

**REPORT FROM COMMUNITY ENGAGEMENT SESSIONS FOR
A POSSIBLE COMMUNITY WORKFORCE AGREEMENT ORDINANCE
FOR THE CITY OF OAKLAND**

**Prepared by: Junious Williams Consulting, Inc.
September 16, 2019**

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EXECUTIVE SUMMARY

REPORT FROM COMMUNITY ENGAGEMENT SESSIONS FOR A POSSIBLE COMMUNITY WORKFORCE AGREEMENT ORDINANCE FOR THE CITY OF OAKLAND

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INTRODUCTION

City Council Resolution # 87293 instructed city staff to conduct an equity impact analysis and a community engagement process to inform the consideration of a city ordinance creating a community workforce agreement for public development projects in the city. Between June and September 2019, The Contract and Compliance Division and the Department of Race and Equity partnered in planning and conducting a town hall meeting and a series of three regional community engagement meetings and several organization specific meetings. For more information on the agenda and materials as well as dates, location and attendance at the meetings, see pages 1-2 of the full report and the appendices.

This executive report describes the process and summarizes the comments received from participants at these events including what they see as barriers to training, employment and contracting for Oakland residents in city-involved construction projects, especially for those who live in Oakland neighborhoods which experience negative disparate impacts in terms of access to training and employment. This Executive Summary provides a brief summary of the barriers they identified and the strategies they recommend for addressing those barriers.

The sessions offered participants an opportunity to discuss three general topics including:

1. Barriers to and strategies for training, employment, retention and advancement of focus populations (described as people of color, women and residents of equity impacted neighborhoods in Oakland) in construction-related careers;
2. Barriers to and strategies for increased participation by contractors, especially small local business enterprises and very small local business enterprise contractors as prime or sub-contractors on city construction projects and hiring focus population residents; and
3. Possible adverse or positive impacts of a CWA on focus populations, small contractors or city government and provisions needed in a CWA ordinance or other city policies to increase positive impacts and mitigate adverse impacts.

In addition to the topics above, participants raised a number of other issues which were recorded and are contained within the report including Terminology; Current Context for Construction Work; the Process for Community Engagement; the Process for Considering and Negotiating a PLA/CWA; Monitoring and Enforcement; Data; and Community Benefits Agreements.

TERMINOLOGY AND DEFINITIONS (see page 3)

Participants identified several terms which they believe need to be clearly defined as part of a process for considering PLA/CWA ordinance including:

- Prevailing wage and living wage
- Oakland residency
- Who is the COMMUNITY?

CONTEXTUAL FACTORS IN CONSTRUCTION (see pages 3-5)

Participants identified contextual factors as including:

- High employment levels and lack of trained crafts people
- Long-term lack of participation of Black workers in construction trades

They suggested the following strategies to address these contextual factors:

- Increase contractor role in recruitment of talent into the trades
- Build a pipeline into the building trades beginning in the High School
- Create pathways into entrepreneurship among craftspeople
- Create strategies targeted at increasing Black worker participation

PROCESS FOR CONSIDERING PLA/CWA ORDINANCE (see pages 5-6)

Participants commented on the community engagement process and want to see improvements. They recommended:

- **City Council educate themselves on construction projects** and create study sessions with workers and contractors or a commission that would provide opportunities for the city council and community to interact directly about PLAs/CWAs;
- **The City create a robust engagement process** that offers opportunity for residents to learn and engage city council; and
- **The City conduct better outreach for its engagement efforts**, since some were critical of the outreach and even the locations of the sessions conducted thus far.

PROCESS FOR NEGOTIATING PLA/CWA ORDINANCE (see page 7)

Participants also expressed concerns about the negotiations process for a PLA/CWA ordinance that did not include community representation. They also expressed skepticism about the commitment of the unions and suggested pre-conditions for city participation in discussions on a PLA/CWA. They recommended the following:

- There should be community and contractor seats at the bargaining table
- There should be a union commitment to local hiring as a pre-condition to negotiating a PLA; they also recommended that union provision of membership data be a pre-condition
- Make developers and contractors responsible for affirmatively proposing the provisions of a CWA for their projects

GENERAL COMMENTS ON PLAs/CWAs (see page 8)

Over the course of the sessions we collected several comments about PLAs/CWAs generally, which tended to be negative and questioning whether PLAs/CWAs would be effective in addressing the issues of local hire, especially hiring of Black workers. Some objected to connecting Black employment issues to PLAs/CWAs.

TOPIC #1: Training, Employment, Retention and Advancement Needs for Local Workers (see pages 8-14)

Discussion Questions

- **What are the barriers to training, employment, retention and advancement** for focus populations (local workers of color, especially Black and Asian workers, residents in disparity impacted neighborhoods and women) that prevent them from getting training, employment, retaining employment and advancing in construction-related jobs/careers on city-funded projects?
- What provisions do a CWA ordinance or other city policies need to contain to **increase the training, employment, retention and advancement** of focus populations in construction-related jobs/careers on city-funded projects?

Summary: Barriers to Training

Engagement session participants cited a variety of barriers to obtaining training in pre-apprenticeship and apprenticeship programs as revealed in the comments below. Those barriers can be categorized as follows:

- Entry Requirements and Tests
- Economic and Family Supports
- Restriction of City Hire Credits to Joint Labor-Management Training Programs
- Drug Testing
- Lack of Apprenticeship Program in Oakland
- Lack of Information on Trades and Their Work

Summary: Strategies to Address Barriers to Training

Engagement session participants offered many suggestions for addressing and overcoming the barriers to training which fall into several categories listed and described below:

- Increase Support for Residents to Qualify for Pre-Apprenticeship and Apprenticeship Programs
- Increase Pre-Apprenticeship Program Funding
- Broaden Apprenticeship Training Programs that Qualify for City Hire Requirements
- Create Pathways from Pre-Apprentice to Apprentice Programs
- Locate Apprentice Training Programs in Oakland

Summary: Barriers to Employment

Engagement session participants cited a variety of barriers to obtaining employment as revealed in the comments below. Those barriers can be categorized as follows:

- Economic and Family Supports
- Discriminatory Treatment and Practices
- Drivers Licenses
- Union Policies, Practices and Rules
- Public Agency Policies with Unions
- Lack of Local Work
- Required to Do Non-Skilled Work

Summary: Strategies to Address Barriers to Employment

Engagement session participants offered many suggestions for addressing and overcoming the barriers to employment which fall into several categories listed and described below:

- Mentorship
- Transportation
- Require Unions to Change Rules and Create Mechanism to Train, Hire Oakland Workers
- Monitoring and Enforcement with Contractors
- City Action and Policy
- Revolving Loan Fund

TOPIC #2: Contractors, Especially Small Local Business Enterprises (SLBE) or Very Small Local Business Enterprises (VSLBE) Contractors (see pages 15-16)

Discussion Questions

- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from participating as primes or sub-contractors on city contracts for construction projects?**
- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from hiring focus populations (workers of color, residents of disparity-impacted neighborhoods and women) in construction-related jobs/careers?**
- **What provisions are needed in a CWA ordinance or other city policies to ensure fairness to union and non-union contractors, increase the participation of SLBE/VSLBE contractors in city construction contracts and increase training and hiring of people of color, residents of disparity impacted neighborhoods or women in construction-related jobs/careers?**

Summary: Barriers to Contracting and Hiring

Engagement session participants cited a variety of barriers to contracting and hiring for small, local contractors as revealed in the comments below. Those barriers can be categorized as follows:

- Small Contractor Capacity Support/Mentorship
- Financial Support Systems
- Cost of New Personnel/Sub-contractors
- CWA Contract Cost Threshold
- Union Policies, Rules and Practices
- Lack of Benefits and Costs of Union Contracting

Summary: Strategies to Address Barriers to Contracting and Hiring

Engagement session participants offered many suggestions for addressing and overcoming the barriers to contracting and hiring which fall into several categories listed and described below:

- Require Contractors to Provide Capacity Building Support and Mentorship
- City Should Change Bid Requirements/Approach
- Require Unions to Change Policies, Rules and Practices
- City Must Have Strong Monitoring and Enforcement of CWA

TOPIC #3: GENERAL ISSUES ON STRUCTURE, CONTENT AND OPERATIONS OF PLAs/CWAs (see pages 17-18)

Discussion Questions

- **What are possible adverse or positive impacts** of a CWA ordinance on Oakland residents generally, construction workers, those residing in disparity impacted neighborhoods, small contractors or the city government?
- **What provisions are needed in a CWA ordinance or other city policies to prevent or mitigate the adverse impacts or increase positive impacts on residents** of construction projects in Oakland?

Summary: Possible Positive/Negative Impacts of PLA/CWA

Engagement session participants identified possible adverse and positive impacts of a CWA as revealed in the comments below. Those adverse/positive impacts can be categorized as follows:

- Number of Different Trade Unions and Contracts
- Connecting PLA/CWA To Community Needs Unnecessary
- What Is Residency?

Summary: Strategies to Address Positive/Negative Impacts of PLA/CWA

Engagement session participants offered many suggestions for increasing positive impacts and mitigating negative impacts which fall into several categories listed and described below:

- Require Community Benefits on All Private Projects in City
- Set Conditions with Unions Before Negotiations on a PLA/CWA
- Define and Monitor Residency
- Review Past and Current City Policies and Other Jurisdictions
- Set High Project Costs Threshold for Requiring PLA
- Create Mandatory Hiring Requirements, Monitor and Enforce
- Change Union Policies, Rules and Practices

At the August 10, 2019 meeting at the West Oakland Youth Center, representatives of the Associated Building Contractors attended and at the conclusion of the session they provided the facilitator with a document containing several comments and recommendations regarding a local PLA/CWA. The document is presented in its entirety in Appendix E. This is the only such document received.

MONITORING AND ENFORCEMENT (see pages 19-20)

Discussion Questions

What Are the Barriers to Effective Monitoring and Enforcement of Local Hire and Contracting Policies?

Summary: Barriers to Monitoring and Enforcement

Engagement session participants identified possible adverse and positive impacts of a several barriers to monitoring and enforcements of current city hiring policies as revealed in the comments below. Those barriers can be categorized as follows:

- Lack of Monitoring
- Lack of Data and Transparency on Current Projects With PLA/CWA
- Liquidated Damages Amounts Too Low

Summary: Strategies for Monitoring and Enforcement

Engagement session participants offered many suggestions for addressing the identified barriers which fall into several categories listed and described below:

- City Needs More Staff and Better Job Site Monitoring
- More Severe Penalties for Non-Compliance

DATA (see page 21)

There were no direct discussion questions on data but issues regarding data were raised by participants including the following:

- Questions regarding the data presented by city staff during the sessions including how Latino population is represented as racial group and not ethnic group in the data and whether data on procurement contracts for Black residents should have been presented
- Questions were also raised regarding the provision of data to the city by building trades unions
- Issues were also raised regarding the effects of the current procurement disparities study on the city's ability to specifically address employment and procurement opportunities for Black workers and companies

COMMUNITY BENEFITS AGREEMENTS (see page 22)

The issue of community benefits agreements was raised by some participants citing current examples of community benefits being negotiated and raising the question of whether contractors and developers should be required to propose community benefits agreement terms as part of their bidding process for city projects.

