



# 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
3. of Boston among both white and minority residents;
4. WHEREAS the subsequent multiplier effect of this high level of
5. unemployment has a direct and deleterious effect upon all the
6. neighborhoods of the City of Boston, resulting in the physical
7. deterioration of neighborhoods, vandalism, and crime;
8. WHEREAS the City of Boston expends nearly one billion dollars
9. in contracts, part of this money derived from taxes paid by
10. city residents;
11. WHEREAS these contracts enable private developers to obtain
12. state and federal funds, and provides such developers with
13. property tax and other benefits, for the purposes of
14. constructing public works projects and other projects aimed at
15. reviving and rebuilding blighted and unproductive areas of the
16. City of Boston;
17. WHEREAS the vast majority of workers employed on such projects
18. are individuals who do not reside in the City of Boston;
19. WHEREAS Black, Hispanic, Asian, and native Americans residents
20. of the City of Boston, as well as female residents, have

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1. historically been systematically excluded from the construction  
2. trades and unions in the City of Boston;

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

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

8. THEREFORE be it ordained as follows:

9. SECTION 2 DEFINITIONS:

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

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

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

18. "Agency" shall mean the unit of government, within the  
19. structure of the City of Boston that is responsible for the  
20. application, administration and execution of Community

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1. Development Block Grants, projects in the area of housing and
2. employment, and federal affirmative action programs, currently
3. the Neighborhood Development and Employment Agency.
4. "Contract Compliance Office" is that office within the
5. structure of the City of Boston government that has purview
6. over the areas of compliance and enforcement for federal, state
7. and/or local affirmative action programs.

8. SECTION 3. POLICY:

9. (a) On any construction project funded in whole or in part by
10. City funds, or funds which, in accordance with a federal grant
11. or otherwise, the City expends or administers, or which the
12. City is a signatory to the construction contract, the worker
13. hours on a craft-by-craft basis shall be performed, in
14. accordance with the contract documents provided for in section
15. 3(b) below, as follows:

16. a. at least fifty percent of the total employee
17. manhours in each trade shall be by bona fide Boston
18. residents;
19. b. at least twenty-five percent of the total employee
20. manhours in each trade shall be by minorities;
- c. at least ten percent of the total employee manhours
- in each trade shall be by women.

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1. For purposes of this paragraph worker hours shall include work  
2. performed by persons filling apprenticeship and on-the-job  
3. training positions.

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

10. SECTION 4. COMPLIANCE, ENFORCEMENT, SANCTIONS:

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

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

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

19. (2) identify the number of job positions to be created  
20. by the project;

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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  
2. order to identify and classify construction jobs by job titles,  
3. hiring dates, duration and training.

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

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

### 17. SECTION 5. LIAISON COMMITTEE:

18. The Agency shall establish a liaison committee which shall meet  
19. monthly, in a forum open to the public, to review the Agency's  
20. reports, monitor compliance with the provisions of the

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1. Ordinance, and make recommendations to the Agency and the City  
2. Council regarding enforcement of this Ordinance. The Agency  
3. shall accept nominations of three persons from interested  
4. groups including, but not limited to: Union Contractors,  
5. Non-Union Contractors, Boston Building Trades, State Office of  
6. Minority Business Assistance, Contractor Association of Boston,  
7. Training Agency personnel, Human Rights activist groups,  
8. women's organizations, Community based organizations and the  
9. Boston Chamber of Commerce. The Agency shall thereafter select  
10. one person from those nominations submitted by each  
11. organization to serve without compensation for a term of two  
12. years. This nomination and selection process shall be used to  
13. fill any vacancy.

### 14. SECTION 6. TRAINING PROGRAM:

15. The City of Boston shall establish or cause to be established,  
16. either independently or in concert with craft unions and  
17. construction contractors, job training programs to train  
18. minorities, Boston residents, and women for skilled or  
19. semi-skilled construction jobs. These programs shall be  
20. supervised by the Agency.

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1. SECTION 7. FINES:

2. Any person who provides false information regarding his or her  
3. residence address shall be subject to a fine of not more than  
4. \$300.

5. SECTION 8 INDEPENDENT AGENCIES:

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

11. SECTION 9. PUBLISHING:

12. Notwithstanding the provisions of the City of Boston Code,  
13. Ordinances, Title 2, Section 752, this ordinance shall be  
14. published by action of the City Council in passing the same.

15. SECTION 10. Qualified Boston residents.

In City Council September 28, 1983. Passed.

Approved by the Mayor October 14, 1983.

Attest:

  
City Clerk