



# COMMUNITY WORKFORCE AGREEMENTS - LABOR EQUITY PROGRAM GUIDANCE

This document outlines ODOT's administration of community workforce agreements on covered projects, including roles and responsibilities, reporting requirements and more.

Office of Equity & Civil Rights Labor  
Equity Program

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## Background & Overview

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The 2021 regular Oregon Legislature passed House Bill 3011 and Senate Bill 420.

HB 3011 mandates the use of project labor agreements on certain named projects. SB 420, then adopted in ORS 279C.308, authorizes the designation of public improvement projects as “community benefit contracts”. Project labor agreements and community workforce agreements are types of community benefit contracts.

We are implementing ORS 279C.308 for several reasons:

- To invest in the needs of the heavy highway construction industry by building the worker pipeline.
- To maximize the impact of our investments for the benefit of the communities in which they are located.
- The community workforce agreement model aligns with our values and strategic goals.

The Labor Equity Program within the Office of Equity & Civil Rights is responsible for contributing to the implementation and management of ODOT’s community workforce agreements in partnership with Delivery & Operations regions, state construction and statewide project delivery staff. These agreements help with greater racial and economic equity for diverse and under-represented local populations; greater economic benefit for Oregonians; greater stability in construction processes, and reduced job disruption.

## Pilot Projects

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On September 21, 2022, the Oregon Transportation Commission approved a CWA on eight named pilot projects (see table below). We entered into a letter of agreement for CWAs with the Oregon State Building and Construction Trades Council, and the Pacific Northwest Regional Council of Carpenters Union, now referred to as the Western States Regional Council of Carpenters. The letter of agreement outlines mutual commitments for developing and executing CWAs on the pilot projects to gather data to assess performance and benefits.

Criteria used to determine which projects would be selected for CWA application included:

- At least one project in each geographic region,
- At least one project for each type,
- And at least two regions needed to include more than one project for a more in-depth impact analysis.

Project Name	Region	Type
I-84: US197 - The Dalles, Rufus and Arlington Bridges	4	Bridge
US26 (Powell Blvd): SE 99th Ave - East city Limits	1	Modernization
I-5: Kuebler Blvd to Delaney Rd Widening	2	Modernization

US97: Lower Bridge Way - NW 10th St (Terrebonne)	4	Operations
I-82 and I-84: Umatilla - Pendleton Concrete Pavement Repair	5	Bridge/Preservation
US101: Gold Beach (Rogue River) Bridge	3	Bridge
I-84 EB McCord Creek Bridge Replacement	1	Bridge/Preservation
OR58: Salt Creek Bridge (MP 42.93)	2	Bridge

OR18: Newberg-Dundee Bypass will also include a Project Labor Agreement as required by ORS 279A.803.

### **Pilot Projects Reporting Requirements**

The Labor Equity Program will work with contractors to monitor and track project progress and project details including:

- Impacts to small firms.
- Impacts to disadvantaged business enterprise firms.
- Impact to non-union contractors.
- Performance metrics of apprenticeship goals and targets.
- Performance metrics for economically distressed zip code hiring goals.
- Number and type of bidders.
- Cost estimate impacts.
- Schedule impacts.

OECR will also monitor and report on aspirational targets as well as disadvantaged business enterprise goals. Reports are due to the Oregon Transportation Commission quarterly once projects are launched. Performance reports will also be shared and discussed with unions and contractors at monthly Joint Administrative Committee meetings, (JAC is defined later in this document).

### **Project Development**

As project schedules and scopes are being fleshed out, the Labor Equity Program manager will work with the project’s area manager and transportation project manager assigned to selected CWA projects to define goals, targets, specification changes, processes and roles and responsibilities. The Projects Controls Office will work with regions and Labor Equity Program to ensure CWA boilerplate special provisions are incorporated and reflect CWA requirements.

### **Signatory Unions**

Parties to the Community Workforce Agreement include:

- ODOT
- Oregon State Building and Construction Trades Council
- Western States Region Council of Carpenters

Prior to a covered project’s plans, specs and estimates due date, the Labor Equity Program Manager will reach out to regional councils and local unions to determine if they will be signatory to the upcoming project(s). We will use “Attachment E” of the agreement for this.