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INTRODUCTION

City Council Resolution # 87293 instructed city staff to conduct an equity impact analysis and a community engagement process to inform the consideration of a city ordinance creating a community workforce agreement for public development projects in the city (See Appendix A). The Contract and Compliance Division and the Department of Race and Equity partnered in planning and conducting a town hall meeting and a series of three regional community engagement meetings. Contract compliance engaged the services of Junious Williams as a consultant to assist in creating the outreach plans for the meetings and in designing, facilitating, and summarizing the comments derived from those convenings. This document describes the process and summarizes the comments received from participants at these four events.

As reflected in the attached sample agenda (See Appendix B), each of the community engagement sessions was designed to provide some general introductory content, including explanation of the city council resolution, a briefing on the community engagement session process and the equity impact analysis, and an overview of project labor agreements (PLAs) and community workforce agreements (CWAs). A slide deck was developed for these presentations and a sample copy of the slides is attached in Appendix F.

Subsequent to the introductory information, the sessions offered participants an opportunity to choose a small group discussion on one of three topics including:

1. Barriers to and strategies for training, employment, retention and advancement of focus populations (described as people of color, women and residents of equity impacted neighborhoods in Oakland) in construction-related careers;
2. Barriers to and strategies for increased participation by contractors, especially small local business enterprises and very small local business enterprise contractors as prime or sub-contractors on city construction projects and hiring focus population residents;
3. Possible adverse or positive impacts of a CWA on focus populations, small contractors or city government and provisions needed in a CWA ordinance or other city policies to increase positive impacts and mitigate adverse impacts.

Based on the number of participants in attendance, for some sessions there were no small group discussions, but participants covered the same questions in a large group setting.

In addition to the three small group discussion topics, as time permitted, the last large group segment of the agenda asked participants for any recommendations to city council or final comments. Those comments have been integrated into the relevant sub-sections on strategies for each section of the report.

In addition to the agenda, each participant was provided with a summary of the basics of PLAs/CWAs developed by staff and the consultant (See Appendix C) and a list of topics city council cited in the resolution which initiated the process (See Appendix D). Participants were provided copies of the city council resolution for the West Oakland and Fruitvale-San Antonio sessions.

TOWN HALL MEETING

Prior to the neighborhood-based community engagement sessions, Contracts and Compliance staff and Race and Equity staff, along with the consultant conducted a town hall meeting at city hall to introduce the community engagement and equity impact analysis process and to pilot some of the discussions planned for the neighborhood-based sessions. Given the smaller number of participants in the town hall session, we did not split into small groups but still tried to facilitate a discussion of the three small group topics described above. The town hall meeting began with a discussion of some contextual factors that participants advised were critical to understanding how a PLA or CWA might operate. Since the other sessions provided similar discussion of or comments on contextual factors, we have included a section presenting the contextual comments from the various sessions.

SESSION LOCATIONS, DATES AND PARTNERS

City staff designed the engagement process to include one town hall meeting to introduce the process and three neighborhood-based engagement sessions conducted in partnership with local non-profit organizations. In addition, the city staff conducted some targeted sessions at local pre-apprenticeship training programs. The table below displays basic information on each of the sessions.

DATE/TIME	PARTNER ORGANIZATION	LOCATION	ESTIMATED ATTENDANCE	NOTES ID
6/20/19; 4:00-6:00 pm	None	City Council Chambers	?? check sign in sheets	TH-6/20/19
7/25/19; 5:30-7:00 pm	Youth Uprising	8711 MacArthur Blvd, Oakland, CA 94605	74 signed in at registration	YU-7/25/19
8/10/19; 10:00 am- 12:00 pm	West Oakland Youth Center	3233 Market Street, Oakland, CA 94608	Data needed	WOYC-8/10/19

DATE/TIME	PARTNER ORGANIZATION	LOCATION	ESTIMATED ATTENDANCE	NOTES ID
8/19/19; 7:00-9:00 pm	Unity Council	Fruitvale-San Antonio Senior Center-3301 E 12th St, Oakland, CA 94601	Data needed	(FSASC-8/19/19)
9/3/19; 9/5/19	Cypress Mandela Training Center	977 66th Ave. Oakland, CA 94621	9 graduates and current program participants	(CM-9/3,5/19)

Brigitte Cook from Council Member McElhaney’s office attended the session at the West Oakland Youth Center. City Council Members Gallo and Taylor attended the Fruitvale-San Antonio Senior Center session along with Brigitte Cook from Council member McElhaney’s office.

ENGAGEMENT SESSION SUMMARIES

In the sections below we present the comments of engagement session participants organized by topics. While the format of specific topics varies depending on the content, we have tried to follow a similar format under each topic of first presenting any questions we used to initiate discussion within topics areas, followed by a synthesis of themes and noteworthy comments. The final section under each topic lists the participant comments organized into sub-sections on barriers (e.g. to training, employment, small contractor participation) followed by a sub-section listing suggested strategies for addressing the identified barriers.

TERMINOLOGY AND DEFINITIONS

- One participant commented that **prevailing wage and living wage** are different and should not be used interchangeably. Response from Darlene Flynn: we recognize the differences and that a living wage is what people need to sustain themselves in Oakland. (WOYC-8/10/19)
- What constitutes **Oakland residency**? Should be in Oakland for six months prior to beginning of work on project. Some people complained that contractors have rented apartments near their project sites to bring in non-resident workers (WOYC-8/10/19) who are counted as Oakland residents for compliance purposes.
- When you talk about Community Workforce Agreements – who is the COMMUNITY? (YU-7/25/19)

CONTEXTUAL FACTORS IN CONSTRUCTION RAISED BY PARTICIPANTS

a. Discussion Questions and Participant Comments

CONTEXT: What contextual factors present barriers to increasing training and employment for people of color, those living in neighborhoods impacted by disparities and women?

b. Synthesis and Summary of Participant Comments

Barriers Presented by Contextual Factors

- **HIGH EMPLOYMENT LEVELS AND LACK OF TRAINED CRAFTSPEOPLE:** Participants commented that an important contextual issue involved in increasing employment of focus populations is the fact that employment levels are high in the trades and there is a lack of trained craftspeople to meet employer needs.
- **LACK OF PARTICIPATION FOR BLACK WORKERS:** Several participants voiced concerns that the greatest disparities in access to construction employment on city projects impact Black workers. Several noted visiting job sites around the city and finding it difficult to see any Black workers on projects. They see the problem as one for Black workers and not all people of color.

Strategies to Address Barriers Presented by Contextual Factors

- **INCREASE CONTRACTOR ROLE IN RECRUITMENT OF TALENT INTO TRADES:** One theme emerging from the comments is the need for contractors/employers to take a larger role in recruitment of people for entry into the trades including active recruitment, referrals to and support to workers on entering the union, scholarships for those in pre-apprenticeship training, and ensuring employment upon completion of pre-apprenticeship training. The city and the unions need to plan for and coordinate to make this happen. See section below on contractor barriers where small contractors indicate that it costs \$6,000 to get a sponsored worker into the union.
- **BUILD A PIPELINE INTO THE BUILDING TRADES BEGINNING AT HIGH SCHOOL:** There seems to be a recognition of the need to build a talent pipeline into the trades that begins with high school students and, perhaps, community college students. The work of Swinerton at Fremont High School was cited as an example.
- **CREATE PATHWAYS TO ENTREPRENEURSHIP AMONG CRAFTS PEOPLE:** Many apprentices and crafts people are interested in becoming business owners. There need to be programs which create pathways for exploring and pursuing entrepreneurship.
- **CREATE STRATEGIES TARGETED AT INCREASING BLACK WORKER PARTICIPATION:** Given the disparities for Black workers on city construction projects, participants called for targeted strategies and action aimed at increasing Black worker participation since they see it as the most serious problem

c. List of Participants Comments

What Are Barriers Presented by Contextual Factors?

- Contractors are at full employment (TH-6/20/19)
- the number one challenge is not enough trained craftspeople (TH-6/20/19)
- I don't see Black people working on projects in Oakland (FSASC-8/19/19)
- We need to have more discussion and focus on the lack of black presence in the development projects (FSASC-8/19/19)
- Are there things that can be done legally to address the lack of black people? (FSASC-8/19/19)
- Participants discussed what could be done to increase Black employment and contracting (FSASC-8/19/19)

- Too much focus on pre-apprentices and apprentices; needs to be more focus and discussion about how to increase work for journey people (FSASC-8/19/19)
- The union behavior sounds like you are saying I can set up a fraternity and only the people who I say yes to can join—this should be enough to say no to a PLA (FSASC-8/19/19)

What Are Strategies for Addressing the Barriers Presented by Contextual Factors?

- contractors willing to shift from union providing craftspeople to pre apprenticeship programs providing people and contractors assisting them in entering the union (TH-6/20/19)
- need to generate interest at the high school level in the skilled trades; build robust pipeline from high school on (TH-6/20/19)
- Swinerton started a scholarship program where they offered for scholarships with two internships while all for scholarships were given away only one person accepted the internship because in the current labor market people have too many options (TH-6/20/19)
- contractors must engage in efforts to develop new talent and place them on local projects and the city and unions need to plan and coordinate for this to happen (TH-6/20/19)

CONTEXT: Other contextual issues?

- ENTREPRENEURSHIP-many of the people in apprenticeship programs or in the crafts are interested and ultimately owning businesses; what is the pathway from being in the skill trades to owning a construction company? (TH-6/20/19)
- FREMONT HIGH SCHOOL-Nick from Swinerton suggested examining the Fremont High School program in Oakland that they have been working with (TH-6/20/19)

PROCESS FOR CONSIDERING PLA/CWA ORDINANCE

a. Discussion Questions and Participant Comments

- No specific discussion questions generated these comments.

b. Synthesis and Summary of Participant Comments

- **Educate City Council on Construction Projects:** Participants want to make sure that city council members understand how construction projects work and how they may be impacting contractors, especially small minority contractors, but equally important, how they impact trainees and workers in the construction trades. They recommended council study sessions.
- **Create Robust Community Engagement Process:** Participants also want a more robust community engagement process where there is an opportunity for the community to learn and engage with city council and other stakeholders to discuss PLAs/CWAs. They recommended a summit for the council and the community and/or a study commission.
- **Conduct Better Outreach for Community Engagement Process:** Participants in the final session were critical of the outreach strategies for the session noting that they knew nothing about prior sessions, the current session was not at an accessible location with adequate signage and it was unclear what notice was given to city council members about the sessions since they reported learning of it through a Oakland Post newspaper article.

