

DIVISION 3. CONSTRUCTION WORKFORCE¹

Sec. 3-501. Definitions applicable to the construction employment program.

The following definitions apply to sections 3-501 through 3-527:

- (1) *Apprentice* means person of legal working age who has entered into a program for training and employment to learn a skilled construction trade.
- (2) *Apprenticeship program* means a program approved by the bureau of apprenticeship training providing for no less than 2,000 hours of reasonably continuous employment and for participation in an approved schedule of work experience through employment, which shall be supplemented by a minimum of 144 hours per year of related instruction.
- (3) *City* means the City of Kansas City, Missouri.
- (4) *City construction contract* means a contract estimated by the city prior to solicitation as requiring more than 800 construction labor hours and with an estimated cost that exceeds \$300,000.00 for the construction, reconstruction, improvement, enlargement or alteration of any fixed work for which tax abatement has been granted, or in which any portion is paid for out of city funds, tax increment financing, or funds administered by the city pursuant to a federal or state grant, including, but not limited to any building, road, street, public utility or other public facility, regardless of the contract's dollar amount, and regardless further of whether the city is a signatory to the contract.
- (5) *Construction contractor* means any individual, partnership, corporation, association or other entity, or any combination of such entities, who or which enters into a city construction contract, regardless of the number of employees.
- (6) *Construction employment goals* means the percentages of construction labor hours to be performed by minorities and women working under the city construction contract and on construction projects in the metropolitan statistical area during the term of the city construction contract, unless otherwise waived by the director or the construction workforce board on appeal from a determination of the director.
- (7) *Construction employment program* means a program enacted by ordinance regarding the recruitment, training, mentoring and retention of employees, including apprentices and journeymen, on construction projects. The term "construction employment program" shall also mean construction workforce ordinance.
- (8) *Construction hours affidavit* means a statement by a construction contractor, verified under oath, setting forth the construction contractor's intent to meet or exceed, and to cause the subcontractors of every tier to meet or exceed, the construction employment goals while performing a city construction contract.

¹Editor's note(s)—Ord. No. 130275, § 1, adopted April 11, 2013, amended the Code by repealing former div. 3, §§ 3-501, 3-503, 3-505, 3-507, 3-509, 3-511, 3-513, 3-515, 3-517, 3-519, 3-521, 3-523 and 3-525, and adding a new div. 3. Former div. 3 pertained to similar subject matter, and derived from Ord. No. 130041, § 6, adopted March 21, 2013.

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- (9) *Construction labor hour* means a 60-minute period of time devoted by a worker, employed by a contractor or subcontractor, performing labor on a construction project job site; or, preparing, fabricating or painting materials or equipment to be used or incorporated on a construction project job site.
- (10) *Construction project* means any project performed by a construction contractor in the Kansas City metropolitan statistical area.
- (11) *Construction workforce board* means a board, created as provided herein.
- (12) *Director* means the director of the civil rights and equal opportunity department of the city or his/her designee, or the person within the city manager's office that is assigned to perform the tasks delegated to the director of the civil rights and equal opportunity department by this article.
- (13) *Equal opportunity clause* means a statement prohibiting discrimination on construction projects based on race, color, sex, sexual orientation, gender identity, age, national origin, or ancestry, religion, or disability as proscribed in the Kansas City Code of Ordinances, chapter 38, article III, section 38-103.
- (14) *Good faith waiver* means a waiver that is granted by the director, or upon appeal of the director's decision by the construction workforce board, based upon a showing by a construction contractor that despite undertaking in good faith the actions outlined in sections 3-501—3-527, the construction contractor, the subcontractors of any tier, or both, were unable to achieve the minimum construction employment goals.
- (15) *Incentive construction employment goal* means an aspirational goal for company-wide employment of minorities and women intended to encourage contractors to invest additional money and resources to hire and retain minorities and women on their workforce in order to achieve participation percentages well in excess of the minimum construction employment goals and the percentage of minorities and women generally available in the workforce by providing public recognition upon the completion of a city construction contract, to the construction contractor who achieves such goal.
- (16) *Journey person* means one who has completed an apprenticeship in a trade or craft and is recognized in the particular trade or craft as a journey person.
- (17) *Labor union* means any organization which exists, in whole or in part, for the purpose of collective bargaining; for dealing with employers concerning grievances, terms, or conditions of employment; or, for other mutual aid or protection of workers in relation to employment.
- (18) *Metropolitan statistical area (MSA)* means the Kansas City metropolitan statistical area as defined by the United States Department of Labor.
- (19) *Minority* means a person who is a citizen or lawful permanent resident of the United States and who is:
- a. African American, a person whose origins are in any of the Black racial groups of Africa, and who has historically and consistently identified himself or herself as being such a person; or
 - b. Hispanic American and/or Latino American, a person whose origins are in Mexico, Central or South America, or any of the Spanish-speaking islands of the Caribbean, (for example Cuba and Puerto Rico) regardless of race, and who has historically and consistently identified himself or herself as being such a person; or
 - c. Asian and/or Pacific Islander American, a person whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent, and who has historically and consistently identified himself or herself as being such a person; or

