

Office of Workforce Development

Proposed Regulations Governing Implementation of the Hire NOLA Ordinance With Respect to First Source, Participation Goals, and Continued Compliance

I. Authority.

Pursuant to Chapter 70, Article IV, Division 3 of the Code of the City of New Orleans, The Office of Workforce Development (OWD) shall promulgate rules and regulations to implement the provisions of said division, which established Hire NOLA, which links quality employment opportunities to local workers.

II. Applicability.

These regulations apply to “covered projects” as defined by Section 70-498 of the Code of the City of New Orleans.

III. First Source.

1. Any individual who is domiciled in the City of New Orleans and desires potential employment opportunities may submit to OWD information requested by OWD, which shall include, if applicable, but is not limited to their:
 - i. Name,
 - ii. Address,
 - iii. Phone number,
 - iv. E-mail,
 - v. Skill-set or specialization,
 - vi. Prior work history/experience,
 - vii. References indicating positive prior work performance, and
 - viii. Certifications.

OWD shall maintain a First Source database whereby all such submitted information is stored.

2. OWD shall state on their website, and on any form provided to individuals seeking to be registered on OWD’s First Source database, that the provided information may be subject to public record.
3. Contractors on “covered projects” shall submit to OWD a Craft Employee Request Form for vacancies on said projects as provided herein.

4. OWD shall provide said Contractors a list of all registered individuals on the First Source database that are qualified for employment to fill vacancies on “covered projects” within five (5) working days.
5. OWD shall determine the individuals on the First Source database that are qualified for employment to fill vacancies on “covered projects.”
6. Contractors’ shall only consider the OWD-provided qualified First Source individuals to fill vacancies on “covered projects” during the five (5) working day period, as required by Sec. 70-500 of the Code of the City of New Orleans.
7. Qualified, as provided herein, shall mean individuals who possess a needed skill-set, specialization, or qualification that meets the requirements to fill a particular vacancy.

IV. Local Participation Goals.

1. As provided in Sec. 70-499 of the Code of the City of New Orleans, Contractors and their Subcontractors, if applicable, shall commit to making Good Faith Efforts to achieve local participation goals.
2. Within three (3) working days of bid opening, the two (2) lowest Bidders for “covered project” contracts shall submit form OWD-GF, whereby a bidder commits to making Good Faith Efforts, attesting that if the contract is awarded, Contractor will:
 1. Utilize OWD’s Craft Employee Request Form to inform OWD of any potential vacancies on a “covered project.”
 2. Contact qualified individuals from the First Source database, as provided by OWD, for filling potential vacancies.
 3. Solicit in the official journal of the City, or any other local publication, and advertise as provided below, any potential vacancies for local workforce candidates if First Source individuals are ultimately not qualified or available.
 4. Advertise vacancies at local Union/Hiring Halls of registered apprenticeship programs, if applicable.
 5. Advertise vacancies at the job site.
 6. Conduct meeting(s) with potential managers and subcontractors to educate said individuals regarding the Local Hire goals provided herein.
 7. Utilize registered apprenticeship programs at a 1 apprentice to 3 journeyman ratio, if applicable and available.
3. The advertisement referenced in subpart-2 shall include, but is not limited to:
 1. A description of position(s);
 2. The desired candidate qualifications;
 3. Wage rate;

4. The application deadline;
 5. Notice that an applicant's information may be subject to public record; and
 6. Contractor contact information.
4. Within three (3) working days of bid opening, the two (2) lowest Bidders must submit a "Local-Hire Plan", whereby the potential Contractor outlines how they will attempt to reach the goal(s) provided in Sec. 70-499, or attest that they currently meet the goals of Sec. 70-499, will continue to make efforts to maintain said goals, and submit supporting documentation indicating goal compliance.
 5. Within three (3) working days of bid opening, the two (2) lowest Bidders must submit a "Manpower Utilization Schedule" that contains an approximation of needed craft and unskilled workers throughout the duration of the project.
 6. Failure of a Bidder to submit the above documentation when required as part of an Invitation to Bid, Request for Proposals, or Request for Qualifications, may render the bid, proposal, or statement of qualifications non-responsive to that solicitation.

