**

I, (print or type) \_\_\_\_\_, the Beneficiary, certify and swear/affirm that the information provided on this **Beneficiary Affidavit** is true and within my own personal knowledge and belief.

Signed under the pains and penalties of perjury.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

TITLE: \_\_\_\_\_



# CITY OF BOSTON **JOBS AND LIVING WAGE ORDINANCE**

**THE LIVING WAGE DIVISION • (617) 918-5259**

## NOTICE TO BENEFICIARIES (B2)

### **Requirements Of The Boston Jobs And Living Wage Ordinance**

*All City of Boston Departments awarding Assistance must provide Beneficiaries with a copy of this Notice.*

**IMPORTANT NOTICE:** Beneficiaries are required to comply with the First Source Hiring Provisions of the Boston Jobs and Living Wage Ordinance. Beneficiaries are not required to comply with the Living Wage Provisions of the Ordinance.

1. **BENEFICIARIES:** Any for-profit employer who employs at least 25 full-time equivalents (FTE) or any not-for-profit employer who employs at least 100 FTEs who has been awarded Assistance of \$100,000 or more from the City of Boston must comply with the ***First Source Hiring Agreement Provisions*** of the Boston Jobs And Living Wage Ordinance. FTE is defined in the Living Wage Ordinance as a formula to calculate the number of employee work hours that equal one full-time position. For the purposes of this Ordinance, full-time shall mean the standard number of working hours, between 35 hours and 40 hours per week that is used by the Beneficiary to determine full time employment.
2. **DEFINITION OF ASSISTANCE:** Assistance shall mean any loan, grant, tax incentive, bond financing, subsidy, or other form of Assistance of \$100,000 or more realized by or through the authority or approval of the City of Boston, including, but not limited to Industrial Development Bonds, Community Development Block Grant (CDBG) loans and federal Enhanced Enterprise Community designations. Leases and subleases are not Assistance.
3. **BENEFICIARY AFFIDAVIT REQUIRED:** All Beneficiaries receiving an award from the City of Boston of \$100,000 or more, must file a **BENEFICIARY AFFIDAVIT, (FORM B-1)**, along with their submission to the Awarding Department.
4. **FIRST SOURCE HIRING AGREEMENT:** All Beneficiaries who are awarded Assistance from the City of Boston shall sign a ***First Source Hiring Agreement (Form B-3)*** with one or more Referral Agencies or One-Stop Career Centers.
5. **THE LIVING WAGE DIVISION:** The Living Wage Division of the Office of Jobs and Community Services is the agency responsible for overall implementation, compliance and enforcement of the Ordinance. They are located at 43 Hawkins Street, Boston, MA, 02114. If you need assistance or further information contact the Living Wage Administrator at (617) 918-5259; fax: (617) 918-5299.
6. **IMPORTANT TAX INFORMATION/EARNED INCOME CREDIT:** Certain employees who earn less than \$49,000 per year **may** be eligible for certain federal and/or state tax credits called ***EARNED INCOME CREDIT***. Your payroll clerk is required to keep on hand the appropriate Internal Revenue Service forms, (Federal Form W5), information and instructions in the event any of your employees requests assistance in this matter.



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## FIRST SOURCE HIRING AGREEMENT Beneficiaries of Assistance (B3)

Under the Boston Jobs and Living Wage Ordinance and Regulations, all Beneficiaries (hereinafter referred to as “the Employer” for the purposes of this Agreement) are required to sign a First Source Hiring Agreement with a Referral Agency or Boston One-Stop Career Center (The Employer may sign additional First Source Hiring Agreements with as many Referral Agencies or Boston One-Stop Career Centers as it chooses.) For a complete list of approved Referral Agencies and Boston One-Stop Career Centers, see the attached Form LW-10A.

**INSTRUCTIONS FOR BENEFICIARIES OF ASSISTANCE:** You are not required to complete this form until after your Assistance has been awarded. After your Assistance is awarded, you are required to do the following:

1. Complete the portions of this agreement that are applicable to you (Parts 1,2 and 5A)
2. Within five (5) business days after your documents are executed, deliver this agreement (or fax) to a **REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER** of your choice.

**INSTRUCTIONS FOR REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS:** Upon receipt of this Agreement, you are required to do the following:

1. An authorized person of the Referral Agency or Career Center must complete Part 3 of this Form and sign the Agreement in Part 5B.
2. Submit this Agreement within two (2) days of receipt to:

**LIVING WAGE ADMINISTRATOR  
LIVING WAGE DIVISION  
OFFICE OF JOBS AND COMMUNITY SERVICE  
43 HAWKINS STREET  
BOSTON, MASSACHUSETTS, 02114**

**NOTE:** All parties to this Agreement should carefully read **Part 4: AGREEMENT OF PARTIES** If you have any questions telephone the Living Wage Administrator at (617) 918-5259.

**Part 1: EMPLOYER INFORMATION:**

Name of Employer: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Part 2: NAME AND IDENTIFICATION NUMBER OF THE PROGRAM OR PROJECT UNDER WHICH THE ASSISTANCE WAS AWARDED:**

\_\_\_\_\_  
\_\_\_\_\_

**Part 3: REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER INFORMATION:**

Agency Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Address \_\_\_\_\_  
Street City Zip

Telephone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

E-Mail Address \_\_\_\_\_

**Part 4: AGREEMENT OF PARTIES**

The Employer and the Referral Agency or Boston One Stop Career Center signing this agreement agree to the following terms and conditions:

1. Prior to announcing or advertising an employment position for work which shall be performed as a result of Assistance created either as a result of a vacancy of an existing position or of a new employment position, the Employer shall notify the Referral Agency and/or Career Center about the position, including a general description and the Employer's minimum requirements for qualified applicants for such position. The notification shall also contain the words: **BOSTON JOBS AND LIVING WAGE ORDINANCE POSTING**, prominently displayed at the top of the first page of the notification.

