Breaking Down Barriers, Building Up Communities: Implementing Project Labor Agreements with Targeted Hiring Goals

by

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Abstract: For decades, government and community organizations have developed strategies to provide workers historically excluded from the Building Trades with access to jobs on publicly funded construction projects. Studies of best practices recommend the use of: project labor agreements (i.e., contracts between project owners and unions that are negotiated prior to the selection of contractors) that set goals for the workforce’s composition in terms of race, gender, residence, income and/or craft experience; funding for pre-apprenticeship training programs; and sanctions or incentives for compliance. This thesis uses interviews and published sources to explore the importance of contract language, resources, and relationships in the implementation of four project labor agreements that included targeted hiring goals. It identifies five potential hurdles to expanding access to jobs in the Trades, and evaluates the use and success of best practices on these four projects. It concludes that in addition to the aforementioned best practices, the federal government should grant funds to promote better relationships among stakeholders prior to the negotiation of PLAs.

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It's much easier to integrate a lunch counter than it is to guarantee a livable income and a good solid job.
Martin Luther King, Jr., The Other America
April 14, 1967
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Chapter 1

Creating Access to Quality Jobs in Construction: The Promise and Perils of PLAs

It does make sense. Who better to have build the school than the people who will be getting the school?

– Marty Schwartz, President
Essex County Building and Construction Trades Council

In cities where Building Trades unions are strong, many large, publicly funded projects are built with union labor. Unions use their bargaining power to negotiate higher wages and benefits than are commonly found in the nonunion sector. They promise project owners that they will not sanction work stoppages, provided contractors staff their crews through union hiring halls. These assurances, along with other language regarding wages and benefits, work rules, and dispute resolution processes, are all codified in contracts called project labor agreements (PLAs).

PLAs create a paradox for people who believe that residents should benefit from public investments in their communities. On one hand, PLAs set job quality standards. They create demand for union workers who have access to employer-funded training programs, health insurance and pensions. On the other hand, if union members are not representative of the communities in which they work, PLAs can exacerbate the harm caused by discriminatory practices, past and present, on the part of the Trades.

Over the past fifty years, government and community efforts to expand access to union membership for minorities and women in the construction trades have been met with responses ranging from accommodation to outright resistance. In response to union recalcitrance, some community and workers’ rights organizations have openly questioned
the value of working with the Trades. Why not train local residents and secure hiring commitments from nonunion contractors who bid on local projects not covered by PLAs? After all, union density in construction has declined precipitously since the 1960s. In communities where unions are too weak to secure PLAs, or if they fail to accept members who do not “look like them,” this in fact may be the best avenue to pursue. But where Building Trades unions are strong and more diverse, or vulnerable to political pressure, there are public gains to be had by engaging them before a PLA is negotiated.

Indeed, since a 1996 Supreme Court ruling that PLAs were legal under certain circumstances on large, public projects, community organizations and public agencies have successfully negotiated targeted hiring goals and funds for pre-apprenticeship training into a number of such agreements.¹ These goals prioritize the hiring of workers based on race, income, place of residence and/or years of craft experience. From an economic development perspective, PLAs with hiring goals, particularly ones related to the use of new apprentices, can act as a targeted policy to link local workers to regional labor markets. Further, by employing local workers, public investments can help build local wealth. From a workforce development perspective, these agreements set job quality standards, and provide avenues for training and job placement over the long run.

Although PLAs are used frequently by private companies that want assurances of labor peace on their large projects, my research focuses on publicly funded projects. I do this for several reasons. First, there is an expectation that public investments should create good jobs and not perpetuate employment discrimination. Second, the public has more influence over public agencies than over private companies. And finally, it is a

¹ For more details see Fred Kotler, “Project Labor Agreements in New York State: In the Public Interest,” 2009, http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1021&context=reports.
timely subject. The increased funding for construction-related projects in the 2009 American Recovery and Reinvestment Act and an Executive Order by President Obama allowing PLAs on large, federally funded construction projects has once again put a spotlight on the issue of job access and the Building Trades. In April 2009, a coalition of over 50 advocacy organizations submitted a letter to the White House Domestic Policy Council recommending, “The administration…ensure that federally funded construction projects deliver quality jobs for low-income communities and/or underrepresented populations.” While the national leadership of the Building Trades has expressed interest in being more inclusive, history suggests that these sentiments do not always reflect those of local leaders. And given the decentralized structure of the Building Trades, change will not happen without their support.

Research Design

Since the late 1990s, little has been written about efforts to demand that local unions expand job access for historically excluded workers. What has been written on this topic tends to focus on the language of the agreements and how they were won. How these policies have moved from paper to practice is less well documented. To add to the literature on this subject, I examine four recent projects where local unions and public agencies set goals for the share of hours to be worked by women, minorities and/or apprentices.

Since there is no public repository of PLAs, I found all four cases by reviewing the literature on job access and the construction industry. Therefore, these are not necessarily “the best” examples of project labor agreements with local hiring goals.

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2 NELP and PWF 2009, 9.
3 I also requested advice from experts on the subject of PLAs, but only received one substantive response.
Rather, these are four large, multi-year projects in highly unionized cities – Hartford, CT, Los Angeles, CA, Newark, NJ and Seattle, WA – that began in roughly the last decade. Project size was the most important factor to me, as I did not want compare large projects that had significant time to ramp up training and monitoring systems to smaller projects that were completed before these systems could be developed and implemented. Two of the case studies are school construction projects, one is a transit project, and the other is a downtown development project (a mix of public and private development). These types of projects merit attention because they are among the most common uses of public construction funds. 4

To understand how the four agreements were negotiated and implemented, I read the PLAs and then conducted thirty minute to one-hour interviews with 19 high-level staff at public agencies, nonprofits, advocacy organizations, construction companies, and unions to discuss how the parties worked to reach the hiring goals set out in the agreements. Interviewees discussed their perspective on the negotiations, the components of the agreement, whether it was implemented as they had envisioned, why they thought that was the case, and what they would do differently in retrospect. I then used publicly available data to compare the economic and demographic characteristics of each city. Components of the agreements in Hartford, Los Angeles and Newark were each independently evaluated since 2006, so I was able to draw on these evaluations as well as on my interviews.

4 In 2005, “construction of educational facilities accounted for the largest share of [public construction spending], 28.6 percent, at $66.9 billion.” Transportation was third at 8 percent. CPWR 2008, 5d. NB: Highway and street construction was the second largest at 27%. The Federal Highway Administration prohibits “State, local, or territorial hiring preferences on FHWA funded contracts.” Community based organizations have worked around this restriction. For more details, see Todd Swantrom and Brian Banks, “Going Regional: Community-Based Regionalism, Transportation and Local Hiring Agreements.” Journal of Planning Education and Research 2009:28; 355. http://jpc.sagepub.com/cgi/content/abstract/28/3/355.
Given my interest in whether these agreements expand access to jobs in the Trades for historically excluded populations, I would ideally compare data on the composition of the local Trades’ membership before and after the initiation of each project. The Building Trades do not make this data available. Alternatively, I would want to compare the composition of the workforce on a local project of a similar size that did not use a PLA. Given time constraints, I was unable to obtain this information from contractors or project owners. Instead, I use each project’s outcomes relative to its goals to measure how well each project expanded access to jobs in the Trades.

Through this research I have identified five barriers to implementing PLAs with targeted hiring goals. First, individuals may not be familiar with the apprenticeship system and how to join a Building Trades union. Second, individuals may not possess the skills that are required to be accepted as an apprentice. Third, unions may still discriminate directly on the basis of race, ethnicity and/or gender, or indirectly through nepotism. Fourth, contractors may not take the extra step to request targeted workers from union hiring halls. And finally, there may be a lack of political will to enforce the agreement. Best practices from the field recommend that project labor agreements set hiring goals, be accompanied by pre-apprenticeship training programs, and include sanctions or incentives to encourage compliance. Based on my four case studies, I find that the last point, sanctions or incentives to encourage compliance, is the most critical in determining whether a project will meet its goals. Taken as a whole, I find that the best practices have the potential to address four of the five barriers.

The fifth barrier, political will, is harder--if not impossible--to address through contract language or program design alone. I hypothesize that political will is influenced
by the strength of community organizations, the attitudes of elected and appointed officials, the relationships between unions and community organizations, and the local demand for construction workers. While local political actors and environments vary, I argue that in order to increase access to jobs in the Trades, the federal government needs to establish a voluntary system of funding and technical assistance for places that are slated to receive large federal construction projects. With a planning grant, a project owner could hire an experienced mediator to convene potential stakeholders in order for the groups to share expectations, build relationships, and determine if there is shared interest in developing a PLA with targeted hiring goals. Technical assistance manuals and consultants would be available to share best practices regarding contract language and the design of pre-apprenticeship programs. This system could improve the quality of agreements, reduce project delays due to public protests, and increase the likelihood that unions, contractors and public agencies take hiring goals seriously. Most importantly, this has the potential to create, over time, an integrated Building Trades—long a priority of advocates and policymakers.

Chapter Overview

After a brief chapter on the national context surrounding the debate over PLAs and local hiring agreements, Chapter 3 introduces the four case studies and describes the economic and political environment in which the agreements were negotiated. It compares the hiring goals that were negotiated in the PLAs, and the progress made in reaching them. In Chapter 4, I draw upon “best practices” from the field to explore how the projects designed and implemented systems to train enough workers to meet their goals. Chapter 5 takes a more in-depth look at the monitoring and enforcement of these
PLAs. In Chapter 6, I synthesize my findings from the four case studies with the conclusions of advocates and other researchers. I then make recommendations regarding the types of resources the federal government should provide to increase the likelihood that federal construction projects lead to investments in human, as well as physical, capital.
Chapter 2
The Context of the National PLA Debate

In February 2009, President Obama issued Executive Order 13502 allowing, and encouraging, project labor agreements (PLAs) on large, federally funded construction projects (over $25 million). As part of the federal government’s effort to create jobs and jump-start the economy, the federal government has invested over $135 billion in construction-related work, accounting for 17 percent of the total spending in the American Recovery and Reinvestment Act (ARRA) and one-quarter of the projected job creation. Further, many of the “green job” training programs developed by the Department of Labor with ARRA funds are relying on unions to act as a ladder from lower paying jobs in weatherization to higher paying, higher skilled jobs in the unionized construction industry.

Executive Order 13502 means that federally funded construction projects are likely to lead to more union jobs in the economy. This is welcome news to unions that represent workers in the construction trades, where the unemployment rate averaged 19 percent over the last year. Community, civil rights, and women’s organizations are less enthusiastic about the prospect of PLAs on publicly funded projects. The Building Trades unions have a history of discriminating against people of color and women, particularly in the higher skilled Trades. Forty years after the federal government explicitly targeted the construction trades to integrate their ranks, African-Americans and other racial minorities still remain disproportionately concentrated in less-skilled occupations in the

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5 Penton Insight 2009.
6 BLS 2010, Table A-14.
construction industry. For example, “among construction workers who are members of racial minorities, 23% were laborers or helpers.” Only 14 percent of jobs in the industry overall are in these occupations. These occupations are also less likely to be unionized than others. Today women represent 2.6 percent of the blue-collar workforce in construction as compared to 14.3 percent of “production occupations” overall.

With large numbers of unemployed members “on the bench,” unions are unlikely to accept new apprentices until they see improvements in their local construction markets. Their priority is to get current members back to work. In African-American and Latino communities, where the unemployment rate has been approximately twice the national rate since the 1950s, some activists feel that there is no time to lose in getting community members into jobs in the Trades, especially if the jobs are being created with public funds. Rather than wait for unions to open their doors to new members voluntarily, advocates have argued that the federal government should ensure that ARRA-funded projects employ people who have faced hurdles to joining the Trades in the past.

Regardless of whether the labor market is tight or slack, local unions have an economic incentive to limit entry into their trade. The fewer apprentices they accept, the less likely they will face an oversupply of labor that may drive down wages or lead to unemployment in their ranks. The “shape and form” of their exclusivity has been historically rooted in “race, gender, ethnicity, and family.”

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7 CPWR 2008, 17.
8 Ibid., 6.
9 Ibid., 20.
10 In February 2010, the black unemployment rate was 15.8 percent and the Latino unemployment rate was 12.4 percent, as compared to 8.8 percent for whites. BLS 2010, Tables A-2 and A-3.
employment linkage programs, Frieda Molina interviewed one union officer who described the industry’s hiring patterns as functioning like the ‘FBI–friends, brothers and in-laws.’”¹²

At the national level, union leaders have been more receptive to opening their doors. Mark Ayers, the president of the AFL-CIO’s Building and Construction Trades Department (BCTD), issued a statement in early January 2009 arguing that the Trades should be a central part of efforts to restore the country’s economy. Included among the BCTD’s “core values and transcendent principles” is the statement that:

The creation of “green” as well as “brown” jobs should address issues of social equity and should lead to new employment opportunities for urban workers of color who have been disproportionately impacted by the economic crisis and historically excluded from the benefits of economic growth and development.¹³

Despite these laudable aims to be inclusive at the top, the federated structure of the Building Trades unions, where the power to control entry into the trade is concentrated at the local level, tends to stymie top-down reform efforts. For example, in the early 1960s, as other formerly segregated unions integrated their ranks for fear of being decertified by the National Labor Relations Board, national and regional representatives of the AFL-CIO expressed support for racial integration while local building trades unions resisted. A 1963 report of the Human Rights Committee of the Pennsylvania AFL-CIO lamented, “The national president of the Building and Construction Trades Department had made ‘strong speeches’ against union discrimination, but the national federation possessed little leverage on the union locals beyond jaw-boning rhetoric.”¹⁴

¹³ Ayers 2009.
¹⁴ Graham 1990, 278.
Public Policy and Access to Jobs in the Construction Industry

Since the 1960s, multiple laws and policies have been developed at the federal and local level to improve access to jobs in the Trades for minorities and women. The oldest, and perhaps most controversial, is Executive Order 11246, "the Philadelphia Plan." First introduced by Lyndon Johnson, and then resurrected by Richard Nixon, the Executive Order instructed area coordinators for the Office of Federal Contract Compliance Programs (OFCCP) to set target hiring ranges for African-Americans in each trade. Proportional representation was the goal of the program. Target ranges were to increase each year. The "Revised Philadelphia Plan" became law in 1969. According to historian Thomas Sugrue, it was extended in January 1970, "to all government contracts of $50,000 or more; in December 1971, it was amended to incorporate women." The goal for women's employment on federally funded construction contracts was set at 6.9 percent in 1978, and has not been modified (or met) since. In theory, contractors can be sanctioned for noncompliance and barred from receiving future federal contracts. Since 1965, "there has been an ebb and flow in the energy, commitment, and determination devoted to achieving equal job opportunity through affirmative action," but overall the program has been quite ineffective in creating opportunities for minorities and women to advance into the skilled trades.

During this time many metropolitan areas have experienced reinvestment in their central cities. In response to this new growth, advocates and progressive city officials developed a range of policy tools to help disadvantaged residents gain access to work on

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15 As quoted in Graham 1990, 327.
17 OFCCP 1980.
19 Ibid., 301.
local construction projects – particularly those that received public funds. Linkage, “first source” hiring, and community benefit agreements can all be written to encourage the employment of certain populations. The rationale behind each is similar: local investment should lead to local jobs. This is often taken a step further to argue that new development threatens to displace poor residents who struggled to live in the city during decades of disinvestment. The argument continues that in order to be fair, these projects should provide opportunities for people to work, so that they can afford to stay in the neighborhoods where they have lived as home values and rents begin to increase. Beyond a common rationale, these types of agreements differ substantially in how they are adopted and enforced.

Linkage agreements are municipal ordinances that “link large-scale commercial development with housing, transit, and employment to mitigate the negative effects of downtown growth.” These agreements exist in a handful of cities, but generally require a significant and sustained flow of downtown development, a progressive municipal government, and the presence of neighborhood organizations that oppose new development. In Boston, a linkage agreement requires developers of any project exceeding 100,000 square feet to pay $1.57 for each additional square foot into the Neighborhood Jobs Trust. The money from the Trust can be used for general job training programs, or to train workers for permanent positions with businesses that locate in the new development. This language is written in the zoning code and complements the city’s Boston Residents Jobs Policy, which requires large developers to use Boston residents for at least 50 percent of the work hours on construction projects. The 1983 ordinance stipulates, “At least 25 percent of the total employee workhours in each trade

20 Keating 1986, 134.
shall be by minorities, and at least 10 percent of the total employee workhours in each trade shall be by women. While compliance is tracked, this policy has not been strongly enforced by the City for fear that a sanctioned developer would take the City to court where the law may be struck down.

“First source agreements” are more widespread than linkage agreements. Under these agreements, popular in part because they require less of the private sector, “businesses agree to give targeted communities priority information and access to job opportunities in exchange for development incentives.” They have been established at both the city and the project level. These agreements may apply to construction jobs or permanent jobs. They stipulate where employers must look first when trying to fill open positions. A study of three well-established municipal programs in the late 1990s found that these programs essentially operated as intermediaries between training providers and employers with job openings. They were generally successful at matching low-income minority adults to “full-time entry level jobs offering fringe benefits.” The challenge with these agreements is that they lack “teeth.” In general, employers are required to make a “good faith effort” at hiring people from the designated “first source.” Employers show good faith by interviewing candidates. There is no obligation to hire. In some cases, “first source goals are met on paper, but many of the actual first source hires stay on their jobs for only a few months and never receive meaningful training.”

