

<b>POLICY</b>  <b>COMMUNITY WORKFORCE AGREEMENTS</b>	<b>Document Number:</b>	BSD-002
	<b>Version Number:</b>	01
	<b>Date:</b>	09/21/2016

### 1.0 Policy:

The Santa Clara Valley Transportation (“VTA”) desires to adopt Community Workforce Agreements to promote careers in the construction industry for underrepresented workers and to allow VTA’s construction projects to proceed without labor disputes, in a timely and economically efficient manner.

### 2.0 Scope:

This policy applies to VTA’s construction contracts with an original estimate construction value at or above two million dollars (\$2,000,000). VTA will analyze each project subject to this policy, on a contract by contract basis, to determine whether a Community Workforce Agreement (CWA) and/or a Project Labor Agreement (PLA) that includes targeted hiring provisions would further VTA’s best interests. If it is determined that VTA’s interest would not be advanced by the implementation of a CWA/PLA for a particular project over \$2,000,000, staff will do the following: (1) present a list of all CWA/PLA recommended projects to the Board of Directors for informational purposes; and (2) forward a list of any projects not recommended for CWA/PLA to the Board of Directors for approval.

Emergency repairs or remediation projects are excluded from this policy. A CWA or a PLA with targeted hiring provisions would not be required for a construction contract where such inclusion would be prohibited by federal or state law or if the inclusion would jeopardize state or federal funding available for the project.

### 3.0 Community Workforce Coordinator:

In order to facilitate training and employment opportunities, and for projects in which the VTA Board has adopted a resolution finding that a CWA/PLA is in the best interest of VTA, VTA will require that the Contractor cooperate with the Community Workforce Coordinator to facilitate the implementation of the targeted hiring requirements of this policy.

### 4.0 Targeted Hiring

All VTA construction projects determined to benefit from a PLA shall include, as a provision of the PLA, a hiring program for underrepresented individuals to be hired as State of California registered apprentices in the field of local construction. The hiring program shall include established utilization rates for hours to be performed by underrepresented workers, who are graduates from local pre-apprenticeship programs.



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## 5.0 Responsibilities:

The Engineering and Transportation Infrastructure Development (ETID) division of VTA, will ensure the scope of the project has been fully vetted. ETID will prepare appropriate documents for Board action, if needed.

The Procurement Contracts, & Materials Management (PCMM) department will ensure the CWA/PLA is included in bid documents where Board action has been taken. PCMM will also monitor the Contractor's performance in meeting the terms of the CWA/PLA.

Real Estate and Joint Development staff will develop and implement similar procedures based on this policy.

## 6.0 Definitions:

### 6.1 Community Workforce Agreement

Community Workforce Agreement, as used in this policy, shall mean a type of project labor agreement negotiated between a construction project owner and one or more labor organizations prior to the award of a construction contract, which is designed to target disadvantaged or underrepresented workers for training and hiring.

### 6.2 Project Labor Agreement

Project Labor Agreement, as used in this policy, shall mean an agreement negotiated between a project owner and one or more labor organizations prior to the award of a construction contract that are designed to eliminate potential project delays resulting from labor strife, ensure a steady supply of skilled labor on a project, and provide a contractually binding means of resolving worker grievances. PLAs may include provisions regarding training and hiring of targeted workers, similar to a community workforce agreement.

### 6.3 Contractor/Subcontractor

Means any individual firm, partnership or corporation, or combination thereof, including joint ventures, which is an independent business enterprise and which has entered into a contract with VTA the Agency or any of its contractors or subcontractors or owner operators of any tier, with respect to the construction of any part of the project(s) under contract terms and conditions approved by VTA.

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#### 6.4 Underrepresented Worker

Means an individual who, prior to commencing work on a project, is a current or past recipient of Public Services such as Social Services, Reentry, and Foster Care programs or others offered by Santa Clara County. It also includes veterans of U.S. military service, the homeless, unemployed or low-income individuals; at-risk youth, a survivor of human trafficking or who faces another identified barrier to secure employment.




#### 6.5 Community Workforce Coordinator

Means the work2future Workforce Development Board, or another entity as determined by mutual written agreement of VTA and the Santa Clara and San Benito Counties Building & Construction Trades Council. The Community Workforce Coordinator is responsible for maintaining an up-to-date list of targeted workers who are available for work with their current contact information, and will provide this list upon request to any contractor working under a CWA/PLA.

#### 7.0 **Summary of Changes:**

This is a new policy.

#### 8.0 **Approval Information:**

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Alberto Lara Director, Business Services	 Carolyn Gonot Director, Engineering & Transportation Infrastructure Development	 Nuria I. Fernández CEO/General Manager

Date Approved: 9-21-2016

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