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- d. Native American, a person having origins in any of the original peoples of North America, and who maintains tribal affiliation or demonstrates at least one-quarter descent from such groups, and who has historically and consistently identified himself or herself as being such a person.
 - (20) *Resident* means an individual residing or domiciled within the city.
 - (21) *Woman* means a person who is a citizen or lawful permanent resident of the United States and who is a female.
 - (22) *Workforce preparedness program* means a program that actively seeks the participation of minorities and women and provides them with the skills and resources necessary to enter a program for training and employment to learn a skilled construction trade.

(Ord. No. 130275, § 1, 3-21-13; Ord. No. 210645, § 2, 8-12-21)

Sec. 3-502. Reserved.

Sec. 3-503. Establishing and declaring the purpose of the construction employment program.

- (a) The construction employment program is hereby established. The purpose of the construction employment program is to:
 - (1) Increase retention, training and recruitment of residents, minorities and women on city construction contracts and throughout the Kansas City MSA; and
 - (2) Prescribe policies and procedures to implement the city's objective in accordance with sections 3-501—3-527; and
 - (3) Further the retention of minorities and women in the current workforce by promoting mentoring programs to assist such workers and establishing goals to encourage city contractors to retain such workers.
- (b) Sections 3-501—3-527 shall not be construed as requiring or encouraging a construction contractor, or any subcontractor or supplier working in conjunction with the construction contractor, to make employment decisions or otherwise alter the terms and conditions of employment based upon race or gender.
- (c) The director is authorized to adopt rules and regulations to implement the construction employment program.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-504. Reserved.

Sec. 3-505. Application of division.

- (a) The provisions of sections 3-501—3-527 shall apply to all city construction contracts as defined in sections 3-501.
- (b) Entities with the authority to issue tax increment financing or grant tax abatement shall adopt a workforce policy that is consistent with sections 3-501—3-527.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-506. Reserved.

Sec. 3-507. Construction employment goals.

- (a) Construction employment goals shall be established by sections 3-501—3-527 for an initial five-year time period subject to adjustment and renewal by the city council as provided herein. Such goals shall be reviewed annually by the director in consultation with the construction workforce board and the director and construction workforce board shall have the right to recommend to the city council adjustments as it deems to be in the best interests of the city and its citizenry.
- (b) In establishing the construction employment goals the city has considered:
 - (1) The general population in the city and in the city's metropolitan statistical area (MSA); and
 - (2) The general workforce in the city and in the city's metropolitan statistical area (MSA); and
 - (3) The availability of minority and women in the workforce in the city and in the city's metropolitan statistical area (MSA); and
 - (4) The utilization of minorities and women in the workforce in the city and in the city's metropolitan statistical area (MSA); and
 - (5) The projected growth of the city's construction industry; and
 - (6) Information from contracting associations, labor organizations, workforce preparedness programs and community groups concerning workforce availability in the commercial marketplace; and
 - (7) Any other requirements imposed by federal, state or local laws.
- (c) In recommending any adjustments to the construction employment goals, the director in consultation with the construction workforce board shall consider all of the information described in subsection (b) and any statistical data subsequently gathered regarding the construction employment program
- (d) Construction employment goals are established as follows:
 - (1) For minorities an incentive goal of 20 percent and a minimum goal of ten percent.
 - (2) For women an incentive goal of four percent and a minimum goal of two percent.

The minimum construction employment goals, unless otherwise waived by the director or the construction workforce board on appeal from a determination of the director, shall be met on a quarterly basis during the term of the city construction contract.

