

Winning Construction Jobs for Local Residents

**A User's Guide for
Community Organizing Campaigns**



Kate Rubin and Doug Slater

Brennan Center for Justice at NYU School of Law

July 2005

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INTRODUCTION

It sounds simple. Construction projects that are funded by taxpayers should benefit the public. One form of direct benefit is to guarantee that the workers who pour the cement, wire the lighting, and hang the doors at the construction site actually come from the neighborhoods that surround the project. That sounds simple and makes perfect sense. But unless communities become early and active stakeholders in the planning of new development projects, using their leverage to influence key decision makers, the construction jobs can end up going to workers who have no ties to the local community.

A commitment to hire local residents is especially appropriate when publicly-funded or subsidized construction projects are built in low-income communities with high unemployment, where good jobs are urgently needed. When residents from these communities embark on career paths in the construction trades, everyone benefits: neighborhood workers gain good jobs with living wages and benefits, the construction workforce diversifies, employers gain access to a pool of ready workers, the tax base increases, and government spending on social services goes down. Community groups can draw attention to these benefits as they persuade developers and government officials to carry out economic development in a way that truly sustains local working families.

When residents from low-income communities embark on career paths in the construction trades, everyone benefits.

What's Inside

This user's guide is intended for community members, advocates, and policy makers across the United States. It outlines a step-by-step strategy for creating and keeping high-quality construction jobs for local residents who are often underrepresented in the construction trades—especially women and people of color.

The model for action that we present was developed by looking at what actually happened during several recent construction jobs campaigns carried out in different parts of the country. It draws upon the successes and setbacks experienced in these campaigns, and focuses attention on what has worked best and what should be avoided.

This guide describes the basic strategy and implementation of a campaign to win local jobs on a new construction project. It lays out five crucial steps of a successful initiative. It identifies the key players and shows what they have to gain in negotiating for their constituents. It then spells out the necessary components of an effective hiring program and explains why good pre-apprenticeship and apprenticeship training is essential. And it describes how different legal tools can be used to make sure that all parties in a handshake agreement do what they say they will do. The guide concludes with a short discussion of some of the most important organizing lessons that have been learned in past campaigns.

The Big Idea

How can communities help their local residents get hired for good construction jobs on new development projects? The experiences of communities across the country show that several key steps are essential for an effective strategy.

Identifying the Right Target

The first step is to choose the right development project around which to organize. This requires learning about new development plans long before bids are requested, and selecting a project that shows real promise—in terms of the number of jobs that would likely be won through negotiation, and in the potential for exerting leverage on the decision makers behind the project. In some of the campaigns discussed here, community groups used the threat of stopping the project altogether as leverage to win significant numbers of jobs for local residents. In others, where the new construction was clearly desired by residents (as in the case of renovation and modernization projects in public housing developments), the leverage included the threat of exposing the agency’s lack of accountability to the public.

Getting a Seat at the Table

After choosing a suitable project to target, community groups then need to build a strong and balanced coalition that can come to agreement about its own shared goals for the project. At this stage it is critical that all the parties are transparent about what they have to gain, what they are willing to compromise, and what resources they can offer as part of the campaign. Conflicts are sure to arise when multiple parties with diverse interests work together; the goal is to address and resolve these conflicts at the beginning of the campaign, so that they do not derail progress once negotiations begin. By first building strong ties with one another, partners in the coalition can then speak with one clear voice about their proposal when sitting down at the bargaining table with decision makers.

Supporting High-Road Contractors

All of the successful campaigns discussed here pushed to make sure that the projects were awarded to “high-road,” equal-opportunity construction contractors. These are companies that, in addition to paying fair wages and benefits, are committed to hiring local residents and imparting new skills to workers through high-quality apprenticeship training (see box, “Taking the High Road”). Supporting these responsible contractors is crucial to making sure that the jobs won will be good ones. At the same time that community groups push for the use of high-road firms on a project, they need to collaborate with these lead contractors and other stakeholders—especially unions—in order to secure commitments that residents will have jobs on the project.

Implementing Pre-Apprenticeship Training

A successful campaign must also create a pre-apprenticeship training program in order to make sure that residents succeed when they arrive at the jobsite.

Conflicts are sure to arise when multiple parties with diverse interests work together; the goal is to address and resolve these conflicts at the beginning of the campaign, so that they do not derail progress once negotiations begin.

Pre-apprenticeship training is essential to prepare residents with no construction background for work in the building trades. While planning for this program, community groups should also begin recruiting and maintaining relationships with potential program participants. This ensures that there is a group of people ready to start the program as soon as an agreement is reached.

Monitoring Outcomes

Communities can claim victory when agreements about resident hiring and pre-apprenticeship and apprenticeship training are struck at the negotiating table. But the work does not end there. Communities need to monitor the project once ground is broken to make sure that promises are being kept. A system for reporting on the numbers of residents working their way through pre-apprenticeship, hiring, and apprenticeship training should be agreed to in writing during negotiations, and that system should include staff on the ground who can make sure that no one is cutting corners in hiring local residents.

The entire local jobs campaign requires research, relationship-building, public education, organizing, negotiating, and monitoring. It also calls for the strategic use of legal tools — including legally enforceable agreements as well as new and existing laws — to guarantee that the partners’ shared vision for the project is actually realized as the new construction project moves forward.

A Five-Step Process

In the remainder of this report, we describe each of the above steps in greater detail, as shown in Table 1. It is important to understand that these steps represent the typical stages involved in an effort to win local jobs on a new development project. In practice, the steps are not always easy to separate. During an actual campaign, some of them may overlap or occur simultaneously. Note also that Step 3 is discussed in the greatest detail in this guide. It is during this stage — negotiation — that important legal tools are used to forge strong, enforceable agreements.

Communities can claim victory when agreements are struck at the negotiating table, but the work does not end there.

Taking the High Road

What is the difference between a “low-road” and a “high-road” contractor? The difference is more than just better or worse pay — it actually involves two very different business models.

“Low-road” contractors compete by delivering services for the lowest price possible. This strategy requires an endless drive to cut costs. It results in low wages, few benefits, minimal training, poor attention to construction quality, little commitment to the community, and low regard for environmental impacts.

While “high-road” contractors also try to keep costs low, their competitive edge comes from delivering a high quality product. They compete for business by building a reputation for superior workmanship, good relations with customers, and an ongoing commitment to the local community. To achieve this, they typically offer higher wages and health benefits for workers, substantial career training that quickly adapts to technological advances, higher levels of productivity, high construction quality, good community and labor relations, and reduced environmental impact.

Table 1: Five steps in a local construction jobs campaign

STEP 1. Choose a promising development project to target. Study the plan to learn all its features.

Community members must decide whether a proposed development would be a good target for a local jobs campaign — long before bid documents are drawn up or contracts are awarded.

- Will the project be large enough in terms of dollars and the number of jobs generated to make a campaign worthwhile?
- Is the developer or an elected official close to the project a good target for a campaign?
- How is the project being funded? Are public monies or subsidies involved?
- What impact will the development project have on the surrounding community?
- Will the community be able to exert leverage over the project's key decision-makers? What kind of power does the community affected by the project have?

STEP 2. Organize. Create formal alliances with stakeholders. Get a respected seat at the table.

Community groups should build ties with other advocates and allies as early as possible in the planning process.

- Bringing potential allies together builds strength for future negotiations.
- The members of an alliance or coalition must communicate openly about what each hopes to gain.

A shared statement of goals should be agreed upon before entering into negotiations with the developer. This gives allies a single, powerful voice at the bargaining table. An explicit agreement among allies should be reached regarding the following key issues:

- High quality jobs and apprenticeship training;
- The number or ratio of local hires to be used on the project;
- Comprehensive pre-apprenticeship training for local residents.

STEP 3. Negotiate to win (a) the use of high-road contractors that support good apprenticeship programs and (b) job slots and pre-apprenticeship training for local residents.

Community groups and their allies can make use of one of four legal tools to seal agreements made with the developer:

- A legislative mandate;
- A Project Labor Agreement (PLA);
- A bid provision;
- A Memorandum of Understanding (MOU).

Contractors hired under the agreement should be affiliated with certified apprenticeship programs that have a demonstrated history of success.

In addition, the agreement should include mechanisms to ensure that local residents are hired and retained as successful trades workers. Three such mechanisms are:

- ❑ A pre-apprenticeship training program;
- ❑ A “first source” agreement;
- ❑ An Apprenticeship Utilization Requirement (AUR).

STEP 4. Implement a comprehensive pre-apprenticeship program.

A well-designed pre-apprenticeship program is critical for making sure that local residents—especially women and people of color—get access to construction trades apprenticeship programs. The program should include as many of the following elements as possible:

- ❑ *Recruitment:* Sustained outreach and orientation with integrated support services to help more people access the program;
- ❑ *Training:* Eight to ten weeks of classroom and hands-on training in the basics of construction work;
- ❑ *Case management:* Close contact with participants, and help with needs such as counseling and tutoring;
- ❑ *Stipend and startup costs:* Weekly income support to cover the training period; help in paying for necessities such as tools and safety equipment;
- ❑ *Additional support services:* These include childcare planning, help with transportation, and legal counseling;
- ❑ *Job/apprenticeship placement:* Coordination among all parties to find appropriate placements for pre-apprenticeship graduates;
- ❑ *Mentoring:* Helps workers from non-traditional backgrounds navigate the transition from pre-apprenticeship to apprenticeship programs.

