

1 working conditions for all construction crafts for the duration of the project;

- 2 • provide a negotiated agreement which is a legally enforceable means of assuring
- 3 labor stability and labor peace over the life of the project;
- 4 • facilitate increases in the number of trained and skilled local construction workers
- 5 through cooperative procedures and apprenticeship programs;
- 6 • promote the hiring of local subcontractors and local workers in the construction of
- 7 large-scale public works projects funded by City gross receipts tax and general
- 8 obligation bonds and
- 9 • strive to develop a local work force and use at least 50% of local workers in public
- 10 works projects; and

11 **WHEREAS**, on April 18, 2012, a master CWA was entered into between the City and Union
12 signatories and the New Mexico Building and Construction Trades Council that incorporated these
13 terms; and

14 **WHEREAS**, the master CWA, Article 12-Referral Procedures, provides the procedures for
15 CWA City contractors, who are not a signatory to a current local collective bargaining agreement
16 with a Union having jurisdiction over a Covered Project, to hire members of their own regular
17 employee workforce and the union job referral procedures.

18 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
19 **CITY OF SANTA FE** that City staff is directed to negotiate and execute the following amendments
20 to Article 12 of the master CWA that are intended to increase the training and hiring of local Santa Fe
21 County residents as workers on City public works projects that are governed by the CWA Ordinance:

22 **ARTICLE 12 – REFERRAL PROCEDURE**

23 **12.1 Compliance with Existing Referral Systems.** For Local Unions now having a
24 job referral system, the Contractor agrees to comply with such system and it shall be used
25 exclusively by each Contractor signatory to this Agreement; except as otherwise

1 specifically provided in this Article 12.

2 **12.2 Referral System; Contractor; Operation.** Such job referral system will be
3 operated in a non-discriminatory manner and in full compliance with federal, state and
4 local laws and regulations which require equal employment opportunities and non-
5 discrimination, and referrals shall not be affected by rules, regulations, by-laws,
6 constitutional provisions or any other aspects or obligations of Union membership,
7 policies or requirements.

8 a) A Contractor who is not signatory to a current local
9 collective bargaining agreement with a Union having jurisdiction over
10 Project work may employ members of its “regular employee workforce”
11 as defined in Article 12.2 (b) below, and such other employees as it
12 requires for Project Work on the Covered Project, in the following order
13 by craft:

14 (i) for the first ten (10) employees, five (5) may be
15 directly hired, without following the procedures
16 of 12.1, above, from among the Contractor’s
17 own “regular employee workforce”;

18 (ii) for the next thirty (30), fifteen (15) may be
19 hired directly, without reference to the
20 procedure of 12.1, above, from among the
21 Contractor’s own “regular employee
22 workforce” on an alternating basis (one from its
23 own “regular employee workforce”, then one
24 under the referral procedures of 12.1) until the
25 Contractor has a maximum, by craft, of 20 of its

1 “regular employee workforce”; and

2 (iii) after the 40 employees are hired as set forth
3 above, all further employees required shall be
4 hired using the job referral system referred to
5 in 12.1, above.

6 b) For the purpose of this Agreement, a member of the
7 Contractor’s “regular employee workforce” shall:

8 (i) possess any license required by state or federal
9 laws for the Project Work to be performed;

10 (ii) have been an “active” employee on the
11 Contractor’s payroll for at least [~~ninety (90)~~]
12 forty-five (45) of the [~~one hundred and eighty~~
13 ~~(180)~~ nintety (90) working days, immediately
14 prior to the date that the contractor is awarded a
15 contract for work on the Project. [~~“Active”~~
16 ~~employee means [insert definition]]]; and~~

17 (iii) have the ability to safely perform the basic
18 functions of the applicable trades.

19 c) The Union, within whose jurisdiction such Contractor’s
20 “regular employee workforce” will be working, shall be notified of such
21 employee’s employment prior to the commencement of work by the
22 employee on the Covered Project, including the information necessary
23 for such employee to be enrolled in the appropriate benefit programs
24 established pursuant to that Union’s local collective bargaining
25 agreement. Upon the request of the Union, the Contractor shall furnish a

1 representative of the Project Labor Administrator with satisfactory
2 evidence of the employee qualifications as a member of the Contractor's
3 "regular employee workforce."

4 d) Any layoff shall be in reverse order job referral as set forth
5 in 12.2 and shall maintain the same numerical relationship of
6 employment categories as are established for initial hiring under 12.2.
7 The eligible Contractor may, at any time, replace an employment
8 position held, or eligible to be held, by a member of its "regular
9 employee workforce" with another member of such workforce.

10 **12.3 Employment of Santa Fe County Residents.**

11 a) For the purposes of employment on the Project under this
12 Agreement, residents of [~~the State of New Mexico~~] Santa Fe County, as
13 defined below, shall receive preference in the following manner:

14 (i) under 12.1, above, residents shall be referred
15 under a Union's referral procedure prior to the
16 referral of any non-resident; and

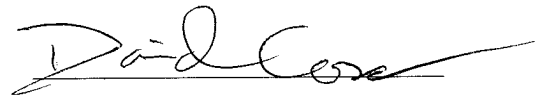
17 (ii) if the Union referral procedure operating under
18 12.1 above does not have a qualified resident
19 for referral, the Contractor, if he has a qualified
20 resident on his "regular employee workforce",
21 may employ such individual before the Union
22 may refer a non-resident; and

23 (iii) under 12.2, above, if the Contractor does not
24 have a qualified [~~New Mexico~~] Santa Fe
25 County resident among its "regular employee

1 workforce” it shall request a referral of a
2 resident from the appropriate Union referral
3 procedure under 12.1, above, before employing
4 a non-resident. If the Union is unable to refer a
5 qualified resident, then the Contractor may
6 employ a qualified non-resident member of its
7 “regular employee workforce”.

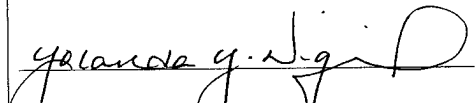
8 b) A “resident” of [~~the State of New Mexico~~] Santa Fe
9 County shall be defined in accordance with Section 1-1-7 NMSA 1978,
10 and the cases interpreting this provision~~], and has either (1) paid resident~~
11 ~~income taxes to the State for the year preceding his employment on the~~
12 ~~Covered Project; or (2) for at least three (3) months preceding~~
13 ~~employment on the Project, has paid utility bills or been subject to and/or~~
14 ~~paid realty taxes in his own name on residential property in the State].~~

15 PASSED, APPROVED AND ADOPTED this 30th day of January, 2013.

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18 DAVID COSS, MAYOR

19 ATTEST:

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21 
22 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



GENO ZAMORA, CITY ATTORNEY