- One common theme emerging from the sessions regarding the behavior and commitment of the building trades unions. From comments about why they were not participating in the sessions to complaints that they have not been forthcoming with data on the racial composition of their membership, there were consistent complaints that the city should not engage in negotiating a PLA/CWA unless the unions are willing to change their stance around data on membership and their practices which participants saw as barriers to employment for Black workers and other Oakland residents

c. List of Participants Comments

Barriers to Community Engagement

- There is so much going on in the community right now, people are not focused on this; it is a major policy and it needs more public attention (WOYC-8/10/19)
- City Council is not knowledgeable about how construction projects work and needs to be educated to make good policy decisions (WOYC-8/10/19)

Comments on Community Engagement Process

- Participants complained about the site and lack of signage; they also complained about the outreach effort (FSASC-8/19/19)
- Two council members indicated that they did not know about prior sessions and only knew about the session tonight due to the article from the West Oakland session in the Oakland Post (FSASC-8/19/19)
- The website for the community engagement process has no documents except the announcement of the town hall meeting (FSASC-8/19/19)
- Participants questioned the lack of union participation (FSASC-8/19/19)

Strategies for Addressing Barriers to Community Engagement

- City Council should educate themselves about construction industry in order to make good decisions about PLAs and CWAs; it is a complicated industry; Council use to have study sessions; need to have them on this issue (WOYC-8/10/19)
- There should be a summit for Council and the community on PLAs/CWAs to inform consideration of an ordinance. (WOYC-8/10/19)
- City Council should appoint a study commission on community workforce agreements (WOYC-8/10/19)
- community needs to be a participant in process of policy development (WOYC-8/10/19)
- Participants requested to see notes from sessions and requested to review report to city council before submission (WOYC-8/10/19)
- participants requested to be apprised or the highlights or see notes from prior sessions for new sessions (WOYC-8/10/19)
- Participants discussed the fact that the union has not provided data on the demographics of their members and that no discussion of a PLA should occur until the data are provided. Participants were informed that there was a process underway for the unions to provide demographic information on their members to UC Berkeley Labor Center as part of a multi-jurisdictional process examining PLAs. It was reported that so far only six unions of 37 had provided data (FSASC-8/19/19)

PROCESS FOR NEGOTIATING A PLA/CWA

a. Discussion Questions and Participant Comments

- No specific discussion questions generated these comments.

b. Synthesis and Summary of Participant Comments

- **COMMUNITY AND CONTRACTOR SEATS AT THE BARGAINING TABLE:** Participants expressed the need for the negotiations of a PLA or CWA to include not just the city and the building trades council but should include a seat at the table for the community and for contractors.
- **UNION COMMITMENT TO LOCAL HIRING AS PRE-CONDITION TO NEGOTIATION OF PLA/CWA:** Participants also expressed skepticism about the unions' commitment to addressing local resident hiring needs and want the city to establish such a commitment as a condition for discussion a PLA/CWA.
- **MAKE DEVELOPERS/CONTRACTORS RESPONSIBLE FOR PROPOSING CWA:** One theme that emerged from the sessions was whether the responsibility for a community workforce agreement or a community benefits agreement should reside with the developer/contractor who should be required to do a local needs and impact analysis and then affirmatively propose a community workforce agreement as part of their bid for construction projects.
- **DE-COUPLE PLA/CWA AND LOCAL TRAINING/HIRING DISCUSSIONS:** A related theme is the suggestion that a PLA/CWA approach unnecessarily entangles community workforce needs with a labor agreement and, instead, the approach should be to develop city equity policies to address the needs for increasing participation of Oakland residents and especially those living in disparity-impacted neighborhoods separately, similar to what is done currently through city policies on apprentice and local worker hire.

c. List of Participants Comments

What Are the Barriers to Effective PLAs/CWAs?

- When only city and building trades are at the table, community interests are not adequately addressed (WOYC-8/10/19)
- What is the timeline, deadline, as far as making a move with a PLA/CWA; there is disparity within the union as well. (YU-7/25/19)
- What is the timeline? (YU-7/25/19)

What Are Strategies for Addressing the Barriers to Effective PLAs/CWAs?

- In negotiations of a PLA/CWA there must be a seat at the table for the community in addition to the city and unions. There should be a seat at the table for contractors as well. (WOYC-8/10/19)
- when a developer or contractor bids on a project with the city they should be required to include a community workforce agreement; burden should be on the developer or contractor to propose a community workforce agreement (FSASC-8/19/19)
- we need to bring forth a community workforce agreement describing how the agreement is going to address disparities for African American workers (FSASC-8/19/19)
- We need to have it (CWA) be inclusive of Oakland residents. Until the union commits to employing African Americans and Latinos, they should not be given a project labor agreement (FSASC-8/19/19)

GENERAL COMMENTS ON PLAs/CWAs

There were several general comments that participants made regarding PLAs/CWA which are presented below.

PROS

- None offered

CONS

- PLAs discriminate against African American contractors and workers; city policy must have a carve out for small minority contractors (WOYC-8/10/19)
- The city cannot restrict work to union workers on city projects (WOYC-8/10/19)
- No need for a project labor agreement; City policies should incorporate whatever good provisions are needed to address issues for African American workers and contractors (FSASC-8/19/19)
- the PLA discussion diverts attention from the main issue which is African American employment (FSASC-8/19/19)

TOPIC #1: TRAINING, EMPLOYMENT, RETENTION AND ADVANCEMENT NEEDS FOR LOCAL WORKERS

a. Discussion Questions

- **What are the barriers to training, employment, retention and advancement** for focus populations (local workers of color, especially Black and Asian workers, residents in disparity impacted neighborhoods and women) that prevent them from getting training, employment, retaining employment and advancing in construction-related jobs/careers on city-funded projects?
- What provisions do a CWA ordinance or other city policies need to contain to **increase the training, employment, retention and advancement** of focus populations in construction-related jobs/careers on city-funded projects?

b. Synthesis and Summary of Participant Comments

Summary: Barriers to Training

Engagement session participants cited a variety of barriers to obtaining training in pre-apprenticeship and apprenticeship programs as revealed in the comments below. Those barriers can be categorized as follows:

- Entry Requirements and Tests
- Economic and Family Supports
- Restriction of City Hire Credits to Joint Labor-Management Training Programs
- Drug Testing
- Lack of Apprenticeship Program in Oakland
- Lack of Information on Trades and Their Work

Summary: Strategies to Address Barriers to Training

Engagement session participants offered many suggestions for addressing and overcoming the barriers to training which fall into several categories listed and described below:

- Increase Support for Residents to Qualify for Pre-Apprenticeship and Apprenticeship Programs
 - Increase Pre-Apprenticeship Program Funding
 - Broaden Apprenticeship Training Programs that Qualify for City Hire Requirements
 - Create Pathways from Pre-Apprentice to Apprentice Programs
 - Locate Apprentice Training Programs in Oakland
- **APPRENTICESHIP QUALIFICATIONS:** Participants expressed concerns about whether the entry requirements for apprenticeship, especially the math test, were necessary and fair
 - **JOINT VERSUS APPROVED APPRENTICESHIP PROGRAMS:** Associated Building Contractors (ABC) argued that restricting qualified apprentice hours to only “joint labor-management” programs, rather than “state and federally approved” programs like theirs, unnecessarily restricted apprenticeship opportunities for Oakland residents to enter the building trades.
 - **FUNDING FOR PRE-APPRENTICESHIP PROGRAMS:** There was considerable interest expressed regarding the need and methods for providing more funding for pre-apprenticeship programs for Oaklanders. A common source of funding mentioned for these programs was an hourly assessment for each hour worked on projects that would be dedicated to pre-apprenticeship programs. Participants cited examples of this funding mechanism that include the Maritime and Aviation Project Labor Agreement (MAPLA) of the Port of Oakland and similar provisions in the OUSD PLA and on specific projects like the BART extension to the Oakland Airport.
 - **COORDINATION OF PRE-APPRENTICESHIP, APPRENTICESHIP AND HIRING EFFORTS:** Participants expressed the need for better coordination of training and employment efforts including the need for standards among the pre-apprenticeship programs, coordination between pre-apprenticeship programs and entry into the apprenticeship programs and ways to ensure that those who participate in the training programs move from pre-apprentice to apprentice and that there is an agreed upon pathway to employment for those who are sponsored by employers.

Summary: Barriers to Employment

Engagement session participants cited a variety of barriers to obtaining employment as revealed in the comments below. Those barriers can be categorized as follows:

- Economic and Family Supports
- Discriminatory Treatment and Practices
- Drivers Licenses
- Union Policies, Practices and Rules
- Public Agency Policies with Unions
- Lack of Local Work
- Required to Do Non-Skilled Work

Summary: Strategies to Address Barriers to Employment

Engagement session participants offered many suggestions for addressing and overcoming the barriers to employment which fall into several categories listed and described below:

- Mentorship

- Transportation
- Require Unions to Change Rules and Create Mechanism to Train, Hire Oakland Workers
- Monitoring and Enforcement with Contractors
- City Action and Policy
- Revolving Loan Fund

c. List of Participants Comments Categorized

BARRIERS TO TRAINING

What Are the Barriers to Training?

Entry Requirements and Tests

- Math test (TH-6/20/19)
- Are math test requirements job related? (TH-6/20/19)
- The tests for entry into the apprenticeship programs are hard and a way of eliminating some minority workers; should train minority workers to pass the tests (FSASC-8/19/19)
- Rising Sun - Building Trades has eliminated a curriculum for apprenticeship programs. Contractors should receive some kind of credit for hiring Oakland apprentices. (YU-7/25/19)

Economic and Family Supports

- stipends economic support-need data on whether students without stipends perform better than those in programs with stipends (TH-6/20/19)
- Transportation (CM-9/3,5/19)
- childcare (CM-9/3,5/19)

Restriction of City Hire Credits to Joint Labor-Management Training Programs

- Association of Building Contractors (ABC) has many Oakland residents in their apprenticeship program; however, under PLAs apprentice must be from a “joint” apprenticeship program (which they are not) as opposed to a state and federally approved program (which they are); this language should be changed in a PLA/CWA ordinance (WOYC-8/10/19)
- ABC mentioned that the unions refuse to share with them or let them review the multi-craft core curriculum being used in their training (WOYC-8/10/19)

Drug Testing

- drug testing for cannabis (TH-6/20/19)
- lack of school preparation and promotion of trades as career opportunities (TH-6/20/19)

Lack of Apprenticeship Program in Oakland

- Problem with no apprenticeship training programs in Oakland; (WOYC-8/10/19)
- no apprenticeship training programs in Oakland so trainees must travel (TH-6/20/19)

Lack of Information on Trades and Their Work

- more information on the trades and the work that they do (CM-9/3,5/19)

Lack of Funding for pre-Apprenticeship Programs

- Construction Trades (non-profit) serving Alameda & Contra Costa County – pathways to non-traditional population of the unions. Very close with the apprenticeship programs and their whole mission is to try and alleviate the barriers we see in the African American and Latino communities, because of the disparity in the union population. Barriers lack of funding from the City. Non-profits struggle for funding it is critical that we support our programs to ensure that our folks can get into

the trades. We will be supporting this CWA, there should be a line item on the City's budget appropriating funding for this (pre-apprenticeship training). (YU-7/25/19)

What Are Strategies for Addressing the Barriers to Training?

