

ITEM #5(9)

(Side-by-side Comparison of Proposals)

**ADDITIONAL
AGENDA
MATERIAL**

**SUBMITTED BY
THE OFFICE OF THE COUNTY ATTORNEY**

FOR MEETING OF

**APRIL 8, 2014,
2:00 P.M. PUBLIC HEARING**

WORKFORCE INVESTMENT: *Side-By-Side Comparison Of Proposals*

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
Purpose / Form	The objectives of the Act are to encourage Contractors to utilize CareerSource Broward, the Florida Department of Vocational Rehabilitation, and their contract partners as a first source for employment candidates for work on County-funded projects, and to encourage Contractor investment in Broward County economic development through the hiring of economically disadvantaged or hard-to-hire individuals.	The objectives of the Broward County Workforce Investment Program ("Program") are to encourage Contractors to utilize CareerSource Broward, the Florida Department of Vocational Rehabilitation, and their contract partners as a first source for employment candidates for work on County-funded projects, and to encourage Contractor investment in Broward County economic development through the hiring of economically disadvantaged or hard-to-hire individuals.	
"CareerSource"	Defines CareerSource Broward as "CareerSource"	Deletes definition of "CareerSource"	
"Economically Disadvantaged Worker"	"Economically Disadvantaged Worker" means a person who (a) <i>maintains a primary residence at the time of hire within a census tract with concentrated poverty as defined by a poverty rate of twenty percent (20%) or greater as determined from data from the most current U.S. decennial census and from information published by the Bureau of the Census and the Bureau of Labor Statistics;</i> (b) <i>prior to hire</i> had an annual household income for the last full calendar year equal to or less than the most recently-published "Low-Income" income limits for the Fort Lauderdale, FL HUD Metro Fair Market Rents Area for Section 8 of the Housing Act of 1937, as amended; (c) had been	"Economically Disadvantaged Worker" means a person who (a) <i>has</i> an annual household income for the last full calendar year equal to or less than the most recently-published "Low-Income" income limits for the Fort Lauderdale, FL HUD Metro Fair Market Rents Area for Section 8 of the Housing Act of 1937, as amended; (b) has been unemployed but seeking employment for more than six (6) consecutive months prior to hire; or (c) has received federal or state public assistance through Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance (SNAP) within ninety (90) days prior to hire.	<u>Vice Mayor Ryan's proposed Amendment to proposed Ordinance:</u> DELETE: "maintains a primary residence at the time of hire within a census tract with concentrated poverty as defined by a poverty rate of twenty percent (20%) or greater as determined from data from the most current U.S. decennial census

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	unemployed but seeking employment for more than six (6) consecutive months prior to hire; or (d) had received federal or state public assistance through Temporary Assistance for Needy Families (TANF) or Supplemental Nutrition Assistance (SNAP) within ninety (90) days prior to hire.		and from information published by the Bureau of the Census and the Bureau of Labor Statistics"
"Qualifying New Hires"	Includes individuals who are "military veterans <i>or served in the Peace Corps</i> "	Includes "military veterans"	
"Vacancies" Definition	"Vacancies" means all full- and part-time job openings of the Contractor that are the direct result of the County-awarded contract at issue.	"Vacancies" means all full- and part-time job openings of the Contractor that are the direct result of the County-awarded contract at issue. <i>Vacancies include job openings at the time contractual performance commences and any job openings that develop at any time during the contract term.</i>	<u>Vice Mayor Ryan's proposed Amendment to proposed Ordinance:</u> Same as Commissioner Wexler.
Workforce Investment Goals procurement language	Under any procurement solicitation for any Covered Contract, the bidder or proposer shall be required, as an issue of responsibility, to indicate that it agrees to be bound to contractual obligations under the Covered Contract, if awarded to the bidder or proposer, requiring it to use good faith efforts to meet the First Source Referral Goal and the Qualifying New Hires Goal. If the bidder or proposer fails to respond affirmatively, it shall be deemed non-responsible to the solicitation.	[No comparable language]	
First Source Referral Goal	Upon award of the applicable Covered Contract, the Contractor agrees to publicly post all Vacancies for Covered Contracts through	Upon award of the applicable Covered Contract, the Contractor agrees to publicly post all Vacancies for Covered Contracts through	