Community benefit agreements (CBAs) are similar to linkage agreements, but they focus exclusively on one project. Since the mid-1990’s, coalitions have formed to

21 Flynn 1983.
22 Slack 2009.
pressure public and private developers to negotiate CBAs. Unions have been a part of these coalitions in some cities, but not all. Local agreements have included language to prioritize nearby residents for both construction and permanent jobs, sometimes at locally set living wages. Other benefits have included neighborhood amenities, such as parks and child care centers, as well as the development of affordable housing.²⁶

As mentioned in Chapter 1, PLAs can include targeted hiring goals as well. At least since the “Big Dig” began in 1989, unions and public agencies have included hiring goals in some, but far from all, project labor agreements. Like community benefit agreements, PLAs concern specific projects or developments. Similar to linkage agreements or CBAs, PLAs tend to be used on large projects; however, in contrast to these types of agreements, PLAs establish a grievance procedure to ensure that contractors comply with the rules. Union workers and their representatives know the contract language and monitor whether it is being enforced on a daily basis. PLAs are also compatible with other types of agreements, including CBAs. For example, in Hartford, Connecticut, the city adopted a local hiring ordinance that was then reflected in subsequent PLAs between the Building Trades and the city.

All of these tools are limited in scale. They require local groups to push for their enactment. They are more likely to be found in Northern cities, than in the South; progressive cities, rather than conservative ones. Nevertheless, they provide a model for what can be accomplished when the public, private and nonprofit sectors coordinate their work to focus on the creation of good jobs for people who have been historically excluded from the Building Trades. In places where the Trades refuse to include hiring goals in their PLAs or are too weak to negotiate PLAs at all, it makes sense for advocates

and progressive city officials to focus their attention on negotiating linkage, first source or community benefit agreements. Further, if an area has such weak unions that jobs in construction are not “good jobs,” advocates may want to focus their efforts on creating job opportunities for workers in safer, better-paid industries.27

**The Construction Industry and the Building Trades Unions**

In places where the Building Trades are strong, project labor agreements with targeted hiring goals can be an effective way of getting individuals into jobs that can lead to careers in construction. Union jobs in construction tend to be safer and have better access to training and benefits than their nonunion counterparts.28 In 2005, the average union wage was $22.20 as compared to an average non-union wage of $14.00 an hour.29 Research by Mitnik and Zeidenberg found that in 2000, a little over half of jobs in construction were “good jobs,” whereas 30.4 percent paid low wages and 15.4 percent paid poverty wages.30 As compared with other sectors of the economy, good jobs in construction are unique in that they do not require a college education. The majority of the good jobs in construction are found on large public or commercial projects. Prevailing wage laws prevent nonunion contractors from driving down wages on most federal and some state projects. In places like New York City, where the Building Trades are strong, unions have been successful at using their political power and the threat of pickets to get companies to agree to build their projects with union labor. The fact that there are so many “bad jobs” in construction is in large part a consequence of falling union density.

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28 Swanstrom 2009, 17.
30 Dresser 2007, 4.
As of 2009, 14.5 percent of people working in construction are union members. This is twice as high as the share of union membership across the private sector, 7.2 percent, but far lower than the industry's peak of 53 percent between 1968 and 1972.32

Unions play a unique role in this industry. Unlike most employers, union construction firms do not hire employees, in construction, firms do not hire permanent staff or crews. Rather, contractors who are signatories to a union contract are sent workers from a hiring hall. The contractor retains the right to discipline and fire workers, but does not control who is “hired” for the job. Construction unions are organized by craft, so contractors who agree to use union labor on projects and need workers with different sets of skills (e.g., carpenters, bricklayers, laborers) must often work with multiple trade unions on one job. Project labor agreements help to coordinate work across the different trades.

The institutional structure of the unionized construction industry is made possible by the fact that unions have formal training programs called apprenticeships, which guarantee that any worker they send to a worksite will have a similar set of skills. Funding for these programs is negotiated between unions and employers in collective bargaining agreements. Employers contribute a small amount to a training fund for each hour that a union member works on a project covered by a collective bargaining agreement. While employers are involved in developing the training curriculum, each local union runs its own apprenticeship program and has control over who is accepted into it. Apprentices are drawn from “a pool of applicants who meet basic qualifications

32 Belman and Voos 2006, 68.
on the basis of a written aptitude test and interview.\textsuperscript{33} Depending on the craft, most apprenticeships take between three and five years to complete. Apprenticeships are not mandatory to join a union (about half of union members are accepted based on work experience), but “the majority of apprentices are trained in the union-management joint programs, although union workers constitute only about a quarter of the construction labor force.”\textsuperscript{34} Employer-funded apprenticeship programs exist in the nonunion sector as well; however, they have far lower completion rates than union programs, and “sponsors do not view apprenticeship as a job placement program...The apprentice bears the primary responsibility of finding training jobs.”\textsuperscript{35} The Department of Labor’s Bureau of Apprenticeship Training (BAT) oversees and certifies both union and non-union programs. “Upon completion” of a BAT-approved program a “worker is certified as a skilled journey-worker.”\textsuperscript{36} This is a valuable, portable certification for workers.

\textbf{Conclusion}

In sum, there are many reasons for community organizations to work with unions to push for PLAs with targeted hiring goals. PLAs are binding, straightforward to enforce, lead to union jobs that tend to pay better than nonunion jobs, and require high-quality training that ends in a portable certification. In practice, however, these organizations often have difficulty working together. Memories of union responses to the Philadelphia Plan and affirmative action, coupled with empty promises to hire from the community, have led some community organizations to avoid working with the Trades altogether.

\textsuperscript{33} Bilginsoy 2005, 453.
\textsuperscript{34} Bilginsoy 2007, 742.
\textsuperscript{35} Ibid., 743.
\textsuperscript{36} Bilginsoy 2005, 453.
Today, racism and white backlash against affirmative action continue to influence local and national policy debates, but the institutions that shaped the Philadelphia Plan have changed. Unions have lost density and power. The federal government no longer faces as much pressure to advocate for or enforce affirmative action. And in most cities, the civil rights movement has become institutionalized in the form of elected officials and community organizations that straddle the line between advocacy and service provision – often for government programs. Between President Obama’s Executive Order 13502, the federal government’s investment in construction projects through ARRA, and renewed federal attention to creating “pathways out of poverty” for disadvantaged workers, there may be an opening to rebuild communication and trust between unions, community groups, and public officials in order to create access to high quality jobs for workers who have faced discrimination in the past. The following chapters analyze the use of one policy tool that may help communities do this – project labor agreements with targeted hiring goals.
Chapter 3
Laying the Foundation: Negotiating Public Sector PLAs

Project labor agreements do not expand access to high quality, union construction jobs by default. In fact, most PLAs do not address job access for historically excluded workers at all. Traditionally, PLAs are negotiated between a project owner and a local Building Trades Council. The project owner wants to know that the project will be completed on time and on budget. The Trades Council wants to secure work for local union members. The agreement stipulates: the types of workers who will be covered by the agreement, where they will come from, their wages and benefits, the work rules for the project, the process by which disputes will be resolved and a no strike/no lock-out clause. Neither party tends to be concerned about the broader economic or social consequences of the project. The contract is rather straightforward.

PLA negotiations for publicly funded projects can involve many more stakeholders, including community organizations, public agencies, political leaders, and contractors. These actors influence whether the agreement includes targeted hiring goals. Often, the groups involved in negotiating PLAs also have roles in their implementation.

This chapter evaluates the incentives these actors typically face and the positions that they often take when debating PLAs. It then explains the circumstances under which the four case study agreements were negotiated, the agreements’ hiring goals, and the outcomes of the projects to date.
The Interests at the Table: Variables that Shape PLA Negotiations

In their 2002 study of public sector PLAs and community involvement, Garland and Suafai identified seven elements that can affect whether job access is addressed in a PLA: community capacity, union strength, the local political climate, the relationship between local unions and the community, the size of the project, each party’s negotiating experience and the local demand for construction workers.37

Community capacity. Community organizations can be large or small, represent the residents of one neighborhood or many, and may target their services to a multitude of populations. Some are affiliated with national organizations – many are not. These organizations tend to derive their power from their membership base and the coalitions that they are able to organize or join. In addition to political power, community organizations that already have experience running pre-employment training programs can bring valuable resources to the table when speaking in support of PLAs with targeted hiring goals.

As compared to the Building Trades, which operate in citywide markets, community organizations tend to be based in specific neighborhoods. This leads them to bring a longer-term view to proposed developments than the Trades, since they have to live with what does (or does not) get built in their area. Given their desire to see more jobs in their community, these organizations may support the development of new projects, particularly if they expect that the project will improve their constituents’ overall quality of life. If they are skeptical that the project will lead to more jobs for residents, or believe that the development conflicts with the interests of those they seek to

represent, they may oppose the project altogether. Depending on their position on the
project, community organizations can be important allies or fierce opponents of unions.

Union strength. Local Building Trades Councils need power to be able to
negotiate PLAs with the public sector. They derive this from the size of their membership
and their support for elected officials. In places where unions are weaker or more
politically progressive, they may join or build coalitions with community organizations
and other nonprofits to lobby public agencies to include community benefits, including
PLAs and targeted hiring goals, in their plans for new developments.

There are multiple arguments for why the Building Trades should support
targeted hiring goals in PLAs. A recently published guide to “community workforce
agreements” - a term coined by the Building and Construction Trades Department of the
AFL-CIO to define PLAs that expand job access for historically excluded groups -
identifies three reasons. The first is political: the public does not think highly of unions.
A targeted hiring program “helps reposition the Building Trades in a changing political
environment and demonstrates how extending the practice of collective bargaining serves
a broader public interest.” 38 The second is concerned with building local power. “By
creating a pipeline of new workers into the building trades, a targeted hiring program can
help build…labor-community [partnerships].” 39 The third focuses on the projected need
for new apprentices. Targeted hiring programs “can also address the long-term labor
needs of our industry as the current generation of baby boomers retires.” 40 The authors of
the guide argue that while many union members are currently unemployed, “It is
important to think about a targeted hiring program as a political and economic investment

38 Emerald Cities Planning Committee 2010, 8.
39 Ibid., 8.
40 Ibid., 8.
in the future of our unions and the future of our industry, not as competition for our existing workforce."\[^{41}\]

The long-term wisdom of this statement notwithstanding, few local unions are currently accepting new apprentices. The reasons for this are mostly political. As mentioned in Chapter 1, union leaders are elected by their membership. The executive secretary of an area’s Building Trades Council, the body that represents all of the local Trades in PLA negotiations, is also an elected position. He cannot agree to targeted hiring language without the support of the unions that will be signing the agreement. Garland and Suafai explain that

> If the specific terms of a proposed PLA are not equal to or better than the existing collective bargaining agreements of the Council’s member unions, those unions will be unlikely to approve it. In such cases, the executive secretary…will face conflict from both contractors and the Council’s member unions.\[^{42}\]

Local unions that do not have a diverse membership, have racist leaders, or are not interested in accepting new apprentices, may make it difficult for local Trades Council leaders to include targeted hiring language in a PLA.

From a worker’s perspective, union membership tends to be more beneficial in places with high union density. Table 2.1 shows how the wage premium for union workers in the construction trades has changed with fluctuations in union density from 1975-2000. The four states where the case studies are located have higher than average union density in the construction industry. Members of the Building Trades in these states earn more than nonunion construction workers. The difference in wages between working union and nonunion in Connecticut is slightly less than the national average (1.24 versus 1.318), but nevertheless positive. The rest of the states have higher than average wage

\[^{41}\] Ibid., 8.
\[^{42}\] Garland and Suafai 2002, 3.
differentials. In all four instances, union density is high enough, and jobs are valuable enough, that it makes sense for advocates to campaign to get disadvantaged workers into the Trades.

Table 2.1: Union density and union/nonunion wage differentials in construction: 1970s, 1980s, and 2000 in four states

<table>
<thead>
<tr>
<th>State</th>
<th>Union Density in Construction</th>
<th>Union/Nonunion Wage Differential</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>40.7% 26.6% 29.3%</td>
<td>1.38 1.46 1.49</td>
</tr>
<tr>
<td>Connecticut</td>
<td>38.7% 28.2% 32.2%</td>
<td>1.21 1.27 1.24</td>
</tr>
<tr>
<td>New Jersey</td>
<td>51.4% 39.9% 40.8%</td>
<td>1.23 1.26 1.40</td>
</tr>
<tr>
<td>Washington</td>
<td>51.2% 39.0% 23.3%</td>
<td>1.42 1.40 1.37</td>
</tr>
<tr>
<td>National</td>
<td>35.9% 24.6% 20.8%</td>
<td>1.375 1.416 1.318</td>
</tr>
<tr>
<td>Average</td>
<td>11.1% 9.9% 13.7%</td>
<td>0.077 0.102 0.149</td>
</tr>
<tr>
<td>National Std. Dev.</td>
<td>11.1% 9.9% 13.7%</td>
<td>0.077 0.102 0.149</td>
</tr>
</tbody>
</table>

Source: Belman and Voos 2006, 73.

Local political climate. The local political climate is important "because PLAs are controversial."^{43} Some elected officials are anti-union on principle. Others fear that unions will drive up the cost of projects. This can make it challenging for unions to secure PLAs. In situations where elected officials are pro-union, union opposition may stymie community efforts to include targeted hiring goals. Unions, contractors, developers and community organizations all have the potential to influence elected officials, although the former three tend to have greater financial resources to do so. Targeted hiring goals can help politicians "sell" expensive or controversial projects to the public. On the other hand, elected officials may fear that adding additional requirements will "scare off" potential developers.

The political climate sets the tone for how agencies conduct their work. Public agencies are the "owners" of the projects in the four case studies. Agencies may think

^{43} Ibid., 8.
narrowly or broadly about the impact of their work. Their leadership may be elected by voters or appointed by elected officials. Beyond interpreting laws and setting regulations, the staff of these agencies often determines whether to focus exclusively on minimizing project cost, or consider the broader economic impact of a project on a community. Agencies need the approval of their board before they can commence PLA negotiations. Garland and Suafai found that a board “usually hires a consultant to examine and report on the costs and benefits of a PLA.” These studies may project the economic impact of targeted hiring language in a proposed PLA. Depending on the agency, the approval process may be transparent and easily accessible to the public, or the bulk of the deliberations may be conducted behind closed doors – making it difficult for less powerful groups to influence the process.

Agencies responsible for construction projects tend to be averse to anything that may delay the implementation of a project, such as protests or public hearings, since the cost of the project may increase over time. This is one of the main reasons agencies choose to use PLAs on their projects – PLAs guarantee that a project will not be delayed by strikes or other labor actions. They are also guaranteed a steady stream of trained workers, which is important during booms in the local construction industry when labor supply is tight.

Contractors also contribute to the political climate of an area. According to Garland and Suafai, “contractors generally oppose PLAs, but different contractors oppose them for different reasons.” Nonunion contractors do not want to be obligated to hire workers through the union hall – a standard requirement in PLAs. They also do not want

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44 Garland and Suafai 2002, 3.
to be required to contribute to union benefit funds. They argue that PLAs reduce the field of contractors eligible to bid on public projects, and thus increase the cost of projects for taxpayers.\textsuperscript{46} Union contractors do not want to override the terms they negotiated in pre-existing contracts with local unions. Women and minority-owned contractors tend to be nonunion, and are typically smaller than other firms.\textsuperscript{47} They argue that PLAs put them at a competitive disadvantage in bidding for work on large, publicly funded projects. Since minority-owned firms are more likely to employ minority workers as compared to other employers, some PLAs set aside a share of the total project work to be bid on by minority (and women) owned businesses.\textsuperscript{48} These firms are fully or partially exempted from the hiring provisions of the PLA. In these instances, "set asides" may improve minority workers' access to good jobs in construction, provided the wage and benefit requirements of the PLA still apply to the firms awarded this business. This language may also help build wealth in minority communities. It does not, however, provide any assistance to workers in terms of gaining access to union membership. They will not have a hiring hall to rely on to find work when the project ends, nor a guarantee of the wages, benefits or working conditions offered on their next job.

\textit{Relationship between local unions and the community.} Places where unions and community organizations have worked together in coalitions in the past are likely to be in a strong position to collaborate on PLA campaigns. While the circumstances surrounding each negotiation are unique, "in many cases, the heart of a successful employment

\textsuperscript{46} Chase 2009, 36.
\textsuperscript{47} Ibid., 3.
\textsuperscript{48} Bates 1993, 3.
linkage program has been labor and community organizing.\footnote{Wolf-Powers et al. 2006, 14} Coalition members have included unions, community organizations, low-income residents, and minority and women contractors. In these cases, community organizations have been able to get a seat at the table while unions and public agencies negotiated PLAs, or have used their clout to negotiate separate agreements with unions and project owners.

*The size of the project.* This is important for several reasons. First, the larger the project, the less likely a PLA will be challenged as inappropriate in court. Second, larger projects tend to involve multiple trades. The more trades involved, the higher the risk of jurisdictional disputes and labor strife. PLAs reduce this risk. Third, large projects require a lot of labor. Targeted hiring goals and pre-apprenticeship programs can help fill projected labor shortages. Finally, large projects often require multiple layers of approval. This may give advocates more opportunities to build support for their demands.

*Negotiating experience.* Unions have experience negotiating contracts. Organizations like the Partnership for Working Families have been created to provide support to community organizations involved in the negotiation and implementation of PLAs. But overall community organizations are less likely to be familiar with these types of agreements.

*Local demand for construction labor.* As previously mentioned, the local demand for construction labor affects the willingness of unions to consider targeted hiring goals. Unions have a difficult time talking about accepting new apprentices when their current members are unemployed. On the other hand, if demand for construction workers is already high in an area, contractors and the project owner may have concerns about the
local unions' ability to staff the project. In this instance, community organizations can offer to help recruit and prepare local residents to meet the expected demand for labor. According to Garland and Suafai, community organizations have the greatest chance of “getting to the table” when a large project has been proposed in an activist community where PLAs already exist, there is political support for PLAs, a regional labor shortage, and pre-existing local training programs. This “ideal” scenario generally describes the conditions under which the four agreements I studied were negotiated.

**The Local Context of the Case Studies**

I chose four large, publicly funded projects that were negotiated in states with high union density. While they vary in size, they are all multi-year projects that were considered major investments for their areas. The New Jersey School Development Agency PLA covers school construction and renovation projects in 31 poor, urban school districts across the state. The Sound Transit PLA covers light rail construction across parts of three counties in Washington State. The Los Angeles Unified School District PLA covers 20,000 school construction and renovation projects over 700 square miles. The Adriaen’s Landing PLA covers four downtown development projects over 33 acres – .05 square miles.

