

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2007-48

No. 483

AN ORDINANCE "ESTABLISHING A FIRST SOURCE LIST, AS AMENDED"

Approved **OCTOBER 29, 2007**

Be it ordained by the City of Providence:

WHEREAS, It is critical to the economic survival of our City to insure a strong employment base, and

WHEREAS, Effective means must be found to address the onerous problem of unemployed and underutilized human resources, and

WHEREAS, A high rate of employment will expand the tax base, and improve the quality of neighborhood and family life,

We therefore shall adopt a "First Source List." An approach that will put people to work, with a minimum of government involvement. The First Source Agreement should be viewed first and foremost as a means to encourage the retention of working, homeowners families, who will live and work in Providence. Secondly, the First Source Agreement should be seen as an effective tool to persuade employers to come to Providence with the assurance that a trained and motivated work force will be in place to fill their requirements.

Therefore, Be it ordained that the City of Providence does hereby establish the following "First Source Ordinance":

SECTION 1. Applicability – The provisions of this Ordinance shall apply to any and all businesses in the City of Providence who shall receive aid in cash or in-kind from the City of Providence above and beyond the normal services provided to all businesses and residents in the City. This shall include tax concessions, and/or abatements, other than adjustments made by the tax assessor or the Board of Tax Assessment Review⁴; grants-in-aid, grants from the Office of Community Development, Office of Economic Development, U.D.A.G.'s, H.O.D.A.G.'s of any other program requiring authorization by resolution of the City Council unless specifically

exempted by Ordinance. In Addition, this shall include any 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. This requirement shall not apply, however, to businesses of four employees or less.

SECTION II. Coverage – Jobs covered by this Ordinance and requiring adherence to the provisions of a first source agreement shall include all non-supervisory positions created as a result of internal promotions, terminations, and expansion of the employers workforce, except those filled by internal promotion from within the employers local workforce.

SECTION III. Agreements – Any business either existing in the City of Providence or establishing itself in the City of Providence receiving any aid from the City as outlined above shall as a condition of the receipt of such aid enter into a First Source Agreement covering the hiring of any and all employees as outlined in Section II for the terms of such aid but no case for less than three nor more than ten years. Any contractor or developer entering into a contract for a city-funded project shall enter into a First Source Agreement covering the hiring of employees necessary to complete the project.

Under a first source agreement employers shall agree to recruit and hire all covered employees from the First Source List provided by the Department of Planning and Development and associated agencies.

At least ten days before hiring the employer shall notify D.O.P.D. who shall refer appropriately trained and qualified employees to said employer until the employer has filled such jobs. In the event that the employer is unable to find acceptable employees after exhausting the entire First Source List, the employer shall notify the D.O.P.D that it wishes to seek outside employees. If after conference the employer and D.O.P.D. agree that the First Source List is unable to provide suitable employees for said positions the employer shall be free to seek employees from other sources. If the employer and D.O.P.D. do not agree that the D.O.P.D. is able to find suitable employees the D.O.P.D. shall be given an additional thirty days to recruit employees for said positions. If at the end of thirty days the D.O.P.D. is unable to provide suitable employees the employer shall be free to hire from other sources.

Employers shall comply with Federal Equal Employment Opportunity Policy on non-discrimination for those with prison records. Whenever an Employer is in receipt of information which is part of an employment applicant's or employee's criminal history record information file, he may use that information for the purpose of deciding whether or not to hire the applicant or fire the employee, only in accordance with this section, unless such denial of employment or termination is required by municipal, state or federal law.

(1) Convictions should only be considered by the employer to the extent that they relate to the applicant's suitability for employment in the position for which they have applied or in which they are in, that is, where there is a justified business necessity. In determining whether a justified business necessity exists, the employer must consider:

- a. The gravity of the offense or offenses;
- b. The time that has passed since the conviction and/or completion of the sentence; and
- c. The nature of the job held or sought.

