

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 24, 2014

ITEM TITLE:

Consider Approval of Resolution 13/14-70, Authorization for the Chancellor to Negotiate a Renewal of the Project Labor Agreement with the Building and Construction Trades Council (AFL-CIO) of Alameda County and Related Signatory Unions.

SPECIFIC BOARD ACTION REQUESTED:

Approval is requested to authorize the Chancellor to negotiate an extension to the Project Labor Agreement (PLA) Terms with the Building and Construction Trades Council of Alameda County and related signatory unions.

ITEM SUMMARY:

The District will negotiate to ensure that job opportunities are created for the disadvantaged population of the District's six cities (Alameda, Albany, Berkeley, Emeryville, Piedmont), particularly the City of Oakland. This authorization will allow the Chancellor to negotiate the following terms to be included with the existing PLA:

- extend the agreement for five (5) more years, starting July 1, 2014 through June 30, 2019;
- add specific language on the hiring of new apprentice for construction projects;
- provide good faith effort to increase the project work hours for new hired apprentices; and
- require Signatory Unions to refer apprentices to local contractors for job opportunity;
- exercise best efforts to recruit applicants from the apprenticeship program;
- address the needs of local businesses;
- require and allow contractors to use local workers as a core worker on projects; and
- reorganize and streamline the existing committee structure to better handle issues.

The above specificities were not included in the original Project Labor Agreement. Therefore, the negotiation of the Project Labor Agreement terms and conditions with the labor council is necessary. The Chancellor recommends approval.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, Berkeley City College, "Science Lab upgrades," "Remodeling classroom space," and "Equipment, technology upgrades and facility and classroom improvements for the college's following programs and proposed programs: American Sign Language, Biotechnology, Business, Computer Information Systems, Disaster Preparedness, Fine and Applied Arts, Global Studies, International Trade, Multimedia Arts, Social Services Paraprofessional, Travel and Tourism Industry, Foundations (Basic Skills), Network Administration, Teacher Preparation, International Studies and High School Honor's Courses (Advanced Placement).

BACKGROUND/ANALYSIS:

On June 23, 2009, the Governing Board of Trustees authorized the Chancellor to negotiate and execute the original Project Labor Agreement (PLA) for capital projects. The District used an outside vendor

(Davillier Sloan, Inc.) to monitor and enforce the PLA. This vendor has been performing this duty since March 23, 2010, after the Board of Trustees approved entering into an agreement with the company.

DELIVERABLES AND SCOPE OF WORK:

The Chancellor will negotiate an extension of the existing PLA to include desired deliverables and scope of work outlined in the Item Summary.

ANTICIPATED COMPLETION DATE:

The negotiation of the PLA terms by the Chancellor will happen immediately after the Board of Trustees approval.

ALTERNATIVES/OPTIONS:

Not Applicable

EVALUATION AND RECOMMENDED ACTION:

Approval is recommended for the Chancellor to negotiate the terms of the PLA with the Building and Construction Trades Council (AFL-CIO) of Alameda County and related signatory unions.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ No X

COMMENTS:

No additional comments.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING? Vice Chancellor Ikharo

(*****Board contract approval is subject to negotiation and execution by the Chancellor.)

DOCUMENT PREPARED BY:

Prepared by: Dr. Sadiq B. Ikharo Date: June 12, 2014
Vice Chancellor of General Services

DOCUMENT PRESENTED AND APPROVED BY:

Presented and approved by: Dr. Sadiq B. Ikharo Date: June 12, 2014
Vice Chancellor of General Services

FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: Susan Rinne
Susan Rinne, Interim Vice Chancellor for Finance and Administration

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved

Signature: Thuy Thi Nguyen
Thuy Thi Nguyen, General Counsel

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: José M. Ortiz
Dr. José M. Ortiz, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION 13/14-70**

**ADOPTING AUTHORIZATION FOR CHANCELLOR TO NEGOTIATE A RENEWAL FOR PROJECT
LABOR AGREEMENT WITH THE BUILDING AND CONSTRUCTION TRADES COUNCIL (AFL-CIO)
OF ALAMEDA COUNTY AND RELATED SIGNATORY UNIONS**

