



COMMUNITY JOBS OVERSIGHT COMMISSION

Thursday, March 20, 2014

6:00 p.m. – 8:00 p.m.

Oakland City Hall

Hearing Room 3

City of Oakland
City Administrator's Office
Contracts and Compliance Division
250 Frank H. Ogawa Plaza, Suite 3341
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COMMUNITY JOBS OVERSIGHT COMMISSION

Meeting Agenda
Thursday, March 20, 2014
6:00 p.m. – 8:00 p.m.
Oakland City Hall Hearing Room 3

1. Call to Order
2. Roll Call
3. Adoption of Agenda
4. Adoption of Minutes
5. Briefings/Reports
 - i. By-laws Ad Hoc Subcommittee Status Report
 - ii. Compliance Monitoring Update
 - iii. Report on the source of Oakland residents not registered through the Jobs Center
 - iv. Clarification of the relationship between Construction Jobs Policy and existing City policy
 - v. Assessment of workforce projections
 - vi. Use of City's waiver procedures/implementation
 - vii. Source of liquidated damages payments, profit and overhead
 - viii. Copies of the project update report provided orally at the last meeting
 - ix. Request from the contractor to accept the entry level class of asbestos worker as apprentice
 - x. Site field trip
 - xi. Publicly post site field trip
 - xii. Track or record hours for entry-level workers in trades which do not have apprenticeship programs
6. Upcoming Commission decisions
7. Future Agenda Items
8. Open Forum
9. Adjourn



COMMUNITY JOBS OVERSIGHT COMMISSION

**Meeting Minutes
Thursday, February 20, 2014
6:00 p.m. – 8:00 p.m.
Oakland City Hall Hearing Room 2**

Attendance: Brian Beveridge, George Bolton, Shirley Burnell, Andreas Cluver, Josie Camacho, Margaret Gordon, Kate O'Hara, Mark Henderson, Jens Hillmer, Megan Morodomi, Joe Sarapochillo

Excused Absence:

Absent:

- | | |
|---|---------------|
| 1. Call to Order (<i>Debra Barnes</i>) | Action |
| 2. Roll Call | Action |
| • Quorum established | |
| 3. Adoption of Agenda | Action |

Motion to adopt agenda, by Commissioner Camacho

- *Seconded by Commissioner O'Hara*
- *Approved unanimously*

- | | |
|-------------------------------|---------------|
| 4. Adoption of Minutes | Action |
|-------------------------------|---------------|

- Correction: January 23, 2014 Minutes, agenda item #7 should state, "*Seconded by George Bolton,*" not "*Seconded by George Henderson.*"

Motion to adopt minutes, by Commissioner Cluver

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- *Seconded by Commissioner Henderson*

Vote

- *Minutes approved unanimously*

5. Briefings

Information

Jobs Policies, Implementation Framework and roles (Julian Gross)

Public Improvements Construction Jobs Policy

Targeted Worker Definitions

- *Disadvantaged Worker*: Oakland resident who meets criteria for California Enterprise Zone Hiring Credits
- *New Apprentice*: Oakland resident enrolled in an apprenticeship program within the previous 3 months
- *Resident*: Individual domiciled in the City of Oakland at least 6 months prior to being hired

Employment Requirement

- *Residents*: 50% of project work hours for each construction trade in which a contractor performs work
- *Disadvantaged workers*: 25% of project hours performed by apprentices for each trade in which a contractor performs work
- *Apprentices*: 20% of project hours performed by apprentices for each trade in which a contractor performs work
- *New Apprentices*: Prime contractors must sponsor a *New Apprentice* for every 20,000 construction hours performed in a calendar year, and employ them for at least 1,000 hours. Not trade-specific

Compliance

- Two alternative approaches to compliance:
 1. Percentage: Satisfy percentage requirements (Section III.C), or
 2. Process: Follow the contractor hiring and referral procedures (Section III.B)
- Credits: Contractors may hire targeted workers on other projects during the project period and receive 1:1 credit for hours towards their percentage requirements.
- Waivers: If a contractor follows the hiring and referral procedures and is unable to satisfy percentage requirements they will receive time-limited waivers, not sanctions. They are expected to continue seeking targeted

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workers and when the waiver expires, are required to follow the hiring and referral procedures again.

