Citywide Project Labor Agreement (PLA)

Prevailing Wage Team, OLSE
What is the Citywide PLA?

• An agreement between the City and County of San Francisco and the San Francisco Building Trades Council and its affiliated unions

• Signed and took effect on 7/14/2020

• Only applies to Covered Contracts that are issued by:
  1. Public Works
  2. Recreation and Parks
What is a Covered Project?

Construction projects advertised by Public Works or Rec & Park if the following conditions are met:

1. Project is funded in whole or in part by General Obligation or Revenue bonds and the estimated construction cost exceeds the following threshold amounts:
   - ✓ $5 million from 7/14/2020 – 7/13/2021
   - ✓ $3 million from 7/14/2021 – 7/13/2022
   - ✓ $1 million after 7/14/2022 – 7/13/2040

2. Project funded by any source other than the above mentioned bonds and the estimated construction cost to be more than $10 million
Local Business Enterprise (LBE) Exemption

Qualifying LBEs are exempt from the terms and conditions of the PLA

• LBEs must be certified by CMD under Admin. Code Ch. 14B

• LBE exemption applies to LBEs whose cumulative payments are less than $5 million on Citywide PLA Covered Projects

• LBEs wishing to be exempt from the PLA must sign and submit a “Statement of Exemption”

• LBEs who have been issued $5 million in cumulative payments on Covered Projects are no longer exempt from the PLA
Use of Hiring Halls Under the PLA

• All trade workers must be dispatched through the hiring hall of the appropriate union

• The union and contractor must alternate between one core worker and one employee from the union’s out-of-work list until five core workers are hired

• Contractor must exclusively use the union’s out-of-work list after the fifth core employee (PLA 4.7.1)

• Contractor shall lay off employees using same alternating process

• Union has the right to ask contractor for proof that any Core Employee meets qualification (PLA 4.7 and eligibility 2.1.8)
Core Employee

• No previous relationship with the appropriate union

• Licensed for the Covered Work to be performed as required

• Worked at least 1,000 hours in the construction craft during prior three year period

• Has been on the Contractor’s active payroll for at least 500 hours during the most recent five month period

• Can safely perform the basic functions of the applicable trade
Trust Fund Contributions Under the PLA

• All contractors must make fringe benefit payments on behalf of all trade workers to the appropriate union trust fund

• Does not apply to exempt LBE contractors
Pre-Job Meeting

• OLSE will coordinate a pre-job meeting to take place at least 14 days prior to commencement of the Covered Project

• Every contractor and subcontractor must attend along with representatives from the Building Trades Council, the Awarding Body, and the affiliated Unions

• Prior to this meeting, Letters of Assent or LBE Exemption Forms and Craft Assignment Forms are required to be signed and submitted as directed

• Prime contractors are responsible for attendance and participation of their subs
Jurisdictional Dispute Resolution

• “The Plan” as cited in the PLA will settle jurisdictional disputes between the trade unions

• Jurisdictional disputes involving the Northern California Carpenters Regional Council will go directly to arbitration
PLA Administration Grievance Procedure

Interpretations or applications of the PLA may be grieved

• Grievances must be filed within 30 days from the date of occurrence
  • Step 1: Within 5 days after receipt of the written grievance, the Parties shall confer to resolve
  • Step 2: If unresolved, refer to the Joint Administrative Committee (JAC) within 10 days after conferring. JAC shall meet within 5 days of referral and attempt to resolve by majority vote
  • Step 3: Parties may go to arbitration, and arbitrator shall issue decision within 5 days
What is a Joint Administrative Committee (JAC)?

• JAC is comprised of six members: three members selected by the City Administrator and three members selected by the Building Trades Council.

• JAC shall meet as needed to review the implementation of the PLA and attempt to resolve problems or grievances by majority vote.
Work Stoppages & Lockouts

• Work stoppages, strikes, sympathy strikes, picketing and slowdowns will not be permitted under the PLA

• Lockouts will not be permitted by any contractor under the PLA

• Violators may be subject to liquidated damages in the sum of $15,000 per shift
Questions?

Citywide PLA Hotline: 415-554-6573

Email: prevailingwage@sfgov.org

OLSE Website: https://sfgov.org/olse/citywide-project-labor-agreement