

POLICY MATTERS OHIO

COMMUNITY BENEFIT AND OPPORTUNITY PROGRAM RECOMMENDATIONS FOR CUYAHOGA COUNTY

Presented October 7, 2014

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1) Health Impact Assessment, Mitigation and Design Requirements

- A. *Health Impact Assessment and Mitigation Requirement.* Prior to approval of county-owned construction projects, require a health impact assessment be conducted to determine potential effects of the proposed project on the health of a population and the distribution of those effects within the population. The health impact assessment should take into account transportation access and pedestrian environment, air quality, as well as food access and affordable housing when appropriate. Any negative impact of project must be mitigated with a net positive setoff.
- B. *Design Requirements.* Project specifications produced by county architect or via professional service contract should be reviewed by the County Sustainability & Housing Department. Whenever appropriate, the final design should meet green building standards established by County Sustainability & Housing Department, include carbon mitigating green space and infrastructure, and maximize use of efficiency and renewable energy technologies.

2) Construction Careers Program. Promote quality construction and use of a skilled, local, and diverse workforce by requiring a project labor agreement (PLA) and targeted hiring policy on all multi-trade County-owned projects that have a total construction value of \$500,000 or more. All contractors are eligible to work on covered projects, so long as they agree to abide by requirements of the PLA and targeted hiring policy. The PLA and targeted hiring policy should include the following:

- a. A commitment to pay prevailing wages to all workers.
- b. Project-wide requirements that 40% of all worker hours be performed by workers residing in Cuyahoga County; and that 20% of all hours be performed by disadvantaged workers.
- c. Project-wide requirements that at least 20% of all work hours be completed by registered apprentices; and that half of the apprentice hours be performed by disadvantaged workers or graduates of any pre-apprentice training program recognized by the Ohio State Apprenticeship Council and designated by the County as serving primarily targeted populations and residents of low-income areas.
- d. Commitments by building trades unions: (i) to promptly resolve jurisdictional disputes; (ii) to refrain from strikes or other work stoppages; (iii) to refer targeted workers on a priority basis, when contractors need such workers in order to comply with local hire requirements; (iv) to coordinate with apprenticeship programs to help contractors satisfy requirements for use of targeted new apprentices.
- e. Requirements that developers, contractors, and subcontractors take specified steps to comply with various elements of the Construction Careers Program. Certified payroll reports will identify disadvantaged workers and document disadvantaged worker hours. Contractors who meet the numerical hiring requirements are automatically in compliance. Contractors and subs who do not meet the hiring requirement must document their effort to do so, including: written requests to hiring halls to refer local workers; documenting why those workers were not hired (if pertinent).

3) Responsible Contracting. Responsible contractor status is a best practice and industry standard for construction. All construction contractors and subcontractors on County-owned projects not covered by a PLA must document they are responsible contractors, with regard to expertise, quality of training, and conditions of employment. Contractors must show that:

- A. Workers are classified as employees and not misclassified as independent contractors;
- B. Workers are paid prevailing wages and the contractor has had no prevailing wage or wage/hour violations for the past 3 years;
- C. Workers receive 10 hour OSHA safety training; supervisory workers receive 30 hour safety training;
- D. The contractor agrees to participate in a targeted hiring program and submits a written plan for how compliance will be ensured, which may include contractor sponsorship of graduates from any pre-apprenticeship program registered with the Ohio State Apprenticeship Council as a mechanism for ensuring compliance.

Cuyahoga County will establish the documentation requirements and process and maintain the list of contractors deemed responsible.

- 4) **Non-Construction Employer Requirements.** Require non-construction employers that receive County non-construction contracts with a total value of \$500,000 or more to:
 - A. pay living wages; and
 - B. participate in a targeted hire program using Employment Connection as a first source for all hiring.
 - 1. Employers agree to a goal of 40% of all jobs filled by local workers; 20% by disadvantaged workers.
 - 2. The hiring process
 - a. For major new hire-up periods, employers work with EC to do a job fair; for three weeks, only applicants referred through EC will be considered for open positions. Employers will make every effort to hire workers through this referral.
 - b. For ongoing hiring, the employer gives EC applicants a 3-day lead time period. During that time, the employer only considers applicants referred through EC and makes every effort to hire them. After 3 days, any application may be considered.
- 5) **Developer Requirements.** Require developers of all development projects that receive \$500,000 or more in County funds (in the form of direct cash grants, tax incentives, financing assistance, land sales, and project-specific infrastructure enhancements, among other things) and recipients of more than \$500,000 in business attraction and retention subsidies to comply with provisions 1-3 above and 6-7 below. Tenants of development projects to comply with provision 4 above.
- 6) **Buy-Local Program.** Ensure that construction and non-construction employers receiving grants or contracts from the County with a total value of \$500,000 or more participate in a buy-local program modeled after Cuyahoga County's existing program.
- 7) **Contracting Equity.** Ensure the new disparity study being commissioned by Cuyahoga County is strongly implemented, with aggressive new measures to assure contracting equity for both minority- and female-owned businesses in County contracting.
- 8) **Community Benefits Fund.** Set aside ½ of 1 percent of all construction, service contract, and development incentive dollars budgeted by the county to support community benefit efforts. Use community benefit funds to increase staff and technical capacity in order to achieve the following:

- A. *Create a one-stop business assistance shop for small and disadvantaged business enterprises.*
1. Streamline certification process for small and disadvantaged businesses.
 2. Build a toolkit for contractors, local and disadvantaged businesses to help achieve goals of County's community benefits policy.
 3. Provide technical assistance, mentoring and networking opportunities for local and disadvantaged businesses to help them grow into successful businesses.
 4. Align business and workforce resources to support minority- and female-owned businesses and organizations, such as access to capital and bonding assistance.
 5. Promote and support socially responsible bidders, businesses and organizations contracting with the County. Create stamp of approval for socially responsible county businesses, provide marketing support to them, and create an online directory for consumers.
 6. Work with organizations in community to connect socially responsible businesses to carbon foot printing, buy-local, and live-near-your work programs.
- B. *Build career pathways out of poverty into construction careers.* Support pre-apprenticeship training programs to strengthen the workforce pipeline into construction trades for disadvantaged workers. Target public resources towards pre-apprenticeship training programs registered with the Ohio State Apprenticeship Council
1. Support related outreach and recruitment of targeted populations and the provision of soft skills.
 2. Identify and direct related county resources and WIA/WIOA funds to pre-apprentice students for stipends, bus passes, books and supplies for pre-apprentices during in-school training period.
 3. Provide matching dollars to employers for pre-apprentice students and graduates to gain paid on-the-job work experience.
 4. Support work to identify disadvantaged workers; refer good candidates to pre-apprentice programs; help pre-apprentice students and graduates identify union apprenticeship and job opportunities; and help pre-apprentices secure related work experience.
- C. *Ensure Meaningful Community Participation, Data Reporting, Learning from Best Practices.*
1. Provide for organizing capacity to achieve meaningful input on county-owned projects or private development projects awarded over \$500,000 in county funds.
 2. Acquire monitoring and compliance software system for long-term tracking of race, gender and residency status of employees in organizations and businesses contracting with the county or receiving over \$500,000 in county funds, and to support carbon foot printing effort. Promote use of common tools among cities within County, employers, labor and workforce system. Identify methods to track long-term career progress of disadvantaged residents and businesses, particularly the progress of disadvantaged workers in the trades.
 3. Prepare monthly reports and assessments, as well as an annual report, on progress. These reports should be public and posted on an easily accessible website, for the sake of transparency and to encourage outside analysis of trends.
 4. Document best practices

D. *Develop projections of workforce needs going forward, particularly for skill development purposes.* Help assess more clearly job implications from expenditure of public dollars for construction, service contracts and development incentives.

E. *Expand county buy-local program to support contractor requirements*

F. *Support local art.* A portion of the community benefits fund must go towards public art with the goal of promoting quality art and revitalizing neighborhoods

9) Public Input and Oversight. The County should create a Community Benefit Advisory Subcommittee to the County Equity Commission. The subcommittee should be made up of workforce labor, contractor, environmental, and community representatives, in addition to any public officials. The goal for the Subcommittee is to learn from experiences, improve, and study best practices. Advisory panel should meet monthly and review reports and metrics provided by County personnel in charge of implementing community benefits efforts and achieving goals. Subcommittee has the power to require contractors and other key parties to come forth in the case of non-compliance to help them understand reasons for noncompliance.

10) Implementation. Upon an employer's initial failure to satisfy community benefits requirements, that employer will be required to negotiate a corrective action plan. In cases of persistent noncompliance, sanctions may include liquidated damages, temporary debarment from County work, and other contractual remedies. The County will undertake an annual review of the community benefits policy and take appropriate action based on that review.

11) Definitions

A. *Disadvantaged Worker.* A disadvantaged worker is anyone who:

1. lives in a low-income area, identified as Cuyahoga County zip codes in which the percentage of families in poverty is more than two times the statewide percentage; or
2. has documented receipt of public assistance within the 12 months prior to being certified disadvantaged (TANF, CHIP, Food Share, CCSAP, WIA, EITC).

B. *Living Wage.* A living wage is defined as a wage high enough to lift a single-headed household of three out of poverty to at least 125 percent of the federal poverty level.