



## Community Workforce Agreement Frequently Asked Questions

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The City of Santa Ana has established a Community Workforce Agreement with the goal of ensuring that the community they serve is a part of the workforce on their public works projects. The Agreement ensures that all contractors of all tiers working on covered projects will have the ability to dispatch local and skilled workers from the union hiring halls of the various construction trades. Some additional requirements do exist so that non-signatory contractors can gain access to the ability to dispatch.

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### Frequently Asked Questions:

#### **Are non-union contractors allowed to work on CWA covered projects?**

Yes. The CWA was established to ensure that non-union contractors working on covered projects will have access to the local union hiring halls to dispatch local workers to comply with the local hire goals established by the CWA.

#### **What are the local hire goals established by the CWA?**

It is the contractor's responsibility to ensure that the project's craft hours are performed at least 30% by workers from Tier 1 and 2 ZIP codes. Tier 1 ZIP codes are those comprising the City of Santa Ana and Tier 2 ZIP codes are those comprising Orange County. The local hire attainment will be calculated by dividing the hours reported as performed by local workers on Certified Payroll Reports by the total number of hours reported on Certified Payroll Reports. It is the prime contractor's responsibility to determine how to attain that goal and each subcontractor is not required to meet the goals, but the project overall must meet it.

#### **Will the agreements made by contractors with unions on this project affect their other projects?**

No, the CWA does not mandate that contractors on this project become fully signatory to any union they assign work to on this project. Contractors may be required to sign a standard and uniformly applied agreement with the unions that they assign work to so that they can make contributions into the trust fund(s) affiliated with the crafts they assign work to, but those agreements will not cover any other projects, even other projects covered by this CWA. Contractors are, of course, free to become union signatory of their own volition during this project, but it is not a requirement of the project.

#### **Can I use my own non-union crew to perform work on this project?**

Yes, but you must abide by the Core Workforce rules for any workers that are not union members. All workers must be dispatched through the union hiring hall and members of a contractor's Core Workforce must meet several criteria to be a Core Worker. Core Workers are to be used in a 1:1 ratio with workers referred from the hall with the first worker being a Core Worker, the second being referred from the hall, the third being a Core Worker, the fourth being referred from the hall, continuing in that pattern until the contractor has a sufficient workforce. The 1:1 ratio resets between crafts and contractors are allowed to have up to 5 Core Workers of each craft. Crews with an odd number of staff are allowed.

As an example, if a contractor needed 3 laborers and 1 operator to staff their crew, they can have 2 core laborers, a union referred laborer, and a core operator.

#### **Are contractors required to pay fringe benefits into the union trust funds?**

Yes. For work on this project, contractors are required to pay fringe benefits into the trust funds that they assigned work to. This applies to both the workers referred from the union hall and core workers. Payments to the union trust are made in the name of the workers and count towards fringe benefit payments required by prevailing wage standards.

#### **Are contractors required to pay union pay rates on this project?**

Non-union contractors are required to pay wages as required by prevailing wage standards and not higher, but all increases incorporated into those prevailing wage determinations must be applied.

#### **Am I required to abide by union safety and crew size standards on this project?**

Yes. All provisions of the various Master Labor Agreements of the unions signatory to the CWA are incorporated by reference into the CWA. In cases where the CWA and those Master Labor Agreements conflict, the CWA shall prevail. Contractors are advised to review the Master Labor Agreements of the unions they assign work to.

#### **What work is covered by the CWA?**

The most instructive rule of thumb is that work covered by prevailing wage is covered by the CWA and work not covered by prevailing wage is not covered by the CWA. Professional staff such as project engineers and superintendents are not covered, but regardless of whether they work under a professional service agreement, surveyors and inspectors performing duties as described by prevailing wage scopes are covered. Offsite fabrication is not covered.



**Will I be required to attend additional CWA meetings throughout the life of the project?**

The only meetings required by the CWA are pre-job meetings, which each contractor must attend before they begin work on the project. The prime contractor is responsible for ensuring each of their subcontractors attends a meeting and disclose their scope of work and union assignment to the unions in attendance. Projects may require only one or multiple pre-job meetings, usually depending upon the length of the project and whether all subcontractors are under contract at the beginning of the project.

**What are the CWA's dispute resolution procedures?**

The CWA prohibits both lockouts and strikes on sites covered by it. To ensure disputes can be resolved without either, explicit resolution procedures are outlined in the CWA. At Step 1, the dispute is discussed for a week between the parties, after which it escalates to Step 2, where the CWA Administrator attempts to mediate a mutual resolution. If a mutual resolution is not reached, either party can request escalation to binding arbitration. Regardless of the outcome of arbitration, both parties share the cost of the arbitrator.

**Are there direct costs associated with compliance with the CWA?**

There are no direct costs associated with the CWA, but non-union contractors may be required to pay some processing fees to get themselves and their workers set up with the union halls. In most cases, these processing fees do not exceed \$200.

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