STEP 5. Monitor outcomes and adjust practices.

Provisions that ensure monitoring and enforcement of training and hiring goals should be included as part of the overarching agreement in Step 3, and should be connected to the program’s funding to ensure accountability.

The strongest provisions create a formal monitoring board, which consists of representatives of all parties and has the power to make changes when goals are not being met. The board should have a staff person on the ground to monitor the project’s day-to-day implementation.

Even without a formal monitoring body, all parties should be held accountable for timely reporting of key program data such as:

- ❑ The number of residents who have applied for, enrolled in, and graduated from the pre-apprenticeship program;
- ❑ The number of residents and non-residents hired as apprentices on the project;
- ❑ The number of residents who go on to complete various stages of apprenticeship training.

STEP 1 Choose a promising development project to target. Study the plan to learn all its features.

Understanding basic facts about the project.

What makes a development project the right target for a jobs campaign? That depends both on features of the project itself and on a complex array of local political dynamics. Among other things, it depends on the goals of the various stakeholders and the relationships among them; on the strength and reputation of the community organizations, local residents, developers, contractors, unions, and elected officials who are involved; and on the opinion of various public constituencies about the success or failure of recent jobs initiatives and public works projects. While these local power dynamics are a significant factor in the campaign to win a construction jobs program, understanding the basic facts about any new development project is fundamental. Answering the following questions will help guide the analysis and planning of a potential campaign.

- *Where is the new development project located?* This determines which communities and neighborhoods will be affected.
- *What is the nature of the development?* If the project or its construction will have negative environmental or economic effects on the surrounding community, that fact can form a rationale for why local residents ought to get something in return. Likewise, if the purpose of the project is to help the surrounding community (by creating or improving public housing, for example), then local residents have standing as stakeholders in the development. Note that under Federal regulations, construction projects undertaken by most public housing authorities must attempt to hire housing residents for construction jobs (see box on page 13, “Resident Hiring Requirements Under HUD Section 3”).
- *What is the size of the project?* This helps determine whether the project will employ enough workers for a long enough period to justify the organizing effort. If a medium or small-sized project is proposed, it is worth considering whether the community can exert influence to expand the size of the project (possibly by adding benefits such as affordable housing or community centers) to make the project more attractive to high-road contractors. These contractors would then be more receptive to a local jobs initiative.
- *Which government agency or private developer is building the project?* Many government agencies feel pressure to demonstrate that a construction project is benefiting the community. And some private developers have an

incentive to show that they are acting for the common good—because they believe it is good for business, because they need public approval for a project to go forward, or even because the developer has a bad reputation that it needs to overcome. These circumstances can make a developer more receptive to the idea of supporting the training and hiring of local residents.

- *Who are the government officials with ties to the project?* Government officials, especially elected officials, know they have a responsibility to act for the good of their constituents. And they often hold considerable power over publicly-funded development projects. Elected officials in Connecticut, for example, were instrumental in the success of a campaign to win local construction jobs for downtown Hartford residents (see box on page 22, “Model Program: Hartford’s HART Campaign”).
- *When is the project likely to get underway?* If the project is already at the stage where contractors have been selected and work is ready to begin, it may be too late for community coalitions to gain a voice in the planning process. Learning about a project early on (and acting on it) allows a community coalition to become recognized as a legitimate stakeholder and to shape the project by winning a community jobs component. (See box on page 14, “Keeping Informed About New Development Plans.”)
- *How is the project going to be funded?* This is often the most important question of all. When development projects are controlled by public agencies, subsidized by taxpayers, or supported indirectly through special land use or other approvals (see Table 2), developers and government officials have a duty to ensure that the public is benefiting from the project. This creates an opportunity for organizing and exerting political leverage.

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Learning more details about the project.

After a promising development project has been identified, community organizations need to learn all they can about the project in order to become knowledgeable stakeholders who can build alliances and gain a real seat at the bargaining table (the subject of Step 2). First and foremost, they need to identify the decision makers who have the most control over the project. Community groups should consider how they might gain access to those decision makers, and they should start planning a long-term organizing strategy that maps out specific actions that best exploit each leverage point along the way. In addition, they must learn as much as possible about the actual details of the construction plan. By being well-informed and knowledgeable about the plan, community groups gain the credibility that is needed to build strong, balanced alliances with other stakeholders. Answering the following questions will help in that process.

- *Who are the main players and decision makers?* These include elected officials, appointed public agency officials, the developer (or the public agency) that is purchasing the project, lead contractors that will probably bid on the project, unions, local residents if they are already organized, other community organizations and advocates, and training providers. Answering this question also includes identifying the project’s funding sources and who controls the purse strings. (For explanations about who these players are, see Tables 3 and 4 on pages 18 and 19.)

Table 2: Three forms of public support in economic development

Direct Purchase by Public Agency	Subsidized Private Development	Indirect Support of Private Development
<p>These are taxpayer-funded construction projects in which the developer is a public or semi-public agency, such as a:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Housing authority <input type="checkbox"/> Housing development agency <input type="checkbox"/> School construction authority <input type="checkbox"/> College or healthcare unit construction authority <input type="checkbox"/> Economic development agency <input type="checkbox"/> Transportation, port or airport authority 	<p>These are private construction projects that receive public dollars in the form of either</p> <p>A direct subsidy, such as a:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Grant <input type="checkbox"/> Low-interest loan <p>An indirect subsidy, such as a:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Tax break <input type="checkbox"/> Land giveaway or cost-reduction <input type="checkbox"/> Utility (e.g. electricity) cost break 	<p>These are private construction projects that receive non-financial (yet valuable) benefits, such as a:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Land-use or zoning variance <input type="checkbox"/> Infrastructure improvement at or near the development site <input type="checkbox"/> Special permit or business license <input type="checkbox"/> Lease agreement with a public agency <input type="checkbox"/> Significant community investment and accompanying visibility

- *What are the available leverage points for a campaign?* Even after the key decision makers are identified, how to apply leverage may not be obvious. The coalition must formulate a strategy for exerting leverage on the key decision makers and then plan out specific activities—e.g., letter-writing, media campaigns, rallies, or more creative actions—based on a realistic timeline and available resources. Successful campaigns often conduct a “power analysis” in order to identify all points of leverage and to decide the best means of exploiting each one as part of a long-term strategy.
- *What are the demographic facts about the communities and neighborhoods most affected by the project?* When low-income or high-unemployment neighborhoods are involved, this fact can bolster the case for local training and hiring goals. But even when projects are slated in high-income areas, a case can be made for providing training and employment opportunities to the city’s low-income residents.
- *What community-based organizations exist in the area? What is their capacity and base?* If part of the community is already organized, a potential campaign can build on this power.

Resident Hiring Requirements Under HUD Section 3

In 1968, the U.S. Congress passed the Housing and Urban Development Act. Section 3 of that law provides that projects that receive federal Housing and Urban Development (HUD) funding must generate employment and training opportunities to low-income residents of public housing or the surrounding area. “Section 3,” as it is known, lay dormant for years after its passage, but was revived and strengthened by Congress in 1992 in the wake of the Los Angeles riots.

Under current HUD regulations, contractors must demonstrate that they make their “best efforts” to hire 30% of new employees from the surrounding community. But because of the weak “best efforts” standard, as well as a lack of meaningful implementation or monitoring arrangements, Section 3 has been a largely untapped source of construction jobs for public housing residents.

Section 3 is a tool that can potentially be used to pressure cities to create community jobs, because it creates a legal requirement that public funds be used to benefit low-income workers. In 2004, the residents of Long Beach, CA, and the Long Beach Legal Aid Society won a significant victory for Section 3 implementation by using the strategy of filing complaints with HUD, accusing the City of Long Beach of failing to comply with Section 3. HUD ruled in favor of the residents, and the complaint’s findings are the first to interpret the “best efforts” standard as meaning a minimum number of local resident hires and the first to hold a local housing authority accountable to those standards. Beyond lawsuits, Section 3 has also helped bring together coalitions of unions and community groups to put pressure on HUD-funded agencies to use contractors who comply with Section 3. One example, the TRADES Coalition in New York City, is described on page 25.

- *What impact will the new development have once it is completed?* Developers should be asked, for example, how many permanent (non-construction) jobs will be created by the completed development, what they will pay, whether they will be year-round positions, and whether and by what method the developer plans to hire locally for these permanent jobs.
- *How many construction jobs will be needed, based on the design and function of the project?* By learning about the actual construction work that will take place at the job site, community organizations can make rough estimates about the kinds and numbers of skilled trade and non-trade jobs that will be needed. This will help prepare realistic community goals for a local training and hiring plan; it will also help identify which unions might be involved.

Keeping Informed About New Development Plans

If a development project has already gained steam and initial agreements have already been made, it is usually too late for community groups to have much of an impact on the project. That is why it is crucial to learn the basic facts about new development plans early in the process. Yet finding out these basic facts is not always easy.

