10- R-0786

A RESOLUTION

BY:

COUNCILMEMBER JOYCE M. SHEPERD

A RESOLUTION TO SUPPORT HOUSE RESOLUTION 4812: LOCAL JOBS FOR AMERICA ACT, 111th U.S. CONGRESS; AND FOR OTHER PURPOSES.

WHEREAS, our nation is going through one of the most difficult economic times in its history with the national unemployment rate hovering around 10 percent; and

WHEREAS, despite signs of an economic recovery at the national level, economic conditions in cities and towns across the country continue to worsen with more municipal governments facing significant budget shortfalls and increased demand for services; and

WHEREAS, the City of Atlanta employs about 7,400 workers who provide critical services to our residents ranging from public safety, community and economic development, infrastructure maintenance, trash collection, and waste water treatment; and

WHEREAS, the unemployment rate in the City of Atlanta metropolitan statistical area has risen to 10.5%; and

WHEREAS, the City of Atlanta is facing a $50 million budget shortfall and may have to choose between laying off employees, eliminating services, and raising taxes to balance its budget; and

WHEREAS, such action to counter the recession's impact on the City of Atlanta would contribute to an increase in the lack of fiscal stability for this community and further contribute to the nation's unemployment rate just as the economy begins to recover; and

WHEREAS, federal aid will be necessary if the City of Atlanta is to avoid public service worker layoffs including fire and police, teachers and other important city workers or significant increases in taxes to pay the salaries of these employees; and

WHEREAS, U. S. Representative George Miller of California introduced H.R. 4812, the Local Jobs for America Act, on March 10, 2010, with 105 co-sponsors including Congressmen John Lewis, Hank Johnson, and Sanford Bishop of Georgia; and

WHEREAS, the Bill would provide $75 billion over two years to states, local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed at local level throughout the country; and

WHEREAS, cities with a population of 50,000 or more would be eligible to receive direct funding, based on the Community Development Block Grant program (CDBG) funding distribution mechanism, and cities with a smaller population would also be eligible to receive funding through the states.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the City of Atlanta endorses H.R. 4812, the Local Jobs for America Act, because it will help stimulate local economy and create one million public and private jobs in local communities this year, including in the City of Atlanta; and

SECTION 2: That the City of Atlanta supports the Local Jobs for America Act because it will help ensure that our City can continue to provide services essential to families in our community without tax increase; and

SECTION 3: That the City of Atlanta urges the Georgia Congressional delegation to support H.R. 4812, a copy of which is hereby attached and made a part of this legislation.

SECTION 4: That the City of Atlanta urges the Congress and the President to adopt H.R. 4812 into law immediately so that cities and towns across America can retain existing employees and provide employment opportunities in the public and private sectors.

SECTION 5: That the Municipal Clerk is hereby directed to forward a copy of this resolution to all members of the Georgia Congressional delegation.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

I

111TH CONGRESS
2D SESSION

H. R. 4812

To provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2010

Mr. GEORGE MILLER of California (for himself, Mr. LARSON of Connecticut, Mr. HARE, Mr. ELLISON, Ms. SUTTON, Mr. PIERLUISI, Mr. SABLAN, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. LEVIN, Mr. RANGEL, Mr. GARAMENDI, Mr. HOLT, Mr. GRIJALVA, Ms. ESHOO, Mr. KILDEE, Ms. MCCOLLUM, Mr. LOEBSACK, Mr. POLIS of Colorado, Mr. DINGELL, and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Education and Labor

---

A BILL

To provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Jobs for America Act".

TITLE I—LOCAL COMMUNITY JOBS

SEC. 101. STABILIZATION FUNDING FOR LOCAL JOBS.

From the amount appropriated under section 111, the Secretary, acting through the Employment and Training Administration of the Department of Labor and in consultation with the Secretary of Housing and Urban Development, shall provide funds to States, units of general local government, and community-based organizations to save and create local jobs through the retention, restoration, or expansion of services needed by local communities.

SEC. 102. ALLOTMENT FORMULA.

(a) RESERVATIONS BY THE SECRETARY.—Of the amount appropriated under section 111 for each fiscal year, the Secretary may reserve—

(1) not more than 1 percent to administer this title;

(2) not more than 0.5 percent to award grants, on a competitive basis, to Indian tribes for purposes of this title.

(b) MAKING FUNDS AVAILABLE FOR ALLOTMENT BY THE SECRETARY.—Of the amounts appropriated under section 111 and not reserved under subsection (a), the Secretary shall make available for allotment the amounts for each fiscal year as follows:

(1) Seventy percent to entitlement communities, of which the Secretary shall make available for allotment—

(A) 25 percent to each entitlement community in an amount which bears the same ratio to the total amount made available under this subparagraph as the population of the entitlement community bears to the total population of all entitlement communities;

(B) 25 percent to each entitlement community in an amount which bears the same ratio to the total amount made available under this subparagraph as the extent of poverty in the entitlement community bears to the extent of poverty in all entitlement communities; and

(C) 50 percent to each entitlement community in an amount which bears the same ratio to the total amount made available under this subparagraph as the number of unemployed individuals in the entitlement community bears to the total number of unemployed individuals in all entitlement communities.

(2) Thirty percent to States, of which the Secretary shall make available for allotment—

(A) 25 percent to each State in an amount which bears the same ratio to the total amount made available under this subparagraph as the population of the State bears to the total population of all States;

(B) 25 percent to each State in an amount which bears the same ratio to the total amount made available under this subparagraph as the extent of poverty in the State bears to the extent of poverty in all States; and

(C) 50 percent to each State in an amount which bears the same ratio to the total amount made available under this subparagraph as the number of unemployed individuals in the State bears to the total number of unemployed individuals in all States.

(c) RESERVATION AND ALLOTMENTS BY STATES.—

(1) RESERVATION.—Of the amount of funds allotted to a State under section 104(c)(1)(A) for each fiscal year, a State may reserve not more than 2 percent for administrative purposes.

(2) ALLOTMENTS BY STATES.—

(A) IN GENERAL.—A State shall provide all of the funds allotted to the State under sec-

tion 104(c)(1)(A) that are not reserved under paragraph (1) as follows:

(i) Not more than 50 percent of the funds to units of general local government located in nonentitlement areas of the State to continue to provide employee compensation to employees employed by the unit, as of the date of the enactment of this Act, in positions that—

(I) provide local public services for the unit; and

(II) would otherwise be terminated or reduced as a result of fiscal constraints of such unit.

(ii) Not more than 50 percent of the remainder of the funds (after allotting funds under clause (i)) to community-based organizations to employ individuals newly hired or employed under a contract entered into after the date of the enactment of this Act to provide services or functions that are not customarily provided by a unit of general local government located in a nonentitlement area of the State

where such services or functions will be provided by the organization.

(iii) All of the remainder of the funds (after allotting funds under clauses (i) and (ii)) to units of general local government located in nonentitlement areas of the State to provide employee compensation to individuals newly hired to carry out the local public services described in subclauses (I) and (II) of section 104(c)(1)(B)(i) for the unit.

(B) ALLOTMENTS.—In allotting funds under subparagraph (A) for a fiscal year, a State shall—

(i) subject to clause (i), provide to units of general local government and community-based organizations located in a non-entitlement area of a Congressional district of the State not less than an amount of funds that bears the same ratio to the total amount made available to be allotted to the State under section 102(b)(2) for such fiscal year as the population of the nonentitlement area of the Congressional district bears to the total

population of all nonentitlement areas of the State;

(ii) if the total amount of funds allotted by the Secretary to a State under section 104(c)(1)(A) on behalf of units of general local government and community-based organizations located in the nonentitlement area of a Congressional district of the State is less than the amount to be provided to the units and organizations under clause (i) for such fiscal year, provide to the units and organizations an amount of funds equal to the amount of funds so allotted for such fiscal year; and

(iii) consult with local elected officials from among units of general local government located in nonentitlement areas of such State in determining the method of allotment of such funds.

(d) RULE FOR PROVIDING FUNDS TO COMMUNITY-BASED ORGANIZATIONS.—In providing funds under this Act to community-based organizations, a unit of general local government or State shall, to the extent practicable, give priority to community-based organizations that will

provide services or functions in accordance with this Act to—

(1) public use microdata areas that have a poverty rate of 12 percent or more; or

(2) units of general local government that have an unemployment rate that is 2 percent higher than the national unemployment rate.

SEC. 103. USES OF FUNDS BY UNITS OF GENERAL LOCAL GOVERNMENT AND COMMUNITY-BASED ORGANIZATIONS.

(a) ENTITLEMENT COMMUNITIES.—Of the amount of funds received under section 104(c)(2) for each fiscal year, a unit of general local government that is an entitlement community—

(1) may use not more than 5 percent for administrative purposes;

(2) may use up to 50 percent of the remainder of such funds (after using the funds pursuant to paragraph (1)) to continue to provide employee compensation to employees employed by the unit, as of the date of the enactment of this Act, in positions that—

(A) provide local public services for the unit; and

(B) would otherwise be terminated or reduced as a result of fiscal constraints of such unit;

(3) may provide up to 50 percent of the remainder of such funds (after using the funds pursuant to paragraphs (1) and (2)) to community-based organization to employ individuals newly hired or employed under a contract entered into after the date of the enactment of this Act to provide services or functions that are not customarily provided by the unit, of which—

(A) not less than 93 percent shall be used to provide employee compensation to such individuals;

(B) not more than 5 percent may be used by the organization for supportive services; and

(C) not more than 2 percent may be used by the organization for administrative purposes; and

(4) shall use all of the remainder of such funds (after using the funds pursuant to paragraphs (1) through (3)), to the extent that the unit determines that it has a need for additional employees, to provide employee compensation to individuals newly hired by the unit to carry out the local public serv-

ices described in subclauses (I) and (II) of section 104(c)(1)(B)(i) for the unit.

(b) NONENTITLEMENT AREAS.—Of the amount of funds received under section 104(c)(2)(B) for each fiscal year—

(1) a unit of general local government that is located in a nonentitlement area of a State—

(A) may use not more than 2 percent for administrative purposes; and

(B) shall use all of the remainder of such funds (after using the funds pursuant to subparagraph (A)) to provide employee compensation to individuals described in clause (i) or (iii) of section 102(c)(2)(A), as determined by the State; and

(2) a community-based organization—

(A) shall use not less than 93 percent to provide employee compensation to individuals described in section 102(c)(2)(A)(ii);

(B) may use up to 5 percent for supportive services; and

(C) may use up to 2 percent for administrative purposes.

(c) FUNDED POSITIONS; CONSULTATION BY CHIEF EXECUTIVE OFFICERS.—

1 (1) FUNDED POSITIONS.—

2 (A) FULL-TIME, FULL-YEAR EMPLOY-
3 MENT.—

4 (i) IN GENERAL.—An individual hired
5 under this title by a unit of general local
6 government or community-based organiza-
7 tion shall fill a position that offers full-
8 time, full-year employment.

9 (ii) DEFINITIONS.—For purposes of
10 this subparagraph—

11 (I) the term ''full-time'' when
12 used in relation to employment has
13 the meaning already established or, if
14 the meaning has not been established,
15 determined to be appropriate for pur-
16 poses of this title, by the unit of gen-
17 eral local government or community-
18 based organization hiring an indi-
19 vidual under this title; and

20 (II) the term ''full-year'' when
21 used in relation to employment means
22 a position that provides employment
23 for a 12-month period, except that in
24 the case of a position that provides a
25 service required by a unit or organiza-

tion for only the duration of a school year, the term means a position that provides employment for such duration.