All of the agreements were negotiated in a tight labor market or when a labor shortage was projected in the near future. At the time the projects were announced, the local construction market was booming in King County, WA, northern New Jersey and Los Angeles. In Hartford, the construction market was slack, but Adriaen’s Landing

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50 Ibid., 9.
offered the promise of a lot of work in the near future when other projects would be coming online.\textsuperscript{51}

### Table 2.2: The PLAs and their economic context

<table>
<thead>
<tr>
<th>Type of Project</th>
<th>Adriaen's Landing (CT)</th>
<th>Sound Transit (WA)</th>
<th>NJ School Development Agency</th>
<th>Los Angeles Unified School District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown development</td>
<td>$1 billion over 10 years</td>
<td>$4.1 billion over 14 years</td>
<td>$12 billion over 10 years</td>
<td>$27 billion over 20 years</td>
</tr>
<tr>
<td>Transportation</td>
<td>School Construction &amp; Renovation</td>
<td>School Construction &amp; Renovation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Year PLA Signed</td>
<td>1999</td>
<td>1999</td>
<td>2003</td>
<td>2004</td>
</tr>
<tr>
<td>Union Density in State (2000)</td>
<td>16.3%</td>
<td>18.2%</td>
<td>20.8%</td>
<td>16.0%</td>
</tr>
<tr>
<td>Avg. County Unemployment Rate (Year PLA Signed)</td>
<td>3.5% (King County)</td>
<td>3.8% (Essex County)</td>
<td>7.3% (L.A. County)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Average union density in the nation was 13.6 percent in 2000.

While the agreements were made in similar economic contexts, each PLA was negotiated under very different circumstances in terms of local community capacity, the political environment, the relationships between local unions and the community, and each player’s negotiations experience. The following section illustrates the different environments and organizations involved in developing these agreements.

**Adriaen’s Landing (Hartford, CT)**

Hartford is the third largest city in Connecticut; it is also the state capital. Between 1990 and 2000, the population of Hartford decreased from 139,739 to 121,578. (The Census Bureau estimates the city’s population increased to 124,062 in 2008.) The

\textsuperscript{51} Roche, David. Interview by author.
median household income in 1999 was $24,820, with 30.6 percent of individuals living below the poverty level. In 2000, the population was 27.7 percent white, 38.1 percent black and 26.5 percent identified as some other race. Latinos comprised two-fifths of the population. Of the population over 16 years of age, 56.9 percent was in the labor force as compared to the national average of 63.9 percent.\textsuperscript{52}

The Adriaen’s Landing project covers over 33 acres of downtown Hartford. It includes three buildings (a convention center, an adjoining Marriott hotel, and a science center), parking, and a mixed use “retail, entertainment and residential district” that is referred to as Front Street.\textsuperscript{53} The project was announced in 1998 as part of a larger plan to redevelop downtown Hartford. The plan was called “The Six Pillars of Progress.” It included:

- “A rejuvenated civic center
- A highly developed waterfront
- A downtown higher education center
- A convention center and sports megaplex
- The demolition or redevelopment of vacant buildings and the creation of downtown housing units
- An increase in the number of well located and inexpensive parking spaces”\textsuperscript{54}

The Capital City Economic Development Authority (CCEDA), a quasi-public agency, was created to oversee these projects. Several pieces of the “Six Pillars” plan came to be called “Adriaen’s Landing.” Ground was broken for the convention center in 2001. It opened in June 2005. The hotel broke ground in 2004 and opened in 2005. Work began on the science center and parking garage in late 2005. It opened in June 2009. Phase I of the Front Street development began in November 2008 and is scheduled to be completed in June 2010. To date, Adriaen’s Landing has cost $542 million to develop (the private

\textsuperscript{52} US Census Bureau, American FactFinder 2010.
\textsuperscript{53} Greater Hartford Convention and Visitor’s Bureau 2010.
\textsuperscript{54} Ibid.
sector has invested or committed to invest $242.35 million in these projects).\textsuperscript{55} CCEDA projects that it will take an additional $522 million in public investment to complete the development.\textsuperscript{56}

While union density is higher than average in Connecticut, according to Connecticut Building Trades Council President Shaun Cashman, "When John Rowland was elected governor he didn’t know anything about project labor agreements and didn’t care to."\textsuperscript{57} Mr. Cashman and others met with him on several occasions to discuss the benefits of PLAs. Mr. Cashman recalls that:

The thing I know that did it was the fact that we had a meeting in his office with members of the business community – the contractors themselves participating with us. So he got to see it as an industry issue, not just a labor issue. That actually tipped it over for us. We were able to talk to him and he accepted the premises of it, and actually worked with us on a number of occasions to help us.

In Mr. Cashman’s eyes, the PLA would not have happened without Governor Rowland’s support. “He saw it as a way to create jobs. To give people opportunities that they might not have had, to get them careers, rather than just jobs.”\textsuperscript{58}

These high level conversations were accompanied by a grassroots organizing campaign. Yolanda Rivera, a former organizer with Hartford Area Rallies Together (HART) and the current program manager of the Hartford Jobs Funnel explained:

We created a coalition of Building Trades, service unions and multiple community groups representing the city of Hartford. We were successful in that. We got a PLA at Adriaen’s Landing. We got local hiring language into that PLA and at the same time, we got $1.5 million to train Hartford residents.\textsuperscript{59}

\textsuperscript{55} CT OPM 2010, 6.
\textsuperscript{56} Ibid., 4.
\textsuperscript{57} Cashman, Shaun. Phone interview by author.
\textsuperscript{58} Ibid.
\textsuperscript{59} Rivera, Yolanda. Interview by author.
When asked how the Building Trades worked to build trust with community organizations in this coalition, Mr. Cashman explained, “We acknowledged the fact that they’ve had a tough time getting into the Trades, but we also let them know that part of our commitment was to actually make that happen.”

At the time, community-based organizations in the city had strong capacity both to organize and to train local residents for jobs. HART, “a coalition of neighborhood, church, tenant and issue groups,” had been advocating for jobs for local residents since the early 1990s. Their first campaign was directed at the Hartford Hospital. This campaign led to the establishment of a first-source hiring agreement with the hospital and the creation of a community hiring hall. They then worked in coalition with “many community groups, local corporations, and political officials” to secure a commitment from the city to hire local residents to do 30 percent of the work building the “Learning Corridor,” four schools in a 15-block area in one of Hartford’s poorest neighborhoods. “The agreement stipulated that the HART Job Center and the union hall would be the two sources for the local hires,” since the project also used a PLA. In order to get residents into apprenticeships with the Trades, HART began reaching out to local unions to determine what they were looking for in apprenticeship candidates. This experience built trust between some of the unions and community organizations in Hartford, and developed HART’s ability to screen candidates for the Trades. At the time though, “especially for minorities, their experience with the unions had been one of

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60 Ibid.
61 PolicyLink 2010.
62 Ibid.
63 Ranghelli 2002a, 29.
discrimination and isolation and exclusion, so there wasn’t much support out there” for
the Trades.\textsuperscript{64}

After the unveiling of the “Six Pillars” plan, HART used its organizing power to
turn out 600 members for a meeting with Arthur Anderson, the chairman of CCEDA.
According to a 2002 evaluation of the campaign, “On the hot seat, Anderson agreed to 30
percent local hiring for the six pillars.”\textsuperscript{65} Mary Ann Hanley, a member of the CCEDA
Board since 1998, remembered, “The seven member board felt very strongly that in
addition to all of this infrastructure – and it was about a $1 billion being invested over the
years from the state – that Hartford residents should get jobs.”\textsuperscript{66} Mr. Anderson had been
an affordable housing developer in Hartford, was semi-retired at the time and was very
committed to the city. According to Ms. Hanley, Mr. Anderson was instrumental in
meeting with all of the community organizations to find out “what we could create or
how they could get people trained so that they could work on the jobs both in the
construction field and afterwards as jobs came on line.”\textsuperscript{67}

\textbf{Sound Transit (Washington State)}

Sound Transit, a regional transit authority, was created by the state of Washington
“to build a mass transit system that connects major regional job and housing centers in
King, Pierce and Snohomish counties.”\textsuperscript{68} In 1996, voters approved a ten-year plan that
included the development of a commuter and light link rail system. “Central Link,”
which connects downtown Seattle with Sea-Tac Airport, was the agency’s first major

\textsuperscript{64} Rivera, Yolanda. Interview by author.
\textsuperscript{65} Ranghelli 2002a, 30.
\textsuperscript{66} Hanley, Mary Ann. Interview by author.
\textsuperscript{67} Ibid.
\textsuperscript{68} Sound Transit 2010a.
project. This light rail line opened to the public between July and December 2009. All of the work in this phase of the project was located in King County, WA.

The population of King County has been growing by about 200,000 people every ten years since 1990. In 1990, the population was 1,507,319. By 2000, it was 1,737,034, and in 2009, the Census Bureau estimates it was 1,916,441. It is by far the largest county in Washington State. In 2000, 75.7 percent of the county’s population was white, 10.8 percent was Asian, and 5.4 was black. Latinos made up 5.5 percent of the population. The median household income in 1999 was $53,157 – twice that of Hartford and Newark; 8.4 percent of individuals lived below the poverty line. Of those over 16 years of age, 70.1 percent were in the labor force in 2000.69

The local construction market was booming in 1999, when the Board of Sound Transit passed Resolution No. R99-21

Establishing intent to use project labor agreements for a portion of Sound Transit construction contracts, to include community participation in the formation, monitoring and oversight of such project labor agreements, and to include apprenticeship requirements on construction contracts of a certain dollar amount where project labor agreements are not used.70

Multiple projects were coming online. The county was building a wastewater treatment plant, the state had a highway bond issue, the City of Seattle had ongoing projects, the biotech industry was expanding, and so was Microsoft. “There was hardly anyone on the bench.”71

The Legacy of Equality Leadership and Organizing (LELO), an advocacy organization, saw this project as an opportunity to get people of color into the Building Trades. Something they had tried to accomplish in the past. In the late 1960s, when black

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69 U.S. Census Bureau 2010.
70 Sound Transit et al. 1999, 1.
71 Mowat, Greg. Phone interview by author.
residents and contractors were unable to get work on Model Cities projects, Tyree Scott, a cofounder of LELO, organized the Central Contractors Association. CCA protests closed down every federal construction site in the city from August through September 1969. These protests often became violent as furious, out-of-work Trades members attacked unemployed, African American job seekers. These protests led to a Department of Justice lawsuit against the Trades that resulted in a court order mandating that African-Americans comprise thirty percent of each apprenticeship class. In 1970, Mr. Scott broke away from CCA and founded the United Construction Workers Association (UCWA), to advocate for black construction workers and ensure the court order was enforced. In 1973, UCWA joined with the Alaska Cannery Workers Association, and the Northwest Chapter of United Farm Workers to found LELO. The organization mainly focused on filing class action lawsuits to integrate the Trades. In the early 1980’s, after the original court order expired, LELO began to shift its attention to union democracy campaigns. These actions were effective in getting people of color into the unions, and even into positions of leadership. They also served to create tension between LELO and the Trades.

In the tight labor market of the late 1990s, the animosity had diminished. Mr. Woo, the former executive director of LELO, recalled, “Folks who had entered the Trades in the 1970s and early 1980s had stopped being activists or were just getting old.” The unions and their apprenticeship committees had reverted back to some of their more traditional, exclusionary practices, “because they weren’t being engaged by the community.” Without strong relationships to the unions, leaders of LELO decided to

72 Griffey 2010.
73 Woo, Michael. Phone interview by author.
74 Ibid.
75 Ibid.
organize a coalition of faith-based and community organizations to advocate for local residents' participation on the Central Link project. Mr. Woo explained, “When we saw a multi-billion dollar project coming through the heart of the community – right down Martin Luther King Avenue – we knew we had to do something....We decided, we don’t care where you build it, we want jobs.”

The Fairness and Access to Sound Transit Jobs Coalition (FAST Jobs or FJC) used community-organizing techniques to turn out “dozens” to testify at Sound Transit Board meetings. Many of their talking points and recommendations were influenced by what they had learned from the organizers of the Alameda Corridor Jobs Coalition in Los Angeles. (The Annie E. Casey Foundation gave LELO a grant early on to send several of its members to L.A. to learn about how that coalition had leveraged a local transportation project to address social equity issues.) LELO was bolstered by the support of local pre-apprenticeship training programs, including the Seattle Vocational Institute.

Seattle’s unions have a reputation for being both strong and progressive. In the early 1990’s, PLAs for other projects, including the Port of Seattle, had included goals for the use of apprentices in order to expand access to the Trades. Community organizations had been involved in developing this language. When asked why the Trades were open to these goals, Lee Newgent, assistant to the executive secretary of the Seattle Building and Construction Trades Council, responded that unions need community support in order to “build the strength of the union, not just to get approval of the project.”

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76 Ibid.  
77 Ibid.  
78 Newgent, Lee. Phone interview by author.
Community support was an important factor in persuading the Sound Transit Board to approve the use of a PLA on the project. The 18-member Board of Directors is composed of the Secretary of the Washington State Department of Transportation and 17 elected officials from the three counties. According to Diane Davies, the current interim program coordinator of the Seattle Vocational Institute and a former consultant to Sound Transit, some of the Board members were very pro-labor and wanted community-hiring provisions to be included in the agreement, but “it wasn’t a shoe-in.” Michael Woo remembers, “Anti-union officials were listening to the contractors who were saying, ‘PLAs aren’t constitutional.’ Small contractors of color were against it because they don’t trust unions – ‘they didn’t do anything for them.’” The unions responded that a PLA was the only way to be assured the project would be built with skilled labor, and would be completed on time and on budget. Mr. Woo found that, “no one was saying, ‘These jobs will be open to communities of color.’” FJC insisted that this had to be a component of the project. “When it came time to vote on the PLA, [the resolution’s passage] came down to votes from Board members who felt that there was a social equity opportunity with a PLA.” In addition to including supportive language in the resolution, the Board did something unique. It required that FJC be represented in the PLA negotiations. While the Trades appreciated FJC’s support for the PLA, according to Mr. Woo, they did not go out of their way to work with FJC during the PLA negotiations. In fact, FJC caucused with Sound Transit, not the Trades during these negotiations.

79 Sound Transit 2010b.
80 Davies, Diane. Phone interview by author.
81 Woo, Michael. Phone interview by author.
82 Ibid.
New Jersey School Development Agency (Newark, NJ)

In 2000, the state of New Jersey enacted a law to invest $8.6 billion in building and rehabilitating schools in poor, urban districts. The Educational Facilities Construction and Financing Act was a response to a 1998 New Jersey Supreme Court decision that found the state had an obligation "to correct code violations, to eliminate overcrowding, and to provide adequate space for all educational programs in [these] schools."\(^{83}\) While funds were allocated to districts across the state, few seized on the opportunity to use these projects to expand access to jobs for local residents. Community organizations in Newark had the most success in doing this.\(^{84}\) While this was a statewide PLA, I focused on understanding how the agreement was successfully implemented in Essex County/Newark.

The population of Essex County has fluctuated over the past nineteen years. In 1990, it was 778,206; by 2000, it had grown to 793,633; however in the past nine years, the Census Bureau projects that it has fallen to 769,644.\(^{85}\) Essex County is the third largest county in New Jersey. It is 44.5 percent white and 41.2 percent black. Latinos make up 15.4 percent of the population. In 2000, the city of Newark had a total population of 273,546. The city was 26.5 percent white, 53.5 percent black, and 29.5 percent Latino. Whereas the median household income in the county was $44,944 in 1999, in the city it was $26,913. Nearly twice as many individuals lived below the poverty level in Newark as compared to the county. In 1999, the city’s labor force participation rate was 52.7 percent; the county’s was 61 percent.

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\(^{83}\) Education Law Center 2009.  
\(^{84}\) Long, E. Tracie. Phone interview by author.  
\(^{85}\) U.S. Census Bureau 2010.
Unlike Hartford or Seattle, where the announcement of a new public building program precipitated an organizing campaign, when the school construction project was announced in 2000, the New Jersey Institute for Social Justice (NJISJ), a social justice “think and do tank” established in 1999, began developing a programmatic response.\footnote{NJISJ 2009.} They built a consortium of “unions, contractors, local government, schools and community-based organizations” to develop and implement “a pilot program to prepare high school graduates and local residents to apply for formal apprenticeships in the construction trades.”\footnote{Payne and Fine 2001, 8 and 6-7.} Modeled after Construction Careers 2000, a successful pre-apprenticeship program in New York City, the program came to be called the Newark/Essex Construction Careers Consortium (N/ECCC).

In developing the pilot project, “critical lines of communication [were created] that did not previously exist” between N/ECCC members.\footnote{Ibid., 7.} Building Trades leaders “met this proposal with more enthusiasm” than others they had heard in the past, because “they asked us, ‘What do we need to do so that inner city people can get into the locals?’ This was a big change.”\footnote{Schwartz, Marty. Phone interview with author.} From the Trades’ perspective, community organizations had only reached out to them in the past to ask that they lower their entrance requirements—standards they see as essential to having a successful career in the Trades.

Progress on the school construction project was held up at the state level until 2001 when James McGreevey, a Democrat, was elected governor. His first executive order was to encourage project labor agreements on public works projects over $5
million. In terms of job access, "The Act...requires each agreement to achieve employment and apprenticeship shares for minorities and women in conformance with applicable requirements." In July 2002, McGreevey issued an executive order creating the School Construction Corporation (SCC).

With funding in place and construction moving forward, the Building Trades negotiated a PLA with SCC in 2003. As this agreement was being developed, a consultant facilitated discussions between the Building Trades, SCC, the Department of Treasury, the Department of Labor, contractors and community-based organizations, including NJISJ. During these discussions NJISJ focused on the need for language around the use of apprentices. This argument was justified by the tight labor market for construction workers, the aging of the Building Trades’ membership, and the need for jobs in poor communities – where the bulk of the work would occur. NJISJ was able to point to the success of their 2001 pilot program to make the case that local residents could be trained as apprentices. Ellen Brown, the chief operating officer for NJISJ, does not remember any fights between the Trades and advocates during these meetings. The apprentice utilization language was not a contentious issue. Other agreements in New York City and Philadelphia had included goals around the use of apprentices. According to Ms. Brown, a precedent had been set. The heads of the SCC and the Building Trades "knew it was coming."