- (e) The minimum construction employment goals, unless otherwise waived by the director or the construction workforce board on appeal from a determination of the director, shall be applicable as follows:
 - (1) As to the construction contractor individually, the city construction contract.
 - (2) As to the construction contractor individually, all construction projects performed by the construction contractor in the metropolitan statistical area during the term of the city construction contract.
 - (3) As to the subcontractors collectively, the city construction contract.

Only the construction labor hours performed by those working sufficient hours to qualify for benefits shall be counted.

- (f) The construction employment goals shall be reviewed on an annual basis by the director in consultation with the construction workforce board. The director and the construction workforce board shall present an evaluation to the city council of the construction employment program every year. Annually, the city council

shall review the director's and construction workforce board's evaluation of the construction employment program and evaluate whether the program should be amended. Every five years, the city council shall evaluate whether the program should be extended or terminated, but failure to do so shall not invalidate sections 3-501—3-527 or any contract or solicitation.

- (g) A construction contractor shall individually meet and shall require his subcontractors to collectively meet the minimum employment goals, unless granted a good faith waiver. In the event that minimum construction employment goals have not been met by the city construction contractor or his subcontractors during any quarter, the construction contractor may request that the director waive the goals. The director shall grant a construction contractor's request for waiver if the construction contractor can demonstrate that good-faith efforts have been made to achieve the goals. In determining whether a good faith effort has been made to meet the minimum construction employment goals, the director shall consider whether the construction contractor undertook the following actions, and, in the case of his subcontractors, whether the construction contractor required the subcontractors to undertake the following actions:
- (1) For those construction contractors that are not signatories to a collective bargaining agreement with organized labor:
 - a. Requested in writing the assistance of the director with respect to efforts to promote the utilization of minorities and women in the workforce and acted upon the director's recommendations; and
 - b. Advertised in minority or women trade association newsletters and/or minority or women owned media at least 15 calendar days prior to the utilization of any construction services on the city construction contract, and used terminology that sufficiently describes the work available, the pay scale, the application process, and anything else that one might reasonably be expected to be informed of relevant to the position being advertised; and
 - c. Maintained copies of each advertisement and a log identifying the publication and date of publication; and
 - d. Established and maintained a current list of resident, minority and women recruitment sources, providing written notifications to the recruitment sources of available employment opportunities, and maintained records of the notices submitted to the organizations and any responses thereto; and
 - e. Maintained a current file for the time period of the city construction contract with the name, address, and telephone number of each resident, minority and woman job applicant, the source of the referral, whether or not the person was hired, and in the event that the applicant was not hired, the reason therefore; and
 - f. Required by written contract all subcontractors to comply with this provision; and
 - g. Promoted the retention of minorities and women journeypersons in its workforce with the goal of achieving sufficient annual hours for minorities and women to qualify for applicable benefits.
 - (2) For those construction contractors that are signatories to collective bargaining agreements with organized labor:
 - a. Requested in writing from each labor union representing crafts to be employed by the city contractor that:
 1. The labor union make efforts to promote the utilization of residents of the city, minorities and women in the workforce;
 2. The labor union identifies any residents of the city, minorities and women in its membership eligible for employment by the city contractor;

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- b. Collaborate with labor unions in promoting mentoring programs for journeypersons intended to assist minorities and women in increasing retention with the goal of achieving sufficient annual hours to qualify for applicable benefits.
 - c. Maintained a current file with the name, address, and telephone number of each resident, minority and woman worker identified by the labor union, whether or not the person was hired, and in the event the person was not hired, the reason therefore.
 - d. To the extent that the good-faith effort requirements set forth in this section are in conflict with the procedures implemented by the construction contractor in order to comply with a competitive bargaining agreement, the construction contractor shall substitute other procedures, as may be approved by the director in writing, in order to accomplish the purpose and intent of this section.
- (h) Required by written contract all subcontractors to comply with this provision; and
 - (i) Notwithstanding anything contained in this section, if the waiver is required by federal or state or local law, the director shall grant a waiver to a construction contractor that nonetheless fails to meet:
 - (1) The minority and women employment goals; and
 - (2) The standards set forth in section 3-507.
 - (j) When a request for good faith waiver has been filed and the director has determined that the construction contractor has not met the goals despite its good faith efforts as defined in this section, the director may grant a full or partial waiver to the construction contractor. If the director denies a construction contractor's request for waiver, the construction contractor may appeal the director's decision to the construction workforce board.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-508. Reserved.