WHEREAS, on July 21, 2009, the Peralta Community College District (“District”) entered in to a Project Labor Agreement (“Agreement”) between the District and the Building and Construction Trades Council of Alameda County, AFL-CIO (the “Council”) and the Unions signatory to the Agreement; and

WHEREAS, pursuant to the terms of the Agreement, upon execution of the Agreement by the Chancellor and authorization by the District’s Governing Board, it became the policy of the District that the construction work covered by the Agreement shall be contracted exclusively to contractors who agree to be bound by the terms of the Agreement through execution of it or the Letter of Assent (Attachment A). No practice, understanding or agreement between contractors and a Union party which is not provided for in the Agreement will be binding on any other party on projects covered by the Agreement unless endorsed in writing by the Chancellor or designee; and

WHEREAS, pursuant to its terms, the Agreement shall continue for an initial period of five (5) years and at which time the Agreement may be reviewed and considered for renewal or extension with modifications if appropriate; and

WHEREAS, upon review of the Agreement, the District and the Council have concluded that it is essential to the well-being of the District, the Council and the San Francisco East Bay Community that the construction projects undertaken by the District promote the training and development of District students that have graduated from or are enrolled in Peralta’s construction industry Career Technical Education programs in order to increase the recruitment and retention of well-trained construction industry workers in the East Bay Region and increase the economic benefit available to graduates of the District’s construction industry Career Technical Education Programs; and

WHEREAS, the agreement will focus on the disadvantaged population in the District service area as a first source for direct placement. Disadvantaged population” shall mean those Residents of the District’s six cities of: Alameda, Albany, Berkeley, Emeryville, Piedmont and especially the City of Oakland who meet at least one of specified criteria, including but not limited to: household income below 50% of the Alameda County median, non-minor dependent youth, homeless, welfare recipients, have a history of involvement with the criminal justice system, are unemployed, or a single parent.

WHEREAS, the agreement will incorporate the following:

- extend the agreement for five (5) more years, starting July 1, 2014 through June 30, 2019;
- add specific language on the hiring of new apprentice for construction projects;
- provide good faith effort to increase the project work hours for new hired apprentices; and
- require Signatory Unions to refer apprentices to local contractors for job opportunity;
- exercise best efforts to recruit applicants from the apprenticeship program;
- address the needs of local businesses;
- require and allow contractors to use local workers as a core worker on projects; and

- reorganize and streamline the existing committee structure to better handle issues; and

WHEREAS, it is the intent of the District to negotiate the renewal of the Project Labor Agreement with inclusion of a renewal language outlining the requirements and procedures by which graduates of the District's construction industry Career Technical Education programs will be recruited and afforded preferred entry into apprenticeship programs operating on capital projects undertaken by the District; and

WHEREAS, the District desires to authorize its Chancellor or his designee to negotiate and execute a renewal of the existing Project Labor Agreement, with aggressive construction industry Career Technical Education training and development provisions to be set forth in the renewal language of the Agreement, which will be completed on or before July 8, 2014, and presented for review and consideration by the Peralta Community College District Governing Board.

NOW THEREFORE BE IT RESOLVED; that the Governing Board of the Peralta Community College District hereby authorizes the Chancellor or his designee to negotiate the revised renewal language for inclusion in the Agreement, to be completed by July 9, 2014; and

BE IT FURTHER RESOLVED that the Governing Board of the Peralta Community College District hereby authorize District staff to take all appropriate administrative actions reasonably necessary to support the negotiation and development of a Project Labor Agreement revised contract setting forth the guidelines and requirements for recruiting and hiring District graduates of construction industry Career Technical Education Programs and the disadvantaged population residents of the District's six cities of: Alameda, Albany, Berkeley, Emeryville, Piedmont and the City of Oakland; and apprenticeship programs on District projects within the time frame established in this resolution.

AYES:

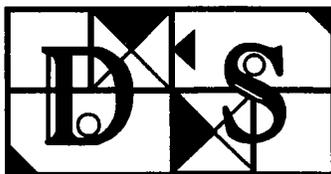
NOES:

ABSTAIN:

ABSENT:

I hereby certify that the foregoing is a full, true, and correct copy of a resolution PASSED AND ADOPTED at a meeting of the Board of Trustees of the Peralta Community College District held June 24, 2014.