V. Records.

1. The Contractor awarded the "covered project" contract shall submit to OWD a Craft Employee Request Form for any potential vacancy on a "covered project" within five (5) days of contract execution.
2. The Contractor awarded the "covered project" contract shall submit to OWD the following documentation within forty-five (45) calendar days of contract execution, indicating Contractor's attempted compliance with form OWD-GF:
 - i. The names of qualified individuals from the First Source database that were contacted to fill any potential vacancies.
 - ii. The names of individuals hired from the First Source list, if any.
 - iii. Brief description as to why First Source individuals were not hired, if applicable.

If vacancies on "covered projects" were not able to be filled by qualified First Source individuals, the Contractor must timely submit additional documentation to indicate Good Faith Efforts, which should include but is not limited to:

- i. Copies of advertisements.
 - ii. Photos and/or copies of advertisement(s) at Union/Hiring Hall(s) and at the job site, if applicable.
 - iii. Names and addresses of local individuals that responded to the advertisements.
 - iv. Names of local individuals hired due to local advertising efforts.
3. The Contractor shall submit to OWD an attestation of the number and percentage of local workers on a "covered project," and a workforce roster providing the names

and addresses of the individuals that may work on the “covered project”. The workforce roster shall be submitted within forty-five (45) calendar days of contract execution, and shall be updated as needed to reflect modifications as contemplated in subpart VI.

4. Contractors shall utilize OWDs Contract Compliance Monitoring System to maintain payroll records of all craft employees on “covered projects”.

VI. Continued Compliance.

1. Contractor shall inform OWD in writing within three (3) working days if a local worker hired pursuant to achieving local hire goals quits, is transferred, is terminated, or otherwise ceases their involvement with the “covered project” for any reason.
2. Contractor shall make best efforts to hire another local worker for replacement, and work with OWD to utilize First Source individuals for replacement and recruitment for new employment opportunities throughout the life of the contract, if available.
3. Contractors shall submit monthly reports to OWD via OWDs Contract Compliance Monitoring System.

VII. Periodic Review

1. OWD must conduct an annual periodic policy review to determine the appropriate participation goals as provided in Sec. 70-499 of the Code of the City of New Orleans. The OWD review shall:
 - i. Consider whether there is a sufficient supply of qualified unemployed resident workers to meet the increased participation rates set forth in the ordinance;
 - ii. Recommend steps the City can take to support apprenticeship utilization on city-funded construction projects to help build a qualified local workforce;
 - iii. Make relevant findings in support of those determinations;
 - iv. During the periodic review process, shall consult with relevant stakeholders including the community and the Hire NOLA Committee; and
 - v. Upon completion of a periodic review, OWD shall make the report available to the public.
2. OWD will work with the New Orleans Workforce Development Board, a federally created local Workforce Development Board in the State of Louisiana under the Workforce Innovation and Opportunity Act (WIOA) (as the same may be hereafter amended, the “Act”), to designate a committee called the “Hire NOLA Committee” that will assist OWD with monitoring and compliance, investigation of worker complaints, and the Periodic Review of the Hire NOLA Ordinance.

VIII. Monitoring and Compliance

1. OWD has the authority to monitor "covered project" contracts to ensure continued compliance with the goals and Good Faith Efforts provided herein, and may request additional documentation to evaluate as needed.
2. OWD may monitor a "covered project" by a variety of means, which may include but are not limited to:
 - a. Job site visits,
 - b. Review of data submitted via the Contract Compliance Monitoring System, including payroll tracking;
 - c. Reviewing of records and reports;
 - d. Receipt of complaints by workers themselves and/or
 - e. Interviews of selected personnel.
3. When a Contractor fails to comply with First Source or fails to make Good Faith Efforts to achieve local participation goals, OWD shall contact the Contractor to offer assistance and ways to resolve the failure.
4. If the failure is not resolved, or if the Contractor fails again to comply after a resolution, OWD shall send the Contractor a notice of non-compliance.
5. If the Contractor continues to fail to comply or the Contractor repeatedly fails to comply, such continued and/or repeated non-compliance may constitute a material breach, as provided in the contract.
6. Continued noncompliance may be considered in future procurement and contract determinations.

IX. Hiring Discretion.

Nothing contained herein shall limit a Contractor or its subcontractors' ability to assess qualifications of prospective candidates and to make final hiring and retention decisions. No provision of this Rule shall be interpreted as a requirement for Contractors or their subcontractors to employ any candidate not qualified for the position in question, or to employ any particular candidate.