Increase Support for Residents to Qualify for Pre-Apprenticeship and Apprenticeship Programs

- Math assessment, diagnostics, and tutoring needed (TH-6/20/19)
- construction trades have curriculum on construction math; should be shared (TH-6/20/19)
- establish ongoing classes in the early evening to prepare individuals for taking the screening exams administered by the building trades, local utilities like PG&E and EBMUD, local refineries, and the military. The classes would be Monday-Thursday on a 5-7 or 6-8 schedule. They would also receive preparation for the interviews that are part of the intake procedures. The classes would be open entry and open exit. (CM-9/3,5/19)
- OJT for youth, develop workforce and shop classes (YU-7/25/19)

Address Needs of Special Populations

- need to reach into prison system for recruitment of trade people and need to provide book instruction while still incarcerated (TH-6/20/19)
- Homeless population – how can we help them? (YU-7/25/19)
- Need something now not in the future homeless rise and Oakland (YU-7/25/19)

Increase Pre-Apprenticeship Program Funding

- need to consider a social justice trust fund similar to that operated by the Port of Oakland (TH-6/20/19)
- Need funding for pre-apprenticeship programs (WOYC-8/10/19)
- need developer contribution to fund training for pre apprentices
- need funds to go directly to pre-apprentice training programs
- if they are not bringing the apprenticeship training programs back to Oakland then they should be funding pre-apprenticeship program in Oakland (WOYC-8/10/19)
- OUSD, which has a blanket PLA agreement with Building Trades, has provisions for \$0.20 for each hour worked on projects under the PLA to go to Men of Valor; don't know that a check has been cut (WOYC-8/10/19)
- According to Ed Dillard, BART airport project PLA had a carve out and every craft paid \$0.30 per hour worked set aside for training at Cypress Mandela (WOYC-8/10/19)
- There should be pre-apprenticeship training funded by unions and contractors (WOYC-8/10/19)
- per hour contribution for training (WOYC-8/10/19)
- There needs to be a mechanism for funding pre apprentice training programs. At the last community engagement session participants cited examples of the Bart extension and other local projects which assess a certain amount of money per hour worked that was directed to local pre apprenticeship training programs like Cypress Mandela and the workforce collaborative. this is similar to the hourly allocation under the Port's MAPLA which provides resources for their equity fund (FSASC-8/19/19)
- if there were four cents given to the training programs for each hour worked they would have funds to operate if you don't have resources the training programs are not going to survive (FSASC-8/19/19)
- Peralta School District, having trouble getting good jobs, they are getting jobs, but not the ones that offer good pay. They need to know that there are careers out there. These non-profit training

organizations need some additional funding to get the Oakland residents trained for jobs. (YU-7/25/19)

- there should be a line item on the City's budget appropriating funding for this (pre-apprenticeship training). (YU-7/25/19)
- Fund for youth training (YU-7/25/19)
- Pre-apprenticeship fund (YU-7/25/19)

Broaden Apprenticeship Training Programs that Qualify for City Hire Requirements

- Permit apprentices from both joint programs and state and federally improved projects as part of local apprentice hiring requirements (WOYC-8/10/19)
- ABC did last class of apprentice training in Oakland and it was paid for by Salvation Army because they are non-union contractors. (they brought a picture of the class to show the diversity of the training class) (WOYC-8/10/19)

Create Pathways from Pre-Apprentice to Apprentice Programs

- There need to be stronger relationships between the Unions and pre-apprenticeship programs so that those in the programs move into apprenticeship (WOYC-8/10/19)
- There needs to be common structure and performance measurement for pre-apprenticeship training programs so that they can receive funding from contractors and union for training (WOYC-8/10/19)
- Address the pipeline- vocational skills training locally in Oakland; (WOYC-8/10/19)
- how do the training programs get the juice to get their Pre apprentices into the certified apprenticeship programs? One participant noted that the division of apprenticeship standards is now requiring pre apprenticeship programs to document how they will connect to the DAS approved programs to ensure those who complete pre apprenticeship programs enter into the certified apprenticeship programs (FSASC-8/19/19)
- Training with Commitment for long term hiring (YU-7/25/19)

Locate Apprentice Training Programs in Oakland

- need local apprentice training programs in Oakland (WOYC-8/10/19)
- since local joint apprenticeship programs pulled out of Oakland, they should fund pre-apprenticeship and facilitate access to apprenticeship training and the arrangements, and the connection should be pre agreed upon (WOYC-8/10/19)
- Should require that half of every apprentice class should be minority and women (FSASC-8/19/19)

BARRIERS TO EMPLOYMENT, RETENTION AND ADVANCEMENT

What are Barriers to Employment, Retention and Advancement?

Economic and Family Supports

- housing (TH-6/20/19)
- transportation (TH-6/20/19)
- childcare (TH-6/20/19)
- mental health and domestic violence services (TH-6/20/19)

Discriminatory Treatment and Practices

- racism and sexism (TH-6/20/19)
- There are 37 locals in Building and Construction Trades Council of Alameda County-- some with no African Americans, let alone no Oakland residents. (WOYC-8/10/19)

- Only black firms will sponsor Oakland and African American workers (WOYC-8/10/19)
- Contractors and unions can't say there are not enough folks to do the job; Lots of skilled black workers in Oakland who don't get jobs; participant noted that when he joined there were a number of other Oakland residents on the list who never got work. He was asked if he could contact Jonothan with their names since it would be instructive to talk to local and Black workers who tried to get work and couldn't. (WOYC-8/10/19)
- Contractors bringing people in from out of the area to work in Oakland. (WOYC-8/10/19)
- There are only Latinos and whites on the jobs. When Blacks do get jobs they get run off- the two gangs are whites and Latinos. Lack of black workers means there's no network to support new black workers on the job. (WOYC-8/10/19)

Drivers Licenses

- drivers' license (TH-6/20/19)
- the need for driving privileges (CM-9/3,5/19)

Union Policies, Practices and Rules

- PLAs restrict minority access to work. A minority can't just walk into Union Hall and get a job; they must be sponsored. In other words, you have to have a job in order to get into the union. (WOYC-8/10/19)
- Under a PLA the prime must have the first call for worker on a project to the union rather than using their core workers. If no Oakland worker available, then prime is not required to hire an Oakland worker and can request worker from any residency. (WOYC-8/10/19)
- if it is a union project, workers can't come from open shops- this should be changed. (WOYC-8/10/19)
- If contractor hires someone from pre-apprenticeship program who is not a certified apprentice, that person must be paid prevailing wage and not apprentice wage, discouraging contractors from hiring from pre-apprenticeship programs (WOYC-8/10/19)
- unions don't have local workers in the pipeline (WOYC-8/10/19)
- non-union members must be sponsored in order to get in the union which costs \$6000 to a contractor who wants to sponsor a worker (WOYC-8/10/19)
- There are Oakland residents on the lists of the unions, but never called (WOYC-8/10/19)
- plenty of Oakland residents, they're not getting in (WOYC-8/10/19)
- requirement for personal tools for some trades (CM-9/3,5/19)

Public Agency Policies with Unions

- Contractors should have to go to various job development centers and pre-apprenticeship programs to seek Oakland workers before being able to hire non-residents (WOYC-8/10/19)
- under OUSD project labor agreement when union doesn't have and doesn't send Oakland residents, they just provide a letter to get out of requirement (WOYC-8/10/19)
- Workers from job center barred by PLA language because they are not participants in a labor management joint program (WOYC-8/10/19)

Lack of Local Work

- Female, has a young daughter, and is a member of the Sheet Metal Union - I live in Oakland, but work in Mountain View, travel 32 miles to work, must be there by 5 AM. What can a PLA/CWA do for me to get me an Oakland job? (YU-7/25/19)

Required to Do Non-Skilled Work

- “Many Oakland residents may be hired for a specific skilled job, but that is not what I am actually doing, most of my time is used for cleanup”. (YU-7/25/19)

What Are Strategies for Addressing the Barriers to Employment, Retention and Advancement?

Mentorship

- mentorship needed (TH-6/20/19)
- need critical mass of black members to support and mentor black workers to keep them from getting run off the job (WOYC-8/10/19)

Transportation

- match seniors as drivers with workers who need transportation also provides opportunity for mentoring (TH-6/20/19)
- in LA Lyft and Uber provided transportation during job training (TH-6/20/19)

Require Unions to change Rules and Create Mechanism to Train, Hire Oakland Workers

- Unions don't deserve a PLA until they set in motion a mechanism for training and hiring Oakland workers. (WOYC-8/10/19)
- Workers wanting work with signatory contractors have to be sponsored in order to enter the union; this cost \$6000. (WOYC-8/10/19)
- There should be no PLA until the building trade council gets Oakland residents among their members. (WOYC-8/10/19)
- Unions need to change their rules to allow access to the union and work for African Americans (WOYC-8/10/19)
- There should be a requirement for unions and contractors to find Oakland residents for their Oakland projects (WOYC-8/10/19)
- need to negotiate with union about how things are set up to keep black people out and/or being successful (WOYC-8/10/19)
- should be message to trades- either work with ABC or city should work with them instead of local unions (WOYC-8/10/19)
- One African America contractor complained that if workers don't work a certain number of hours per month, all of the contributions made by the employer to their benefits are lost to the worker and absorbed by the union. There should be a portable benefits plan, so the workers and small contractors don't lose their money. (FSASC-8/19/19)
- This might be a good time for us to communicate with the unions to get more African Americans jobs, so that the job sites are more diverse. (YU-7/25/19)

Monitoring and Enforcement with Contractors

- The only impact for Oakland workers is with mandatory goals and penalties; goals alone don't work. (WOYC-8/10/19)
- Need some consequences for contractors who fail to meet the goals for Oakland workers. (WOYC-8/10/19)
- There should be a requirement for unions and contractors to find Oakland residents for their Oakland projects (WOYC-8/10/19)

- why doesn't the city have its own pool of workers who could be dispatched to city projects (FSASC-8/19/19)

City Action and Policy

- the city should have some type of program to employ Oakland residents (FSASC-8/19/19)

Revolving Loan Fund

- a resource to help individuals restore driving privileges lost due to traffic violations and their inability to pay the associated fines. It would be similar to the revolving loan discussed to help contractors address cash flow issues that arise during projects. The individual seeking such assistance would provide documentation from a resource that they are working with that identifies the necessity for driving privileges and subsequent employment that could be accessed with the restoration of their driving privileges. A grace period for repayment would be similar to student loans where repayment starts sometime after the student graduates (six months-year). The individual would commit to reimbursing the fund (CM-9/3,5/19)

TOPIC #2: CONTRACTORS, ESPECIALLY SMALL LOCAL BUSINESS ENTERPRISES (SLBE) OR VERY SMALL LOCAL BUSINESS ENTERPRISES (VSLBE) CONTRACTORS

a. Discussion Questions

- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from participating as primes or sub-contractors** on city contracts for construction projects?
- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from hiring focus populations** (workers of color, residents of disparity-impacted neighborhoods and women) in construction-related jobs/careers?
- **What provisions are needed in a CWA ordinance or other city policies** to ensure fairness to union and non-union contractors, increase the participation of SLBE/VSLBE contractors in city construction contracts and increase training and hiring of people of color, residents of disparity impacted neighborhoods or women in construction-related jobs/careers?

b. Synthesis and Summary of Participant Comments

Summary: Barriers to Contracting and Hiring

Engagement session participants cited a variety of barriers to contracting and hiring for small, local contractors as revealed in the comments below. Those barriers can be categorized as follows:

- Small Contractor Capacity Support/Mentorship
- Financial Support Systems
- Cost of New Personnel/Sub-contractors
- CWA Contract Cost Threshold
- Union Policies, Rules and Practices
- Lack of Benefits and Costs of Union Contracting

Summary: Strategies to Address Barriers to Contracting and Hiring

Engagement session participants offered many suggestions for addressing and overcoming the barriers to contracting and hiring which fall into several categories listed and described below:

- Require Contractors to Provide Capacity Building Support and Mentorship
- City Should Change Bid Requirements/Approach
- Require Unions to Change Policies, Rules and Practices
- City Must Have Strong Monitoring and Enforcement of CWA

c. List of Participants Comments

BARRIERS FOR SMALL CONTRACTORS

What Are the Barriers to Contracting and Hiring?

