



Board of Directors Agenda Report

MEETING DATE: NOVEMBER 19, 2020 **ITEM NUMBER:**10C

SUBJECT: Review of Current Enhanced Worker Safety Policy and Vote on Whether or Not to Revise

DATE: November 13, 2020

FROM: Michele Richards

PRESENTATION BY: Director Ruiz and Chair Rubalcava-Garcia

RECOMMENDATION

At the Board of Directors' discretion or other recommendation

BACKGROUND

In September, 2012 the Board of Directors adopted the Enhanced Worker Safety Policy to ensure job safety and the safety of the public at large. The policy applies to all construction projects with a contract amount in excess of twenty-five thousand dollars (\$25,000). A copy of the policy is attached.

The policy also requires that specific workforce ratios are met by verifying the workforce on a daily basis. The worker classification requirements of the policy state that "the use of Journeymen will comply with all State of California labor law. A minimum of 70% of all Journeymen of each apprenticeable craft or trade engaged in work on the site shall be a graduate of an approved State of California Apprenticeship Program."

The current policy has presented some compliance challenges for both construction contractors and the trade unions resulting in project delays, most recently involving the campground storm water management project. It is proposed that the threshold of 70% be lowered to 35% requirement that all Journeyman of each apprenticeable craft or trade engaged in work on the site shall be a graduate of an approved State of California Apprenticeship Program. The new requirement is agreeable to OC FEC staff, California Construction Authority and local trade unions. The recommendation is to have the Facilities Committee formally amend the Enhanced Workers Safety Policy to reflect the threshold change.

ENHANCED WORKER SAFETY POLICY

For all construction projects with a contract price in excess of Twenty Five Thousand Dollars (\$25,000), the following Enhanced Worker Safety Policy (EWSP) shall be included as part of the contract document:

The EWSP will be monitored by the construction management team at the construction site by collecting daily job manpower reports. These reports shall contain specific information on trades, personnel, and equipment engaged on the project site on a daily basis. The required workforce ratios shall be determined by verifying the workforce on a daily basis.

Worker Classification Requirements:

The use of Journeymen will comply with all State of California labor laws. A minimum of 70% of all Journeymen of each apprenticeable craft or trade engaged in work on the site shall be a graduate of an approved State of California Apprenticeship Program.

Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered and approved by the State Division of Apprenticeship Standards. The allowable ratio of apprentices to journeypersons in any craft/classification shall not be greater than the ratio permitted to the contractor as to its entire workforce under the registered program.

Any worker listed on a payroll at an apprentice wage rate who is not registered shall be paid the journey level wage rate determined by the Department of Industrial Relations for the classification of the work he/she actually performed. Pre-apprentice trainees, trainees in nonapprenticeable crafts, and others who are not duly registered will not be permitted on public works projects unless they are paid full prevailing wage rates as journeypersons.

Compliance with California Labor Code Section 1777.5 requires all public works contractors and subcontractors to:

1. Submit contract award information on the most current DAS Form 140 to the apprenticeship committee for each apprenticeable craft or trade in the area of the Project;
2. Request dispatch of apprentices from the applicable Apprenticeship Program(s) and employ apprentices on public works projects in a ratio to journeypersons which in no case shall be less than one (1) hour of apprentice work to each five (5) hours of journeyperson work; and
3. Contribute to the applicable Apprenticeship Program(s) or the California Apprenticeship Council in the amount identified in the prevailing wage rate publication for journeypersons and apprentices. If payments are not made to an Apprenticeship

Program, they shall be made to the California Apprenticeship Council, Post Office Box 420603, San Francisco, CA 94142.

Worker Training Requirements

1. 20% of all jobsite workers will be OSHA 10-hour General Industry Safety and Health certified.
2. At least one (1) jobsite workers will be OSHA 30-hour General Industry Safety and Health certified.