Community groups that find themselves learning about development projects only after deals are already underway should build ties with others who are better informed. Community groups can seek out nearby advocates or university- or union-affiliated institutes that monitor key sources of information such as public hearings, or that informally keep an eye out for new projects on the horizon. These advocates may also have advice on how best to stay informed about new local development plans.

Good Jobs First (GJF; www.goodjobsfirst.org), a national organization, can be a valuable resource in learning how to find out about new development projects. GJF works in partnership with grassroots groups and other organizations nationwide in its efforts to make sure that businesses receiving public subsidies (including subsidies for new development projects) are held accountable for creating family-wage jobs in return for that public support. GJF tracks examples of corporate accountability success throughout the nation to highlight “best practices” that can then be used elsewhere. The organization calls for state and local legislation that would require substantial and timely company-specific reporting of economic development plans when those plans are subsidized by public dollars.

- *Does the developer have a contractor that it is likely to work with—one that it has used in the past, or one to which it may have promised future work?* Does the developer have a record of working with unionized contractors, or with non-union contractors? Has the developer historically worked with contractors that provide health benefits, and that are affiliated with certified apprenticeship programs? Community groups should keep profiles on various contractors that are likely to bid on work, documenting each one’s business history, labor practices, and industry reputation.
- *What is the timeline for the project? How and when will bids be entertained?* It is especially important to know when a developer will ask for bids. One key strategy discussed below is persuading a developer to include provisions about local training and hiring in the actual bid documents for the project. In this case, each prospective contractor must agree to the provisions in order to make a bid.
- *Which contractors are likely to bid on the project? Which are the high-road contractors?* Ensuring that the work goes to “high-road” contractors means first knowing which companies engage in responsible business practices. Ongoing research on local contractors can be used as leverage at the bargaining table and as concrete information about which contractors are most likely to provide good jobs for community residents.

Ensuring that the work goes to “high-road” contractors means first knowing which companies engage in responsible business practices.



STEP 2 Organize. Create formal alliances with stakeholders. Get a respected seat at the table.

Once the decision has been made to conduct a campaign around a particular development project, relationship-building begins. Forging ties with others is essential because of the stakes involved: large sums of money, lots of jobs, long-term contracts, profits for the developer and contractors, and so forth. Each of the parties involved in a large development project has strong interests that are potentially at odds. In this atmosphere, no single community organization working alone is likely to win and realize a local jobs initiative that has a real and enduring impact. Yet community groups do have a number of natural allies with overlapping interests.

For example, high-road contractors and trade unions are both stakeholders who are important potential allies. High-road contractors have reputations as responsible employers; trade unions have a well-established tradition of high-quality training. These characteristics match well with what community groups want to accomplish. Yet these three stakeholders do not necessarily share exactly the same goals. Community groups, for example, might want more jobs for inexperienced local workers, while unions might want more jobs for their experienced members. And high-road contractors might want to budget fewer dollars on training than either community groups or unions in order to make a competitive bid on a project.

Despite their differences, these stakeholders have more than enough in common to work together in order to persuade decision makers to support quality jobs and apprenticeship programs on a development project. Table 3 on page 18 sketches out how the needs of these stakeholders may intersect. Table 4 on page 19 explains how a number of other potential allies could become useful partners in a jobs campaign.

In order for a campaign to be successful, community groups, advocates, and allies such as trade unions must come together and communicate effectively

about a host of issues. They must speak openly about exactly what each group hopes to gain, and through a process of compromise and discussion, work out any differences or conflicting visions. They must work on building consensus around clearly defined goals. They will probably want to form a coalition. If so, they should put together one unified plan that all agree upon before entering negotiations. By promoting a single, well-formulated plan for the



training and hiring of local residents (specifics are discussed in Step 3), this group of allies gains power and wins the respect of decision makers.

- In particular, community groups and trade unions can build strong alliances because they are well-positioned to help one another. Community groups want local residents to receive high-quality training in the construction trades; unions provide great on-the-job training through their traditional apprenticeship programs. At the same time, trade unions want the project to be built by high-road contractors that will hire a union workforce; through organizing and mobilization, community groups can help persuade decision makers to use high-road contractors.
- Allies should create formal alliances by agreeing on concrete goals. Community groups, trade unions, and contractors, for example, should agree on the number or ratio of jobs that will be reserved for local residents before they negotiate with the developer. The shared goals of these allies should be mutually understood and agreed to in writing before entering negotiations. In this way, there will be balance among allies at the bargaining table.
- Close allies speak best with a single voice. Community groups and their advocates will probably want to organize themselves as a single coalition with designated spokespersons.
- Communities can reach out to decision makers by meeting with local, state, and federal officials, especially those who have close ties to appointed public agency officials who are planning to purchase construction services for a development project.
- Large-scale coalitions take a lot of work to maintain, organize, and grow. A coalition should decide whether it needs a full-time or part-time coalition coordinator, or any other resources (e.g., a small office space or a desk in an office, office or art materials for meetings and rallies, etc.). There are different ways to meet resource needs; organizations in the coalition may be able to donate space and materials. To fund a staff coordinator, a coalition can seek out progressive and community-based foundations, especially those looking to fund labor-community partnerships and innovative job-creation initiatives.

Close allies speak best with a single voice. Community groups and their advocates will probably want to organize themselves as a single coalition with designated spokespersons.

Table 3: Core stakeholders in a local construction jobs campaign

CORE STAKEHOLDERS	
DEFINITION	WHAT THEY HAVE TO GAIN
<p>Developer or Purchasing Agency</p> <p>The private investor or public agency that has chosen to build a new development (anything from a new stadium or mixed-use commercial development, to public housing renovation, to an airport expansion or transit infrastructure project).</p>	<p>Want high-quality work and timely completion in return for the money they are spending. They are also responsible for the project after it is finished, so may benefit from community support. Aspects of the project may require community approval, and public officials' careers may be affected by the success or failure of the project in the public eye.</p>
<p>General Contractors (GCs)</p> <p>The large construction companies that are responsible for working with the developer or purchasing agency to carry out the project, including managing the budget and hiring qualified subcontractors to get the work done.</p>	<p>Directly accountable to the developer, so the buck stops with them if the project goes over-budget or is delayed by shoddy work, labor disturbances, or violation of labor laws. A big project is an opportunity for GCs to prove themselves to developers and gain more work in the future. They depend on a steady supply of qualified workers, so GCs benefit directly from relationships with high-quality apprenticeship programs that offer first-rate training to a steady stream of new apprentices.</p>
<p>Subcontractors</p> <p>Subcontractors directly employ skilled workers for the different parts of the project (electricians, roofers, bricklayers, insulators, painters, etc.).</p>	<p>Like GCs, subcontractors benefit from the supply of qualified labor provided by high-quality apprenticeship programs. A reputation for paying prevailing wages and abiding by labor laws will likely bring them more qualified workers and more work from GCs in the future.</p>
<p>Building and Construction Trades Unions</p> <p>The unions that represent skilled workers in the various building and construction trades (e.g., carpenters, laborers, electricians, and painters are among the largest). They also run apprenticeship-training programs for new workers.</p>	<p>Always looking for greater "market share," meaning that more of the construction in the city or region goes union. In public development projects, community support can help them win jobs over the non-union sector. In many regions, they represent a rapidly aging workforce, so they benefit from outreach and pre-apprenticeship to bring new people in.</p>
<p>Community-Based Organizations (CBOs)</p> <p>Grassroots organizations, neighborhood- or constituency-based, representing the needs and interests of members of different communities (especially low-income communities and communities of color).</p>	<p>Often represent communities with high unemployment, or where living-wage jobs are scarce. Union apprenticeships offer community residents long-term careers with good pay and benefits. CBOs often have a stake in the development project itself because their members will be the ones who use it or have to live with it.</p>