Small Contractor Capacity Support/Mentorship

- lack of mentorship (TH-6/20/19)
- Lack of business resources and technology (TH-6/20/19)
- need technical assistance (TH-6/20/19)

Financial Support Systems

- bridge financing gap before money flows (TH-6/20/19)
- Among the barriers for small local businesses are bonding, insurance and access to capital (TH-6/20/19)
- Performance bonds are a barrier for black contractors (WOYC-8/10/19)

Cost of New Personnel/Sub-contractors

- for large contractors onboarding new people or subcontractors is a burden that current team members want to avoid for reasons of time and efficiency (TH-6/20/19)

CWA Contract Cost Threshold

- the lower the threshold for a citywide PLA the more likely it is to exclude small businesses; while the larger the threshold the more the opportunities for smaller businesses to participate below the threshold (TH-6/20/19)

Union Policies, Rules and Practices

- Issue of way union takes benefits from non-signatory contractors and if core worker does not get 120 hours on the project, then non-signatory/worker lose those benefit contributions (WOYC-8/10/19)
- non-union members must be sponsored in order to get in the union which costs \$6000 to a contractor who wants to sponsor a worker (WOYC-8/10/19)

Lack of Benefits and Costs of Union Contracting

- PLA does not help truckers; the union offers me nothing – a non-union trucker has to pay union fees and has to hire union trucker at union wages. (YU-7/25/19)
- Electrical contractors are not getting jobs on union contracts (YU-7/25/19)
- When no L/SLBE requirements, the unions do not hire Oakland. Non-union contractors are forced to join the union. (YU-7/25/19)

What Are Strategies for Addressing the Barriers to Contracting and Hiring?

Require Contractors to Provide Capacity Building Support and Mentorship

- should the city require prime contractors to provide mentorship to smaller contractors? (TH-6/20/19)
- city should also consider mandatory mentorship for contractors and not just any mentorship, but quality mentorship program city should consider bid discounts or points in the bidding process for past mentorship program efforts (TH-6/20/19)
- need technical assistance for small subcontractors (WOYC-8/10/19)

City Should Change Bid Requirements/Approach

- low bid requirement may need to be examined and change to best value which considers achievement of equity objectives (TH-6/20/19)
- city needs to break up scopes of work to be manageable for smaller companies; city needs to unbundle contracts to make them accessible to smaller companies (TH-6/20/19)
- city should consider small business set aside in its construction contracts (TH-6/20/19)
- City should create a carve out for small local contractors on all projects (WOYC-8/10/19)
- There must be carve-outs for small, non-union contractors (WOYC-8/10/19)
- Carve out needed for small and local businesses to give them a chance to compete (WOYC-8/10/19)

Require Unions to Change Polices, Rules and Practices

- Core workers should come first to new jobs and contractors should not be required to get a union dispatch as the first worker on the project this is a requirement of a PLA. (WOYC-8/10/19)
- There must be portable benefits for core workers (WOYC-8/10/19)
- many apprentices from Oakland can't get work because they get hired by non-signatories who are small and local; need to remove barriers for non-signatories by permitting core workers to be dispatched 1st, by addressing performance bond issues and addressing trust fund benefits and loss of those benefits for core workers who do not work a certain number of hours (WOYC-8/10/19)
- The non-union should not have to pay union dues or trust fund until the contractor gets paid. (YU-7/25/19)
- Unions need small business development program; union, like the government make payment demands and assess penalties for not paying on time; help grow small businesses. (YU-7/25/19)

City Must Have Strong Monitoring and Enforcement of CWA

- Whatever agreement PLA/CWA must have strong teeth to deal with companies that do not follow the rules and hire staff to enforce. (YU-7/25/19)

TOPIC #3: GENERAL ISSUES ON STRUCTURE, CONTENT AND OPERATIONS OF PLAS/CWAS

a. Discussion Questions

- **What are possible adverse or positive impacts** of a CWA ordinance on Oakland residents generally, construction workers, those residing in disparity impacted neighborhoods, small contractors or the city government?

- **What provisions are needed in a CWA ordinance or other city policies to prevent or mitigate the adverse impacts or increase positive impacts on residents** of construction projects in Oakland?

b. Synthesis and Summary of Participant Comments

Summary: Possible Positive/Negative Impacts of PLA/CWA

Engagement session participants identified possible adverse and positive impacts of a CWA as revealed in the comments below. Those adverse/positive impacts can be categorized as follows:

- Number of Different Trade Unions and Contracts
- Connecting PLA/CWA To Community Needs Unnecessary
- What Is Residency?

Summary: Strategies to Address Positive/Negative Impacts of PLA/CWA

Engagement session participants offered many suggestions for increasing positive impacts and mitigating negative impacts which fall into several categories listed and described below:

- Require Community Benefits on All Private Projects in City
- Set Conditions with Unions Before Negotiations on a PLA/CWA
- Define and Monitor Residency
- Review Past and Current City Policies and Other Jurisdictions
- Set High Project Costs Threshold for Requiring PLA
- Create Mandatory Hiring Requirements, Monitor and Enforce
- Change Union Policies, Rules and Practices

At the August 10, 2019 meeting at the West Oakland Youth Center, representatives of the Associated Building Contractors attended and at the conclusion of the session they provided the facilitator with a document containing several comments and recommendations regarding a local PLA/CWA. The document is presented in its entirety in Appendix E. This is the only such document received.

c. List of Participants Comments

What are Possible Adverse or Positive Impacts of a CWA?

Number of Different Trade Unions and Contracts

- one of the challenges of a PLA is that there are 10 to 20 different trades each with specific needs that the building trades council is trying to address through a single PLA (TH-6/20/19)

Connecting PLA/CWA To Community Needs Unnecessary

- The question of the relationship between a PLA and the CWA is a significant one; participants recommended a separate CWA which specifically addresses community needs and interests and which could mandate certain provisions within a PLA without merging the two since many feel the PLAs are fraught with conflicting language and would divert attention from the CWA; this is a main design issue and feature which we need to address (TH-6/20/19)

What Is Residency?

- What constitutes residency? Should be in Oakland for six months prior to beginning of project. Some people complained that contractors have rented apartments near their project sites to begin in non-resident workers (WOYC-8/10/19)

What Are Strategies for Addressing Possible Adverse/Positive Impacts of CWA?

Require Community Benefits on All Private Projects in City

- City should require community benefits on all private projects (WOYC-8/10/19)
- City RFPs should ask developers what they will do to hire local workers and provide TA for small local businesses (WOYC-8/10/19)

Set Conditions with Unions Before Negotiations on a PLA/CWA

- Before city does PLA/CWA it should require an audit of Oakland residents in each of the trades (WOYC-8/10/19)

Define and Monitor Residency

- Need clear definition and confirmation and monitoring process for establishing residency (WOYC-8/10/19)

Review Past and Current City Policies and Other Jurisdictions

- Oakland Hire First was started by Lionel Wilson back in 1983; city should look at the archives related to that effort (WOYC-8/10/19)
- Commitment to OUSD – Community Workforce Agreements (YU-7/25/19)

Set High Project Costs Threshold for Requiring PLA

- The threshold for a required PLA should be set extremely high, maybe projects of \$5 million or more (WOYC-8/10/19)
- need to set high dollar trigger or threshold for requiring a PLA (WOYC-8/10/19)

Create Mandatory Hiring Requirements, Monitor and Enforce

- need mandatory requirements not goals; goals don't work (WOYC-8/10/19)
- Contractors who don't meet goals (such as subcontractor commitment lower local hire, etc.) should be barred from bidding (WOYC-8/10/19)
- there should be minimum hiring and contracting requirements for all projects (WOYC-8/10/19)

Change Union Policies, Rules and Practices

- must be willing to change union rules to open up to those who have been excluded (WOYC-8/10/19)

MONITORING AND ENFORCEMENT

a. Discussion Questions

What Are the Barriers to Effective Monitoring and Enforcement of Local Hire and Contracting Policies?

b. Synthesis and Summary of Participant Comments

Summary: Barriers to Monitoring and Enforcement

Engagement session participants identified possible adverse and positive impacts of a several barriers to monitoring and enforcements of current city hiring policies as revealed in the comments below. Those barriers can be categorized as follows:

- Lack of Monitoring Due to Insufficient Staffing
- Lack of Data and Transparency on Current Projects With PLA/CWA
- Liquidated Damages Amounts Too Low

Summary: Strategies for Monitoring and Enforcement

Engagement session participants offered many suggestions for addressing the identified barriers which fall into several categories listed and described below:

- City Needs More Staff and Better Job Site Monitoring
- More Severe Penalties for Non-Compliance

c. List of Participants Comments

What Are the Barriers to Effective Monitoring and Enforcement of Local Hire and Contracting Policies?

Lack of Monitoring

- City needs more aggressive monitoring on the work sites; (WOYC-8/10/19)

Lack of Data and Transparency on Current Projects With PLA/CWA

- Oakland Army base is cited as exemplary PLA project, but it is not. Has not met its hiring goals. Contractor paid \$600,000 fine. Contractors weigh the costs/risks/benefits of complying with local hire rules and often decide that it is cost effective to pay the liquidated damages rather than comply. It is easier to write the check. (WOYC-8/10/19)
- Project on 40th and Telegraph- Bill (sp?) Group. They listed an African American contractor is their bid to get the job and then substituted him out. City requires a hearing to substitute out a sub-contractor, but Bill Group said no. Later city attorney confirmed requirement for a hearing to substitute out a sub but project almost over. City cited and fined contractors over \$4 million but on a \$130 million project. Contractors should be fined with compounding of fine and project shut down (WOYC-8/10/19)
- We need a set of metrics for illuminating disparities and a policy regarding active monitoring and enforcement (FSASC-8/19/19)

Liquidated Damages Amounts Too Low

- Liquidated damages are too low. Liquidated damages need to be high enough to deter contractors from simply paying the liquidated damages and should force them to hire Oakland apprentices and journey people (FSASC-8/19/19)
- contractors and developers sometimes play games with the process. For example, at the last community engagement session participants cited an example of a contractor who included a black sub-contractor in their bid but substituted them out after being awarded the contract and argued that it was permissible to do when city policy requires a hearing to substitute out a subcontractor

once a bid is awarded. the process was strung along by the contractor objecting to the hearing and when the city attorney finally determined that a hearing was required the project was effectively over (FSASC-8/19/19)

What Are the Strategies to Address Barriers to Monitoring and Enforcement?

