



Commission on Labor

Agenda

South Berkeley Senior Center
2939 Ellis Street
Berkeley, CA 94703

Wednesday
September 18, 2019
7:00 p.m.

Preliminary Matters

1. Roll Call
2. Public Comments
The public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.
3. Approval of July 17, 2019 draft Meeting minutes (*Attachment 1*)

Action Items

The Commission may take action related to any subject listed on the Agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.

4. Status Updates:
 - 1) Council Referral: Development of a Homeless Youth Policy-possible updates from Homeless Commission regarding recommendations to City Council
 - 2) Council Referral: May 15, 2018 to Establish Fair Workweek Requirements in Berkeley (also referred to the City Council's Paid Family Leave ad-hoc subcommittee), report back from ad-hoc subcommittee
 - 3) Council Referral: Paid Family Leave (possible referral to Council policy committee)
 - 4) Commission on the Status of Women (COSOW) Equal Pay-possible update regarding budget referral issue on the independent audit of city employee wages
 - 5) Medicare for All Act- council recommendation and resolution to council to support HR 1384- update on preparation of commission report to council
 - 6) Support of Assembly Bill 5 which reinforces the California Supreme Court's Dynamex decision regarding whether workers should be classified as either employees or independent contractors for the purposes of wage orders adopted by California's Industrial Welfare Commission (IWC)
5. New Items:
 - 1) Presentation: Race Forward and Restaurant Opportunities Centers United on the racial wage gap in the restaurant industry- possible action to form a subcommittee to

recommend policy solutions to Council to eliminate the racial wage gap in Berkeley's restaurant industry

- 2) City of Berkeley Procurement and Commission on Labor oversight in the process.
 - 3) Berkeley Federation of Teachers (BFT) and Berkeley Unified School district update on contract negotiations
 - 4) Council Referral: Local Construction Workforce Development Policy (*attachment 2 July 9, 2019 Council report*)
6. Agenda planning for November 20, 2019 Commission meeting

Adjournment

Please refrain from wearing scented products to this meeting.

COMMUNICATION ACCESS INFORMATION

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Written material may be viewed in advance of the meeting at the Housing & Community Services Department, 2180 Milvia, 2nd Floor, during regular business hours or at the Berkeley Public Library, Shattuck/Kittredge Streets, during regular library hours at the Reference Desk. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: <http://www.cityofberkeley.info/commissions>.

Secretary:

Delfina M. Geiken
Health, Housing & Community Services
Department
(510) 981-7551
E-mail: DGeiken@CityofBerkeley.info

Mailing Address:

Commission on Labor
Delfina Geiken, Secretary
2180 Milvia, 2nd Floor
Berkeley, CA 94704



Commission on Labor

Draft Minutes

South Berkeley Senior Center
2939 Ellis Street
Berkeley, CA 94703

Wednesday
July 17, 2019
7:00 p.m.

Preliminary Matters

1. Roll Call
Meeting called to order @ 7:05 p.m.
Present: P. Castelli; M. Jones; K. Schriener; M. Wilkinson; J. Fillingim;
Absent: None
Leave of Absence: A. Sharenko; W. Bloom
Staff: N. Dahl, Community Development Project Coordinator (Acting Secretary)
Kristen Lee, Manager of Housing and Community Services, HHCS
Members of the public: None
2. Public Comments
The public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.

None.
3. Approval of May 15, 2019 draft Meeting minutes

M/S/C to approve minutes (Schriener/Jones)
Ayes: P. Castelli; J. Fillingim; M. Jones; K. Schriener; M. Wilkinson;
Noes: None
Leave of Absence: A. Sharenko; W. Bloom

Action Items

The Commission may take action related to any subject listed on the Agenda. Public comments regarding agenda items will be heard while the Commission is discussing the item.

4. Presentation:
 - 1) Support of Assembly Bill 5 which reinforces the California Supreme Court's Dynamex decision regarding whether workers should be classified as either employees or independent contractors for the purposes of wage orders adopted by California's Industrial Welfare Commission (IWC)

Presentation did not occur; no action.
5. Status Updates:
 - 2) Council Referral: Development of a Homeless Youth Policy-possible updates from Homeless Commission regarding recommendations to City Council

No Action

- 3) Council Referral: May 15, 2018 to Establish Fair Workweek Requirements in Berkeley (also referred to the City Council's Paid Family Leave ad-hoc subcommittee), report back from ad-hoc subcommittee

No Action

- 4) Council Referral: Paid Family Leave

No Action

- 5) Commission on the Status of Women (COSOW) Equal Pay update on results of report to council on July 9, 2019 recommending an independent audit of city employee wages.

Staff reported that City Council approved the recommendation of the COSOW and it was referred to the budget process.

No Action

- 6) Medicare for All Act- council recommendation and resolution to council to support HR 1384

No action at this time. Report is being drafted by Commissioner Castelli.

6. Agenda planning for September 18, 2019 Commission meeting.
- All Items from July 17, 2019 Agenda.
 - Presentation: Race Forward and Restaurant Opportunities Centers United on the racial wage gap in the restaurant industry- possible action to form a subcommittee to recommend policy solutions to Council to eliminate the racial wage gap in Berkeley's restaurant industry.
 - City of Berkeley Procurement and Commission on Labor Oversight in that process.

Information

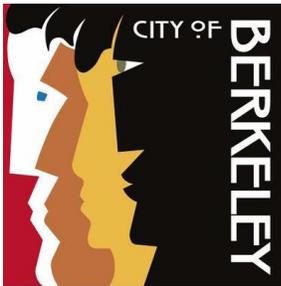
7. Commission Work Plan for Fiscal Year 20-21

Adjournment

Meeting adjourned @ 7:29 p.m.