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90 Organized labor had unified behind his candidacy. A similar executive order had been in effect from 1993-1994 under Governor James Florio, also a Democrat. Jackson 2001.
91 NJDLWD 2006, 4.
92 Brown, Ellen. Phone interview by author.
93 Ibid.
Los Angeles Unified School District

Los Angeles County is the largest county in California. Its population has grown from 8.86 million in 1990 to 9.5 million in 2000 to an estimated 9.8 million in 2009. In the mid 1990’s the Los Angeles Unified School District (LAUSD) began a multi-year plan to address overcrowding in its schools. The New School Construction Program that resulted is funded by state and local bond issues. The program has grown over time and now stands to invest over $27 billion in district schools. Materials from LAUSD claim, “The school construction program is not only the largest school building program in the United States, but is also the largest in the nation’s history…. [It] is comparable or larger than the investment in the Tennessee Valley Authority during the Great Depression.”

In addition to being large, Los Angeles is also a very diverse county. In 2000, the population was 48.7 percent white, 9.8 percent black, and 11.9 percent Asian. The share of Latinos (of any race) was 44.6 percent. In 1999, the median household income was $42,189. Individuals living below the poverty level made up 17.9 percent of the county’s population. The county’s labor force participation rate was 60.5 percent.

New School Construction work has been covered by a PLA – referred to as a Project Stabilization Agreement (PSA) for public relations purposes – since 1999. This agreement and its successors include goals for local hiring. Unlike the other three projects, community organizations were not particularly instrumental in advocating for these goals. Rather, the Building Trades Council negotiated the agreement directly with the School District. According to Richard Slawson, executive secretary of the Los

94 U.S. Census Bureau 2010.
95 UCLA 2008, 11.
96 LAUSD Facilities Division 2010.
97 U.S. Census Bureau 2010.
Angeles/Orange Counties Building and Construction Trades Council (the Council), when the unions first met with the School Board in 1997, they discussed the School Board’s goals, which included economic savings, high-quality construction, on-time completion and local hiring. The Council saw the local hiring provision as a benefit to both the School District and its member unions. Mr. Slawson explained, “We are a part of the community. Our members live here. The way local hire works, if your members live in the goal area, they count, and public agencies benefit by having taxpayers work on the projects they are paying for.”98 The strength of the Building Trades, and the pro-labor stance of many elected officials contributed to the sides seeing eye-to-eye.

Legal challenges to other PLAs in California held up the negotiations until 1999, when the first LAUSD agreement was ratified. The agreement was renegotiated in 2003 – one year after voters authorized $7 billion in school construction bonds. Jess Womack, former Deputy General Counsel, LAUSD, negotiated the PSA for the District. He explained that the bond authorization had taken a lot of political capital. “There were a lot of people who had an interest in the agreement,” including politicians and community organizations. Mr. Womack and the School District came to see the project as about more than just building schools; it was also about jobs. In order to create a pipeline of workers to meet the PSA’s local hiring goals, they added language to the 2003 agreement to create an internal pre-apprenticeship program for the District.

Comparison of the Case Study Contexts

As the four case studies show, targeted hiring goals have been negotiated into project labor agreements by a variety of actors. In Hartford, a community-labor coalition

98 Slawson, Richard. Interview by author.
used grassroots organizing and political lobbying to make the case for both a PLA and targeted hiring goals. Community organizations had some experience negotiating with the Building Trades, and had begun to establish trust with them. In King County, unions and community organizations ran separate, parallel campaigns – the former in support of a PLA, the latter in support of both a PLA and jobs for the community. But LELO was familiar with the language of lawsuits, not contracts. Moreover, these organizations had a long history, but lacked trust. The New Jersey Schools Development Authority PLA was influenced by a local nonprofit’s pilot program, which built relationships and proved that residents could be trained for apprenticeships in the Trades. NJISJ was a new organization at the time, which may have helped them establish a relationship with the Trades. In Los Angeles, targeted hiring language was introduced without a well-coordinated “bottom up” organizing campaign. Rather, union and agency leadership saw mutual gains to be had in the proposition. In all of the cases, unions were critical in lobbying for the PLAs. The political climate was helpful in New Jersey and L.A.; however, less favorable environments did not prevent the Adriaen’s Landing or Sound Transit projects from negotiating PLAs with targeted hiring language.

One factor not discussed by Garland and Suafai is whether the demographics of an area affect the likelihood that a PLA will have targeted hiring goals. Although a sample size of four is too small from which to make generalizations, it seems significant that these agreements were negotiated in places where minorities and low-income people comprise very different shares of the population.
Table 2.3: Characteristics of the population in case study areas

<table>
<thead>
<tr>
<th></th>
<th>National Average</th>
<th>Hartford, CT</th>
<th>King County, WA</th>
<th>Newark, NJ</th>
<th>Los Angeles County, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population (2000)</td>
<td>–</td>
<td>121,578</td>
<td>1,737,034</td>
<td>793,633</td>
<td>9,519,338</td>
</tr>
<tr>
<td>Median Household Income (1999)</td>
<td>$41,994</td>
<td>$24,820</td>
<td>$53,157</td>
<td>$26,913</td>
<td>$42,189</td>
</tr>
<tr>
<td>Individuals Living in Poverty (2000)</td>
<td>12.4%</td>
<td>30.6%</td>
<td>8.4%</td>
<td>28.4%</td>
<td>17.9%</td>
</tr>
<tr>
<td>Labor force participation rate</td>
<td>63.9%</td>
<td>56.9%</td>
<td>70.1%</td>
<td>52.7%</td>
<td>60.5%</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>75.1%</td>
<td>27.7%</td>
<td>75.7%</td>
<td>26.5%</td>
<td>48.7%</td>
</tr>
<tr>
<td>Black</td>
<td>12.3%</td>
<td>38.1%</td>
<td>5.4%</td>
<td>53.5%</td>
<td>9.8%</td>
</tr>
<tr>
<td>Asian</td>
<td>3.6%</td>
<td>1.6%</td>
<td>10.8%</td>
<td>1.2%</td>
<td>11.9%</td>
</tr>
<tr>
<td>Some other race</td>
<td>5.5%</td>
<td>26.5%</td>
<td>2.6%</td>
<td>14.0%</td>
<td>23.5%</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Latino (of any race)</td>
<td>12.5%</td>
<td>40.5%</td>
<td>5.5%</td>
<td>29.5%</td>
<td>44.6%</td>
</tr>
</tbody>
</table>


The Goals

While I borrow the term “targeted hiring goal” from Mulligan-Hansel to speak broadly about hiring goals based on geography, race and ethnicity, gender, income or experience, in practice, apprentice utilization goals – goals based on experience – are very different from the rest. These goals, particularly ones concerning the number of hours worked by first-year apprentices, require unions to admit new members. As such, they hold the greatest potential to expand job access on publicly funded projects. In theory, unions can meet the other goals with less effort. Provided their members live within the target area or are part of a target demographic, when a contractor calls the union’s hiring hall and asks for a person who will help them meet their hiring goals, the
union simply dispatches a current member who fits the description to the job. This is legal, and custom, for unions in three of the four case studies. 99

Apprentice utilization goals were included in three of the four agreements I studied. Sound Transit, NJSDA and LAUSD went further to include language pertaining to the use or demographics of first-year apprentices. Only Sound Transit, however, collected data on these goals. Half of the agreements targeted workers by geography, while three out of four set goals for the use of minority and female workers.

Table 2.4: Hiring goals set in PLAs and outcomes to date (percent)

<table>
<thead>
<tr>
<th></th>
<th>Adriaen's Landing</th>
<th>Sound Transit</th>
<th>NJ SDA/Newark</th>
<th>LAUSD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Total Hours Worked)</td>
<td>(Total Hours Worked)</td>
<td>(Total Hours Worked)</td>
<td>(Total Workforce)</td>
</tr>
<tr>
<td>Local</td>
<td>Goal</td>
<td>Outcomes</td>
<td>Goal</td>
<td>Outcomes</td>
</tr>
<tr>
<td>Minority</td>
<td>30</td>
<td>15.1</td>
<td>21</td>
<td>23</td>
</tr>
<tr>
<td>Female</td>
<td>6.9</td>
<td>2.09</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>Apprentice</td>
<td>-</td>
<td>-</td>
<td>20</td>
<td>13.8</td>
</tr>
<tr>
<td>Minority</td>
<td>-</td>
<td>-</td>
<td>33</td>
<td>26-27</td>
</tr>
<tr>
<td>Female</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>50</td>
</tr>
<tr>
<td>First-year</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Minority</td>
<td>-</td>
<td>-</td>
<td>50</td>
<td>40-50</td>
</tr>
<tr>
<td>Female</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
</tbody>
</table>

Given the fact that different agreements set different kinds of targets, it is challenging to compare them to each other. LAUSD’s agreement sets a higher local hiring goal than Adriaen’s Landing, and has come closer to meeting it. Mr. Slawson explained that the goals were based on the past experience of the unions and their expected workload in the future. “It wasn’t picked out of the air.” 100 The goals were discussed and agreed upon at the bargaining table. The LAUSD PLA includes an

99 A 1970s court order made this practice illegal in Seattle. Unions must dispatch people to jobs in the order in which they are listed on the out-of-work list.

100 Ibid.
additional hiring goal of 30 percent of workers from specific, District-targeted zip codes, but this language was “too complex,” and to Mr. Womack’s recollection, was never used.\textsuperscript{101} Since 2004, 38 percent of workers on LAUSD projects have been local District residents, and 67 percent have been local residents of LA County. In 2008, 41 percent of apprentices, 39 percent of journeyworkers and 23 percent of foremen were local hires.\textsuperscript{102} In Hartford, local residents have worked 15.1 percent of all hours on completed projects.\textsuperscript{103} No breakout was available of the share of local hours worked by skill. Both Adriaen’s Landing and LAUSD have dedicated staff and well-organized pre-apprenticeship training programs, but they differ greatly in their monitoring and enforcement mechanisms. These differences are discussed in Chapter 4.

Agreements with goals based on race or ethnicity have all come close or surpassed the numbers set in the PLAs. Newark’s goal of 53 percent of hours worked by minorities is the highest of this category of goals. This number is based on a federal EEO target for the county, and was not set during the PLA negotiations. Figure 2.1 illustrates the total hours worked on NJSDA projects in the four counties where the largest amount of work has taken place to date. These four counties represent 88 percent of the total hours worked across the state. Atlantic County’s EEO goal for minority hours worked is 18 percent (significantly lower than Essex County’s), and projects in the county have also fallen slightly short of the county’s EEO goal. Monmouth and Camden Counties both have lower EEO goals than Essex County. They surpassed their goals for minority hours worked, but received less school spending from the state.

\textsuperscript{101} Womack, Jess. Phone interview by author.
\textsuperscript{102} UCLA 2008, 25.
\textsuperscript{103} CT OPM 2010, 32.
Figure 2.1: Total hours worked, goals for minority hours worked and actual minority hours worked in four counties from January 2003 through February 2010

Source: Unpublished data provided by the NJ Schools Development Authority.

Using federal EEO targets as a measure by which to compare the “reasonableness” of locally negotiated goals, and their progress to date, Sound Transit’s goal of at least 21 percent of hours worked by minorities is lower than the 2000 EEO target of 25 percent for King County. The project has cumulatively reached 23 percent since 1999. Adriaen’s Landing’s goal of 15 percent minority work hours is slightly lower than the EEO target of 19 percent. Yet, the project has surpassed both with 25 percent of hours worked by minorities since 1999. The LAUSD agreement is silent on goals based on race or ethnicity, but for reference the EEO’s target for “construction and extractive craft workers” in Los Angeles County is 68 percent. If proportional representation is the goal, it appears that the locally set targets for minorities are reasonable—certainly not aggressive.

Sound Transit is the only agreement to include a goal for women’s employment that is higher than the EEO target of 6.9 percent. The project has come remarkably close to meeting its goal, particularly when compared to the outcomes of the other projects.

LAUSD sets the highest target for work to be done by apprentices and accompanies it with a subgoal for first-year apprentices. To date, the project has met the overall goal for work performed by apprentices. The Sound Transit PLA sets sub-goals for total work hours to be completed by apprentices and first-year apprentices, because as Mr. Woo explained, “We knew what happened with the court order. You can bring in workers, but if they don’t work, it doesn’t mean anything.” The Central Link project has met or surpassed the subgoals set in the PLA, but has fallen short of the overall goal for apprentice utilization.

The NJSDA agreement includes goals for the use of apprentices and the demographics of apprentices. The overall goal of 25 percent apprentice utilization was based on the average apprentice to journeyman ratio for the local Trades. Marty Schwartz, President of the Essex County Building and Construction Trades Council, recalled that the goal was “not extremely high or low.” The goal was paired with funding for training of minority and female residents of the 31 districts where schools were to be built or repaired. In effect, this made apprentice utilization a de facto goal for the hiring of women and minorities. Ms. Brown, NJISJ, explained that the goal for first-year apprentices acts as a proxy for “local hire,” because unions generally do not dispatch first-year apprentices to projects far from the union’s training facility since first-year

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105 Woo, Michael. Phone interview by author.
106 In each state, the state labor department sets the maximum ratio of apprentices to journey workers that a contractor can have by craft.
107 Schwartz, Marty. Phone interview by author.
apprentices have to take classes several nights a week after work.\textsuperscript{108} The New Jersey Schools Development Authority does not collect data on the use of apprentices by county, but in 2007 apprentices worked more hours on NJSDA funded projects with PLAs than NJSDA projects without PLAs (11.7 versus 8.7 percent).\textsuperscript{109}

In addition to these more common goals, the NJSDA and Sound Transit agreements include unique language intended to expand access to jobs in the Trades. In New Jersey, the agreement created a category of “Apprentice Equivalents” that contractors could use if unions were unable to send qualified minorities or women from their hiring halls. This provision permitted contractors to hire minorities and women who had been trained, but were not members of a union. This provision was not widely used. Mr. Schwartz explained, “It was put in because people thought it would create an avenue...It puts people to work. It’s an avenue, but it’s not equivalent.” To make his point, he cited an example of a PLA in Washington, DC that had included similar language. At the end of the project, the people who had worked as apprentice equivalents became maintenance workers in the building—not members of the Building Trades. In addition, he said that contractors were uncomfortable with the language, because there was a risk that since these workers were not indentured apprentices, they could argue to be paid the journey worker’s rate on prevailing wage projects.\textsuperscript{110}

Language in Sound Transit’s PLA went a step further to create a “direct hire” provision, which required unions to accept people into their apprenticeship programs if a contractor sponsored them and committed to employ them for six months. Greg Mowat, a

\textsuperscript{108} Brown, Ellen. Phone interview by author. \\
\textsuperscript{109} NJDLWD 2009, 13. \\
\textsuperscript{110} The Davis-Bacon Act, which established the use of prevailing wages on federally funded construction projects, allows apprentices to be paid lower rates than journey workers.
labor agreement specialist at Sound Transit, estimates that 45 minorities or women were hired through this system, and that about half are still apprentices or journey workers. This program relied on community-based training organizations to identify unemployed or underemployed non-union construction workers. These candidates were put in a pool, and contractors interviewed them three at a time to determine whom they wanted to hire. Candidates who received commitments from contractors were moved ahead of people on the waiting list to become apprentices. They would start the union’s apprenticeship program and then be directly dispatched to work on the Central Link project. This language was effective at getting additional women and minorities into the Trades. It also proved to be a source of tension throughout the project.

With the exception of these two provisions, the Building Trades reported feeling comfortable in all four instances with the goals set in the PLAs. They knew they were going to have a significant increase in work, and they were willing to share the opportunity with new members whom they would select. While the projects have fallen short in some categories, they have been quite successful relative to their respective hiring goals. Overall, LAUSD appears to have been the most successful at creating opportunities for new, local workers in the Trades. I explore the reasons for its success in the following chapters.

From Negotiation to Implementation: A Set of Hypotheses

On paper, a PLA with targeted hiring goals can challenge unions to expand access to their apprenticeship programs and create requirements for contractors to abide by. It can even spell out how a training program should be funded. Whether a project meets its goals, though, depends on more than the language of the agreement. The systems that are
established to train potential apprentices and monitor the agreement, the resources that are dedicated to these systems, and the political environment all interact with each other and shape the hiring practices of unions and contractors.

Building on the interests of the actors involved in the negotiation of the agreements, I hypothesize that community capacity, the formal political climate, the relationship between local unions and the community, and the local demand for construction workers all have an effect not only on the negotiation, but also on the successful implementation of PLAs with targeted hiring goals. Changes in these elements influence the political will of project owners as they monitor and enforce the agreement.

I hypothesize that union density, project size and the parties’ past negotiation experience are less instrumental once an agreement has been signed. Under most circumstances, union density does not fluctuate significantly over the life of a project. While changes to the size of a project may affect the total number of hours worked by targeted populations, it should not necessarily have an effect on the share of hours worked by these groups. As work begins on the project, negotiations surely continue as questions arise over how unions will interact with training programs, or how a contractor’s noncompliance will be handled; however, the language of the agreement, and the relationships between local unions, contractors and the community are more instrumental in determining how these conflicts are resolved than the negotiations experience of each group per se.

There are two reasons why I expect community capacity to have a positive relationship with a project reaching its targeted hiring goals. First, the better established the organizations are, the more likely they are to have paid staff that can monitor the
implementation of the agreement. Second, these organizations may already run job-training programs that can be adapted to prepare local residents to work in the construction trades. Through this work they may already have established the trust of community members, and in some cases, contractors and unions.

Changes in the formal political sphere can have a direct impact on a public agency’s commitment to monitoring and enforcing targeted hiring goals. Depending on the change, resources may be added or taken away. Agencies or administrations that are committed to job access for disadvantaged workers may commit resources to pre-apprenticeship programs or other types of supports that could contribute to higher utilization of disadvantaged workers on a project. Unions may feel more of an obligation to comply with targeted hiring goals if they know they are a priority of elected officials, especially if they are concerned about getting PLAs on future projects. When anti-union lawmakers are in power, unions may align closely with community organizations and exert a greater effort in reaching an agreement’s hiring goals, since they may foresee needing the support of a coalition to win PLAs in the future.

Because hiring goals are voluntary, the relationship between local unions and the community continues to be of great importance during the implementation of these types of agreements. PLAs that were the product of an adversarial grassroots campaign may be strongly monitored by community organizations and thus lead to higher rates of employment for target populations. On the other hand, unions may resist “being forced” to follow rules they never fully bought into, as in the Sound Transit agreement. Negotiations in which unions and community organizations jointly proposed the targets to a public agency, (e.g., the Hartford scenario), may be the most successful of all. In
general, I would expect projects in places where trust continues to be built to have more success reaching their goals.

I expect that local demand for construction workers also has an effect on whether agreements reach their goals—particularly if the goals are related to apprentice hours worked. When the economy is strong, and the market for skilled labor is tight, unions are more likely to accept new apprentices. In terms of goals for local, minority or female hours worked, during strong labor markets, projects may fall short of their goals if the current union membership does not include many people from targeted populations, and unions are unable to identify and train new apprentices from these groups. They may also fall short of their goals if members from these groups are employed on other projects in the area.

I was unable to measure or test three variables that likely play a role in a project’s achievement of targeted hiring goals. One is the average size of contractors on a project. Researchers at UCLA who examined the outcomes of three PLAs in Los Angeles found that “large subcontractors and general contractors disproportionately assumed responsibility for meeting local apprentice and journey worker hiring goals.” This makes sense since smaller contractors are more likely to have a “core” crew that they work with on a regular basis. Most PLAs include language allowing smaller contractors to bring a set number of “core employees” on to a project before having to hire from the union hall. The more small contractors that work on a job, the fewer slots available to place apprentice or journey-level workers from the union. Projects that have a high proportion of large general contractors and subcontractors may come closer to reaching

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111 UCLA Labor Center 2008, 3.
their goals than projects that use many small contractors. I was unable to obtain data to test this hypothesis.

I was also unable to gather data on the racial and ethnic composition of the Building Trades in the four case study areas. Where the Building Trades’ existing membership is already diverse, projects are likely to have more success in meeting minority and female hiring goals, than projects in places where the Trades must bring on new apprentices in order to meet these goals. Without this data, I cannot determine if projects with goals based on geography, race or gender increased access to jobs for new workers from historically excluded groups, or if it put current union members from these groups to work. The goals based on local hiring are particularly challenging to draw conclusions from, because geography and race do not always neatly overlap. While only one quarter of residents in Hartford and less than one half of residents in Los Angeles are white, in theory, unions could only accept white members from these cities, dispatch them to projects and meet the agreements’ local hiring goals. This is an unlikely scenario, but without data, it is impossible to prove that local goals expand access to disadvantaged workers.

The third variable that I was unable to test is the organizational culture of the local unions. I interviewed high-level local union officials, not rank-and-file members. If the culture of the membership is hostile to women and minorities, and this leads them to quit their apprenticeship or to tell others that the pre-apprenticeship training is not worth the effort, the project will not meet its goals. Without interviewing current and former union members, I have no way of knowing to what degree organizational culture affects the outcomes of these projects.
Having laid out the environment in which these agreements were negotiated and the goals that were set, in the following two chapters I turn to the implementation of the agreements. I explore how the language of the agreement, the resources devoted to the project and the aforementioned political and economic variables affected how people were trained and how the agreements were monitored and enforced.
Chapter 4
Building Systems to Facilitate Targeted Hiring: Training

In each of the four case studies, the Building Trades recognized that in order to meet their hiring goals, they would have to accept some new members. Recruiting minority and female members can be challenging for the Building Trades, given their history and reputation for discrimination. As one union leader explained, “Most people don’t understand how we operate. It’s our fault. There was a father-son relationship in the 50’s and 60’s. Why? Because people take care of their own. That’s how it was and that’s how it is.” Without a friend or relative who is a member, the apprenticeship system can be a difficult system to decipher. Different trades have different tests and standards that applicants must meet. Some unions accept applications on a rolling basis, while others only offer tests at certain times of the year. This situation creates a self-reinforcing cycle where past discrimination leads to few ties between the Trades and minority communities. This is a problem because “weak tie social networks” are an important source of information for job seekers.\textsuperscript{112} In reviewing the existing body of research on this topic, planner Karen Chapple argues that, “For many, access to jobs is not just about overcoming physical barriers and matching personal skills to employer needs, but requires strengthening the social institutions that manage connections between employers and jobseekers.”\textsuperscript{113} Pre-apprenticeship programs like the Jobs Funnel in Hartford, N/ECCC in Newark, We Build in Los Angeles, and the Seattle Vocational Institute in Seattle have

\textsuperscript{112} Chapple 2006, 324.
\textsuperscript{113} Chapple 2006, 324.
succeeded in filling this role by developing strong ties to unions and other organizations, which enable them to guide their graduates into apprenticeship programs and careers in the Trades. These types of programs succeed because they focus on both the skills needed by their students and the skills demanded by employers – in this case, unions. Unlike many poverty alleviation strategies that have “focused on perceived individual or community deficits,” these programs direct their attention at “changing the economic opportunity structure experienced in neighborhoods or cities” by linking “local people” to “regional jobs” through apprenticeships with the Trades.114 These programs break down information and skill barriers for individuals by shedding light on the apprenticeship system and preparing them for the application process.

Pre-apprenticeship Training Programs

In studying the implementation of targeted hiring language in different kinds of agreements, including PLAs, political scientist Kathleen Mulligan-Hansel found that the best programs involved “some combination of seven core components”: a pre-apprenticeship program; an agreement with the Trades to accept pre-apprenticeship program graduates; PLAs or other policies to help union contractors gain access to work; “clear requirements for local hiring and apprenticeship utilization;” support services for new apprentices; active monitoring of compliance; and penalties for noncompliance.115 She includes program funding, staffing and organizational partnerships as other keys to success.116

The four case studies measure up well with regards to these “best practices.” All of the PLAs included goals and language that unions would make good faith efforts to

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114 Bennett and Giloth 2007, 24.
116 Ibid., 8.
accept apprentices from training programs. Half of the projects designed new training programs for their efforts, while the other half created mechanisms to collect and disburse funds to existing pre-apprenticeship training providers. In all of the cases, wide networks of organizations were relied upon to provide support services to trainees and new apprentices. In general, program funding, staffing and organizational partnerships tended to start out strong and then fluctuate over time. These elements have been particularly sensitive to downturns in the economy. In the following sections I use information gathered through interviews and program evaluations to compare how the four projects addressed the need to train, place and support new workers in the Trades in order to meet their targeted hiring goals. I address the monitoring of compliance and enforcement tools in Chapter 5.

Program Design

Different funding mechanisms and the availability of existing resources influenced the design of each project’s pre-apprenticeship training system. The programs in Hartford and Newark grew out of coalitions that had supported including targeted hiring goals in the PLAs. The two projects run by school districts housed their training programs in vocational schools. The New Jersey Schools Development Authority, and Sound Transit contracted their training out to local unions and community-based organizations. The Hartford Jobs Funnel brought different providers in to prep students for working in different Trades.

Not long after funding was approved for the Adriaen’s Landing project, the CCEDA Board applied to the Hartford Foundation for Public Giving for a grant to determine what resources were available in the community, what skills were needed, and
what kinds of models already existed “so that we could invest in people.” This resulted in a request for proposals from organizations interested in running a job training and referral system in Hartford. PROGRESS, a coalition of community organizations including HART, applied and was awarded funding to develop a job referral system. Connecticut Light and Power was awarded a separate grant to provide hands-on training. In 2001, Yolanda Rivera worked with Connecticut Light and Power to combine both pieces into one program, thus creating the Hartford Jobs Funnel that exists today. The Jobs Funnel continues to be run by a consortium of organizations that receive multiple sources of funding to screen, test, train and place workers from the Hartford area into construction jobs. The Jobs Funnel operates as a program of the Capital Workforce Partners, the local Workforce Investment Board for the city of Hartford; however, it has its own separate Steering Committee that sets the Jobs Funnel’s policy and direction.

In Los Angeles, the size of the school construction project, its potential to create jobs, and the fact that “all of these groups, whether through unions or ethnic groups, had lobbied hard for the bonds” led LAUSD to negotiate provisions into its 2003 PSA to identify and promote, through cooperative efforts, programs and procedures (which may include, for example, programs to prepare persons for entrance into formal apprenticeship programs, or outreach programs to the community describing opportunities available as a result of the Project). This program was created in 2004 and is called “We Build.” It is based within LAUSD’s Facilities Division, and is focused solely on coordinating the training and monitoring of local workers on LAUSD projects.

117 Hanley, Mary Ann. Interview by author.
118 Rivera, Yolanda. Interview by author.
The training systems for Sound Transit and NJSDA are less centralized than the ones in Hartford or L.A. These programs collect funds and distribute them to outside training providers. The funding mechanism for the Regional Apprenticeship Preparation Integrated Delivery System (RAPID), Sound Transit’s pre-apprenticeship training initiative, was established through language in the PLA. It requires Sound Transit to contribute five cents per hour worked by covered employe into a fund to prepare “unemployed and underemployed people to compete for entry-level positions as apprentices” in the Trades. Sound Transit administers the distribution of these funds to service providers. Surveys of King County’s training landscape in 1998 and 2003 identified at least seven organizations that were dedicated to some aspect of supporting and training workers interested in obtaining apprenticeships with the Trades. Over the past eleven years, RAPID funds have been awarded to nine different CBOs to provide pre-apprenticeship training, retention support and on-site mentoring.

By New Jersey law, “one-half of one percent of construction dollars [on SDA projects] must be used to train individuals in the area of the building and construction trades.” These funds go toward the Construction Trades Training Program for Women and Minorities (CTTP-WM). The program is overseen by the Schools Development Authority, but is distributed by the Department of Labor and Workforce Development through grant competitions to organizations that develop trainings for women and minorities who live in the 31 “Abbott” school districts. The Newark/Essex

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120 Sound Transit et al. 1999, 12.
121 Port Jobs 2003, 1.
122 Mowat, Greg. Phone interview by author.
123 NJ Department of Labor and Workforce Development 2007, 10.
124 “Abbott” refers to the plaintiff in the lawsuit that resulted in the NJ Supreme Court decision that the state had a responsibility to fund renovations and new construction in poor, urban school districts.
Construction Careers Consortium (N/ECCC), a partnership between the New Jersey Institute for Social Justice, vocational schools, unions and community based organizations, used CTTP-WM funds as well as grants from other sources to operate their program.

Funding

As shown in Table 3.1, the level funding for these projects range from a high of over $1 million a year in New Jersey to a low of zero in Los Angeles (the LAUSD bond propositions prohibit funds from being used for anything but school construction). While the New Jersey SDA and Sound Transit programs are self-funded, the Hartford Jobs Funnel relies on a mix of revenue from the Connecticut Office of Workforce Competitiveness (65.92%), the local workforce investment board (14.78%) and a range of smaller grants from unions, employers and foundations.125

For training providers, it is not just the amount of funding that matters, but also the timing of it. The way a funding program is designed can affect the likelihood that work will still be available when program participants graduate and obtain apprenticeships. For example, a law had been on the books in New Jersey since the 1970’s requiring that projects shown to be out of compliance with EEO targets spend one-half of one percent of construction funds on training. This law had not been very helpful, since by the time a project was shown to be out of compliance and funds were allocated, the project was over. “To SCC’s credit,” remarked Ellen Brown, New Jersey Institute of Social Justice (NJISJ), “They knew that if you looked at the Trades, they

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125 Redstone Research LLC 2009, 64.
wouldn’t be in compliance,” so they made CTTP-WM funds available to train people before the school construction projects began. 126

Table 3.1: Funding and training outcomes for pre-apprenticeship programs

<table>
<thead>
<tr>
<th></th>
<th>Hartford Jobs Funnel</th>
<th>RAPID (Sound Transit)</th>
<th>CTTP-WM (NJ SDA)</th>
<th>We Build (LAUSD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding</td>
<td>$4,073,063 (from 7/2002-08)</td>
<td>$423,500 (from 2003-10)</td>
<td>$6,330,746 (from 2005-08)</td>
<td>$0 (from 2004-10)</td>
</tr>
<tr>
<td>Participants</td>
<td>3,581</td>
<td>3,600</td>
<td>1,758</td>
<td>Not Tracked</td>
</tr>
<tr>
<td>Number of Years Counted</td>
<td>6 years</td>
<td>7 years</td>
<td>9 years</td>
<td>6 years</td>
</tr>
<tr>
<td>Enrolled in Training</td>
<td>521</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>Completers</td>
<td>457</td>
<td>–</td>
<td>1,333</td>
<td>1,282</td>
</tr>
<tr>
<td>Drop Outs</td>
<td>3,124</td>
<td>–</td>
<td>425</td>
<td>–</td>
</tr>
<tr>
<td>Obtained Union Apprenticeships</td>
<td>413*</td>
<td>220</td>
<td>486</td>
<td>723</td>
</tr>
<tr>
<td>Share of Completers that Obtain Union Apprenticeships</td>
<td>90%</td>
<td>6%*</td>
<td>36%</td>
<td>56%</td>
</tr>
<tr>
<td>Obtained Non-Union Apprenticeships or Other Construction Placement</td>
<td>349*</td>
<td>–</td>
<td>270</td>
<td>46</td>
</tr>
<tr>
<td>Awaiting Apprenticeship Testing, Other Career Options, or Unknown Outcome</td>
<td>–</td>
<td>–</td>
<td>577</td>
<td>513</td>
</tr>
</tbody>
</table>

Notes: Hartford's placements have not been un-duplicated due to data limitations. Sound Transit's “share of completers that obtain union apprenticeships" uses the number of participants as the numerator due to a lack of data on the number of people who complete the program.

The timing of funding was also an issue for the Sound Transit project. The Board frontloaded funding for the RAPID program in 2003 and 2004, but then decided to wait until the fund had been reimbursed to release any additional RFPs. 127 This hiatus between 2005 and 2008 may be part of the reason why the project has fallen short of its apprentice utilization goal. Overall, Lee Newgent, Executive Secretary, Seattle/King County Building Construction Trade Council, did not think that that the RAPID program made

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126 Brown, Ellen. Phone interview by author.
127 Mowat, Greg. Phone interview by author.
much of an impact on the budgets of pre-apprenticeship programs in the area. He gave
the example that if a program had a budget of $250,000, and “they get $20,000 from
RAPID, it’s a lot.” 128

Curriculum Development

In each city, representatives from the Building Trades were actively involved in
developing and vetting training curricula with local pre-apprenticeship programs. Union
leaders were clear in my conversations with them that pre-apprenticeship training is
completely distinct from the training that happens in union apprenticeship programs.
Unions teach apprentices their trade. The pre-apprenticeship programs help potential
applicants understand the apprenticeship process, get an overview of the Trades and
develop their reading, math and interview skills in preparation for union entrance exams.
A national survey of pre-apprenticeship programs by Conway and Gerber found that most
training programs provide introductory information about the industry, “job-readiness
training, technical/vocational training and occupation-specific training.” 129 These
elements were common to all four sites.

Similar to the situation in Newark, where NJISJ approached the Building Trades
to ask what they were looking for in apprentices before collaboratively designing their
pilot project, LAUSD brought local union apprenticeship coordinators together in April
2004 to present projections of the number of work hours that would be created by the
latest bond issue, and the labor shortage that would ensue. They then asked what the
unions wanted in terms of a training program. Prior to 2004, LAUSD’s Division of Adult
and Career Education had run a 1,200-hour construction training program. The unions did

128 Newgent, Lee. Phone interview by author.
129 Conway and Gerber 2009, 19.
not like it, because it competed with their apprenticeship programs. They encouraged LAUSD to streamline their program to focus on safety, soft skills, basic identification of tools and an overview the different Trades. LAUSD took their advice and created We Build. The program is 300 hours long, and has been approved by the state and union apprenticeship programs. Over time, they added the 10-hour OSHA training to make We Build graduates “more competitive than the person off of the street.”130 A 10-week version of the course is offered at six schools across the District, and Century Community Training Program offers an eight-week version of the program.

The two other programs that had a uniform curriculum to some degree – Hartford and Newark – were similarly focused on job readiness, soft skills, basic math, reading and critical thinking. The N/ECCC program lasted approximately 100 hours, and was offered three times a year with 30-40 students in each class. Each trainee picked three trades that they wanted to apply for and developed a plan for each.131

The Hartford Jobs Funnel is not set up like a traditional training program with limited class sizes and eligibility requirements. Rather, the program is designed to “meet people where they are.” Orientations are held every Friday at 10 AM. The Test of Adult Basic Education (TABE) is administered by a partner organization every Tuesday. Participants who score over an 8th grade reading and math level are directed to the program’s pre-employment workshop, which lasts 20 hours over the course of four days. Participants who complete the four days go on to pre-apprenticeship and customized training programs that are run by a variety of organizations and can last between 40 and

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130 Barragan, Anabel. Phone interview by author.
131 Brown, Ellen. Phone interview by author.
420 hours.\textsuperscript{132} In Newark and in most of Hartford’s training programs, participants receive small stipends to cover the cost of attendance; LAUSD’s program is unpaid. Job coaching is a component of both the N/ECCC and Jobs Funnel programs.