(2) Process

In the case when an individual is being denied employment as a result of a business necessity as described above, the Employer is required to give written notification to the individual being denied or fired, explaining the reasons why he/she was denied employment, and informing him/her of the right to appeal to the D.O.P.D.

SECTION IV. – D.O.P.D. – The Department of Planning and Development shall maintain a First Source List and at least one full-time employee of the Department shall be assigned to work exclusively on implementing, and ensuring compliance with, the First Source Agreement.

The list shall consist of any bona-fide Providence resident seeking employment who wishes to register with said Agency.

This list shall include with the names and addresses of such job seekers any special skills, training or education which the job seeker may have.

D.O.P.D. in conjunction with other appropriate government agencies shall be responsible for recruiting, training, and advertising no less frequently than once every three months the existence of said list and the method by which a person may be included on such list. Advertising

shall be in a newspaper of general circulation as well as any other method deemed appropriate by such agency and shall also include notification of any and all public job placement and referral agencies in the City of Providence.

The agency shall also establish training and referral programs for such persons and notify all persons on the First Source List of such programs. Selection for such training programs shall be in accordance with the following guidelines. The D.O.P.D. shall strive to place a proportionate share of women, minorities and handicapped persons in all training and job opportunities. The goals will be 50% women, 50% minorities and 5% handicapped persons.

Training and referral programs shall be established at regular intervals and shall be in the following areas:

- 1.) Any area in which a covered employer who expects to be hiring has expressed a need or it can be anticipated by the agency that such need exists.
- 2.) Any area in which in the determination of the agency a need exists in the general workforce but there are not sufficient training opportunities specifically for Providence residents.
- 3.) Basic training in the skills and work habits necessary for successful and continued employment for any person on the First Source List whom the agency identifies as lacking such skills.

The Department of Planning and Development shall prepare reports on implementation of this ordinance to the City Council and made available to the public, including the following information:

- 1.) Names of employers that are required to sign First Source Agreements, and whether or not they have signed them;
- 2.) Number of job vacancies form each employer;
- 3.) Whether or not the employer has hired from the First Source List;
- 4.) Number of people the D.O.P.D. has referred to employers from the First Source List;
- 5.) Total number of people hired off the First Source List, percentage of people of color, women and people with disabilities;

6.) Job training programs for people established through the funds allocated by this Ordinance, number of residents from the First Source List who have participated in these programs, and percentages of these residents who are people of color, women, and people with disabilities; and

7.) Challenges in ensuring compliance from employers, and information on any employers who are non-compliant.

These reports shall be made on a bi-monthly basis until July 1, 2007, after which point the reports will be made on a bi-monthly — quarterly basis.

SECTION V. Funding – For purposes of maintaining an adequate First Source List to meet the needs of covered employers and for adequately training individuals on such list the City shall commit annually no less than \$250,000 for the recruitment, training, referral and maintenance of such list. This fund shall be under the general administration of D.O.P.D. but may include funds from J.P.T.A., Community Development, or any other source. The City shall be authorized when the appropriate state and local provisions are fulfilled to issue the necessary bonds for such funding. If the City is unable to fulfill the funding provision of this Ordinance from any other source the funds shall be provided from the City’s general fund.

SECTION VI. Enforcement. The agency shall have the power, by the terms of the First Source Agreement, to impose sanctions on any business found to be in violation of the agreement. Such sanctions shall include, but not be limited to:

1. Termination of aid or funding.
2. Termination of contract.
3. Recovery of any benefits which accrued to the business during the period of violation.

~~In addition, this ordinance shall be enforceable by a private right of action for legal or injunctive relief in any court of competent jurisdiction, including the Superior Court.~~

SECTION VII. This Ordinance shall take effect upon passage and shall require the establishment of such list within three months of passage.

IN CITY COUNCIL

JAN 11 2007
FIRST READING

APPROVED

Ann M. Stees CLERK

[Signature]
MAYOR 10/29/07

IN CITY COUNCIL
OCT 18 2007
READ AND PASSED

Richard Mancini
PRES.

Ann M. Stees
CLERK