(B) SERVICES FOR UNITS.—An individual hired under this title—

(i) by a unit of general local government, shall fill a position to assist the unit in—

(I) restoring local public services terminated within the preceding 5 years;

(II) expanding existing local public services; or

(III) retaining local public services that would otherwise be reduced as a result of the fiscal constraints of such unit; or

(ii) by a community-based organization, shall fill a position to provide services or functions that are not customarily provided by a unit of general local government where such services or functions will be provided by the organization.

(2) CONSULTATION BY CHIEF EXECUTIVE OFFICERS.—A chief executive officer of a unit of general local government shall consult with the local community and labor organizations representing employees of such unit in determining the positions that should be funded under this title for such unit for each fiscal year.

SEC. 104. STATEMENTS OF NEED; APPROVAL AND ALLOTMENT OF FUNDS.

(a) SUBMISSION OF STATEMENTS; NOTICE OF ALLOTMENT AND INTENT.—

(1) IN GENERAL.—

(A) NOTICE OF ALLOCATION.—The Secretary shall post on a publicly accessible Internet Web site of the Department of Labor, the total amount of funds made available for allotment under this title for a fiscal year to each unit of general local government that is an entitlement community and each State that is eligible to receive funds under this title for such fiscal year.

(B) SUBMISSION.—In order to receive funds under this title for a fiscal year for which funds are appropriated to carry out this title, a unit of general local government, community-

1 based organization, or a State shall submit a
2 statement in accordance with paragraph (2) or
3 (3), as applicable, certifying the information de-
4 scribed in subsection (b) for such fiscal year.
5 (C) NOTICE OF INTENT.—
6 (i) IN GENERAL.—Seven days prior to
7 the submission of a statement under sub-
8 paragraph (B), a unit of general local gov-
9 ernment that is an entitlement community
10 or State shall publish public notice of the
11 intent to submit a statement under such
12 subparagraph, which includes a copy of the
13 statement.
14 (ii) INTERNET WEB SITE.—In pub-
15 lishing public notice under clause (i), a
16 unit of general local government or State
17 shall post the notice and information de-
18 scribed in such clause on a publicly avail-
19 able Internet Web site of the unit or State,
20 as applicable.
21 (2) ENTITLEMENT COMMUNITIES.—
22 (A) STATEMENTS FROM UNITS.—In order
23 to receive funds under this title for a fiscal year
24 for which funds are appropriated to carry out
25 this title, a unit of general local government

that is an entitlement community shall submit to the Secretary, at such time and in such manner as determined by the Secretary, a statement that certifies the information described in subsection (b)—

(i) with respect to such unit for such fiscal year; and

(ii) with respect to the community-based organizations the unit plans to fund, using funds the unit receives under this title, for such fiscal year.

(B) STATEMENTS FROM COMMUNITY-BASED ORGANIZATIONS.—In order to receive funds for a fiscal year from a unit of general local government that is an entitlement community receiving funds for such fiscal year under this title, a community-based organization shall submit to a unit of general local government that is an entitlement community, at such time and in such manner as determined by the unit, a statement certifying the information described in subsection (b) with respect to such organization for such fiscal year.

(3) NONENTITLEMENT AREAS.—

(A) STATEMENT FROM UNITS AND ORGANIZATIONS.—In order to receive funds for a fiscal year from a State receiving funds for such fiscal year under this title, a unit of general local government that is located in a nonentitlement area of the State, or a community-based organization, shall submit to the State, at such time and in such manner as determined by the State, a statement certifying the information described in subsection (b)—

(i) with respect to such unit for such fiscal year; or

(ii) with respect to such organization for such fiscal year.

(B) STATEMENTS FROM STATES.—After reviewing the statements received under subparagraph (A) for a fiscal year, a State shall submit to the Secretary, at such time and in such manner as determined by the Secretary, a statement certifying the information described in subsection (b) with respect to the units of general local government and community-based organizations that the State plans to fund, using funds the State receives under this title, for such fiscal year.

1 (b) INFORMATION CERTIFIED.—A statement sub-
2 mitted under subsection (a) shall certify, with respect to
3 a unit of general local government or community-based or-
4 ganization, as applicable, the following information:
5 (1) The amount of funds requested by such
6 unit or organization.
7 (2) The number of individuals who will receive
8 employee compensation with such funds.
9 (3) The job titles of, and the amount of em-
10 ployee compensation and the employers (units or or-
11 ganizations) for, the positions that will be filled by
12 the individuals.
13 (4) Whether the positions will—
14 (A) in the case of employment with a unit,
15 assist in retaining, restoring, or expanding an
16 existing local public service; or
17 (B) in the case of employment with an or-
18 ganization, provide services or functions that
19 are not customarily provided by a unit that is
20 an entitlement community, or a unit located in
21 a nonentitlement area of a State, where such
22 services or functions will be provided by the or-
23 ganization.
24 (5) The estimated date of hiring for the posi-
25 tions.