**Outreach**

When asked if it was difficult to find candidates, people involved with the projects in New Jersey, Hartford and L.A. all expressed that while it was hard to find people at first, “Once people saw it was a truthful program that people could get jobs from, then it was a success.”\textsuperscript{133} In Newark, N/ECCC had to break down the perception that “construction was for losers, instead of responsible work that requires study and motivation.”\textsuperscript{134} Staff from the program met with school counselors to describe the skills that apprenticeship programs look for and the wages apprentices can make in three to five years. This led to better referrals. Over the years, alums of the program also became an important source of referrals for N/ECCC.\textsuperscript{135} The Hartford Jobs Funnel had a paid recruiter during its first two years. They then determined that word of mouth was sufficient for recruiting participants.\textsuperscript{136} In Los Angeles, word has spread of the We Build program to the point that they receive inquiries from people who are being released from prison.\textsuperscript{137} In Seattle and Hartford, unions often send people who express interest in becoming apprentices to these pre-apprenticeship programs because, in the words of David Roche, Secretary Treasurer of the Connecticut State Building and Construction

\textsuperscript{132} Redstone Research LLC 2009, 32.
\textsuperscript{133} Schwartz, Marty. Phone interview by author.
\textsuperscript{134} Brown, Ellen. Phone interview by author.
\textsuperscript{135} Ibid.
\textsuperscript{136} Rivera, Yolanda. Interview by author.
\textsuperscript{137} Barragan, Anabel. Phone interview by author.
Trades Council, “They do that little prep work. It just kind of helps us out.”

All three training programs relied on religious and community-based organizations to refer candidates.

**Eligibility Requirements**

Conway and Gerber’s survey of pre-apprenticeship training providers found that the most common eligibility requirements related to drug use, possession of a driver’s license and legal work status. The three programs for which I have detailed evaluations – the Hartford Jobs Funnel, N/ECCC and We Build – set a range of requirements for participants. For the Jobs Funnel, all Hartford residents over the age of 18, who can read and write in English, pass a drug test and are interested in working in construction are directed to some type of service – whether remedial skills training, pre-apprenticeship training or jobs placement. In Newark, applicants to the N/ECCC program must have a high school diploma or GED, be drug free, and possess or be able to obtain a driver’s license. The application process involves a TABE test, an interview with a panel of four to eight of representatives of partner organizations, and a drug test. Applicants to the We Build program must be 18 years old or over, have a California driver’s license, a Social Security card and live within the LAUSD service area.

**Participant Demographics**

Participants in these programs tend to have low levels of past employment. The average participant who completed the N/ECCC program in 2005 and 2006 was 25 years old. Ms. Brown said that over the years, the program tended to be about 40 percent

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138 Roche, David. Interview by author.
139 Conway and Gerber 2009, 17.
140 Mabe et al. 2007, 13.
recent high school graduates and 60 percent older adults. She thought this was a good combination, because the high school students did not “have a lot of baggage” like criminal records, or revoked driver’s licenses, while the older students understood the value of the opportunity being afforded to them. In Hartford, the median age was 30. The share of ex-offenders in the program range from 12 percent in Newark to between 39 and 56 percent in Hartford. Black participants comprised more than half of students in Hartford, 87 percent in Newark and 38 percent in L.A. The share of Hispanic participants ranged from a low of 3.5 percent in Hartford, to 13 percent in Newark and 46 percent of students in L.A. In terms of educational attainment, in Newark 100 percent of participants had a high school diploma or GED (it was a requirement of the program); in Hartford, 80 percent of participants did.

Partner Organizations

All four of the training systems rely on networks of organizations to either teach specific skills or provide services to help students prepare to apply for apprenticeships. This arrangement is not uncommon for pre-apprenticeship programs. Conway and Gerber observed that nearly all of the programs included in their study involved partnerships between different types of organizations (e.g., nonprofits, industry organizations, colleges, government entities and others). In 2006, 27 organizations were partners of the N/ECCC program. As of 2009, five organizations provided staff to the Hartford Jobs Funnel on a daily basis. This does not include the eleven different organizations that lead

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141 Redstone Research LLC 2009, i.
142 Mabe et al. 2007, Redstone Research LLC 2009, and handout from LAUSD’s Facilities Services Division.
143 Conway and Gerber 2009, 39.
trainings for Jobs Funnel participants throughout the year. In reflecting on the structure of their system, Yolanda Rivera, program manager of the Jobs Funnel, explained,

The staff have a network of people that they work with. And that’s the beauty of what we do. We don’t have to duplicate services that are out there. We just use that network and do it when we have to fill in the gaps. For example, dealing with people who don’t have GEDs. We had to be able to go to the office of Adult Ed to create those opportunities. We also knew that we needed an outlet for people who weren’t going to be construction material, but needed employment services, so the connection to the One Stop is crucial.144

In Los Angeles, the We Build program leverages agreements with the Division of Adult and Career Education and community-based training providers that receive federal Workforce Investment Act funds to train and provide support for program participants and graduates. We Build works with Legal Aid and other organizations to help participants overcome barriers to employment.145

In terms of relationships with the public workforce system, the statewide CTTP-WM program in New Jersey and the Hartford Jobs Funnel both have direct connections. This did not have much of an effect on the ties between N/ECCC and the One Stops in the Newark area. A 2007 evaluation of the program found that staff turnover at the two One Stops had led to a lack of awareness of the program.146 In Hartford, after many years of operating “parallel” programs, the Jobs Funnel is beginning to make an impact on the public system. “After the evaluation was conducted last year,” Ms. Rivera said, the workforce board “actually sees that there is a value to the program, and [is] basically taking best practices of this program and kind of incorporating it into the One Stop and at the same time linking the services.” As of spring 2010, the Jobs Funnel began receiving WIA funds – a first in its history. This reduces the program’s flexibility to serve people,

144 Rivera, Yolanda. Interview by author.
145 Barragan, Anabel. Phone interview by author.
146 Mabe et al. 2007, 32.
as they will now have to target training to individuals below a certain income threshold; nevertheless it valuable. It has helped to fill part of their budget deficit, and will allow the program to continue offering services.\textsuperscript{147}

\textbf{Support Services}

The most commonly mentioned barrier to employment for participants in these programs was transportation. Unions do not want to accept apprentices that will not be able to get to the job site. If someone goes to the Jobs Funnel and does not have a driver’s license, Ms. Rivera explained, “We let them know it’s going to be required. Help them build a plan that’s going to allow them to achieve those things.”\textsuperscript{148} The Seattle Vocational Institute has a similar program to help people get on track to get their licenses restored over the course of three months.\textsuperscript{149} In Newark, flexible funding from the Prudential Foundation and the Port Authority of New York and New Jersey allowed N/ECCC to offer small loans to program completers who needed to pay off fines or purchase a car.\textsuperscript{150}

Another common barrier is drug use. Unions will randomly test apprentices for drugs. In most cases, if someone is caught, they will be removed from the apprenticeship program. In Hartford, however, the unions have developed a trusting relationship with Ms. Rivera. They send apprentices who have been caught using drugs to the Jobs Funnel, so that they can be referred for treatment and eventually return to the program.\textsuperscript{151}

As illustrated by this example, support for program participants does not necessarily end at graduation. In Hartford, they used foundation funding to create a

\textsuperscript{147} Rivera, Yolanda. Interview by author.
\textsuperscript{148} Ibid.
\textsuperscript{149} Newgent, Lee. Phone interview by author.
\textsuperscript{150} Mabe et al. 2007, 23.
\textsuperscript{151} Rivera, Yolanda. Interview by author.
An undefined role, but it’s someone who keeps that person in the job. We don’t want to them to lose the job once they’re there. How do we keep them in? Their car might break down. They may have problems with child care. They could have a sickness in the family. They call this person and this is the point person who kind of keeps them grounded, so that we don’t lose them.\textsuperscript{152}

In addition to loans for transportation related needs, the N/ECCC program offered graduates low-interest loans to purchase clothes, work boots and tools. A 2007 evaluation found, “The program also offers job coaching and counseling to graduates while they are on the job.”\textsuperscript{153} The We Build program has a memorandum of understanding with the UAW Work Source Center to pay for work boots and initiation fees for graduates who obtain union apprenticeships.\textsuperscript{154} In both Los Angeles and Hartford, training providers told me that graduates who went to work in non-union construction or started in a less skilled craft have returned to the program to ask for advice on advancing into other higher skill trades. We Build and the Jobs Funnel tell them what the eligibility requirements are for the trade, and help them develop a plan to apply.\textsuperscript{155}

\textbf{Program Staff}

From the managers to the instructors, the staff of these programs is key to their success. The programs are all very small. The Jobs Funnel started out with twelve staff, and due to budget cuts, are now operating with five. Three people run LAUSD’s We Build program.\textsuperscript{156} One staff person coordinated the work of N/ECCC.\textsuperscript{157} All of the people I interviewed spoke highly of the people who run these programs. The executive directors and managers of the programs tend to come from activist backgrounds. The staff

\textsuperscript{152} Hanley, Mary Ann. Interview by author.
\textsuperscript{153} Mabe et al. 2007, 23.
\textsuperscript{154} Barragan, Anabel. Phone interview by author.
\textsuperscript{155} Ibid and Rivera, Yolanda. Interview by author.
\textsuperscript{156} Ibid.
\textsuperscript{157} NJISJ 2009.
responsible for developing the We Build program had worked on the Alameda Corridor project prior to joining LAUSD. (This project included a well-regarded community benefit agreement that secured funding for the training of 1,200 local residents and required that 30 percent of all work hours be performed by local workers. This project did not involve a PLA, but did lead to the placement of 637 trainees into union apprenticeships.)\(^{158}\) Ms. Rivera had worked for HART before joining the Jobs Funnel. In Newark, the entire N/ECCC program was the product of a progressive “think and do” tank. Bob Markholt, the founder of the Pre-Apprenticeship Construction Training (PACT) program at the Seattle Vocational Institute, one of the organizations that has received RAPID funding, was a lifelong activist.\(^{159}\) The energy and commitment of these leaders shape not only the structure, but also the networks and culture of their programs.

In discussing the Jobs Funnel’s success, Ms. Hanley exclaimed,

> It’s the person. It’s the relationship building and the one who can get it done, doesn’t take no for an answer, who says we’re going to make this work. And you have certain individuals that were just driven. We’ve been really fortunate to have those kinds of people and the continuity of maintaining those kinds of people. They stayed with us over the years, so that makes a big difference in the output.\(^{160}\)

Even at the classroom level, the buy-in of instructors contributes to the likelihood that participants will be able to obtain apprenticeships. The We Build program originally partnered with eight schools around the district to offer training. Ms. Barragan, who runs the We Build program, removed two because she felt that the instructors were not performing well. She speculates that the principals at these schools did not voluntarily buy into the program, and were thus unwilling to put pressure on the instructors to train

\(^{158}\) Ranghelli 2002, 22.

\(^{159}\) Newgent, Lee. Phone interview by author.

\(^{160}\) Hanley, Mary Ann. Interview by author.
to a high standard. In her experience, “the most successful programs we have are based on the instructor.”

Outcomes

The most successful of the four programs in terms placing graduates in apprenticeships has been LAUSD’s We Build program. With no dedicated funding for training, the We Build leveraged its agreements with the School District and CBOs to help one and three quarters times the number of people become apprentices as the Hartford Jobs Funnel. A large share of the participants who completed training in Hartford were able to obtain apprenticeships, but on the whole more We Build graduates became apprentices over the same number of years. The difference in size between the Adriaen’s Landing project and LAUSD’s New School Construction program is certainly one reason for this. Adriaen’s Landing is seven percent of the size of the LAUSD project in terms of budget and therefore has generated a smaller demand for labor. Moreover, the LAUSD PSA sets goals for apprentice utilization; the Adriaen’s Landing PLA does not. There are also differences between the program models. The Jobs Funnel expects to take in many more people than will be placed in apprenticeships. They do not have the same eligibility requirements as We Build, and tend to focus more on individual case management, than graduating people to work in the Trades. Both models have their strengths within the context of their local economies. They both rely on networks of service providers, but given the size of the population in L.A., it is likely that these organizations have significantly more federal funding than similar ones in Hartford. While they have more people to serve, they may benefit from economies of scale.

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161 Barragan, Anabel. Phone interview by author.
The CTTP-WM funded programs in New Jersey had the smallest impact given the level of funding during the time period for which data is available. What is significant though is that between 2001 and 2009, NJISJ’s Newark/Essex Construction Careers Consortium (N/ECCC) helped over 400 people become members of the Trades. Within the context of the statewide CTTP-WM program, N/ECCC made up over 82 percent of the share of people who became union apprentices across the state.\(^{162}\) Half of their adult participants, and 25 percent of those under 20 obtained apprenticeships in the Trades.\(^{163}\) This speaks to the strength of N/ECCC’s partnership model and its staff. According to Ellen Brown, about 10 percent of N/ECCC graduates are now journey workers.\(^{164}\)

Sound Transit’s RAPID program has led to the fewest number of new apprentices. The project has fallen short of its overall apprentice usage goal of 20 percent, but the cumulative share of hours worked by apprentices (13.8 percent) is nevertheless significant considering that many other PLAs in the area have a goal of 15 percent. The project may have benefited from the multiple training programs in the area.

**Connecting Program Graduates to Apprenticeships**

In order to be successful, training programs must be connected to local unions. Researchers have found that the success of a program participant is as dependent on the connectedness of the program to employers as the program’s specific training model.\(^{165}\) The programs related to the four case studies all have strong connections to unions. People related to the training programs in Newark and Hartford expressed that it took time for these networks to develop. Ms. Rivera of the Jobs Funnel found that at first the

\(^{162}\) NJISJ 2010b.
\(^{163}\) Mabe et al. 2007, 4-5.
\(^{164}\) Brown, Ellen. Phone interview by author.
general trades, including the Ironworkers and the Sheet Metal workers, were the most responsive to working with her. The licensed trades came afterwards. In her experience, there are “Trades that really believe in the mission and want to do the right thing, and then you have Trades that are just counting on the others to do the work.”

Ellen Brown observed a similar situation in Newark. The Roofers took in a lot of apprentices from the start because “they have a huge amount of turnover.” Meanwhile, it took several rounds of N/ECCC training before the Electricians accepted anyone. As of 2009, N/ECCC graduates had obtained apprenticeships in 17 different trades.

Diane Davies, Seattle Vocational Institute, finds that while her program is able to find placements for people, “None of it is smooth and easy. It requires constant outreach and contact.”

Across the board, the unions spoke highly of these programs. By helping to develop the curricula, hosting site visits, and serving on interview panels to screen applicants and graduates, union staff not only helped develop the program, they also benefited by having a chance to identify promising candidates for their apprenticeship programs. Union leaders in Hartford and Seattle explained that they refer many of the people who come to them “off the street” to the pre-apprenticeship training, so that they “get a little bit of prep work” and a chance to see what work is like in a variety of Trades. This is valuable not only to the individual but to the union, because “it’s expensive to train people.”

As the apprenticeship coordinator for the Ironworkers in Seattle, Lee Newgent would try to show up first at training events in order to get the best people for...

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166 Rivera, Yolanda. Interview by author.
168 Davies, Diane. Phone interview by author.
169 Slawson, Richard. Phone interview by author.
their program. Marty Schwartz of the Essex County Building Trades Council thought that N/ECCC did a “great job,” because they kept track of their graduates and their interests. When a Trade announced that they were accepting new apprentices, N/ECCC would offer refresher classes for graduates so that they would be prepared for the union’s entrance exam. He was particularly impressed by the program’s success in improving participants’ interviewing skills. When asked whether apprentices from the Jobs Funnel had a harder time completing apprenticeships than others, David Roche responded, “No, I think it’s pretty even across the board really, because again they’re giving you the ones they think should be with you. And they have that little extra already coming in. If we take people off of the street sometimes they have zero ability.”

When asked how these networks developed, Ms. Rivera explained, “It doesn’t happen overnight.” Unions guard access to their apprenticeships in the same way that employers resist being told whom they should hire. They also have preconceived notions of whom community organizations are going to train and send to them. Ms. Rivera could remember one union president saying to her:

“We don’t want the agencies to think of the Trades as a dumping site. This is not where the broken toys, or those people that have been dealt challenges by society or whatever end up. That’s not what the Trades are! We also have standards.”

Jess Womack, formerly of LAUSD, remembers getting a similar response from a proposal to create a program to link ex-offenders to jobs in the Trades. They said, “We’re not a social program. Don’t give us these problems.” Involving the Trades in the pre-

170 Newgent, Lee. Phone interview by author.
171 Schwartz, Marty. Phone interview by author.
172 Roche, David. Interview by author.
173 Rivera, Yolanda. Interview by author.
174 Womack, Jess. Phone interview by author.
apprenticeship programs can help assuage some of these fears, and assure them that only qualified people will be recommended to their apprenticeship programs.

Completion of a pre-apprenticeship training can signal to unions that a local resident, minority or woman is a “safe bet.” While different Trades’ attitudes may change over time as they see these candidates succeed, this does not directly challenge union bias in hiring; it merely works around it. The fact that interviewees consistently emphasized how the programs improved participants’ interpersonal skills and job readiness, as opposed to “hard skills,” is consistent with the findings of social science researchers including Ronald Mincy, Chris Tilly and others that “skill” is less important to many gatekeepers of employment than perceived attitudes and socialization.\textsuperscript{175} This is not to diminish the work that these programs do to prepare candidates to succeed in the Trades, and more generally, in life. Rather, I make these points to highlight how a potential barrier to job access, union bias, has been addressed.

