

Memorandum



Date: (Second Reading 6-3-10)
April 20, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of the County Manager.

Subject: Ordinance Amending Section 2-1701 of the Code of Miami-Dade County, Florida
Pertaining to the Community Workforce Program

Recommendation

It is recommended that the Board of County Commissioners (Board) amend Section 2-1701 of the Code of Miami-Dade County, Florida (Code) pertaining to the Community Workforce Program (CWP). This amendment will remove language providing for compensation to Workforce Development Organizations (WDOs) and Workforce Recruitment/Referral Organizations (WROs) for training, referral and placement of new hires from Designated Target Areas (DTAs), and update the department's name to the Department of Small Business Development (SBD).

Scope

This ordinance has countywide impact.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

SBD director is responsible for administering the CWP.

Background

On January 22, 2003, the Board approved Miami-Dade County Ordinance No. 03-1 establishing the CWP program applicable to capital construction projects located in the DTAs. The CWP requires local workforce goals on certain capital construction contracts for public improvements located in DTAs to ensure a minimum of ten percent (10%) of the persons performing construction trades and labor work under the contracts reside in DTAs. The ordinance currently provides that WDOs and WROs be compensated for training, referral and placement of new hires from DTAs.

In June 2009, the Board passed Miami-Dade County Resolution No. R-724-09 approving a memorandum of understanding (MOU) with the South Florida Workforce Investment Board (SFWIB) to establish a pool of skilled and unskilled personnel to accomplish the CWP objectives. The MOU authorized the SFWIB to function as the first-stop WDO and WRO for the County's CWP at no cost to the County. Since then, SBD has been utilizing the SFWIB to provide the WDO and WRO services to meet industry demand. The SFWIB provides workforce

development services in Region 23 which includes Miami-Dade and Monroe counties. The services include construction trade skills training, and other skills recognized and accepted by all federation members of the respective trades. In addition, the SFWIB provides qualified construction employment recruitment/referral services and employability skills training such as job application processes, interviewing skills and appropriate attire.

Based on the MOU with the SFWIB, it is recommended that the Code be amended to remove the language providing for compensation to WDOs and WROs. This amendment updates the Code, accordingly.



Assistant County Manger



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: June 3, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(H)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COMMUNITY WORKFORCE PROGRAM; AMENDING SECTION 2-1701 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REMOVING LANGUAGE FOR COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS FOR TRAINING, REFERRAL AND PLACEMENT OF NEW HIRES FROM DESIGNATED TARGET AREAS; SUBSTITUTING DEPARTMENT OF SMALL BUSINESS DEVELOPMENT FOR DEPARTMENT OF BUSINESS DEVELOPMENT; AND PROVIDING SEVERABILITY, INCLUSION IN CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OR MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 2-1701, Code of Miami-Dade County, is hereby amended as follows:

Sec. 2-1701. Community Workforce Program

* * *

(1) Definitions.

* * *

V. *Workforce Development Organization or WDO* means an organization providing construction trades skills training or providing skills training that are recognized and accepted by all federation members of the respective trade, who are instrumental in its design and provides certification after participation or apprenticeship training or any construction related training. The firm must be registered with the Department of >>Small<<¹ Business Development ~~[[DBD]]~~ >>("SBD")<<.

W. *Workforce Recruitment/Referral Organization or WRO* means an organization providing qualified construction employment recruitment/referral services and employability skills training, including application process, interviewing, and appropriate attire. The organization must be registered with ~~[[the Department of Business Development]]~~ ~~[[D]]~~ >>S<<BD[[]]].

