



# COMMUNITY BENEFITS AGREEMENT (CBA) *{As amended}*

## CBA COMPLIANCE REQUIREMENTS OVERVIEW

Pre-Bid Meeting 5/21/2015



**Presented by: Joe Garcia, P.E.**  
**CASAMAR GROUP, LLC.** CBA (Labor) Coordinator

# **CBA Compliance Meeting**

## **AGENDA**



- 1. Overview of CBA Requirements**
  - 2.1 Local Worker Hiring**
  - 2.2 Work Opportunities Program**
  - 2.3 Core Worker-to-Union Worker Ratio**
  - 2.4 Sign Single-Project Participation Agreement**
  - 2.5 Fringe Benefit Contributions**
- 2. Assignment of Work & Grievances**
  - 3.1 Contractors determine work jurisdiction**
  - 3.2 File grievances according to CBA Article 12 procedure**
- 3. Penalties for CBA Non-Compliance**
- 4. Summary of Required CBA Forms**



# SUMMARY OF CBA REQUIREMENTS



**ALL Contractors**

**REGARDLESS OF UNION AFFILIATION,  
ALL CONTRACTORS SHALL...**

- 2.1 HIRE WORKERS WHO ARE RESIDENTS OF DISTRICT OR SAN DIEGO COUNTY *[Article 5]*
- 2.2 WORK OPPORTUNITIES PROGRAM *[\$24.1]*
- 2.3 COMPLY WITH CORE-WORKER-to-UNION WORKER RATIO *[Article 5]*, {as amended}  
.
- 2.4 SIGN A PROJECT-SPECIFIC PARTICIPATION AGREEMENT *[Article 4, §4.6]*
- 2.5 PAY FRINGE BENEFIT CONTRIBUTIONS TO TRUST FUND (Limited Exception) *[Article 5]*



# LOCAL HIRE & DISADVANTAGED WORKER/BUSINESS UTILIZATION GOALS



## 2.1 HIRE LOCAL WORKERS *[Article 5, §5.5]*

**GOAL:** 90% of workers shall be residents if the County of San Diego, of which 35% shall be residents of the SWC District Zip-Code area

## 2.2 WORK OPPORTUNITIES PROGRAM *[\$24.1]*

**Maximize work opportunities for County & District residents; business opportunities for minority & women-owned businesses and disabled veteran-owned businesses; facilitate veterans entry into the trades.**

### COMPLIANCE RESOURCES:

1. Request the dispatch of local workers from Unions
  - Use the ***“Worker Dispatch Request Form”*** (CBA “Attachment B”)
2. *Sponsoring Disadvantaged workers/businesses, either as apprentices (hiring apprentice candidates from CBOs), or as a sub-contractor*

### RETAIN & SUBMIT PROOF OF COMPLIANCE :

- ✓ All contractors must submit a “Contractor Core Workforce Form” (CBA “Attachment B”)
- ✓ All contractors must document efforts to request the dispatch of local workers
  - \*\* Fax Confirmation Sheets, confirming *Worker Dispatch Request Form* was sent to Union(s)
  - \*\* Phone/Email Log



# CORE WORKER-to-UNION WORKER RATIO REQUIREMENT

## 2.3 1-TO-1 (CORE-TO-UNION) RATIO (CBA §5.6) {as amended}

**#1 RULE: All contractors shall submit a “Core Employees List”**

**#2 RULE: All contractors shall employ workers in the following order:**

**1<sup>st</sup> worker = Core**

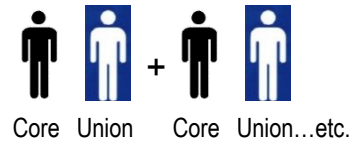
**2<sup>nd</sup> worker = Union referred**

**3<sup>rd</sup> worker = Core**

**4<sup>th</sup> worker = Union referred**

**5<sup>th</sup> worker = Core**

**6<sup>th</sup> worker = Union referred... All workers after the 6<sup>th</sup> = Union referred**



*All contractors shall employ 1<sup>st</sup> a member of its core work force, it's 2<sup>nd</sup> worker shall be referred from the appropriate union hiring hall, 3<sup>rd</sup> worker is core, 4<sup>th</sup> worker is union, etc.*

*All workers after the contractor reaches 6 employees (3 core) for a particular craft, shall be referred from the hiring hall.*

## CORE EMPLOYEES VS. NEW HIRES

- ✓ *If Unions do not dispatch workers within a 48 hour period, contractor is free to obtain workers from any source (CBA §5.7)*
- ✓ *All new hires should strive to be “local District/County residents”*



# **SIGN A SINGLE-PROJECT PARTICIPATION AGREEMENT**



## **Non-Union Contractors**

### **2.4 SIGN PROJECT PARTICIPATION AGREEMENT [§4.6]**

For each craft the Non-Union contractor employs, the contractor shall sign a Single-Project Participation Agreement (“Subscription Agreement”) with the appropriate building trades, which is only applicable to the single project.