“Exceptions”

On the Sound Transit project, efforts to create a direct route for qualified workers into union apprenticeship programs has been met with ongoing resistance. In the PLA, the parties briefly laid out the design for a three part training system consisting of “entry core services,” apprenticeship prep and apprenticeship. It states that the graduates of apprenticeship prep programs may be considered for “Direct Entry” or “Special Consideration” by union apprenticeship programs.\textsuperscript{176} The meaning of “Direct Entry” has been debated throughout the life of the project. The FAST Jobs Coalition (FJC) thought

\begin{footnotesize}
\begin{enumerate}
\item Harrison and Weiss 1998, 24.
\item Sound Transit et al. 1999, 13-14.
\end{enumerate}
\end{footnotesize}
they had negotiated language to put people directly into apprenticeships. In Greg Mowat’s opinion, FJC saw this language as way to override institutional racism and place unemployed or underemployed skilled workers in the Trades. Unions perceived the Direct Entry language as LELO “wanting exceptions” to get people into apprenticeships. Direct Entry candidates do not go through any pre-apprenticeship training. They are presumed to be “job ready” once a contractor commits to employing them for at least six months. The unions did not like this language because it took away their ability to select apprentices, and “we have them for life.” Further, it was explained to me that local unions can have problems with the state apprenticeship board if too many of their apprentices quit before becoming journey workers. The one staff person I spoke with at a construction company that had worked on the project thought that this provision was an essential part of the contract, since it allowed them to bring people on to meet their hiring goals when the labor market was tight. Over the course of Phase 1, there have been about 40 Direct Entries, approximately two-thirds were referred from the Seattle Vocational Institute.

According to Mr. Mowat, there was always tension about this program, even when the economy was strong from 2000 to 2003. When the economy dipped between 2003 and 2005, and apprentices piled up “on the bench” the tension grew worse. It “bubbled up” between 2006 and 2008 when the Trades asked for something more “well defined” than the Direct Entry program. With the FAST Jobs relatively dormant, the

177 Woo, Michael. Phone interview by author.
178 Mowat, Greg. Phone interview by author.
179 Newgent, Lee. Phone interview by author.
180 Ibid.
181 Seattle contractor. Phone interview by author.
182 Mowat, Greg and Diane Davies. Phone interviews by author.
Trades negotiated new language into the 2009 contract prioritizing the hire of Preferred Entry workers. These are graduates of pre-apprenticeship programs who have been approved by the Joint Apprenticeship and Training Committee, and the union’s apprenticeship committee. For every five apprentices, one is to be a Preferred Entry. The PLA stipulates that a set number of hours should be guaranteed to these apprentices depending on the size of the contractor (six months or 1,000 hours for Prime Contractors and three months or 500 hours for Sub Contractors – whichever is greater in both cases). In Mr. Newgent’s opinion, one strength of the Preferred Entry language is that it sets a target for the share of workers who should come through this program. He thought that “Everyone registered Direct Entry as ‘I walk across the street and get a dispatch.’” This was a problem. The Preferred Entry program tempers people’s expectations. In Mr. Mowat’s eyes, it also “put unions back in the driver’s seat...It was a bit of a coup.”

Mr. Newgent believes that local unions are still not very comfortable with the new language, but he does not think that they have a legitimate grievance. When he hears their concerns, he gives the following response: “It’s a multibillion dollar project. The PLA says that there should be one apprentice to every five journey workers. So for every 25 or 30 employees, you have to take one person from the community. And your argument is what?” Mr. Cashman used similar arguments when explaining the local hiring language to members of the Hartford Building Trades Council. He would stress the size of the project and “the fact that we would utilize our training programs to put people into

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183 Mowat, Greg. Phone interview by author.
184 Sound Transit et al. 2009, Preferred Entry Memorandum.
185 Newgent, Lee. Phone interview by author.
186 Mowat, Greg. Phone interview by author.
187 Newgent, Lee. Phone interview by author.
our trades... People saw the opportunity and most of them agreed." In addition to there being plenty of opportunity to go around, unions would remain in control of the training and selection of candidates. The status quo for hiring would not change.

**Organizational and Economic Variables**

As the federal government has known since the Sixties, union apprenticeship programs are relatively closed systems. They tend to be self-funded, and so there are few policy levers to influence them to take in new apprentices. Given the balance of power in this situation, pre-apprenticeship programs rely heavily on relationships. Ellen Brown, NJISJ, asserted that in her view, "This can’t be done in an adversarial way very well.” While local unions came to value the N/ECCC program, they were never able to get the unions to allocate a fixed or relative number of apprenticeship slots to be held for trainees. “It was always uncertain.” In Hartford, all of the actors attributed the success of the program to relationships. There has not been much turnover at the Jobs Funnel or in union leadership since the program began. This raises some questions about the program’s durability. If Ms. Rivera were to retire, would the program continue to have traction with the unions?

In addition to wanting to retain control over whom they hire, unions are very concerned with “managing the bench.” One union leader described the Trades as a “reactive industry.” They hire when projects are starting, not when they are announced. In New Jersey, the SDA has not completed half of the projects that were originally proposed. Mr. Schwartz expressed frustration with the way politicians announce these projects: “SCC (SDA’s predecessor) said they would create 20,000 jobs. People think

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188 Cashman, Shaun. Phone interview with author.
189 Brown, Ellen. Phone interview with author.
these jobs will last forever. They don’t. And all of the work doesn’t start on the same day, so it doesn’t create as many jobs as they claim.” Nevertheless, these announcements raise expectations. They open the unions up to pressure from politicians and community organizations to accept new apprentices. While unions may not appreciate it, these announcements are one of the precious few organizing levers that outsiders have. By seizing these opportunities, public agencies and community organizations can create an institutionalized demand for graduates of pre-apprenticeship programs.

With or without contract language, the economy can be a significant hurdle to pre-apprenticeship programs and their graduates. The current recession has caused programs related to the four case studies to slow down, if not halt, their training schedules. These programs are also vulnerable to shifts in political power and changes in agency staff. Half have been discontinued recently due to political changes.

Conclusion

In Economic Development in American Cities, Bob Giloth argues for place-based service provision provided it links residents to regional labor markets, and is accompanied by reforms to the workforce development and human service systems. When connected to PLAs with targeted hiring goals, pre-apprenticeship programs have the potential to do a bit of everything he describes. The labor market for construction is regional. By partnering with local unions, these programs prepare participants for careers in the Trades. In terms of reforming the workforce system, the programs in Newark and Los Angeles partnered with schools and the Trades to develop updated training curricula to prepare people for apprenticeships. By working with networks of community-based

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190 Schwartz, Marty. Phone interview with author.
191 Bennett and Giloth 2007 39.
organizations, these programs were able to work across human service program silos to
direct participants to providers that could help them overcome barriers to employment
and stay employed.

Even in good times, pre-apprenticeship programs need strong connections with
unions to help their graduates obtain careers in the Trades. On some occasions, they may
be able to change the perceptions unions have of certain populations. But either way,
these programs do not depend on “trust” alone when placing their graduates. Proper
monitoring and enforcement of PLAs with targeted hiring goals build demand for
program graduates. In the next chapter, I present the systems the four projects developed
to encourage compliance with the PLA’s goals.
Chapter 5
Building Systems to Facilitate Targeted Hiring: Monitoring and Enforcement of Goals

Unless you have a stick in hand, and use it, [a PLA] becomes a nice book to read, but it doesn’t fix anything.

- Michael Woo, former Executive Director
LELO

How PLAs with targeted hiring goals are monitored and enforced is critical to whether these agreements succeed in expanding job access for historically excluded individuals. While monitoring compliance is not a new activity for unions and public agencies, enforcing targeted hiring language is complicated. Particularly when goals pertain to race, ethnicity or gender, they must be voluntary, since Federal law prohibits the setting of quotas. To be effective, these projects need to be monitored internally and externally, with unions and community organizations ensuring that the project owner is tracking whom is being hired and whether contractors are meeting their goals. The following chapter explores the monitoring systems and enforcement mechanisms that the four projects developed, and the benefits and challenges of each.

Monitoring and Enforcement Systems

In their study of PLAs with hiring goals, Garland and Suafai found a range of different organizations were charged with monitoring the agreements, including: “the project contractor, the public agency’s Equal Employment Office or Contract Compliance Office, a consultant with experience in implementing job goals, or community groups.”192 In Hartford and Los Angeles, the pre-apprenticeship programs

monitored whether contractors were making progress towards meeting the targeted hiring goals with the assistance of outside organizations. Sound Transit monitors their agreement internally, as does the New Jersey Schools Development Authority.

LAUSD's “We Build” program has the strongest and most top-down monitoring system of the four projects. In March 2004, LAUSD mandated that contractors submit certified weekly payroll reports online. This is important for the overall accountability of the project, and this system enables the We Build program to know who works on their projects and where they live. They are assisted in their work by a project labor coordinator. In 2003, the school district contracted with Parsons Constructors to oversee labor relations on the project. A staff person who has worked on the LAUSD project for Parsons described their work as having four parts: education, dispute resolution, contractor outreach and labor relations. They hold trainings for contractors to ensure that they understand PSA requirements before they bid on projects. If a contractor is not in compliance, Parsons notifies the owner and they decide whether to pursue alternative dispute resolution. Anabel Barragan of We Build, works closely with Parsons to make sure that contractors and unions are in compliance with the PSA. We Build regularly emails general contractors to let them know which of their subcontractors are out of compliance and asks them about their plan for corrective action. Currently, Parsons has the equivalent of 2 to 3 full-time people working on the project.193

Contractors take the PLA’s hiring targets seriously because the School District has implemented a “best value” contracting method, which creates competitive consequences for contractors that want to bid on LAUSD projects in the future. This allows the School District to use a weighted scale of priorities, in addition to projected

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192 Barragan, Anabel. Phone interview with author.
cost, to select contractors for their projects. A general contractor’s past performance, plan for meeting the District hire requirement, and plan for working with the We Build program constitute ten percent of the total points that can be awarded to a bidder. This is the same share of points that can be awarded for a contractor’s proposed schedule. By signing on to the PSA, general contractors make a contractual commitment to hire District residents, and this commitment is passed on to their subcontractors. If a contractor or its subcontractors do not comply, it will be at a disadvantage when it bids for work with LAUSD in the future. According to Ms. Barragan, the procurement guidelines have created a competitive environment among general contractors to see who will have the highest use of local labor on their projects. Several general contractors have met with each of their subs whose local hire rate is less than 50 percent. This kind of involvement is unheard of in the other three cities. When asked how they put their program together, Ms. Barragan explained, “The policies drive the execution. It’s up to the top to give you backing and they’re the most supportive executive team. They said, ‘Just get it done.’ And we did.” LAUSD’s strong monitoring and compliance mechanisms help to explain the project’s hiring outcomes to date.

Yolanda Rivera, program manager at the Hartford Jobs Funnel, also had the support of an outside monitor to track compliance with the local hiring goals for Adriaen’s Landing. She explains that while their services have been helpful, “When it comes to the reality of being able to punish or give consequences to contractors that really don’t comply, really there’s not much that you can do when you’re just dealing with goals.” She describes the Jobs Funnel as “very successful for being a begging model.” Similar programs in New Haven and Waterbury, CT have penalties for

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194 Barragan, Anabel. Phone interview by author.
contractors who do not comply with their local hiring ordinances. “In Hartford we rely on relationships to be able to produce a good faith effort.” Ms. Rivera attends pre-job meetings with contractors and the unions. “We make clear that the subs are as responsible as the contractors in meeting the goals,” and if contractors are falling short of their goals, she works with the local unions to try to get the contractors into compliance.\textsuperscript{195}

In New Jersey, the Schools Development Administration tracks compliance with the PLA’s hiring goals. Staff monitor the payroll that contractors submit on a weekly basis and walk the job sites. Four people monitor 20-50 projects at any one time. A staff person at the SDA characterized their role in the enforcement of EEO and apprentice utilization goals as “paper lions.” “We huff and we puff, and based on our relationships, hopefully they comply.”\textsuperscript{196} The person could not think of a contractor that had been debarred or fined for not meeting the PLA’s goals. “The planets would have to line up” in order to fine a project for not complying with its EEO goals. Ellen Brown of the NJISJ, remembered that early in the project there was talk of using past compliance in weighting future bids, but that “fell away.” In terms of the implementation of the agreement, she was surprised by how difficult it was to track the District’s hiring information. It took a long time for reports to be made, and when they were, they were difficult to find.\textsuperscript{197}

The Sound Transit project’s compliance systems are unique for two reasons. First, not long after the PLA was signed, President George W. Bush banned PLAs on federally funded projects. Instead of scrapping the agreement’s targeted hiring goals, Sound Transit added them to the agency’s contract agreements. The PLA became voluntary and seven out of ten contractors signed it over this period. In practice, people outside of the

\textsuperscript{195} Rivera, Yolanda. Interview by author.  
\textsuperscript{196} Anonymous. Phone interview by author.  
\textsuperscript{197} Brown, Ellen. Phone interview by author.
agency felt that even when a contractor would sign, Sound Transit would not take any enforcement steps. Ms. Davies observed that, “They chose not to withhold progress payments, etc. They didn’t feel like they had a stick to use.”

The second element unique to the Sound Transit project is the role of community organizations in the monitoring and enforcement of the agreement. The PLA created roles for “Job Reps” and Agents to monitor and advocate for “the social justice provisions” of the agreement. Job Reps were to be journey-level workers whom the FAST Jobs Coalition would train to do jobsite monitoring. These reps would report to FJC on a monthly basis, and if projects were found to be falling short of their goals, FJC would register a complaint with the Joint Administrative Committee (JAC), “a union-management body created to promote harmony during the implementation of the project.” For the purposes of the JAC, Sound Transit, contractors and FAST comprise “management.”

In practice, FJC Job Reps monitored jobsites from 2000-04. Greg Mowat of Sound Transit, found “it was helpful to have that additional capacity to work with contractors and apprentices.” FJC’s involvement in monitoring and its attendance at JAC meetings tapered off as the project went on. There are at least two reasons for this. First, the groups that were a part of FJC had small budgets, if any. Organized labor, contractors and Sound Transit all had staff who were being paid to attend these meetings. The second reason FJC’s attendance waned was that much of the content discussed at

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198 Davies, Diane. Phone interview by author.
199 Sound Transit et al. 1999, 7.
200 Mowat, Greg. Phone interview by author.
meetings had nothing to do with hiring, but rather project logistics. Mr. Woo lamented that today “what’s missing is the voice of accountability from the community.”

Across all four projects, targeted hiring goals were not “enforced” with contractors as much as they were discussed and encouraged. No one involved in any of the projects, even in LA, where the language is treated as mandatory, could give an example of an instance where a contractor had been debarred or fined or had a progress payment withheld for falling short of their hiring goals. Under these circumstances, the owner’s perception of the goals, as well as that of unions and contractors, and ongoing community advocacy all strongly influence whether the projects serve to break down barriers entering the Trades.

**Attitudes of Agency Staff**

Without clearly defined enforcement mechanisms, the attitudes and behavior of agency staff can set the tone for whether contractors feel compelled to take hiring goals seriously. In Los Angeles, the combination of strong policy and staff who are committed to the spirit of the goals has created an environment where “hiring District residents is not a goal.” A staff person at Parsons explained, “We’re not asking them to please do their best. It’s a requirement like you have to wear a hard hat or have insurance.” When the market was booming and District residents were employed elsewhere, this requirement was not emphasized. Over the past two years, Parsons has worked closely with We Build to explain to contractors that the District hire provision must be taken seriously. In spite of the strong language, the Parsons representative sees himself as a facilitator and

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201 Woo, Michael. Phone interview by author.
202 Barragan, Anabel. Phone interview by author.
mediator between the parties, and not in an enforcement role. He stressed that We Build enforces the District hire provisions.\textsuperscript{203}

While LAUSD relies heavily on a network of CBOs to support workers who move through the We Build program, when asked if these organizations played a role in the implementation of the agreement, Ms. Barragan explained that “we’re the ones who implement.” She takes this role very seriously and is proud of the success the program has had. She credits it to the leadership of the School Construction program, and the processes that have been established to ensure transparency and implementation.\textsuperscript{204}

At Sound Transit, Greg Mowat originally saw the apprenticeship goals as “aspirational.” Mr. Mowat said that in 2006 or 2007, labor decided that they wanted to use the goals more as quotas. This led Sound Transit to begin investigating compliance mechanisms, like incentive programs and withholding progress payments. He was skeptical that these measures would be effective. He offered the example of the City of Tacoma, which has a citywide ordinance requiring local hiring and the use of apprentices on public projects, backed by a schedule of fines for contractors who do not meet their goals. From what he has heard, open shop contractors build the fines into their bids, while union firms try to comply. On the whole, it does not change the quantity of good jobs in the city. Mr. Mowat sees his role as a facilitator and mediator between contractors and unions (he previously worked for SEIU and in the state’s prevailing wage program). In his opinion, “You can never do it just with compliance. You need to move beyond compliance to commitment. You need buy-in from the contractors.” Rather than be adversarial, he prefers to go to the contractor and say, “You’re at 10 percent, what can we

\textsuperscript{203}Staff at PCI. Phone interview by author.
\textsuperscript{204}Barragan, Anabel. Phone interview by author.
do to help you do better?" In his experience, the contractor that had the most success in surpassing the apprenticeship utilization goal (27 percent as compared to the 20 percent goal) was the one who had relationships with two of the most active pre-apprenticeship programs, and was a signatory to the PLA. They succeeded because of their relationships, not because Sound Transit was threatening them.205

The people I interviewed who were involved in the implementation of this project felt that Sound Transit had not taken enough of a role in enforcing the agreement. These people found that the board of the agency, which is comprised of elected officials, was not helpful in changing how the agreement was enforced. The board took a “hands off approach” and there was too much turnover to keep members apprised of the efforts to meet the project’s targeted hiring goals.206

In New Jersey, the SDA focuses on building relationships with owners, general contractors and site managers. They try to “create a sensitivity” and make the parties understand why the goals are about fairness, not “diversity.”207

Overall, representatives of organizations outside of the agencies generally believed that it was the responsibility of the project owners to enforce hiring goals.