1 (6) A statement documenting the need for the
2 services to be carried out by the individuals hired for
3 the positions.
4 (7) In the case of a unit that desires to use
5 funds received under this title to continue to provide
6 employee compensation for existing employees of the
7 unit in accordance with section 102(c)(2)(A)(i) or
8 103(a)(2), a statement documenting the fiscal con-
9 straints of the unit that would result in the termi-
10 nation or reduction of the positions of such employ-
11 ees.
12 (8) A description of the unit's or organization's
13 plan to target recruitment efforts for positions fund-
14 ed under this title in accordance with section 105(b).
15 (9) An assurance by the unit or organization
16 that the unit or organization will comply with all
17 provisions of this title.
18 (10) An assurance by the unit or organization
19 that the unit or organization will comply with all ap-
20 plicable Federal, State, and local labor laws, includ-
21 ing laws concerning wages and hours, labor rela-
22 tions, family and medical leave, occupational safety
23 and health, and nondiscrimination.
24 (c) APPROVAL AND ALLOTMENT OF FUNDS.—

1 (1) ENTITLEMENT COMMUNITIES.—Within 30
2 days of receipt of a statement submitted under sub-
3 section (a)(2)(A) by unit of general local government
4 that is an entitlement community, the Secretary
5 shall allot to the unit the amount of funds requested
6 by the unit for a fiscal year, not to exceed the total
7 amount of funds available to be allotted under sec-
8 tion 102(b)(1) to the unit for such fiscal year.
9 (2) NONENTITLEMENT AREAS.—
10 (A) APPROVAL BY THE SECRETARY.—
11 Within 30 days of receipt of a statement sub-
12 mitted under subsection (a)(3)(B) by a State
13 with respect to a unit of general local govern-
14 ment located in a nonentitlement area, or a
15 community-based organization to provide serv-
16 ices or functions that are not customarily pro-
17 vided by a unit of general local government lo-
18 cated in a nonentitlement area where such serv-
19 ices or functions will be provided by the organi-
20 zation, for a fiscal year, the Secretary shall
21 allot to the State the amount of funds re-
22 quested by the State for such unit or organiza-
23 tion for such fiscal year, not to exceed the total
24 amount of funds available to be allotted under

1 section 102(b)(2) to the State for such fiscal
2 year.
3 (B) STATE ALLOTMENT OF FUNDS.—Not
4 later than 15 days after receiving an allotment
5 of funds from the Secretary under subpara-
6 graph (A), the State shall allot, in accordance
7 with section 102(c)(2), all of the funds to the
8 unit or organization for which such funds were
9 provided by the Secretary under subparagraph
10 (A).
11 (3) WITHHELD FUNDS.—Notwithstanding para-
12 graphs (1) and (2), any funds under this title with-
13 held pursuant to a grievance filed under section
14 110(b) shall be withheld until such grievance is re-
15 solved.
16 (d) REALLOTMENT OF FUNDS.—
17 (1) UNITS.—The funds made available for allot-
18 ment under this title for a fiscal year for a unit of
19 general local government that is an entitlement com-
20 munity that does not submit, within 6 months after
21 the date the Secretary publishes a notice of allot-
22 ment under subsection (a)(1)(A) for such unit, to
23 the Secretary a statement under subsection (a) that
24 indicates an intention to hire at least 1 individual
25 under this title for such fiscal year, shall be made

available to be reallotted by the Secretary for the fiscal year immediately following such fiscal year, in accordance with the allotment formula under section 102(b)(1).

(2) STATES.—The funds made available for allotment under this title for a fiscal year for a State that does not submit, within 6 months after the date the Secretary publishes a notice of allotment under subsection (a)(1)(A) for such State, shall be allotted by the Secretary to units of general local government and community-based organizations located in the nonentitlement area of the State to carry out the purposes of this title for such fiscal year.

SEC. 105. COMPLIANCE WITH LOCAL LAWS AND CONTRACTS; RECRUITMENT REQUIREMENTS.

(a) COMPLIANCE WITH LOCAL LAWS AND CONTRACTS.—In hiring individuals for positions funded under this title, or using funds under this title to continue to provide employee compensation for existing employees, a unit of general local government or community-based organization shall comply with all applicable Federal, State, and local laws, personnel policies and regulations, and collective bargaining agreements, as if such individual was hired, or such employee compensation was provided, without assistance under this title.

1 (b) TARGETING RECRUITMENT EFFORTS.—In re-
2 cruiting individuals for positions funded under this title,
3 a unit of general local government or community-based or-
4 ganization shall target recruitment efforts with respect to
5 individuals who—
6 (1) have been in receipt of unemployment com-
7 pensation for at least 25 weeks;
8 (2) have exhausted unemployment compensa-
9 tion within the last 2 years;
10 (3) are veterans; or
11 (4) are unemployed individuals who are not eli-
12 gible to receive unemployment compensation because
13 they do not have sufficient wages to meet the min-
14 imum qualifications for such compensation.
15 (c) BONUS GRANTS.—
16 (1) IN GENERAL.—From the amounts made
17 available under paragraph (2), the Secretary may
18 award grants to each unit of general local govern-
19 ment and each community-based organization where
20 at least 15 percent of the individuals hired for a po-
21 sition under this Act for a fiscal year are individuals
22 described in subsection (b).
23 (2) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated

1 $100,000,000 to carry out this subsection for each
2 fiscal year.

3 **SEC. 106. EMPLOYMENT STATUS AND COMPENSATION.**

4 (a) EMPLOYEE STATUS.—An individual hired for a
5 position funded under this title shall—

6 (1) be considered an employee of the unit of
7 general local government, or community-based orga-
8 nization, by which such individual was hired; and

9 (2) receive the same employee compensation,
10 have the same rights and responsibilities and job
11 classifications, and be subject to the same job stand-
12 ards, employer policies, and collective bargaining
13 agreements as if such individual was hired without
14 assistance under this title.

