

Economic Opportunity and Empowerment Advisory Board

October 22, 2015

Oversight and Compliance Approaches

PROCESS:



DESIRED OUTCOMES FROM THE EAB:

- **TRAINING AND SUPPORT:** Ensure success of apprentices, minorities and women who are equipped to compete and diversify the workforce (diversity reduces risk)
- **OUTREACH TO TRADES:** Identify and support trades that need the most help in diversifying their workforce
- **UNION PARTICIPTION:** Workers have the opportunity to be strong union members
- **ACCESS TO JOBS:** Strengthen the pipeline to Public Works & other opportunities for those without prior work experience by making the opportunities widely available & accessible
- **LOCAL HIRES:** Increase hires in zip codes with high minority populations
- **NEIGHBORHOOD PRESERVATION:** Preserve the neighborhood with a positive perception of the construction project that engages workers that look like them
- **IMPLEMENTABLE:** Ensure the CWA fits within the context of complicated legal framework

COMMUNITY WORKFORCE AGREEMENTS

Impact of CWAs & PLAs on stakeholders

BARRIERS TO ACCESS:

- Driver's license
- GED
- Child Care

TIMING OF WORKER BENEFITS:

- Non-union workers benefits only after a year

UNION vs. NON-UNION

- Trained non-union workers have hard time entering the union
- Union's need to keep quality of trained force – drives new worker restrictions

SUB-CONTRACTOR EDUCATION

- Recruitment & Outreach
- Training: understand responsibilities
- Pre-apprenticeship programs

CONTRACTOR INCLUSION STRATEGY

A strong inclusion plan will prioritize Education

TIMING:

- Subcontractors know PLAs and CWAs components well in advance – from GC before contract signing

COST:

- Perception that extra costs make PLA projects infeasible

OUTREACH:

- County role as a resource for contractors requirements
- Responsibility among different involved agencies
- Determine structure & identify responsible parties to get to who is missing

EVALUATION:

- Best intentions may not lead to desired results - track and adjust as needed

APPRENTICESHIP ACCESS STRATEGY

Education is the most crucial component to ensuring success for apprentices

PRE-APPRENTICESHIP PROGRAMS

- Be informed of current programs and how to work with them
- Not enough to meet the need

IDENTIFY AREAS OF NEED:

- At-risk youth
- Workplace behavior/acceptance

PARTNERSHIPS

- Use/track existing relationships in the community
- Relationships King County has already formed
- Form new relationships to meet gaps in support services and target population outreach

Oversight and Compliance Approaches

Proactive Access and Inclusion

DEFINITIONS:

- **Compliance**

A method of contract management that seeks to ensure that contract holders are fulfilling agency standards.

- **Enforcement**

The methods or procedures by which accountability is established in agency protocols and the execution of these processes for the purpose of ensuring delivery of the agreed to contracted outcome.

- **Administration**

The management of processes related to the execution of agency contracts and all of the related impacted systems, offices and/or its participants.

Value of Effective Compliance

Economic Development

Ensures the reliance on regional economic growth from wage contributions **actually reaches the community** it is designed to impact.

Employment Opportunities

Levels the playing field for career access to low-income workers, women, veterans, people of color, and other disadvantaged workers.

Educational Opportunities

Creates accountability to ensure career OJT and in-classroom training supports the designed program efforts.

Skilled Workforce

Ensures the agency is getting the **quality outcome** it is paying for.

Small Business Participation

Supports the highest quality education standards and creates accountability for expected delivery and **ensures participation** at all levels.

What tools are available for CFJC program?

Contract Compliance

Standardized elements included in contractual language:

- Payment of Prevailing wages
- Apprenticeship Utilization
- Small Business inclusion
- Bonding and Insurance provisions

Elements Contained within PLA

- Joint dispute resolution process
- Grievance procedures
- Letters of Assent

What is different if CWA elements are included?

Contract Compliance expands to workforce elements

Standardized elements included in contractual language:

- Dispatch prioritization based on economic disadvantage factors
- Recognition and utilization of support systems for workforce development
- Small Business inclusion contains workforce education components

Compliance relies on additional stakeholder inclusion

- Contractor Engagement
- Labor support
- Pre-Apprenticeship, Registered Apprenticeship
- Community Commitment

Effective Compliance through Stakeholder Inclusion

- All parties agree to support Registered Apprenticeship and Pre-Apprenticeship throughout the life of the CWA:
 - Purchaser
 - Contractor
 - Unions
- This also requires a commitment to additional stakeholder education – Public, Leaders, Etc.

Key Elements in Compliance Approach Strategy

- Contractor Engagement
- System Integration
- Working Partnerships
- Project Expectations

Compliance Through Contractor Engagement

- Focus must remain the On time and On Budget Project Delivery
- Purposeful Relationship with agency teams
- Participation in PLA process
 - Pre-Job engagement
 - Project Advisory Committee commitment
 - Supportive of Sub-contractor Education
 - Full Reporting contribution
- Focus on use of disadvantaged contractors

System Integration in support of Compliance

- Create an internal agency stakeholder education process
- Identify where existing process will touch new contract policy elements
 - Design compliance triggers through third party coordination (internal/external)
 - Facilitate coordination of information verification
 - Provide for contractor corrective action
- Establish process for support resource access
- Coordinate stakeholder relationships

Working Partnerships

- Requires purposeful engagement
 - Project Requirements
 - Program Education
 - Neutral space for dialogue
- Meaningful Data Collection and Access
- Leverage or Design Regional Sector Roundtable model
- Include third party compliance team (internal/external)

Project Expectations (per agreements)

- Clear identification of project expectations
- Resourced point of contact for the agency
- Collaborative program resources
 - Support for coordination across programs
 - Support for data management and verification
- Real enforcement tools and capacity
 - As allowed by law (withholding payment, debarment, etc.)

Discussion

Questions or concerns about
King County's available compliance tools in CFJC project?

What priorities do your stakeholders need to see
that are not reflected in plan approach?

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November 5, 2015

Initial Plan Review