City Needs More Staff and Better Job Site Monitoring

- city should be able to ask for identification on the work site when inspecting to determine if there are Oakland residents (WOYC-8/10/19)
- City should increase staff and public should provide help to Contract Compliance; we need more people monitoring compliance (WOYC-8/10/19)
- Examine the staffing of contract compliance office to see if it is sufficient. Need to do more pro-active on the job site monitoring and city needs to figure out what monitoring and compliance should look like and then get staff sufficient to do the work (FSASC-8/19/19)

More Severe Penalties for Non-Compliance

- Consequences for non-compliance with local hiring rules need to be more severe and should include more significant fines, shut down of jobs and for consistent violations or failure to meet goals, disbarment for three years from city contracts. (WOYC-8/10/19)
- need sufficient penalty for not meeting goals in the form of liquidated damages (WOYC-8/10/19)
- look at shutting down a project to force compliance (WOYC-8/10/19)

DATA

Although data was not an explicit focus of the discussion questions, several issues were raised by participants related to data including the data used by city staff for their presentations during the session as well as issues regarding data from the unions and data for monitoring implementation of city policies. Participant comments and suggestions related to data are presented below.

a. List of Participants Comments

Equity Impact Analysis

- One participant complained about placing Latinos in a race breakdown on the data slide since that mixes race and ethnicity and distorts the data. (WOYC-8/10/19)
- One participant was dissatisfied with the data presented on unemployment from the Office of Race and Equity; she argued it should have been the data on awarding of contracts to Blacks which show enormous disparities for Blacks (FSASC-8/19/19)

For PLAs/CWAs (For considering PLA/CWA ordinance and for compliance)

- City should require data from unions on their membership composition and utilization (hours worked) and from contractors in applying for projects (WOYC-8/10/19)
- Data to determine current black representation from Oakland needed (WOYC-8/10/19)
- We need a set of metrics for illuminating disparities and a policy regarding active monitoring and enforcement (FSASC-8/19/19)

- Participants discussed the fact that the union has not provided data on the demographics of their members and that no discussion of a PLA should occur until the data are provided. Participants were informed that there was a process underway for the unions to provide demographic information on their members to UC Berkeley Labor Center as part of a multi-jurisdictional process examining PLAs. It was reported that so far only six unions of 37 had provided data (FSASC-8/19/19)

Utilization Study

- Participants discussed the utilization study under way by the city and whether, as a result of the study, the city could target specific racial groups. There was disagreement about whether they can use race/ethnicity as a factor in awarding contracts and employment with some arguing that Prop 209 prohibited it and others arguing that Prop 209 only restricts use of race by the state or with state funds and other governmental jurisdictions could use race/ethnicity. (FSASC-8/19/19)
- One participant argued that the firm doing the utilization study (Mason/Tillman) had done hundreds of the studies and none had been overturned by legal challenge (FSASC-8/19/19)

COMMUNITY BENEFITS AGREEMENTS

The issue of community benefits agreements was raised by some participants and their comments are presented below.

Barriers

- Private projects not subject to city PLA/CWA ordinance (WOYC-8/10/19)

Strategies to Address Barriers

- A project is coming before the Planning Commission on August 21st on a 1,000-unit apartment complex in West Oakland where a community benefits agreement has been developed which would provide funds for training to be distributed by the Workforce Collaborative (Ed Dillard mentioned this project) (WOYC-8/10/19)
- Public versus Private Projects-hotels must consider social impact analysis of their projects. City should require a CWA as condition of applying to Planning Commission and the CWA must include an impact analysis and mitigation plan (WOYC-8/10/19)
- there are costs to locate in W Oakland- require CWA/CBA (Community Benefits Agreement) for all projects of a certain size or community impacts (WOYC-8/10/19)

APPENDIX A: OAKLAND CITY COUNCIL RESOLUTION 87293 COMMUNITY WORKFORCE

Approved as to Form and Legality

Barbara J. Stiller

City Attorney's Office

2018 AUG 17 PM 3:42

OAKLAND CITY COUNCIL

Resolution No. 87293 C.M.S.

INTRODUCED BY President Pro Tempore Abel Guillén and Vice Mayor Annie Campbell Washington

RESOLUTION INITIATING A PROCESS TOWARD DEVELOPING A COMMUNITY WORKFORCE AGREEMENT FOR THE CITY'S LARGE PUBLIC WORKS PROJECTS, WITH SUCH AGREEMENT TO ENSURE LABOR PEACE, PROVIDE QUALITY, EQUITABLE EMPLOYMENT AND TRAINING OPPORTUNITIES, AND ENHANCE THE CITY'S LOCAL EMPLOYMENT AND LOCAL CONTRACTING PROGRAMS; AND DIRECTING THE CITY ADMINISTRATOR TO UNDERTAKE AN EQUITY IMPACT ANALYSIS AND COMMUNITY ENGAGEMENT PROCESS

WHEREAS, the City of Oakland's public works construction projects advance multiple policy goals, including development of public infrastructure and public-serving facilities, and providing economic and employment opportunities to the local economy; and

WHEREAS, numerous public entities throughout the State of California have entered into project labor agreements ("PLAs") to ensure labor peace on public construction projects; and

WHEREAS, California Public Contract Code Section 2500 authorizes public entities in California to enter into PLAs and requires such agreements to contain certain provisions; and

WHEREAS, the Mayor and City Council value robust, transparent community engagement and feedback to promulgate responsible public policies;

WHEREAS, the City of Oakland wishes to ensure public policies have fruitful, positive impacts on all residents and businesses of Oakland, especially the marginalized and underrepresented; and

WHEREAS, the City's various policy goals regarding large public construction projects will be advanced by application of a Community Workforce Agreement ("CWA"), defined as a PLA that is developed in conjunction with a range of community stakeholders and that advances targeted employment and contracting goals; and

WHEREAS, a CWA will improve project stability and efficiency by avoidance of labor misunderstandings, grievances and conflicts, thereby promoting project cost containment and timely and economical project completion; and

WHEREAS, the City of Oakland currently applies social justice policies in its contracting processes that include, but are not limited to: 50% Local and Small Local Business Enterprise Program; 50% Local Employment Program; and 15% Oakland Resident Apprenticeship Program; and

WHEREAS, a CWA may have additional benefits, including enhancement of efforts to target construction employment and contracting opportunities pursuant to the City's Local Employment Program and Local and Small Local Business Enterprise Program; prompt generation of tax flow and other income to the City; and local economy boosts by generating local construction and related jobs and job training; and

WHEREAS, through the adoption of ORDINANCE No. 13326, establishing the Department of Race and Equity, "...the City of Oakland will intentionally integrate, on a citywide basis, the principle of 'fair and just' in all the City does in order to achieve equitable opportunities for all people"; and

WHEREAS, details of the CWA aimed at advancing such purposes should be developed through a robust community engagement process with input from racially and economically diverse stakeholder communities; now, therefore, be it:

RESOLVED: That the City of Oakland shall initiate an inclusive public engagement process, the completion of an Equity Impact Analysis and drafting of recommendations toward a Community Workforce Agreement as described herein; and be it

FURTHER RESOLVED: That such process shall address the following topics, among others:

- 1) Project cost threshold for CWA coverage.
- 2) Term of the CWA.
- 3) Prohibition on strikes and lockouts.
- 4) Participation by non-union contractors.
- 5) Local hiring.
 - a) Application of City's existing Local Employment Program (LEP).
 - b) Goals for hiring local apprentices.
 - c) Goals for hiring disadvantaged workers.
 - d) Goals for hiring graduates of local pre-apprenticeship programs.
 - e) Goals for sponsorship of new local apprentices.
 - f) Hiring process for local workers needed for compliance with LEP.

- 6) Participation by certified Small Local Businesses, and other business categories targeted by the City's Small Local Business Enterprise Program.
- 7) Contributions by project participants towards local workforce training and supportive services.
- 8) Use of "core workers" by non-union contractors.
- 9) Reporting of demographic data by participating unions.
- 10) Admission of local workers to apprenticeship programs.
- 11) Sole proprietor participation.
- 12) Coverage of warranty work, repair work, and off-site work.
- 13) Project management and scheduling.
- 14) Dispute resolution and execution mechanisms.
- 15) Strategies to remove barriers to equitable employment and contracting opportunities
- 16) An analysis of the data.
- 17) Evaluating barriers that may exclude workers such as driver's license and cannabis testing, etc.
- 18) Funding strategies for job access programs; and be it

FURTHER RESOLVED: That policies for any Community Workforce Agreement resulting from the processes described above shall be presented to City Council for review, discussion, and possible direction; and be it

FURTHER RESOLVED: The City Council hereby directs the City Administrator to initiate an Equity Impact Analysis and community engagement process as described herein, and report back to the City Council no later than January 2019.

IN COUNCIL, OAKLAND, CALIFORNIA

JUL 24 2018

PASSED BY THE FOLLOWING VOTE:

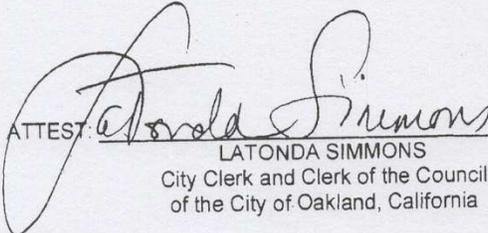
AYES: BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN AND ~~PRESIDENT REID~~ - 7

NOES: 0

ABSENT: 0

ABSTENTION: Reid - 1

ATTEST:


 LATONDA SIMMONS
 City Clerk and Clerk of the Council
 of the City of Oakland, California

2455408v4

APPENDIX B: SAMPLE SESSION AGENDA

UNITY COUNCIL COMMUNITY ENGAGEMENT SESSION ON PROJECT LABOR AGREEMENTS (PLAs) & COMMUNITY WORKFORCE AGREEMENTS (CWAs) August 19, 2019; 7:00 PM-9:00 PM

PARTICIPANTS' AGENDA Fruitvale-San Antonio Senior Center 3301 E 12th St, Oakland, CA 94601

SESSION OUTCOMES

Participants will...

1. Understand Oakland City Council Resolution #87293 C.M.S. of August 2018 and its direction to city staff;
2. Understand the basic purposes and provisions of a **Project Labor Agreement (PLA)**, a **Community Workforce Agreement (CWA)** and the related equity issues;
3. Identify barriers to training, employment and retention in construction-related jobs/careers and opportunities for small contractors; and
4. Offer suggestions regarding how existing equity policies can be strengthened and/or expanded through a community workforce agreement ordinance.

AGENDA

I. OPENING

- A. Welcome and Introductions-Deborah Barnes, Director, Contracts and Compliance, City of Oakland
- B. Review Outcomes, Agenda, Ground Rules & Logistics -Junious Williams, Facilitator

II. BACKGROUND ON COUNCIL RESOLUTION

- A. Description & Update on Community Engagement Process-Deborah Barnes
- B. Description & Update on Equity Analysis-Junious Williams
- C. Q & A on Community Engagement and Equity Analysis-Facilitator

III. OVERVIEW OF PLAs/CWAs

- A. Purposes and Contents of Project Labor Agreements/Community Workforce Agreements- Jonathan Dumas, Employment Services Supervisor, Contracts and Compliance, City of Oakland
- B. Q & A-Facilitator

IV. SMALL GROUP DISCUSSIONS ON BARRIERS TO TRAINING, EMPLOYMENT & CONTRACTING

- A. Instructions and Movement to Groups
- B. Small Group Discussions

1. **TOPIC #1: Training, Employment, Retention and Advancement Needs for Local Workers**

a. Discussion Questions

- **What are the barriers to training, employment, retention and advancement** for focus populations (local workers of color, especially Black and Asian workers, residents in disparity impacted neighborhoods and women) that prevent them from getting training, employment, retaining employment and advancing in construction-related jobs/careers on city-funded projects?
- What provisions do a CWA ordinance or other city policies need to contain to **increase the training, employment, retention and advancement** of focus populations in construction-related jobs/careers on city-funded projects?

