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ORDINANCE MC- 5404
On Motion Of: Christopher Collins
APPROVED: July 26th, 2022
ADOPTED: August 9th, 2022

AN ORDINANCE ESTABLISHING CHAPTER 323 OF THE CODE OF THE CITY OF CAMDEN REQUIRING THE FILING OF EMPLOYEE RESIDENCY REPORTS BY CERTAIN EMPLOYERS IN THE CITY OF CAMDEN

BE IT ORDAINED by the City of Camden that Chapter 323 of the Code of the City of Camden is hereby established as follows:

323-1 Findings

- (a) Data collected and published by the New Jersey Division of Labor and Workforce Development shows that unemployment rates in Camden City have, for many years, regularly and substantially exceeded the State's and Camden County's unemployment rates. Median household income the City also falls well below State and County rates.
- (b) The state constitution and state law, including but not limited to N.J.S.A. 40:48-2, authorize municipalities to make, amend, repeal and enforce ordinances necessary and proper for the good government, order, and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants.
- (c) The provisions of this Chapter will help identify Employers, as defined herein, who employ and compensate City residents as Employees, as defined herein. Although this Chapter contains no mandate to hire City residents or to set their compensation, this identification of the employment and compensation of City residents will provide valuable information to job-seekers and is likely to encourage the employment of City residents and their receipt of fair compensation. This, along with other factors such as the provision of health insurance benefits and other fringe benefits to Employees, charitable contributions to City organizations and other support and benefits to Camden residents, is likely to help in alleviating the economic woes of City residents by reducing unemployment and substandard pay. In so doing, the provisions of this Chapter promote good government, order, and protection of persons and property and the preservation of the public health, safety and welfare of the inhabitants of the City.
- (d) Separately, the New Jersey and United States Supreme Courts both recognize the power of lawmakers to collect data for the purpose of wisely and effectively making legislative decisions such as ordinances or decisions about allocating City resources. Matter of Shain, 92 N.J. 524, 532-33 (1983) ("A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it. Experience has taught that mere requests for such information often are unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion are essential to obtain what is needed. . . [S]tate courts quite generally have held that the power to legislate carries with it by necessary implication ample authority to obtain information needed in the rightful exercise of that power, and to employ .compulsory process for the purpose") (quoting McGrain v. Daugherty, 273 U.S. 135, 165, 175 (1927)); see also Eggers v. Kenny, 15 N.J. 107, 119 (1954) (those empowered to make laws "must be furnished with adequate information on the subject; it is when they know of existing conditions ... that they can best determine what legislative and executive steps should be taken for the protection of the public.")
- () The data collected in the reports required by this Chapter will help inform public input into decisions made by the City government, and the decisions themselves, about matters including the need for and desirability of additional employment

services, job or career training, and additional steps to encourage hiring and payment of fair compensation to local residents. Such decisions may include the adoption or amendment of ordinances, the annual budgetary allocation of City resources, and the allocation of federal and state grant funds, for purposes including the promotion and encouragement of job-seekers and for the employment and fair compensation of City residents by Employers.

- (a) N.J.A.C. 12:56-4.1 already requires Employers to make and keep payroll records that include the name and address of each Employee, and his or her earnings of gross wages or salary. Thus, there is no undue burden in Employers in performing the data collection and submission required by this Chapter.

323-2 Definitions

"City" means the City of Camden.

"Closing date" means the last day of an Employer's last pay period before June 30 and December 31 of each calendar year.

"Employee" means a person employed by an Employer, whether full-time or part-time, and:

- (i) whose principal workplace is in the City, or,
- (ii) if the person works remotely or does not have a fixed workplace, reports to a person or office located in the City.
- (iii) For purposes of this definition, a full-time Employee is defined as a salaried or hourly Employee working on average no less than 30 hours per week, or 720 hours if employed throughout an entire semiannual reporting period.

"Employer" means any public or private individual, partnership, association, corporation, company, school, university, hospital, governmental entity, joint operating venture, or any person or group of persons acting directly or indirectly in the interest of an Employer in relation to an Employee, and

- (i) which maintains, in the City, one or more places of business such as an office, factory, market, warehouse, store, facility, service, school, university, hospital, or governmental location,
- (ii) employs twenty-five (25) or more Employees,
- (iii) For purposes of this definition, any Employer receiving federal and/or state funding, subsidies and/or benefits, and/or required to obtain a license pursuant to Chapter 485 of the Code of the City of Camden is subject to this ordinance.

