

# Finishing the Job: Best Practices for a Diverse Workforce in the Construction Industry

A HOW-TO MANUAL FOR CONSTRUCTION OWNERS,  
DEVELOPERS, MANAGERS, CONTRACTORS,  
SUBCONTRACTORS, BUILDING TRADE UNIONS, AND  
COMMUNITY-BASED ORGANIZATIONS

This manual is a work in progress. It is produced by the Policy Group on Tradeswomen's Issues (PGTI), a regional collaboration of researchers, government agencies, unions, community-based organizations and contractors committed to increasing access for women and people of color to good paying careers in the construction trades. Our goal is to make our shared efforts and experiences helpful to industry leaders who share our commitment. It is based on best practices developed on several major projects that came close, met, or exceeded workforce hiring goals.

This manual is available online at [www.policygroupontradeswomen.org/bestpractices](http://www.policygroupontradeswomen.org/bestpractices). There is also a comment section. We look forward to receiving feedback from users that will help us improve the tools contained here.

## WHAT IS PGTI?

The Policy Group on Tradeswomen's Issues (PGTI) is a regional collaboration of stakeholders working together since 2008 to tackle the persistent failure of decades-old policies created to open up good paying jobs in the construction trades to women. Participants include tradeswomen, regional and local political and union leaders, representatives from regional U.S. Department of Labor agencies, staff from area pre-apprentice programs, community-based organizations (CBOs) and other interested parties. Participants are building relationships and sharing information and expertise across silos of expertise to identify points of intervention that will get women into training and jobs and support high retention rates for women in the trades. We begin each of our meetings with the following mantra:

*"We are in this together.  
There is no silver bullet.  
We will never, never give up."*

Our focus on women explicitly supports efforts to increase *all* forms of diversity in the construction industry. As the industry opens up to people of color, recent immigrants and women, the culture of the workplace will improve for all. In addition, the goal of opening up to women of color addresses economic inequalities of both gender and race.

## ACKNOWLEDGEMENTS

These recommendations build on the work of many, including but not limited to the UMass Boston Labor Resource Center, the Dorchester-Roxbury Labor Committee, the UMass Boston Project Labor Agreement and its Access and Opportunity Committee, the Boston City Council Working Group on the Boston Resident Jobs Policy, the Metro Boston Building Trades Council and the New England Regional Council of Carpenters Women's Committee.

## REVIEWERS

Jill Alexander, Mukiya Baker-Gomez, Jill Houser, Rocky Hwasta, Janet Jones, and Liz Skidmore.

## INTRODUCTION: THE IMPORTANCE OF WOMEN'S LABOR TO THE CONSTRUCTION INDUSTRY

This manual is intended for those who are committed to building a diverse construction workforce and are struggling with *how* to do on their jobsite, it at their company, in their community or in their union.

For those who are not yet convinced of the value of building a diverse construction workforce, we have published a research report, *Unfinished Business: Building Equality for Women in the Construction Trades*.<sup>1</sup> For you, the convinced, we summarize below the arguments in *Unfinished Business*. You will need them when you face opposition.

Women's growing significance as an important segment of the construction workforce can be understood in the context of four economic factors:

- **The Projected Labor Shortage in the Construction Industry:** The long-term workforce projection in construction is for severe labor shortages due to an aging workforce and early retirement levels in the industry. The average construction worker is now over 40 and the proportion of younger workers has decreased in recent decades. Women, especially low wage women who are striving to improve their economic position, will be an important source of the new construction workforce.
- **Growing Importance of Women's Earnings:** Women still average less than 80¢ for every \$1.00 earned by men. The increase in female-headed households and the growing importance of women's wages in dual-earner homes has amplified the wage disparity and have put many families at higher risk of financial vulnerability. Increased dependence upon women's wages is an incentive for women's greater interest in employment in the building trades. It also makes union construction jobs for women an important anti-poverty policy.
- **Post Military Employment:** The growing role of women in the military means more female veterans who are capable, trained and ready to enter the building trades. They have worked in a male-dominated field and many have experience with the tools and technology of the industry. The building trades' history of incorporating returning military veterans is a good fit for the 14% percent of veterans returning from Iraq and Afghanistan who are women.
- **The Emerging Green Industry:** As the economy opens up to green industries and the construction industry includes more green technologies and practices, new jobs will be created, opening up opportunities for women in the construction sector. It will be important, however, to ensure that the shift toward a greener industry does not result in another tiered-employment structure where women and minority workers find

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<sup>1</sup> Available online at [scholarworks.umb.edu/lrc\\_pubs/5/](http://scholarworks.umb.edu/lrc_pubs/5/) or order hardcopies at [labourresourcecenter@umb.edu](mailto:labourresourcecenter@umb.edu). © PGTI, V.5, May 1, 2013. Please copy and share with credit to the Policy Group on Tradeswomen's Issues.

employment in lower skilled and lower paid jobs.