2. The Employer shall not make such public announcement or advertisement for a period of five (5) business days after notification to the Referral Agency and/or Career Center of the availability of such position. Such five (5) day period is hereinafter referred to as the *Advance Notice Period*. The Referral Agency or Career Center may make public announcements or advertisements of the job position at any time. Any posting, public announcement or advertisement shall clearly state that only Boston residents may be referred for such job opportunities during the *Advance Notice Period*.
3. The Referral Agency or Career Center shall post any **BOSTON JOBS AND LIVING WAGE ORDINANCE JOB OPPORTUNITY NOTICE** within the first business day after receipt of the Notification from the Employer in a prominent location for a period of at least the five (5) business days. (*Advance Notice Period*). The Referral Agency or Career Center shall provide information on such job opportunities to all Boston residents who receive services. The Referral Agency or Career Center may refer qualified candidates to the Employer. The Referral Agency or Career Center shall maintain a database of such job opportunities.
4. The *Advance Notice Period* shall be waived if the Referral Agency and/or Career Center has no qualified candidates to refer to the Employer.
5. The Referral Agency or Career Center shall institute a tracking system and record the job postings referred by Employers, the number of applicants referred to jobs during the *Advance Notice Period*, which applicants were interviewed, which applicants were not interviewed, and which applicants were hired for the positions or any other information deemed relevant by the Living Wage Administrator. The Referral Agency or Career Center shall forward this information to the Living Wage Administrator, monthly, in a manner prescribed by the Living Wage Administrator.
6. The Agreement does not require the Employer to comply with these procedures if it fills the job vacancy or newly created position by transfer or promotion from existing staff or from a file of qualified applicants previously referred to the Employer by the Referral Agency and/or Career Center.
7. The Agreement shall not require the Employer to hire any applicant referred under the terms of this Agreement.
8. Beneficiaries who receive Assistance from the City in the amount of one million dollars (\$1,000,000) or more in any twelve month period shall be required to comply with the first source hiring provisions of the Boston Jobs And Living Wage Ordinance for five years from the date such assistance reaches the one million (\$1,000,000) threshold. Beneficiaries receiving less than one million dollars but at least one hundred thousand dollars (\$100,000) of Assistance in any twelve-month period shall be required to comply with the first source hiring provisions of the Boston Jobs and Living Wage Ordinance for one year.

## **PART 5: SIGNATURES**

*An owner or officer of the Employer as well as the Referral Agency or Boston One-Stop Career Center must sign this Agreement.*

**A. SIGNATURE**

On behalf of \_\_\_\_\_ (*Employer*), I agree to comply with the terms and conditions of this First Source Hiring Agreement.

_____	_____
PRINT/TYPE NAME	JOB TITLE
_____	_____
SIGNATURE	DATE

**B. REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER AUTHORIZED SIGNATURE**

On behalf of the **REFERRAL AGENCY OR BOSTON ONE-STOP CAREER CENTER** named in Part 3 of this Agreement, I agree to provide services in accordance with the terms and conditions of this First Source Hiring Agreement

_____	_____
PRINT/TYPE NAME	JOB TITLE
_____	_____
SIGNATURE	DATE



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## CERTIFIED REFERRAL AGENCIES AND BOSTON ONE-STOP CAREER CENTERS (10A)

*All Covered Vendors and Beneficiaries of Assistance shall sign a First Source Hiring Agreement with one or more Referral Agencies or one or more Boston One Stop Career Centers. Please note that the following entities have been certified by the Living Wage Division of the Office of Jobs and Community Services to meet the First Source Hiring Agreement Requirements of the Boston Jobs And Living Wage Ordinance.*

### **BOSTON CAREER LINK**

c/o Morgan Memorial  
1010 Harrison Avenue  
Boston, MA 02119  
TEL: (617) 536-1888  
FAX: (617) 536-1987  
TTY: (617) 867-4687  
Contact: Stella Mereves x 788

### **JOBNET**

210 South Street  
Boston, MA 02111  
TEL: (617) 338-0809  
FAX: (617) 338-2050  
TTY: (617) 338-4311  
Contact: Ed Crognalo x 215

### **THE WORKPLACE**

29 Winter Street, 4<sup>th</sup> Fl  
Boston, MA 02111  
TEL: (617) 737-0093  
FAX: (617) 428-0380  
TTY: (617) 428-0390  
Contact: Debra Garrett x 118

### **SOUTH BOSTON RESOURCE CENTER**

489 East Broadway  
South Boston, MA 02127  
TEL: (617) 635-0771  
FAX: (617) 635-0775  
Contact: Edward Downs

**ROXBURY EMPLOYMENT  
RESOURCE CENTER**

2201 Washington Street  
Roxbury, MA 02119  
TEL: (617) 989-9150  
FAX: (617) 989-9125  
Contact: Alan Gentle

**ALLSTON BRIGHTON RESOURCE CENTER**

367 Western Avenue  
Brighton, MA 02135  
TEL: (617) 562-5734  
FAX: (617) 562-5737  
Contact: Cathy Snedeker