

BART Major Projects Project Stabilization Agreement (PSA)
Summary of Workforce Goals and Steps Towards Establishing
Good Faith Efforts for Contractors

Project/PSA	Category	Goal
Federally Funded Projects* <i>Executive Order 11246</i>	Total Female	6.90%
	Total Minority**	25.60%
	National Targeted Workers	25% of Apprentices Hours
	Disadvantaged Workers	10% of National Targeted Worker Hours
Non-Federally Funded Projects <i>Local Hire Program</i>	Local Area Residents <i>Alameda, Contra Costa, San Francisco, San Mateo and Santa Clara counties</i>	50% of Total Hours
	Project Local Impact Area Residents <i>County in which the project is located</i>	25% of Total Hours
	Local Area Residents	100% of Apprentices Hours
	Project Local Impact Area Residents	50% of Apprentices Hours
All Projects <i>CA State Labor Code § 1777.5(g)</i>	The apprentice ratio shall be no less than one hour of apprentice work for every five hours of journey-level work.	
	In Northern California, for the Laborers and Operating Engineers crafts, contractors may employ 4 journey-level workers before they are required to employ an apprentice.	

* These goals are applicable to all contractor's construction work sites, not just the PSA project.

**If a particular group is employed in a substantially disparate manner, a contractor may be in violation of the Executive Order.

Good Faith Efforts Steps

- (1) Complete a *Workforce Projection Form* and submit to the Jobs Coordinator at least 2 weeks prior to commencement of work.
 - a. Contractors should make every effort to list existing workers that will assist the project towards meeting the PSA workforce goals.
 - b. The *Form* should reflect the appropriate apprentice ratio as required by the state Labor Code through a combination of existing apprentices and new dispatch requests.

- (2) All new dispatch requests must be submitted to the local union by using *the PSA Request for Craft Employees Form*.
 - a. All name-calls and rehire provisions shall be utilized towards requesting workers that will advance the workforce goals of the PSA.
 - b. Please copy the Jobs Coordinator (rrhoe@bart.gov) on every request.
 - c. For name-calls and rehires, the request should still be initiated with *the Request for Craft Employees Form* with a note in the "Other Comments" section that the worker seeking to be hired qualifies as an Eligible Worker.
 - d. Eligible Workers are workers who meet the requirements as listed above and dependent upon project funding source.

- (3) After submitting the *Request for Craft Employees Form*, contact the Business Agent or union staff responsible for dispatch to discuss the request and to clarify the PSA workforce goals.
 - a. The unions work under a number of PSAs and PLAs which may have different workforce goals. Provide clear guidance as to the Major Projects PSA goals and the assistance you are seeking.

- b. Maintain a copy of the response from the union towards documenting your good faith efforts.
- (4) Partner with training and workforce resources in the county in which the project is located to connect with Eligible Workers. BART will provide contacts and organization names that have been identified to assist the project in meeting the PSA workforce goals.
- (5) Maintain copies of all correspondence with local unions, community organizations, and other resources in your attempts to identify, recruit and hire workers to meet the PSA workforce goals. Be prepared to provide copies upon request to the PSA Jobs Coordinator.

Consequences for Non-Compliance

- (1) If there a determination by the Major Projects PSA's Joint Administrative Committee that a contractor has not complied with the goals or demonstrated good faith efforts to do so, the issue may be referred to the grievance procedure as outlined in the PSA.
- (2) Under CA Labor Code § 1777.7, contractors who knowingly violate the apprentice ratio requirements may be subject to monetary penalties up to \$300 for each full calendar day of noncompliance. Contractors may also be denied the right to bid on or be awarded a contract for public works, or perform work as a subcontractor on a public works project, for up to a period of three years.