Once interested council and union signatures are received, the Labor Equity Program Manager will send Attachment E to Region TPM to be included in PS&E documents and included in the project contract. Links to collective or master bargaining agreements of the signatory councils and unions will also be included in the project contract for contractor reference according to Article 1, Section 4 of the community workforce agreement.

### **CWA Project Requirements**

All CWA covered projects are required to comply with affirmative action, equal employment opportunity, and disadvantaged business enterprise state and federal requirements in coordination with the Office of Equity and Civil Rights. CWA projects use standard aspirational diversity targets which are not requirements for a contract but should encourage the highest possible participation of minorities and women in the work force. Aspirational targets on all federally funded projects are as follows:

- ODOT Region 1                      Women 14% -- Minority 20%
- ODOT Region 2, 3, 4 & 5      Women 14% -- Minority 14%

In addition, CWA sets goals for economically distressed zip code hiring and apprenticeship use. There are also requirements for respectful worksites training, the completion of a pre-job workforce and an equity management plan. Together, these define how goals and aspirational targets will be met.

### **Economically Distressed Zip Code Hiring Goals**

Community workforce agreements aim to promote equity and workforce development. EDZ hiring goals support this by encouraging the distribution of employment opportunities to those who have been identified as economically distressed in Oregon and SW Washington.

#### *Methodology:*

Socioeconomic status is influenced by several factors and while it is not directly measurable, there are several evidence-based indicators of socioeconomic status (e.g., income, education, employment status, etc.) that can be applied to the comprehensive database to identify

economically distressed zip codes with adjustments for relevant co-factors (e.g., working age population, population density, etc.).<sup>1,2,3,4</sup>

To develop a strategy that allows for targeted efforts to engage workers from economically distressed zip codes, socioeconomic data was collected from the 2021 U.S. Census<sup>5</sup>. From these datasets, several variables were selected: total working age population, educational attainment, full-time work status, home ownership, income relative to the poverty line, and per capita income.

This data was then mapped from census tracts into zip code tabulation areas which are a “generalized area representation of United States Postal Service areas.”<sup>6</sup> As these ZCTA generally correlate with the zip codes within each county, the process began by identifying the counties around a given project and then locating the data for each corresponding ZCTA.

With the ZCTAs in hand, the relevant datasets were then downloaded. These datasets are all coded and identified by the Census<sup>7</sup> with zip code filters added for each county.<sup>8</sup>

Five datasets were used and the label of the column in our analysis is labeled in [brackets]:

- Variable 1: DP04, “Selected Housing Characteristics.” [Households renting].
- Variable 2: S1701, “Poverty Status in the Past 12 Months.” [People within 150% of the poverty line].
- Variable 3: S1501, “Educational Attainment.” [Less than high school graduate].
- Variable 4: DP03, “Selected Economic Characteristics.” [Per capita income].
- Variable 5: S2303, “Work Status in the Past 12 Months.” [The sum of all workers that worked less than 48 weeks].

The Oregon and SW Washington zip codes that meet the geographic, economic and/or educational criteria for hiring are identified as follows:

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<sup>1</sup> Shavers VL. Measurement of socioeconomic status in health disparities research. *J Natl Med Assoc.* 2007;99(9):1013-1023. doi:10.1037/e518882014-001

<sup>2</sup> Mueller, C., & Parcel, T. (1981). Measures of Socioeconomic Status: Alternatives and Recommendations. *Child Development*,52(1), 13-30. doi:10.2307/1129211

<sup>3</sup> Development of Standards for the Collection of Socioeconomic Status in Health Surveys Conducted by the Department of Health and Human Services, National Committee on Vital and Health Statistics. <https://www.ncvhs.hhs.gov/wp-content/uploads/2014/05/120622lt.pdf>

<sup>4</sup> Measuring Socioeconomic Status and Subjective Social Status, American Psychological Association <https://www.apa.org/pi/ses/resources/class/measuring-status>

<sup>5</sup> <https://www.census.gov/data/developers/data-sets/acs-5year.html>

<sup>6</sup> <https://www.census.gov/programs-surveys/geography/guidance/geo-areas/zctas.html>

<sup>7</sup> <https://data.census.gov/>

<sup>8</sup> Locate the table on the website by the code FIRST and then add the filter to target the desired ZCTAs for each county. This order of operations ensures that the data will appear successfully every time.