The combination of these four economic drivers, if combined with the political will to confront and diminish widespread discrimination against women across the construction industry, can create a higher demand and pull more women into better paying construction jobs.

## **THE GAME CHANGERS**

In 2009, a PGTI participant met with a high-ranking official responsible for government enforcement of workforce participation goals and was asked by him, “What are the game changers?” Since the first publication of this document, two specific BEST PRACTICES have proven to be essential to

- **DIVERSE CORE CREWS:** When a contractor or sub-contractor begins work on a project with a crew that is all male and all white, workforce diversity is all about catch up. Laying off core crew members to diversify creates resentments and undermines the mission. The game changer is for contractors to diversify the workforce that they carry with them from job to job and arrive on a project with a crew that meets the goals from day one.
- **FREQUENT EXTERNAL MONITORING:** The dynamic and transitory nature of construction makes it nearly impossible to catch up with non-construction related problems. We have found that the designation of an external body, whose singular responsibility is monitoring compliance for workforce diversity, is the best method of staying on track and on time. This body may be established by the construction owners or by affected communities, but it must have the support of the project’s decision makers and at least monthly access to all workforce compliance data by subcontractor and by trade.

## **A DIVERSE CONSTRUCTION WORKFORCE IS EVERYONE’S RESPONSIBILITY**

*“The challenge is really getting acceptance by trade unions, contractors, developers, builders so that they in their minds they can imagine and see a workforce that is 50% women and 50% men.”<sup>2</sup>*

We include in this document five Best Practice Checklists, one for each of the stakeholder

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<sup>2</sup> Bruce Ratner, President & CEO, Forest City Ratner Companies, 2006, “Celebrating the Women Who Build Our Cities,” Nontraditional Employment for Women (NEW).

groups that have responsibilities for success in increasing diversity in the construction workplace. These are:

- CHECKLIST #1: Best Practices for Owners and Developers
- CHECKLIST #2: Best Practices for Construction Managers and General Contractors
- CHECKLIST #3: Best Practices for Subcontractors
- CHECKLIST #4: Best Practices for Building Trades Unions
- CHECKLIST #5: Best Practices for Community-Based Organizations

These Checklists identify the actions that should be addressed in each stakeholder’s area of responsibility in order to maximize the chances of success. If there is an overarching “game changer,” it lies in early and constant involvement in a project by all stakeholders—and especially those communities which have the most to gain from greater gender and racial diversity. Project by project, those committed to these goals have the opportunity to try and try again and to do better each time. We look forward to feedback on the checklists and to improving them as they are tested in the field.<sup>3</sup>

Although each stakeholder group in construction has specific responsibilities for diversity, some steps cross all groups. We have identified four:

- Set and communicate workforce participation goals early and often
- Seek out and establish the partnerships needed to access a diverse workforce
- Monitor and report progress to all stakeholders
- Do it all again

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<sup>3</sup> Many of the Best Practices described here have been tested on-site and made possible by the broad stakeholder cooperation under the PROJECT LABOR AGREEMENT FOR UNIVERSITY OF MASSACHUSETTS BOSTON CAMPUS BETWEEN BUILDING AND CONSTRUCTION TRADES COUNCIL OF THE METROPOLITAN DISTRICT AND THE NEW ENGLAND REGIONAL COUNCIL OF CARPENTERS AND WALSH BROTHERS, INC. REGARDING DIVISION OF CAPITAL ASSET MANAGEMENT PROJECT NO. UMB0802, DCI. (UMass Boston PLA).

## STEP ONE: SET AND COMMUNICATE WORKFORCE PARTICIPATION GOALS EARLY AND OFTEN

Setting goals is relatively easy if a project is under government mandated workforce participation targets. The hard work is communicating and implementing them.