Table 4: Other potential allies in a local construction jobs campaign

OTHER POTENTIAL ALLIES	
DEFINITION	POSSIBLE ROLES THEY CAN PLAY
<p>Building Trades Union Councils</p> <p>Bodies that represent all building trades unions in a city. In some cities, they are very powerful actors on behalf of the member unions' interests.</p>	<p>Their support can push the initiative forward with politicians and contractors, and in some cities they are powerful enough that their lack of support can kill an initiative. (Find out early what role the unions in your coalition have in the trades council and how supportive the trades council is of the initiative. Negotiate support with them early on so that they can be an ally later when you negotiate with the developer.)</p>
<p>Elected Officials and Government Agencies</p> <p>Elected officials: city- and state-level representatives, including city council members, state legislators, mayors, governors, etc.</p> <p>Government agencies: the most important are those engaged in workforce development, equal opportunity, and labor law enforcement.</p>	<p>Local elected officials want to bring good jobs to their voting base. Workforce development agencies want to see quality jobs and training available to city residents. A state Attorney General, HUD, and other government agencies may be able to hold contractors responsible if they violate prevailing wage, Section 3, and other laws.</p>
<p>Advocacy Organizations and Policy Think Tanks</p> <p>Non-profit and public interest groups that have built relationships and trust with community groups and unions over time.</p>	<p>Can help research best practices and policy models, draft legislation, and advise or aid with research on development projects (in Step 1). Can serve as a neutral mediator among various interests at the negotiating table.</p>
<p>Foundations</p> <p>Private foundations that fund innovative workforce or economic development initiatives, or that focus on opportunities for low-income city residents, women, and people of color.</p>	<p>Can fund important support services beyond the pre-apprenticeship program that the developer or agency is willing to fund; can offer "matching funds" to developers as an incentive to invest in programs; can fund staff for the coalition, or release time for ally groups to participate in the coalition.</p>
<p>Building Trades Employers Associations</p> <p>Most cities have associations of building trades employers. Large cities have multiple associations, so find the one that represents contractors using union labor.</p>	<p>Also have an interest in more work going union because that means that more work comes their way. They are already committed to a "high-road" business model, so they will be more open to an initiative than low-road, unorganized, and fly-by-night contractors would be.</p>
<p>Other Local Unions</p> <p>Unions representing workers in non-construction jobs. Service employee unions and public employee unions are the best potential allies because they are most likely to represent the workers who will be employed in the completed development.</p>	<p>Can help with organizing strategy and provide resources or turn out members for rallies and demonstrations. Sometimes have political connections or power they are willing to leverage. Might have relationships with community groups and can play a connecting role between them and the building trades unions.</p>
<p>Workforce Development and Training Providers</p> <p>Non-profit organizations that provide skills training to new workers. The best programs provide training linked to opportunities for long-term, family-supporting careers.</p>	<p>Providers that offer comprehensive training and are well-respected by potential employers are best. Training providers that partner with unions can tailor training to specific job opportunities; they may actually employ union members to provide high-quality training.</p>

STEP 3 Negotiate to win (a) the use of high-road contractors that support good apprenticeship programs and (b) job slots and pre-apprenticeship training for local residents.

The ultimate goal is to win good construction jobs for *local residents*. Organizing cannot stop until the agency or developer has committed that those good jobs will go to residents, and unions have agreed to reserve apprenticeship slots for those residents.

But good jobs will not be available unless the lead contracts go to “high-road” construction companies that provide good jobs in the first place. High-road contractors are responsible companies. They pay prevailing or union-scale wages, and they follow workplace laws such as overtime requirements, safety regulations, and non-discrimination in hiring. In addition, most high-road contractors already have working relationships with first-class apprenticeship

High-Quality Apprenticeship Programs

Any construction contractor can promise to run or support a training program, and can even register with appropriate state or federal agencies as an official apprenticeship program. But experience shows that training programs differ greatly in how effectively they pass on needed skills to workers. It is therefore important for activists to take a hard look at their contractor’s apprenticeship program.

High-quality apprenticeship programs combine good on-the-job training with up-to-date classroom instruction, and they include mentors and instructors who are dedicated to having workers from non-traditional backgrounds complete the training. It is not surprising that these apprenticeship programs produce the best outcomes for workers.

High-road contractors that are union employers are already part of an excellent training system. (For more on high-road contractors, refer back to the definition on page 7.) That’s because most trade unions have a long tradition of operating well-designed apprenticeship programs specific to their trade. Through these programs, workers who are just starting out can, while they are working, learn all the skills of their trade under the direction of experienced “journey” workers. High-quality apprenticeship programs in the construction trades usually take three to five years to complete. Some of the best programs are funded jointly by unions and union employers (i.e., construction contractors that hire union workers).

When a contractor claims affiliation with an apprenticeship program to fulfill requirements agreed upon during negotiations, that contractor should be made to demonstrate, among other things, that the affiliated program:

- is state certified;
- has been in existence for some time (three years or more);
- has a reasonable graduation rate; and
- has demonstrated a commitment to recruiting women and people of color.

programs—programs that are key for increasing the skills of inexperienced workers (see box, “High-Quality Apprenticeship Programs”).

At the same time that they demand that winning contracts go to high-road contractors, community groups and their allies must also negotiate for local hiring requirements. And they must bargain to establish a comprehensive pre-apprenticeship program that will prepare local residents for work in the construction trades. Finally they must agree upon a method to monitor local hiring and pre-apprenticeship training to ensure that hiring and training goals are being met once the project gets underway.

In this section, we describe in detail the legal tools that can be used to win good jobs and to ensure that local residents get access to those good jobs.

(A) Negotiate to win the use of high-road contractors that support good apprenticeship programs.

Once a group or coalition of allies has gained a seat at the bargaining table, they must negotiate with decision makers about what will be required of prospective contractors in order to win the contract or even just to make a bid on the project. Such requirements include a commitment to using high-quality apprenticeship programs (and as explained above, they should also include local hiring commitments, an ongoing system to report on training and hiring outcomes, and other key components). The details of the agreement should be set out clearly by using one or more legal tools to make it enforceable. In this section we introduce four of the basic legal “tools” that have been used—sometimes alone, sometimes in combination—to help seal an agreement and make it enforceable. The four tools are: (1) legislative mandate; (2) Project Labor Agreement; (3) bid provision; and (4) Memorandum of Understanding.

1) Legislative Mandate

A combination of state and local laws governs how public and semi-public agencies may contract for construction projects. Additional laws can be enacted to require that all contractors bidding on public agency development projects must be affiliated with a high-quality apprenticeship program. Such legislative mandates can also be used to establish other key program elements, such as creating a local hiring goal.

For example, in 1998 a community group in Hartford, CT, organized to get the state legislature to mandate a goal of 30% local hiring for construction projects purchased by the city’s economic development authority (see box on page 22, “Model Program: Hartford’s HART Campaign”). Because it is the law, a legislative mandate is enforceable. It is a very strong tool.

Legislative mandates take the form of state- or city-level laws, depending on which agency is building the project and whether a city has the power to pass laws

governing that agency. Community groups may find it worthwhile to organize a campaign to persuade elected officials to enact a legislative mandate that covers a specific development project or, more broadly, all of the construction purchased by a particular public agency. In other places, especially where the political dynamics are complicated or where important elected officials are too far removed from the community, this may prove too difficult an organizing goal.

2) Project Labor Agreement (PLA)

A Project Labor Agreement, or PLA, is an enforceable agreement between an agency or a developer that is financing a construction project, and all the unions

MODEL PROGRAM

Hartford's HART Campaign

In 1998, members of Hartford Areas Rally Together (HART), a longtime and very active community revitalization organization, learned that the city of Hartford was planning at least \$2 billion of construction over the next five years. Much of it was likely to be performed by workers from outside the city, with few good job opportunities going to local residents. So HART decided to organize in an attempt to get local residents into some of the skilled construction jobs.

HART organized around a small project first. By putting pressure on both elected officials and the trade unions involved, they won 30% local hiring language in the Project Labor Agreement (PLA) for the Learning Corridor, a planned build of four new schools near Trinity College. HART then went on to organize around the "six pillars" of economic development charted out by Hartford's Capital City Economic Development Authority (CCEDA), which included a stadium, a higher education center, riverfront development, housing and parking components, and civic center renovations. CCEDA is a state-level agency created by the state legislature and supported by then-Governor John Rowland. Given the project's strong ties to elected officials and taxpayer monies, HART saw an opportunity to persuade key lawmakers about the needs of downtown Hartford citizens. They organized to pass a state law requiring a goal of 30% local hiring and 15% purchasing from minority-owned businesses for all CCEDA projects.

In 1999, CCEDA created the Hartford Construction Jobs Initiative, also known as the Jobs Funnel, which connects public, private, and nonprofit sectors to recruit, train, and find apprentice jobs for targeted Hartford residents. So far, the Jobs Funnel has succeeded in placing over 350 local residents into apprenticeships.

Of the "six pillars," only the civic center project has a PLA, but the Jobs Funnel works with both union and non-union contractors to get them to hire local residents who have graduated from its pre-apprenticeship program for both trades and non-trades jobs related to the project. Because union jobs often mean better wages and benefits, and better hiring networks and career paths, the Jobs Funnel now works with trade unions to push for more PLAs on publicly-funded development projects.

that want to be involved in building the project. PLAs are usually used for large projects. A PLA establishes the wages, benefits, work hours, hiring process, and dispute resolution process for all workers and contractors on a project.

A PLA functions very much like a collective bargaining agreement. Under a PLA, unions agree not to engage in any job action, including a strike, during the course of the project; they may also agree to waive some work rules that are part of their standard contracts. In return, the developer agrees to require its contractors to use the union hiring hall and to pay into union pension and health funds. For this reason, a PLA is a useful tool for ensuring that a large project will be completed on-time and on-budget, without labor unrest, and with good results. It also ensures that the workers on the project will be paid well and treated fairly. And since the project will be dominated by union contractors, good apprenticeship programs will be the norm.

A provision about the funding of training programs can be added to a PLA. Such a provision requires that a percentage of labor costs, or a few cents on every labor hour worked, must be contributed by the contractors to a training fund. The training fund might be used to finance a pre-apprenticeship program run exclusively for the project, or it could be used for a more general local workforce development program. Other provisions can also be added to a PLA.