Zip Code	City	Zip Code	City	Zip Code	City	Zip Code	City
97029	GRASS VALLEY OR	97362	MOUNT ANGEL OR	97477	SPRINGFIELD OR	97761	WARM SPRINGS OR
97030	GRESHAM OR	97365	NEWPORT OR	97478	SPRINGFIELD OR	97801	PENDLETON OR
97058	THE DALLES OR	97378	SHERIDAN OR	97480	SWISSHOME OR	97818	BOARDMAN OR
97103	ASTORIA OR	97383	STAYTON OR	97484	TILLER OR	97826	ECHO OR
97118	GARIBALDI OR	97386	SWEET HOME OR	97496	WINSTON OR	97834	HALFWAY OR
97128	MCMINNVILLE OR	97391	TOLEDO OR	97501	MEDFORD OR	97845	JOHN DAY OR
97138	SEASIDE OR	97396	WILLAMINA OR	97526	GRANTS PASS OR	97856	LONG CREEK OR
97141	TILLAMOOK OR	97411	BANDON OR	97527	GRANTS PASS OR	97862	MILTON FREEWATER OR
97203	PORTLAND OR	97417	CANYONVILLE OR	97543	WILDERVILLE OR	97882	UMATILLA OR
97204	PORTLAND OR	97420	COOS BAY OR	97601	KLAMATH FALLS OR	97907	HUNTINGTON OR
97230	PORTLAND OR	97424	COTTAGE GROVE OR	97603	KLAMATH FALLS OR	97909	JAMIESON OR
97233	PORTLAND OR	97429	DAYS CREEK OR	97630	LAKEVIEW OR	97910	JORDAN VALLEY OR
97236	PORTLAND OR	97434	DORENA OR	97632	MALIN OR	97911	JUNTURA OR
97301	SALEM OR	97442	GLENDALE OR	97638	SILVER LAKE OR	97913	NYSSA OR
97322	ALBANY OR	97443	GLIDE OR	97641	CHRISTMAS VALLEY OR	97914	ONTARIO OR
97329	CASCADIA OR	97444	GOLD BEACH OR	97720	BURNS OR	97918	VALE OR
97344	FALLS CITY OR	97457	MYRTLE CREEK OR	97732	CRANE OR	98617	DALLESPORT WA
97347	GRAND RONDE OR	97458	MYRTLE POINT OR	97733	CRESCENT OR	98673	WISHRAM WA
97355	LEBANON OR	97459	NORTH BEND OR	97741	MADRAS OR	98935	MABTON WA
97361	MONMOUTH OR	97463	OAKRIDGE OR	97754	PRINEVILLE OR	99362	WALLA WALLA WA

*Requirements:*

The contractor shall ensure that 29% of total project hours, are performed by trades workers that reside in economically distressed zip codes as indicated in the table above. This goal is based on the percentage of eligible workers that live within the EDZ area. To meet this goal, the contractor may include hours performed by an apprentice, OJT trainee or journey level worker.

**Apprenticeship Goal**

Community workforce agreements aim to support workforce development. Apprenticeship goals encourage and set requirements for trade apprentice use on covered projects. This benefits the communities by investing in and expanding the pipeline of skilled workers in heavy highway construction projects and ensuring widespread diversity opportunities within the workforce.

*Methodology:*

Apprentice use goals were determined based on the rate of graduating apprentices. Based on 2021 US Census Bureau data, which indicates that 20% of journey-level apprentices left their profession and another 5% just stopped working.<sup>9</sup>

*Requirements:*

The contractor has the primary responsibility to monitor compliance and ensure that apprenticeship goals are met. ODOT requirements are:

- Contractor must ensure 20% of total project aggregate hours of covered work in apprenticeable trades is performed by apprentices.
- Contractor and each subcontractor must ensure 15% of its contracted work that is covered work in apprenticeable trades is performed by apprentices.

**Aspirational Targets:**

Community workforce agreements aim to invest equitably in the local economy by increasing opportunities for minorities and women working on construction projects. Aspirational targets support this by establishing a target for contractors to work towards. While targets are not requirements of the contract, ODOT will encourage the highest possible participation of minorities and women on the covered project.

*Methodology:*

To assist contractors on setting aspirational targets, the ODOT Labor Equity Program analyzed BOLI 2021 apprentice demographic data as well as historical ODOT project demographic data from June 2020 to June 2022:

1. Total hours served by women.
2. Total hours served by minority.
3. Total hours served by women apprentices.
4. Total hours served by minority apprentices.