15 (b) LIMIT ON NUMBER OF EXECUTIVE, ADMINISTRA-
16 TIVE, OR PROFESSIONAL POSITIONS.—

17 (1) UNITS.—Of the total number of positions
18 funded under this title for a fiscal year for each unit
19 of general local government and each community-
20 based organization—

21 (A) not more than 20 percent shall be in
22 a bona fide executive, administrative, or profes-
23 sional capacity; and

1 (B) at least 80 percent shall not be in a
2 bona fide executive, administrative, or profes-
3 sional capacity.
4 (2) DEFINITIONS.—For purposes of this sub-
5 section, the terms "bona fide executive", "bona fide
6 administrative"; and "bona fide professional" when
7 used in relation to capacity shall have the meanings
8 given such terms under section 13(a)(1) of the Fair
9 Labor Standards Act of 1938 (29 U.S.C.
10 213(a)(1)).
11 (c) TOTAL AMOUNT OF COMPENSATION.—For each
12 fiscal year for which funds are appropriated to carry out
13 this title, each unit of general local government and each
14 community-based organization that receives funds under
15 this title for any such fiscal year shall use such funds to
16 provide an amount equal to the total amount of employee
17 compensation for individuals hired under this title.
18 (d) LIMIT ON PERIOD OF EMPLOYMENT.—Notwith-
19 standing any agreement or other provision of law (other
20 than those provisions of law pertaining to civil rights in
21 employment), a unit of general local government or com-
22 munity-based organization shall not be obligated to employ
23 the individuals hired under this title or retain the positions
24 filled by such individuals beyond the period for which the
25 unit or organization receives funding under this title.

1 **SEC. 107. NONDISPLACEMENT.**

2 (a) NONDISPLACEMENT OF EXISTING EMPLOYEES.—

3 (1) IN GENERAL.—Except as provided under
4 sections 102(c)(2)(A)(i) and 103(a)(2), a unit of
5 general local government or community-based orga-
6 nization may not employ an individual for a position
7 funded under this title, if—

8 (A) employing such individual will result in
9 the layoff or partial displacement (such as a re-
10 duction in hours, wages, or employee benefits)
11 of an existing employee of the unit or organiza-
12 tion; or

13 (B) such individual will perform the same
14 or substantially similar work that had pre-
15 viously been performed by an employee of the
16 unit or organization who—

17 (i) has been laid off or partially dis-
18 placed (as such term is described in sub-
19 paragraph (A)); and

20 (ii) has not been offered by the unit
21 or organization, to be restored to the posi-
22 tion the employee had immediately prior to
23 being laid off or partially displaced.

24 (2) ELIMINATION OF POSITION.—For the pur-
25 poses of this subsection, a position shall be consid-
26 ered to have been eliminated by a unit of general

1 local government or community-based organization if
2 the position has remained unfilled and the unit or
3 organization has not sought to fill such position for
4 at least a period of one month.

5 (3) PROMOTIONAL OPPORTUNITIES.—An indi-
6 vidual may not be hired for a position funded under
7 this title in a manner that infringes upon the pro-
8 motional opportunities of an existing employee (as of
9 the date of such hiring) of a unit or organization re-
10 ceiving funding under this title.

11 (b) NONDISPLACEMENT OF LOCAL GOVERNMENT
12 SERVICES.—A community-based organization receiving
13 funds under this title may not use such funds to provide
14 services or functions that are customarily provided by a
15 unit of general local government where such services or
16 functions are provided by the organization.

17 **SEC. 108. REPORTING REQUIREMENTS.**

18 (a) ENTITLEMENT COMMUNITY.—A unit of general
19 local government that is an entitlement community that
20 receives funds under this title shall submit, every 90 days
21 during the period the unit receives such funds, to the Sec-
22 retary, a report that provides—

23 (1) the status of the unit's compliance with the
24 statement submitted by the unit under section
25 104(a)(2)(A); and

(2) the status of the compliance of any community-based organization that receives funds from the unit pursuant to this title with the statement submitted by the organization under section 104(a)(2)(B).

(b) NONENTITLEMENT AREA.—

(1) UNITS AND ORGANIZATIONS.—A unit of general local government located in a nonentitlement area of a State that is receiving funds under this title, or a community-based organization that is providing services in a non-entitlement area of such State, shall submit, every 90 days during the period the unit or organization receives funds from the State pursuant to this title, to the State, a report that provides the status of the compliance of the unit or organization with the statements submitted under section 104(a)(3)(A).

(2) STATES.—A State shall submit, every 90 days during the period the State receives funds under this title, to the Secretary, a report containing the information received under paragraph (1).

(c) POSTING OF REPORTS.—Upon receiving the reports submitted under subsections (a) and (b)(2), the Secretary shall post on a publicly accessible Web site of the Department of Labor such reports.

1 **SEC. 109. AUDITING BY THE SECRETARY.**

2 The Secretary shall perform random, periodic audits
3 to determine compliance with this title.

4 **SEC. 110. DISPUTE RESOLUTIONS, WHISTLEBLOWER HOT-**
5 **LINE, AND ENFORCEMENT BY THE SEC-**
6 **RETARY.**

7 (a) ESTABLISHMENT OF ARBITRATION PROCE-
8 DURE.—

9 (1) IN GENERAL.—Each unit of general local
10 government that is an entitlement community and
11 each State that receives funding under this title
12 shall agree to the arbitration procedure described in
13 this subsection to resolve disputes described in sub-
14 sections (b) and (c).

15 (2) WRITTEN GRIEVANCES.—

16 (A) IN GENERAL.—If an employee (or an
17 employee representative) wishes to use the arbi-
18 tration procedure described in this subsection,
19 such party shall file a written grievance within
20 the time period required under subsection (b) or
21 (c), as applicable, simultaneously with the chief
22 executive officer of a unit or State involved in
23 the dispute and the Secretary.

24 (B) IN-PERSON MEETING.—Not later than
25 10 days after the date of the filing of the griev-
26 ance, the chief executive officer (or the designee

of the chief executive officer) shall have an in-person meeting with the party to resolve the grievance.

(3) ARBITRATION.—

(A) SUBMISSION.—If the grievance is not resolved within the time period described in paragraph (2)(B), a party, by written notice to the other party involved, may submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the parties.