- Do not accept the legal floor and oft used loophole of “good faith efforts.” “Good faith” is subjective and easily evaded. Demand “MAXIMUM EFFORTS” by all parties.
- If you are responsible for these targets, make them known to all up front. Put the language in the first paragraph of bid packages and legal documents and in a larger font. Tell everyone from the beginning that the days of weak enforcement are over and they will be held to obeying the law. <sup>4</sup>
- If you are a developer or contractor, know what the targets are if you are in a locality with a Jobs Ordinance or if you are receiving government funding. Let the funders know that you are committed to diversifying the workforce.
- If you are representing a community advocating employment opportunities, investigate the relevant mandated goals. If none apply, meet early with the developer to make clear your demands for a diverse workforce.
- Each project should have a written Workforce Participation Plan before a shovel goes in the ground. The Plan should be integrated with all other project systems.

Subcontractors are both the critical point of entry and the weakest link in the chain. They do most of the hiring on a construction project, they are the most time-driven and can be the most economically marginal. *THE SUBS MUST KNOW THAT YOU MEAN BUSINESS.* Where “core crews,” the subcontractors’ regular employees, are not diverse, their regular employment is not an excuse for breaking the law. Contractors and developers can accelerate change by giving priority to subcontractors who diversify their core crews.

## STEP TWO: SEEK OUT AND ESTABLISH THE PARTNERSHIPS NEEDED TO ACCESS A DIVERSE WORKFORCE

At the earliest stages of project planning, identify the pipelines needed to bring members of the community into successful employment on the project.

Seek out and build relationships with area community-based organizations (CBOs), building trades unions, tradeswomen’s organizations, regional One Stop Career Centers and training programs. Make your goals and commitment known to all partners. Designate

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<sup>4</sup> See APPENDIX 1 for sample language.

the person who will be responsible for building partnerships.

Advertise your goals publicly with signage on the site and through community and social media. Develop a working walk-on system that calls back qualified applicants when needed and refers others to the training that will make them ready for the next project.

## STEP THREE: REPORT AND MONITOR PROGRESS TO ALL STAKEHOLDERS

***“That which gets measured gets done.”***<sup>5</sup>

Start compliance early and don’t let up. Measure everything weekly. Know whose job it is to collect and report data. Integrate compliance in all existing systems. (If you know how many board feet of lumber you have, do you know how many women’s work hours you have reached?) Report data and trends at least bi-weekly. Report data by compliance category and by trade. It is not acceptable—nor is it legal—to “diversify” through concentrating women and minorities in lower paid unskilled positions. Share data with community partners. Make data publicly available on the web.<sup>6</sup>

A standing stakeholder committee (for example, “The Access and Opportunity Committee”) should meet regularly, include all stakeholder groups, and provide an agenda, a chair and minutes.<sup>7</sup>

## STEP FOUR: DO IT ALL AGAIN

Workforce participation targets are only a floor, the lowest of goals. Work toward more than compliance. Build permanent compliance systems into planning and construction. You count your materials inventory; put the same efforts into your human capital.

Do better on the next project.

Never, never give up.

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<sup>5</sup> Boston City Councilor Ayanna Pressley on getting compliance done, 2011.

<sup>6</sup> Examples of data sharing on the web include:

- PROJECT-BASED REPORTS: UMass Boston Integrated Sciences Complex monthly reports at <http://www.mass.gov/anf/property-mgmt-and-construction/oversight-agencies/dcam/community-access-and-outreach-for-the-university-/access-and-opportunity-goals-for-umass-boston-dcam-isc-project.html>.
- MUNICIPAL ORDINANCE CONTINUOUS REPORTING: City of Boston’s Resident Jobs Policy at <http://www.bostonredevelopmentauthority.org/compliance/compliance.asp>.

<sup>7</sup> See APPENDIX 2 for sample contract language for a stakeholder committee.