*Objective:*

Contractors will determine minority, women and apprentice aspiration targets and capture these targets in the pre-job workforce plan and equity management plan.

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<sup>9</sup> [https://usafacts.org/projects/jobs/who-leaves?utm\\_source=Mailchimp&utm\\_medium=Email&utm\\_campaign=Aug-8-reconciliation&utm\\_content=leaving-jobs-viz-text](https://usafacts.org/projects/jobs/who-leaves?utm_source=Mailchimp&utm_medium=Email&utm_campaign=Aug-8-reconciliation&utm_content=leaving-jobs-viz-text)



## **Equity Management Plan**

The contractor will need to determine how they will achieve EDZ goal requirements and aspirational targets. The equity management plan is due within 60 days after notice to proceed.

Final equity management plans should be submitted within 90 days after NTP. Our resident engineers and Labor Equity Program team will review the plan in a draft phase and collaborate with the contractor's diversity manager during the development of the final document according to contract specification 00150.37.

The equity management plan should describe how the contractor will engage with women and minority groups to meet the equal employment opportunity requirements and aspirational targets. This should include:

- Specific outreach efforts,
- Reporting requirements,
- How each subcontractor will contribute to achieving the defined goals and targets.
- How the contractor will engage with applicable Tribal Employment Rights Offices regarding hiring preferences, including training, reporting and compliance.

Contractors will also need to describe in the equity management plan how they will meet OJT and apprenticeship requirements, including:

- Apprentice training,
- Acceptable worksites,
- Priority hiring contract provisions,
- Plan to meet respectful worksite requirements as outlined below,
- Activities related to identifying economically distressed zip code workers.

Other aspects of the plan should include:

- Identifying roles and responsibilities for ensuring the equity management plan is carried out,
- Certified payroll requirements, and
- Project nondiscrimination or cultural and equity practices.

## **Respectful Worksites Training**

Contractors must ensure that all worksites and employee conduct are respectful and meet the guidelines outlined in the special provision for respectful worksites. To ensure adequate training is provided to all workers on a covered project, the contractor must provide respectful worksite training by an ODOT-approved organization.

ODOT resident engineers working on covered projects are also required to take respectful worksite training, the Labor Equity Coordinator will work with vendors and regions to set up training as required.

Respectful worksite training needs to be arranged before the pre-job conference; however, the training should be conducted as outlined below:

- Executive trainings should be conducted within 30 days after the contractor and each respective subcontractor begin work on the project. Each executive with active jurisdiction over the construction should attend.
- Management training should be conducted within 30 days after the contractor and each respective subcontractor begin work on the project. Management training should be attended by any foremen, superintendents, project engineers and anyone else supervising on the site.
- Worker training should be conducted prior to the start of any on-site work for all workers who are performing prevailing-wage work for eight hours or more. Respectful worksite training should be incorporated into employee onboarding processes along with safety orientations.

If any employees have already attended training by either RISE-UP, Green Dot, or another approved training agency, they do not need to repeat this training; however, evidence of their training should be provided in the form of a certificate of completion.

*Approved Respectful Worksite Training Organizations:*

For the purposes of CWA covered projects RISE-UP (through Oregon Tradeswomen) and Green Dot (through Alteristic) are approved training organizations. Contractors may request the use of another training program by providing materials and/or curriculum to the Labor Equity Program Manager for consideration who will approve or decline the request.

Additional information including curriculum, contact information and cost can be found on ODOT's website.

*Elements of Respectful Worksite Training:*

The main objective of respectful worksite training is to promote worksites that are:

- Appropriate, productive, and safe,
- Free from bullying, hazing or harassment,
- Free from behaviors that may impair productivity or safety (such as staring, displaying pinups, unnecessary touching, comments about personal life), and
- Free from behaviors that undermine the integrity of the work (job performance, safety, productivity, or efficiency).

Executive and manager training should include:

- Focus on leadership and owner roles,
- What inappropriate behaviors between executives look like,
- Principles and practices of bystander intervention, and

- How inappropriate on-site behaviors (such as bullying and hazing) impact retention of workers, and worksite safety and efficiency.

Worker training should include:

- Principles and practices of bystander intervention,
- Clear definitions of bullying and hazing including gender-oriented and race/ethnic situations,
- Provides awareness of barriers to positive jobsite culture.