(B) APPOINTMENT BY SECRETARY.—If the parties cannot agree on an arbitrator within 5 days of submitting the grievance to binding arbitration under subparagraph (A), one of the parties may submit a request to the Secretary to appoint a qualified and independent arbitrator. The Secretary shall appoint a qualified and independent arbitrator within 15 days after receiving the request.

(C) HEARING.—Unless the parties mutually agree otherwise, the arbitrator shall conduct a hearing on the grievance and issue a decision not later than 30 days after the date such arbitrator is selected or appointed.

1 (D) COSTS.—

2 (i) IN GENERAL.—Except as provided
3 in clause (ii), the cost of an arbitration
4 proceeding shall be divided evenly between
5 the parties to the arbitration.

6 (ii) EXCEPTION.—If a grievant pre-
7 vails under an arbitration proceeding, the
8 unit of general local government or State
9 involved in the dispute shall pay the cost
10 of such proceeding, including attorneys'
11 fees.

12 (b) DISPUTES CONCERNING THE ALLOTMENT OF
13 FUNDS.—In the case where a dispute arises as to whether
14 a unit of general local government that is an entitlement
15 community or State has improperly requested funds for
16 services or functions to be provided by a community-based
17 organization that are customarily provided by the unit or,
18 in the case of a State, by a unit located in the nonentitle-
19 ment area of the State where services or functions will
20 be provided by the organization, an employee or employee
21 representative of the unit or State may file a grievance
22 under subsection (a) not later than 15 days after public
23 notice of an intent to submit a statement under section
24 104(a) is published in accordance with paragraph (1)(C)
25 of such section. Upon receiving a copy of the grievance,

1 the Secretary shall withhold the funds subject to such
2 grievance, unless and until the grievance is resolved under
3 subsection (a), by the parties or an arbitrator in favor of
4 providing such funding.

5 (c) ALL OTHER DISPUTES.—

6 (1) IN GENERAL.—In the case of a dispute not
7 covered under subsection (b) concerning compliance
8 with the requirements of this title by a unit of gen-
9 eral local government that is an entitlement commu-
10 nity, State, or community-based organization receiv-
11 ing funds under this title, an employee or employee
12 representative of the unit or State may file a griev-
13 ance under subsection (a) not later than 90 days
14 after the dispute arises. In such cases, an arbitrator
15 may award such remedies as are necessary to make
16 the grievant whole, including the reinstatement of a
17 displaced employee or the payment of back wages,
18 and may submit recommendations to the Secretary
19 to ensure further compliance with the requirements
20 of this title, including recommendations to suspend
21 or terminate funding, or to require the repayment of
22 funds received under this title during any period of
23 noncompliance.

24 (2) EXISTING GRIEVANCE PROCEDURES.—A
25 party to a dispute described in paragraph (1) may

use the existing grievance procedure of a unit or State involved in such dispute, or the arbitration procedure described in this subsection, to resolve such dispute.

(d) PARTY DEFINED.—For purposes of subsections (a), (b), and (c), the term "party" means an employee, employee representative, unit of general local government, or State, involved in a dispute described in subsection (b) or (c).

(e) WHISTLEBLOWER HOTLINE; ENFORCEMENT BY THE SECRETARY.—

(1) WHISTLEBLOWER HOTLINE.—The Secretary shall post on a publicly accessible Internet Web site of the Department of Labor the contact information for reporting noncompliance with this title by a State, unit of general local government, community-based organization, or individual receiving funding under this title.

(2) ENFORCEMENT BY THE SECRETARY.—

(A) IN GENERAL.—If the Secretary receives a complaint alleging noncompliance with this title, the Secretary may conduct an investigation and after notice and an opportunity for a hearing, may order such remedies as the Secretary determines appropriate, including—

(i) withholding further funds under this title to a noncompliant entity;

(ii) requiring the entity to make an injured party whole; or

(iii) requiring the entity to repay to the Secretary any funds received under this title during any period of noncompliance.

(B) DEFINITION.—For purposes of this paragraph, the term "entity" means State, unit of general local government, community-based organization, or individual.

(C) RECOMMENDATION BY AN ARBITRATOR.—A remedy described in subparagraph (A) may also be ordered by the Secretary upon recommendation by an arbitrator appointed or selected under this section.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are appropriated such amounts as may be necessary to carry out this title for each fiscal year.

SEC. 112. DEFINITIONS.

In this title:

(1) IN GENERAL.—The terms "city"; "extent of poverty"; "metropolitan city"; "urban county"; "nonentitlement area"; "population"; and "State"

have the meanings given the terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(2) BENEFITS.—The term "benefits" has the meaning given the term "employment benefits" in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).

(3) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a private nonprofit organization that—

(A) is representative of a community within a unit of general local government or a significant segment of the community; and

(B) has demonstrated expertise and effectiveness in providing services or functions to the community not customarily provided by the unit.

(4) EMPLOYEE COMPENSATION.—The term "employee compensation" includes wages and benefits.

(5) ENTITLEMENT COMMUNITIES.—The term "entitlement communities" includes metropolitan cities and urban counties.

(6) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4(e) of

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 450b(e)).
3 (7) SECRETARY.—The term "Secretary" means
4 the Secretary of Labor.
5 (8) SUPPORTIVE SERVICES.—The term "sup-
6 portive services" means services such as transpor-
7 tation and child care that are necessary to enable an
8 individual to be employed in a position funded under
9 this title.
10 (9) UNEMPLOYED INDIVIDUAL.—The term "un-
11 employed individual" has the meaning given such
12 term in section 101 of the Workforce Investment
13 Act of 1998 (29 U.S.C. 2801).
14 (10) UNIT OF GENERAL LOCAL GOVERN-
15 MENT.—The term "unit of general local govern-
16 ment" means any city, county, town, township, par-
17 ish, village, or other general purpose political sub-
18 division of a State; Guam, the Northern Mariana Is-
19 lands, the Virgin Islands, and American Samoa, or
20 a general purpose political subdivision thereof; a
21 combination of such political subdivisions that is rec-
22 ognized by the Secretary; and the District of Colum-
23 bia.

