

# CODE OF BALTIMORE REGULATIONS ANNOTATED

*Regulations Effective as of January 15, 2021*

## **Title 1 OFFICE OF THE MAYOR**

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For Information:  
Department of Legislative Reference  
City Hall  
100 N. Holliday Street, Suite 626  
Baltimore, Maryland 21202  
Tel: (410) 396-4730  
<https://legislativereference.baltimorecity.gov/>

# **Title 1 OFFICE OF THE MAYOR**

## **SUBTITLE 01 MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT**

### [CHAPTER 01 LOCAL HIRING LAW RULES AND REGULATIONS](#)

**Subtitle 01 MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT**

CHAPTER 01 LOCAL HIRING LAW RULES AND REGULATIONS

Administrative History

Effective Date: December, 2018

### Rules and Regulations

1. The Local Hiring Law (Council Bill 12-0159) (the “Law”) is applicable to all City contracts that are greater than \$ 300,000.00, or agreements authorizing assistance that are within the terms of §27-2 of the Law executed by the City on or after the Law’s effective date, December 23, 2013. The Law requires compliance by vendors/contractors and their subcontractors regardless of the subcontractor award amount and by all persons benefitting from an agreement involving more than \$ 5,000,000.00 in assistance for a City subsidized project.

2. The Law applies to the original term of the contract award greater than \$300,000.00, in addition to any contract modification (amendment, renewal, extra work or change order). Whether a City subsidized project is subject to the Law shall be finally determined when an agreement authorizing assistance valued at more than \$5,000,000.00 is executed by the City.

3. Any contract that was originally subject to the Employ Baltimore Executive Order and the dollar amount of the contract increases to over 300K, will become subject to the Local Hiring Law.

4. All City bids, RFP’s and requests for bid packages and final contracts must include reference to the requirements of the Law. All bid documents and contracts subject to the Law will include a section referencing the requirements of the Law. The bidder’s signature will verify a commitment to abide by the Law.

5. Upon contract award or approval of an agreement for subsidy covered by the Law, the contracting city agencies or agencies entering into an agreement for the City subsidized project must immediately complete the Mayor’s Office of Employment Development (MOED) Vendor Contact form, providing contact information for each vendor/contract awarded and each beneficiary of a qualifying City subsidized project. MOED will contact the vendor or beneficiary upon receipt of the completed form from the city agency.

6. Within two weeks of the contract award or agreement for a City subsidized project covered by the Law, the awardee must work with a representative of the Mayor’s Office of Employment Development (MOED) to complete an Employment Analysis that will project the total workforce and the “new hires” in the Baltimore area needed to fulfill the contract/agreement. That Analysis shall include all information reasonably required by MOED showing at a minimum general location (Baltimore area or not) of all workforce positions required to complete the contract/agreement.

7. Vendors who report that they do not have any “employees needed for the contract” at the initial workforce meeting or on the required monthly Employment Report form must meet with the City Agency to discuss how the work is getting done and how the funding is being utilized.

8. A Local Hiring Review Committee (“LHRC”) will be established. The LHRC will be comprised of representatives/designees from the following:

- Office of the City Council President

- Office of the Deputy Chief of Economic Development and Neighborhoods
- Mayor's Office of Employment Development
- Office of the Director of Finance
- Baltimore City's Procurement Office- Bureau of Purchases
- Baltimore City Department of Transportation
- Baltimore City Department of Public Works
- Baltimore Development Corporation
- Baltimore City Law Department
- Community Resident to be appointed by the President of the City Council

The LHRC will appoint a chair and meet no less than quarterly and as frequently as needed. Its primary role will be to review the monthly Employment Reports and to make recommendations to MOED regarding the approval or denial of any waiver requests made. The LHRC will also recommend to the Board of Estimates potential penalties and debarment for persons and others subject to the Law that has not complied with the Law. MOED will coordinate the materials to be presented to the LHRC and provide it with administrative staff support.

9. Vendors and others subject to the Law must submit Monthly Employment Reports by the fifth business day of the month for the preceding month beginning no later than 90 days after the Board of Estimates has awarded the contract or approved the agreement. City agency directors will be notified of persons or others subject to the Law that do not submit reports by the due date; continued delinquent persons or others subject to the Law will be reported to the LHRC.

10. Vendors and others subject to the Law that have binding collective bargaining agreements with unions will be granted a waiver from only utilizing MOED recruitment services, since they are bound by union regulations to utilize union halls. However, the persons or others subject to the Law must still meet the 51% residency requirement on new hires and must submit the monthly Employment Reports as required by the Law.

11. If MOED cannot fill a job posting provided by a vendor or others subject to the Law within the seven-day period, the person or others subject to the Law must still meet the 51% residency requirement on new hires. This requirement will only be waived if : 1) the person or others subject to the Law requests a waiver in writing and can provide documentation that they made good faith efforts in the form of job posting and other recruitment methods and that there were insufficient qualified applicants to fill the available new positions or ; 2) the bidder is able to confirm in the bid process that the contract will be only for services that will be performed or for products that will be manufactured outside the Baltimore Metropolitan Area and as such, no new positions will be called for in Baltimore area.

12. The Law is not applicable to a contract or an agreement that is made by the City, or on its behalf with any person in the event of an emergency pursuant to Article VI, § 11 (e)(ii) of the Baltimore City Charter.

12. Definitions:

- a. *Good Faith Effort* is defined as a set of activities conducted by the contractor/vendor or other person which demonstrate multiple types of outreach efforts have been made to City residents including, but not limited to: ads in local papers, paid local job boards, information to local educational and workforce organizations, as well as an objective review and rating of resumes of city residents. (§ 27-6 (B) (1))
- b. *Substantially below appraised value* is the sale or transfer of land applicable to property that has been approved and sold for an amount below 30% of the appraised value. (§ 27-1 (C) (1))
- c. *“Satisfactory Special Workforce Development Training or Placement Arrangement”* is defined as a written agreement with MOED or a recognized workforce partner for a customized training or On-The-Job-Training opportunity leading to unsubsidized employment. (§27-6(B) (3))

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