The training program selected must have a process in place to periodically evaluate results and incorporate learnings into their curriculum, this can include pre and post job surveys or annual participant surveys. The training selected must also have a process to certify completion of the curriculum including, at a minimum, providing a list of participants to the contractor and ODOT as requested.

The contractor has the responsibility to monitor compliance with respectful worksite training as outlined in the CWA as well as responding to any concerns from ODOT. The contractor will attend JAC meetings, provide evidence of training, and take action when workers or other staff violate respectful worksites.

### **Project Justification & Benefits**

During the life of the pilot projects, the Labor Equity Program Manager will coordinate with each region's area manager and transportation project manager to develop project justification letters. The justification letters tell Federal Highway Administration about the intent to use a CWA on a specific project as well as convey the benefits of using a CWA on the named project. Factors for including a CWA on projects include, but are not limited to the following reasons:

- Project size and complexity: Describe the location, size, work zones, pedestrian utilization, etc. and the coordination required. How will the CWA assist ODOT's prioritization of safety for work zone workers and the public?
- Project importance and need to adhere to a certain timeline: How will specialized skill sets and coordination with apprentices and unions benefit the project timeline?
- Ensuring competition: The CWA is structured to be effective in securing competition, a requirement of 23 USC § 112. Article 1, sections 2.1 and 10 are clear that the CWA does not prohibit any contractor from submitting a bid or working as a subcontractor on the project. This is a cost-effective use of federal funds.
- Available labor pool: A key priority of applying the CWA is to enhance access to skilled and trained workers. Describe the broad range of work types and how specific trained workers such as laborers, operators, flaggers, traffic control supervisors, carpenters, concrete cutters, paving contractors, stripers, and truckers will benefit this project. Oregon has already felt the impacts of the labor shortage for heavy highway

construction work.<sup>10</sup> The CWA’s requirements to hire apprentices and use on-the-job training will support the needed growth of skilled workers in these trades.

In addition to satisfying the FHWA’s listed factors, applying the CWA to this project advances other government interests by:

- Developing quality career and training pathways for historically underserved communities, using high school graduation rates as a key indicator; and
- Expanding opportunities for workers in economically distressed zip codes. The EDZ goal is 29%.

Once project justification is written, and goals are confirmed with regions, PCO will ensure that the CWA boilerplate language is included in the contract. Regions will provide special provisions and OPO will put together the bid booklet and special provisions for submittal to FHWA. The FHWA review process is 45 days. The Labor Equity Program can also choose to bundle project approval requests to FHWA if timing and readiness allow.

### **Planning for Pre-Bid Meeting**

Pre-bid meetings for projects with a CWA will be mandatory. Requirements may be different from non-CWA projects. Unions and pre-apprentice programs will be invited to attend the pre-bid meeting as well as any “meet the prime events.” The Labor Equity Program will attend the project pre-bid meeting to provide an overview of the CWA and answer any questions. Regions should inform the Labor Equity Program Manager of the planned pre-bid meeting so that proper coordination can occur. The Labor Equity Program Manager will present the following information:

1. CWA purpose
2. CWA framework overview
3. Contract goals
4. Forms
5. Meetings
6. Respectful worksite training
7. Core workers
8. Trust funds
9. Monitoring and reporting
10. Resources

### **Project Bid & Award**

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CWA projects will follow typical bid and award processes. The project will be advertised for four to seven weeks and will include a mandatory pre-bid meeting.

Once the project bids are closed, OPO will conduct the bid responsiveness, this will include verification that the required signed letter of assent form is and that the mandatory pre-bid meeting was attended.

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<sup>10</sup> The Business Tribune, “Major Washington County projects struggle with labor shortage” (March 24, 2022), available at [https://pamplinmedia.com/but/239-news/540282-432403-major-washington-county-projects-struggle-with-labor-shortage?wallit\\_nosession=1](https://pamplinmedia.com/but/239-news/540282-432403-major-washington-county-projects-struggle-with-labor-shortage?wallit_nosession=1) (last accessed on June 12, 2023).

The purpose of the letter of assent is to ensure that all bidding contractors are aware of the designation of the CWA on the project and that they agree to the terms and conditions outlined in the CWA.

