

APPENDIX L - WORKFORCE TRAINING & HIRING PROGRAM

1. CONTRACTOR CHECKLIST

Portland Community College's (PCC) Workforce Training and Hiring Program (the "Program") applies to all PCC construction contracts of \$200,000 or more and subcontracts with labor costs of \$50,000 or more. 'PCC Project' is defined as projects that have contracts of \$200,000 or more.

It is the Contractor's responsibility to read and fully understand this section of the bid specifications and to comply with all provisions of the program. *Contractors and subcontractors shall include in their bid all costs associated with complying with the Workforce Program.* PCC has set the following workforce equity objectives on the project:

<i>Journeyworker hours worked by people of color ("minority")</i>	25%
<i>Journeyworker hours worked by women and non-binary people</i>	9%
<i>Apprentice hours worked by people of color ("minority")</i>	22%
<i>Apprentice hours worked by women and non-binary people</i>	20%
<i>Total Apprentice hours, by contractor, by trade</i>	20%

The prime contractor and all applicable subcontractors are required to provide all workforce utilization related data electronically in LCP Tracker, a web-based tool accessed here: www.lcptracker.net. The prime contractor is responsible for ensuring all subcontractors have completed monthly workforce reporting and submitted workforce plans. Information related to contractor access of the system will be provided to a designated point of contact upon award of the contract.

2. CHECKLIST

For Contracts of \$200,000 or More and Subcontracts of \$50,000 or more in labor costs, Contractors Must:

- 2.1.** Submit a *Workforce Plan* to Ay.Saechao@portlandoregon.gov (PCC's Data Consultant) prior to submittal of first payroll report, or as otherwise designated. A copy of the Workforce Plan (See attached) must be filled out and then uploaded into LCP Tracker. The Workforce Plan must detail your approach and strategies to achieve the targeted workforce objectives established by PCC.
- 2.2.** Before starting work on this project, confirm registration as a Training Agent with the Bureau of Labor and Industries (BOLI), Apprenticeship & Training Division. Those needing to register as a training agent should contact BOLI (971-673-0760) for information.

- 2.3. Ensure that a minimum of 20% of labor hours *in each apprenticeable trade, by contractor* are worked by registered apprentices. Contractors must fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.
- 2.4. Work diligently to achieve the commitment of employing women and people of color (both journey worker and apprentice level workers as outlined above) by closely following your Workforce Plan. If monthly workforce reports demonstrate a deficit of women or workers of color, reach out to PCC's Workforce and Contracting Equity Manager to resolve workforce deficits immediately:
Amy.JamesNeel@pcc.edu
- 2.5. Maintain written documentation of all requests for workers from the unions, apprenticeship programs, and community organizations, particularly requests made to ensure equitable workforce representation on PCC construction projects.
- 2.6. When an apprentice is hired: Notify PCC's data analyst assigned to the project:
Ay.Saechao@portlandoregon.gov
- 2.7. Submit weekly certified payroll reports via the LCP Tracker system no later than the 5th of each month.
- 2.8. For additional information or questions regarding LCP tracker, please contact:
 - 2.8.1. for data tracking: PCC's Contract Compliance Specialist assigned to the project:
Ay.Saechao@portlandoregon.gov.
 - 2.8.2. for concerns about meeting contracting or workforce goals or need to develop solutions to address workforce equity deficits, please contact PCC's Workforce and Contracting Equity Manager:
Amy.JamesNeel@pcc.edu

3. PURPOSE

3.1. General Program Description

Portland Community College (PCC) Planning and Capital Construction Office is committed to maximizing apprenticeship and employment opportunities for people of color, women and economically disadvantaged workers in the construction trades.

The objectives include:

- 3.1.1.** Ensuring that PCC does business with contractors whose workforce reflects the diversity of the workforce found in the PCC District, and;
 - 3.1.2.** That contracting dollars provide fair and equal opportunities to the jurisdictions' diverse demographics.
- 3.2.** The Workforce Training & Hiring Program ("The Program") is administered for PCC, by The Office of Planning and Capital Construction. The Program applies to all Public Improvement contracts at or over \$200,000 and to each subcontractor having a subcontract of \$50,000 or more in *labor costs* on the project. The Contractor and all Subcontractors are encouraged to fulfill the program requirements even if their contracts are less than this amount.
- 3.3.** Contractors shall make meaningful and demonstrable efforts to ensure that their workforce reflects the diversity of the PCC District by recruiting, training and retaining people of color and women skilled trades workers as part of core crews. This portion of the Contract establishes requirements regarding recruitment, training and employment.
- 3.4.** For purposes of the Workforce Program specifications, the following definitions shall apply:
 - 3.4.1.** The "*Contract*" shall mean the contract awarded as a result of these bid specifications.
 - 3.4.2.** "*Prime*" shall mean the Prime contractor to whom a contract is awarded
 - 3.4.3.** "*Contractor*" shall mean the Prime Contractor to whom a Contract is awarded, and any subcontractors with subcontracts of \$50,000 or more in labor costs.
 - 3.4.4.** "*Subcontractor*" shall mean the contractor to whom a Contract is awarded by the Prime
 - 3.4.5.** The term "*people of color*" shall include members of any gender who are African-American/Black, Hispanic American/Hispanic, Asian or Pacific Islanders, Native Americans, Indigenous or Alaskan Native Americans and other people of color.
 - 3.4.6.** "*Owner*" shall mean the agency that awarded the Contract, or leveraged public involvement in the project through a loan or development agreement.
 - 3.4.7.** The "*project*" shall include all work performed pursuant to the Contract.
 - 3.4.8.** A Public Improvement Project is one that meets the definitions in ORS 279A.010

3.5. Organization of Program Requirements

3.5.1. The Workforce Program specifications are divided into several parts:

- 3.5.1.1.** Section 4 - refers to the action the Contractor must take in order to be eligible for award of a contract.
- 3.5.1.2.** Section 5 - lists the actions that must be taken by the Contractor to meet contractual obligations.
- 3.5.1.3.** Sections 6-11 - refers to the Owner's ability to monitor compliance with the Workforce Program specification by examination of Contractor records.

4. ACTIONS REQUIRED PRIOR TO BEGINNING THE PROJECT

- 4.1.** The Contractor shall thoroughly read this Workforce Program specification and commit to perform all requirements described herein. The Contractor shall submit, before start of construction, a Workforce Plan, which demonstrates how the workforce on this project will fulfill all program requirements, including utilization of apprentices and targeted workforce diversity goals. A copy of the Workforce Plan shall be downloaded, filled out and then uploaded into LCP Tracker.

5. ACTIONS REQUIRED TO SATISFY CONTRACTUAL OBLIGATIONS

- 5.1.** The Contractor must take meaningful and demonstrable action to have a workforce that reflects the diversity of the city of Portland and Multnomah County and is reasonably consistent with the availability of qualified women and BIPOC workers. This requirement is in addition to any other requirement of this portion of the Contract.
- 5.2.** The PRIME and its subcontractors with subcontracts of \$50,000 or more in labor costs, at any tier level, shall strive to achieve the workforce diversity objectives outlined here:

<i>Journeyworker hours worked by people of color ("minority")</i>	25%
<i>Journeyworker hours worked by women or non-binary people</i>	9%
<i>Apprentice hours worked by people of color ("minority")</i>	22%
<i>Apprentice hours worked by women or non-binary people</i>	20%
<i>Total Apprentice hours by contractor by trade</i>	20%

- 5.3. Provide written documentation of efforts to recruit diverse workers. Contractors must follow the process for hiring, requesting, recruiting or replacing workers described in Section III, subsection F. This process is considered by PCC to be the *minimum* effort to recruit a diverse workforce.
- 5.4. The failure by a union with whom the Contractor has a collective bargaining agreement to refer either people of color or women workers shall not excuse the Contractor or subcontractor's obligations under this section of the specifications. Your Workforce Plan shall include a contingency for recruiting diverse workers in the event that apprenticeship dispatch fails to refer women or people of color.

6. ENSURE COMPLIANCE FROM QUALIFYING SUBCONTRACTORS

- 6.1. The PRIME shall ensure that each subcontractor having a subcontract of \$50,000 or more in labor costs, at any tier, shall comply with all of the provisions of the Workforce Program specifications. Contractors shall include in their price all costs associated with this requirement. No change order will be executed in order for the PRIME to comply with the Workforce Program specifications.
- 6.2. The PRIME shall provide a copy of this Workforce Program specification to all subcontractors with contracts of \$50,000 or more in labor costs executed for the project.

