

# **Oakland Army Base Jobs Policies**

## **Implementation Plan for Compliance and Enforcement**

The Oakland Army Base project is a critical opportunity to put Oakland residents into good jobs. The City of Oakland has negotiated a landmark set of jobs policies regarding construction and operations jobs generated through redevelopment of the Army Base. Effective implementation and enforcement of these policies will require a smart, collaborative process that brings all the stakeholders together to roll up their sleeves, resolve problems early in the process, and ensure good jobs for local residents.

This document sets forth an Implementation Plan for monitoring and enforcement of the Jobs Policies. This Plan was developed through meetings with key stakeholders, including community-based organizations, labor partners, and City staff. The goal of this Implementation Plan is to integrate into the City's existing compliance systems the new elements that have been developed for the Army Base, including the new Community Jobs Oversight Commission and the Implementation Committees established through the Cooperation Agreement. The Implementation Plan lays out the major functions in the oversight and enforcement process and indicates whom we understand will be responsible for the functions.

### **Overview of Key Documents and Entities**

City Administrator: Appointed by the Mayor, the City Administrator is responsible for the day-to-day operations and directs City agencies and departments to ensure that the goals and policy directives of the Mayor and City Council are implemented. The City's Contracts and Compliance Office is within the City Administrator's oversight. Monitoring and enforcement of the Jobs Policies will happen under the authority of the City Administrator.

Community Jobs Oversight Commission: This commission is an eleven-person body established by recent City Council ordinance, charged with various functions related to monitoring and enforcement of the Jobs Policies. The ordinance provides that the Oversight Commission's functions shall be carried out "under the ultimate authority of the City Administrator." Members of the Oversight Commission will be appointed by the Mayor, subject to confirmation by City Council. The establishing ordinance provides that membership of the Commission will consist of the following:

- one member nominated by the West Oakland Community Advisory Group;
- two members nominated by the Revive Oakland Coalition;
- two members nominated by the Oakland WORKS Coalition;
- two members representing organized labor.
- two members representing the City; and
- two members representing employers.

Cooperation Agreement: The Cooperation Agreement, approved by City Council in June 2012, is a contract between the City and members of the Revive Oakland and Oakland Works coalitions. The agreement contains community support commitments regarding the Army Base project, and commitments from the City regarding durability of the Jobs Policies. The Cooperation Agreement also establishes the Implementation Committees.

Contracts and Compliance Office: The Contracts and Compliance Office is the division of the City Administrator's Office that implements the City of Oakland's social justice policies through city contracting opportunities, and that tracks, monitors and enforces contractor compliance with existing City policies. Social justice policies include but are not limited to specific requirements for local Oakland resident and business participation through the Local and Small Local Business Enterprise (L/SLBE) Program, and the Oakland apprentices program for construction contracts..

Implementation Committees: The Cooperation Agreement establishes two Implementation Committees to assist the Oversight Commission with monitoring and enforcing the Jobs Policies: one committee to focus on construction jobs, and the other to focus on operations jobs. The Implementation Committees are referenced in the ordinance establishing the Oversight Commission as bodies that may be engaged by the Commission "for advice and assistance in the performance of investigative functions and negotiation of compliance plans." Functions described below for the Implementation Committees assume that the Oversight Commission requests that the committees fulfill these functions.

Jobs Center: The City is establishing the West Oakland Job Resource Center ("Jobs Center") to coordinate training sources and provide referrals for jobs at the Army Base and on other Oakland projects. The Jobs Center will be located in West Oakland. While the Jobs Center will provide a crucial function in implementation of the Jobs Policies, it is not an enforcement body. It will, however, provide information to the Oversight Commission and the Contracts and Compliance Department regarding referrals for Army Base jobs, and will assist in generating information on hiring and retention of employees it refers.

Jobs Policies: Jobs Policies for the Oakland Army Base were adopted by the City Council in June 2012, as terms of the Lease Disposition and Development Agreement between the City and the developers of the Army Base project and as terms of the Cooperation Agreement between the City, community and Alameda County Building and Construction Trades Council and affiliated unions. The Jobs Policies contain four different documents, covering the Army Base's public construction jobs, private construction jobs, operations jobs in the West Gateway portion of the project, and operations jobs in the East and Central Gateway portions of the project. The Jobs Policies replace preexisting City policies governing local employment on public works and publicly-supported projects. In areas where the Jobs Policies are silent, existing City policy prevails. The policies cover only employment-related issues such as local hire, disadvantaged hire, living wages, and background checks; they do not address local contracting or other community benefits.

LDDA or Lease Disposition and Development Agreement: The LDDA, approved by City Council in June 2012, is the long-term lease entered into by the City and the two major developers of the Army Base, Prologis and CCIG. The LDDA includes all of the Jobs Policies as binding terms, enforceable by the City against the developers and the eventual employers. The Jobs Policies will also be included in any other development agreements that the City enters into with other developers at the Army Base.

Project Labor Agreement: The Oakland Army Base Project Labor Agreement, approved by City Council in October 2012, pertains to publicly-funded construction at the Army Base. It is a contract between the City and the Alameda County Building and Construction Trades Council and affiliated unions, and it will be incorporated into relevant construction contracts. The PLA contains labor peace requirements, and commitments from the building trades to take certain steps to help implement the Jobs Policies and to support the hiring of Oakland residents first.

### **Monitoring and Enforcement of Construction Jobs Policies**

In order to assure the maximum potential for compliance, education of the contractors at all tiers is of paramount importance on an ongoing basis from beginning to end of a project. Of equal importance is real time monitoring and coordination between all interested parties. As part of the education and real time monitoring, the Oversight Commission will meet on a monthly or as needed basis, with participation of the contractors, C&C staff, Job Center staff, Implementation Committee members and other interested parties.

Tasks	Who is responsible
Inclusion of Jobs Policies and PLA in relevant construction contracts.	<ul style="list-style-type: none"> <li>• The City Administrator’s office shall include the Construction Jobs Policy for Public Improvements, and the PLA, in the design/build contract covering public improvements.</li> <li>• The City Administrator’s office shall confirm that the design/build contractor has included the Jobs Policies and the PLA in all subcontracts at all tiers.</li> <li>• The City Administrator’s office shall confirm that the developers have included the Construction Jobs Policy for Vertical Construction in all contracts for private construction at the Army Base.</li> </ul>
Pre-bid and pre-construction meetings	<ul style="list-style-type: none"> <li>• The C&amp;C staff shall attend to explain local hiring and Jobs Policy requirements.</li> <li>• Oversight Commission or Implementation Committee representatives may attend, at will.</li> <li>• Jobs Center representatives may attend, at will or as requested.</li> </ul>
Post award/pre-job meetings	<ul style="list-style-type: none"> <li>• C&amp;C staff shall present local hiring and Job Policy requirements</li> <li>• Building trades will have union contractor make its work</li> </ul>

	assignment
Employment workforce needs projections	<ul style="list-style-type: none"> <li>• Within one month after being awarded a prime contract for Project Construction Work, the prime contractor shall submit employment needs projections to C&amp;C staff and to Jobs Center.</li> <li>• Each subcontractor shall, at least one month before commencing performance of work, or within two business days after execution of contract, whichever is later, submit employment needs projections to C&amp;C staff and to the Jobs Center.</li> <li>• Prior to commencement of construction, prime contractor may request participation from the City in development of a proactive compliance plan with regard to requirements of the Jobs Policy. This process does not allow C&amp;C to change goal requirements or good faith efforts requirements as defined in the Jobs Policies.</li> <li>• The C&amp;C staff shall forward projections to Oversight Commission as part of the agenda for the next meeting and the Jobs Center for information purposes.</li> </ul>
Tracking compliance with local hiring goals during the course of a contractor's work	<ul style="list-style-type: none"> <li>• Utilizing the LCP Tracker or other electronic monitoring and reporting systems, the C&amp;C staff shall review contractor's weekly submittal of certified payroll and will follow up with contractors to assure proper payroll records are submitted.</li> <li>• The C&amp;C staff shall spot-check claims of resident and disadvantaged status, by requests for documentation, site visits, and by obtaining information from Jobs Center regarding referrals.</li> <li>• The C&amp;C staff shall provide information to the Oversight Commission or Implementation Committees regarding contractor's compliance upon request or at regularly scheduled meetings.</li> <li>• When the project is 50% complete, the C&amp;C staff may meet with contractor to develop a compliance plan, if there is apparent potential for noncompliance.</li> <li>• The C&amp;C staff shall forward any proposed compliance plan revisions to the Oversight Commission for review and approval based on majority vote.</li> <li>• The Assistant City Administrator shall resolve any differences of opinion between C&amp;C staff and the Oversight Commission regarding whether the City should approve the proposed compliance plan.</li> </ul>
Monitor and enforce all contractor responsibilities under Jobs Policies (including local and disadvantaged hiring requirements, apprentice sponsorship, ban-the-box, reporting, inclusion of jobs policies in relevant contracts, etc.)	<ul style="list-style-type: none"> <li>• C&amp;C staff will conduct site visits to include employee interviews and document checks to establish consistency with LCP Tracker or other electronic monitoring and reporting system data submitted under penalty of perjury.</li> <li>• C&amp;C staff shall obtain information from contractors.</li> <li>• C&amp;C staff shall provide information to Oversight Commission or Implementation Committees regarding contractor's compliance within ten City business days or as otherwise agreed upon request from Oversight Commission. All requests shall go through C&amp;C staff as the point of contact for contractors.</li> <li>• The Jobs Center shall provide information to C&amp;C staff, Oversight</li> </ul>

	<p>Commission, and Implementation Committees , upon request.</p> <ul style="list-style-type: none"> <li>• In cases where C&amp;C staff takes action enforcement action based on identified noncompliance, enforcement action and results will be reported at the next meeting of the Oversight Commission as an agendized item. C&amp;C enforcement documents shall indicate to contractors that Oversight Commission may impose additional enforcement action.</li> <li>• In cases where the Oversight Commission identifies noncompliance that it determines has not been the basis of necessary enforcement action, or for which enforcement action that has been taken is deemed insufficient: <ul style="list-style-type: none"> <li>➤ The Oversight Commission informs C&amp;C staff of the perceived need for initial or additional enforcement action, and either (i) requests additional factual investigation by C&amp;C staff and/or the Implementation Committee, or (ii) requests that C&amp;C staff take particular enforcement action.</li> <li>➤ If after additional factual investigation (if any), C&amp;C staff declines to take initial or additional enforcement action, the Oversight Commission may recommend to the Assistant City Administrator specific enforcement action, which the Assistant City Administrator may initiate.</li> </ul> </li> </ul>
<p>Hear contractor appeals regarding enforcement actions</p>	<p>City Administrator hears and resolves contractor appeals. C&amp;C, the contractor, and Oversight Commission may each send one or two representatives to the hearing.</p>

## Monitoring and Enforcement of Operations Jobs Policies

Tasks	Who is responsible / process
Inclusion of Jobs Policies in relevant contracts.	<ul style="list-style-type: none"> <li>• City Administrator’s office confirms that the developers have included the Jobs Policies in leases and other relevant contracts. By no later than June 2014, City Administrator’s office and C&amp;C Staff will have developed clear requirements for project developers, tenants, and other employers to provide copies of leases and other relevant contracts, and to ensure that all such parties are reminded of the importance of inclusion of the Jobs Policies in such contracts. The City Administrator’s office and C&amp;C staff will also establish a system of regular inquiries to relevant parties to ensure that the City has been notified of and has reviewed all relevant contracts.</li> <li>• The Oversight Commission will review these requirements and systems before they are finalized, and may suggest improvements to the City Administrator’s office and C&amp;C staff. Upon request from the Oversight Commission C&amp;C will obtain information from developers, tenants, and other employers regarding inclusion of the jobs policies in relevant contracts. C&amp;C staff will promptly provide such information to the Oversight Commission.</li> </ul>
Long-range planning information	<ul style="list-style-type: none"> <li>• C&amp;C staff obtains employers’ long-range planning information (to be provided within the timelines set forth in the Jobs Policies) regarding employment needs and contractual arrangements relating to employment, and forwards that information to the Jobs Center and the Oversight Commission.</li> </ul>
Hiring Process	<ul style="list-style-type: none"> <li>• Employers forward notices of available jobs to Jobs Center, which refers workers. (This includes employers hiring off-site for relocation into the Army Base.)</li> <li>• C&amp;C staff confirms that this is occurring for start-up and ongoing hires, by obtaining information from employers and from Jobs Center.</li> <li>• If Oversight Commission requests information on particular employers, C&amp;C staff will obtain and provide it.</li> <li>• Jobs Center will also provide information to Oversight Commission or Implementation Committee upon request from Oversight Commission.</li> <li>• C&amp;C staff will develop systems to track particular local residents and disadvantaged residents who are employed by multiple</li> </ul>

	<p>employers within the Army Base, using information provided by the Jobs Center and obtained in employer compliance records. The Oversight Commission may review such information upon request.</p>
<p>Enforcement of jobs policies requirements, including requirements relating to:</p> <ul style="list-style-type: none"> <li>➤ hiring process (local and disadvantaged worker);</li> <li>➤ ban-the-box;</li> <li>➤ nondiscrimination;</li> <li>➤ living wages;</li> <li>➤ inclusion of Jobs Policies in relevant contracts;</li> <li>➤ limitations on staffing through temp services;</li> <li>➤ provision of requested compliance records.</li> </ul>	<ul style="list-style-type: none"> <li>• C&amp;C staff regularly obtains information from employers.</li> <li>• C&amp;C staff provides information to Oversight Commission or Implementation Committees regarding employer compliance upon request from Oversight Commission.</li> <li>• If Oversight Commission or Implementation Committees request information on particular employers, C&amp;C staff will obtain and provide it.</li> <li>• Jobs Center provides information to C&amp;C staff, Oversight Commission, or Implementation Committees upon request</li> <li>• In cases where C&amp;C staff takes action enforcement action based on identified noncompliance, enforcement action and results will be reported at the next meeting of the Oversight Commission as an agendized item. C&amp;C enforcement documents shall indicate to employers that Oversight Commission may impose additional enforcement action.</li> <li>• In cases where the Oversight Commission identifies noncompliance that it determines has not been the basis of necessary enforcement action, or for which enforcement action that has been taken is deemed insufficient: <ul style="list-style-type: none"> <li>➤ The Oversight Commission informs C&amp;C staff of the perceived need for initial or additional enforcement action, and either (i) requests additional factual investigation by C&amp;C staff and/or the Implementation Committee, or (ii) requests that C&amp;C staff take particular enforcement action.</li> <li>➤ If after additional factual investigation (if any), C&amp;C staff declines to take initial or additional enforcement action, the Oversight Commission may recommend to the Assistant City Administrator specific enforcement action, which the Assistant City Administrator may initiate.</li> </ul> </li> </ul>
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