(11) VETERAN.—The term "veteran" has the meaning given such term in section 101 of the Workforce Investment Act (29 U.S.C. 2801).

(12) WAGE.—The term "wage" has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE II—EDUCATION JOBS

DEPARTMENT OF EDUCATION

EDUCATION JOBS FUND

For necessary expenses for an Education Jobs Fund, $23,000,000,000, which shall remain available for obligation through September 30, 2010 and shall be administered under the terms and conditions of sections 14001 through 14013 of title XIV, and title XV, of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), except as follows:

(1) ALLOCATION TO BUREAU OF INDIAN AFFAIRS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to 0.5 percent to the Secretary of the Interior for schools operated or funded by the Bureau of

1 Indian Affairs on the basis of their respective needs
2 for activities consistent with this title under such
3 terms and conditions as the Secretary may deter-
4 mine.

5 (2) ALLOTMENTS TO STATES AND TERRI-
6 TORIES.—Such funds shall be available only for allo-
7 cations by the Secretary under subsections (a) and
8 (d) of section 14001.

9 (3) RESERVATION.—With respect to funds ap-
10 propriated under this heading, a State that receives
11 an allocation may reserve not more than 5 percent
12 for—

13 (A) the administrative costs of carrying
14 out its responsibilities with respect to those
15 funds, provided the State reserves not more
16 than 1 percent of its total allocation for those
17 costs; and

18 (B) retaining or creating positions in the
19 State educational agency or the State agency
20 for higher education, and other State agency
21 positions related to the administration or sup-
22 port of early childhood, elementary, secondary
23 or postsecondary education.

(4) AWARDS TO LOCAL EDUCATIONAL AGENCIES AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—

(A) Except as specified under paragraph (2), an allocation of such funds to a State under section 14001(d) shall be used only for awards to local educational agencies and public institutions of higher education for the support of elementary, secondary, and postsecondary education. The Governor shall determine how the funds appropriated under this heading are allocated for elementary and secondary education and for public institutions of higher education. In making the determination in the preceding sentence, the Governor shall allocate funds among the categories of elementary and secondary education and public institutions of higher education generally in proportion to any reductions in State funds for such categories.

(B) Funds used to support elementary and secondary education shall be distributed through the State's primary elementary and secondary funding formulae.

(C) Section 14002(a) and (b) shall not apply.

1 (5) REQUIREMENT TO USE FUNDS TO RETAIN
2 OR CREATE EDUCATION JOBS.—Notwithstanding
3 sections 14003(a) and 14004(a), such funds may be
4 used only for compensation and benefits and other
5 expenses, such as support services, necessary to re-
6 tain existing employees, for activities defined in sec-
7 tion 101(31) of the Workforce Investment Act of
8 1998, and to hire new employees in order to provide
9 early childhood, elementary, secondary, or postsec-
10 ondary educational and related services or for mod-
11 ernization, renovation, and repair of public school fa-
12 cilities and facilities of institutions of higher edu-
13 cation.
14 (6) PROHIBITION ON USE OF FUNDS FOR
15 RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State
16 that receives an allocation may not use such funds,
17 directly or indirectly, to establish, restore, or supple-
18 ment a rainy-day fund, or to supplant State funds
19 in a manner that has the effect of establishing, re-
20 storing, or supplementing a rainy-day fund; or to re-
21 duce or retire debt obligations incurred by the State,
22 or to supplant State funds in a manner that has the
23 effect of reducing or retiring debt obligations in-
24 curred by the State, provided that this prohibition
25 shall not apply to fund balances that are necessary

1 to comply with any State requirement to maintain a
2 balanced budget.

3 (7) APPLICATION CONSIDERATIONS.—If, by a
4 date set by the Secretary, a Governor has not sub-
5 mitted an approvable application under section
6 14005(a), the Secretary may provide for the dis-
7 tribution of funds allocated under section 14001(d)
8 to another entity or other entities in the State,
9 under such terms and conditions as the Secretary
10 may establish, provided that all terms and conditions
11 that apply to the appropriation under this heading
12 shall apply to such funds distributed to such entity
13 or entities.

14 (8) LOCAL EDUCATIONAL AGENCY APPLICA-
15 TION.—Section 442 of the General Education Provi-
16 sions Act does not apply to a local educational agen-
17 cy that has previously submitted an application to
18 the State under title XIV of division A of the Amer-
19 ican Recovery and Reinvestment Act of 2009. The
20 assurances provided under that application shall
21 continue to apply to funds awarded under this head-
22 ing.

23 (9) MAINTENANCE OF EFFORT.—The Secretary
24 shall not allocate funds to a State under paragraph

1 (1) unless the Governor of the State provides an as-
2 surance to the Secretary that the State will—
3 (A) for fiscal year 2010—
4 (i) maintain State support for elemen-
5 tary, secondary, and public higher edu-
6 cation (not including support for capital
7 projects or research and development or
8 tuition and fees paid by students), in the
9 aggregate, at the level of such support for
10 fiscal year 2009; or
11 (ii) maintain State support for ele-
12 mentary, secondary, and public higher edu-
13 cation (not including support for capital
14 projects or research and development or
15 tuition and fees paid by students), in the
16 aggregate, at a level no less than such sup-
17 port for fiscal year 2006, provided that if
18 a State has enacted a reduction to such
19 aggregate level of fiscal year 2010 State
20 support for elementary, secondary, and
21 public higher education after December 12,
22 2009, the State shall maintain State sup-
23 port for elementary, secondary, and public
24 higher education at a percentage of the
25 total revenues available to the State that is

1 equal to or greater than the percentage
2 provided for such purpose for fiscal year
3 2010 prior to December 12, 2009; and
4 (B) for fiscal year 2011—
5 (i) comply with subparagraph (A)(i);
6 or
7 (ii) maintain State support for ele-
8 mentary, secondary, and public higher edu-
9 cation (not including support for capital
10 projects or research and development or
11 tuition and fees paid by students), in the
12 aggregate, at a percentage of the total rev-
13 enues available to the State that is equal
14 to or greater than the percentage provided
15 for such purpose for fiscal year 2010.