7. REGISTER AS A TRAINING AGENT

- 7.1. The PRIME shall register with BOLI as a Training Agent and ensure that all subcontractors who have contracts in the amount of \$50,000 or more are registered as Training Agents, prior to beginning work.
- 7.2. Registration as a Training Agent in a specific trade is not required if there are no training opportunities in that trade on the project, based on the maximum ratio allowed by BOLI. A formal exemption must be requested and approved by the Owner in writing prior to start of work (see below **7.6-7.7**).
- 7.3. Training programs approved by and registered with BOLI may be used to fulfill training requirements under the Workforce Program specifications.
- 7.4. Other training alternatives must be approved by PCC's Workforce and Contracting Equity Manager.
- 7.5. Training is intended to be primarily on-the-job training in apprenticeable crafts, and does not include classifications such as flag person, timekeeper, office engineer, estimator, bookkeeper, clerk/typist, fire fighter, or secretary. Hours performed in crafts, which are not apprenticeable occupations, are exempt from the training requirements.
- 7.6. Exemptions to the training requirements must be approved by the Owner in writing prior to starting work on the project. Written requests for exemptions related to the training requirements will be considered by the Owner only for extreme circumstances during the course of the project and must be approved in writing.
- 7.7. All requests to exempt all or any portion of the work on a project shall be submitted to the Owner fourteen (14) calendar days before any work on the project begins. All exemptions must be approved by the Workforce and Contracting Equity Manager: Amy.JamesNeel@pcc.edu

8. SUBMIT DOCUMENTATION

8.1. The PRIME shall submit documentation regarding the following subjects to the Owner. The Owner's failure to object to documentation submitted by the PRIME or subcontractor shall not relieve them of the requirements of the Workforce Program specifications.

8.2. Training Agent Status:

8.2.1. The PRIME and all subcontractors subject to the Program must submit proof to PCC's Workforce and Contracting Equity Manager that they are registered Training Agents with BOLI prior to beginning any work on the project.

8.3. Subcontractor Workforce Information:

8.3.1. A Workforce Plan must be submitted for each subcontractor with a contract of \$50,000 or more, prior to submission of their first payroll report, or within 5 calendar days after the execution of the applicable subcontract, whichever occurs first. A copy of the Workforce Plan shall be downloaded, filled out and then uploaded into LCP Tracker. Work by a subcontractor shall not begin prior to submission of such documentation.

8.4. Workforce Reporting after Work Begins

8.4.1. Payroll Reports must be submitted by the PRIME and any subcontractor having a subcontract of \$50,000 in labor costs or more, via LCP Tracker, no later than the 5th of each month and will be used to track adherence to PCC's apprentice requirement and workforce diversity goals. Regardless of value, all prevailing wages must be reported to BOLI.

8.4.2. Prime and Subcontractor Utilization Reporting After Work Begins

8.5. The PRIME must use PCC's diversity software platform [B2GNow](#) to manage their contract, subcontracts and payments. This platform captures all subcontractors on the project down through the tiers, and their COBID certification status. The PRIME will be required to:

8.5.1. Add all subcontractors through the tiers (T1, T2, etc.) to the prime contract

8.5.2. Enter in subcontract amounts

8.5.3. Report any change in contract amounts to the Contract Compliance Officer

8.5.4. Participate in monthly payment audits to subcontractors

8.6. In addition to the Prime using this system, all subcontractors must also use B2GNow to verify their payment was received from the prime contractor or subcontractor on a monthly basis. This information will be used to track utilization of COBID certified firms and reported to the PCC Board. Refer to PCC's Contracting Equity Program in Appendix J.

9. USE OF APPRENTICES

9.1. The PRIME shall:

- 9.1.1. Ensure that a minimum of 20% of labor hours in each apprenticeable trade performed on the project by the PRIME, and subcontractors with subcontracts of \$50,000 or more in labor costs, are worked by state registered apprentices throughout the duration of the project. The PRIME and subcontractors shall fulfill the 20% apprenticeship requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program, if working in excess of 300 hours in any given trade.
- 9.1.2. Pay all apprentices the wages required by any applicable collective bargaining contract or pursuant to state or federal law and regulations.
- 9.1.3. Not use workers previously employed at journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of these provisions.
- 9.1.4. Notify the Contract Compliance Specialist when an apprentice is hired for this project.
- 9.1.5. Count apprentice hours as follows:
 - 9.1.5.1. Hours worked on the project by apprentices enrolled in state-approved apprenticeship programs. *If the Contractor is unable to fulfill its 20% requirement and has reached out to their JATC to address the deficit without success, then the Contractor may also use methods (b) and (c) below;*
 - 9.1.5.2. Hours worked on the project by apprentices who are required to be away from the job site for related program training during the course of the project, but only if the apprentice is rehired by the same employer after completion of training; and
 - 9.1.5.3. Hours worked on the project by graduates of state-registered apprenticeship programs, provided that such hours are worked within the 12-month period following the apprentice's completion date.

10. HIRING, REQUESTING, AND REPLACING WORKERS

10.1. Contractors must follow all of these steps when hiring, requesting, recruiting or replacing workers:

10.1.1. For Apprentices:

- 10.1.1.1. Contact the appropriate apprenticeship program or dispatch center to request apprentices who are enrolled in the apprenticeship program using the worker request form or process
- 10.1.1.2. Request women or people of color apprentices from the apprenticeship program if such an action will remedy inequitable racial, ethnic and gender representation in the Contractor's workforce.

10.1.1.3. If the apprenticeship program is unable to supply an apprentice and if the program is open for applications or allows direct entry from the Oregon Employment Division, make reasonable and necessary efforts to recruit apprentice applicants from [WorkSource](#) at the Oregon Employment Department, or a State-certified Pre-Apprenticeship Training Program, or other trades-preparatory program and seek to enroll them/sponsor them into an apprenticeship program.

10.1.2. For All Workers:

10.1.2.1. Make meaningful and earnest efforts to employ a diverse workforce. Such actions shall include requests for women and people of color applicants. Contractors are notified that direct hiring of employees (such as "walk-ons") without providing notification of that job opportunity may not be sufficient to establish the Contractor's efforts to satisfy the diversity goals; and

10.1.2.2. Document employment efforts. Use the attached Worker Request Form to keep a *written* record of requests to:

10.1.2.2.1. Union halls for signatory contractors;

10.1.2.2.2. Union or open shop apprenticeship programs;

10.1.2.2.3. The Oregon Employment Department. Go to: <http://www.imatchskills.org> or call 503-257-HIRE;

10.1.2.2.4. State-registered pre-apprenticeship programs:
<https://www.oregon.gov/boli/apprenticeship/Pages/default.aspx>

10.1.2.3. Documentation will be requested by the Owner, if a Contractor is not following their *Workforce Plan* or meeting the workforce diversity goals, if it appears that the Contractor has not made reasonable and necessary efforts. When requested, the Contractor shall provide that documentation to the Contract Compliance Specialist within 7 calendar days.

NOTE: Contractors may contact the Workforce and Contracting Equity Manager for assistance related to any of the above issues.

11. REVIEW OF RECORDS

- 11.1.** In the event that the Owner reasonably believes that a violation of the requirements of the Workforce Program specifications has occurred, the Owner is entitled to review the books and records of the PRIME and any subcontractors employed on the project to which the requirements of these specifications are applicable to determine whether such a violation has or has not occurred. In the event that the PRIME or any subcontractor fails to provide the books and records for inspection and copying when requested, such failure shall constitute a material breach of this Contract and permit the imposition of any of the remedies noted in Section IV above, including the withholding of all or part of any progress payment.

12. RESOURCES:

- 12.1.1.** Copies of all required forms, including the Workforce Plan and Worker Request Form can be downloaded from the LCP Tracker system at www.lcptracker.net
- 12.1.2.** For information about State-Approved Pre-Apprenticeship Programs:<https://www.oregon.gov/boli/apprenticeship/Pages/pre-apprenticeship-programs.aspx>
- 12.1.3.** For information on State-Approved Apprenticeship Programs:
<http://www.oregon.gov/BOLI/ATD/pages/index.aspx>.
- 12.1.4.** If you have questions after reading the information contained herein and visiting the resources above, please contact PCC's Workforce and Contracting Equity Manager,
Amy.JamesNeel@pcc.edu

Portland Community College

Workforce Plan

Company Name _____
 Federal Tax ID _____
 Project Name _____

Contract Amount _____
 Prime or Sub Contractor?

Instructions

1. This form must be completed by the prime and each subcontractor with a contract that includes labor costs of \$100,000 or more.
2. Outline your plan for performing work in a manner that meets PCC's requirement that 20% of labor hours be performed by Apprentices by Trade
3. Outline your plan to fulfill PCC's workforce equity objectives outlined below

<i>Journeyworker</i> hours worked by Black, Indigenous, LatinX or other people of color ("minority")	25%
<i>Journeyworker</i> hours worked by women or non-binary people	9%
<i>Apprentice</i> hours worked by Black, Indigenous, LatinX or other people of color ("minority")	22%
<i>Apprentice</i> hours worked by women or non-binary people	20%

Who will be responsible for monitoring apprentice and diversity objectives on the project?

Name _____ Job _____ Email _____
 Title _____ Address _____ Phone _____

Are you a registered Training Agent?

Are you a: Union Open Shop not affiliated with registered apprenticeship

What JATC dispatches apprentices to your firm?

Name _____	Local _____	Phone _____
Name _____	Local _____	Phone _____
Name _____	Local _____	Phone _____
Name _____	Local _____	Phone _____
Name _____	Local _____	Phone _____

How do you plan to achieve the objectives for project
 hours worked by women on this project?

How do you plan to achieve the objectives for project
 hours worked by people of color on this project?

How do you plan to achieve the objective for project
 hours worked by apprentices on this project?

Not including your JATC, please list organizations that you currently have relationships worth, such as registered pre-apprenticeship programs that will assist you in connecting with diverse workers for this project

Program Name_____	Contact Name_____	Contact Phone_____	Contact Email_____
Program Name_____	Contact Name_____	Contact Phone_____	Contact Email_____
Program Name_____	Contact Name_____	Contact Phone_____	Contact Email_____
Program Name_____	Contact Name_____	Contact Phone_____	Contact Email_____

List all trades to be used on this project and the total of each worker:

Trade (one trade per line)	Total # of Journey Workers	Total # of Apprentices	Total # of Female Workers	Total # of Minority Workers	# and level of New Hires (i.e. 1A or 1J)	Anticipated Start Date	Estimated Total Hours (all workers in each trade)

Please list the apprentices who will work on this project. Compliance Staff must approve all apprentices on the project.

If no current apprentices, indicate when and how they will be hired: —					
Name	Trade	Race	Gender	Date of Hire	STAFF USE ONLY

Prepared By: _____ Signature: _____ Date: _____

WORKER REQUEST FORM

For projects subject to the Workforce Training & Hiring Program

To the Contractor:

Please complete and send this form, when requesting workers to fulfill all hiring requirements for this project. A copy of the form must be sent to the Compliance Specialist assigned to the project.

To:					
From:		Phone:		Email:	
Business Name:		Business Address:			
Project Name:					

Worker Request

I am a contractor on a Portland Community College Project, which falls under the Workforce Training and Hiring Program. This project requires me to make reasonable and necessary efforts to employ a diverse workforce and achieve the equity goals established by Portland Community College in the table below. I am using this form to request a worker(s) for employment with my company. Therefore, please refer ethnic minorities and women, for my consideration.

<i>Journeyworker hours worked by people of color ("minority")</i>	25%
<i>Journeyworker hours worked by women and non-binary people</i>	9%
<i>Apprentice Hours worked by people of color ("minority")</i>	22%
<i>Apprentice Hours worked by women and non-binary people</i>	20%

Number/Level of Workers Needed:		Apprentice		Journey Level	
Trade/Occupation:		Job Site Location:			
Work Starts:		Expected Length of Employment:			
Please provide a brief description of the Job Requirements:					
This job requires:	Driver's License Hard Hat Minimum Age Section 3 Resident	Physical Exam Gloves	Union Membership Hard-toed boots Drug Test	Background Check Minimum Education Other	
Duties (list the actual tasks that the employee will perform on the job:					
Hours per Week: 8 Full Time Part Time					

TO BE FILLED OUT BY REFERRING PARTY:

Please complete this section and send back to the requesting Contractor with a copy to Portland Community College, Workforce and Contracting Equity Manager at amy.jamesneel@pcc.edu.

We were able to dispatch a worker meeting the guidelines above:

Name of worker(s):

Name of worker(s):

Name of worker(s):

We were unable to dispatch a worker meeting the guidelines above.