



In the City Council, January 19th, in the Year Two Thousand and Seventeen

Upon the recommendation of Councilor Alisa F. Klein and Councilor Maureen T. Carney, as amended by Councilor Dennis P. Bidwell

R-17.234

A Resolution

Declaring Northampton a Fair Employment City

WHEREAS, the residents of and visitors to the City of Northampton annually spend hundreds of thousands of dollars purchasing food, apparel and other goods; and

WHEREAS, locally owned businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

WHEREAS, fair employment practices in Northampton provide workers with the rights to which they are entitled under both state and federal law, consumers with the knowledge that those who serve them are treated ethically, and local businesses an enhanced opportunity to make a positive economic and social impact in our communities; and

WHEREAS, providing decent working conditions and fair wages for workers is an essential part of investment in local economies and sustainable employment practices; and

WHEREAS, the practice commonly known as "wage theft"- improperly withholding payment from employees and failing to pay them in accordance with state and federal wage and hour laws - harms the well-being of workers, their families, and their communities, as well as the reputation of employers; and

WHEREAS, low income and immigrant workers, and workers who are non-native English speakers are most vulnerable to this practice; and

WHEREAS, workers in the hospitality service industry are also vulnerable to this practice; and

WHEREAS, the misclassification of employees as independent contractors presents one of the most serious problems facing affected workers in the construction industry and misclassified workers often are denied access to critical benefits and protections to which they are entitled,

such as the minimum wage, overtime compensation, family and medical leave, unemployment insurance, and safe workplaces; and

WHEREAS, the high cost of wage theft to the City, its business community, and its residents impedes the City's economic development and growth; and

WHEREAS, the City of Northampton has the opportunity to lead by example and present a model of economic and social responsibility and sustainability; and

WHEREAS, the City of Northampton expresses its support for sustainable and equitable commerce, construction, and economic development; and

WHEREAS, the City of Northampton is proud to be home to a great many "high road" employers, including in the hospitality service and construction industries, that are in compliance with applicable wage and hour laws and are deserving of the community's support and patronage; and

WHEREAS, the City desires that potential and current recipients of licenses issued under G.L. chapter 138 and chapter 140, and recipients of Community Preservation Act funds and Tax Increment Financing comply with applicable wage laws; and

WHEREAS, the City of Northampton in its **Buy Local/Buy Fair Resolution** (April 17, 2008), recognizes the important role that local businesses have in the diversity and sustainability of our economy and is strongly committed to protecting our local business base;

NOW THEREFORE BE IT RESOLVED that the City Council of Northampton, Massachusetts decrees Northampton a "FAIR EMPLOYMENT CITY" in the United States.

BE IT FURTHER RESOLVED that as authorized under M.G.L. c. 30B and c. 149, Section 44, the City of Northampton should award contracts for goods and services and public construction only to responsible contractors who certify their compliance with wage and hour laws.

BE IT FURTHER RESOLVED that in the City of Northampton, vendors and/or contractors who have been shown to violate the state and federal wage and hour laws should be deemed not responsible and therefore, should not be awarded contracts from the City of Northampton.

BE IT FURTHER RESOLVED that the City Council endorses an Executive Policy Order addressing these issues with regard to procurement and Tax Increment Financing.

BE IT FURTHER RESOLVED that the City Council calls on the City of Northampton License Commission to require that applicants for licenses pursuant to M.G.L. c. 138 or M.G.L. c. 140 certify compliance with applicable wage and hour laws.

BE IT FURTHER RESOLVED that the City Council calls on the Community Preservation Committee to require that applicants for Community Preservation Act funding, as well as any contractors and subcontractors on these publicly-supported projects, certify compliance with

applicable wage laws and certify that they don't have a recent history of wage theft and tax fraud.

BE IT FURTHER RESOLVED that the City Council calls upon the City's state legislative representatives to vigorously support pending legislation to provide the Commonwealth's Attorney General with additional enforcement powers and resources regarding wage theft matters, as well as to increase penalties for violations.

BE IT FURTHER RESOLVED that the Administrative Assistant to the City Council shall cause a copy of this resolution to be sent to the City of Northampton Community Preservation Committee, the City of Northampton License Commission, State Representative Peter Kocot and State Senate President Stan Rosenberg.

In City Council, January 19, 2017
Passed First Reading, on a Roll Call Vote of 9 Yes, 0 No
Attest: *Paul H. Pacey* Clerk of Council

In City Council, February 2, 2017
Passed Second Reading, on a Roll Call Vote of 9 Yes; 0 No
Attest: *Paul H. Pacey* Clerk of Council

Approved: David J. Narkewicz, Mayor

Rules suspended, passed two readings and enrolled

I hereby certify that the above Resolution passed the Northampton City Council on February 2, 2017
David J. Narkewicz, Mayor approved the Resolution on February 3, 2017

Attest: *Paul H. Pacey* Clerk of Council