Contractor Hiring and Referral Procedures:

Step 1: Contractor uses their discretion to assign current employees who are residents, disadvantaged or apprentices (not new apprentices).

Step 2: (If necessary to satisfy percentage requirements) If contractors uses a Union hiring hall, because they signed the Project Labor Agreement and/or are a Union contractor, use name call or rehire to identify and request targeted workers from the construction trades.

Step 3: (If necessary to satisfy percentage requirements) Contractor makes a general request to the Union hiring hall for targeted workers using the craft request form.

Step 4: (If necessary to satisfy percentage requirements) Contractor makes a request from the West Oakland Job and Resource Center.

Apprentice Sponsorship Requirement

- For every 20,000 hours of construction work performed by the prime contractor they must sponsor at least one new apprentice and employ them for at least 1,000 hours (5%). Not trade specific.
- Applicable to the prime contractor only and endorsed in the PLA.
- Incentive: For every additional 1,000 hours performed by new apprentices beyond the initial 1,000-hour requirement, the prime contractor will receive 500 bonus hours towards their overall percentage requirements.

Employment Projections

- Prime and sub-contractors are required to provide employment projections so the City and Jobs Center can prepare pipelines and workers.
- Sub-contractors:
 - If their contract is in place more than one month before starting work they will provide employment projections to the Jobs Center and the City.
 - If they begin work less than one month after signing a contract, they will provide employment projections to the Jobs Center and the City within two days after signing contract.

Compliance Monitoring

- LCP Tracker, a labor compliance software program, is being used for compliance monitoring.
- The Community Jobs Oversight Commission may request employment projections from Contracts and Compliance at any time.

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- Compliance information collected by the City and the LCP Tracker system is public, however identifying information may be redacted.
- The City has the right to request any information from contractors they deem relevant.
- City Council directed the Office of Contracts and Compliance to develop a system to provide real time data, online. It is currently under development.

Reporting

- Weekly report: The Policy requires contractors to provide weekly electronic reporting to Contracts and Compliance. Weekly reports will include data from LCP Tracker supplemented with data from CCIG. They will be available for the Commission and the public.
- Monthly reports: Monthly reports will be more comprehensive, including data and information on the compliance steps individual contractor's pursued through the *Hiring and Referral Procedures*: existing employee designation, union hall requests, job center requests, and justification for non-compliance. Monthly reports will be publicly available through the City and provided to Commissioners as a regular component of their monthly meeting packets.

Worker Qualification ("ban the box" provision)

- Similar to the City's Ban the Box policy.
- Limits the circumstances employer can consider criminal history and details process to follow if criminal history used to exclude a worker.
- Precludes employers from looking at credit histories except for a narrow range of jobs.

Liquidated Damages

- If a contractor fails to satisfy either compliance approach they will be required to pay \$20 for every hour short of the percentage requirement for that project.
- Liquidated damages will be assessed at the close of a project and based on total work hours performed.
- The Policy does not include provisions for negotiated settlements

Project Labor Agreement (Julian Gross)

- Union hall dispatch operates differently than trades' usual practice. Contractors will use craft request form based on their need and the Union Hiring Hall agree to refer targeted workers on a priority basis.
- If Union hiring hall cannot satisfy contractor's craft request within 48 hours contractors may seek workers from the Jobs Center.

