



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: BOS
Department No.: 011
For Agenda Of: 04/09/19
Placement: Departmental
Estimated Time: 90 mins
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Supervisor *Das Williams* and Supervisor Joan Hartmann
Director: *Joan Hartmann*

Contact Info: Darcel Elliott, (805) 568-2182; Jefferson Litten, (805) 568-2197 *for JOAN HARTMANN*

SUBJECT: Development of Countywide Community Workforce Agreement Ordinance and Project Template

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: No

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Directs staff to draft an ordinance governing the use of Community Workforce Agreements (CWAs) on public projects; and
- 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 (TCBT); and
- C. Determine that the above actions are organization 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.

Summary Text:

A Community Workforce Agreement (CWA) is 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. In particular, a CWA consists of a project labor agreement that includes a targeted hire provision designed to get low-income workers into construction careers through established apprenticeship programs. It is a form of pre-hire agreement that guarantees

uniform wages, benefits, and work rules across multiple crafts employed on construction projects. Such agreements have proven to be cost-effective for public agencies through their assurance of work quality and keeping projects free from disruptions resulting from labor disputes, grievances, or jurisdictional issues. Additionally, local CWAs can be written to advance important policy goals our Board has already specified as priorities, such as economic and job development by improving and increasing local training opportunities and recruiting members of disadvantaged communities into high-paying construction jobs. Previous Boards of Supervisors have directed staff to explore similar types of agreements in the past.

Background:

Project labor agreements have been utilized for over 70 years to achieve uniform labor standards, stability and quality for construction projects, and long-term cost savings. Such agreements have evolved over the decades and are currently evolving to address broader social and community issues. CWAs, in particular, are project labor agreements that contain social investment or targeted hiring provisions to create employment and career path opportunities for individuals from communities most in need of such opportunities – including veterans, formerly homeless individuals, women, minorities, and other low-income communities.

A 2011 study conducted by Cornell University analyzed more than 185 agreements across the United States and determined that “PLAs and CWAs can constitute an effective overarching framework for enforcing laws and regulations that promote equal employment and career opportunities for residents of low income communities, women, minorities, and disadvantaged or at risk populations.” Specifically, 139 of the 185 agreements studied included “Helmets-to-Hardhats” provisions to promote the hiring of veterans and 103 contained provisions for preferential hiring of women and minorities. One of those studied, a 2001 Los Angeles Community College District agreement, required 30% of hires to be local residents and 20% of those residents to be individuals from economically disadvantaged and at-risk populations.

Previously, 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. After six weeks of negotiation, 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:

- Core workforce – defined as employees on a contractor’s payroll who have been employed 60 of the last 100 working days
- Exemption from the PSA requirements for offsite fabrication facilities
- Exemption from the PSA for all Professional Services
- Exclusive use of apprentices from a locally approved apprenticeship program
- Union dues for non-union contractors
- Union benefits for non-union contractors
- Local participation

There were many issues related to these seven main points that both parties were not able to reach agreement on for the specific Northern Branch Jail AB 900 Phase II Project.

Creating a Countywide ordinance governing when to use CWAs for public projects and negotiating a template of terms for future, project-specific CWAs will save critical staff time and resources. It allows more time and space for negotiations to work through some of these issues for the betterment of the community workforce than requiring staff to bring forward consideration of such an agreement before every individual project and requiring Board approval before negotiations take place. Additionally, a broad template will provide continuity across County projects over a specific threshold and will save money in staff time by not requiring separate negotiations for individual projects.

It has been almost four and a half years since the County last considered entering into an agreement with our local construction trades. Many things have changed in that time and it is time to begin negotiating a new agreement for the future of the County and its workforce. Additionally, the 2014 PSA included a “Helmets to Hardhats” provision but did not include other disadvantaged and at-risk populations. County staff and current leadership of TCBT may be interested in pursuing such provisions now.

Financial Impacts:

None with this action.

Staffing Impacts:

Legal Positions:

FTEs:

- No staffing impacts

Special Instructions:

- None

Attachments:

- Attachment A – County of Santa Barbara Northern Branch Jail – AB900 Phase II Project Stabilization Agreement
- Attachment B – Community Workforce Provision in Project Labor Agreements: A Tool for Building Middle-Class Careers

Authored by:

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CC: