

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL ENACTING CHAPTER 15.10 OF THE SOUTH SALT LAKE CITY CODE, ENTITLED “APPRENTICESHIP UTILIZATION”, REQUIRING THAT APPRENTICES PERFORM A PORTION OF WORK ON QUALIFIED PUBLIC CONSTRUCTION PROJECTS.

WHEREAS, the City Council is desirous of requiring apprenticeship training programs on public works and building improvement projects to encourage efficient and economical construction and increase the supply of trained construction workers;

WHEREAS, the City Council finds this ordinance will promote job training, improve the skills of the workforce, and enhance the economic vitality of the City;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of South Salt Lake City as follows:

SECTION I: Chapter 15.10 of the South Salt Lake City Code is enacted to read:

CHAPTER 15.10 APPRENTICESHIP UTILIZATION

Section 15.10.010 Legislative findings and purpose.

Section 15.10.020 Definitions.

Section 15.10.030 Minimum standards.

15.10.010. Legislative findings and purpose.

A. The council finds that:

1. A well-trained construction trades workforce improves a contractor’s ability to fully perform its duties in building improvement and public works projects and is critical to the economic future of the City.
2. The efficient and economical construction of public works and building improvement projects will be hindered if there is not an ample supply of trained construction workers.
3. Apprenticeship training programs are particularly effective in providing training and experience to individuals seeking to enter or advance in the workforce.
4. By providing for apprenticeship utilization on public works and building improvement projects, governments can assist in the training and experience that will help assure that a skilled workforce will be available in sufficient numbers for the construction of public works in the future.

B. The purpose of this chapter is to promote job training, improve the skills of the workforce, and enhance the economic vitality of the City.

15.10.020. Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Apprentice" means an apprentice enrolled in a certified apprenticeship training program.
- B. "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours within each separate craft or trade be performed by apprentices of that craft or trade.
- C. "Building improvement" means the same as defined by Utah Code Title 11 Chapter 39.
- D. "Certified training program" means an apprenticeship training program approved by the U.S. Department of Labor, Office of Apprenticeship.
- E. "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of a building improvement or public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, and owners.
- F. "Public works project" means the same as defined by the Utah Code Title 11 Chapter 39.
- G. "Qualifying projects" means contracts issued by South Salt Lake City on or after July 1, 2019, for all South Salt Lake City owned building improvements or public works projects estimated to cost \$500,000 or more.

15.10.030 Minimum standards.

- A. The specifications for all qualified projects shall require that no less than ten percent of the labor hours within each trade be performed by apprentices of that trade.
- B. Work shall not be divided among contractors or subcontractors in order to evade the requirements of this section. Where two or more contractors or subcontractors perform work within a trade, all such contractors or subcontractors shall comply with the requirements of this section.
- C. All contractors and subcontractors subject to this section shall provide payroll reports on at least a monthly basis to the City, certifying the names of all workers performing labor hours, their trade, hours worked, and designation as journey level worker or apprentice.
- D. The Mayor may adjust the requirements of this section for a specific project if there is:
 - 1. a demonstrated lack of availability of apprentices in specific geographic areas;
 - 2. a disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation; or

3. the contractor demonstrates a good faith effort to comply with the requirements of subsection A.

E. Contracts for all qualified projects will provide that if a contractor fails to comply with the apprentice utilization requirement, and the requirement is not adjusted by the South Salt Lake City Mayor, the contractor will be assessed a penalty fee amount for each hour that is not achieved. The amount per hour will be based on the extent the contractor or service provider met its goal. The amount per hour that will be assessed is as follows:

Percent of goal met	Assessment per unmet hour
100%	\$ 0.00
90% to 99%	\$ 2.00
75% to 89%	\$ 3.50
50% to 74%	\$ 5.00
1% to 49%	\$ 7.50
0%	\$10.00

SECTION II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION IV. Effective Date. This ordinance shall become effective upon transmission to the office of the Mayor, and upon either the Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this ____ day of _____ 2019.

BY THE CITY COUNCIL:

Ben Pender, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Bynum	_____
deWolfe	_____
Kindred	_____
Mila	_____
Pender	_____
Siwik	_____
Thomas	_____

Transmitted to the Mayor's office on this _____ day of _____ 2019.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2019.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

