

# MAXIMIZING VALUE: ENSURING COMMUNITY BENEFITS

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# Community and Labor Requirements







## For a Federal Appalachian Climate Infrastructure Plan

For the past century, Appalachia has powered the economic prosperity of this nation. Yet many Appalachian communities have been left behind, our workforce and lands exploited by absentee corporations in extractive industries.

Appalachia deserves a **Climate Infrastructure Plan** that builds local wealth and creates good union jobs in the region and beyond.

With the right federal investment in the region's infrastructure, Congress now has the opportunity to put the region's skills and resources to work building a 21st Century economy.

An estimated \$23.6 billion federal investment, annually over 10 years, will be required to transform the region. These investments would create over half a million jobs in Ohio, Pennsylvania, Kentucky and West Virginia. Appalachia deserves nothing less.

Sector	Annual Investment	Jobs Created*
 <b>Repair the damage from the last century</b> Plug orphan oil & gas wells, reclaim abandoned mine lands, repair dams & levees, repair leaks in gas pipelines	<b>\$2.7 billion</b>	<b>20,000</b>
 <b>Modernize the electric grid</b> Upgrade the grid, e.g., with underground power lines, distributed generation and utility-scale renewable energy	<b>\$4.2 billion</b>	<b>297,000</b>
 <b>Create universal broadband access</b> Bring fast, affordable, reliable broadband to rural areas & city neighborhoods	<b>\$2.4 billion</b>	<b>12,000</b>
 <b>Grow clean, efficient manufacturing</b> Repurpose shuttered coal plants for energy efficient manufacturing, become a leader in sustainable production	<b>\$2.6 billion</b>	<b>37,000</b>
 <b>Build a more sustainable transportation system</b> Public transit expansion and upgrades, including rail; expand access to electric vehicles and EV charging stations	<b>\$2.3 billion</b>	<b>37,000</b>
 <b>Relaunch the Civilian Conservation Corps</b> Update 1930s CCC to restore forests & waterways, repair damaged lands, and create pathways to meaningful careers in the process	<b>\$9.5 billion</b>	<b>119,000</b>
<b>\$23.6 billion</b>		<b>523,000</b>

# COMMUNITY AND LABOR REQUIREMENTS

Appalachian climate infrastructure investments, as laid out above, must be designed to maximize their benefits to Appalachia's communities – with federal policies in place that enable community input and accountability on how the money is spent; ensure jobs created come with good wages, health care, and retirement benefits; coal industry workers are prioritized for new opportunities WITHIN the region; career pathways are paved for women, Black, Indigenous, and other workers of color into good union jobs; and paid on-the-job training opportunities are provided. To accomplish these ends, and build local wealth, federal dollars must come with both community and labor standards.

## OUTLINE



### 1. Maximize creation of good union jobs by:

- **Requiring Project Labor Agreements** on all construction projects receiving more than \$100,000 in federal funds and that have a total project value of at least \$1,000,000. Project Labor Agreements are collective bargaining agreements between unions and contractors for a construction project, lasting the duration of the project. They typically incorporate wage and benefit requirements among other protections that support job quality and the community.  
Spotlight: Cincinnati Model
- **Bundling small projects into aggregate contracts of at least \$1 million**, such as installing solar panels on schools and municipal buildings across state; reclaiming abandoned mine lands within an economic development district; capping orphaned oil and gas wells across region;
- Promoting opportunity and job quality in permanent jobs resulting from public investments by **enabling workers to form unions and bargain collectively**.

Spotlight: National model that can be applied to shuttered coal plants and former steel facilities in Appalachia: Repurposing Oakland Army Base



### 2. Target benefits of job creation to impacted workers and communities

**previously left behind.** Ensure genuine opportunities for coal industry workers and coal communities. Build a training and hiring pipeline for low-income residents into good union jobs, particularly women, Black workers, Indigenous and other people of color.

- Develop a **funding formula** for a climate infrastructure investment package that **prioritizes communities left behind**, defined as census tracts with shuttered coal plants, former steel facilities, abandoned mine lands, and orphaned oil and gas wells.
- Create **targeted hiring programs** using **first-source hiring systems** for coal industry workers and historically disadvantaged groups residing **within a 75-mile radius** of a project. **Require 20% of work hours be completed by apprentices** in registered apprenticeships or locally-based apprenticeship readiness programs, with **at least half of those work hours** completed by **workers from targeted hiring programs**.

National model: [The “Staples” Agreement](#) – Targeted hiring and first-source hiring system

**Head lamps to hard hats:** ACT-Ohio POWER proposal to Dept. of Labor targeting displaced coal industry workers for apprenticeship in building trades

Ohio Model: [Building Futures](#)

ReEntry programming for returning citizens

Best practice for states receiving public funds: [Ohio registered pre-apprenticeship program guidelines](#)



### 3. Ensure successful implementation, tracking, reporting, and accountability

- **Require creation of Community Benefit Advisory Board** with representation from labor, community and employers;
- Invest ½ of 1% of project development and construction dollars into a **Community Benefit Fund** used to reduce barriers to employment, support industry partnership, pre-apprenticeships, minority business enterprises and entrepreneurship.