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	<p>CareerSource for a period of at least five (5) business days, <i>which shall be calculated from the date of written notice by the Contractor to the County and CareerSource of the placement of the job order form with CareerSource.</i> During this period, the Contractor shall not utilize other recruitment methods or advertisements to attempt to fill any Vacancies, except that internal-only job postings by the Contractor and consideration of any Qualified Referrals are permitted during this period.</p> <p>...</p> <p>Promptly upon receipt thereof, the Contractor agrees to review the qualifications of <i>the</i> Qualified Referrals and use good faith efforts to interview Qualified Referrals that appear to meet the qualifications required for one (1) or more Vacancies.</p>	<p>CareerSource Broward for a period of at least five (5) business days. During this period, the Contractor shall not utilize other recruitment methods or advertisements to attempt to fill any Vacancies, except that internal-only job postings by the Contractor and consideration of any Qualified Referrals are permitted during this period.</p> <p>...</p> <p>Promptly upon receipt thereof, the Contractor agrees to review the qualifications of all Qualified Referrals and use good faith efforts to interview <i>a sufficient number of</i> Qualified Referrals that appear to meet the qualifications required for one (1) or more Vacancies <i>in order to fill the Vacancies.</i></p>	
Qualifying New Hires Goal	The Contractor agrees to use good faith efforts to hire Qualifying New Hires for at least fifty percent (50%) of the Vacancies resulting from a Covered Contract.	The Contractor agrees to use good faith efforts to hire Qualifying New Hires for at least fifty percent (50%) of the Vacancies resulting from a Covered Contract <i>from the "Hard-to-Hire Worker" and "Economically Disadvantaged Worker" categories.</i>	
Calculation of Qualifying New Hires Goal	<p>b. The Qualifying New Hires Goal shall be calculated as follows:</p> <p>1. The total number of Vacancies for the Covered Contract, minus the number of Vacancies actually filled by workers who are not</p>	[No comparable language]	<p>Vice Mayor Ryan's <u>proposed Amendment to proposed Ordinance:</u></p> <p>ADD: <i>Qualifying New</i></p>

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	<p>residents of the State of Florida at the time of hire, divided by two (2) and rounded up to the nearest whole number, constitutes the Qualifying New Hires Goal; and</p> <p>2. Each Economically Disadvantaged Worker or Hard-to-Hire Worker who is hired by the Contractor for the Covered Contract shall count as two (2) Qualifying New Hires for purposes of meeting the Qualifying New Hires Goal.</p>		<p><i>Hires may be terminated by the Contractor as otherwise permitted under applicable law or contract, provided that in order to remain in compliance with this Act, any Vacancy created during the term of the Covered Contract by the termination of a Qualifying New Hire shall be filled either in accordance with the procedures for the First Source Referral Goal or by hiring another Qualifying New Hire.</i></p>
Definition of Good Faith Efforts	<p>c. The Contractor shall be deemed to have demonstrated good faith efforts to meet the Qualifying New Hires Goal if:</p> <p>1. The Contractor meets the First Source Referral Goal but is unable to meet the Qualifying New Hires Goal due to a documented lack of Qualified Referrals or due to special skills, experience, or expertise required to fill the Vacancies;</p>	<p>c. The Contractor shall be deemed to have demonstrated good faith efforts to meet the Qualifying New Hires Goal if:</p> <p>1. The Contractor meets the First Source Referral Goal but is unable to meet the Qualifying New Hires Goal due to a documented lack of Qualified Referrals or due to special skills, experience, or expertise required to fill the Vacancies;</p>	

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	<p>2. <i>The Contractor demonstrates that at least fifty percent (50%) of the Contractor's current workforce consists of workers who met the definition of Qualifying New Hires on the date of hire;</i></p> <p>3. Identified collective bargaining agreement provisions prevent the Contractor from meeting the Qualifying New Hires Goal; or</p> <p>4. Documented other circumstances (including, without limitation, voluntary terminations, employee illnesses, etc.) that prevent the Contractor from meeting the Qualifying New Hires Goal despite documented reasonable efforts.</p>	<p>2. Identified collective bargaining agreement provisions prevent the Contractor from meeting the Qualifying New Hires Goal; or</p> <p>3. Documented other circumstances (including, without limitation, voluntary terminations, employee illnesses, etc.) that prevent the Contractor from meeting the Qualifying New Hires Goal despite documented reasonable efforts.</p>	
Evidence of Worker Qualifications	<p>d. A written sworn statement or other notarized certification by a person that he or she qualifies as a Qualifying New Hire, Economically Disadvantaged Worker, or Hard-to-Hire Worker, which certification identifies the specific factual basis for the person's qualification, shall constitute sufficient evidence that the person meets the qualification.</p>	[No comparable language]	
Reporting / Monitoring	Contractors awarded Covered Contracts shall, by January 31 of each year during the contract term and within thirty (30) days following completion of the contract, submit reports ("Workforce Investment Reports") <i>to the County and to</i>	Contractors awarded Covered Contracts shall, by January 31 of each year during the contract term and within thirty (30) days following completion of the contract, submit reports ("Workforce Investment Reports") <i>to the County's Office of</i>	

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	CareerSource summarizing the data reflected in the documents required to be retained under this section. Any additional related information or documentation relating to compliance with this Act requested by the County shall be promptly provided by the Contractor.	Economic and Small Business Development summarizing the data reflected in the documents required to be retained under this section. Any additional related information or documentation relating to compliance with this Program requested by the Office of Economic and Small Business Development shall be promptly provided by the Contractor.	
Incentive / Penalty	<p>1. The Contractor's failure to demonstrate good faith efforts to meet the First Source Referral Goal or the Qualifying New Hires Goal shall constitute a material breach of contract;</p> <p>2. Failure to demonstrate good faith efforts to meet the First Source Referral Goal or the Qualifying New Hires Goal shall result in reduction of the total compensation paid to the Contractor under the Covered Contract in the amount of five hundred dollars (\$500) for each newly-hired employee by which the Contractor fails to meet the Qualifying New Hires Goal; and</p> <p>3. The Contractor shall be paid an additional five hundred dollars (\$500) by the County above the otherwise-applicable contract amount for each additional full-time Qualifying New Hire employed by the Contractor for the duration of the Covered Contract in excess of the Qualifying New Hires Goal (not to exceed a total additional compensation of \$2,500). Any amount due under this provision shall be paid by</p>	For any Covered Contract, the contract at issue shall specifically provide that the Contractor's failure to demonstrate good faith efforts to meet the First Source Referral Goal or the Qualifying New Hires Goal may be documented in the future performance evaluation and may subject the Contractor to possible suspension or debarment from future County contract awards.	<p><u>Vice Mayor Ryan's proposed Amendment to proposed Ordinance:</u></p> <p>Failure to demonstrate good faith efforts . . . shall result in reduction of the total compensation . . . of five hundred dollars (\$500) for each newly-hired employee . . . (not to exceed ten percent (10%) of the total contract value)</p>

Section/Issue	Proposed Ordinance - Additional Material #5(3) (by Commissioner Holness)	Proposed Program - Additional Material #5(4) (by Commissioner Wexler)	Other Amendments Proposed
	<i>the County within thirty (30) days of the Contractor's submission of the final Workforce Investment Report.</i>		
Sunset review	This Act shall be reviewed by the County two (2) years after it becomes effective. Such review shall include analysis of (i) the effectiveness of the Act in encouraging the employment of Qualifying New Hires, including Economically Disadvantaged Workers and Hard-to-Hire Workers; (ii) Contractors' ability to meet the First Source Referral and Qualifying New Hires Goals; (iii) the estimated financial impact on the County; and (iv) any recommendations for amendment or modification of the Act's provisions.	This Program shall be reviewed by the County two (2) years after it becomes effective. Such review shall include analysis of (i) the effectiveness of the Program in encouraging the employment of Qualifying New Hires, including Economically Disadvantaged Workers and Hard-to-Hire Workers; (ii) Contractors' ability to meet the First Source Referral and Qualifying New Hires Goals; (iii) the estimated financial impact on the County; <i>(iv) the ability of CareerSource Broward to supply qualified applicants;</i> and (v) any recommendations for amendment or modification of the Program's provisions.	