### **Pre-Job Conference**

After a prime contract has been awarded, the prime contractor will need to schedule a pre-job conference within 20 days of award. It must include unions, subcontractors, and the ODOT Labor Equity Program staff. The purpose of the pre-job conference is to review a pre-job workforce plan. The plan details how the prime contractor, and each subcontractor will contribute towards fulfilling the goals and aspirational targets of the project.

The prime contractor must submit the pre-job workforce plan to ODOT's Labor Equity Program Manager no later than 10 days after award. The Labor Equity Program Manager will review the plan, and provide feedback and edits. Agenda for the Pre-Job Conference should include the following:

1. Prime contractor presents pre-job workforce plan to audience.
2. Prime contractors present information about the project at the CWA pre-job conference.

This includes:

- |  |  |
|--|--|
| a. Scope of work,  | h. Plans for personal protective equipment compliance, |
| b. Copies of the letter of assent,   | i. Facility provisions,                                |
| c. Trade assignments,  | j. Trust exemptions,                                   |
| d. List of core workers,   | k. Implementation of respectful worksites,             |
| e. Start dates and job duration,   | l. And other relevant details.                         |
| f. composite crew utilization requests,                                      |  |
| g. Evidence of training agent status and apprenticeship program utilization, |  |

Additional information on the requirements of the pre-job conference and workforce plan can be found in Article 4 of the CWA.

### **Final Trade Assignment**

One week after the pre-job conference is held and at least three days before start of work, the prime contractor needs to send the labor union contacts (as specified at the pre-job conference) the final trade assignment. The prime contractor and each subcontractor need use the form to identify workers performing covered work and final trade assignment decisions. Any union challenging the contractor's final trade assignment shall be resolved according to Article 18 of the CWA.

## Pre-Construction

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The region's resident engineer is responsible for scheduling a pre-construction meeting that should occur after the pre-job conference. The resident engineer assigned to the project should coordinate with the Labor Equity Program manager to ensure that requirements of the pre-job conference were met by the prime contractor. The Labor Equity Program staff need to attend the pre-construction meeting to answer any remaining questions.

After the pre-construction meeting, the prime can proceed to ODOT's first notification (on-site work).

### Dispatch and Referral

Prime contractors will use the craft request form to request workers from unions or apprenticeship programs. Journey or apprentice workers will need to be requested at least two business days before they are needed on site.

#### Journey Workers:

- When requesting journey level workers from union hiring halls for covered work, the contractor must use the craft request form and provide a copy to ODOT. Contractors needing journey-level workers to fulfill EDZ hiring obligations should declare their request on the craft request form, which must be submitted at least two business days in advance.
- Unions must accept craft request forms and provide the preferred contact for submitting forms. Unions should prioritize referring workers to ODOT contractors and subcontractors to fulfill EDZ hiring requests, regardless of their place on the hiring hall list or normal referral procedures. This step aims to support the equity management plan.
- If a union hiring hall cannot provide a journey-level worker within two business days of receiving a craft request form (excluding weekends and holidays), the contractor is allowed to hire a worker from another source. Contractors must inform the applicable union if they hire non-union workers within two business days. This process is further outlined in Article 3, Section 1.

#### Apprentice Workers:

- Signatory contractors requesting apprentices from union hiring halls must use the craft request form and provide necessary information to fulfill EDZ hiring goals.
- Non-signatory contractors may request apprentices from appropriate registered apprenticeship programs or approved programs described in Article 11, Section 2. The contractor should follow the request processes specific to the chosen program. Trainees may also be used if approved by program requirements.
- If the registered apprenticeship program or union hiring hall cannot provide the requested apprentice within two business days, the unions will work with local pre-apprenticeship programs or community-based organizations to identify workers who

meet the minimum standards. The contractor should refer these workers to the appropriate program or hiring hall and request enrollment as an apprentice, complying with the relevant standards. Notification should be given if the referral or enrollment is declined.

### **Turnaround:**

Contractors have the right to reject workers for lawful and nondiscriminatory reasons, as long as reporting pay requirements are met. However, this right should be exercised in good faith and not to avoid the contractor's commitment to employing qualified workers through the endorsed procedures. If a worker is refused employment (turnaround), a written explanation must be provided to the ODOT contractor, ODOT, and the affected union within two business days.

### **TERO Procedures:**

TERO (Tribal Employment Rights Ordinance) obligations take precedence over dispatch, referral procedures, and hiring requirements stated in the agreement. If any inconsistency or conflict arises between the agreement and TERO, ODOT and contractors must comply with TERO requirements as per TERO agreements.