Implementation Plan (Julian Gross)

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- The overview details the documents involved in the process
- The monitoring and enforcement section details tasks and responsible parties

Contracts and Compliance staff:

- Explain Local Hire requirements to contractors. Commissioners and Jobs Center staff may attend.
- Share employment projections with the Commission as part of the monthly meeting agenda.
- Share contractor compliance information with the Commission and/or Implementation Committee at regularly scheduled meetings and upon request
- Can spot check contractor submissions through LCP Tracker.

Commissioners

- May request more enforcement action from Contracts and Compliance staff. Should the Commission remain unsatisfied they may make recommendations to the City Administrator to consider.
- May attend pre-bid/construction meetings. Most pre-bid meetings have already occurred.

Implementation committees:

- Enabled by the Cooperation Agreement between the City and community groups, “for advice and assistance in the performance of investigative functions and negotiation of compliance plans.”
- Mechanism to make expert stakeholders available to assist the Oversight Commission, extend Oversight Commission’s purview and research capacity and be more nimble.
- Two committees: Construction and Operations (non-construction)
 - Construction committee:
 - Purpose: To facilitate implementation of Construction Jobs Policies and assist the Commission with monitoring and ensure compliance
 - Membership: Balanced representation of community-based organizations, Building Trades Council, contractors, the City and may include Commissioners
- Oversight Commission has the authority to call the implementation committee into being and provide direction.

General Project Update (Cliff Couple, Senior Project Manager, TTGF Joint Venture)

- First payroll: October 27, 2013
- Completion: 9% (ahead of schedule)
- Craft hours: Nearly 30,000

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- Completion: end 2017/early 2018
- All sub-contractors on board (except one landscaping contractor)
- All contractors registered with the Jobs Center and submitted employment projections

Outcomes (as of today)

- Total Hours: 30,240 total construction hours
- Oakland Residents: 50.4% (15,243 hours) – *meeting requirement*
- Total Apprentice: 13.5% (4,074 hours) – *below 20% requirement*
- Oakland Apprentice: 91% (3,700 hours)
- New Hires: 81 new hires – 60 Oakland residents, 6 Jobs Center referrals
- Apprentice Trainees: 128 apprentice trainees have participated

By-Laws Ad hoc Subcommittee (Megan Morodomi)

- Subcommittee met Friday, February 14, 2013. They reviewed sample by-laws provided by City staff and agreed to use as the basis for by-laws.
- Draft by-laws will be included in the next meeting packet to be discussed at the March Commission meeting.

6. Selection of Interim Chair

Action

- Interim chair will serve for three consecutive meetings or until by-laws are certified
- Nominations opened

Commissioner Camacho nominates Commissioner Henderson

- *Nomination accepted by Commissioner Henderson*

Commissioner Gordon nominates Commissioner Beveridge

- *Nomination accepted by Commissioner Beveridge*

- Nominations closed

Vote:

Beveridge	H	Camacho	H	Hillmer	H
Bolton	B	Gordon	B	Morodomi	H
Burnell	H	O'Hara	H	Sarapochillo	
Cluver	H	Henderson	H		

- *Tally: Henderson 9 votes, Beveridge 2 votes*
- *Commissioner Henderson elected interim chair*

7. Upcoming Commission Decisions

Discussion

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Action items for March Commission meeting agenda:

- Tracking tutorial and Q/A
- Approval of by-laws (O'Hara)
- Communications:
 - Project update (*standing item*) (C. Camacho)
 - Data on disadvantaged workers (C. Camacho)
 - Workers by zip code (C. Henderson)
 - Type of implementation reports Commission will be provided (Beveridge)
 - Standards for communicating meetings/events of interest to the Commission (Beveridge)
- Standing, composition and status of implementation committees (Beveridge)
- Contractor waiver period (C. Cluver)

8. Future Agenda Items

Discussion

- (April) Monthly report format
- (April) Schedule Site field trip

9. Open Forum

Discussion

- None

10. Adjourn

Action

*Motion to adjourn by Commissioner Cluver
Seconded by Commissioner Beveridge
Adjourned*