



PORT OF OAKLAND

WORKING UNDER THE MARITIME AND AVIATION PROJECT LABOR AGREEMENT 2016

The Port of Oakland strongly urges all contractors working under the Maritime and Aviation Project Labor Agreement (MAPLA) 2016 to thoroughly review the full text of the MAPLA 2016 and to become familiar with all of its provisions. The complete MAPLA may be found at http://www.portofoakland.com/files/PDF/MAPLA_Agreement_2016.pdf and is also included in the Port's project manual. The following list summarizes some of the most important MAPLA provisions, with special focus on those which differ significantly from the corresponding provisions in previous versions of MAPLA.

1. Letter of Assent

All general contractors and all sub-contractors, regardless of tier, must sign a Letter of Assent (LOA) and agree to be a party to and to be bound by the total content of the MAPLA. The LOA binds the contractor to the terms of the MAPLA for the awarded project only, and does not bind any contractor to any union agreement. The original executed LOAs must be filed with the Port Attorney, with a copy sent to DSI prior to the commencement of work. It is imperative that a contractor working under MAPLA execute the LOA because the unions will not conduct a pre-job meeting or dispatch workers until a copy of the LOA is on file. The LOA applicable to the project can be found in the project manual or contact the general contractor.

2. Local Hiring Provisions

Contractors are required to make a good faith effort to reach the following hiring goals.

- i **Journey:** 50% of all hours are to be worked by Local Impact Area (LIA) residents, on a craft by craft basis, if workers are available, capable and willing to work on covered projects. The LIA consists of the cities of Oakland, Alameda, San Leandro and Emeryville.
 - Failing that, 50% of all hours are to be worked by Local Business Area (LBA) residents, on a craft by craft basis, if workers are available, capable and willing to work on covered projects. The LBA includes all cities not mentioned above in Alameda and Contra Costa Counties.
- **Apprentice:** 20% of all hours, on a craft by craft basis, are to be worked by apprentices;
 - 100% of all apprentice hours are to be worked by LIA residents, if such apprentices are available, capable and willing to work on covered projects. Failing that, 100% of all the apprentice hours are to be worked by LBA apprentices.
 - 25% of apprentice hours shall be worked by Disadvantaged Workers, if available.*
- **New Hire:** General contractor and/or its subcontractor must hire at least 1 New Hire Apprentice (NHA) for the first \$1M of construction bid value. For each additional \$5M (beyond the first \$1M), at least 1 additional New Hire Apprentice shall be hired. Each NHA must work at least 500 hours, unless waived by Social Justice Committee.
- Contractors can obtain up to half credit towards the above goals by utilizing LIA apprentices "off-site" (i.e. non-MAPLA projects).

Contractors using lower tiered subcontractors are responsible for ensuring their compliance with the local workforce hiring goals. The goals apply to contractors at all tiers who work on MAPLA covered projects.

Davillier-Sloan, Inc. (DSI) requests a local hiring compliance plan prior to the pre-construction meeting. If you do not have a copy, please contact the general contractor for the local hiring compliance plan form.

3. Social Justice Trust Fund

On a monthly basis, all general contractors and subcontractors must make a contribution of \$0.30 cents per craft hour worked to the Social Justice Trust Fund. This money will be used to support programs that assist LIA residents to eliminate employment barriers and gain entry into and remain in the building trades. This fund is not the union's trust funds. If contracted directly with the Port, the general contractor shall make its contributions through the progress payment application process, using the form provided in the project manual. If contracted with a Port tenant, the general contractor shall make monthly contributions directly to the East Bay Community Foundation, using the form provided in the contractor information packet.