### **Core Workers**

Non-signatory contractors can prioritize hiring core workers from their own workforce first, followed by union-referred workers. They should alternate between core workers and union-referred workers on a one-for-one basis, up to a maximum of five core workers, or as mutually agreed upon by the contractor and the union. Any additional workers should be requested from the union hiring hall, following the provisions of the agreement.

Core workers include working foremen, journey-level workers, and apprentices. Excluded from the definition are supervisory, management, non-working owners, and workers hired following an unfilled request. To be considered a core worker, an employee of a non-signatory contractor must meet specific criteria related to their employment history, hours worked, and required licenses and certifications.

## **Monitoring & Reporting**

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For ODOT to effectively monitor and report on CWA compliance, goals and targets, contractors are required to provide completed reports and forms which include the following and are standard on most federally funded ODOT projects:

- The training program forecast using the "Training Program Approval Request (TPAR)" (Form 734-2880) shall be submitted prior to or at the preconstruction conference.
- Before the trainee begins work, an "Apprentice/Trainee Approval Request (ATAR)" (Form 734-2878) shall be submitted. Attach a copy of the "Training Program Approval Request (TPAR)" (Form 734-2880) to the "Apprentice/Trainee Approval Request (ATAR)"

(Form 734-2878). The contractor and trainee must sign and return a copy of the training program that will be utilized. The contractor shall provide certification to the trainee upon completion of the on-the-job training program and also submit a copy to OECR. Upon completion of the contract, a certification shall be given to each trainee and to the agency to document the number of hours and training completed by the individual.

- Each month, the contractor shall submit the "Monthly Employment Utilization Report" (Form 731-0668). This report is required of the contractor and subcontractors (for contracts that require certified payrolls), regardless of their participation in the apprenticeship or on-the-job training programs.
- Each month, the contractor shall submit an "Apprentice/Trainee Monthly Progress Report (MPR)" (Form 734-2879) for each trainee. This form is used to report qualified hours for trainees and will be the source document for estimated monthly progress payments to the contractor.

The contractor will also need to monitor all subcontractors' progress and contributions to goals and targets, update the pre-job plan and attend monthly Joint Administration Committee meetings to discuss progress.

ODOT will use the data provided for monthly reporting on progress of goals and targets on covered projects.

### **Joint Administrative Committee**

The JAC meets monthly to discuss the administration of the community workforce agreements, project progress, labor management issues, and other matters related to implementing the CWA. It may also review and discuss substantive grievances or disputes but does not have binding authority.

JAC meetings will be held as a virtual meeting via Teams or Zoom since project locations will vary.

#### *Labor Equity Program Manager (LEPM) Role:*

The LEPM is responsible for working with labor equity coordinator and other OECR staff to gather relevant information and reports, the LEPM will distribute materials to JAC members at least one week before the meeting is held.

The JAC meeting agenda will be determined by the LEPM and will include topics such as safety, workforce reports, apprenticeship utilization, project progress, goals and targets, and the respectful worksite requirements.

LEPM will send meeting invitations to primes, unions, pre-apprentice programs as appropriate, and covered project resident engineers. ODOT will facilitate and take notes in the meeting and ensure that meeting minutes and notes are sent to attendees.



## **On-Site Monitoring**

The labor equity coordinator will periodically visit job sites. The LEC will make introductions and observe the worksites to verify clean facilities, PPE requirements, and ensure that respectful worksites training has occurred.

The LEC will also use worksite interviews by phone to provide privacy and confidentiality when applicable. During the phone interviews, the LEC will ask about pay, work tasks relative to prevailing wage classifications, respectful worksite experiences, etc. The LEC will respond to and trouble shoot respectful worksite issues that may come up. Follow up will be initiated with contractors and/or ODOT staff as appropriate.

The LEC acts in a similar capacity to ODOT field coordinators for reporting and monitoring of covered projects. The LEC is assigned covered projects in ODOT's system and will coordinate with resident engineers to ensure reports are submitted and accurate as well as to resolve any issues in reporting.

## **Performance Evaluation**

At the completion of a CWA covered project the resident engineer will send the ODOT performance evaluation form to the LEPM, who will work with LEC to complete the workforce portion of the evaluation form and return it to the resident engineer.