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

(2) *Program Components:*

C. *Workforce Plan:* Bid and proposal documents for Capital Construction Contracts/Work Order to which a local workforce goal has been applied shall require the contractor, to develop and submit to the County, within fifteen (15) days of notification of award of the contract, a Workforce Plan outlining how the goal will be met and containing all of the information and elements required by this Section. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades and labor work of the contract, broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category. The Plan shall identify by name, address and trade category of all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in any Designated Target Area. The Plan shall also indicate the number of positions shown on the work, trade categories and minimum qualifications therefore of the positions to be hired by the contractor (or by any proposed subcontractors) to perform the construction trades and labor work under the contract. The issuance of a Notice to Proceed does not indicate an acceptance of the Plan. The contract language of a contract subject to a local workforce goal shall provide that issuance of a Notice to Proceed prior to the Board's approval of any Plan submitted shall not be deemed a waiver of the requirements that a Plan be submitted and be approved. The contract language of a contract subject to a local workforce goal shall provide that a contractor who does not have a Plan for such contract approved by the Board as of twenty-five percent (25%) completion of the contract may be subject to sanctions including, but not limited to, stop payment. The contract language of a contract subject to a local workforce goal shall also provide that in the event that at contract completion, the contractor fails to comply with the established local workforce goal, liquidated damages equal to a minimum of \$1500 per position or the salary that would be payable for such position had the person(s) been hired for the position as listed on the approved workforce plan to include all approved revisions to the workforce plan, whichever is greater shall be withheld from the contractor's final payment as liquidated damages and be applied to pay part of the costs of the Community Workforce Program under this ordinance. An updated Plan shall be submitted to the Board on a monthly basis. In the event that during the contract time a new hire or a person identified in the Plan as already on the contractor's (or any proposed subcontractor's) payroll to meet the local workforce goal is replaced, Miami-Dade County will require the contractor to immediately contact the Board identifying the replacement. Notwithstanding anything to the contrary above, the contractor may be relieved from the requirements of this ordinance, in part or in whole, if such contractor can demonstrate to the Board that

it has utilized its best efforts to achieve the goal in accordance with the prescribed Administrative Order.

- D. *Goal compliance:* The following shall count towards compliance with a local workforce goal. Within 15 days of approval of the Workforce Plan, the contractor shall complete and submit a Job Order Request Form (in the form attached to Resolution No. 1145-99, the Clearinghouse for posting of job opportunities) to the Employee Relations Department for each position designated in the approved Workforce Plan for recruitment. The ~~[[E]]>>e<<mployer/[[G]]>>c<<ontractor~~ Information portion of the Job Order Request Form shall provide the relevant information for the contractor or subcontractor who will employ the new hire. Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll at the time of bid submittal who reside in the DTA in which the public improvement is located and who perform any construction trades work or labor of the contract shall count towards meeting the local workforce goal. Each New Hire residing in any DTA who is hired to any position designated in the approved Workforce Plan who performs construction trades or labor work of the contract for a minimum duration of one hundred twenty (120) days or the length of the job whichever is less, shall also count towards meeting the goal. Persons that reside in a DTA other than the DTA in which the public improvement is located, may be counted towards meeting the goal provided the first priority in hiring for such position was given to persons residing in the Designated Target Area in which the public improvement is located- and when the hiring party as well as the WDOs and WROs have demonstrated to ~~[[D]]>>S<<BD~~ that they have been unable to identify a qualified resident of the Designated Target Area in which the public improvement is located.

- (3) ~~>>WDO and WRO Registration<< [[Compensation for hiring from Designated Target Areas.]]~~

~~[[A. WDO and WRO Registration:]]~~ ~~[[D]]>>S<<BD~~ shall register WDOs and WROs, and shall maintain and publish an updated list of WDOs and WROs, identifying areas of expertise and services. ~~[[D]]>>S<<BD~~ shall collect, assemble, and verify information needed to establish eligibility for such registration.

~~[[B. Compensation to WDO or WRO for placement of New Hire: The following applies to all contracts to which a local workforce goal has been applied. WDOs shall receive a fee for the training, referral and placement of new hire from a DTA. WDO/WROs shall receive a fee for the referral and placement of new hire from a DTA on such Contracts. These fees are contingent on the new hire remaining employed for a minimum of one hundred and twenty (120) days or the duration of the project, which ever is less.]]~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

DAE

Prepared by:

dsh

David Stephen Hope