



# PORT of OAKLAND MARITIME and AVIATION PROJECT LABOR AGREEMENT (MAPLA)

## PROGRESS REPORT SUMMARY

July 1, 2016 to June 30, 2017

Presented  
to the  
Board of Port Commissioners  
November 30, 2017

## Historical Overview of MAPLA

The Port of Oakland (Port) Maritime and Aviation Project Labor Agreement (MAPLA) was adopted by the Board of Port Commissioners (Board) in 2000. It was intended to cover the capital projects in the Port's Aviation and Maritime areas. In response to Board policies, the MAPLA was designed to ensure project labor stability, employment of Port local residents, and utilization of Port-recognized small businesses.

Initially adopted for five (5) years (through December 2004), the original MAPLA ("MAPLA 2000") was extended various times through November 29, 2016. A new MAPLA was negotiated and became effective February 1, 2016 ("MAPLA 2016").<sup>1</sup> MAPLA 2016 was adopted for a five (5)-year term and, subject to Board approval, may roll over for an additional five (5) years. MAPLA 2016 applies to Port projects advertised for bid, and tenant projects for which the Port issues a building permit, on or after February 1, 2016. Key changes of MAPLA 2016 include 1) additional work coverage, 2) additional local hire requirements, 3) revamping of the MAPLA Small Business Enterprise Program, 4) increase in hourly contribution to the Social Justice Trust Fund, 5) updating of the administration structure and grievance procedures, and 6) other streamlining edits.

The aim of the enhancements to the MAPLA Local Hire Program is to advance the Port's policy for the increased employment and construction career opportunities for residents from the Port's Local Impact Area (LIA) and Local Business Area (LBA). Currently, the goal is that LIA residents will perform 50% of all hours worked, on a craft-by-craft basis to ensure local resident utilization in all crafts. If LIA residents are not available, capable or willing to work, LBA residents may count for compliance purposes.

Apprentices, as allowable by law, are to perform 20% of all project hours performed on a craft-by-craft basis, with a goal that all of these hours will be performed by LIA resident apprentices, with LBA resident apprentices as an allowable back up. This goal applies if local apprentices are available, capable and willing to work on project labor agreement covered projects. With MAPLA 2016, two apprentice goals were added. The first is a goal that 25% of the apprentice's hours shall be worked by disadvantaged workers, if available. The second is a goal based on individual employment versus hours. The goal of one new hire LIA resident shall be employed for the first one million dollars (\$1 million) of construction bid value and for each additional five million dollars (\$5 million), one additional new hire LIA resident shall be employed for a minimum of 500 hours.

This report contains a summary update that serves as a progress report covering highlights of the Port's MAPLA during the period of July 1, 2016 to June 30, 2017.

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<sup>1</sup> The provisions relating to New Hire Apprentices, MAPLA Small Business Enterprise Program, and Construction Trucking Work became effective August 1, 2016.

## HIGHLIGHTS

The following highlights the key features of MAPLA 2016 and their progress during this reporting period.

- Apprentices program enhancements (effective August 1, 2016)
  - In addition to existing MAPLA goals, two contractor related local apprentice utilization goals were implemented: one for the utilization of Disadvantaged Workers (DWs) apprentices and the second goal for the hiring of New Hire Apprentices (NHA) based on contract value. DWs are generally those LIA apprentices who have experienced challenges with employment and NHA are those LIA apprentices who have less than two (2) years of experience in apprenticeship.
  - There were challenges in implementing the goals: the few projects that were constructed during the reporting period had limited opportunities for apprentices due to scope of work and/or schedule, coupled with availability being very low among the unions with very few workers on the out of work list in this booming construction environment.
  - Additionally, MAPLA 2016 implemented a union related goal whereby Alameda County affiliated unions would accept 25 LIA residents into their apprenticeship programs and 10 of the “list trades” (electrical, plumbing, sheet metal, glaziers, and elevator constructors) on an annual basis. Between February 2016 (effective date of the new MAPLA) to the end of this reporting period, collectively Sheet Metal Workers Local 104, IBEW Local 595 and Sprinkler Fitters Local 483 accepted 28 LIA residents into their List Trade apprenticeship programs. These 28 new LIA apprentices exceeds the goal of 10 List Trade.
  - The JASTC (Joint Administrative and Social Justice Trust Committee), consisting of seven (7) union and seven (7) Port representatives was newly formed during the reporting period and continues to discuss strategies to reach this goal, including providing a grant to a pre-apprenticeship training program for these placements. JASTC has convened four (4) meetings.
- Social Justice Trust Fund Contribution
  - MAPLA 2016 doubled the Trust Fund contribution from \$0.30; whereas, previously, the contribution was \$0.15 per craft hour. In addition to increasing the contributions, and in an effort to streamline the process, the Port began withholding Trust Fund contributions from Port contractor’s progress payments. Approximately \$3,600 was collected during the reporting period.
  - For those MAPLA 2000 projects still underway and tenant improvement projects that are covered by MAPLA 2016, those contractors submitted contributions directly to the bank that has traditionally held the funds. Approximately \$39,800 was collected during the reporting period.

- On- and Off-Haul Trucking (effective August 1, 2016)
  - MAPLA 2016 covers on-and off-haul trucking, whereas previously only on-site construction was covered. Each driver is required to complete one of three trucking forms, depending on their desire to claim an exemption. Additionally, certified payroll shall be submitted for each of the drivers. Drivers who seek an exemption from MAPLA coverage may do so by submitting a completed trucking form C also known as the full trucking questionnaire.
  - The on- and off-haul trucking provisions are administered through a Trucking Coordinator, who will subcontract with Davillier Sloan, Inc. (DSI). DSI is recruiting of a Trucking Coordinator and in the meantime has been acting as the interim Trucking Coordinator. There have been no major issues of non-compliance and no requests for exemption.
- MAPLA Small Business Enterprise Program (MSBE) (effective August 1, 2016)
  - The Small Business Enterprise (SBE) program was revamped under MAPLA 2016, with the intent of helping challenged SBEs build capacity to work on public works projects. Several projects were reviewed closely for inclusion in the MSBE and one project has been placed under this program, the Service Animal Relief Area. The MAPLA continues as a catalyst for enhancing Port efforts to secure Local Impact Area (LIA) employment opportunities and sound labor relations on Port projects.
- Port projects have not been subject to labor disruption and all disputes have been resolved using MAPLA's agreed-to dispute resolution provisions. The Unions have worked to dispatch the skilled workforce that the Port sought as part of its effort to ensure sound, on-budget and on-time construction of its projects. Unions continue to work successfully with non-Union Contractors working under the MAPLA to ensure that those Contractors are able to use both their "core" employees and skilled Union members from the hiring halls on their work crews.
- The jointly administered Employer-Union Joint Apprenticeship Training Committee (JATCs) have provided key opportunities for LIA/LBA residents to receive on-the-job training on the MAPLA construction projects and to start careers in the construction trades.

## Local Workforce Utilization

The MAPLA Local-Hire Program continues to be an important element of the Port's Social Justice Program and a key Port priority. The MAPLA sets goals for the hiring of residents from the Port's LIA and LBA and requires Contractors to use reasonable and good faith efforts to achieve those goals. Collaboration among the Port, Contractors, the Unions and community groups occurs in the forums identified, and this achievement is entirely through the voluntary efforts of the Contractors and not through the use of any enforcement mechanisms available under MAPLA.

The Social Justice Committee regularly reviews the MAPLA local-hire performance and

works with Contractors to help them achieve these goals. The committee provides an excellent venue to review local-hire outcomes and to engage Contractors and Unions in constructive dialogue to see how this important Port goal can be best accomplished, consistent with all other requirements.

The overall results of the local-hire program and the results in this fiscal year period are displayed in Table 1 (below). During the report period, a total of 220,923 construction work hours were compiled, which is shy of 42,000 increase of work hours over the prior reporting period.

There were decreases in LIA and LBA journey and apprentice participation during the report period due partly to the lack of available LIA residents:

- The percentage of total LIA work hours during this reporting period is 31.22%, a decrease from last reporting period of 6.06%.
- The percentage of total LIA/LBA work hours during this reporting period is 51.43%, a decrease from last reporting period of 9.18%.
- During this reporting period, LIA Apprentice work hours is 9.12%, a decrease from last reporting period of 3.76%
- During this reporting period, LIA/LBA Apprentice work hours is 10.72%, a decrease from last reporting period of 3.36%.
- During this reporting period, the total Apprentice utilization is 17.39%, a decrease from last reporting period of 0.21%

Table 1 shows the totals and percentages of hours – cumulative through June 2016 (the last period) and then cumulatively through the end of June 2017.

**Table 1: MAPLA Local-Hire Performance Summary**

MAPLA	Cumulative Results Thru June 2016		July 2016 Through June 2017			Cumulative Results Thru June 2017		
	MAPLA Hours	% of Total	MAPLA hours for last twelve months	% for last twelve months	Available Apprentice Trades hours only	MAPLA Hours	% of Total	MAPLA Goal
<b>Total Hours Worked</b>	4,732,670		220,923		201,439	4,953,594		
<b>LIA Residents</b>	1,440,035	30.43%	68,983	31.22%		1,509,019	30.46%	50%
<b>LIA/LBA Residents</b>	2,800,106	59.17%	113,624	51.43%		2,913,729	58.82%	50%
<b>Total Apprentices</b>	618,333	13.07%	38,419	17.39%	19.07%	656,752	13.26%	20%
<b>LIA Apprentices</b>	306,040	6.47%	20,141	9.12%	10.00%	326,180	6.58%	20%
<b>LIA/LBA Apprentices</b>	463,650	9.80%	23,689	10.72%	11.76%	487,339	9.84%	20%

*(Please note that under prevailing wage and other rules, certain craftwork is not eligible for placement of apprentice workers, notably the work of Teamsters, Laborers working in Asbestos Abatement, and some dredging and barge work. In order to more accurately reflect apprenticeship participation as a percentage of MAPLA craft hours worked during this reporting period, the shaded column above shows Apprentice participation as a percentage of the total available Apprentice Hours (i.e., the "apprenticeable hours") worked for the period.)*

In the area of apprenticeship utilization, the program has been increasing its apprentice utilization and is close to reaching the 20% goal, as Table 2 displays below. The MAPLA Team continues to work with community groups, contractors and labor through the Social Justice Committee to increase local resident utilization. The availability of LIA residents in the crafts remains a challenge to contractors reaching MAPLA goals. LIA journeypersons and apprentices are already working in this booming construction environment and there are few if any workers on the craft's out of work list for contractors to request, regardless of residency.

**Table 2: Total Employment Hours vs. MAPLA Apprentice Utilization (Annual by Hours & Percentage) from July 2005 – June 2017**

MAPLA Period	Total Employment Hours	Apprentice Employment Hours	Apprentice Percentage Hours
<b>July 2016 – June 2017</b>	<b>220,923</b>	<b>38,419</b>	<b>17.39%</b>
July 2015 – June 2016	179,000	31,504	17.60%
July 2014 – June 2015	177,762	26,778	15.06%
July 2013 – June 2014	243,520	43,984	18.06%
July 2012 – June 2013	337,547	47,034	13.93%
July 2011 - Jun 2012	57,430	4,478	7.80%
Jan 2010 – June 2011	82,059	9,418	11.48%
Jan 2009 – Dec 2009	57,611	3,739	6.49%
Jan 2008 – Dec 2008	220,489	18,585	8.43%
Jan 2007 – Dec 2007	498,620	63,226	12.68%
Jan 2006 – Dec 2006	567,702	79,093	13.93%
July 2005 – Dec 2005	193,880	31,353	16.17%

Economic Impact of MAPLA During This Report Period

During this period, local area employment on MAPLA projects point to the following estimated wage earnings:

- LIA residents estimated earnings of \$4,186,046
- LBA residents estimated earnings of \$3,125,021
- LIA apprentices estimated earnings of \$1,022,630
- LBA apprentices estimated earnings of \$190,192

## MAPLA Pace Setters—Craft Unions

The partnership with the various Unions affiliated with the Building and Construction Trades Council of Alameda County (AFL-CIO) plays a crucial role in achieving the local-hire goals of the MAPLA. To this end, the Unions displayed in Table 3 cooperated with Contractors through hiring hall dispatch in achieving the LIA/LBA hiring and LIA/LBA apprentice utilization levels that benefit the MAPLA local-hire goals as shown below.

Table 3: Crafts performance towards LIA/LBA Journey and Apprentice Dispatch Goals during July 2016 to June 2017 period.

Craft	% of Trade hours worked	% LIA Journey (50% goal)	% LIA/ LBA Journey (50% goal)	% LIA Apprentice (20% goal)	% LIA/LBA Apprentice (20% goal)
Laborers* (combined)	25.6%	48.4%	63.9%	8.6%	9.1%
Electrician (combined)	14.7%	25.3%	65.3%	11.7%	18.2%
Iron Workers	10.3%	35.5%	48.6%	12.2%	12.7%
Operating Engineers* (combined)	8.0%	22.1%	40.3%	4.7%	5.0%
Plumbers	7%	29.7%	38.8%	16.2%	17.2%
Drywall Carpenters	7%	20.9%	46.1%	5.7%	6.0%
Carpenters	6.5%	20.1%	37.3%	7.2%	7.5%
Sheet Metal Workers	4.7%	6.3%	47.1%	0.3%	2.4%
Glaziers	4.3%	5.9%	5.9%	5.9%	5.9%
Painters	4.2%	62.6%	78.5%	18.2%	21.2%
Teamsters (combined)	2.4%	3.7%	8.4%	N/A	N/A
Terrazzo (combined)	1.3%	0.0%	25.4%	0.0%	6.7%
Asbestos Removal Worker (combined)	0.8%	56.6%	98.1%	N/A	N/A
Cement Masons	0.7%	35.0%	50.1%	17.9%	17.9%
Heat & Frost Insulator	0.6%	0.0%	12.1%	0.0%	0.0%
Roofers	0.6%	41.9%	52.3%	3.6%	5.6%
Tile (combined)	0.4%	0.0%	0.0%	0.0%	0.0%
Carpet, Linoleum, Soft Floor Layer	0.3%	56.2%	57.1%	20.4%	20.7%
Elevator Constructors	0.3%	37.0%	37.0%	37.0%	37.7%
Plasterers	0.3%	47.9%	98.6%	0.0%	0.0%



The table is sorted by the trade with the most hours performed during the reporting period and color coded. Green denotes reached goal(s). \* Trades who have an apprenticeship ratio based on bodies not hours. Contractors utilizing Northern California Laborers are not required to hire an apprentice until there are four (4) journeypersons on the job site. Contractors utilizing Northern California Operating Engineers are required to utilize a minimum ratio of not less than one apprentice for every four journeypersons.

### MAPLA Pace Setters—Contractors

The partnership with the various contractors performing MAPLA-covered work also plays a crucial role in achieving the local-hire goals of the MAPLA. To this end, the list of contractors displayed in **Table 4** achieved significant measures regarding the LIA/LBA hiring and LIA/LBA apprentice utilization levels that benefit the MAPLA local-hire goals, as shown below. **The listed contractors performed a minimum of 1,000 craft hours of work during this period.**

**Table 4: Contractors Meeting or Close to One or More LIA/LBA Journey and/or Apprentice Dispatch Goals during the July 2016 to June 2017 period.**