Sec. 3-509. City sponsored recruitment of existing construction workforce.

The city shall partner with labor unions, community-based organizations, and employment referral programs to accomplish the goals of the construction employment program. Activities to increase resident, minority and women participation shall be conducted on a scheduled basis and shall include:

- (1) Sponsoring workshops and events involving local minority community-based organizations and educational institutions to promote the construction industry and encourage residents to apply for apprenticeship programs and journey worker jobs on construction projects or jobs requiring prior construction labor experience; and
- (2) Establishing a first source program intended to give residents of the city the first opportunity to apply, be interviewed and be hired on city construction contracts; and
- (3) Making a good faith effort to inform residents of the city and minorities and women, regardless of residency, through advertisements in media in the city and in minority or women trade association newsletters and/or minority or women owned media at least 60 calendar days prior to the issuance of an invitation for bid or request for proposals for a particular city construction contract, if deemed practical by the city to do so, of:
 - a. The name of the project;
 - b. The nature of the work to be performed;

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- c. The crafts anticipated to be required for the work; and,
 - d. Locations within the city and a website in which residents of the city may register for consideration for employment on the city construction project.

Failure of the city to advertise shall not invalidate any solicitation or contract.

- (4) Establishing and maintaining a current list of resident, minority and women recruitment sources, providing written notifications to the recruitment sources of available employment opportunities, and maintaining records of the notices submitted to the organizations and any responses thereto; and
- (5) Collaborating with labor unions, contractors and their respective associations to determine information that may be reasonably required of prospective workers.
- (6) Collecting and furnishing such information to labor unions, contractors and their respective associations for their use in identifying qualified residents of the city desiring work on city construction contracts.
- (7) Establishing a pre-qualification program for subcontractors whereby subcontractors can provide employment data to the director evidencing that they meet or exceed the minimum construction employment goals for the purpose of being included in a subcontractor directory on the department's website to assist construction contractors in identifying those subcontractors that can assist the construction contractor in meeting the construction employment goals.
- (8) Submitting monthly reports to the construction workforce board stating the number of resident, minority and women construction labor hours performed by construction contractors and their subcontractors, in a format acceptable to the construction workforce board.

(Ord. No. 130275, § 1, 3-21-13; Ord. No. 210645 , § 2, 8-12-21)

Sec. 3-510. Reserved.

Sec. 3-511. Expansion of construction workforce.

- (a) The city shall partner with workforce preparedness programs, apprenticeship programs, other construction training programs, school-sponsored programs, and both contractors that are and are not signatories to a collective bargaining agreement with organized labor to support the recruitment and training of residents, minorities and women on city construction contracts and throughout the Kansas City MSA by:
 - (1) Partnering with community-based organizations, the school district, and post-secondary educational institutions to create programs that facilitate entry into the construction industry by providing job readiness training, construction trades awareness, construction trades training, skills assessment testing, and increasing the ability to pass the construction trades entrance examinations; and
 - (2) Conducting real and substantial recruitment efforts, both oral and written, targeting resident, minority and women community-based organizations, schools with a significant minority student population, and training organizations serving the recruitment area.
 - (3) Supporting the efforts of the joint apprenticeship training committee (JATC) a joint effort of labor unions and contractors, or some other apprenticeship program, whose purpose is to recruit, train and employ new workers for a full time career in the construction industry.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-512. Reserved.

Sec. 3-513. Incentive construction employment goals.

The director, in consultation with the construction workforce board, is authorized to provide public recognition to construction contractors on a city construction contract that achieve the minority and female incentive construction employment goals of the construction employment program.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-514. Reserved.

Sec. 3-515. Monitoring and compliance with construction employment program.

- (a) At the time a bid is submitted, the construction contractor shall submit a construction hours affidavit in a format determined by the director stating the city construction contractor's intent to meet or exceed, and to cause the subcontractors to collectively meet or exceed, the minimum construction employment goals while performing the city construction contract or request a waiver.
- (b) Within 48 hours after bid opening, or prior to contract execution for those city construction contracts awarded pursuant to a request for proposals, the construction contractor shall submit an employee identification report, in a format to be determined by the director, which report shall include:
 - (1) The name, home address, job title, gender and race/ethnicity of each person working for the construction contractor and which the construction contractor anticipates will be performing construction labor hours creditable towards the minimum construction employment goals applicable to the construction contractor individually.