"Pay band" means the wage intervals periodically published by the U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics program, that set forth ranges of pay or compensation, and which are in effect as of the respective closing date. For purposes of determining an Employee's pay band under this Chapter, an Employee's wage shall be the straight-time per hour pay earned by such Employee as of the closing date, and for salaried Employees, an Employee's gross annual pay shall be the Employee's gross annual salary rate as of the closing date.

"Reside." For purposes of determining whether an Employee resides in the City or does not reside in the City, the payroll records of the Employer reflecting the Employee's home address as provided by the Employee are determinative.

323-3 Semiannual Employee Residency Report required

(a) Each Employer, on or before February 1 and August 1 of each calendar year shall file with the City Clerk the Semiannual Employee Residency Report described in this Chapter. The Clerk may not charge or collect a filing or other fee for the Report.

(b) The Semiannual Employee Residency Report due February 1 is a report for a reporting period from July 1 to the ensuing closing date of the prior year; the Semiannual Employee Residency Report due August 1 is a report for a reporting period from January 1 to the ensuing closing date of that same year.

323-4 Contents of Semiannual Employee Residency Report

Appendix A to this Chapter sets forth an acceptable format for a Semiannual Employee Residency Report. The Semiannual Employee Residency Report shall contain:

- (a) The name of the Employer, both its official name and any doing-business-as name;
- (b) The reporting period of the Report;
- (c) The address or addresses of the Employer's place or places of business in the City;
- (d) The total number of Employees employed by the Employer on the applicable closing date, and, separately, the number of such Employees-
 - (i) Who reside in the City; and
 - (ii) Who do not reside in the City.
- (e) The aggregate number of hours of work performed by its Employees during the reporting period and, separately, the number of hours of work performed by Employees-
 - (i) Who reside in the City; and
 - (ii) Who do not reside in the City.
- (f) The total number of Employees who earn compensation at the rate set forth in each pay band as of the applicable closing date, and, separately, the number of such Employees-
 - (i) Who reside in the City; and
 - (ii) Who do not reside in the City.
- (g) Subject to section 323-5, and on a voluntary basis, any additional information, commentary or explanation that the Employer may choose to include; and
- (h) A certification by an authorized representative of the Employer with knowledge of the facts reported in the report stating that the contents thereof are true and acknowledging the penalty for false certifications if the contents thereof are not true.

323-5 Privacy protections

Other than the name of the certifying representative required by 323-4(h) of this Chapter, the Semiannual Employee Residency Report shall not contain the name of any individual Employee, his or her residential street address, or such Employee's specific wage, salary, or compensation, or any other similar personal information about any Employee.

323-6 Evasion of disclosure requirements

[RESERVED]

323-7 Public information

Every Semiannual Employee Residency Report required by this Chapter is public information upon being filed with the City Clerk and shall be disclosed on demand to any person requesting the same under applicable public record laws.

323-8 Penalties and effects on other ordinances

- (a) if an Employer is, or is required to be, licensed under Chapter 485 of the Code of the City of Camden, and such Employer is required by this Chapter to file a Semiannual Employee Residency Report, the failure of such Employer to file a Semiannual Employee Residency Report within thirty (30) days of its due date is a material violation of an ordinance within the meaning of section 485-20(a)(3) of the Code of the City of Camden.

- (b) An Employer who is required to file the Semiannual Employee Residency Report but fails to do so by the date required may be fined, in a proceeding before the Municipal Court-
 - i. If the Report between 1 and 30 days late, \$25.00 per day for each day the report is late; and
 - ii. If the Report is more than 30 days late, the maximum penalty provided by sections 1-15 to 1-18 of the Code of the City of Camden for each day the Report is late, calculated from its initial due date.

- (c) The filing of a Semiannual Employee Residency Report that purposely, knowingly, or recklessly includes one or more materially false statements is a violation of this Chapter. Either an Employer filing such a report, or the authorized representative signing such a report, or both, may be fined, in a proceeding before the Municipal Court, the maximum penalty provided by sections 1-15 to 1-18 of the Code of the City of Camden for such a violation.

323-9 Recordkeeping

Each Employer shall keep and maintain records sufficient to establish the accuracy of each Semiannual Employee Residency Report for 24 months from the due date of each such Report.

323-10 Guidance documents by City Clerk; electronic submission of Reports

The City Clerk may adopt and publish FAQs and/or guidance documents necessary or appropriate to interpret this Chapter and to guide and ensure compliance with this Chapter. The City Clerk may establish and provide a method for the electronic submission and filing of Reports required by this Chapter.

