
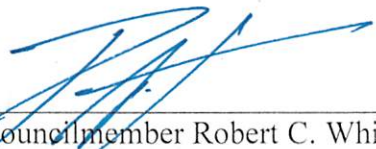


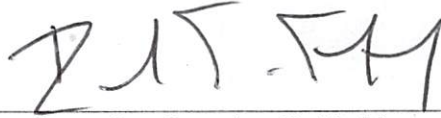
1 
2
3 Chairman Phil Mendelson

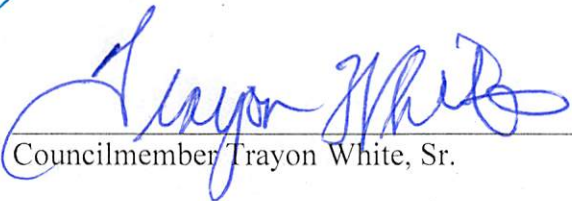

4
5 Councilmember Elissa Silverman

6 
7
8 Councilmember Mary M. Cheh


9
10 Councilmember Brianne K. Nadeau

11 
12
13 Councilmember Robert C. White, Jr.


14
15 Councilmember Brandon T. Todd

16 
17
18 Councilmember Trayon White, Sr.


19
20 Councilmember Anita Bonds

21
22
23
24 A BILL

25
26
27
28 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

29
30
31 To amend the First Source Employment Agreement Act of 1984 to require special hiring
32 agreements to be completed prior to the beginning of a project, to enhance what the
33 Department of Employment Services reports to the public about how well contractors are
34 meeting local hiring requirements, and to provide an online list of current First Source
35 projects that includes unredacted employment agreements, special hiring agreements, and
36 revised employment plans, and transmit those agreements and plans to ANCs.

37
38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the "First Source Community Accountability Amendment Act of 2019."

40
41 Sec. 2. The First Source Employment Agreement Act of 1984, effective June 29, 1984

42 (D.C. Law 5-93; D.C. Official Code § 2-219.01 *et seq.*), is amended as follows:

43 (a) Section 2 (D.C. Official Code § 2-219.01) is amended by adding a new paragraph
44 (2A) to read as follows:

45 “(2A) “Employment agreement status” means whether an employment agreement
46 is active, cancelled, closed out, completed, inactive, or relinquished.”.

47 (b) Section 4a (D.C. Official Code § 2-219.03a) is amended by adding a new subsection
48 (c) to read as follows:

49 “(c) No work may begin on a project or contract that is subject to an agreement entered
50 into pursuant to subsection (a) of this section until the special hiring agreement has been
51 accepted by the Department of Employment Services (“DOES” or “the Department”) and posted
52 on the Department’s website.” in its place.

53 (c) Section 5 (D.C. Official Code § 2-219.04) is amended to read as follows:

54 “(a) The Mayor shall submit quarterly reports to the Council of the District of Columbia
55 on January 31st, April 30th, July 31st, and October 31st of each year. The report shall provide
56 information on every First Source project the Department of Employment Services is
57 monitoring, including those for which a penalty is being appealed or has otherwise yet to be paid.

58 “(1) For projects subject to hiring requirements pursuant to section 4(e)(1), the
59 report shall include the following information:

60 “(A) Contracting agency;

61 “(B) Name of the beneficiary;

62 “(C) Name of the company on the employment agreement;

63 “(D) Project name;

64 “(E) Advisory neighborhood commission in which the project is located;

65 “(F) Project contract amount;

- 66 “(G) Company contract amount;
- 67 “(H) Estimated (or actual) project start date;
- 68 “(I) Estimated (or actual) project end date;
- 69 “(J) Employment agreement status;
- 70 “(K) If First Source requirements are cumulative or by subcontractor;
- 71 “(L) Number of new hires;
- 72 “(M) Number of DC-resident new hires;
- 73 “(N) Whether 51% of the beneficiary or/subcontractor’s new hires were
- 74 District residents;
- 75 “(O) Whether a non-compliant letter was sent;
- 76 “(P) Whether the company requested a waiver from compliance;
- 77 “(Q) Whether the waiver request was granted; and
- 78 “(R) If a waiver request was granted, the reason for granting the waiver.

79 “(2) For projects subject to hours-based requirements pursuant section 4(e)(1A),
 80 the report shall include the following information:

81 “(A) Information required pursuant to paragraph (1)(A) through (1)(K) of
 82 this subsection;

- 83 “(B) The number of:
 - 84 “(i) Journeyworker hours worked;
 - 85 “(ii) District-resident journeyworker hours worked;
 - 86 “(iii) Apprentice hours worked;
 - 87 “(iv) District-resident apprentice hours worked;
 - 88 “(v) Skilled laborer hours worked;

- 89 “(vi) District-resident skilled laborer hours worked;
- 90 “(vii) Common laborer hours worked;
- 91 “(viii) District-resident common laborer hours worked;
- 92 “(ix) Double-count hours for hard to employ District residents; and
- 93 “(x) Roll over hours from previous projects; and

94 “(C) Information required pursuant to paragraph (1)(N) through (1)(R) of
95 this subsection.

96 “(3) For projects that have had penalties assessed against them, the report shall
97 include the following metrics:

- 98 “(A) Name of the company on the employment agreement;
- 99 “(B) Project name;
- 100 “(C) Total direct labor costs;
- 101 “(D) Total indirect labor costs;
- 102 “(E) Date of assessment;
- 103 “(F) Penalty amount assessed;
- 104 “(G) Calculation of assessment;
- 105 “(H) Whether the penalty was withdrawn;
- 106 “(I) If the penalty was withdrawn, the specific reason for withdrawal; and
- 107 “(J) Penalty amount paid.

108 (d) Section 5a (D.C. Official Code § 2-219.04a) is amended to read as follows:

109 “(a) The Department of Employment Services shall post on its website all unredacted
110 employment agreements and special hiring agreements (“agreements”) entered into and revised
111 employment plans (“plans”) submitted.

112 “(1) Within 120 days after the applicability date of the First Source Community
113 Accountability Amendment Act of 2019, introduced on September 17, 2019 (Bill ___), DOES
114 shall post on its website a list of ‘Current First Source Projects,’ which shall include agreements
115 and plans for all projects the Department is currently monitoring.

116 “(2) For all subsequent First Source projects, DOES shall, within 14 days of
117 receipt:

118 “(A) Add agreements and plans to its list of Current First Source Projects;
119 and

120 “(B) Transmit the agreements and plans to the advisory neighborhood
121 commission in which the project is located.”.

122 Sec. 3. Fiscal impact statement.

123 The Council adopts the fiscal impact statement in the committee report as the fiscal
124 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
125 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

126 Sec. 4. Effective date.

127 This act shall take effect following approval by the Mayor (or in the event of a veto by
128 the Mayor, action by Council to override the veto), a 30-day period of congressional review as
129 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
130 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
131 Columbia Register.