Possible Drawbacks to a PLA

A PLA is a valuable type of enforceable legal agreement. But it does not work for every development project. Here are three possible problems in trying to use a PLA:

- **FIRST**, in February 2001, President Bush issued an Executive Order banning PLAs on most construction projects that use federal funds. Until a future president repeals this order, PLAs cannot be used on projects developed by federally-funded agencies such as housing or transportation authorities.
- **SECOND**, PLAs connect unions and contractors in very powerful ways. Unless community groups are truly understood as partners who have strong relationships with the other players, and unless they have substantial input into the inclusion of provisions that support pre-apprenticeship training and local hiring, their goals can take a back seat as the project moves forward.
- **THIRD**, unless special steps are taken, minority-owned, women-owned, and local businesses may have difficulty participating in projects that are covered by PLAs. PLA projects tend to be larger in size than these generally smaller contractors can handle on their own. And because fewer minority-owned, women-owned, and local businesses are unionized, they may have some difficulty complying with the union wages, benefits and hiring process often required under PLAs. To help overcome these obstacles, unions should work hard to recruit these firms to bid on the project covered by the PLA and encourage them to become long-term union contractors.

The Uncertain Road of Bid Provisions

When *only* bid provisions and contract requirements are used to establish training and hiring requirements, there is no overarching accountability structure in place to make sure that contractors and other stakeholders keep their promises. Community groups must work hard to ensure compliance throughout the bid process and afterwards:

- Community groups and unions can pressure an agency or developer to make the process of pre-qualifying contractors open and transparent.
- A list of contractors that pre-qualify should be made public.
- After the contract is awarded, community groups need to be vigilant in tracking the contractor's compliance with the apprenticeship, pre-apprenticeship, and local hiring requirements that it agreed to in the bid provisions and final contract (Step 5 discusses monitoring strategies in more detail).

For example, local hiring and apprenticeship utilization requirements can be included (these are explained in more detail beginning on page 27).

Finally, PLAs can also be used in combination with other legal tools. For example, the same Hartford community organization that organized for a legally mandated 30% local hiring requirement also helped persuade the city's economic development authority to use a PLA for the renovation of its civic center (see box on page 22, "Model Program: Hartford's HART Campaign").

3) Bid Provision

Even when no legislative mandate or PLA exists, an agency or developer can still require that contractors use quality apprenticeship programs and targeted hiring goals by including such requirements in its bid documents and in the final contract for the development project.

One way to use this approach is for community groups and their allies to persuade a developer to establish a contractor "pre-qualification" process. This can be done by including in bid documents, such as Requests For Proposals (RFPs) or Requests for Qualification (RFQs), a requirement that contractors that want to bid on the project must show that they are affiliated with a high-quality apprenticeship program. Such prequalification standards could specify that the apprenticeship program must be state-certified and must meet minimum standards in terms of graduation rates, strength of recruitment of women and people of color, years of existence as a program (three years or more), and average class size. Contractors that meet these standards are then permitted to proceed to bid on the project; a requirement to provide training through a high-quality apprenticeship program will then become a condition of the final contract for the company that is selected.

This approach can also be used to require contractors to meet other project goals, such as local hiring to fill apprenticeship positions and providing pre-apprenticeship training to help local residents succeed.

Whether government agencies can establish such prequalification requirements or include such provisions in final construction contracts depends in part on state law. Community groups that are considering this strategy should get legal help to assess its feasibility in their state.

Virtually all union-affiliated apprenticeship programs meet these high quality standards. But the picture is much more mixed for non-union programs. Many of them are established chiefly to allow non-union contractors to take advantage of certain rules under the prevailing wage laws, and are not serious about training.

Since non-union contractors will probably want to get work on the project, it is important to establish that each contractor's affiliated apprenticeship program

New York City's TRADES Campaign

"TRADES" stands for Trade Unions and Residents for Apprenticeship Development and Economic Success, a coalition of public housing resident organizations, construction trades unions, and community and advocacy groups in New York City.

TRADES formed in 2001 to address two problems with construction contracting at the New York City Housing Authority (NYCHA). The first was NYCHA's consistent failure to meet the 30% resident hiring goal established by HUD Section 3—fewer than 1% of new jobs on NYCHA construction projects were going to residents (for more on Section 3, refer back to the description on page 13). The second was NYCHA's track record of purchasing construction services from irresponsible contractors who fail to pay prevailing wages, follow health and safety regulations, or meet other legal requirements of government contractors. TRADES wanted to push NYCHA to purchase construction work from high-road contractors that would both abide by legal labor standards and provide meaningful training and skilled job opportunities for NYCHA residents.

As its first organizing goal, TRADES attempted to get NYCHA to enter into a Memorandum of Understanding (MOU) with the TRADES Campaign that would cover all construction work under the agency's \$400 million annual capital budget. The proposed MOU specified that NYCHA would purchase construction services from responsible contractors affiliated with high-quality apprenticeship programs. In negotiations around the MOU, TRADES offered that for every \$2 million worth of new construction, the unions would take in one new apprentice from NYCHA housing who had successfully completed a NYCHA-funded pre-apprenticeship program. Since NYCHA purchases about \$400 million worth of large construction projects per year, this would translate into 200-250 apprenticeship slots per year for NYCHA residents. The MOU also specified that all parties would work together to establish and maintain a pre-apprenticeship program for residents.

Rather than sign the MOU, NYCHA instead agreed to include responsible contractor, apprenticeship-affiliation, and local hiring requirements in its bid documents for \$500 million worth of construction work over three years, and it agreed to contract separately for a pre-apprenticeship program. TRADES continues to organize to ensure that these requirements and goals are met, and to establish a mechanism for monitoring the terms of the agreement.

truly is effective at increasing the skills of inexperienced workers. Requirements should be strict enough to screen out inadequate programs, especially those that employers initiate solely to qualify as a bidder on the project. At the same time, apprenticeship requirements should be flexible enough to maintain a competitive bidding field among responsible contractors.

Bid provisions and contract requirements do not carry the weight of a legislative mandate or a PLA. Once a contractor clears the hurdle of “pre-qualification” and is awarded the contract, it may not be easy for community coalitions to monitor whether the contractor is fulfilling its obligations (see box on page 24, “The Uncertain Road of Bid Provisions”). Nonetheless, when accompanied by strong organizing and monitoring, the bid provision approach can be an effective strategy for creating good jobs for local residents.

In 2001, for example, a New York City community-labor coalition persuaded the city’s housing authority to include apprenticeship affiliation and local hiring requirements in the bid documents for general contractors bidding on five large development projects (see box on page 25, “Model Program: New York City’s TRADES Campaign”).

Los Angeles County’s ACJC Campaign

In 1997, a group of 40 low-income community organizations, community development corporations, and training providers in Southern California came together to form the Alameda Corridor Jobs Coalition (ACJC). The coalition wanted to get jobs for local residents on the upcoming Alameda Corridor Project, a massive \$2.4 billion construction project undertaken by the Alameda Corridor Transportation Authority to build a 21-mile rapid rail corridor in Los Angeles.

By learning about the details of the project early on, putting together a well-coordinated organizing campaign, and building relationships with trade unions and officials of the Transportation Authority, ACJC was able to win an unprecedented local hiring agreement: 30% of all construction and non-construction work-hours on the project were promised to low-income residents who lived along the planned corridor and who would clearly be affected by the traffic, noise, and air pollution caused by it. The Transportation Authority also guaranteed 1,000 job training slots: 650 for pre-apprentices to graduate and enroll in union apprenticeship programs, and 350 for non-trades jobs.

The handshake agreement was sealed in 1998 with a legally binding contract between the Transportation Authority and the coalition, which was then expanded to include the general contractor. After the contract was signed, the ACJC checked to make sure that all bid documents made the general contractor responsible for meeting the local hiring requirement. The bid documents also specified that the contractor would fund the pre-apprenticeship program.

With funding from the Transportation Authority (the developer), the coalition then created a spin-off organization, the ACJC-TEC (Training and Employment Corporation), to oversee the implementation of the hiring agreement and to provide soft-skills training, recruitment, and case management. ACJC-TEC entered into memoranda of understanding (MOUs) with all the organizations that played a role in carrying out this work. Three years later, over 600 residents of the Alameda Corridor had graduated from pre-apprenticeship programs and gone on to apprenticeship programs in the building trades.

4) Memorandum of Understanding (MOU)

A Memorandum of Understanding, or MOU, is a legally binding agreement signed by two or more parties, each of which offers something to the others on terms agreed to by the parties. It is a common and powerful kind of legal agreement that is used for all sorts of purposes, big and small. It is especially useful for agreements that are entered into by multiple parties. In the context of a development project, an MOU can be used to finalize a negotiated agreement among a public agency, unions, and community groups. In an MOU, the various parties that sign on may make specific commitments about such issues as pre-apprenticeship and apprenticeship training, targeted recruitment, and local hiring. For example, the purchasing agency might commit to adopting local hiring and apprenticeship program affiliation requirements for contractors. Unions might agree to admit a certain percentage of local residents into their apprenticeship programs. A coalition of community groups might become responsible for recruiting and preparing a steady stream of qualified residents to enter those apprenticeship programs.

Given the right set of circumstances, an MOU may be used either to seal an agreement or to supplement other contracts.

Because the terms of an MOU are binding and enforceable, this powerful type of agreement can be a challenging organizing objective. In New York City, for example, the same coalition that succeeded in getting the housing authority to include apprenticeship program affiliation and local hiring requirements into their bid documents for five large development projects originally wanted the authority to sign an MOU with them. The housing authority declined. Since most public agency officials are not elected and are accountable only to the executive (mayor or governor) who appoints them, there may be fewer opportunities to find leverage in negotiating with them.

Given the right set of circumstances, however, an MOU may be used either to seal an agreement or to supplement other contracts. In 1998, for example, a coalition of about 40 community groups and advocates in Los Angeles County entered into a contract with the Alameda Corridor Transportation Authority, which guaranteed that 30% of the work hours on a large public works project would go to residents living in areas directly affected by the development (see box, “Model Program: Los Angeles County’s ACJC Campaign”). They supplemented the contract with separate MOUs that detailed each signatory organization’s responsibility to the overall training and hiring initiative.

(B) Negotiate to win job slots and pre-apprenticeship training for local residents.

In order for a development project to produce good jobs for local residents, it is important to ensure that the winning contractors support high-quality apprenticeship programs. Yet it is just as important that these same high-road contractors work with community groups and other allies to make sure that local residents actually get enrolled in, and get the opportunity to succeed in, the apprenticeship programs.

Three mechanisms can be useful in accomplishing this goal: (1) a pre-apprenticeship program; (2) a “first source” agreement; and (3) an Apprenticeship Utilization Requirement. They are explained below. Once negotiated and agreed upon, these mechanisms—as well as a method to monitor the progress of these mechanisms (see Step 5)—can be included as bid provisions or as part of a legislative mandate, a PLA, or an MOU.

1) Pre-Apprenticeship Program

A pre-apprenticeship program is designed for people with little or no construction work experience. It prepares local residents for what they will face when they arrive on the jobsite, and it gets them ready to enter skilled apprenticeship programs. While apprenticeship programs focus on training workers in a particular skilled trade (e.g., cement mason, electrician, carpenter, among dozens of others), pre-apprenticeship programs lay the groundwork for such specialization. Pre-apprenticeship programs vary and can be tailored both to the needs of the development project and the initial skills of participants. Most programs emphasize hands-on experience. Some pay participants a small stipend during the program. Almost all provide basic equipment (such as work shoes, tape measure, etc.) that participants can keep to use on the jobsite.

While apprenticeship programs focus on training workers in a particular skilled trade, pre-apprenticeship programs lay the groundwork for such specialization.

Why are pre-apprenticeship programs so important? They have proven very successful in recruiting women and people of color for careers in the skilled construction trades, by providing the preparation and support needed to succeed in apprenticeship programs.

This is especially true when pre-apprenticeship programs are comprehensive (this topic is discussed in more detail in Step 4)—that is, when they make serious efforts at outreach and orientation, when they offer support services like childcare or transportation during the program, when they help participants find long-term solutions to these and other obstacles during the pre-apprenticeship training period, and when they mentor participants as they transition from pre-apprenticeship to apprenticeship. For the contractors and unions, pre-apprenticeship programs guarantee a steady supply of qualified workers eager to begin work as apprentices.

2) First Source Agreement

A first source agreement is a formal way to designate where construction companies will go when they need to hire new apprentices and/or journey-level construction workers for the development project. Ideally, a community center or a pre-apprenticeship program will be designated as the “first source,” or first place, an employer will go to in order to find new hires, at least for a certain portion of the new work force. A local neighborhood or specific residential area could also be named as the first source.

In addition to defining exactly what the “first source” will be, such an agreement should also include a hiring goal or a hiring requirement. For example, the

agreement could state that at least 30% of all new hires will be recruited from the “first source.”

With a first source agreement in place, unions may allocate a certain number of apprenticeship slots that will go to applicants in the designated first source pool. These applicants bypass the union’s lottery system; as long as they meet the apprenticeship program’s requirements, they will be guaranteed positions as new apprentices.

The success of these agreements can vary. Even when required by law, a first source agreement that is written using weak language may not achieve its hiring goals. For example, as discussed earlier, under HUD Section 3, contractors on public housing construction projects have for decades been required to make “best efforts” to hire 30% of new employees from targeted communities. But this goal has rarely been met (see box on page 13, “Resident Hiring Requirements Under HUD Section 3”). In other cases, first source goals are met on paper, but many of the actual first source hires stay on their jobs for only a few months and never receive meaningful training. In order for first source hiring programs to deliver on their promise, it is important that the agreement set out clear and detailed hiring requirements—for example, a number or percentage of hires that must come from the first source, an exact definition of the first source that is not open to

Seattle’s Port JOBS Apprenticeship Opportunities Project

Port JOBS is a non-profit organization founded in 1993 by a coalition of community groups, organized labor, and local government that works to increase access to good port-related jobs in the Seattle area. The organization’s Apprenticeship Opportunities Project (AOP) combines strategies that increase the supply of qualified apprentices with strategies that increase the demand for apprentice labor. All of AOP’s partners — private sector contractors, training providers, community groups, and trade unions — see the project as key in addressing the long-term need to replenish Washington State’s aging skilled construction workforce.

The AOP office, which operates under contract with Apprenticeship and Nontraditional Employment for Women and Men (ANEW) recruits applicants for the construction trades and helps them apply for and complete apprenticeships by offering support services. They also help Port JOBS run ongoing job fairs and apprenticeship workshops. AOP’s Trades Mentor Network (TMN) trains volunteer journey-level trades workers to mentor apprentices. All these initiatives are tailored to meet the needs of women, people of color, and others who face barriers to employment in the construction trades.

AOP has gained a voluntary commitment from developers on both public and private projects to fill at least 15% of contracted labor-hours with apprenticeship labor (this is known as an Apprenticeship Utilization Requirement, or an AUR). By coordinating both the supply side and the demand side of the apprenticeship system, AOP helps to balance the interests of all parties involved.

loopholes, and goals for how long first-source hires must remain on the job — as well as consequences if the requirements are not met. The community coalition then follows up through engaged monitoring and trouble-shooting as the project proceeds.

3) Apprenticeship Utilization Requirement (AUR)

An apprenticeship utilization requirement, or AUR, requires that contractors staff their projects using more apprentices and fewer journey-level workers than they typically would. An AUR stipulates that a certain percentage of labor hours on a project (usually 15-20%) must be performed by apprentices. An AUR, coupled with a first source agreement, helps to make sure that local residents who graduate from pre-apprenticeship training will actually be able to find jobs as apprentices on the project. An AUR can also include hiring goals for women apprentices and apprentices of color.

Most unions have standard apprentice-to-journey ratios, which are regulated by state and/or federal Departments of Labor (DOLs). Since AURs generally mandate a slightly higher apprentice utilization ratio, they sometimes require a waiver from the DOL. The feasibility of getting a waiver to use an AUR varies from state to state.

It is important to realize that AURs do not increase the overall number of jobs on a construction project. Instead, by increasing the percentage of apprentice-level jobs, they decrease the number of journey-level (or experienced trades worker) slots on a project. This fact can make it hard to convince unions to agree to an AUR, especially during periods when their experienced union members are already struggling to find work. However, even in an economic downturn, unions and contractors need to consider the future workforce. They must be willing to train a new generation of workers who will eventually replenish the construction industry’s aging pool of journey-level workers. (Creating the next generation of highly skilled construction workers is the focus of an innovative training program in Seattle, WA, that makes use of AURs. See box on page 29 “Model Program: Seattle’s Port JOBS Apprenticeship Opportunities Project.”)



Implement a comprehensive pre-apprenticeship program.

STEP 4

An organizing victory that wins local access to skilled trades jobs through a written agreement is a substantial achievement. But the next step—implementation—is crucial to making sure that local residents actually get in and stay in apprenticeship programs.

The structure and history of construction apprenticeship programs present a number of obstacles to many new trades workers, especially women and people of color. Experience with innovative workforce development programs around the country has shown that a comprehensive pre-apprenticeship program—one that includes recruitment, pre-apprenticeship training, case management, support services, job placement, and mentoring—is key for helping workers from diverse backgrounds succeed as construction trades apprentices.

Pre-apprenticeship programs are typically established as part of an overarching development project agreement. The various parties (the agency or developer, contractor, unions, and community groups) sometimes agree to fund and operate the pre-apprenticeship program for a specified period, for example, for the duration of the development project. Alternatively, they may agree to provide pre-apprenticeship training to an agreed-upon number of local residents.

Depending on the negotiated agreement, the pre-apprenticeship program can become the financial responsibility of the lead contractor overseeing the development project, or the program can be contracted out separately by the developer or agency purchasing the project. (A comprehensive program can be expensive. For ideas about possible funding sources, see box on page 32, “Funding a Comprehensive Pre-Apprenticeship Program.”)

The program itself can be run in a variety of ways. The instruction can be offered through a training organization, a union, or a technical college. Community groups that build relationships with contractors or unions can even gain direct involvement in the program (especially in recruitment, case management, support services, and record-keeping), or they can stay “on the outside” to monitor and trouble-shoot the program.

Seven elements of a comprehensive pre-apprenticeship program are described below. Again, coalitions should set up the program and recruit a first class of program participants well before construction starts. This ensures that there is a group of program graduates ready to start work as soon as the construction project gets underway.

Experience has shown that a comprehensive pre-apprenticeship program is key for helping workers from diverse backgrounds succeed as construction trades apprentices.

Funding a Comprehensive Pre-Apprenticeship Program

The best pre-apprenticeship programs do more than just train participants in basic construction skills. They also provide key services such as income support, help with transportation, and mentoring. To pay for such comprehensive assistance, many programs combine funding from various sources. Different funding streams are often earmarked for different elements of the program. Possible funding sources to explore include:

Public Agency

A public agency that is purchasing construction services may already have money allocated for job training and other support services for targeted hires or employees (or the agency might be in a position to apply for special grants). Public Housing Authorities are the best example of this. They receive funding from the U.S. Department of Housing and Urban Development for education, training, and services for public housing residents. To the extent possible, these monies should be leveraged to implement a pre-apprenticeship program.

Contractor

A public agency or private developer that is purchasing construction services may include affiliation with a pre-apprenticeship program as a requirement for a contractor to bid on the project. Successful bidders are then required to hire graduates of the pre-apprenticeship program to work as apprentices on the project. In this situation, the contractor budgets for the program in its bid, and the contractor and the developer share the cost and responsibility of pre-apprenticeship training.

Foundation Grant

Private foundation grants, as well as training grants applied for jointly with unions, can sometimes cover the cost of pre-apprenticeship training. They can also be used to pay for specific costs of a comprehensive program, such as stipends, transportation vouchers, auto loans, initiation dues, etc.

State or Federal Program

Program staff should stay informed about work supports that may be available to pre-apprenticeship participants through state and federal programs. These may include Workforce Investment Act (WIA) vouchers, TANF (Temporary Assistance for Needy Families) monies, WIC (Women, Infants and Children nutrition program) and food stamps, childcare vouchers, and even the Earned Income Tax Credit (EITC). Whenever possible, these dollars should be leveraged in conjunction with other funding sources to provide maximum resources and support to participants.

1) Recruitment

The best recruiters are grassroots organizations that have gained the trust of the neighborhoods and communities in which they operate. The offices of selected organizations can be designated as intake sites for applicants. These same organizations can coordinate outreach to the surrounding community about the project and its training and employment opportunities. All written information explaining the project to potential applicants should come from a single source so that the message that residents receive is clear and consistent.

Outreach efforts, including orientation sessions, should be integrated with application and screening procedures. Residents need to be informed about the basic project plan, how the training and hiring will operate, what is required of workers doing construction work, the different jobs that will likely be available, and how progress in the program will be assessed. The goal is to have meaningful contact with potential candidates so that everyone understands what participation will involve and can decide whether a construction career is right for them.

2) Pre-Apprenticeship Training

First-rate pre-apprenticeship training is the cornerstone of preparation for participants who will enter skilled trades apprenticeships. Pre-apprenticeship training combines classroom and hands-on instruction. Programs usually run for eight to ten weeks. They give an overview of the construction trades and offer exposure to the culture of the workplace through visits and training at actual construction sites. They teach basic applied math and terminology used in construction, provide health and safety instruction, train in the use of basic tools, and include daily physical conditioning. Good programs also have guest speakers from different trades and from diverse backgrounds who encourage the participants and explain the realities of the construction world. Pre-apprenticeship training can also be used for applicants who want to work in construction-related administrative positions or other jobs that do not require apprenticeship training.

3) Case Management

Case managers should keep in close contact with participants so they can recognize and respond to needs for counseling, work readiness assistance, remedial tutoring in mathematics or other basic skills, or other support services. They should also help participants plan a support system once they become apprentices. For example, they can help participants find childcare providers that accommodate the early start of the construction day so that a childcare plan is already in place when work at the jobsite begins. Case managers should build relationships with local service providers in order to link participants with needed services that might be available elsewhere, especially GED and English language instruction.

4) Stipend and Start-Up Costs

Because most participants cannot afford to attend eight to ten weeks of training without a paycheck, income support in the form of a small weekly stipend

Programs usually run for eight to ten weeks. They give an overview of the construction trades and offer exposure to the culture of the workplace through visits and training at actual construction sites.

should be part of the program. In addition, almost all programs cover apprenticeship “start-up” costs that can otherwise be prohibitive. They pay for required tools, safety equipment, testing fees, and union initiation dues.

5) Additional Support Services

Participants can face significant barriers to employment that must be addressed if a training program is going to succeed. Additional support services that help participants overcome these barriers should be made available. These can include auto loans, public transportation vouchers, a driver’s license recovery program, or legal counsel for workers with criminal convictions that present a barrier to employment.

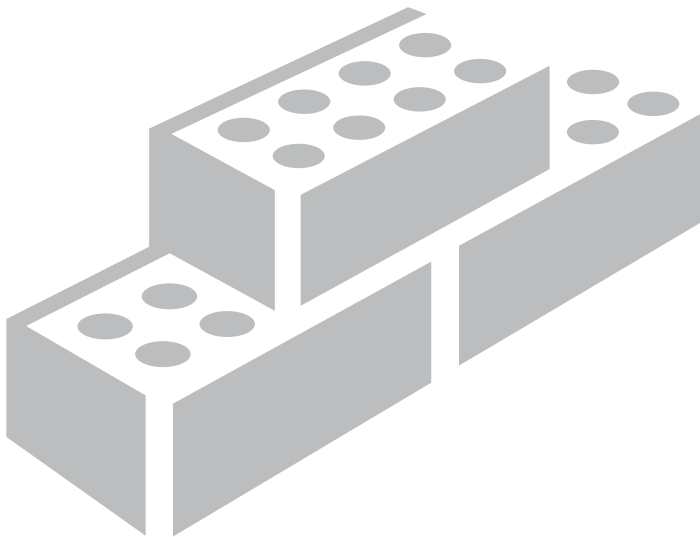
6) Job/Apprenticeship Placement

The strongest local jobs agreements guarantee that successful pre-apprenticeship graduates are placed in apprenticeship programs. Program staff play a crucial role in working with pre-apprenticeship graduates, contractors, apprenticeship coordinators, and community groups to make sure that all graduates find a placement in an appropriate job and apprenticeship program.

7) Mentoring

Historically, women and people of color have dropped out of apprenticeship programs in disproportionately high numbers. Several programs around the country train journey-level (highly-skilled, highly-experienced) workers to serve as mentors to help more women and workers of color succeed. When possible, mentors should themselves be graduates of pre-apprenticeship training, or they should come from the same local communities as the pre-apprenticeship participants.

Several programs around the country train journey-level workers to serve as mentors to help more women and workers of color succeed.



Monitor outcomes and adjust practices.

STEP 5

Once ground is broken on the new construction project, monitoring should begin to make sure that training and hiring goals are being met by all parties involved. In this process, it is important that the parties remain flexible and open to making changes in response to problems as they arise.

Structures for monitoring and enforcement should be written into the agreement itself (either in the PLA or MOU, or in the bid documents and construction contracts). The most effective oversight approach is to establish a formal monitoring board that reviews outcomes on at least a quarterly basis and helps troubleshoot. Ideally, the monitoring board should be empowered to make necessary changes anywhere in the program where goals are not being met.

A monitoring board should be made up of representatives of all parties that have a stake in the success of the project: the agency or developer, contractors, trade unions, community groups, apprenticeship directors, and pre-apprenticeship training providers. By fostering collaborative problem solving, the board acts as a partnership that keeps the general public informed about the project's successes and needs. The board members can also work together to raise additional funds for training or support services if that becomes necessary. Since it is responsible for ensuring that training and hiring goals are being met, the board should meet regularly to share information on each party's progress in achieving those goals.

The monitoring board should have access to detailed information about the project, including contracts that have been awarded as well as data about training and hiring. These reports should include: the number of residents who have applied for, enrolled in, and graduated from pre-apprenticeship training; the number of residents and non-residents hired as apprentices on the project; the number of residents who go on to complete various stages of apprenticeship training; the number of apprentices and journey workers at the project's jobsites; and whether the contractor or training provider is on target to meet training and hiring goals.

If the parties do not establish a monitoring board, the agency, developer, and contractor should still be expected to provide timely and complete reporting on job creation, training, and local hiring. This information, as well as information about all contracts that have been awarded on the project, should be made available to the community coalition and the public. Where it appears that project goals are not being met, stakeholders will need to organize and use the media to expose problems and build pressure to put the project back on track.

By fostering collaborative problem solving, the board acts as a partnership that keeps the general public informed about the project's successes and needs.

CONCLUSION

Lessons learned from past campaigns

Across the country, campaigns to win good construction jobs for local residents are beginning to attract increasing attention from policy makers. As we have detailed in this report, the most important lesson from past campaigns is that, ultimately, the organizing work is more important than the legal details. After all, the key to making any agreement work is persuading the people who control the dollars for construction and training to get on board and follow through.

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One union affiliate says from his experience, “These initiatives are a lot of work and they’re hard tricks to pull off because there are so many players, and because everyone has to really step up to the plate.” That means that the purchaser of the project, often a government agency, has to commit to getting all the contractors and subcontractors on board and then make sure that they are really hiring from the community and using apprentices. And the unions and community groups all have to do their part to keep the agreement running smoothly. If any one piece of the puzzle falls through, the whole enterprise can quickly collapse.

The following principles are drawn from the experiences of past campaigns, and can offer important guidance for a community construction jobs campaign:

- All parties must have something to gain in order for a campaign to succeed. That’s because most organizations, and especially unions and community groups, are accountable to their constituencies. Therefore, it is critical that all coalition members be completely transparent about what they have to gain, how important it is to their organization, and what they are willing to give up and compromise in order to achieve it. Ongoing relationship-building and commitment to honesty will help maintain a climate of transparency and trust among the coalition.
- Specifically, expectations about the actual number of jobs and new apprenticeship slots should be made as clear as possible from the beginning. Often it is surprising how few new apprenticeship slots are created by relatively large construction projects. Whatever the ultimate number of slots, it should be agreed upon by coalition members early on and not come as a surprise halfway into the organizing campaign.
- In most cases, whoever is holding the money for the construction project will make the final decision about whether to use high-road contractors and whether to implement and enforce local hiring. Stay focused on this organizing target, and agree on a strategy for influencing this target as early as possible.

- It is much easier to begin a campaign around a development project *before* approval of the project and its funding. Do the research on each development project in its planning phase. Organizing around a project that is already breaking ground probably is not worth the time or effort; instead, focus on future projects in the pipeline.
- Winning an agreement with the agency or the developer is only the beginning. Actually implementing the program involves at least as much work, and is often where problems arise. This is especially true because apprenticeship programs take so long to complete. Real success is not achieved until a class of workers graduates from a four-year apprenticeship program. With this in mind, the agreement must include a plan for ongoing implementation, funding, monitoring, and enforcement. Equally important is securing a genuine commitment to the plan from the contractors who will actually be doing the hiring.
- Implementing the program means finding local residents who are interested in participating. Community groups should be collecting names of potential pre-apprenticeship program participants with basic information about their current skill and education levels. This way, there is a base from which to start recruitment, and orientations can begin as soon as an agreement is signed.
- Program oversight needs to include both on-the-ground monitoring and reporting to an official board. Written reports on hiring goals are important but must be combined with a system for verifying that what is said on paper accurately reflects what is happening at the job site: i.e., that local residents are getting jobs and working as apprentices on projects.
- Community groups need allies to help them hold their own at the negotiating table with unions and contractors, both of which usually have more money and political capital. Build connections with other grassroots community organizations engaged in local struggles, and support each other in broader coalition work.

It is much easier to begin a campaign around a development project before approval of the project and its funding.

These principles are based on real experiences. Keeping them in mind can go a long way toward preventing problems before they arise. By learning from these lessons, by understanding how legal tools are used to strengthen handshake agreements, and by recognizing the need for a long-term organizing and implementation strategy, community groups and their allies will be better equipped to meet the challenges of a construction jobs campaign.

Appendix: Resources

Organizations and Programs

Organizing for Good Jobs and Responsible Development

Center for Community Change

1536 U Street NW
Washington, DC 20009
(202) 339-9300
toll-free (877) 777-1536
info@communitychange.org
www.communitychange.org

New York City Jobs with Justice — TRADES Campaign

50 Broadway, 24th Floor
New York, NY 10004
(646) 452-5637
www.njwj.org/trades.html

Alameda Corridor Jobs Coalition

Benetta Johnson, Executive Director
2905 South Vermont Avenue, Suite 201
Los Angeles, CA 90007
(323) 731-6606
bjacjc@hotmail.com
www.workingforamerica.org/documents/journal2/alameda.htm

Section 3 Housing Organizing and Advocacy

Good Old Lower East Side (GOLES) & Public Housing Residents of the Lower East Side (PHROLES)

Damaris Reyes
525 E. 6th Street
New York, NY 10009
(212) 533-2541
www.neighborhoodlink.com/manhattan/goles/assocab.html

Everywhere and Now Public Housing Residents Organizing Nationally and Together (ENPHRONT)

c/o Center for Community Change
1536 U Street NW
Washington, DC 20009
(202) 339-9300
toll-free (877) 777-1536

National Housing Law Project

Catherine Bishop, Staff Attorney
614 Grand Ave., Ste. 320
Oakland, CA 94610
(510) 251-9400
www.nhlp.org/

New York City Public Housing Residents Alliance

Ethel Velez, Executive Director
PO Box 438
Hellgate Station
New York, NY 10029
(212) 348-4505
evnytao@aol.com

Construction Jobs Recruitment and Training Programs

Apprenticeship and Nontraditional Employment for Women and Men/Port Jobs

Renton Technical College
3000 NE Fourth, Bldg. L.
Renton, WA 98056
(425) 235-2212
www.portjobs.org

Construction Skills 2000, Inc.

Diane Springer, Director
71 West 23rd Street, Suite 501-03
New York, NY 10010
www.constructionskills.org
dspringer@constructionskills.org

Hartford Construction Jobs Initiative — Jobs Funnel

Yolanda Rivera, Manager
20 Sargent Street
Hartford, CT 06105
(860) 524-8859
yrivera@capitalworkforce.org
www.cceda.state.ct.us/careers/career_funnel_main.htm

Public Policy and Technical Assistance

AFL-CIO Working for American Institute

815 16th Street, NW
Washington, DC 20006
(202) 974-8100
www.workingforamerica.org/

Brennan Center for Justice

Annette Bernhardt and Paul Sonn, Deputy Directors, Poverty Program
161 Avenue of the Americas, 12th Floor
New York, NY 10013
(212) 998-6730
www.brennancenter.org

Community Service Society

Vic Bach, Housing Policy Analyst
105 East 22nd Street
New York, NY 10010
(212) 254-8900
www.cssny.org

Good Jobs First

1311 L Street NW
Washington, DC 20005
(202) 737-4315
info@goodjobsfirst.org
www.goodjobsfirst.org

Good Jobs New York

11 Park Place, 7th Floor
New York, NY 10007
(212) 414-9394
gjny@goodjobsfirst.org
www.goodjobsny.org

Publications

Liam Garland and Susie Suafai. 2002. *Getting to the Table: A Project Labor Agreement Primer*. Oakland, CA: National Economic Development and Law Center.

Julian Gross (with Greg LeRoy and Madeline Janis-Aparicio). 2005. *Community Benefits Agreements: Making Development Projects Accountable*. Washington, DC: Good Jobs First and the California Partnership for Working Families. Available at: <http://www.californiapartnership.org/downloads/CBA%20Handbook%202005%20final.pdf>

Greg LeRoy and Sara Hinkley. 2002. *No More Secret Candy Store: A Grassroots Guide to Investigating Development Subsidies*. Washington, DC: Good Jobs First. Available at: <http://www.goodjobsfirst.org/research/title.pdf>

Philip Mattera (with Greg LeRoy). 2003. *The Jobs are Back in Town: Urban Smart Growth and Construction Employment*. Washington, DC: Good Jobs First. Available at: <http://www.goodjobsfirst.org/pdf/backintown.pdf>

Port Jobs. 2004. *Apprentice Utilization Goals and Requirements: A Countywide Impact Study*. Seattle, Washington: Port Jobs. Available at: http://www.portjobs.org/resources/research/app_ut_0102.pdf

Lisa Rangelhelli. 2003. *Organizing for Jobs — Lessons Learned from CCC's Sector Organizing Project*. Washington, DC: Center for Community Change. Available at: <http://www.communitychange.org/shared/publications/downloads/Org4Jobs.pdf>

Lisa Rangelhelli. 2003. *Replicating Success — The Alameda Corridor Job Training & Employment Program: A Replication Manual for Winning and Implementing Community-Based Jobs Programs on Public Construction Projects*. Washington, DC: Center for Community Change. Available at: [http://www.communitychange.org/shared/publications/downloads/ACJC Replication Manual.pdf](http://www.communitychange.org/shared/publications/downloads/ACJC%20Replication%20Manual.pdf)

Additional Internet Resources

New York State Department of Labor

Apprenticeship Information:

http://www.labor.state.ny.us/working_ny/apprenticeship_training/apprenticeship_training.html

Department of Housing and Urban Development

Section 3 Information:

<http://www.hud.gov/offices/fheo/section3/Section3.pdf>

Enterprise Foundation — Enterprise Resource Database

Basic description and links to sample Section-3 related documents:

<http://www.enterprisefoundation.org/resources/ERD/resource.asp?id=1688&c=192&a=view&f=browse>

National Housing Law Project

Housing Justice Network 2002 Conference Materials on Section 3:

http://www.nhlp.org/lalshac/hjn2002_conference_materials.htm

Policy Link — Local Hiring Strategies Toolkit

Overview, information, and links to additional resources on local hiring initiatives:

<http://www.policylink.org/EDTK/LocalHiring/default.html>



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