16 **TITLE III—LAW ENFORCEMENT**
17 **AND FIREFIGHTER JOBS**

18 DEPARTMENT OF JUSTICE

19 COMMUNITY ORIENTED POLICING SERVICES

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for "Community Oriented
22 Policing Services", for grants under section 1701 of title
23 I of the 1968 Omnibus Crime Control and Safe Streets
24 Act (42 U.S.C. 3796dd) for hiring and rehiring of addi-
25 tional career law enforcement officers under part Q of

1 such title, notwithstanding subsection (i) of such section,
2 $1,179,000,000, of which $2,950,000 shall be transferred
3 to "State and Local Law Enforcement Activities, Salaries
4 and Expenses" for management, administration and over-
5 sight of such grants.

6 DEPARTMENT OF HOMELAND SECURITY

7 FEDERAL EMERGENCY MANAGEMENT AGENCY

8 FIREFIGHTER ASSISTANCE GRANTS

9 For an additional amount for "Firefighter Assistance
10 Grants" for necessary expenses for programs authorized
11 by section 34 of the Federal Fire Prevention and Control
12 Act of 1974 (15 U.S.C. 2229a), $500,000,000: *Provided*,
13 That notwithstanding any provision under section
14 34(a)(1)(A) of such Act specifying that grants must be
15 used to increase the number of firefighters in fire depart-
16 ments, the Secretary of Homeland Security, in making
17 grants under section 34 of such Act for fiscal year 2010,
18 shall grant waivers from the requirements of subsections
19 (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section:
20 *Provided further*, That section 34(a)(1)(E) of such Act
21 shall not apply with respect to funds appropriated in this
22 or any other Act making appropriations for fiscal year
23 2010 for grants under section 34 of such Act: *Provided*
24 *further*, That the Secretary of Homeland Security, in mak-
25 ing grants under section 34 of such Act, shall ensure that

1 funds appropriated under this or any other Act making
2 appropriations for fiscal year 2010 are made available for
3 the retention of firefighters and shall award grants not
4 later than 120 days after the date of enactment of this
5 Act: *Provided further*, That the Secretary may transfer
6 any unused funds under this heading to make grants for
7 programs authorized by section 33 of such Act (15 U.S.C.
8 2229) after notification to the Committees on Appropria-
9 tions of the Senate and the House of Representatives.

10 TITLE IV—ON-THE-JOB 11 TRAINING

12 DEPARTMENT OF LABOR

13 EMPLOYMENT AND TRAINING ADMINISTRATION

14 TRAINING AND EMPLOYMENT SERVICES

15 For an additional amount for "Training and Employ-
16 ment Services" for activities under the Workforce Invest-
17 ment Act of 1998 ("WIA"), $500,000,000 which shall be
18 available for obligation on the date of enactment of this
19 Act, *Provided*, That such funds shall be used solely for
20 on-the-job training (as such term is defined in section
21 101(31) of the WIA): *Provided further*, That
22 $250,000,000 of such amount shall be for such on-the-
23 job training for individuals who reside in local areas
24 that—

1 (1) have a poverty rate of 12 percent or more
2 for each Public Use Microdata Area (PUMA) in
3 such local area; or
4 (2) have an unemployment rate that is 2 per-
5 cent higher than the national unemployment rate.

○

A RESOLUTION BY

10-R-0787

COUNCILMAN C. T. MARTIN

A RESOLUTION AUTHORIZING THE RE-EMPLOYMENT OF JOHN R. TATE AS ASSISTANT PUBLIC DEFENDER IN THE DEPARTMENT OF THE PUBLIC DEFENDER FOR AN AMOUNT NOT TO EXCEED $16,768 PURSUANT TO §3-505(C) OF THE CHARTER OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES

WHEREAS, the Office of the Public Defender is experiencing unprecedented levels of case appointments per attorney that requires extra help in order to comply with State Law regulating workload; and

WHEREAS, the Office of the Public Defender has available salary savings from current FY10 to support extra help funding; and

WHEREAS, the Office of the Public Defender is in need of immediate assistance by attorneys already trained and competent to assume duties in the courtroom; and

WHEREAS, the City of Atlanta Code of Ordinances Section 3-505 authorizes that the City of Atlanta may reemploy a retiree which shall not exceed 520 business days, for the purpose of availing the City of particularized skills possessed by said retiree; and

WHEREAS, Section 3-505 (c) of the City Charter further provides that during the period of reemployment the retiree shall not acquire any civil service rights or any further pension rights, and shall not be required to make contributions to the pension fund; and

WHEREAS, John R. Tate, a retired City of Atlanta employee, is available for re-hiring for services requiring expertise in criminal defense; and

WHEREAS, the Office of the Public Defender desires to obtain the services of John R. Tate; and

WHEREAS, these services are estimated to cost up to, but shall not exceed a total of $16,768.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That the Office of the Public Defender of the City of Atlanta is authorized to re-employ John R. Tate as Assistant Public Defender as a part-time employee with the City of Atlanta, as provided under §3-505 (c) of the Charter of the City of Atlanta, to be charged to and paid from 1001.300101.5111001 2800000

Section 2: That all resolutions and parts of resolutions in conflict with this resolution are hereby repealed.