Missouri Model: Community Benefit Fund

Spotlight: Multi-Sector, Multi-Union Industry Partnership

Pittsburgh Project: **Construction Industry Partnership**

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**APPENDIX 1:** *Definitions*

**APPENDIX 2:** *Appalachian Climate Infrastructure Plan, in detail*

# 1. MAXIMIZE CREATION OF GOOD UNION JOBS



*Federal policymakers should attach requirements to public funds designed to maximize creation of good union jobs and require greater diversity and inclusion in our future workforce. Publicly-funded construction projects must require Project Labor Agreements, living wages and benefits, and apprentice utilization, with a large share of apprentices coming from low-income and underrepresented communities. Publicly-subsidized companies—in manufacturing and other industries, as well as construction—must also honor workers’ freedoms to unionize and bargain collectively while also providing diverse workers the opportunity to enter rewarding careers.*

**To ensure public infrastructure investments create quality, union jobs, federal policymakers should require Project Labor Agreements** on all construction projects that, when considered in the aggregate, receive \$100,000 or more in public funding and have a total project value amounting to at least \$1,000,000.

These Project Labor Agreements should **include specific language covering the following:**

- Targeted hiring—including first source hiring for coal workers and historically disadvantaged community residents that reside within a 75-mile radius (see details in section 2 below);
- Requirements that
  - Contractors pay prevailing wages and provide benefits; all construction and non-construction jobs pay a minimum wage of \$15 per hour or prevailing wages, whichever is higher, and provide health benefits, in collaboration with the federal government;
  - 20% of work hours be completed by apprentices in registered apprenticeship programs or registered pre-apprenticeship programs employing the [Multi-Craft Core Curriculum \(MC3\)](#), with at least half of those work hours completed by workers from Targeted hiring programs;
  - All contractors contribute to joint labor-management apprenticeship programs;
  - Ban the use of temporary employees for all non-construction work;
- Joint labor-management communications and problem-solving (e.g., on project issues, targeted hiring, and safety);
- Requirements to adopt and implement a “Buy American, local, union, and sustainable” purchasing policy;
- Contractors and subcontractors that are pattern violators of OSHA, EPA/DEP, wage and hour provisions, or those that have been disbarred by the federal government or any state government, cannot perform the work.

**Starting point:** The Biden Administration should express its full commitment to implement [Executive Order 13502](#), Use of Project Labor Agreements for Federal Construction Projects.

**DEFINITION: Project Labor Agreement (PLA):**

Project Labor Agreements (PLAs) are construction project-specific collective bargaining agreements between labor unions and contractors lasting the duration of the project. PLAs usually include:

- Pay and benefit requirements
- Procedure for resolving labor disputes
- Provisions barring unions from striking
- Provisions barring employer from locking out workers
- Require workers hired come from union referral services.

PLAs can be required by governments as a condition of funding. PLAs usually apply to all contractors and subcontractors on a project. Sources:

- <https://aflcio.org/what-unions-do/empower-workers/project-labor-agreements>
- <https://www.cga.ct.gov/2011/rpt/2011-R-0360.html>

## Cincinnati Model

### Cincinnati Solar Procurement Project (Cincinnati, 2017)

Using the local purchasing power enabled by the State of Ohio's Community Choice Aggregation policy, the City of Cincinnati issued a Request for Proposals (RFP) for a 25-MegaWatt solar project in order to help meet the electricity demands of the City of Cincinnati, its small businesses and its residents, while moving closer to the City's goal of becoming 100% renewable by 2035 and avoiding energy cost increases for the city. The City provided a guarantee of energy purchase, and the RFP gave bidders the option to use city property or private property to meet its goal, making the project low-risk for investors. The contract was awarded to Creekwood Energy Partners in partnership with Hecate Energy and Generate Capital.

The Request for Proposals required:

1. Bidders to enter into a Project Labor Agreement with the City that would set wages, healthcare and retirement benefits, and apprenticeship utilization requirements. The final project included an 80% Ohio resident requirement for employment.
2. Businesses were required to submit an "MBE/WBE Inclusion Packet" or a notarized statement committing to inclusion goals and a basic requirement of at least 4% of the contract be performed by minority business enterprises (MBE), women business enterprises (WBE), or small business enterprises (SBE), whether through the contractor, subcontractors or in partnership with them.

**Current Status:** The RFP resulted in a contract with the Creekwood Energy Team for the development of 100MW of solar. The project is expected to be completed and fully online in 2021.

**Source:** [https://cityrenewables.org/wp-content/uploads/2020/08/CRA\\_Cincinnati\\_Case-Study.pdf](https://cityrenewables.org/wp-content/uploads/2020/08/CRA_Cincinnati_Case-Study.pdf)

*Whether its construction, manufacturing, retail, or service work, the real objective of public policy should be to ensure jobs created within new and expanding clean energy sectors and other sustainable industries are good union jobs that come with family-sustaining wages.*

**Federal investments can be leveraged to promote the most responsible contractors by bundling smaller projects into larger contracts of at least \$1 million** and then employing the use of Project Labor Agreements on the project bundle (e.g., a large contract to install solar panels on schools and municipal buildings across the state, aggregating the reclamation of abandoned mine lands across a large geography, or capping orphaned oil and gas wells across a large district). This is needed because some of these sectors include large numbers of scattered projects or companies--such as reclaiming one acid mine site, capping one orphan well, constructing, operating, or maintaining one wind farm or solar array--making them difficult for high wage, high quality, apprenticeship connected contractors to bid on.

**To promote job quality in manufacturing, retail and service sector employment following project completion** (e.g., ongoing operations and maintenance staff at manufacturing or clean energy facilities), developers, organizations, and employers, in exchange for receipt of significant federal subsidies, can be required to:

- **Adopt labor peace agreements for manufacturing, retail and service sector jobs created**, meaning companies agree not to oppose efforts by their workers to form a union in order to bargain collectively<sup>1</sup>;
- **Pay a minimum wage** of \$15 per hour and provide health benefits in collaboration with the federal government;
- Take measures to ensure the **workforce reflects the diversity of the community**;
- Adopt and implement “**Buy American, local, union and sustainable**” purchasing policies;
- Provide unions with lists of employees and access to worksites.

Another approach would give points in competitive bidding for proposals that promote board-based unionization and standards setting in construction as well as any resulting work created in manufacturing, retail or the service sector. These types of bold policy initiatives will help ensure working people truly benefit from climate infrastructure investments.



# National Model: Requirements for End-Use Jobs

## The Oakland Army Base (Oakland, 2012)

Model for redevelopment of shuttered coal plants and former steel facilities

The Oakland Army Base is an ongoing redevelopment project to convert the decommissioned Army Base into a warehouse and logistics center for the Port of Oakland. In 2012, the contract went to developer ProLogis under a Lease Disposition and Development Agreement (LDDA).<sup>2</sup> Thanks largely to the efforts of the Revive Oakland Coalition, all parties to the contract agreed to undertake a **Community Benefit Agreement**.<sup>3</sup> At the time of the agreement, the project was expected to produce 2,800 construction jobs and 2,000 permanent positions. The agreement established a local and disadvantaged hire requirement, wage standards and oversight mechanisms. Significantly, it secured **standards not only for the construction jobs during project development, but also for the more permanent employment at the warehouse and logistics center following project completion.**

The provisions are outlined below:

1. The agreement requires hiring practices to ensure community residents and disadvantaged groups benefit. The hiring process **requires employers to notify a jobs center designated by the city** of available openings. Employers must consider and “**make best efforts**” to fill positions with **residents and disadvantaged workers referred through the job center.**
2. Employers are expected to hire at least 50% residents and 25% disadvantaged workers for on-site jobs annually, and are required to pay damages of \$5,000 per job short of this threshold.
3. The agreement also requires **20% of project work hours be completed by apprentices**, and that 25% of those hours be completed by disadvantaged workers. It also provides incentives for hiring new apprentices and achieving high levels of apprentice retention.
4. In addition, while this CBA is not explicitly union-affiliated, all four agreements provide for compatibility with union agreements. These provisions provide support for union rights and bolster the pathway for entrance into union careers for residents and disadvantaged groups.

## 2. TARGET BENEFITS OF JOB CREATION TO IMPACTED WORKERS AND COMMUNITIES LEFT BEHIND



*The region's workforce can pivot to meet the needs of our 21st century economy. We need to recognize that workers in extractive industries—mine workers, union electricians, laborers, and other trades in Appalachia—have foundational skills that remain critically important in the work needed. Coal industry workers should be targeted for new opportunities created from public investments. Jobs created from public investments should give priority in hiring and training to coal workers, as well as women, Black, Indigenous and other workers of color shut out by past discrimination in hiring, education, or opportunity. The new Appalachian economy must be built on basic principles of justice, equity, and inclusion. Other communities have made these values real through targeted community benefit agreements and policies.*

**Develop a funding formula for a climate infrastructure investment package that prioritizes communities left behind,** defined as census tracts with shuttered coal plants, former steel facilities,



abandoned mine lands, and orphaned oil and gas wells.

**Require every project funded through this legislation to have a [targeted hire program and a first-source referral system](#).** The targeted hire program should identify categories of workers, residing within a 75-mile radius, to be prioritized for job opportunities created through this legislation. It is important to note, however, the hiring process for construction work is very different from the process for hiring for manufacturing, retail and service sector jobs. So, targeted hiring programs will need to be tailored to meet the needs of both kinds of work.

When defining the **targeted hiring categories**, the following groups should be considered:

- Extraction economy workers ready to pivot to climate infrastructure opportunities;
- Black, Indigenous, and workers of color;
- Women and gender non-binary persons
- Residents from census tracts with high rates of poverty or un/under employment;
- People with record of recent receipt of public assistance or homelessness;
- People coming out of the criminal justice system;
- Participants in Apprenticeship Readiness programs sanctioned through [North America's Building Trades Unions](#), or registered through a state's pre-apprenticeship program system using the [Multi-Craft Core Curriculum \(MC3\)](#).

Targeted hiring programs should clarify how workers will be identified and recruited, and how compliance will be measured. Programs should place priority on helping contractors achieve full compliance, although financial penalties should be applied for repeated non compliance including barring contractors from receipt of future work. Preference should be given for targeted hire programs that employ workers across multiple projects to ensure long-term employment and increase the chance that they become members of unionized trades for an entire career.

## National Model: First-Source Hiring System

### [The "Staples" CBA<sup>4</sup>](#)

The Los Angeles Sports and Entertainment District was a billion dollar multipurpose development project that included plazas for restaurant and retail business, a 7,000 person theater, a convention center extension, a hotel, and a permanent high rise housing complex. In May of 2001, the Figueroa Corridor Coalition for Economic Justice negotiated a community benefit agreement with the City of Los Angeles and the developer of the project, L.A. Arena Land Company and Flower Holdings, LLC. The agreement is often referred to as the "Staples" CBA due to the project's proximity to the Staples Center sports arena, which was also built by the same developer.

