

DEVELOPMENT OF A COUNTYWIDE COMMUNITY WORKFORCE AGREEMENT ORDINANCE AND PROJECT TEMPLATE

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WHAT IS A COMMUNITY WORKFORCE AGREEMENT?

- A legally binding agreement negotiated between a public agency and construction trade unions with the goal of providing a stable, skilled workforce, and high quality standards on publicly funded projects
- Consists of a Project Labor Agreement (PLA) that includes a targeted hire provision designed to get low-income workers into construction careers through established apprenticeship programs
- Guarantees uniform wages, benefits, and work rules across multiple crafts employed on construction projects
- Can be developed in such a way to advance Board priorities such as economic and job development by improving and increasing local training opportunities and recruiting members of disadvantaged communities into well-paying construction jobs



TARGETED HIRING PROVISIONS

- A 2011 study conducted by Cornell University analyzed more than 185 agreements across the United States and found:
 - 139 of the 185 agreements included “Helmets-to-Hardhats” provisions to promote the hiring of veterans
 - 103 agreements included provisions of preferential hiring of women and minorities



NORTHERN BRANCH JAIL AB 900 PHASE II PROJECT PILOT PROJECT STABILIZATION AGREEMENT

- On April 15, 2014, the Santa Barbara County Board of Supervisors directed the General Services Department to negotiate a Pilot Project Stabilization Agreement for the construction of the Northern Branch Jail AB 900 Phase II Project
- Staff returned to the Board on October 7, 2014 with the outcome of those negotiations, which failed to receive 100% approval from TCBT trades and affiliates. Negotiations at that time centered around seven main points



NORTHERN BRANCH JAIL AB 900 PHASE II PROJECT PILOT PROJECT STABILIZATION AGREEMENT

- 1. Core Workforce – defined as employees on a contractor’s payroll who have been employed 60 of the last 100 working days**
- 2. Exemption from the PSA requirements for offsite fabrication facilities**
- 3. Exemption from the PSA for all professional services**
- 4. Exclusive use of apprentices from a locally approved apprenticeship program**
- 5. Union dues for non-union contractors**
- 6. Union benefits for non-union contractors**
- 7. Local participation**



LOCAL EXAMPLES OF LABOR AGREEMENTS

- Oxnard Harbor District Board of Commissioners – December 10, 2018
 - Project Labor Agreement for all port projects estimated at or over \$250,000
 - 30% of all construction labor hours worked come from cities of Oxnard and Port Hueneme as first priority, those residing in Ventura County as second priority, and those residing within Santa Barbara and San Luis Obispo Counties as third priority
 - “Helmets-to-Hardhats” provision
- City of Santa Barbara – December 4, 2018
Voted to authorize the use of project labor agreements on city public works projects over \$5 million
- City of San Luis Obispo – January 2019
 - Community Workforce Agreement for the City’s Water Resource Recovery Facility Project
 - Alternating core workforce provision
 - 30% of all construction labor hours worked come from City of San Luis Obsipo as first priority, County of San Luis Obispo as second priority, counties of Santa Barbara and Monterey as third priority, and Ventura County as fourth priority.
 - “Helmets-to-Hardhats” provision



APPRENTICESHIP PROGRAMS

- Apprenticeship programs combine on-the-job experience with classroom training. Apprentices work during the day for contractors who pay the apprentice directly for their work and attend school according to the set schedule for the program
- Apprentices are paid a percentage of journeyman's wages depending on their progress through the program
 - For example: Santa Barbara County's IBEW Local 413's Joint Apprenticeship and Training Committee (JATC) is a 5-year program. Beginning apprentices make 40% of a journeyman's wage – currently \$41.41/hour – and go up as they complete hours



SKILLED & TRAINED WORKFORCE LAWS

- Over the past few years, several state bills have been passed supporting skilled & trained workforce requirements:
 - SB 54 (2013) – requires oil refiners in California to use a skilled & trained workforce
 - AB 566 (2015) – requires school districts entering into specified school building lease contracts to use skilled & trained workforce
 - AB 1358 (2015) – requires school districts awarding contracts through a design-build method to use a skilled & trained workforce for projects exceeding \$1 million
 - SB 693 (2016) – consolidated and clarified laws about “skilled & trained workforce” and authorized the use of a skilled & trained workforce when not required by law
 - AB 3018 (2018) – enhances compliance with skilled & trained workforce laws by strengthening public agency reporting requirements and creating penalties for noncompliance



SKILLED & TRAINED WORKFORCE LAWS

- These bills require at least 60% of the workforce to be workers who are either registered apprentices or skilled journeypersons who have graduated from a program in which they have received applicable training and education as approved by the Chief of the Division of Apprenticeship Standards in order to comply with having a “skilled & trained workforce”



WHY A COUNTYWIDE CWA?

- Allows more time and space for negotiations
- Saves staff time and resources for the Board's considerations and staff negotiating a separate labor agreement from scratch for each new capital project
- Fits into existing County labor policies and practices – the County currently negotiates with labor organizations regarding specifics of wages, benefits, and work rules for County employees, including:



EXISTING COUNTY LABOR AGREEMENTS

- Firefighters, Local 2046 – County firefighters
- Deputy Sheriffs Association – Law enforcement
- Deputy District Attorneys Association – Deputy District Attorneys
- Probation Peace Officers Association – Probation Peace Officers
- Service Employees International Union, Local 620 – Deputy Public Defenders; clerical services; administrative, technical, office, & health services; craft, technical, & maintenance services
- Service Employees International Union, Local 721 – Human services
- Engineers & Technicians Association – engineers & technicians
- Civil Attorneys Association – civil attorneys
- Sheriff's Managers Association – Law enforcement management
- Union of American Physicians & Dentists



COUNTY CAPITAL PROJECTS

- Between FY 08-09 to present, there have been 62 capital projects
- Cost breakdown of the 62 projects:
 - \$100,000-\$250,000 = 7
 - \$250,000-\$500,000 = 11
 - \$500,000-\$1 million = 13
 - \$1-\$3 million = 7
 - \$3-5 million = 3
 - \$5-10 million = 2
 - >\$10 million = 2



UPCOMING CAPITAL PROJECTS

- General Services' 2019 Proposed Capital Projects
 - Main Jail Renovations – Phase 1 = \$12.8 million
 - Main Jail Renovations – Phase 2 = \$11.8 million
 - Public Safety Radio Tower Enhancements – Phase 3 = \$2.1 million
 - Calle Real Water System Replacement = \$2 million
 - Courthouse Roof Replacement = \$3.1 million
 - Renewable Energy and Energy Efficiency Upgrade Project = \$4.8 million
 - Cachuma Lake Park Infrastructure Upgrades - \$12 million
 - Santa Barbara Probation Department Headquarters New Construction = \$19.5 million
 - Emergency Operations Center Expansion = \$5 million



RECOMMENDED ACTIONS

- A) Direct staff to draft an Ordinance governing the use of Community Workforce Agreements (CWAs) on public projects;
- B) Direct the General Services and Public Works Departments to negotiate a template of terms to be used in the framework of future project-specific CWAs with the Tri-County Building and Construction Trades Council
- C) Determine that the above actions are organizations or administrative activities of government that will not result in direct or indirect physical changes in the environment and are not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA guidelines.