# CHECKLIST #1: Best Practices for Owners and Developers

<i>Pre-Construction</i>	<i>During Construction</i>	<i>Action Step</i>
<input type="checkbox"/>	<input type="checkbox"/>	1. Highlight and emphasize in writing and verbally the workforce and MBE/WBE goals in all Requests for Proposals, invitations to bid and throughout the construction process. Goals must <i>up front and prominent</i> . (See APPENDIX 1 for sample language.)
<input type="checkbox"/>	<input type="checkbox"/>	2. Include the costs of training and employing a Compliance Officer in your labor costs. Ensure that compliance appears as a time and cost item.
<input type="checkbox"/>		3. Require that the CM/GC and all subs designate a compliance officer for each project. Require regular communication.
<input type="checkbox"/>		4. Require that the CM/GC put processes in place for daily, weekly and monthly monitoring.
<input type="checkbox"/>		5. Communicate to CM/GC <i>in no uncertain terms</i> that “maximum efforts” are required to ensure that <ul style="list-style-type: none"> <li>• all anti-discrimination and anti-harassment laws are to be enforced</li> <li>• the work environment will be free of harassment and discrimination</li> <li>• Workforce goals will be met</li> </ul>
<input type="checkbox"/>		6. Require a pre-construction meeting with all CM/GCs, subcontractors, union business agents, local enforcement officials (if applicable) and interested community representatives to reinforce the message that this project will have a diverse workforce and explore solutions to any foreseeable barriers. At these meetings develop specific, written plans for CM/GCs to be successful in meeting the goals.
	<input type="checkbox"/>	7. Monitor compliance on a bi-weekly basis.



## CHECKLIST #2: Best Practices for Construction Managers (CMs) and General Contractors (GCs)

Pre-Construction	During Construction	Action Step
<input type="checkbox"/>		1. Highlight and emphasize workforce goals in writing in invitations to bid for all subcontracts. Goals must be <i>up front and prominent</i> . (See APPENDIX A for sample clause.)
<input type="checkbox"/>		2. If a large project, host Community Information Sessions about the project, the workforce goals, and general knowledge of the building trades. Provide applications.
<input type="checkbox"/>	<input type="checkbox"/>	3. Designate an individual to be responsible for oversight, enforcement and documentation of compliance efforts, anti-discrimination and anti-harassment efforts. Ensure your compliance person works with and reports to the compliance person designated by the owner as well as meeting regularly with the subcontractors' compliance people
<input type="checkbox"/>		4. Host pre-construction meetings with subcontractors, union business agents, BRJP, state or federal compliance representatives and interested community representatives to reinforce the message and develop strategies to overcome any foreseeable barriers to meeting the hiring goals. At these meetings, develop specific written plans that will enable all subcontractors to successfully meet the goals.
<input type="checkbox"/>	<input type="checkbox"/>	5. Require that each subcontractor designate a compliance person for this project. Meet regularly.
<input type="checkbox"/>	<input type="checkbox"/>	6. Communicate to subcontractors that <i>maximum</i> efforts are required and that all anti-discrimination and anti-harassment laws will be enforced a harassment and discrimination free work environment must be ensured and workforce goals must be met via invitations to bid, contracts and pre-construction and other meetings.
<input type="checkbox"/>	<input type="checkbox"/>	7. Develop and implement a process for daily, weekly and monthly monitoring, using the BRJP reporting method as a model. (See Boston Resident Jobs Policy Weekly Utilization Form at <a href="http://www.cityofboston.gov/Images/Documents/weekly_tcm3-3211.pdf">www.cityofboston.gov/Images/Documents/weekly_tcm3-3211.pdf</a> )

<input type="checkbox"/>	<input type="checkbox"/>	8. Develop, communicate and implement a process to verify Boston residency, to monitor applicant disposition, and to ensure follow up on community, minority and female applicants.
<input type="checkbox"/>	<input type="checkbox"/>	9. Ensure that all requests for qualified workers clearly state that all qualified applicants referred for construction positions must be referred in the proportions specified in the Workforce Participation Target Plan. Further, if the union hall, business agent or contractor's association to whom a request for qualified employees has been made fails to fully comply with such a request, the requesting party's compliance officer shall obtain written confirmation that there are insufficient employees in the categories specified in the request and that such insufficiency is documented on the unemployment list maintained by the hall, agent or association.
<input type="checkbox"/>	<input type="checkbox"/>	10. Identify community and city resources for potential employees where compliance is in doubt.
<input type="checkbox"/>	<input type="checkbox"/>	11. Identify community stakeholders and meet with them periodically to update the community and get feedback.
	<input type="checkbox"/>	12. Prepare a monthly report, to be submitted electronically to the owner, which includes a description of compliance efforts, compliance data and an analysis of compliance progress.
	<input type="checkbox"/>	13. Maintain records necessary to ascertain compliance over the course of the project and maintain such records for seven years after its completion. Require subcontractors to do the same.
	<input type="checkbox"/>	14. Ensure someone is assigned to perform regular audits of the entire jobsite to find and remove any racist, sexist or otherwise offensive items including calendars, pin-ups and graffiti, paying particular attention to portable toilets.
<input type="checkbox"/>	<input type="checkbox"/>	15. Develop and implement a process to record and share walk-on applications, modeled on the BRJP applicant disposition process. Share applications with subcontractors, the BRJP jobs bank and relevant unions.
	<input type="checkbox"/>	16. Ensure resident, minority and female applicants receive a letter acknowledging receipt of application and describing application process.

# CHECKLIST #3: Best Practices for Subcontractors

Subcontractors (subs) are the key to success of the hiring goals for any project because generally subs are the primary employers of tradespeople.

<i>Pre-Construction</i>	<i>During Construction</i>	<i>Action Step</i>
<input type="checkbox"/>	<input type="checkbox"/>	1. Demonstrate and document that your company is making <i>maximum</i> efforts to meet the workforce participation goals, as required by your contract.
	<input type="checkbox"/>	2. Meet workforce goals for this project by hiring <i>by trade, by week</i> from day one.
<input type="checkbox"/>	<input type="checkbox"/>	3. Bring Boston residents, people of color and women into your core crew. The long-term solution to meeting workforce hiring goals is to include women and people of color in your core crew.
<input type="checkbox"/>	<input type="checkbox"/>	4. Build relationships with organizations that can be pipelines to new, qualified members. These can include pre-apprenticeship programs and community-based organizations.
<input type="checkbox"/>	<input type="checkbox"/>	5. Document that hiring and supervisory staff are sufficiently knowledgeable and trained in hiring and retaining a diverse workforce. (Tip: The Mass Commission Against Discrimination has developed a course specifically for construction, and has now trained hundreds of union members.)
<input type="checkbox"/>	<input type="checkbox"/>	6. Ensure that your compliance person is someone who has expertise <u>and</u> authority within your company.
	<input type="checkbox"/>	7. Ensure that the company owner/ president monitors compliance frequently.
	<input type="checkbox"/>	8. Refuse to engage in “checkerboarding.” This is the practice of bringing a worker on a job only long enough to meet a goal, then moving them to another project. Checkerboarding is the unfair treatment of members of certain groups in relation to others and often results in inadequate skill development.
	<input type="checkbox"/>	9. Treat the goals like a floor, not a ceiling. Exceeding the goals is a good thing.

## CHECKLIST #4: Best Practices for Building Trades Unions

<i>Pre-Construction</i>	<i>During Construction</i>	<i>Action Step</i>
<input type="checkbox"/>		1. Present to the project owner a report delineating the current makeup of each signatory union, specifying total numbers of its members by compliance category: Boston residents, minorities and women.
<input type="checkbox"/>	<input type="checkbox"/>	2. Inform all relevant union staff of project goals and the expectation of <i>maximum</i> efforts and develop plans to ensure meeting goals.
<input type="checkbox"/>		3. Develop outreach tools for new apprentice, including creating listings of all openings for all trades for current and succeeding years, application dates, applicant requirements and the criteria and process used to determine how applicants will be chosen for apprenticeships.
<input type="checkbox"/>	<input type="checkbox"/>	4. Develop and implement strategies to improve retention of women and minorities including mentoring and constituent committees (i.e. Women’s and Minority Committees).
<input type="checkbox"/>	<input type="checkbox"/>	5. Support and collaborate with community groups on pre-apprentice and retention programs for women and minorities.
<input type="checkbox"/>	<input type="checkbox"/>	6. Develop and implement strategies to address underutilization in apprentice enrollment as well as apprentice completion.
<input type="checkbox"/>	<input type="checkbox"/>	7. Repudiate “checkerboarding,” i.e. keeping women and minorities on jobs just long enough to meet the compliance hours, and instead commit to increasing the numbers of women and minorities who reach journeyworker status.
<input type="checkbox"/>		8. Advertise for women apprentices with language such as “Seeking women applicants.”
<input type="checkbox"/>		9. Hold a job fair for prospective employees and apprentices, including outreach to community-based organizations, religious institutions, vocational/technical schools and women, minority and veterans’ organizations.

# CHECKLIST #5: Best Practices for Community-Based Organizations (CBOs) <sup>8</sup>

<i>Pre-Construction</i>	<i>During Construction</i>	<i>Action Step</i>
<input type="checkbox"/>		1. Ensure inclusion on notification lists for projects before Request for Proposals (RFP) stage.
<input type="checkbox"/>		2. Identify each developer, the funding source(s) and the size and duration of project. Meet with developer/owner as early as possible to discuss their plans for meeting hiring goals.
<input type="checkbox"/>		3. Ensure community benefits and participation agreements are prominently included in Requests for Proposals (RFP).
<input type="checkbox"/>		4. Obtain data on the past 5 years of compliance with the Boston Resident Jobs Policy (BRJP) or other relevant state and/or federal mandates for General Contractors (GCs) and Construction Managers (CMs) <sup>9</sup> .
<input type="checkbox"/>	<input type="checkbox"/>	5. Ensure scheduled post-award meetings with the developer and GC/CM, before project starts; include CBO representatives as well as other stakeholders. Identify the developer's and CM/GC's designated persons responsible for community relationships and compliance.
	<input type="checkbox"/>	6. Ensure CBO representatives meet with GC representatives, city or state monitors and other stakeholders to review and discuss compliance numbers and related issues at least every 2 weeks (or as needed) for duration of project. Insist on remedies anywhere compliance is lacking. (See APPENDIX 3 for D/RLC's Best Practices)
	<input type="checkbox"/>	7. Monitor walk-on list and other recruiting methods at each meeting. Active use of a walk-on list is essential.

<sup>8</sup> See APPENDIX 3 for an example of one community group's detailed plan of action: Dorchester/Roxbury Labor Committee's Best Practices.

<sup>9</sup> Data on compliance with Boston Resident Jobs Policy is available online at <http://www.bostonredevelopmentauthority.org/compliance/compliance.asp>.

## **APPENDIX 1:**

### **SAMPLE COMPLIANCE LANGUAGE FOR RFPs AND CONTRACTS**

#### **From the UMASS BOSTON PLA**

##### ANTI-DISCRIMINATION

The parties to this PLA renounce all forms of unlawful discrimination and agree that they will not discriminate against any employee or applicant for employment on any unlawful basis, including but not limited to race, color, age, religion, sex, sexual orientation, national origin, or disability in any manner prohibited by any applicable law or regulation. All complaints regarding the application of this provision shall be brought to the immediate attention of the Construction Manager and involved Contractor, and/or Union for consideration and resolution.

It is understood by the parties to this PLA that UMBA and/or DCAM have established goals (Ref. Appendix C) for minority and women participation of both employees and Contractors on this Project and that by execution of this PLA all parties recognize that the special procedures set forth in Appendix C shall be used in an effort to achieve these goals for the Project and, to allow for the training and employment on this Project of individuals and community residents on this Project who would not otherwise qualify for employment on this Project. The parties to this PLA shall make a good faith effort to assist in the implementation of such training and employment for the benefit of the population of Boston.

##### APPENDIX C

UMBA and DCAM shall require the Construction Manager and all contractors awarded contracts for the projects to be constructed pursuant to this Agreement to take all steps legally permissible to hire residents of the City in accordance with the Boston Jobs for Boston Residents policy and to comply with the policies and standards relative to contracting with minority and women owned business enterprises (MBE/WBE). These City and State programs are referred to herein as the " Program Requirements".

The Unions will exert their utmost efforts to recruit sufficient numbers of skilled craftsmen to fulfill the manpower requirements of the Contractors and to comply with the requirements of minority and women employment goals and hiring of local Boston residents pursuant to the Boston Jobs for Boston Residents Policy.

The MBE/WBE requirements for the Projects undertaken by DCAM shall be in the percentages established by DCAM for all of its construction work in the Commonwealth.

## **APPENDIX 2:**

### **SAMPLE CONTRACT LANGUAGE FOR STAKEHOLDER COMMITTEE**

#### **From the UMASS BOSTON PLA**

##### ARTICLE III-A

##### ACCESS AND OPPORTUNITY COMMITTEE

The parties have agreed to various provisions of the PLA to achieve the inclusion of minority business enterprises and women business enterprises in the contracting opportunities and minority and women individuals in the employment opportunities created by the covered work. In order to implement and monitor the progress of these anti-discrimination and equal contracting and employment opportunity provisions, the parties, in recognition of their mutual commitment and the partnership they have established to achieve those goals, shall form an Access and Opportunity Committee. The Access and Opportunity Committee will serve as the central forum for representatives of all interested or affected individuals to exchange information and ideas and to advise the parties concerning the operation and results of the Program Requirements contained in Appendix C and the ongoing role of this PLA as an integral component of the Program. As part of these responsibilities, the Access and Opportunity Committee will assess the obstacles to success of achieving inclusion of minority and women workers in the construction opportunities and shall make recommendations for additional programmatic efforts to overcome some of those obstacles.

##### Section 1. Membership and organization

- (a) The Owner shall appoint representatives of all interested segments of the community to an Access and Opportunity Committee, which will include local, minority and women business organizations, community-based organizations, the Unions and Contractors, and the Owner. The Owner shall seek the advice of the Access and Opportunity Committee in considering the appointment of subsequent members.
- (b) The Access and Opportunity Committee will establish its rules of procedure.
- (c) A representative of the Construction Manager, or some other person or entity selected by the Owner, will chair the Access and Opportunity Committee.

##### Section 2. Meetings

- (a) The Access and Opportunity Committee will meet monthly or, more frequently at the call of the Chair.
- (b) A representative of the Owner, preferably the staff member or contracted individual to lead monitoring and compliance efforts on behalf of the Owner, shall chair the Access and Opportunity Committee. The chair will establish agenda topics with input from the committee members and send notices of meetings with the agenda in advance of the meetings.
- (c) The meetings will receive reports and consider work progress and practices, minority business enterprise and women business enterprise utilization, minority and women participation as labor, apprentice development and utilization, pre-apprentice recruitment (if any), training and referral, and other issues of concern to the Access and Opportunity Committee.
- (d) Each Contractor shall report on monthly progress on these issues and provide ongoing workforce projections for their work.

## APPENDIX 3:

### COMMUNITY BEST PRACTICES

#### Dorchester/Roxbury Labor Committee's BEST PRACTICES

Revised: 12/12

These *Best Practices* have been developed by the Dorchester/Roxbury Labor Committee (DRLC) for our own use in Boston and are a work in progress. Please note that they are “best practice guidelines,” which should not discourage community or any other groups from using them under less than ideal circumstances. Don’t wait to become an expert to get involved. Reach out for advice. Suggestions for additions/changes to this handout are welcome. Contact Janet at 617-825-5508 or [jsjonesie@aol.com](mailto:jsjonesie@aol.com).

- Get on notification list for projects in their infancy—before RFP stage.
- Identify each developer; funding sources(s); size/duration of project; detail benefits to the community; review Boston Resident Jobs Ordinance/BRJP or “Kroc Plan” with all stakeholders before RFP goes out.
- Ensure that community benefits and workforce agreement are included in RFP.
- Obtain written printout covering compliance history with Boston Plan/BRJP (or state/federal mandates) for General Contractors (GCs) or Construction Manager (CMs) on the short list. To access through BRA/BRJP website, go to Boston Redevelopment Authority’s website, click on *Construction Compliance* or request histories prior to ’09 from BRJP Office.
- Schedule post bid-award meeting(s), including all involved community members/groups, to be held with:
  - Developer(s). Id Developer’s compliance person.
  - GC/CM. Id project managers/compliance officers for GC/CM. Identify issues around union/non-union/mixed.
  - Identify individuals responsible for a fair/safe worksite (including sexual harassment/anti-bullying policy).
  - Insist that:
    1. work-site, once confirmed that the project to be constructed there, is under compliance by BRJP or BRA, be so identified with clear signage.



2. worker applications be taken locally (on or near construction site) with walk-on list compiled to be *actively* used for project at hand *and* also as a master referral list for other projects: union/non-union as appropriate. Prepare to contact each applicant as their trade gets ready to start and/or invite to a quarterly update meeting.
  3. percentage goals be set in Developer/GC contract for sub-contractors (subs): M/WBEs (preferred minimum for economically challenged neighborhoods: 25% MBE//10% WBE)
  4. percentage goals for total employee work hours be spelled out in subcontractor contracts for hiring per sub, per trade (keep at “Kroc Plan”: 51 resident/51 minority/15 female for economically challenged neighborhoods with Boston Plan/BRJP %’s of 50/25/10 as a minimum). Promote training, hiring and support/retention of women in all the trades. Consider including veteran data also.
  5. percentage goals be spelled out in contract for apprentices: for union projects 1 apprentice for 5 journey workers
  6. local businesses for supplies/services be identified/listed in contract
  7. specific remedies and/or sanctions are identified for non-compliance:
    - a) use of BRJP Office listings/walk-on list/written request to union for category of worker required and written union reply, b) use of community outreach: such as ad in local paper: Metro, Banner, Dorchester Reporter and others such as job websites/Facebook; holding periodic information meetings/ job fairs and OSHA 10 classes for a nominal fee, c) withholding pay or substituting a GC worker for a sub worker and billing sub, d) keeping a subcontractor history list based on project at hand and also on the information available via the online database of all projects covered by the BRJP and the BRA.
  8. a construction schedule/chart of complete project be available to compliance workforce team as project begins, followed by a regular construction schedule update every 2 weeks.
- Identify any compliance officer designated to monitor project in addition to Developer’s and GC’s compliance officers; BRJP; BRA. This could include, if possible, a full-time independent community monitor with funding source(s) identified (preferably the Developer & GC split cost of community monitor); and specify how often monitors will be on site.
  - Identify individual designated to be Clerk of the works.
  - Set up on-going compliance workforce meetings for all assigned city/state officials and stakeholder entities including community groups to compare statistics at least every 2 weeks with up-to-date tracking sheets (broken down by resident/minority/female %

hours/actual body count per sub, per trade) available for all participants. These would include apprentices on the job and could include veteran numbers as well. Request tracking sheets in advance so attendees can review statistics and prepare for meeting. Weekly meetings are recommended for all large projects—at least for the first 3 months of active construction. Graph compliance statistics at least monthly for each hiring category so as to demonstrate trends while being aware that aggregate numbers, even when graphed, tell only part of the story.

- Require a pre-construction meeting with Developer, GC, all subcontractors and compliance monitors plus a community advocate clearly laying out percentage expectations per trade and requiring a submission of at least first quarterly projections 2 weeks before sub begins physical work on site. Check prior history and ask specifically about resident/minority/female numbers on core crew. If lacking in 1 or more category, sub must agree to take referral(s) from BRJP Jobs Bank, community list of worker resources, union.
- Require on-going quarterly projections as work progresses and hold corrective action meeting(s) with Developer, GC, delinquent sub and all compliance officers present at next workforce meeting for any sub who is failing to:
  - submit payroll in a timely fashion
  - report numbers according to compliance plan
  - hire according to workforce percentages documenting “best faith effort”
  - verify workers as to residency a.s.a.p.
  - report sub-contractor subs

Such meetings should generate a written action plan to remedy each failure.

- After first corrective action meeting, any sub, whose intentional failure to meet their contract requirements by taking a skilled worker or apprentice in the needed compliance category onto their core crew, will be subject to sanctions and/or billed by the GC for a worker the GC sends on the job to fill the necessary worker slot. Weekly corrective action meetings documented (in writing) should continue for any contractor until they come into compliance. The sub will also be referred to the Boston Employment Commission for further action. Letter should include notification that sub in question may drop down the Developer’s or GC’s hire list. Apply “3 strikes and you’re out” rule to any sub in need of 3 corrective action meetings.
- Picket a construction site. This action can be very effective especially with community people in a community setting. A variety of picketers and signs is good strategy as is as much publicity for the action and its rationale in as many local media outlets as possible. *ALWAYS INTERVENE SOONER THAN LATER/catch problems early, early, early.*
- Issues to follow up on for future improvement of the process:

- increased verification of Boston residency
- investigation into filed sub bid law with proposal for addition of a compliance clause.
- further clarification of which classifications are deemed racial or ethnic “minority” in the Boston Plan
- change category count: a worker can be counted only once as either R/M/F/apprentice
- legal clarification of Developer holding up pay to GC when its subs are constantly out of compliance with BRJP or other standard/proposal for change
- actively increase opportunities for young females to join summer programs with exposure to the trades; pre-apprenticeship programs through to training to become full apprentices/journey women.
- other legal issues including challenges to compliance percentages
- consider quarterly “job fairs” hosted by the city with other entities for interested residents/minorities/females
- establish pool of trained community compliance officers (monitors) for construction projects in the greater Roxbury/Dorchester/Mattapan neighborhoods.

For DRLC as of 5/11: Janet Jones, John Walsh, Mikey Myles, Davida Andelman, Jean Alonso.

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## Punchlist for Finishing the Job:

- *We are in this together.*
- *There is no silver bullet.*
- *We will never, never give up.*