**The Subscription Agreement facilitates:**

- Fringe benefit deposits into the trust fund
- The Union’s dispatch workers to the contractor (to fulfill requirements of §5.6)

**The General Contractor is responsible for having its sub-contractors sign applicable Subscription Agreement.**



# FRINGE BENEFIT CONTRIBUTIONS TO THE TRUST FUNDS



## Non-Union Contractors

### 2.5 FRINGE BENEFIT PAYMENTS TO TRUST FUNDS [§7.2]

- Each contractor shall pay fringe benefit contributions to the established building trade trust funds for all CBA-project workers.
- Trust fund payments shall be made to the local trust fund that has jurisdiction over the contractor's scope of work (contractor assigns jurisdiction for craft assignments).
- Such contributions for each benefit shall not exceed the amounts specified in the applicable prevailing wage determination (as determined by the California Labor Commissioner [§7.2]).
- Certain trust funds require that Application Fees be paid for each non-union worker as a condition of enrollment into the trust fund.
- In lieu of payments to the Trust Funds, the CBA provides an allowance to have a contractor that wishes to pay into its existing benefits program for its core employees, it must obtain approval prior to bidding the Project from the CBA Coordinator. [§ 7.2]



# **ASSIGNMENT OF WORK & GRIEVANCES**

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**CONTRACTORS SHALL SUBMIT A  
“JURISDICTION WORK ASSIGNMENT FORM”  
PRIOR TO NEXT SCHEDULED PRE-JOB  
CONFERENCE (CBA §10.4)**

**ABSOLUTELY NO WORK STOPPAGES!  
DISPUTES TO BE SETTLED  
IN ACCORDANCE WITH CBA GRIEVANCE  
PROCEDURE (CBA Article 12)**





# CBA NON-COMPLIANCE PENALTIES



**Contract progress payments  
(and/or final retention payments)  
shall be withheld for non-compliance  
with the project contract; *the project contract includes  
adherence to the CBA and Prevailing Wage requirements.***

**The prime contractor and all of its subcontractors are subject  
to the terms & conditions of the contract and CBA.**

**THE CBA COORDINATOR WILL BE ISSUING  
MONTHLY COMPLIANCE REPORTS TO THE SWC  
CM/PM BASED ON CONTRACTORS SUBMITTALS  
& OVERALL COMPLIANCE WITH THE CBA**

**A condition for release of contract payments may  
include contractors adherence to hiring local  
workers and/or submittal of proof/evidence that  
good faith efforts were made to:**

- ✓ Hire workers local to the District and/or County
- ✓ Hire disadvantaged workers and or sub-contractors
- ✓ Sponsor a local apprenticeship candidate (interview for sponsorship)

*\*\* Retain all correspondence that proves efforts were made \*\**



# SUMMARY OF REQUIRED CBA FORMS



- ❖ **Letter of Assent (CBA [§4.4.a], Attachment A)**
- ❖ **Jurisdiction Work Assignment Form (CBA Form 1)**
- ❖ **Core Employee List (CBA Form 2)**
  - ❖ To be submitted by contractor listing each of the 3 “core workers” it intends to employ
- ❖ **“Good Faith Effort Forms”**
  - **“Worker Dispatch Request Form” (CBA Form 3) with proof of submittal to the Union(s)**, and/or
  - **Apprentice Agreement / DAS-1 (CBA Form 4)** for proving contractors effort to hire residents apprentices referred by CBOs
- ❖ **Monthly Workforce Forecast Form (CBA Form 5)**
- ❖ **Monthly Trust Fund (Benefit Contribution) Reports**
  - ❖ To be submitted for each month contractor has work reported on its Certified Payroll Records



# Q&A

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***Got a project-specific or  
contractor-specific  
question, comment, grievance, or  
request?***

***Email:***

***Joe Garcia, CBA (Labor) Coordinator  
jg.swc@casamargroup.com***

***To view the Community Benefits Agreement (CBA):***

***<http://www.swccd.edu/Modules/ShowDocument.aspx?documentid=7910>***

***Thank you for your attention***