The director is authorized to extend the deadline for submission of the employee identification report.

- (c) Within ten days prior to the date upon which any subcontractor is to commence work under a city construction contract, the construction contractor shall submit an employee identification report, in a format to be determined by the director, which report shall include:
 - (1) The name, home address, job title, gender and race/ethnicity of each person working for the subcontractor and which will be performing construction labor hours creditable towards the minimum construction employment goals applicable to the subcontractor.

The director is authorized to extend the deadline for submission of the employee identification report.

- (d) After the city construction contract has been awarded, but before construction begins, the director may require the construction contractor to meet with the director or his/her designee for the purpose of discussing first opportunity given to residents of the city, the construction employment goals for minority and women workers, how the construction contractor will endeavor in good faith to individually meet, and require the subcontractors to collectively meet, the minimum construction employment goals, and any problems that may affect the ability to employ residents of the city or achieve the minimum construction employment goals.
- (e) The director shall assess compliance with the construction employment program and impose any authorized remedy for any failure to comply on a quarterly basis for the duration of the city construction contract; provided however, that the director's failure to assess compliance during one or more quarters having expired, or impose any remedy for any failure to comply determined to have occurred during one or more quarters having expired, shall not preclude the director from assessing compliance as to any subsequent

quarter or imposing any remedy for any failure to comply determined to have occurred during any subsequent quarter.

- (f) After completion of work on the city construction contract but before release of retainage, final acceptance and closeout, the construction contractor shall provide to the director, in a format approved by the director, a final cumulative report detailing the construction contractor's and the subcontractors' utilization of minorities and women.
- (g) All city contractors are expected to comply with all federal laws, including those of the Immigration and Naturalization Service and the Department of Homeland Security. Only those hours performed by workers in compliance with federal law may be counted towards the construction employment goals.
- (h) On all city construction contracts the director shall have access, at all reasonable times, to all books, papers, records, reports or accounts in possession of or under the control of all construction contractors and subcontractors as may be reasonably necessary to ascertain compliance with sections 3-501—3-527, and all construction contractors and their respective subcontractors shall furnish such further information as may be required of such person within ten working days of the date it is so requested in writing. The construction contractor shall require all its subcontractors to comply with the requirements of this subsection.
- (i) The director shall be authorized to conduct on-site audits and records inspections of any construction contractor and subcontractor without prior notice as may be necessary to ascertain compliance with sections 3-501—3-527.

The construction contractor shall require all its subcontractors to comply with the requirements of this subsection.

- (j) The construction contractor is required to obtain and retain documentation, and shall require the subcontractors to obtain and retain documentation, establishing the residence of record for any person working on a city construction contract. The documentation must show an address and may be one of the following:
 - (1) Driver's license or identification card issued by a government or governmental agency with a photograph of the holder; or
 - (2) Voter's registration card; or
 - (3) Utility bill showing the account holders name and address; or
 - (4) Valid United States Passport; or
 - (5) Document falling within any other category that the director determines sufficiently establishes residency.
- (k) Monthly reporting: The construction contractor performing work under a city construction contract shall submit workforce reports detailing the construction contractor's utilization individually, and the subcontractors' utilization collectively, of residents, minorities and women under the city construction contract and on every construction project, public or private, that the construction contractor has in progress throughout the metropolitan statistical area. The reports shall be submitted to the director by the fifteenth of each month through the duration of the city construction contract. The reports shall state the number of resident, minority and women construction labor hours performed on site per trade, and shall be submitted in a format determined by the director.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-516. Reserved.

Sec. 3-517. Equal employment standards.

