

Councilmember Abel Guillén

18 JUL -5 PM 3:42

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

DATE: July 5, 2018
TO: City Council
FROM: Council President Pro Tem Abel Guillén and Vice Mayor Annie Campbell Washington
SUBJECT: Initiating a Process to Develop a Community Workforce Agreement

RECOMMENDATION

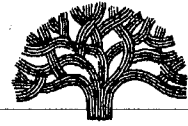
Council President Pro Tem Abel Guillén and Vice Mayor Annie Campbell Washington recommend that the Oakland City Council adopt a resolution initiating a process toward developing a Community Workforce Agreement for the City's large Public Works projects to ensure labor peace, provide quality, equitable employment and training opportunities, and enhance the City's local employment and local contracting programs by directing the City Administrator to undertake an Equity Impact Analysis and community engagement process and report policy recommendations back to Council no later than January 2019.

SUMMARY

This resolution initiates a process to develop recommendations for a Community Workforce Agreement (CWA) through an inclusive, robust community engagement process with input from racially and economically diverse stakeholder communities as well as an Equity Impact Analysis. After this inclusive process, recommended policies for any Community Workforce Agreement will be presented to City Council for review, discussion, and possible direction no later than January 2019.

The engagement and analysis 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.



Councilmember Abel Guillén

CITY OF OAKLAND

CITY HALL - ONE FRANK H. OGAWA PLAZA, 2ND FLOOR - OAKLAND - CALIFORNIA 94612

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; and be it

The recommended policies for a CWA shall be in addition to the City of Oakland's current 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.

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.

ACTION REQUESTED OF THE CITY COUNCIL

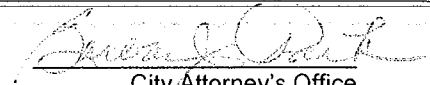
Adopt this resolution to initiate a process toward developing a Community Workforce Agreement for the City's large Public Works projects, with such agreement to ensure labor peace, provide quality, equitable employment and training opportunities, and enhance the City's local employment and local contracting programs by directing the City Administrator to initiate an Equity Impact Analysis and community engagement process as described and report back to the City Council no later than January 2019.

Thank you,

Abel Guillén, City Councilmember, District 2

Annie Campbell Washington, Vice Mayor

OFFICE OF THE CITY CLERK
OAKLAND


City Attorney's Office

10 JUL -5 PM 3:43

OAKLAND CITY COUNCIL

Resolution No. _____ 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; 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

PASSED BY THE FOLLOWING VOTE:

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

NOES:

ABSENT:

ABSTENTION:

ATTEST: _____

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