Crafts	% LIA Journey (50% goal)	% LIA/ LBA Journey (50% goal)	% LIA Apprentice (20% goal)	% LIA/LBA Apprentice (20% goal)
D-Line Constructors, Inc. – Laborers & Operating Engineers	99.10%	100.00%	31.80%	31.80%
George E. Masker, Inc. – Painters	98.50%	98.50%	25.10%	25.10%
Turner Construction Company – Carpenters and Laborers	71.30%	81.10%	17.80%	17.80%
Beci Electric, Inc. – Electricians & Laborers	68.80%	100.00%	9.60%	11.40%
Bayview Environmental – Asbestos Removal Workers	54.60%	100.00%	n/a	n/a
Westates Mechanical – Plumbers	41.70%	41.90%	30.60%	30.80%
DMZ Builders – Carpenters, Electricians, Laborers & Operating Engineers	39.80%	64.40%	19.10%	19.10%
McGuire & Hester – Carpenters, Cement Masons, laborers, Operating Engineers, Plumbers & Teamsters	38.10%	62.90%	11.60%	11.60%
Olson Steel – Ironworkers	36.70%	50.00%	13.30%	13.30%
CM & B, Inc.	36.60%	98.00%	0.00%	13.90%
Red Top Electric Co., Emeryville Inc. – Electricians & Laborers	33.80%	83.40%	21.50%	31.10%
TDW Construction, Inc. – Laborers & Operating Engineers	31.90%	56.10%	11.00%	11.00%
M. F. Maher, Inc. – Carpenters, Cement Masons & Laborers	30.50%	39.10%	16.60%	16.60%



## Social Justice Trust Fund

During the reporting period, the trustees of the MAPLA Social Justice Trust Fund issued a request for proposal for pre-apprentice preparation, apprentice retention and to specifically assist with the MAPLA goal of placing at least 25 LIA residents into apprenticeship, 10 of which into the high paying list trades. A draw down grant of \$70,000 was awarded to Cypress Mandela Training Center. With that grant, the eighteenth in the history of the MAPLA Social Justice Trust Fund, the total contributions provided to community based organizations exceeded \$490,000 since 2001. The table below shows the organizations, grant amounts and number of grants since the inception of the Trust Fund.

Grants/Recipient	Total Grants	Number of Grants
Allen Temple Housing and Economic Development Corporation	\$45,115	2
Cypress Mandela Training Center	\$70,000	1
East Bay Community Law Center, on behalf of BACSIC	\$66,000	3
Oakland Private Industry Council, on behalf of Cypress-Mandela Training Center	\$86,654	3
Tradeswomen, Inc.	\$15,000	1
West Oakland Job Resource Center	\$37,300 <sup>2</sup>	1
The Workforce Collaborative (as the manager in the above mentioned collaboration with four other community based organizations)	\$135,000	5
Youth Employment Partnership, Inc.	\$35,000	2
<b>Total</b>	<b>\$490,069</b>	<b>18</b>

The administrative costs of the fund are approximately 4.5% of all funds distributed by the fund manager, the East Bay Community Foundation. These relatively small administrative costs pay for trust insurance, legal services, fund management and, in one case, for an arbitrator to enforce the Social Justice provisions of the MAPLA.

## Local and Small Business Utilization

As a collective bargaining agreement, MAPLA is unique in providing protections and opportunities for Port LIA and LBA businesses to participate in the MAPLA covered contracts issued for Port maritime and aviation construction projects. Over the life of the MAPLA, 90% of the contracts placed in the Small Business Program (“SBEP”) (i.e., projects whose bidding pool was limited to Port certified small businesses) were successfully awarded to Port certified small local businesses. The SBEP was established to help small local construction firms, many of which are non-union contractors, by providing opportunities to increase their capacity to perform public work through graduated involvement in the Port’s construction projects. Participating firms are limited to a total maximum of one million dollars (\$1 million) of contract work under the program and must graduate to work covered by the provisions of the MAPLA. A total of \$15 million of such work is set aside. Over two-thirds of the \$15 million in this program has been awarded.

