

15-691
15-295

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2005 Winter
Supp.

West Group
Publisher

To amend the Amendments to an Act to Provide for Voluntary Apprenticeship in the District of Columbia Act of 1978 to require registration of apprenticeship programs, to require contractors who contract with the District of Columbia government to hire District residents to perform a certain percentage of apprenticeship hours, to provide for the imposition of penalties for those contractors who fail to comply with this requirement, to require that funds collected or the payment of penalties be remitted to the District of Columbia Public Schools for the support of vocational education programs; and to amend the First Source Employment Agreement Act of 1984 to exempt nonprofit organizations with 50 or fewer employees from the First Source requirements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Apprenticeship Requirements Amendment Act of 2004".

Sec. 2. Section 5 of the Amendments to An Act To Provide For Voluntary Apprenticeship in the District of Columbia Act of 1978, effective March 6, 1979 (D.C. Law 2-156; D.C. Official Code § 32-1431), is amended to read as follows:

Amend
§ 32-1431

"(a)(1) All prime contractors and subcontractors who contract with the District of Columbia government to perform construction, renovation work, or information technology work with a single contract, or cumulative contracts, of at least \$500,000, let within a 12-month period shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council; and

"(2) All beneficiaries of projects in excess of \$1 million funded in whole or in part with funds which, in accordance with a federal grant or otherwise, the District of Columbia government administers, and in which the District of Columbia is a signatory to any agreement of a contractual nature, shall be required to register an apprenticeship program with the District of Columbia Apprenticeship Council.

"(b) Beginning July 1, 2005, 35% of all apprenticeship hours performed pursuant to apprenticeship programs required by subsection (a) of this section shall be performed by District

of Columbia residents.

“(c)(1) Any prime contractor, subcontractor, or beneficiary that fails to comply with subsection (b) of this section shall be subject to a monetary fine in the amount of 5% of the direct and indirect labor costs of the contract.

“(2) Fines for a violation of subsection (b) of this section shall be imposed by the Contracting Officer. The Contracting Officer may waive or reduce any fine if the Contracting Officer finds that:

“(A) A good faith effort to comply with the requirements of this section has been demonstrated by the prime contractor, subcontractor, or the beneficiary;

“(B) The prime contractor, subcontractor, or the beneficiary enters into a special workforce development training or placement arrangement with the Department of Employment Services or the DC Workforce Investment Council;

“(C) The Department of Employment Services certifies that there is an insufficient number of District residents in the labor market possessing the skills required for the apprenticeship positions needed under the contract; or

“(D) The prime contractor, subcontractor, or the beneficiary is located outside the Washington Standard Metropolitan Statistical Area and none of the contract work is performed inside the Washington Standard Metropolitan Statistical Area, which is comprised of the District of Columbia, Calvert, Charles, Howard, Montgomery and Prince George’s Counties in Maryland, Arlington, Fairfax, Loudon, Prince William and Stafford Counties in Virginia and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

“(3) Any fine resulting from a violation of this subsection shall be remitted to the District of Columbia Public Schools to be used solely for the support of vocational education programs, subject to appropriations by Congress.

“(d) The prime contractor, subcontractor, or the beneficiary shall submit to the Department of Employment Services, for every month following the execution of the contract, a compliance report for the project that includes:

“(1) The apprenticeship programs required by subsection (a) of this section that are registered with the District of Columbia Apprenticeship Council;

“(2) The total number of apprenticeship hours required for the project;

“(3) The total number of apprenticeship hours performed by District of Columbia residents; and

“(4) The total number of apprentices hired for the reporting period and the cumulative total number of apprentices hired, including, for each, the:

“(A) Name;

“(B) Residence;

“(C) Apprenticeship position; and

“(D) Hire date.

“(e) Nonprofit organizations with 50 employees or less shall be exempt from subsections

(a) and (b) of this section.

"(f) For purposes of this section, the term:

"(1) "Beneficiary" means a signatory to a contract for a project in excess of \$1 million funded in whole or in part with funds which, in accordance with a federal grant or otherwise, the District of Columbia government administers, and in which the District of Columbia is a signatory to any agreement of a contractual nature.

"(2) "Information technology work" means the occupations of computer programmer, programmer analyst, desktop specialist, technical support specialist, data base specialist, network support specialist, and any other related occupation as the District of Columbia Apprenticeship Council may designate by regulation."

Sec. 3. Section 4(f) of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C. Law 5-93; D.C. Official Code § 2-219.03(f)), is amended to read as follows:

Amend
§ 2-219.03

"(f) Nonprofit organizations with 50 employees or less shall be exempt from subsection (e) of this section."

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (84 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia