



MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Edward D. Reiskin
City Administrator

SUBJECT: Status Update on Community
Workforce Agreement

DATE: December 27, 2022

EXECUTIVE SUMMARY

This memo provides an update on the status of negotiating a Community Workforce Agreement (CWA) for the City of Oakland’s public construction projects.¹ A CWA is commonly defined as a project labor agreement (PLA) that includes provisions promoting local or disadvantaged hiring goals.

BACKGROUND AND LEGISLATIVE HISTORY

In 2018, City Council adopted a resolution ([Resolution No. 87293 C.M.S.](#)) urging the initiation of a process to negotiate a CWA “for the City’s large public works projects,” with such agreement “to ensure labor peace, provide quality, equitable employment, and training opportunities, and enhance the City’s local employment and local contracting programs.” The resolution also directed the City Administrator to undertake an equity impact analysis and community engagement process to develop recommendations regarding the terms of a CWA. The results of community engagement processes were captured in a report from consultant Junious Williams².

On October 5, 2021, the City Council received a report from the City’s Department of Race and Equity³, providing a racial equity impact analysis regarding a potential CWA and including recommendations based in part on a report prepared by Estolano Advisors, funded by contributions from Alameda County Agencies, including the City of Oakland, and the San Francisco Foundation.⁴

¹ Negotiations and processes described in this memo concern terms of the City’s *public construction projects*, with construction contracts procured and administered by the City. They do not pertain to conditions attached to public funding for private construction projects, such as redevelopment projects or publicly-supported affordable housing projects built by private developers.

² [Report from Community Engagement Sessions for a Possible Community Workforce Agreement Ordinance for The City of Oakland](#); Junious Williams Consulting, Inc.

³ [Inter-Agency Report on Project Labor Agreements and Equity Impact Analysis](#); Department of Race and Equity

⁴ [Improving the Effectiveness of Project Labor Agreements](#); Estolano Advisors

HONORABLE MAYOR & CITY COUNCIL

Subject: Status Update on Community Workforce Agreement

Date: December 27, 2022

Page 2

The Department of Race and Equity's Racial Equity Impact Analysis recommended that the City pursue a PLA based on the following criteria:

- Set Data-Driven Workforce Goals
- Establish Clear Responsibilities for Achieving Workforce Goals
- Collect Data to Track Progress on Workforce Goals
- Enforce to Ensure Progress on Workforce Goals
- Support the Retention and Advancement of Diverse Workers
- Coordinate Ongoing Support for Diverse Workers
- Collaborate on a Regional Level to Create a Diverse Workforce
- A Substantial Carve Out for Non-Union Small/Local Businesses

At that meeting, the City Council directed staff to create a task force to address the inclusion of social and racial equity provisions in a possible community workforce agreement, using the recommendations of the Estolano Partners report as a basis for discussion; and creating a negotiating team and commence CWA negotiations with the Alameda County Building & Construction Trades Council.

The City Administrator's Office subsequently retained Davillier-Sloan, Inc., a firm with experience in PLA and CWA negotiation and implementation, and initiated a task force on these topics. The City's CWA Task Force met seven times from April through June 2022. The Task Force released a report in June 2022⁵ capturing ideas presented by Task Force members regarding approaches to maximize local employment and local business opportunities in the context of a CWA and including results of surveying task force members regarding options and possible CWA terms.

In developing its positions, the City negotiating team considered the achievements of the Regional Workforce Equity Agreement (RWEA)⁶ from Portland. The RWEA, executed by the City of Portland, Multnomah County, and Oregon Metro, was the product of a groundbreaking regional collaboration of public entities, equity advocates, and workforce advocates. It was the product of two years of negotiation and includes diversity hiring goals, enhanced flexibility for certified contractors, and cutting-edge procedures for pathways into apprenticeship programs. For more information regarding the development of the RWEA, please refer to this [website](#).

ADDITIONAL ITEMS TO CONSIDER

The City is also engaged with Mason Tillman Associates to conduct an update of the City's 2019 Race and Gender Disparity Study⁷ that will be completed in 2023. Staff recommends that the City not adopt any PLA that would require a substantive amendment to the City's Local/Small Local Business Enterprise (L/SLBE) program until after the Disparity Study has been completed

⁵ [City of Oakland CWA Task Force Report](#); Davillier-Sloan, Inc.

⁶ [Regional Workforce Equity Agreement](#)

⁷ [2019 Race and Gender Disparity Study](#); Mason Tillman Associates

and the Council has been provided a comprehensive set of policy recommendations to consider from the Disparity Study to update the City's L/SLBE Program.

STATUS OF NEGOTIATIONS WITH THE ALAMEDA COUNTY BUILDING TRADES COUNCIL

The City Administrator's Office initiated CWA negotiations with the Alameda County Building & Construction Trades Council (the BTC) in July 2022. The City's negotiating team included staff from the City Administrator's Office, the Department of Workplace and Employment Standards, Oakland Public Works, and OakDOT Engineering Services. The City also retained experienced outside counsel, the Law Office of Julian Gross, engaged through the Office of the City Attorney.

The City held negotiation sessions with the BTC on July 13, August 3, August 23, September 8, September 22, October 4, October 17, November 4, November 29, and December 19.

Throughout these negotiations, the City has maintained the following items as top priorities:

- ensuring robust implementation of the City's Local Employment Program;
- ensuring robust implementation of the City's Local and Small Local Business Enterprise Program;
- maximizing apprenticeship opportunities for Oakland workers beginning careers in the construction trades;
- protecting and promoting the City's efforts to promote equity and diversity and avoiding race and gender discrimination in the City's public construction programs; and
- requiring data be provided to the City to assess the impact of the PLA on local employment and local businesses and to determine if there are disparities in participation on the basis of race and/or gender.

In negotiating toward these priorities, the City team has reviewed and taken into account the prior City processes described above, including the Estolano Advisors report and the CWA Task Force report, and has also reviewed local and regional precedents and best practices.

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HONORABLE MAYOR & CITY COUNCIL

Subject: Status Update on Community Workforce Agreement

Date: December 27, 2022

Page 4

CONCLUSION

The City negotiating team and the BTC have engaged in a robust and sustained discussion regarding these issues and all terms of a possible CWA. Attorney teams have been in contact as well. To date, however, we have not reached an agreement on a complete draft CWA that could be presented to the CWA Task Force and the public and City Council for consideration for possible approval. Negotiations are continuing, potentially resulting in public processes related to a CWA in early 2023.

Respectfully submitted,



EDWARD D. REISKIN
City Administrator
City Administrator's Office