

## May 9th Report on Findings & Recommendations of Labor Relations Ad-Hoc Subcommittee

- 1. Address safety conditions & enhancements impacting traffic control workers
- Develop a labor transparency ordinance, to be consistent with similar policies in SD region
- 3. Engage in process to develop a citywide Project Labor Agreement



OFFICE OF COUNCILMEMBER ANDREA CARDENAS



May 9, 2023

TO: City Manager, Mayor and City Councilmembers

FROM: Councilmember Andrea Cardenas

SUBJECT: Report on findings and recommendations from the Labor Relations Ad-Hoc

Subcomm/tte

#### Background

On March 28, 2023, the Chula Vista City Council approved the establishment of a Labor Relations Ad-Hoc Subcommittee comprising of Deputy Mayor Jose Preciado, and Councilmember Adrea Cardenas. Since then, the subcommittee has held a series of meeting with various stakeholders to discuss issues regarding safety conditions and enhancements for traffic control workers, the potential need for a contractor transparency ordinance, and the process to adopt a chywide project labor agreement (PLA).

#### Safety Enhancements

Representatives from Laborers Local 89 brought forward an issue relating to safety hazards affecting workers performing traffic control duties. They have requested that our City follow the lead of both the City and the Country of San Diego who have recently began the process of addressing these issues through policy amendments.

#### Contractor Transparency Ordinance

Jurisdictions throughout San Diago County have recently adopted Contractor Transparency Ordinances to protect workers and premote transparency in relation to City construction and right-of way projects. For the City of Chulsi Vista, this would primarily mean that contractors would be required to disclose subcontractor information on projects being permitted by the City of Chulsi Vista and that both contractors and subcontractors are following legal, safety, and labor standards.

#### Citywide Project Labor Agreement (PLA)

In March of 2020 with 68% of the vote, the voters of Chula Vista approved ballot measure "E" resclinding the ban on the city to enter into project labor agreements and authorized the city to conduct such negotiations and agreements. Measure E removed inconsistencies between City laws, and state laws that generally operate to disqualify cities with anti-PLA laws from receiving state funding for local infrastructure projects.



# Traffic Control Workers Wage Disparity & Safety

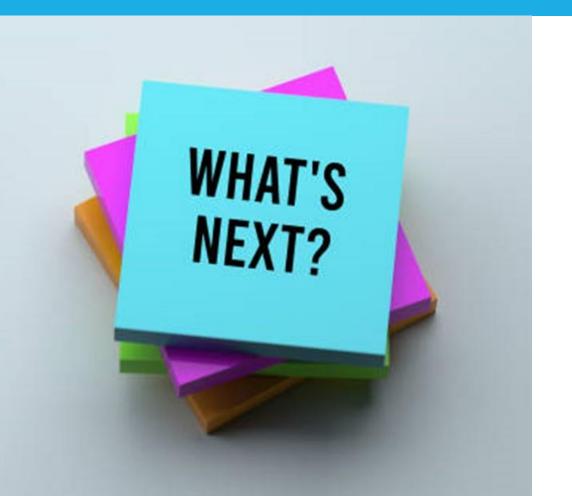
#### Referral:

- Ordinance adding new chapter to Chula Vista Municipal Code
- Establish minimum wage for traffic control workers in public right-of-way
- No less than general prevailing wage

#### **Challenges:**

- No existing labor enforcement function
- Pending litigation

# Traffic Control Workers Wage Disparity & Safety



### **Recommended Next Steps:**

- Continue working with stakeholders
- Pursue contract with County of San Diego for enforcement services
- Consider ordinance after litigation is resolved

## **Labor Transparency**



#### Referral:

- Labor Transparency ordinance adding new chapter to Chula Vista Municipal Code
- Stakeholder Engagement:
  - Development Oversight Committee
  - Building Industry Association (BIA)
  - Utility Companies
  - LiUNA Local 89
  - Carpenters Local 619
  - Communication Workers of America



### **Applies to:**

- Work subject to permit and inspection by City
- Residential or mixed-use projects ≥ 20 units
- Non-residential (new or TI) ≥ 20,000 SF
- Utility work in City right-of-way



#### **Requires Permittee to Identify/Provide:**

- Contractors and subcontractors performing inspected work
- State contractor's license number, license category, & expiration date
- City Business License number & expiration date
- State & federal tax ID numbers
- Worker's compensation insurance police number & expiration date
- Previous or pending labor law enforcement actions
- Scope of inspected work to be performed



### **Enforcement & Appeals:**

- Withhold inspections until remedied + assess reinspection fee
- 2nd violation within 12-months: stopwork notice
- 3rd violation within 5-years: revoke permit
- Appeal to City Manager



### **Next Steps:**

- Council to provide feedback on draft ordinance
- Staff to continue working with stakeholders
- Bring final ordinance back for Council consideration in 1 to 2 months
- If approved:
  - Effective January 1, 2024
  - Enforcement starts July 1, 2024

### Project Labor Agreement

#### Referral:

- Citywide PLA for CIPs
- Amend Municipal Code to require PLAs for:
  - Projects on City property
  - City subsidized affordable housing



## Citywide CIP Project Labor Agreement

#### **Recommendations:**

- Limit to construction cost ≥ \$1M
- "No Strike or Collective Action" provision
- Wages and benefits
  - per applicable collective bargaining agreements
  - per Prevailing Wage Law at minimum
- Mediation
- 5-year initial term, one 5-year optional extension

## Citywide CIP Project Labor Agreement

#### **Recommendations:**

- Community benefit
  - 50% Local Hire Goal
    - City of CV residents
    - San Diego County residents
  - 30% Disadvantaged Worker Goal
    - Veterans anywhere
    - No high school diploma or GED
    - Currently homeless or homeless within last year
    - Former foster youth
    - Custodial single parents
    - Protracted unemployment
    - Recipient of government cash or food assistance
    - Income ≤ federal poverty level
    - Formerly incarcerated

# Project Labor Agreement Ordinance



#### **Recommendations:**

- Projects by others on City owned land: construction cost ≥ \$1M
- Subsidized housing: City construction funds ≥ \$5M

## Project Labor Agreement



### **Next Steps:**

- Council to provide feedback on staff recommendations
- Staff to continue working with stakeholders
- Staff to bring negotiated PLA back to Council for approval
- Staff to bring ordinance back to Council for consideration by end of calendar year

### Recommendation:

Council provide feedback on the report recommendations

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draft Construction Contractor and Subcontractor Reporting Ordinance



#### City of Chula Vista, CA