* "Disadvantaged Workers" shall mean those LIA residents, prior to commencing Covered Project(s), who meet at least one of the following barriers to employment: (1) is currently homeless; (2) is currently a custodial single parent; (3) is currently receiving public assistance; (4) has a criminal record or other criminal justice system involvement; (5) has been continuously unemployed for the previous one year; (6) has been emancipated from the foster care system; (7) is a veteran of the U.S. military; or (8) resides in an Economically Disadvantaged Area. "Economically Disadvantaged Area" means a zip code within the LIA and that includes a census tract or portion thereof in which the median household income is less than \$40,000 per year, as measured and reported by the U.S. Census Bureau in the 2010 U.S. Census, and as updated by the U.S. Census Bureau in its Median Annual Household Income data by census tract in the American Community Survey.

4. Prevailing Wages

All employees covered by the MAPLA shall be classified in accordance with work performed and paid the hourly wage rates for those classifications in compliance with the applicable prevailing rate determination. On contracts federally funded or assisted, the contractors shall pay California and/or Federal prevailing wages, whichever is higher. For current information on the prevailing wage for each craft go to the Department of Industrial Relations at www.dir.ca.gov. In accordance with MAPLA 2016 Article 15, Wages and Benefits, Section 2, if a wage increase negotiated in a local agreement becomes the prevailing wage under state law, the Contractor will pay that rate retroactive to the effective date of the locally negotiated wage increase.

The Port of Oakland uses a Web Accessed Monitoring System (WAMS) to monitor compliance with federal and state prevailing wage laws. All firms doing business with the Port on construction and applicable professional services contracts must register with Hill International. To get information on how to register or to ask questions concerning the Hill International System contact the help desk at lcm-support@hillintl.com, (855) 496-9526, or Donna Cason, Port of Oakland at (510) 627-1252. E-mail: dcason@portoakland.com

5. Using Non-Union Workers

The MAPLA Core Employee provisions apply only to non-signatory contractors (i.e., contractors who are not a party to a current Master Labor Agreement applicable to the work of the contract). A non-signatory contractor may use up to five (5) of its own “core” employees, provided that the first worker hired comes from the applicable union. The second worker will be a core, the third worker from the union, fourth worker will be a core worker, and so forth. Lay-offs will be in the reverse order. All core employees are required to pay union initiation fees and representation fees. Non-signatory contractors should note that they are required to make payment on behalf of core employees into the established labor-management vacation, pension or other forms of deferred compensation plans, apprenticeship, and health benefit funds for each hour worked.

To be considered as a Core Employee under the MAPLA, the employee:

- i Must possess any license required by state or federal law for the project work performed.
- i Must have worked a total of at least one thousand (1,000) hours in the applicable construction craft during the prior three (3) years.
- i Must have been on the contractor’s active payroll for at least sixty (60) days out of the one hundred eighty (180) calendar days prior to the contract award date.
- i Must have the ability to perform safely the basic functions of the applicable trade.

6. Trucking

The MAPLA covers any trucking on a construction site and performance of Construction Trucking (i.e. the delivery of ready-mix, asphalt, aggregate, sand or other fill material that are directly incorporated into the construction process of the Covered Project(s), as well as the off-hauling of debris, excess fill, material, mud, dirt, ground asphalt, or concrete rubble). The MAPLA coverage includes Owner-Operators. Truckers shall execute a LOA, unless exempted. Certified payrolls must be submitted for each vehicle hauling to, from and on the site.

7. Substance Abuse Testing

Contractors should be aware that the cost of substance abuse testing should be factored into the bid. The MAPLA has a uniform substance abuse policy. **All craft employees, including your core employees, must be tested for controlled substances before they start work at the job site.** Testing is done through DISA, Inc. For information, contact Pamela Juan: (707) 750-5218 or pamela.juan@disa.com.

8. Pre-Job Conferences

The general contractor and all lower tiered subcontractors working on-site shall attend a pre-job conference with the Building and Construction Trades Council of Alameda County prior to start of construction. Participation in the pre-job meeting is mandatory. Working with the MAPLA Administrator, the general contractor will schedule the pre-job conference at least 3 weeks prior to work beginning on-site.

MAPLA Administration Team

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