**Union Commitment**

Since unions control the dispatch of workers to these projects, their commitment to the hiring goals is important as well. For local hiring language to work, LAUSD had to get the unions to agree to send District residents, rather than the next person on the out-of-work list, to their projects. After getting the unions’ buy-in for the dispatch procedure, We Build created a “craft employee request form” for contractors to request specific

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205 Mowat, Greg. Phone interview by author.
206 Woo, Michael. Phone interview by author
207 Anonymous. Phone interview by author.
manpower for their project. The form signals to the union dispatcher that the request is coming from a contractor on an LAUSD project and includes a list of the zip codes within the District’s jurisdiction which they should prioritize in sending workers. This was a simple solution to a common problem. Staff from pre-apprenticeship training programs and unions in other cities consistently raised the point that contractors are not specific enough with their requests. As Mr. Schwartz put it, “The contractors say ‘the union didn’t send me any.’ They didn’t ask.” Parsons works with the contractors to get them to understand that they need to use the form, or they will be breaching the contract. This was a change for union contractors. “They thought it was business as usual and were transferring union workers from other counties.” According to a representative from Parsons, the challenge is not only to ensure contractor compliance, but also union compliance. Unions have a responsibility in the contract to prioritize the dispatch of District residents to LAUSD projects.

In general, some goals are easier for unions to comply with than others. In Seattle, unions cannot dispatch people based on race or ethnicity. They must follow the order of people on the out-of-work list. Apprentice utilization is easier for unions to comply with because it is already a part of their business practices. Since apprentices are paid a lower rate than journey workers, Shaun Cashman explained, “some unions, in order to support their contractors, will offer them more apprentices on the jobsite.”

When the projects were first announced and the PLAs were being negotiated, the heads of the Building Trades Councils generally made economic arguments to convince

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208 Barragan, Anabel. Phone interview by author.
209 Schwartz, Marty. Phone interview by author.
210 PCI staff. Phone interview by author.
211 Cashman, Shaun. Phone interview by author.
their local unions to agree to targeted hiring provisions. In Hartford, Mr. Cashman continued to meet with the local Trades to discuss their progress. “We stayed on top of them, because, again, our word is our bond and if at the end of the day we came off of that job not meeting that criteria, we might as well fold up our tent and go home.”

Marty Schwartz thought that it was hard at first for local union leaders in Essex County, who are elected every three years, to get their members to accept the idea that someone could be dispatched ahead of them, but “they’re starting to understand.”

Particularly when unemployment is high, these policies can be major source of conflict within local unions. As Mr. Schwartz put it, “Sometimes things get said that wouldn’t be said otherwise.” Based on my conversations, it seems that this tension has affected all four of the projects in recent years. We Build has been meeting with unions to discuss enforcement, because some non-District union members have been using their business agents to place them on LAUSD projects ahead of members who are District residents. They are also receiving pushback on their requirement that We Build graduates comprise a certain share of apprentices on projects, something that Ms. Barragan says does not happen in good times. Generally speaking, Ms. Barragan has found, “the unions are supportive of us…They see the benefit of putting money back into the community that it comes from, putting the money back into the county coffers.”

While unions may be supportive of the language, none had used their grievance system to challenge a contractor’s lack of compliance with the goals. The Parsons representative mentioned that the unions working on LAUSD projects will grieve when a...
contractor uses an apprentice who is not from a joint training program; however, they leave the enforcement of the targeted hiring goals up to the project owners.

The Trades in Hartford take more responsibility for project’s compliance. David Roche, Secretary-Treasurer of the Connecticut State Building and Construction Trades Council explained that,

The only way this works in my opinion is that direct involvement with the unions themselves. Not the contractors. The unions and Yolanda at the Jobs Funnel. If we know, then we can make sure it gets corrected. Contractors make excuses. If the union’s not there to say, ‘Wait a minute, I’ve got five people from Hartford out of work right now,” nobody’s going to know.’

These issues are addressed at semi-regular labor-management meetings.  

**Contractor Commitment**

In my interviews, I asked people if they remembered contractors having problems with the targeted hiring goals on the projects. The contractor I spoke with, who had worked on the Sound Transit project, expressed that while showing good faith adds administrative work, goals do not make a project harder or easier to complete. In this instance, the company was working during a tight labor market and found that it was difficult to find people from the union hall to meet their goals for the project. This led them to advertise for workers and offer positions to graduates of pre-apprenticeship training programs. They were able to do this because of the “direct hire” provision in the Sound Transit PLA. Monthly joint administrative committee meetings created an informal space for the contractor to hear from community organizations about the availability of pre-apprenticeship program graduates. A staff person who had worked on

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217 Roche, David. Interview by author.
the project found this aspect of the meetings helpful; they were “happy to offer jobs” to graduates of pre-apprenticeship programs.²¹⁸

This is exactly why pre-apprenticeship programs exist. When meeting with contractors on LAUSD projects, We Build staff explain, “This isn’t a feel good program where you have to hire “at risk” people. No, this is market driven. You need manpower. We’re going to make sure that you have enough employees to do the work for us.”²¹⁹ In Hartford, Mary Ann Hanley of CCEDA, reports “The contractors have been very pleased with the quality of the workforce, the training. The thing that Yolanda does bring is that she keeps tabs on them and they keep tabs on her.”²²⁰

Training organizations and advocates stressed that to reach their goals, contractors need to do two things. First, they need to be specific in their requests. While this may create a conflict for the dispatcher at the union hall, it is the only way they can be guaranteed they will get the people they need with the skills they need. Second, they need to staff up with diverse candidates from the start of the project. Ms. Rivera explains

They expect it to be the union’s job. It’s not the union’s job. You’re the contractor, manage your job. Load up on Hartford residents at the start of the project, that way, when you have to layoff, the Hartford person may be the first to go, but they’ve already worked on getting the numbers to where they need to be. We know that as the job winds down, the crew winds down.”²²¹

David Roche, Connecticut State Building and Construction Trades Council, has found that over time contractors have become accustomed to Hartford’s local hiring ordinance and the goals in the Adriaen’s Landing PLA. “They know to ask for Hartford

²¹⁸ Seattle contractor. Phone interview by author.
²¹⁹ Barragan, Anabel. Phone interview by author.
²²⁰ Hanley, Mary Ann. Interview by author.
²²¹ Rivera, Yolanda. Interview by author.
residents if the project is in Hartford, and the unions have members from the city to send
them.”222

Each of the four projects had some good contractors and some bad ones. Mr.
Schwartz has found, “Most contractors go along with the program. If you send someone
who shows up every day they really don’t care where they came from.” He said that there
is “prejudice, of course, but it doesn’t get passed over into hiring.”223 For others, the
biggest challenge in working with contractors was that they do not necessarily think
about the broader impacts of their work, like the benefits of targeted hiring for a
community. Mr. Mowat thought that educating construction management consultants—the
first line of enforcement for contractors—on the how’s and why’s of apprentice utilization
could increase their commitment to these policies in the future.224

Ms. Rivera succinctly explained, “Contractors are always going to do what the
owners tell them to do. You can threaten me, but if you can’t take my money away, it’s
really not a threat because I’m still going to get paid regardless.”225 In Los Angeles, the
District’s “best value” provisions force contractors to think about the local hiring
requirements as “something that makes them competitive.”226

Community Capacity

Targeted hiring goals add a public benefit to essentially private contracts between
owners and unions. In order to ensure that PLAs are meeting their targeted hiring goals,
they need to be monitored internally—by the project owner—and externally by
organizations that are committed to the goals. Diane Davies, Seattle Vocational Institute

222 Roche, David. Interview by author.
223 Schwartz, Marty. Phone interview by author.
224 Mowat, Greg. Phone interview by author.
225 Rivera, Yolanda. Interview by author.
226 Barragan, Anabel. Phone interview by author.
explained, “It takes constant vigilance. It’s not like you just get it signed and it runs like clockwork.” Planner Laura Wolf-Powers describes this as “a tension – a healthy tension, but a tension nevertheless – between activism and institutionalization.”

These tensions were most apparent in the cases of Sound Transit and the Hartford Jobs Funnel. Coalitions of grassroots organizations had pushed for targeted hiring language in both PLAs. The FAST Jobs Coalition in Washington lost many of its members as the project took longer to start in King County than had been anticipated. Campaign volunteers could not make it to daytime meetings with Sound Transit. As attendance waned over the years, training organizations such as the SVI continued to attend these meetings, as they have been useful for connecting program graduates with contractors. Since FJC is mentioned specifically in the PLA, and these organizations are not, they found that Sound Transit was “happy to have us attend,” but they did not have standing in the meetings. As Sound Transit prepares to start work on a new phase of construction, these organizations have realized that they need to reorganize FJC in order to have a more of a say in the project. They predict that this is going to be challenging because Phase 1 of the project ran through Rainier Valley, “a very activist community.” Ms. Davies explained, “Going north, it’s mostly tunneling work. There’s no on-street visibility.” And there are fewer activist organizations in the area. “It’s not likely that folks in the University District or Capital Hill are going to be picketing

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227 Davies, Diane. Phone interview by author.
228 Wolf-Powers et al. 2006, 10.
229 Woo, Michael. Phone interview by author.
230 Davies, Diane. Phone interview by author.
231 Ibid.
because they don’t see enough black faces on the project. So we’ve lost one of those levers.”

A similar scenario exists in Hartford. The organizations that fought for the PLA’s local hiring language are no longer organizing around jobs. Some groups moved on to other issues, often following trends in foundation funding; others had to close their doors for lack of funding. As New Haven and other cities have built upon Hartford’s model to create local hiring ordinances and Job Funnels with enforcement powers, Hartford continues to have a voluntary system. No organizations are currently organizing to improve the system. And Yolanda Rivera, one of the original organizers, is now the Job Funnel’s program manager, and is not in a position to advocate. While this is a drawback of the institutionalization of activism in the city, it has had the benefit of creating a model that has been replicated around the state. This model is now being used for the state’s green jobs programs.

Conclusion

In terms of monitoring, most of the people I interviewed thought that it was generally preferable to have an external project labor coordinator to monitor contractor compliance with the PLA’s targeted hiring goals. While one union leader placed a great deal of emphasis on this point, most of the people who were involved during the implementation of these agreements focused on the need for enforcement, particularly sanctions for contractors who do not make an effort to reach the agreement’s goals. Interestingly, the project labor coordinator for LAUSD, the one project that had clear incentives for contractors, thought, “it’s less about specific language in the PLA. It’s about having a team that’s serious about enforcing what’s in the PLA. Is there a team in

232 Ibid.
place and is there buy-in from the top down with the owner? That’s why it worked with LAUSD.\textsuperscript{233}

Nevertheless, if public projects are to expand job opportunities for disadvantaged workers, agencies (i.e., project owners) should design polices that address the two-part nature of employment in the unionized construction industry. Targeted hiring goals permit contractors and unions to take affirmative action in requesting and dispatching workers. Fear of public embarrassment or a desire to do the right thing is enough to motivate some contractors to exert the extra administrative effort involved in meeting the project’s hiring goals. Incentives and penalties increase the likelihood that contractors will deliberately request people from targeted groups when staffing projects. Without requests from contractors, unions have no political incentive to dispatch workers differently than they normally would.

Unlike small, disadvantaged businesses, the people who stand to gain from the enforcement of targeted hiring goals, particularly apprentice utilization goals, are not well organized. Their interests are generally represented by community organizations. If these groups run out of funding or choose to focus on other pressing issues, there is always a risk that this language will become less of a priority and will lead to fewer opportunities for disadvantaged workers. Increasing funding for pre-apprenticeship programs may be one way of expanding the capacity of local CBOs. In the following chapter, I expand upon this idea and review other recommendations within the context of the four case studies.

\textsuperscript{233} PCI staff. Phone interview by author.
Chapter 6
Conclusions and Recommendations

Analysis of the four case studies shows that with the right language, resources and relationships, project labor agreements can expand access to jobs in the Trades for historically excluded workers. The best practices from the field were largely effective in addressing the five barriers to implementation that I outlined in my introduction. First, pre-apprenticeship programs raised awareness of the Trades and their hiring processes in communities where people had been excluded from these unions in the past. They also helped disadvantaged residents develop skills and obtain jobs with long-term career prospects in the Trades. Second, targeted hiring goals in the PLAs combined with a supply of qualified workers from pre-apprenticeship programs made it harder for unions to justify bias. Third, monitoring and incentives, where used, were effective in encouraging contractor compliance. For the most part, political will to enforce the goals depended on the economy, and the attitudes of the staff at each agency.

There are four related elements that are critical to the success of these agreements. First, goals must be clearly stated and measurable. For example, Sound Transit’s PLA includes specific numerical goals for apprentice and first-year apprentice use on the project. In contrast the NJSDA PLA states, “up to 50% of apprentices should be first year, minority, women or economically disadvantaged individuals.” The lack of a clear numeric target made this provision harder to monitor than the similar goals set in the Sound Transit PLA. While the state could have monitored these goals, they were not compelled to by the agreement. Further, SDA staff informed me that because no
definition of “economically disadvantaged individual” was stated in the PLA, the provision was “completely unenforceable.” The second element critical to implementing these types of agreements is regular monitoring paired with incentives for contractor compliance. While only one out of the four cases included incentives (LAUSD), it was the most successful at reaching its local hiring goal and utilizing apprentices. The third important piece is funding for pre-apprenticeship programs. It needs to be factored into the project budget and should be available before the project starts. Finally, unions must be involved in the development of pre-apprenticeship programs. By engaging unions early on, training programs were able to build trust and show the Trades that they were not asking them to lower their standards or “make exceptions” for program graduates. This facilitated their ability to link program graduates to apprenticeships.

From Local Cases to National Debates

In response to the American Recovery and Reinvestment Act of 2009 and President Obama’s Executive Order permitting PLAs on federally funded projects, advocacy organizations have taken a new look at the potential for PLAs to increase job access for disadvantaged workers. In April 2009, a coalition of well-known workers’ rights and community organizations, including the National Employment Law Project, the Partnership for Working Families, the Center for Community Change and the Transportation Equity Network, urged the Office of Management and Budget to encourage/require recipients of ARRA funds to: “ensure that substantial percentages of construction work hours are performed by target populations; require construction contractors to participate in federal- or state-certified apprenticeship programs; and link

234 Anonymous. Phone interview by author.
high-quality pre-apprenticeship training with the above strategies.\textsuperscript{235} To avoid legal challenges, they encourage the OMB to create income-based targets. Their second provision regarding contractor participation in certified apprenticeship programs seeks to level the playing field between union contractors who are obligated to contribute to training funds and open shop contractors who do not necessarily pay for employee training. These are sound recommendations and are based on best practices that have been tested and refined by community organizations and others around the country. There is one element, however, that these recommendations do not address, and which could prove to be a substantial hurdle to these efforts – political will.

Given the decentralized structure of the Building Trades, policy interventions must change behavior at the local level. Even in the advocates' best-case scenario—if some level of targeted hiring were required, apprenticeship utilization was pegged at a high rate, and local pre-apprenticeship programs were funded by the Department of Labor—some of the success of these efforts would still depend on whether unions were willing to work with pre-apprenticeship programs. As Ellen Brown of NJISJ, stated, “Trying to work on these issues when the PLA is being negotiated is too late; you have to start building relationships earlier.”\textsuperscript{236} While the coalition’s letter recommends that federal agencies develop incentives or mandates to encourage compliance with these hiring targets, this could take years, is unlikely to be uniformly adopted across agencies, and if enforcement of EEO targets is any guide, these incentives or mandates will likely be the subject of lawsuits and sparsely enforced.

\textsuperscript{235} NELP and PWF 2009, 2.
\textsuperscript{236} Brown, Ellen. Phone interview by author.
If these goals are to lead to more than protests and lawsuits, the stakeholders need to be able to sit down and have serious conversations about their expectations for the project and how they can work together. Since state and local governments are recipients of the funds, they need to be offered incentives to take a leadership role in developing an agreement that serves the community, unions and the public as a whole. To this end, I propose that the federal government offer voluntary planning grants to communities that are slated to receive significant amounts of federal construction funding. The funding would be used to lead community and labor organizations through a mediated process in which they could discuss federal hiring goals or requirements, and identify local resources that could be used to build a strong pre-apprenticeship training program. I recommend that technical assistance, in the form of both written materials and consultants, be available for stakeholders. This would help them learn about best practices and hopefully result in stronger agreements. Projects that are able to develop and agree to a plan would then be eligible for additional Workforce Investment Act (WIA) funds for pre-apprenticeship training.

This program would be valuable for several reasons. First, it takes local politicians out of the role of mediating the conversation, and places them in the role of the convener. Thus they can show that they take federal goals seriously, while making room for the parties to speak to each other. These conversations may be more likely to happen if they are not the responsibility of a busy politician or a professional staffer, but rather a paid, independent mediator. Second, the opinions of underrepresented groups are more likely to be heard in a process led by a trained mediator, than if the parties are left to protest, lobby and litigate. Third, by seeking consensus at the beginning of the project,
parties are more likely to work together in the implementation of the agreement. Rather than bringing in “neutral” experts to develop a solution for each community, this requires the parties to decide whether they are going to be able to work together or not, and how they will proceed. Fourth, an open, mediated process may lead to a more stable agreement than one struck privately between unions and community organizations. For example, before the N/ECCC program in Newark, the Trades would reach a hiring agreement with one community organization, only to be attacked by another for not including them in the agreement. Finally, a mediated process creates a space for dialogue to happen between people who may not have spoken since they were on opposing sides of a picket line forty years ago. As J. Philip Thompson argues, “Cross-racial solidarity cannot be manufactured through elite amalgamation of black and white objective interests; it has to be generated through discussion, repeated interaction, and respect for and sharing of perspectives.”

This is an objective that can be accomplished. In Hartford, Los Angeles, and Newark, community organizations and unions reported that by working together on these projects, they were able to develop a deeper level of trust than had existed in the past. As one Building Trades leader told me, “Initially, there’s stumbling blocks. Some city groups or people are against PLAs, but there’s a way around that and I don’t mean to circumvent people. Open dialogue, mutual understanding and looking to truly make progress for a community. If labor and community groups really want to make progress for a community, they need to do it together.”

237 Schwartz, Marty. Phone interview by author.
238 Thompson 1997, 209.
239 Reilly, Ed. Interview by author.
Trained mediators and technical assistance would help stakeholders identify shared interests. The combination of funding for mediators, the incentive of additional WIA funds, and the provision of technical assistance could help create stronger, more stable agreements that actually lead to historically excluded workers getting jobs in the Trades.
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