- (a) All city construction contracts shall contain language requiring as a condition thereof that all construction contractors will adhere to the equal opportunity clause set forth in the Code of Ordinances, chapter 38, article III, section 38-103. The equal opportunity clause shall include, at a minimum, the following provisions:
 - (1) The construction contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry, disability, sexual orientation, gender identity or age.
 - (2) The construction contractor will take affirmative action to ensure that employees are treated fairly during employment without regard to their race, color, religion, sex, national origin or ancestry, disability, sexual orientation, gender identity or age. Such action shall include, but not be limited to the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
 - (3) The construction contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.
- (b) The construction contractor will, in all solicitations or advertisements for employees placed by or on behalf of the construction contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or ancestry, disability, sexual orientation, gender identity or age.
- (c) In the event of the construction contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, the director shall bring a complaint before the human rights commission and the contract may be canceled, terminated, or suspended in whole or in part and the construction contractor may be declared ineligible for further contracts with the city for a period of one year should the construction contractor fail to agree to comply with the terms of any order arising from that proceeding.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-518. Reserved.

Sec. 3-519. Complaint procedures.

The city shall provide complaint procedures set forth in the Code of Ordinances, chapter 38, article III, section 38-103 to all persons working under the construction employment program.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-520. Reserved.

Sec. 3-521. Remedies.

- (a) The construction contractor shall be liable for its compliance individually, and its subcontractors' compliance collectively, with the construction employment program. If the director shall find after investigation that a construction contractor, the construction contractor's subcontractors, or both, have not met the

construction employment goals for any quarter and the construction contractor has not made a good faith effort to meet the goals or require its subcontractors to meet the goals for such quarter, the director may:

- (1) Determine to assess liquidated damages against the construction contractor, as specified in the city construction contract;
 - (2) Determine the construction contractor be required to attend mandatory training, as specified in the city construction contract;
 - (3) Determine the construction contractor be declared ineligible to receive any city construction contract or participate as a subcontractor under any city construction contract for a period of time up to six months, as specified in the city construction contract.
- (b) Any determination by the director to assess liquidated damages; mandate training; or to bar a construction contractor from receiving any city construction contract or participating as a subcontractor under any city construction contract may be appealed by the construction contractor to the construction workforce board.
- (c) The remedies authorized herein may be imposed on a quarterly basis and may escalate as provided in the city construction contract. Notwithstanding the foregoing, the director shall be precluded from imposing any remedy for any quarter having expired unless he shall have notified the construction contractor of the apparent failure to comply before the immediately succeeding quarter shall have also expired.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-522. Reserved.

Sec. 3-523. Construction workforce board.

- (a) There is hereby established the city construction workforce board for the purpose of offering community input to the director; reporting issues and recommendations to the city manager and city council concerning the construction employment program; hearing certain appeals of determinations of the director; and making certain recommendations to the city council. The construction workforce board's responsibilities specifically include:
- (1) Meeting at least quarterly in a forum open to the public, to review the monthly workforce reports, monitor compliance with the provisions of sections 3-501—3-527, and make recommendations to the director regarding enforcement of sections 3-501—3-527; and
 - (2) Hearing appeals brought by construction contractors after a determination by the director that a construction contractor has failed to make a good faith effort to meet the workforce goals or require its subcontractors to meet the goals, and is subject to a remedy authorized by sections 3-501—3-527 and has recommended a remedy authorized by sections 3-501—3-527.
- (b) The construction workforce board shall be composed of 11 members and ten alternates proposed by the following groups to represent the following groups and appointed by the mayor, as follows:
- (1) One member and one alternate representing the local labor organizations/unions;
 - (2) One member and one alternate representing the school sponsored training programs;
 - (3) One member and one alternate representing the workforce referral organizations;
 - (4) Two members and two alternates representing the community;
 - (5) One member and one alternate representing the Heavy Constructors' Association;
 - (6) One member and one alternate representing the Builders' Association;

