



CITY OF BUFFALO

EXECUTIVE ORDER #16-05

MAYOR BYRON W. BROWN

DIRECTING THE STRENGTHENING OF THE FIRST SOURCE HIRING POLICY TO PROMOTE FULL PARTICIPATION OF ALL CITY OF BUFFALO RESIDENTS IN THE CITY'S ECONOMIC DEVELOPMENT

By the authority vested in me by the Laws of the State of New York and Article 2, Sections 2-3 and Article 4, Section 4-1 of the Charter of the City of Buffalo, it is hereby ordered:

WHEREAS, It is the goal of the City of Buffalo and my administration to connect economically disadvantaged City of Buffalo residents with jobs that are generated by the City's investment in public works contracts awarded by the City and its various Departments; and

WHEREAS, Since 2006, my administration has required commercial developers to meet workforce utilization goals for minority and women owned businesses and establish priority hiring for City of Buffalo residents as a condition of their agreements with the City of Buffalo (**First Source Hiring Policy**); and

WHEREAS, Buffalo City Code Section 96-13(H) provides that construction contracts and subcontracts as defined in that Section, shall have established workforce development residency goals that ensure "that the contractor will work toward a minimum of 25% of the workforce to include qualified residents from the City of Buffalo"; and

WHEREAS, Buffalo City Code Section 96-13(H)(3) specifically authorizes the Commissioner of Public Works, Parks and Streets (hereinafter, the "Commissioner") "to promulgate such rules and regulations as are lawful, necessary and appropriate to implement, enforce or otherwise carry out the purpose of this section"; and

WHEREAS, Buffalo City Code Section 96-13(H)(2)(c) specifically provides that any contractor or subcontractor entering into a construction contract with the City of Buffalo "is required to ensure that the workforce which it engages to perform work in execution of the contract or subcontract meets the

minimal workforce diversification standards” including workforce residency goals for the hiring of City residents; and

WHEREAS, Strengthening the First Source Hiring Policy will increase participation of City of Buffalo residents in the remarkable economic development activity currently taking place in the City of Buffalo and the accompanying City of Buffalo public works projects.

NOW, THEREFORE, IT IS SO ORDERED, That the Commissioner of the Department of Public Works, Parks and Streets is hereby directed to implement the following procedures to strengthen the First Source Hiring Policy for the City of Buffalo to ensure that all residents of the City of Buffalo have the opportunity to participate in the City’s unprecedented economic development:

1. Establish a centralized Workforce Development Committee that will be responsible for executing first source agreements, establishing employee referral protocols, monitoring compliance and reporting outcomes.

2. Develop with the Contract Compliance Committee (CCC), its establishment directed by Executive Order _____, requirements and guidelines for City residency hiring that establish, at a minimum, that public works contracts with the City of Buffalo shall require the execution of a First Source Agreement where the contractor and/or subcontractor must agree to make all reasonable efforts to meet or exceed a thirty percent (30%) residency hiring goal, which exceeds and surpasses the goal of twenty-five percent (25%) delineated in Buffalo City Code Section 96-13(H). This is in addition to the City minority and women workforce goals of 25%/5% on the entire project. This requirement shall apply to all major economic development projects and public works projects with a contract amount of \$250,000.00 or greater; and;

3. Monitor compliance with the First Source Hiring Policy through enforcement of Buffalo City Code Section 96-13 (H)(2)(c)[1-3], which provides that all contractors and subcontractors on construction contracts supply: [1] a monthly workforce census and such other employment and/or payroll records, necessary to verify achievement of the workforce diversity goals and to demonstrate compliance with minimum standards; [2] access and cooperation to the project compliance officer to review records on-site and/or at worksite premises to validate workforce participation; and [3] with bid submission, a statement committing to providing apprenticeship training opportunities to workers, as well as details of workforce diversification recruiting programs directed at attracting candidates to fill positions to meet such requirements.

4. Report outcomes of the First Source Hiring Policy to the Contract Compliance Committee and to the Mayor’s Fiscal Subcabinet, including projections of workforce needs covered by this Executive Order, referrals issued for each project and whether residency hiring goals were met or exceeded.

5. Encourage communication between the City and all of the City’s private development partners that furthers the purposes of this Executive Order and supports the unprecedented development in the City of Buffalo.

This Order is not intended to, and does not, create a right or benefit, substantive or procedural, enforceable, at law or in equity by any party against the City of Buffalo, its departments, agencies, officers, employees, or agents.

GIVEN, under my hand and the Privy Seal of the City of Buffalo in the State of New York, this 11th day of January, in the year 2017.

City of Buffalo

Mayor Byron W. Brown