Minutes Approved on _____

Commission Secretary



Councilmember Ben Bartlett

City of Berkeley, District 3
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
PHONE 510-981-7130
EMAIL: bbartlett@cityofberkeley.info

CONSENT CALENDAR

July 9, 2019

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett, Mayor Jesse Arreguin,
Councilmember Kate Harrison, and Councilmember Cheryl Davila
Subject: Local Construction Workforce Development Policy

RECOMMENDATION:

Policy Recommendation:

That the City Council refer to the Planning Commission to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals.

Program:

The City should require contractor prequalification for General Plan Area projects of 30,000 square feet or more.

Apprenticeship:

Each general contractor and subcontractor (at every tier for the project) will sign a statement stipulating that it participates in a Joint Apprenticeship Program approved by the State of California, Division of Apprenticeship Standards. For each apprenticeable craft a contractor or subcontractor employs on its workforce, the contractor will maintain the ratio of apprentices as required by California Labor Code section 1777.5 which apprentices are enrolled and participating in a Joint Apprenticeship Program approved by the State of California, Division of Apprenticeship Standards.

Health Care Coverage:

Each general contractor or subcontractor (at every tier for the project) will sign a statement stipulating to and providing documented proof that the contractor pays at least 75 percent of the cost of the premiums for health insurance at the silver level (as set forth by Covered California) for all its construction craft employees and the employees' dependents and that this coverage has been maintained for 180 consecutive days prior to the submission of the pre-qualification documents (a copy of the Declaration of Insurance Coverage showing the dates of continuous coverage or proof that the Contractor contributes to an Employee Benefit Plan shall qualify) OR

documentary proof that such medical coverage has been offered to employees within 180 days prior to the submission of pre-qualification documents. Any change in coverage must be immediately provided to the City of Berkeley.

POLICY COMMITTEE RECOMMENDATION

On May 16, 2019, the Land Use, Housing & Economic Development Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the full Council with a Positive Recommendation. Vote: All Ayes.

CURRENT SITUATION:

As the City of Berkeley plans to increase production of housing, commercial buildings, and public facilities, the need for a skilled construction workforce is vital. Shortages of skilled construction workers, particularly residential trades workers, threaten to delay or derail development plans.

The shortages are attributable to factors such as reduced utilization of state-approved apprenticeships, fewer young labor force entrants, dwindling contractor offerings of health and retirement plans, and the related trend of lagging construction productivity growth. These realities have been affecting the land use goals of local jurisdictions. For instance, in San Francisco, many entitled projects with thousands of units awaiting construction are stalled due to skilled labor shortages, diminished contractor productivity, and construction costs that spiked.

The creation and utilization of apprenticeship acts to both recruit and retain an adequate base of construction workers and to be a pipeline for future supervisors and licensed independent contractors. Requiring contractors on major projects in Berkeley to employ apprentices results in a higher volume of apprentice training, and thus, an increase in the construction labor force.

BACKGROUND:

In the 1960s, the introduction of a requirement to employ apprentices on public works projects dramatically increased the amount of apprentice training. Later, this allowed for higher amounts of apprentices to be employed in the private sector, helping builders produce over 4.1 million housing units between 1970 and 1989.

More than 96 percent of the 21,000 apprentices in the greater San Francisco Bay Area who were active or completed their state-approved programs between 2013 and 2018 were affiliated with joint apprenticeship programs.

According to the State of California's 2014 Affordable Housing Cost Study and Economic Census data specific to California's construction industry, construction labor wages and benefits account for only 15% of total project costs. Meanwhile, since 1992 the industry's basis for profitability has increased 50% more than either construction labor or materials.

Despite this increase in profitability, there is still a disconnect between construction workers to apprenticeship and health insurance plans, resulting in a shrinking supply of labor. This has constrained the construction industry's ability to expand in response to the rising construction needs of California and its many cities.

Thus, it is in the City of Berkeley's economic interest as a land use regulator to support a pipeline of skilled workers to accomplish the construction objectives and policies of the Berkeley General Plan. More specifically, the policy will promote the following Plan's goals:

1) Ensure that Berkeley has an adequate supply of decent housing, living wage jobs, and businesses providing basic goods and services.

2) New housing should be developed to expand housing opportunities in Berkeley to meet the needs of all income groups.

To increase the prospects for successful implementation and build-out goals of the Plan, it is advised that the City adopt the aforementioned local construction workforce development policy.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Over 96 percent of the nearly 21,000 apprentices from the greater San Francisco Bay Area who were active or completed their state-approved programs between 2013 and 2018 were affiliated with joint apprenticeship programs.

OUTREACH OVERVIEW AND RESULTS

Counsel and recommendations were received from the Building and Construction Trades Council of Alameda County.

RATIONALE FOR RECOMMENDATION

The City of Berkeley, along with numerous neighboring cities, school districts, special districts and the state of California plans to increase production of housing, commercial buildings, and/or public facilities. Shortages of skilled construction workers, however, will likely prevent many cities from achieving these goals. Thus, it is vital for the City to enact this policy in order to increase the construction labor supply to adequate levels for Berkeley's goals.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

The Planning Commission will create the policy on local construction workforce development which will be enforced by the City.

FISCAL IMPACTS OF RECOMMENDATION

Costs associated with administering the prequalification compliance documentation.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

OUTCOMES AND EVALUATION

It is expected that the City Council will refer to the Planning Commission to create a policy requiring contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans.

CONTACT PERSON

Councilmember Ben Bartlett
James Chang

510-981-7130
510-981-7131