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- (7) One member and one alternate representing the MBE Contractors' Coalition (Minority Contractors' Association (MCA) and Kansas City Hispanic Association Contractors' Enterprise (KCHACE));
 - (8) One member and one alternate representing WBE Contractors' Coalition (Women Construction Owners and Executives and National Association of Women in Construction);
 - (9) One member and one alternate representing the subcontractor associations (Sheet Metal Contractors' National Association (SMACNA), National Electrical Contractors' Association (NECA), and Mechanical Contractors' Association (MCA));
 - (10) Chairperson appointed by the mayor.
- (c) Board members serve at the leisure of the constituents each board member represents and may be recalled by such constituents or the mayor at any time.
 - (d) In the event a board member is unable to attend a meeting of the board or has a conflict of interest with regard to a particular contract or issue, the alternate shall temporarily serve in such member's stead. The term of an alternate shall expire at the expiration of the term of the board member.
 - (e) The following are ineligible to serve on the construction workforce board:
 - (1) Members of the city council; and
 - (2) Employees of the city.
 - (f) In the event a board member becomes ineligible or is unable to serve on the construction workforce board after appointment, the represented group shall nominate and the mayor shall appoint another person to fill the vacancy for the remainder of the board member's unexpired term.
 - (g) In the event a board member has a conflict of interest in a contract or issue that comes before the board, the member shall be temporarily replaced by the alternate. In the event an alternate has a conflict of interest in a bid, contract or issue that comes before the construction workforce board, the alternate shall recuse himself.
 - (h) In the event the chairperson is not in attendance at any construction workforce board meeting, a majority of board members shall select a member to act as chairman for that meeting.
 - (i) Six members of the construction workforce board shall constitute a quorum.
 - (j) The construction workforce board shall adopt rules to govern the exercise of their duties.
 - (k) The terms of all board members shall be for a period of four years except the initial terms of (b)(1) through (b)(4) shall be two years, however, all members shall continue in office as such until the respective successors shall have been appointed. Board members serving as of the effective date of this section shall retain their seats for the remainder of their unexpired terms.
 - (l) Board members (b)(1) and (b)(5) through (b)(10) and their respective alternates shall be experienced in construction management.

(Ord. No. 130275, § 1, 3-21-13; Ord. No. 140497 , § 1, 6-26-14)

Sec. 3-524. Reserved.

Sec. 3-525. Appeals to the construction workforce board.

- (a) Any construction contractor may appeal to the construction workforce board:

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- (1) Determinations of the director that a construction contractor, the construction contractor's subcontractors, or both, did not meet the construction employment goals and did not use good faith efforts to meet the goals; and
 - (2) The director's determination of assessment of liquidated damages against a construction contractor pursuant to sections 3-501—3-527; and
 - (3) The director's determination that a construction contractor be required to attend mandatory training; and
 - (4) The director's recommendation that a construction contractor be declared ineligible to receive any city construction contract or participate as a subcontractor under any city construction contract for a period of time up to six months.
- (b) Appeals shall be made to the construction workforce board by filing with the director within ten working days after notice of the director's determination, a written request for review by the construction workforce board, stating the grounds of such appeal with specificity. The director shall promptly forward to the chairperson and members of the construction workforce board a copy of any appeal.
 - (c) Failure to file a timely appeal shall constitute a waiver of the right of a construction contractor to appeal the director's determination and such person shall be estopped to deny the validity of any order, recommendation, determination or action taken by the director which could have been timely appealed.
 - (d) The construction workforce board shall have authority to require that a party first make a written submission of its appeal prior to permitting a hearing and may summarily dispose of those appeals that it determines to be frivolous and without merit.
 - (e) After receiving an appeal from the city construction contractor, the construction workforce board shall set a date upon which a hearing shall be held by the construction workforce board and shall notify all parties of the date thereof. The notice of hearing shall be served upon the parties at least ten calendar days prior to the date of the hearing. A copy of the director's determination shall be attached to each such notice. A hearing shall be set no later than 21 calendar days after receipt of the request for appeal by the director.
 - (f) The hearing shall be conducted under rules adopted by the board. The board may subpoena witnesses, compel their attendance, administer oaths, take the testimony of persons under oath, and require the production for examination any books, papers or other materials relating to any matter under investigation or in question before the board.
 - (g) The board shall cause all proceedings before it to be either audio recorded or held before a certified court reporter.
 - (h) The board shall have authority to affirm, modify or reverse the determination of the director.

(Ord. No. 130275, § 1, 3-21-13)

Sec. 3-526. Reserved.

Sec. 3-527. Severability.

If any section, subsection, clause, or provision of sections 3-501—3-527 is deemed to be invalid or unenforceable in whole or in part, sections 3-501—3-527 shall be deemed amended to delete or modify, in whole or in part if necessary, the invalid or unenforceable subsection(s), clause(s), provision(s) or portion(s) thereof, and alter the balance of those same sections in order to render the same valid and enforceable.

(Ord. No. 130275, § 1, 3-21-13)

Secs. 3-528—3-600. Reserved.