APPENDIX A FORM SEMIANNUAL EMPLOYEE RESIDENCY REPORT

CAMDEN SEMIANNUAL EMPLOYEE RESIDENCY REPORT

See Chapter 323 of the Code of the City of Camden for definitions and instructions

EMPLOYER NAME

STREET ADDRESS OF EACH CAMDEN

CITY PLACE OF BUSINESS

REPORTING PERIOD _____
YEAR _____

20X

X check one:
JANUARY-JUNE

TOTAL EMPLOYEES

TOTAL	CAMDEN RESIDENTS	NON-CAMDEN RESIDENTS
XXX	XXX	XXX

**TOTAL HOURS WORKED BY
EMPLOYEES**

TOTAL	CAMDEN RESIDENTS	NON-CAMDEN RESIDENTS
XX,XXX	XX,XXX	XX,XXX

NUMBER OF EMPLOYEES BY BLS OEWS WAGE INTERVAL;

	TOTAL	CAMDEN RESIDENTS	NON-CAMDEN RESIDENTS
Range A	XX	XX	XX
Range B	XX	XX	XX
Range C	XX	XX	XX
Range D	XX	XX	XX
Range E	XX	XX	XX
Range F	XX	XX	XX
Range G	XX	XX	XX
Range H	XX	XX	XX
Range I	XX	XX	XX
Range J	XX	XX	XX
Range K	XX	XX	XX
Range L	XX	XX	XX

ADDITIONAL COMMENTS/EXPLANATIONS VOLUNTARILY PROVIDED BY EMPLOYER, INCLUDING DISCLOSURES OF HEALTH INSURANCE AND OTHER BENEFITS PROVIDED TO EMPLOYEES, CHARITABLE CONTRIBUTIONS TO CITY ORGANIZATIONS AND OTHER SUPPORT AND BENEFITS TO CAMDEN RESIDENTS:

The undersigned declares under the penalties prescribed by law for false certifications that: (i) s/he is an authorized representative of the reporting employer; ii) s/he has knowledge of the facts set forth in this report; and (iii) all of the foregoing statements in this report are true and correct.

(signature and printed name)

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only. If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

BE IT FURTHER ORDAINED, that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED, that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: August 9, 2022

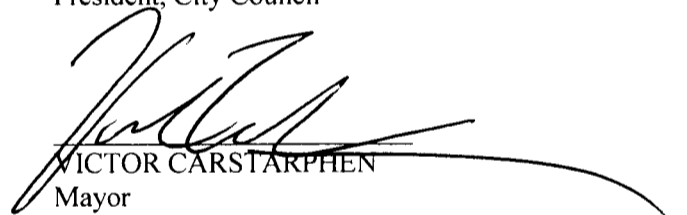
The above has been reviewed
and approved as to form.



DANIEL S. BLACKBURN
City Attorney



ANGEL FUENTES
President, City Council



VICTOR CARSTARPHEN
Mayor

ATTEST:


LUIS PASTORIZA
Municipal Clerk

Angel Fuentes, President
Councilperson-at-Large

Sheila Davis, Vice-President
Councilperson-at-Large

Nohemi Soria-Perez
Councilperson-at-Large

Luis Pastoriza, RMC, CMR
Municipal Clerk

Yenise E. Valdez
Assistant Municipal Clerk

Howard McCoach
Counsel-To-Council

Shaneka Boucher
Councilperson, 1st Ward

Chris Collins
Councilperson, 2nd Ward

Marilyn Torres
Councilperson, 3rd Ward

Felisha Reyes
Councilperson, 4th Ward



MUNICIPAL CLERK
CITY OF CAMDEN
NEW JERSEY

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MEMORANDUM

DATE: *August 11, 2022*

TO: *Victor Carstarphen, Mayor*

FROM: *Luis Pastoriza, Municipal Clerk*

RE: *Ordinance Final Passage – (MC-5404)*

An Ordinance establishing Chapter 323 of the Code of the City of Camden requiring the filing of employee residency reports by certain employers in the City of Camden

In accordance with Rule XIX of the Administrative Code of the City of Camden (Rules of Procedure governing the City Council), I am delivering to you the attached ordinance adopted by City Council at a **Regular** meeting held on **8-9-22**. Said article provides that "each ordinance shall be returned by the Mayor to the Municipal Clerk after the Mayor has affixed his /her signature thereto or after the expiration of **ten (10) days** from the date of its delivery to the Mayor in any event."

OFFICE OF THE MAYOR

Received by: *Kyana's Walter* Date: *8-11-22*

Date of Approval: *8/23/22*