The MAPLA 2016 sets forth a MAPLA Small Business Enterprise (SBEP) Program, containing similar SBEP terms to the previous Small Business Exemption Program (SBEP): the limit is up to ten million dollars (\$10 million) overall cap over the five (5)-year term, subject to a possible increase to fifteen million dollars (\$15 million) with a request and approval of the MAPLA’s Joint Administrative and Social Justice Trust Committee (JASTC). There is a 20% per trade cap and the one million (\$1 million) contract award graduation rate per contractor.

During this period, one opportunity that took place was the Service Animal Relief Area (SARA) in Terminal 2 at OAK. The SARA will allow for people with disabilities traveling with service animals to care for their animals and provide the needed relief (bathrooms) before and after long flights. This project was awarded to Bay Construction an SBE firm located in Oakland.

## Site Visits

Starting in April 2014, DSI has been conducting site visits on MAPLA projects to assist the Social Responsibility Division in monitoring the proper payment of prevailing wages in the field. During site visits, DSI observes contractors and trade work being performed, interviews workers and compares that information to the certified payroll reports. No issues of prevailing wage underpayments have been discovered.

During the reporting period, DSI has interviewed 12 workers on the following MAPLA covered projects:

1. Construction of the OHIT Support Yard, under prime contractor Stacy and Witbeck, Inc.
2. Construction of Taxiway P Pavement Improvements under prime contractor Gallagher and Burk
3. Renovation of Building M102 Air Traffic Control Tower and Building M102 Swing Space under prime contractor Turner Construction
4. International Arrivals Building Renovations at Terminal 1 under prime contractor Turner Construction

### Trucking Coordinator

Three provisions of MAPLA 2016 became effective August 1, 2016; one of the three was the extension of MAPLA coverage to on-and off-haul trucking, whereas previously only on-site hauling was covered. To assist with overseeing this facet of the MAPLA, including but not limited to education, compliance and coordination, a trucking coordinator position was established. During the reporting period, only a handful of projects, mostly tenant improvements were under construction: Berth 23 & 24 Remedial Excavation & Restoration, Vino Volo, TraPac Terminal Redevelopment Package 1 – Entry Gate and Cool Port Oakland.

Davillier-Sloan, as the interim trucking coordinator, has presented requirements at contractor meetings, assisted with the collection of applicable documents, conducted site visits and performed other related activities. Drivers who seek an exemption from MAPLA coverage may do so by submitting a completed trucking form C also known as the full trucking questionnaire. To date, there have been no major issues of non-compliance and no requests for exemption. When such requests for exemption occur, the trucking coordinator will enter information about these exempted drivers into a database.

### Going Forward

The MAPLA team remains committed to the cost-effective management of its social justice and labor-management goals and objectives. Toward this end, the priorities for the next period are to:

- Seek ways to maximize the opportunities presented by the upturn in the economy and the number of Port projects covered by the MAPLA, with a particular focus on increasing the entry of local residents in pre-apprenticeship and apprenticeship training programs.
- Coordinate with other PLA agencies to address worker preparation and retention issues.

- Look for collaborative ways to maximize funding for pre-apprenticeship training, apprenticeship entry and retention.
- Continue to streamline and make more cost -effective the management and oversight of MAPLA, taking into account that members serve on a voluntary basis.
- Continue to educate the Port's private partners and tenants to ensure application of MAPLA on maritime and aviation projects.
- Build upon the already successful Community-Port-Labor-Contractor forums and working relationships to secure best efforts at achieving the Port's social justice goals for local residents and businesses.
- Sustain the highly productive and cooperative labor-management relationships that have proven to be boon to the efficient execution of MAPLA covered projects.

The Board can take pride in the fact that its principles for MAPLA continue to provide a sound framework for attaining solid results based upon performance. The Port's business model change toward Public Private Partnerships for capital improvements continues to provide a sound process to attaining positive employment results with its partners and tenants.

The MAPLA team is available to answer any questions the Board may have regarding its management and implementation.

### Acknowledgments

This report was prepared with information compiled by the following:

Davillier-Sloan, Inc.

Port of Oakland Engineering Division

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