Some of its notable provisions include living wage requirements, prioritization of low income individuals for hiring, affordable housing requirements, and developer-provided funding for a local hiring referral system, recreation and parking areas for local residents. The labor provisions in the Staples Agreement consist of:

- A **First Source Hiring Policy** considers "Targeted Job Applicants" first. In this agreement, low-income individuals residing within close proximity to the project were prioritized for hiring.
- This agreement set out an aggressive goal of 50% hire of the targeted population (no penalties for failure to achieve this goal if employer made good faith efforts otherwise)

- To create a pipeline of targeted workers, the **developer provided seed funding to a local non-profit to create a First Source Referral System.**

Source: [Agreement](#)

## Model: Headlamps To Hardhats

*2015 POWER grant proposal submitted to Dept. of Labor*

**Federal climate infrastructure legislation should break new ground by linking job creation to targeted hiring of coal industry workers and providing for skill upgrades where needed.** The federal government has provided resources in the past for retraining displaced coal workers. What has been missing, however, is a complementary effort to create equally good jobs where those workers live, ideally ones which take advantage of some of the skills coal workers already have.

**POWER Initiative.** In response to the job loss and subsequent negative economic impact on communities due to the decline of the coal industry, President Obama introduced the Partnerships for Opportunity and Workforce Economic Revitalization (POWER+) Plan to help workers and communities negatively affected access resources for career and community transition.

**UA Proposal to DOL for POWER Grant.** In June of 2015, the United Association of Plumbers and Pipefitters (UA) Local 495 Joint Apprenticeship Training Center submitted a POWER Initiative proposal to the Department of Labor. If this proposal had been funded, the Apprenticeship Training Center would have retrained the local workforce in counties hit hardest by coal plant closures to meet construction needs, expand its existing apprenticeship program, and add 80 hours of skill upgrade training for coal miners.

The Center's full five-year apprenticeship program includes a minimum 1,700 hours of on-the-job training and a minimum of 240 hours of related classroom instruction. All apprentices receive a strong general education background in the trade, with core basics such as mathematics, mechanical drafting, blueprint reading, and related science. Soft skills are one part of the training, hard skills or performance skills are the other, welding, brazing, rigging, torch cutting etc. During the program, apprentices can choose a specific curriculum to pursue with the goal of becoming a journeyman plumber, pipefitter, or service technician in the air conditioning/refrigeration field, or any of the other many service related opportunities in the industry.

Unfortunately, this proposal went unfunded. Instead, the Dept. of Labor awarded a \$2 million grant to the State of Ohio to train coal workers in truck driving. Truck driving is not an equivalent job to those found in the coal industry. The Headlamps to Hardhats proposal submitted by the Plumbers and Pipefitters would be a more effective approach because it would transition coal workers from one high-paid union job to another. This type of approach should be scaled up as part of federal infrastructure investment.

# Ohio Model: Building Futures

Quality pre-apprenticeship program

The Building Futures Program is a pre-apprenticeship program run as a partnership between Franklin County, Ohio, the Columbus/Central Ohio Building and Construction Trades Council, and the Columbus Urban league. The program runs for 12 weeks and is designed to help individuals from low-income backgrounds overcome barriers and access the building trades, and the middle-income wages and benefits those trades come with. The program includes not only the development of trade skills, but also life skills such as financial literacy. After the completion of the program, participants can join an affiliated trade which includes bricklaying, carpentry, cement masonry, drywall finishing, electricians, glaziers, and others. Participants alternate between classroom learning and on-the-job training. Graduates are also able to demonstrate they went to work every day and on time, and they take instruction well.

The program includes:

- 1. Recruiting, Screening, Pre-testing.** Recruitment efforts target women, minorities, and other disadvantaged populations. The community-based organizations involved were purposely selected to help the project target women, minorities, and otherwise disadvantaged populations.
- 2. Credit and Non-credit Classroom Programming.** beginning with Basic Skills Remediation (4 weeks), such as Life/Employability Skills, basic math, reading, and writing designed to prepare participants for the rigors of apprenticeship exams. Remedial training is followed by Basic Skills Development, including technical core skills, employment skills, and more math/English, and Basic Skills Enhancement (4 weeks), which includes workplace preparation, basic skills for the construction Industry, OSHA safety training, and college math.
- 3. Trade-specific paid internship.**
- 4. Supplemental Services.** The vast majority of participants receive supplemental services such as access to transportation, child care, dependent care, emergency housing, work clothing or uniforms, licensing or testing fees, medical and healthcare supportive services, needs related payments, stipends, and case management.
- 5. Apprenticeship program placement for graduates**

**Current Status:** This program is still operational.

**Source:** <https://columbusconstruction.org/building-futures/>

# Reentry Support For Returning Citizens

There are an estimated five million people in the United States who were formerly incarcerated in prisons.<sup>5</sup> People of color and other marginalized groups have been disproportionately targeted by the criminal justice system and imprisoned. While 8% of all adults have a felony conviction, one out of every three Black males have felony convictions (33%). Returning citizens—formerly incarcerated individuals—face significant barriers as they reintegrate into their communities, particularly when it comes to employment. The Prison Policy Institute found that the unemployment rate for already returned citizens is 27%.

**These challenges, combined with the many other community needs-based barriers, increase the likelihood of recidivism and ultimately fail to improve public safety.** There are numerous ways in which prior justice system involvement can hamper someone's chance of finding and maintaining stable employment, whether they served time or are completing or completed a term of community control.

States bar people with criminal records from working in a wide range of jobs. For example, one in four jobs in Ohio have licensing or restrictions that potentially exclude people with certain criminal convictions. Employers may also discriminate against people with records during the hiring process. Navigating the requirements of probation and parole impose extra barriers on individuals. Community supervision often dictates where a person can live as well as when and where they are able to go during the day, imposing inflexibility that may discourage their hiring.

**Federal infrastructure funds, targeted hiring, criminal justice reform and resources for pre-apprenticeship programming designed to reduce barriers to employment for returning citizens can create real opportunity for returning citizens:**

- **Revive the Civilian Conservation Corps (CCC)** as a public jobs program, and employ returning citizens to help do the work. Create a **reentry jobs program** within the CCC, as a pre-apprenticeship program, one designed to help tackle the many barriers to employment.
- **Require states that receive federal infrastructure funds** for a revived Civilian Conservation Corps **reform occupational licensing** to eliminate unnecessary exclusion of returning citizens from certain fields.
- **Use Community Benefit Funds** from ½ of 1% project set aside (noted below) to support establishment and expansion of pre-apprenticeship and other programs that place returning citizens. Align vocational training with the skills required for a 21st century economy, starting in correctional facilities.

# Ohio Registered Pre-apprenticeship Program Guidelines

*A best practice for states to ensure quality apprenticeship readiness programs*

The Ohio State Apprenticeship Council (OSAC) outlined the requirements for pre-apprenticeship programs to be officially recognized by the Council as legitimate preparatory programs for apprenticeships. Pennsylvania has a similar system. Other states should do the same.

Pre-apprenticeships, sometimes referred to as apprenticeship readiness programs, refer to programs completed prior to an official apprenticeship that serve as introductions to applicable occupations, skill-building opportunities, and provide pipelines for both youth and adult individuals. As pre-apprenticeship programs are not subject to the laws which apply to the registered apprenticeship system, their quality is not guaranteed to the same extent and thus Council **evaluation and recognition is necessary to provide quality control.**

In this case, obtaining OSAC recognition requires the submission of an operating plan that:

- Proves compliance with equal opportunity requirements;
- Identifies what the eligibility criteria are for enrollment,
- Provides a detailed plan of instructional content demonstrating the applicability and thoroughness of the program.
- Reports on the procedure for participant disclosure, safety protocol, and certification of affiliation with a Registered Apprenticeship program.

The Council then reviews operating plans and recognizes the pre-apprenticeship programs which meet all criteria. Pre-apprenticeship programs are subsequently required to report any changes in their operating plan to the Council for approval.

## 3. ENSURE SUCCESSFUL IMPLEMENTATION, TRACKING, REPORTING AND ACCOUNTABILITY



*To set priorities for publicly-funded construction projects, state and local governments should create regional Community Benefit Advisory Boards with the help of federal policy guidance. These Advisory Boards should be required to include union, contractor, environmental, and community representatives. They should be charged with considering a proposal's emissions reduction benefits as well as health, racial, and social equity impacts of proposed economic projects, ensuring workers have rights on the job, developing hiring pipelines and on-the-job training opportunities. Over time, the Advisory Panel can study best practices and implement new policies based on lessons learned. To help build the pipeline of workers, and place them in new opportunities, ½ of 1% of all publicly-funded project dollars should also be set aside into a Community Benefit Fund.*



As a condition for receipt of federal infrastructure funds, each disbursing government entity should create a community advisory board to track the community benefits of funds received. **The Community Benefit Advisory Board should:**

- Include equal representation from community organizations, unions, and employers.
- Identify and define the targeted hire program, and advise state and local agencies on procurement and RFP/contracting processes.
- Prior to approval of publicly-funded construction projects, conduct or require a health impact and greenhouse gas reduction assessment to determine potential effects of each proposed project, with a specific requirement to assess the impact on underrepresented communities. Expected negative impacts should be mitigated with a net positive setoff.
- Implement a Community Benefit Fund, described below, and advise states, localities and projects on funding priorities that address inequities. Enable support from state and local agencies with capacity to assist with achieving goals and monitoring compliance.
- Adopt, implement, and enable Buy American, local, union and sustainable purchasing policies
- Receive quarterly reports of hiring and purchasing outcomes, starting no more than 6 months after funds begin to flow, to assess progress toward meeting hiring goals. Assess whether hiring and purchasing goals are being met, meet with employers and community organizations to identify causes for failure to meet goals, and have the power to recommend remedial action to address noncompliance.

**To help build the pipeline of workers, ½ of 1% of all publicly-funded project dollars should also be set aside into a Community Benefit Fund and used to:**

- Develop multi-sector, multi-union industry partnerships to help pivot conventional energy industry workforce to opportunities in new energy economy;
- Support apprenticeship readiness programs managed through community-labor partnerships;
- Break down barriers to employment and access to union apprenticeship by providing income stipends for classroom training, transit passes and/or transportation support, child care, etc.;
- Support development of coops, minority business enterprises and entrepreneurship programs.

## Spotlight: Missouri Model

*Creation of **Community Benefit Fund** with ½ of 1% of Project Dollars*

Following a 2-year campaign in Missouri, the Transportation Equity Network won a community benefit agreement with the Missouri Department of Transportation to devote 30% of work hours to low-income apprentices and set aside ½ of 1% of transportation project budgets to build a training pipeline in the transportation industry for low-income people, especially women, Black workers and other workers of color. Since then, versions of the Missouri model have expanded to transportation projects across the country and become a best practice in the transportation industry.

**Source:** <http://www.accountablerecovery.org/sites/default/files/Barrett%20-%20MO%20Model.pdf>

**Provide unions and labor-management-community partnerships with funds to help dislocated workers get a new union job.** Projects should receive support that:

- Supplement workers' skills so that they can take a new job in the same company (e.g., if a unionized coal mining company expands its abandoned mine land reclamation business).
- Transition workers within the same trades union from conventional energy to new energy economy work;
- Enable coal industry workers to enter the building trades (see the HeadLamps to HardHats example above).
- Create broad, sectoral partnerships and transition workers from shrinking companies to expanding ones.

## Spotlight: Multi-Sector, Multi-Union Industry Partnership

Through Trade Adjustment Assistance (TAA), manufacturing workers can receive up to two years of training and income maintenance, a health coverage tax credit, relocation allowances, and a wage supplement for those 50 and older who earn less than \$50,000 in a new job. Similar support has been proposed for workers displaced as the economy transitions to cleaner energy sources. However, this is not sufficient—workers in good manufacturing, mining, and utility jobs can still suffer big losses in wages even with Trade Adjustment Assistance.

For coal industry workers who are not ready to retire, the goal should NOT be asking them to take a job they don't want in a place they don't want to move to; the goal should be enabling workers to get a new job as good as their old one where they currently live. This is what building trades unions do already for their members. Through union "hiring halls," they routinely take workers from one project and company to the next project and company.

If the same union represents workers in conventional energy industry jobs as those found in more sustainable industries, this would simplify the transition, enabling the workforce to pivot from one kind of job to another similar job in the new energy industry. For example, operating engineers and pipefitters can move members from drilling new wells into jobs capping orphan oil and gas wells. United Mine Workers can mine coal ash ponds and slurries at shuttered coal plants and steel facilities. The International Brotherhood of Electrical Workers are already training members to install and maintain solar arrays, electric vehicle infrastructure and energy-efficient commercial building technology. In other cases, conventional industry workers might enter a new trade. For example, the "HeadLamps to HardHats" proposal described above, if adopted, would train coal industry workers as plumbers and pipefitters.

A federal Appalachian climate infrastructure investment should fund broad sectoral labor-management partnerships that work across multiple companies and trade unions. For example, all energy utilities under the purview of state Public Utility Commissions and their unions could form a partnership. That could facilitate movement of workers from conventional energy companies to geothermal, hydro-electric, wind, or solar companies or their construction contractors, all while retaining union status. A precedent for this exists in Pennsylvania, which formed a statewide "Keystone Utility Partnership" 20 years ago.

In sum, federal infrastructure legislation must fund partnerships and placement programs that take workers across the finish line to good new jobs. We must transition from "train and pray" to delivering on the promise of a new job as good as the old one. This requires innovative labor-management-community partnerships with credible plans to enable coal industry workers access to good new jobs within their geographical area.



# Pittsburgh Project: Construction Industry Partnership

In Pittsburgh since 2018, trade unions, contractors, developers, and the community have been working collaboratively to place people of color in union jobs in the construction industry. The Pittsburgh project's key elements include

1. An **apprenticeship readiness program**—"Intro to the Trades"—operated by the Builders Guild of Western Pennsylvania, a partnership of contractor associations and trades unions. The trades affiliated with the Guild operate apprenticeship programs in nearly 20 trades, such as carpenter, ironworker, roofer, plumber, operating engineer, and electrician. "Intro to the Trades" is a six week, 30-day, four hours per day program that includes construction math (32 hours), safety training (14) hours, professional development (building confidence, financial literacy, professionalism on the job), the history and structure of building trades unions, and a mock interview.
2. A "**Construction Industry Partnership**" convened by the Builders Guild and the Pittsburgh workforce board. This partnership includes large contractors and developers, such as Pittsburgh Arena Real Estate Redevelopment (PAR) who hire participants completing "Intro to the Trades." The construction partnership designed a model First Source Hiring Agreement with large developers and implemented the agreement for the first time on PAR's 28-acre development site in Pittsburgh's Hill District.
3. A half dozen **community partners** which, along with the workforce board, **recruit candidates**. This helps ensure a large applicant pool and a selective process that delivers participants who meet the standards for trades and apprenticeship entry. Participants must be at least 18 years of age with a high school diploma, GED or be working towards one, be legally eligible for employment in the United States, and be willing to submit to background and drug screening.

## Putting it Together in Public Policy

### Cuyahoga County Community Benefit and Opportunity Initiative (Cuyahoga, 2014)

Introduced to Cuyahoga County Council in 2014, this nine-point plan was an initiative of County Executive Ed Fitzgerald and developed by a coalition of labor, environment, and racial justice leaders, and included:

1. A **health impact assessment** which takes into account both the presence and distribution of negative health impacts requires mitigation of negative impacts with positive offsets.
2. A **construction careers program** requiring the use of a Project Labor Agreement and targeted hiring on county-funded projects with a total construction cost of at least \$500,000. 40% of project hours were to be performed by county residents, half of those project hours by disadvantaged workers. At least 20% of work hours were to be completed by registered apprentices, and half of those hours to be completed by disadvantaged workers or graduates of pre-apprenticeship programs registered by the Ohio State Apprenticeship Council (see spotlight above on Ohio's system for registering pre-apprenticeship programs).
3. **Responsible contracting requirements** for county-funded projects not covered by PLAs for adequate wages, worker protections, and targeted hiring.
4. Requirements for **county-funded non-construction employers** including living wages and targeted hire.
5. Requirement that **developers comply** with all relevant provisions, and that **tenants comply** with provision 4 above.

6. A **Buy-Local Program** which ensures that all employers with large value grants participate in a buy-local program.
7. **Contracting equity** through the strong implementation of the disparity study.
8. A **Community Benefit Fund** which requires the reservation of ½ of 1% of project dollars for creation of a small and disadvantaged business assistance shop, to build career paths into construction, ensure community participation and continued improvement of provisions, develop workforce projections, expand buy-local programs, and support local public art.
9. **Public input and oversight** through a subcommittee composed of labor, contractor, environmental, and community representatives with the goal of continuing to improve development practices

**Current Status:** The Cuyahoga County Ordinance formalizing this initiative was introduced by County Executive Ed Fitzgerald. When he left office, soon thereafter, the incoming Executive elected not to move forward on the initiative.

## APPENDIX 1: DEFINITIONS

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**Community Benefit Agreement (CBA):** A contract between the developer of the project and the community, usually represented through community groups/coalitions, ensuring certain benefits for the community as the result of the project development. These agreements are legally binding and sometimes incorporated by localities into leases or agreements for easier enforceability.

Common provisions in CBAs include:

- *Community/local hire:* provisions requiring a certain amount of jobs go to those who geographically reside in the area of the project. Requirements and measurements vary by agreement.
- *Underrepresented hire:* requires a certain number of jobs to go to residents who are members of certain marginalized groups. Requirements and measurements vary by agreement.
- *Affordable housing:* requires developments which include new housing units to provide a certain amount of affordable housing units, the definition and requirements of which vary by agreement. Often, an additional requirement provides for preferential access to units for those displaced by the project.
- *Community amenities:* some agreements provide for the developer to fund certain community amenities, such as parks, parking, and other recreational facilities.
- *Apprenticeship requirements:* some CBAs require that apprentices be used on projects, with specific benchmarks differing by project.

Source: <https://www.forworkingfamilies.org/page/community-benefits-101>

**Project Labor Agreement (PLA):** PLAs are construction project-specific collective bargaining agreements between labor unions and contractors which last the duration of the project. PLAs usually include:

Pay and benefit requirements

- Procedure for resolving labor disputes
- Provisions barring unions from striking
- Provisions barring employer from locking out workers
- Requirement that all labor be union

PLAs can be required by governments as a condition of funding. PLAs usually apply to all contractors and subcontractors on a project.

Sources:

- <https://aflcio.org/what-unions-do/empower-workers/project-labor-agreements>
- <https://www.cga.ct.gov/2011/rpt/2011-R-0360.html>

**Buy American:** Buy American refers to a federal statute requiring the federal government to procure domestic materials and production if said procurement is for public use and needed materials are available in the United States. State and local contracts funded by federal grants are not covered unless specifically stated. Under the original regulation, these requirements can be waived by the head of the procuring agency.

The administration of the Buy America Act was updated under the Biden Administration, which most

significantly increases the domestic content threshold for considering a product American and increases oversight of the waiver process.

Sources:

- <https://uscode.house.gov/view.xhtml?path=/prelim@title41/subtitle4/chapter83&edition=prelim>
- <https://www.gao.gov/products/105519>
- <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/25/president-biden-to-sign-executive-order-strengthening-buy-american-provisions-ensuring-future-of-america-is-made-in-america-by-all-of-americas-workers/>

**Best Value Contracting (BVC):** BVC is an alternative model to the lowest cost contracting model that emphasizes selecting contractors based on quality indicators to maximize value. Common non-price criteria considered include:

- Qualifications of the personnel including specific training or licenses
- Experience of contractor and personnel on similar projects
- Ability to meet the timeline for project
- Past performance history in areas such as safety, project quality, timeliness, etc.

Sources:

- [https://www.researchgate.net/publication/290097777\\_Best-value\\_contracting\\_criteria](https://www.researchgate.net/publication/290097777_Best-value_contracting_criteria)
- <http://www.aiambajointcommittee.org/i3-best-value.asp>
- <https://www.dot.state.mn.us/stateaid/projectdelivery/bid/bv/best-value-guide-final-march2012.pdf>
- <https://www.nelp.org/wp-content/uploads/responsible-contracting-best-practices.pdf>

**Responsible Bidder Model:** Requires all contractors bidding on a project to meet a certain minimum level of responsibility as determined by given criteria. If these criteria are not met, the bid will not be considered. This model is similar to that of BVC except that it more specifically emphasizes aspects such as workers rights and local hiring requirements. It is also considered an alternative to traditional lowest-bid processes which encourages cost cutting. These requirements often include:

- Compliance with all local, state, and federal laws
- Proof of certificates of insurance/licenses/etc
- Provable history of responsible contracting
- Compliance with prevailing wage laws and provision of health insurance
- Compliance with local residency and underrepresented group participation requirements
- Affiliation with a state-certified apprenticeship program

Sources:

- <https://westcentralbtc.org/responsible-bidder-language/>
- <https://midwestepi.org/2018/05/23/responsible-bidder-ordinances-rbos-is-an-option-to-improve-construction-standards/>
- Ohio Schools Facilities Commission example; below
- Responsible Contractor Requirements; below

**Apprenticeship Readiness Program:** Often known as pre-apprenticeship programs, apprenticeship readiness programs are preparatory programs completed before entry into a registered apprenticeship

program. Pre-apprenticeship programs often target youth and low income individuals, and generally include an introduction to trades, skill building in both trade skills and sometimes other life skills such as budgeting, and observation or shadowing of trade work. Due to a relative lack of oversight, these programs can have a wide variability of quality. Many apprenticeship and union groups have set up requirements for certification to establish an apprenticeship readiness program. Common requirements include:

- Documented relationship with one or more registered apprenticeship program
- Curriculum/operating plan which meets labor and industry standards which is approved by the certifying body/program sponsor

Sources:

- <https://www.apprenticeship.gov/employers/explore-pre-apprenticeship>
- [https://www.dol.gov/sites/dolgov/files/ETA/apprenticeship/pdfs/pre\\_apprenticeship\\_guideforwomen.pdf](https://www.dol.gov/sites/dolgov/files/ETA/apprenticeship/pdfs/pre_apprenticeship_guideforwomen.pdf)
- Ohio Building Council example; below

## APPENDIX 2: APPALACHIAN CLIMATE INFRASTRUCTURE PLAN DETAILED

### Annual Investments to be Made Over a 10-year Period

Repairing the Damage				
\$2.7 billion in federal investment creates almost 20,000 jobs in Appalachia				
	Spending levels (millions)	Direct jobs	Average total compensation	Direct, indirect + induced jobs
Plugging orphaned oil and gas wells	\$1,300	1,470	\$98,854	6,610
Gas distribution pipelines—repairing leaks	\$590	608	\$133,676	2,848
Dams/levees	\$810	6,046	\$65,936	10,425
TOTALS	\$2,700	8,124	76,962	19,883

Modernizing the Grid				
\$6.5 billion federal investment creates nearly 310,000 jobs in Appalachia				
	Spending levels (millions)	Direct jobs	Average total compensation	Direct, indirect + induced jobs
Electrical grid upgrades	\$205	6,267	\$73,841	13,732
Building retrofits	\$542	24,140	\$64,855	48,664
Solar	\$1,679	33,425	\$74,026	99,453
Onshore wind	\$680	13,374	\$70,599	38,530
Onshore wind	\$509	18,634	\$60,900	38,443
Geothermal	\$271	14,067	\$71,088	27,480
Small-scale hydro	\$271	16,970	\$67,441	30,621
Broadband	\$2,360	4,044	\$81,049	11,684
TOTALS	\$6,516	130,921	\$69,155	308,607

Growing Clean and Efficient Manufacturing				
\$2.6 billion federal investment creates nearly 40,000 jobs in Appalachia				
	Spending levels (millions)	Direct jobs	Average total compensation	Direct, indirect + induced jobs
Industrial efficiency, including combined heat and power	\$256	6,540	\$76,560	17,642
Manufacturing R&D	\$1,240	3,826	\$93,048	10,176
Bioplastics R&D	\$1,080	3,506	\$94,596	9,488
TOTALS	\$2,576	13,872	\$85,666	37,306

Sustainable Transportation				
\$2.3 billion federal investment creates more than 35,000 jobs in Appalachia				
	Spending levels (millions)	Direct jobs	Average total compensation	Direct, indirect + induced jobs
Public transportation expansion/upgrades, including rail	\$2,160	26,893.0	\$36,454	36,995
Expanding high efficiency automobile fleet	\$136	0.0		0
TOTALS	\$2,296	26,893.0		36,995

Carbon Farming Job Creation Through Total Annual Spending of \$9.5 billion				
\$9.5 billion federal investment creates almost 120,000 jobs in Appalachia				
	Spending levels (millions)	Direct jobs	Average total compensation	Direct, indirect + induced jobs
Water/wastewater/inland waterways	\$2,360	12,324	\$65,245	23,152
Land restoration	\$1,350	8,040	\$63,577	14,330
Regenerative agriculture	\$3,400	37,620	\$25,007	52,050
Farmland conservation	\$3,400	37,620	\$25,007	52,050
TOTALS	\$9,510	75,004	\$42,646	119,212
Source: PERI: Impacts of the ReImagine Appalachia & Clean Energy Transition Programs for Ohio				



## ENDNOTES

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<sup>1</sup>See the discussion of “labor peace agreements” in David Madland and Terry Meginniss, “5 Ways State and Local Governments Can Make Climate Jobs Good Jobs,” October 9, 2020, <https://www.americanprogress.org/issues/economy/reports/2020/10/09/491226/5-ways-state-local-governments-can-make-climate-jobs-good-jobs/>

<sup>2</sup><https://www.forworkingfamilies.org/page/policy-tools-community-benefits-agreements-and-policies-effect#cbas>. See also Agreement Documents: West Gateway, Vertical Construction, Public Improvements, East and Central Gateway.

<sup>3</sup><http://workingeastbay.org/issues/revive-oakland/>

<sup>4</sup><https://www.forworkingfamilies.org/resources/staples-cba>

<sup>5</sup>S. Shannon, C. Uggen, J. Schnittker, M. Thompson, S. Wakefield, and M. Massoglia. 2017. The Growth, Scope, and Spatial Distribution of People With Felony Records in the United States, 1948-2010. Demography, available at [http://sarah.shannons.us/uploads/4/9/3/4/4934545/shannon\\_etal\\_2017\\_demography.pdf](http://sarah.shannons.us/uploads/4/9/3/4/4934545/shannon_etal_2017_demography.pdf).

