Health, Housing, and Community Services Department

The purpose of the Helping Achieve Responsible Development with Healthcare and Apprenticeship Training Standards ("HARD HATS") Ordinance is to address the shortage of qualified construction workers, rising labor costs, and to refine labor standards in the local construction industry. ORDINANCE NO. 7,861-N.S.

HARD HATS applies to private development projects within City limits consisting of construction, alteration, or demolition of 50,000 square feet or more of floor area which submits its initial application after the effective date of January 1, 2024.

Full text of Chapter 13.107 of the City of Berkeley Municipal Code can be found at https://berkeley.municipal.codes/BMC/13.107

*The Health Care Expenditure Rate from Jan-Dec 2027 is **$5.60/hr** and the rate for Cash in Lieu of a Health Care Expenditure is **$8.40/hr**. These rates are in addition to the Covered Employee's normal rate of pay.

# HARD HATS Ordinance Applicant Declaration

This project is subject to the HARD HATS Ordinance, a set of labor and employment standards in the Berkeley Municipal Code that applies to developments over 50,000 square feet.

Project Address: _____

Project Name (if applicable): _____

**Please declare how this project will comply with the HARD HATS Ordinance. Choose <u>one</u> of the following three options:**

○ I, _____, as authorized representative for the proposed project, declare that the developer and/or general contractor has signed a Project Labor Agreement with the Building and Construction Trades Council of Alameda County. *(Please attach a copy of the signed Project Labor Agreement)*.

○ I, _____, as authorized representative for the proposed project, declare that the general contractor and all subcontractors in excess of ½ of one percent of the total cost of the project are signatory to the unions that cover the crafts within their scopes of work on the proposed project. *(Please attach a Letter of Good Standing for each contractor)*.

○ I, _____, as authorized representative for the proposed project, declare that the general contractor and all subcontractors in excess of ½ of one percent of the total cost of the project, regardless of tier or time of hire, will comply with the Apprenticeship and Health Care Expenditures requirements of the HARD HATS Ordinance by doing the following:

1. Participating in a Joint Labor-Management Apprenticeship Program or other state-accredited apprenticeship program, or by making monthly contributions to the California Apprenticeship Council for every hour worked by a construction worker.
2. Making Health Care Expenditures on behalf of each construction worker during periods of employmenton the project. Health Care Expenditures may be made to: (1) a health plan in which the constructionworker is enrolled at the Health Care Expenditure Rate; (2) a construction worker's health savings account at the Health Care Expenditure Rate; and/or (3) a construction worker as a direct payment at 1.5 times the Health Care Expenditure Rate.

**Continued on next side**

# HARD HATS Ordinance Applicant Declaration

3. Signing and submitting a “Contractor Prequalification Questionnaire” including documented proof of Health Care Expenditures to or on behalf of each construction worker for the 180 consecutive dayperiod prior to the submission of the prequalification documents.
4. At least 7 days before their first day of work, collecting Contractor Prequalification Questionnaires from each subcontractor and documented proof that each subcontractor complied with the Health Care Expenditure and Apprenticeship Requirements of the ordinance.
5. Advising City of Berkeley staff of any new subcontractor added to the project and any change to health care policies or apprenticeship program participation.
6. Paying Health Care Expenditures to employees of subcontractors if those subcontractors fail to do so.
7. Collecting and submitting “Contractor Satisfaction Statements” from each subcontractor within 30 days of the completion of their work.
8. Upon completion of the project, signing and submitting an “Applicant Certification of Compliance” to the City affirming that all contractors on the project satisfied the requirements of the ordinance.

By my signature below, I hereby affirm under penalty of perjury that each of the above declarations are true.

| | | |
|---|---|---|
| Developer Rep. | Signature | Date |
| General Contractor Rep. | Signature | Date |
| City of Berkeley Labor Standards Staff | Signature | Date |

For further information, please contact City of Berkeley Labor Standards Enforcement at **LaborStandards@berkeleyca.gov**