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Portland's model Community Benefits Agreement could be replaced with 'CEIP'

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Sept. 5, 2012: In front of a packed City Hall audience, Portland City Council votes 5-0 to approve a plan to involve unions in efforts to get more

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women and minorities on City construction projects. Now that plan is under threat.

By Don McIntosh

After decades of talk about increasing women and minority participation on city construction projects, Portland City Council approved a resolution in 2012 that achieved that. The resolution committed the City to use a model "Community Benefits Agreement" (CBA) that had been developed by a coalition of over two dozen unions, pre-apprenticeship training programs, community groups, and contractor associations over nearly two years of discussion. Implemented on two City construction projects, the CBA had record-busting results: On one project, fully 50 percent of apprentices were minorities and 28 percent were women.

Then, for reasons that are still unclear, the City stopped using the CBA. On the next two big City construction projects, city managers implemented what some union supporters called a "Frankenstein" version of the CBA — which reduced the participation of unions and community groups. Now city managers, led by Dante James, director of the city's Office of Equity and Human Rights, have released an even more altered template for future projects, which they'll ask City Council to approve on April 26. Union leaders and allies who've been tracking it are furious.

"After all the time and effort we put into this, it's a slap in the face," said Michael Burch, community outreach director for the Pacific Northwest Regional Council of Carpenters. "There's no meat on the bones."

The problem, at least, is very real. Historically, openly-practiced discrimination kept blacks and women in particular out of construction — as workers or as contractors. And the resulting disparity has persisted even after formal discrimination became illegal. Burch calls it the "FBI system" because people tend to find out about construction apprenticeship opportunities from fathers, brothers, and inlaws. Meanwhile, it can be very hard for contractors without experience, or pools of capital, to break into the

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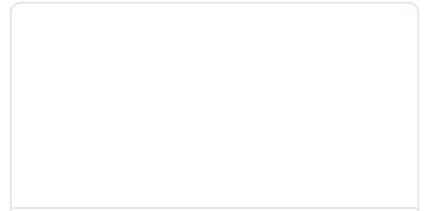
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construction industry.

Advocates for years have pressed the City to take action in order to stop inadvertently perpetuating the disparity. That's the purpose of the CBA, which was crafted in collaboration with city officials by the Metropolitan Alliance for Workforce Equity (MAWE), a coalition initiated by the **Pacific Northwest**



With involvement and support from several union apprenticeship programs, Constructing Hope, a pre-apprenticeship training program, helps prepare ex-offenders for careers in the building trades, and a second chance in life. Above, the group's board congratulates graduates at a March 23 ceremony at the Carpenters Training Center in Northeast Portland.

Regional Council of Carpenters and Operating Engineers Local

701. The 23-page model CBA they developed, which was endorsed by the Columbia Pacific Building Trades Council, was modeled to an extent on the project labor agreement that was used on the Edith Green Wendell Wyatt federal building retrofit project. In their 2012 resolution, the City Council committed to use some version of the model CBA on all projects over \$15 million.

From a union perspective, the CBA worked for a number of reasons. It set specific numeric goals to increase participation of women and minorities as apprentices and journeymen in every craft specialty. Because unions were signatory to the agreement, they had legal grounds to dispatch women and minority workers to contractors so they could meet their workforce participation goals. Union representatives also took part in an oversight committee — alongside representatives of management, and community groups — to make sure, in real time, that targets were being met. The CBA

had real enforcement provisions as well: Contractors who failed to make good faith efforts to employ women and minorities could be made to pay liquidated damages of \$500 per day per occurrence. And a fund equal to 1 percent of hard construction costs paid for "technical assistance" for women- and minority-owned contractors and grants to three state-registered pre-apprenticeship training programs ([Oregon Tradeswomen](#), [Constructing Hope](#), and [Portland Youthbuilders](#)) which recruit and prepare women and minorities for careers in the building trades.

The CBA was employed on two Water Bureau construction projects — construction of the Kelly Butte Reservoir and the new Interstate Maintenance Facility. Both were completed using union workers, under budget and ahead of schedule, with levels of minority and women participation that exceeded goals.

Maurice Rahming, who owns and runs IBEW-signatory O'Neill Electric, is a minority contractor and serves on a City advisory board, the Equitable Contracting and Purchasing Commission. Rahming says the City's proposed new policy takes all the elements that made the CBA successful and dilutes and removes them.

Dubbed the Community Equity and Inclusion Plan (CEIP), the new policy was crafted outside of public view by a work group of city managers. In October, they released a draft version, which prompted a storm of comment from labor unions, contractors, and pre-apprenticeship groups. The final version was released on a City [web site](#) April 3, along with an explanatory [letter](#) signed simply "Sincerely, Work Group."

Rahming says it's even more unlike the CBA than the October draft. It removes unions from any signatory



"It takes all the elements that made the CBA successful and dilutes and removes them." — Maurice Rahming, owner of O'Neill Electric

responsibility or oversight role, cuts the liquidated damages provision in half to \$250 a day, and suggests that contractors can hire apprentices referred by unspecified community organizations that aren't state-registered apprenticeship training organizations.

Pushing unions out could limit the success of efforts to diversify the construction workforce. Data from the state Bureau of Labor and Industries (BOLI) suggests that most building trades unions today are more successful at bringing in women and minorities than their non-union competitors, says Steve Simms, director of Oregon BOLI Apprenticeship and Training Division.

"By and large our union-affiliated [apprenticeship] programs have a higher female and minority participation rate and ... completion rate than most of their open shop counterparts," Simms told the Labor Press.

"The absence of union language and partnership is a problem, because unions do a better job of recruiting and retaining people of color in the trades," says Marshall Runkel, chief of staff to Commissioner Chloe Eudaly. Eudaly, elected last year, made reform of city contracting practices part of her campaign.

"Why isn't the City using the CBA? It's beyond me," Burch said.

Before Burch went to work for the Carpenters union in 2010, he worked for Portland Youth Builders, one of the pre-apprenticeship training programs that the City issued grants to under the CBA.

"We've been after them to come up with a strategic plan, which the CBA turned out to be, for over 10 years, and now that they have one, they're doing everything in their power not to use it."

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