José M. Ortiz
Chancellor and Secretary
Board of Trustees
Peralta Community College District



DAVILLIER-SLOAN
Labor Management Consultants

Date: June 10, 2014
To: Dr. Sadiq Ikharo, Peralta Community College District (The District)
From: Jake Sloan, Davillier-Sloan, Inc. (DSI)
Subject: Board Progress Report: Renegotiation of PLA

Negotiating Points

1. Local Hiring: DSI is seeking to negotiate with the unions an agreement that will allow direct placement of graduates of the District's construction related programs into union apprenticeship programs, along with District students who may be graduates of other pre-apprenticeship programs such as the Cypress Mandela Training Center. DSI is also seeking to negotiate with the unions an agreement to focus on the disadvantaged population in the District service area as a first source for direct placement. Disadvantaged population" shall mean those Residents of the District's six cities of: Alameda, Albany, Berkeley, Emeryville, Piedmont and especially the City of Oakland who meet at least one of specified criteria, including but not limited to: household income below 50% of the Alameda County median, non-minor dependent youth, homeless, welfare recipients, have a history of involvement with the criminal justice system, are unemployed, or a single parent. DSI is seeking to negotiate with the unions an agreement to include the following language or something similar:
 - a. For each PLA covered project, the contractors will be responsible to ensure that it and/or its subcontractors hire at least one (1) new apprentice for the first \$1 million of construction value and for each succeeding \$5 million of construction contract value, the contractors and/or their subcontractors will be required to hire at least one (1) additional new apprentice to be provided by the Unions. All such apprentices should be graduates of any construction related programs at Laney College or Laney graduates who have completed pre-apprenticeship training at programs with a known and successful track record of apprentice placement into jobs. All the pre-apprenticeship program graduates must be residents of The District service area.
 - b. Contractors will be required to prove a good faith effort was made to maximize the project work hours for the new hire apprentices, and shall report those hours to a newly formed Joint Administrative Committee (JAC), as described below, which will evaluate those good faith efforts.

- c. Each Signatory Union will be responsible for dispatching/referring such local resident apprentices to the contractor if they are available, capable and willing to work on the covered projects. No one trade can be used to satisfy the goal by the provision of more than two (2) such first stage apprentices, unless required by the nature of the work and or agreed upon by the JAC.
 - d. The Signatory Unions and contractors shall exercise, to the extent of their authority, their best efforts to recruit apprenticeship program applicants from local residents. Further, for apprentices hired, there will be no limitation on where such apprentices will work subsequent to being hired for the covered projects. Contractors will be allowed to receive credit when utilizing apprentices for non-Project work during the life of the covered project, regardless of the location of the work.
2. Coverage: DSI is seeking to negotiate with the unions an agreement to establish a monetary threshold below which projects would not be covered. In addition, DSI is seeking to negotiate with the unions an agreement that no general maintenance or emergency work will be covered.
3. Local Business Opportunities: DSI is seeking to negotiate with the unions an agreement that will address the needs of local businesses, including but not limited to thresholds and union signatory requirements for subcontracting.
4. Core Workers: DSI is seeking to negotiate with the unions an agreement to only allow contractors to utilize local workers to qualify as a core worker. Among other things, a core worker will be defined as a contractor employee who was a resident of the District's service area at least six months prior to the hire date DSI believes that such a change as a potentially a way of increasing the number of local workers on projects covered by the PLA.
5. Committees: DSI is seeking to negotiate with the unions an agreement to reorganize and streamline the existing committee structure through the following;
 - a. Joint Administrative Committee - Currently, there is no provision in the PLA for a JAC, which have proven to be productive in other Alameda County PLAs. The JAC would assist The District in reviewing the implementation of the PLA and the progress of the projects in traditional and non-traditional areas.
 - b. Social Justice/Local Hire Committee - The BTC has indicated a willingness to agree that the JAC would also serve as the SJ/LHC and Grievance Committee. The BTC will also agree that two separate subcommittees would be formed, as needed. One subcommittee would review and hear traditional labor/management related issues and the other subcommittee would review and hear local hire issues.