CITY OF BOSTON

IN THE YEAR NINETEEN HUNDRED AND EIGHTY-THREE

AN ORDINANCE

ESTABLISHING THE BOSTON RESIDENTS JOBS POLICY

Be it ordained by the City Council of Boston, as follows:

1. SECTION 1  PREAMBLE:

2. WHEREAS there is a very high rate of unemployment in the City of Boston among both white and minority residents;

3. WHEREAS the subsequent multiplier effect of this high level of unemployment has a direct and deleterious effect upon all the neighborhoods of the City of Boston, resulting in the physical deterioration of neighborhoods, vandalism, and crime;

4. WHEREAS the City of Boston expends nearly one billion dollars in contracts, part of this money derived from taxes paid by city residents;

5. WHEREAS these contracts enable private developers to obtain state and federal funds, and provides such developers with property tax and other benefits, for the purposes of constructing public works projects and other projects aimed at reviving and rebuilding blighted and unproductive areas of the City of Boston;

6. WHEREAS the vast majority of workers employed on such projects are individuals who do not reside in the City of Boston;

7. WHEREAS Black, Hispanic, Asian, and native Americans residents of the City of Boston, as well as female residents, have
1. historically been systematically excluded from the construction trades and unions in the City of Boston;

2. WHEREAS the Boston Resident Jobs Policy has been an Executive Order since September 11, 1979; and,

3. WHEREAS the United States Supreme Court has declared the Boston Residents Jobs Policy to be a legitimate and legally valid policy;

4. THEREFORE be it ordained as follows:

SECTION 2 DEFINITIONS:

5. The following words as used in this ordinance shall, unless the context otherwise requires, have the following meanings:

6. "Minority person" shall include those persons who are Black, Hispanic, Asian, or native American.

7. "Resident" is any person for whom the principal place where that person normally eats and sleeps and maintains his or her normal personal and household effects is within the city limits for the City of Boston.

8. "Agency" shall mean the unit of government, within the structure of the City of Boston that is responsible for the application, administration and execution of Community
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1. Development Block Grants, projects in the area of housing and employment, and federal affirmative action programs, currently the Neighborhood Development and Employment Agency.

4. "Contract Compliance Office" is that office within the structure of the City of Boston government that has purview over the areas of compliance and enforcement for federal, state and/or local affirmative action programs.

8. SECTION 3. POLICY:

9. (a) On any construction project funded in whole or in part by City funds, or funds which, in accordance with a federal grant or otherwise, the City expends or administers, or which the City is a signatory to the construction contract, the worker hours on a craft-by-craft basis shall be performed, in accordance with the contract documents provided for in section 3(b) below, as follows:

16. a. at least fifty percent of the total employee manhours in each trade shall be by bona fide Boston residents;

19. b. at least twenty-five percent of the total employee manhours in each trade shall be by minorities;

20. c. at least ten percent of the total employee manhours in each trade shall be by women.
1. For purposes of this paragraph worker hours shall include work performed by persons filling apprenticeship and on-the-job training positions.

2. (b) In order to insure compliance with the Ordinance, the provisions of the City of Boston Supplemental Minority Participation and Residents Preference Section shall be included by each city department in all contracts with any private corporation or individual for construction projects covered by this Ordinance.

3. SECTION 4. COMPLIANCE, ENFORCEMENT, SANCTIONS:

4. (A). The Agency, as defined in Section 2, shall be designated as responsible for the planning, implementation and enforcement of this Ordinance, and shall have the following duties:

5. Planning and Implementation. Prior to the commencement of any construction project, capital works, or city economic development plan covered by this Ordinance, the Agency shall:

6. (1) review spending plans for such project;

7. (2) identify the number of job positions to be created by the project;
1. (3) specify training needed for entry level and
2. semi-skilled positions by job title;
3. (4) in conjunction with appropriate unions and their
4. existing collective bargaining agreements, recruit employees
5. and arrange for training through established union
6. apprenticeship programs; and
7. (5) establish a job screening and referral agency which
8. shall refer city residents, minorities, and women to
9. contractors and subcontractors to enable such contractors and
10. subcontractors to comply with this Ordinance.
11. (B) The Contract Compliance Office for the City of
12. Boston shall be responsible for enforcing and monitoring
13. compliance with the provisions of this Ordinance and the
14. contract provisions established in accordance therewith shall
15. have the following duties:
16. (1) to require all contractors and sub-contractors
17. affected by this Ordinance to submit weekly workforce charts
18. listing workers by name, residential address, craft, job
19. category, hours worked, sex and race. These charts shall be
20. public records.
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1. (2) to negotiate with all contractors/developers in
   order to identify and classify construction jobs by job titles,
   hiring dates, duration and training.

2. (3) to register all interested community-based
   organizations, and notify such organizations of any pre-award
   conferences between the Agency and developer/contractor
   relating to hiring requirements and goals as stated herein.

3. (C) The Agency shall have the power, by means of the
   contract provisions referred to in section (3) above, to impose
   sanctions upon contractors and subcontractors found to be in
   non-compliance with this Ordinance. Such sanctions shall
   include, but not be limited to: i) suspension of payments, ii)
   termination of the contract, iii) recovery by the City of .1%
   of the contract award price as liquidated damages, and iv)
   denial of right to participate in future projects for up to
   three years.

SECTION 5. LIAISON COMMITTEE:

The Agency shall establish a liaison committee which shall meet
monthly, in a forum open to the public, to review the Agency's
reports, monitor compliance with the provisions of the
Ordinance, and make recommendations to the Agency and the City Council regarding enforcement of this Ordinance. The Agency shall accept nominations of three persons from interested groups including, but not limited to: Union Contractors, Non-Union Contractors, Boston Building Trades, State Office of Minority Business Assistance, Contractor Association of Boston, Training Agency personnel, Human Rights activist groups, women's organizations, Community based organizations and the Boston Chamber of Commerce. The Agency shall thereafter select one person from those nominations submitted by each organization to serve without compensation for a term of two years. This nomination and selection process shall be used to fill any vacancy.

SECTION 6. TRAINING PROGRAM:
The City of Boston shall establish or cause to be established, either independently or in concert with craft unions and construction contractors, job training programs to train minorities, Boston residents, and women for skilled or semi-skilled construction jobs. These programs shall be supervised by the Agency.
SECTION 7. FINES:
Any person who provides false information regarding his or her residence address shall be subject to a fine of not more than $300.

SECTION 8 INDEPENDENT AGENCIES:
Any and all activities of any independent agency, operating or acting on behalf of the City of Boston, including, but not limited to, the Boston Redevelopment Authority and the Economic Development and Industrial Corporation shall comply with the provisions of this Ordinance.

SECTION 9. PUBLISHING:
Notwithstanding the provisions of the City of Boston Code, Ordinances, Title 2, Section 752, this ordinance shall be published by action of the City Council in passing the same.

SECTION 10. Qualified Boston residents.

In City Council September 28, 1983. Passed.

Approved by the Mayor October 14, 1983.

Attest:

City Clerk