2. **TOPIC #2: Contractors, Especially Small Local Business Enterprises (SLBE) or Very Small Local Business Enterprises (VSLBE) Contractors**

a. Discussion Questions

- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from participating as primes or sub-contractors** on city contracts for construction projects?
- **What barriers prevent contractors, especially SLBE/VSLBE contractors, from hiring focus populations** (workers of color, residents of disparity-impacted neighborhoods and women) in construction-related jobs/careers?
- **What provisions are needed in a CWA ordinance or other city policies** to ensure fairness to union and non-union contractors, increase the participation of SLBE/VSLBE contractors in city construction contracts and increase training and hiring of people of color, residents of disparity impacted neighborhoods or women in construction-related jobs/careers?

3. **TOPIC #3: General Provisions of a CWA**

a. Discussion Questions

- **What are possible adverse or positive impacts** of a CWA ordinance on Oakland residents generally, construction workers, those residing in disparity impacted neighborhoods, small contractors or the city government?
- **What provisions are needed in a CWA ordinance or other city policies to prevent or mitigate the adverse impacts or increase positive impacts on residents** of construction projects in Oakland?

C. Small Group Reports (10 minutes; 6:40-6:50 pm)

V. **RECOMMENDATIONS TO CITY COUNCIL (time permitting)**

A. Rapid Response Round

- Speakers can address the two questions below or any issue related to the topic for up to 1 minute (60 seconds) and we will recognize as many people as possible in the time remaining

B. Discussion Question

1. What advice or recommendations would you give the City of Oakland staff and Council on whether to adopt the ordinance and/or how to improve the ordinance to benefit disparity impacted neighborhoods?

VI. CLOSING

- A. Next Steps in City Process
- B. Other Ways to Contribute Ideas

For more information or to comment, go to

<https://www.oaklandca.gov/projects/introduction-to-project-labor-agreements-and-community-workforce-agreements>

- C. Thank You for Participating

INTRODUCTION TO PROJECT LABOR AGREEMENTS AND COMMUNITY WORKFORCE AGREEMENTS

This summary provides some basic information regarding Project Labor Agreement (PLAs) and Community Workforce Agreement (CWAs).

1. WHAT IS A PROJECT LABOR AGREEMENT (PLA)?

A Project Labor Agreement (PLA) is:

- a pre-hire collective bargaining agreement
- between a property owner/buyer (in this case, the City of Oakland) and one or more labor organizations (in this case, the Building and Construction Trades Council of Alameda County [BCTC/AC])
- that establishes the terms and conditions of employment for a specific construction project(s) (in this case, all city projects costing over a specified amount)

2. WHAT IS A COMMUNITY WORKFORCE AGREEMENT(CWA)?

A Community Workforce Agreement may consist of:

- a project labor agreement;
- a targeted hire provision designed to get targeted workers into construction careers (e.g. requirements for local hire, apprentice hours or new apprentice hiring);
- other provisions for sub-contracting or procurement from local, minority- or women-owned businesses;
- designated beneficiaries such as local schools, community groups or organizations supporting specific populations or non-profit/grass roots organizations.

3. HOW DOES A PLA/CWA WORK?

The property owner (City of Oakland) and the Unions (BCTC/AC) Execute an agreement before construction which requires the following:

1. Contractors and sub-contractors on city projects exceeding the threshold amount must use only union labor or pay prevailing wages.
2. All workers on the project covered by a PLA/CWA will be referred to contractors through the various unions' dispatch processes.
3. All workers must either join the union or pay union dues/fees.
4. The parties agree to binding procedures to resolve labor disputes to avoid work stoppages through strikes or lockouts.

4. WHO ARE THE PARTIES TO A PLA/CWA?

There are two parties to a PLA/CWA:

1. A Union or Group of Unions (Building and Construction Trades Council of Alameda County); and
2. A Property Owner (City of Oakland)

...But the PLA/CWA is binding on others including:

- Contractors and sub-contractors
- Union and non-union construction workers on covered projects

5. WHO ARE THE 3RD PARTY BENEFICIARIES TO A PLA/CWA?

There are several 3rd party beneficiaries to a PLA/CWA:

1. Residents of the City, Generally

- 2. Residents of the City Interested in or Pursuing Construction-Related Jobs/Careers
- 4. Residents of Neighborhoods Impacted by Disparities Seeking Training and Employment Opportunities
- 5. Locally small, minority- and women-owned businesses

6. WHAT ARE THE POTENTIAL BENEFITS OF A PLA TO THE PARTIES?

<p>CITY OF OAKLAND</p> <ul style="list-style-type: none"> • Labor stability • Cost containment • Timely completion of projects; • Quality workforce 	<p>BUILDING AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA COUNTY</p> <ul style="list-style-type: none"> • Increase in union workforce • Labor cost competitiveness with non-union workers • Recruitment of union members and contractors
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7. WHAT ARE THE POTENTIAL BENEFITS OF A CWA TO THE PARTIES?

<p>CITY OF OAKLAND</p> <ul style="list-style-type: none"> • Quality, equitable employment and training opportunities for residents • Enhances efforts to target construction employment and contracting opportunities • Permits public agencies to promote socio-economic goals by leveraging their investments in construction projects 	<p>BUILDING AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA COUNTY</p> <ul style="list-style-type: none"> • Expands contractors that are union contract signatories • Expands union membership among workers • Creates pipelines of pre-apprentice, apprentice and journey workers
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8. WHAT ARE THE POTENTIAL BENEFITS OF A PLA/CWA TO THE 3RD PARTY BENEFICIARIES?

Residents of the City, resident job seekers, and residents of neighborhoods impacted by disparities COULD benefit by:

- More timely, cost-effective completion of city construction projects
- Increased training, employment and retention opportunities for residents, especially those who from disparity impacted neighborhoods
- Increased contracting opportunities for local, small, minority and women-owned businesses

9. HAS THE CITY USED PLAs AND CWAs AND HOW WELL HAVE THEY WORKED?

- One well-known example of a community workforce agreement is the agreement covering the City of Oakland’s portion of the Oakland Army Base. <http://www2.oaklandnet.com/oakca1/groups/contracting/documents/webcontent/oak045145.pdf>
- Another often-cited example of a PLA/CWA is the Maritime and Aviation Project Labor Agreement (MAPLA) between the Port of Oakland and the Building and Construction Trades Council of Alameda County, AFL-CIO and its Affiliated Local Unions. https://www.portofoakland.com/files/PDF/MAPLA_Agreement_2016.pdf

10. WHAT OTHER EMPLOYMENT AND CONTRACTING EQUITY POLICIES DOES THE CITY HAVE, HOW ARE THEY WORKING AND HOW WILL THEY WORK WITH PLAs/CWAs?

- **Oakland Apprenticeship Workforce Development Partnership** <https://cao-94612.s3.amazonaws.com/documents/OAKLAND-APPRENTICESHIP-WORKFORCE-DEVELOPMENT-PARTNERSHIP-SYSTEM.pdf>
- **Local Construction Employment Referral Program (LCERP)** <https://www.oaklandca.gov/services/local-employment-program>

APPENDIX D: LIST OF TOPICS IDENTIFIED IN CITY COUNCIL RESOLUTION 87293 -CATEGORIZED
**OAKLAND CITY COUNCIL RESOLUTION 87293 COMMUNITY WORKFORCE AGREEMENT COMMUNITY
ENGAGEMENT TOPICS**

“**RESOLVED:** That the City of Oakland shall initiate an inclusive engagement process, the completion of an Equity Impact analysis and drafting of recommendations toward a Community Workforce Agreement as described herein; and
FURTHER RESOLVED: That such process shall address the following topics, among others:”

CATEGORIZED LIST OF COUNCIL TOPICS (Numbers indicate those assigned in Council Resolution)

GENERAL PROVISIONS OF CWA

1. Project cost threshold for CWA coverage.
2. Term of the CWA.
3. Prohibition on strikes and lockouts.
12. Coverage of warranty work, repair work, and off-site work.
13. Project management and scheduling.
14. Dispute resolution and execution mechanisms.

EQUITY

15. Strategies to remove barriers to equitable employment and contracting opportunities
17. Evaluating barriers that may exclude workers such as driver's license and cannabis testing, etc.

TRAINING AND APPRENTICESHIP

10. Admission of local workers to apprenticeship programs.

FUNDING

11. Contributions by project participants towards local workforce training and supportive services.
18. Funding strategies for job access programs;

CONTRACTORS

4. Participation by non-union contractors.
6. Participation by certified Small Local Businesses, and other business categories targeted by the City's Small Local Business Enterprise Program.
12. Sole proprietor participation.

HIRING PROVISIONS

5. Local hiring.
 - a) Application of City's existing Local Employment Program (LEP).
 - b) Goals for hiring local apprentices.
 - c) Goals for hiring disadvantaged workers.
 - d) Goals for hiring graduates of local pre-apprenticeship programs.
 - e) Goals for sponsorship of new local apprentices.
 - f) Hiring process for local workers needed for compliance with LEP
8. Use of "core workers" by non-union contractors.

DATA, REPORTING AND MONITORING

9. Reporting of demographic data by participating unions
16. An analysis of the data.

APPENDIX E: RECOMMENDATIONS FROM THE ASSOCIATED BUILDING CONTRACTORS

Terms for Project Labor Agreement City of Oakland August 8, 2019

1. **Threshold/Applicable Projects.** The PLA would only apply to general contracts (prime contracts) in excess of twenty-five million dollars (\$25 million), but would not apply to subcontracts/subcontractors of that general contractor whose contract is below one million dollars (\$1,000,000). The PLA exempts small business, microbusiness and DVBEs who are certified with DGS. Non-union General Contractors are exempt.
2. **Quarterly Reporting.** The City will establish and monitor metrics for PROPER PLA compliance, accountability, and transparency. A report will be submitted quarterly by each trade signatory to the PLA to the controller to consolidate. The report will include the following with the quarterly delta. The report will be delivered quarterly to the City Council.
 - a. City where workers are from (use of union hiring hall address prohibited)
 - b. Gender
 - c. Ethnicity
 - d. New business engagement/cultivation
 - e. Veterans
 - f. # of union vs. non-union bidders on final bid results (Provided by City)
 - g. % of union and non-union contractors working in City before PLA (Provided by City)
 - h. Bid results compared to engineer's estimates (Provided by City)
3. **Wages and Benefits.** Any non-signatory Contractor/Employer employing a core worker shall compensate the core worker for benefits in excess of the basic hourly wage rate in accordance with the applicable prevailing wage determination established by the Department of Industrial Relations pursuant to the California Labor Code. Contractor/Employer may: (1) contribute to Contractor/Employer's benefit plans on behalf of the core worker, or (2) contribute to the Union's established employee benefit plans on behalf of the core worker. Other payments in the general prevailing wage determination will be set aside and deposited into a fund for a charity/project in the City of Oakland. Regardless, all benefits should be portable.
4. **Core Employees and Local Hire.** Local Hire is paramount. The local hire goal should be 80% defined as workers residing in the City. Each Contractor/Employer will be permitted to use his/her own core workforce or utilize the name call system for hiring out of the hiring hall. When Contractor/Employer requires employees for covered work in addition to his/her initial core workers, Contractor/Employer shall utilize the Signatory Union(s) referral system of the local hiring hall. Out of area union members or "travelers" are prohibited.
5. **Apprenticeship Programs.** Contractors and Subcontractors will hire apprentices indentured in State-approved apprenticeship programs for the applicable craft or trade for work on the Project in accordance with the apprentice ratios contained in California Labor Code Section 1777.5. Unilateral and Joint apprentices shall not be prohibited from working under a PLA.
6. **PLA Task Force.** The City will set up a PLA Task Force to study the impacts of the proposed PLA and make a recommendation to the City prior to a vote.
7. **Suspension.** The City would have the right to suspend the PLA on a particular project or contract and rebid the project if (1) the City does not receive three bids or proposals for that project or contract or (2) all bids or proposals for that project or contract come in 20% or more above the budget for that project or contract.
8. **Termination.** The City would have the right to terminate the PLA by a majority vote of the Board. The PLA would automatically terminate after one year.

APPENDIX F: SAMPLE SLIDES FROM COMMUNITY ENGAGEMENT SESSIONS DECK





THE UNITY COUNCIL
CITY OF OAKLAND

**COMMUNITY ENGAGEMENT SESSION
ON
PROJECT LABOR AGREEMENTS
AND
COMMUNITY WORKFORCE AGREEMENTS**

**AUGUST 19, 2019; 7:00 PM-9:00 PM
FRUITVALE-SAN ANTONIO SENIOR CENTER
3301 E 12th St, Oakland, CA 94601**



TABLE OF CONTENTS

1. Why are we discussing PLAs/CWAs now? (Slide 3)
2. What are the Community Engagement Plans? (Slides 4-7)
3. What is a Project Labor Agreement (PLA)? (Slide 8)
4. What is a Community Workforce Agreement (CWA)? (Slide 9)
5. How does a PLA/CWA work? (Slide 10)
6. Who are the parties to a PLA/CWA and how do they benefit? (Slides 11-13)
7. Who are the intended third-party beneficiaries of a PLA/CWA and how do they benefit? (Slides 14-15)
8. What are the Pros and Cons of PLAs/CWAs? (Slides 16-17)
9. Has the City of Oakland ever used PLAs/CWAs? (Slide 18)
10. How do PLA/CWA and NON-PLA/CWA projects in Oakland compare? (Slide 19)
11. How well have PLAs/CWAs worked in Oakland? (Slide 20)
12. How will PLA/CWA work with other Oakland employment and contracting equity policies? (Slide 21)
13. How should the City of Oakland structure PLAs/CWAs to remove barriers to participation by Oakland residents who are most impacted by unemployment and economic disadvantage? (Slide 22)
14. What recommendations do stakeholders have regarding how to address CWA policy content issues identified by City Council? (Slides 23-25)
15. How can Oakland residents connect to training and job opportunities now while the City considers PLAs/CWAs? (Slide 26)

WHY ARE WE DISCUSSING PLAs/CWAs NOW?

- The City of Oakland is considering **adopting a new city ordinance** which will require all city construction projects over a specified amount to be governed by a Project Labor Agreement (PLA)/Community Workforce Agreement (CWA). Feedback received may also impact the City's new "Land Use Policy".
- In August of 2018, City Council adopted a **resolution** (87293) directing city staff to undertake: 1) an equity impact analysis process; and 2) community engagement process.
- "The policies from any CWA resulting from the processes described above shall be presented to the city council for review, discussion, and possible direction..."

3



WHAT ARE THE COMMUNITY ENGAGEMENT PLANS?

SESSIONS AND PARTNERS

- Three (3) community engagement sessions during July and August
- Working through Community-based and faith-based organizations to co-host the engagement sessions

OUTREACH

- Outreach generally focused on "input from racially and economically diverse stakeholder communities"*
- Outreach specifically focused on several populations including residents: interested in or pursuing training in construction related jobs/careers; already working in construction-related jobs/careers; living in neighborhoods impacted by disparities; owning small local business and women and minority owned businesses

*Excerpted from July 24, 2018 Oakland City Council Resolution 87293.

4



COMMUNITY ENGAGEMENT PLANS (continued: 2 of 4)

QUESTIONS FOR ENGAGEMENT SESSIONS:

- What are the **barriers to training and employment** for focus populations (residents of disparity-impacted neighborhoods, workers of color and women)?
- What provisions are needed in a CWA or other city equity policies that would **increase the training and employment opportunities** for focus populations?
- What are the **barriers for small local emerging businesses** participating as primes and subcontractors in city-funded projects?
- What provisions are needed in a CWA or other city equity policies that would **increase the participation of SLEB in city-funded projects?**
- What are the possible adverse impacts of a CWA on Oakland residents and what provisions are needed to prevent or mitigate possible adverse impacts?

5



COMMUNITY ENGAGEMENT PLANS (continued: 3 of 4)

TOPICS FROM CITY COUNCIL ON CWAs:

GENERAL PROVISIONS OF CWA

- Project cost threshold for CWA coverage.
- Term of the CWA.
- Prohibition on strikes and lockouts.
- Coverage of warranty work, repair work, and off-site work.
- Project management and scheduling.
- Dispute resolution and execution mechanisms.

EQUITY

- Strategies to remove barriers to equitable employment and contracting opportunities
- Evaluating barriers that may exclude workers such as driver's license and cannabis testing, etc.

TRAINING AND APPRENTICESHIP

- Admission of local workers to apprenticeship programs.

FUNDING

- Contributions by project participants towards local workforce training and supportive services.
- Funding strategies for job access programs;

6



COMMUNITY ENGAGEMENT PLANS (continued: 4 of 4)

TOPICS FROM CITY COUNCIL ON CWAs:

CONTRACTORS

- Participation by non-union contractors.
- Participation by certified Small Local Businesses, and other business categories targeted by the City's Small Local Business Enterprise Program.
- Sole proprietor participation.

HIRING PROVISIONS

- Local hiring.
- Application of City's existing Local Employment Program (LEP).
- Goals for hiring local apprentices.
- Goals for hiring disadvantaged workers.
- Goals for hiring graduates of local pre-apprenticeship programs.
- Goals for sponsorship of new local apprentices.
- Hiring process for local workers needed for compliance with LEP
- Use of "core workers" by non-union contractors.

DATA, REPORTING AND MONITORING

- Reporting of demographic data by participating unions
- An analysis of the data.

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WHAT IS A PROJECT LABOR AGREEMENT (PLA)?

A Project Labor Agreement (PLA) is:

- a pre-hire [collective bargaining](#) agreement
- between a property owner or buyer (in this case, the City of Oakland) and one or more [labor organizations](#) (in this case, the Building and Construction Trades Council of Alameda County [BCTC/AC])
- that establishes the terms and conditions of employment for a specific construction project(s) (in this case, all city projects costing over a specified amount) and may apply to the city's Land Use Policy

Wikipedia, accessed 4.22.19 at https://en.wikipedia.org/wiki/Project_Labor_Agreement.

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WHAT IS A COMMUNITY WORKFORCE AGREEMENT(CWA)?

A Community Workforce Agreement may consist of:

- a project labor agreement;
- a targeted hire provision designed to get targeted workers into construction careers (e.g. requirements for local hire, apprentice hours or new apprentice hiring);
- other provisions for sub-contracting or procurement from local, minority- or women-owned businesses;
- designated beneficiaries such as local schools, community groups or organizations supporting specific populations or non-profit/grass roots organizations.

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HOW DOES A PLA/CWA WORK?

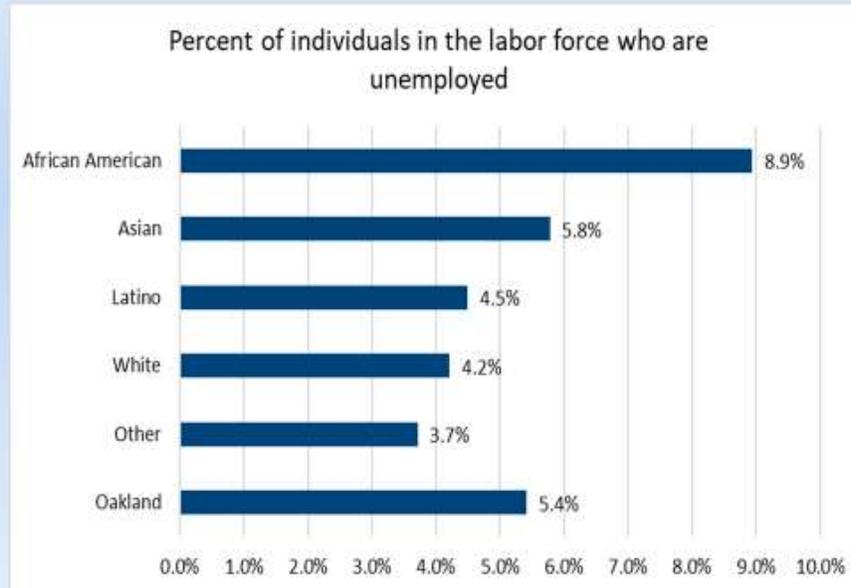
THE PROPERTY OWNER OR BUYER (City of Oakland) AND THE UNIONS (BCTC/AC) EXECUTE AN AGREEMENT BEFORE CONSTRUCTION BEGINS AND MAY REQUIRE THE FOLLOWING:

1. Contractors and sub-contractors on city projects exceeding the threshold amount must use only union labor or pay prevailing wages.
2. All workers on the project covered by a PLA/CWA will be referred to contractors through the various unions' dispatch processes.
3. All workers must either join the union or pay union dues/fees.
4. The parties agree to binding procedures to resolve labor disputes to avoid work stoppages through strikes or lock-outs.

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HOW SHOULD THE CITY OF OAKLAND STRUCTURE PLAs/CWAs TO REMOVE BARRIERS TO PARTICIPATION BY OAKLAND RESIDENTS WHO ARE MOST IMPACTED BY UNEMPLOYMENT AND ECONOMIC DISADVANTAGE?



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HOW WILL PLAs/CWAs WORK WITH OTHER OAKLAND EMPLOYMENT & CONTRACTING EQUITY POLICIES?

1. What Are the Other Oakland Policies for Equitable Employment and Contracting?
2. How Well are They Working to Increase Training, Employment and Contracting Opportunities for Oakland Residents and Residents of Disparity Impacted Neighborhoods?
3. How will a PLA/CWA Ordinance Work with Existing City Training, Employment, and Contracting Equity Policies?

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