



WORKFORCE TRAINING AND HIRING PROGRAM

Prosper Portland's *Social Equity Policy*, as adopted by its Board of Commissioners in Resolution No. 7256, as amended from time to time, aims to make Portland a prosperous, competitive, healthy and equitable city, recognizing that advancing equity, including public contracting and workforce opportunities, is a key objective of Prosper Portland's Strategic Plan. Prosper Portland's Social Equity Policy includes a framework that seeks to align Prosper Portland's operational and business practices and support actions to promote public accountability, close disparities, and increase inclusive community engagement.

The Workforce Training and Hiring Program ("WTHP") identifies specific steps, for applicable contractors, developers, borrowers, grantees and purchasers (including all of their subcontractors and agents) (each a "**Recipient**"), participating in any WTHP Project (as defined below) with Prosper Portland to maximize apprenticeship and job opportunities in the construction trades for women and people of color. The WTHP goal is for each Recipient's project workforce to reflect workforce diversity in the city of Portland, and to ensure that Prosper Portland's contracting dollars provide equitable opportunities to Portland's diverse populations, including those who have been historically underused in the construction trades.

1. PROGRAM APPLICABILITY

The WTHP applies to the following projects (each a "**WTHP Project**"):

- Prosper Portland-owned construction contracts greater than \$200,000 (applies to the prime contractor and any subcontract(s) greater than \$100,000);
- Prosper Portland-sponsored projects with hard construction costs of \$1,000,000 or more (applies if the project receives greater than \$300,000 in assistance towards the project; applies to the prime contract and subcontracts of \$100,000 or more); and
- Any sale of Prosper Portland real property to a private party, where such sale has a purchase price greater than \$300,000 and associated hard construction cost of \$200,000 or more.
- Prosper Portland Intergovernmental Agreements consisting of construction work greater than \$200,000 (applies to the prime contractor and any subcontract(s) greater than \$100,000).

Prosper Portland may also, at its sole discretion, require WTHP compliance as a condition of other Prosper Portland agreements, as a condition of Prosper Portland support for any project or program, regardless of whether the project or program meets the definition of "WTHP Project" above.

2. PROGRAM REQUIREMENTS AND GOALS

Recipients are expected to meet the following WTHP requirements and goals:

- Ensure that a minimum requirement of twenty percent (20%) of labor hours in each apprenticeable trade performed by any Recipient (or its prime contractor/subcontractor, as applicable), are filled by State Registered apprentices if working an excess of 300 hours or more on any trade;
- Active good faith efforts to achieve workforce goals of hiring thirty percent (30%) minority and fifteen percent (15%) women, including both apprenticeship and journey level hours.

3. STANDARDS OF COMPLIANCE

Recipients shall comply with the following minimum WTHP specifications:

A. Initial Meeting

Recipient shall attend an initial kickoff meeting with Prosper Portland's Compliance Coordinator at the earliest possible opportunity.

1. Recipients shall bring the following to the initial meeting:
 - Project description;
 - Proposed project schedule; and,
 - Scopes of work, if any, to be subcontracted on the project.
2. Purpose of initial meeting:
 - Answer questions Recipient may have regarding the WTHP program;
 - Identify any barriers to compliance and provide assistance, if possible;
 - Present the ongoing compliance reporting requirements in the City of Portland's LCP Tracker Reporting System and,
 - Explain the ramifications of noncompliance with this guidance, including liquidated damages and debarment.

B. Subcontractor Workforce Plan

Any Recipient required to register as a training agent pursuant to Section 3(C), below, shall submit **Exhibit 2** "Projected Hiring Needs" or Workforce Plan, prior to beginning work on any WTHP Project or within five (5) calendar days after the execution of an applicable subcontract, whichever occurs first. Work by any Recipient shall not begin prior to submission of such documentation. Failure to timely and properly enroll as a training agent prior to beginning work may subject a Recipient to liquidated damages.

C. Apprenticeship Requirements

1. Training Agent

Any Recipient at any tier that directly employs workers and has a subcontract of \$100,000 or more on a WTHP Project must be registered as a training agent with an Oregon Bureau of Labor and Industries (**BOLI**) approved training program. Registration as a training agent in a specific trade is not required if there are no training programs in that trade.

Any Recipient (or any prime contractor or subcontractor, as applicable) must submit proof to the Compliance Officer that they are registered Training Agents with BOLI prior to beginning any work on the project. Failure to register as a training agent prior to beginning work may subject a Recipient to liquidated damages.

- a. Only training programs approved by and registered with BOLI may be used to fulfill training requirements under WTHP.
- b. Training is intended to be primarily on-the-job training in apprenticeable crafts, and does not include classifications such as flag person, timekeeper, office engineer, estimator, bookkeeper, clerk/typist, fire fighter, or secretary. Hours performed in crafts which are not apprenticeable occupations are exempt from training agent requirements.

2. Use of Apprentices

Any Recipient that directly employs workers on a WTHP Project shall:

- a. Ensure that a minimum of twenty percent (20%) of labor hours in each apprenticeable trade performed on a WTHP Project are worked by state registered apprentices throughout the duration of such project. Recipients shall fulfill the twenty percent (20%) apprenticeship hours requirement without exceeding the apprentice ratios approved by the applicable apprenticeship program;

- b. Pay all apprentices the wages required by any applicable collective bargaining contract or pursuant to state or federal law and regulations;
- c. Not use workers previously employed at journey-level or those who have successfully completed a training course leading to journey-level status to satisfy the requirements of these provisions;
- d. Notify the Compliance Officer when an apprentice is hired for this project; and,
- e. Count apprentice hours as follows:
 - Compile hours worked on the project by apprentices enrolled in state-approved apprenticeship programs. If a Recipient is unable to fulfill its twenty-percent (20%) requirement, then the Recipient may also use the methods below;
 - Compile hours worked on the project by apprentices who are required to be away from the job site for related training during the course of the project, but only if the apprentice is rehired by the same employer after completion of training; and
 - Compile hours worked on the project by graduates of state-registered apprenticeship programs, provided that such hours are worked within the 12-month period following the apprentice's completion date.
- f. Not subcontract out to multiple contracts in order to avoid these requirements

3. Use Apprenticeship Programs for Referrals

Recipients must follow each of these steps in seeking apprentice referrals:

- a. Contact the appropriate apprenticeship program or dispatch center to request apprentices who are enrolled in the apprenticeship program;
- b. Request female or minority apprentices from union or open shop apprenticeship programs if such an action will help remedy historical underutilization in the Recipient's workforce;
- c. Keep a written record of any request for apprentices, including name of the contact person at apprenticeship program, phone, fax, e-mail, date, time, job location, start date, etc.; and
- d. Make reasonable best efforts to recruit apprentice applicants from community organizations/recruitment resources, and seek to enroll them into an apprenticeship program, if the apprenticeship program is unable to supply an apprentice and if the program is open for applications or allows direct entry from community resources.

NOTE: Recipients may contact the Compliance Officer for assistance regarding the apprentice referral process, or may utilize Exhibit 3, Request for Apprentice form, to document their efforts. A list of community organizations/recruitment resources is also available.

D. Workforce Diversity Goal

Recipient shall make all active, good faith efforts to achieve workforce hiring goals of thirty percent (30%) minority and fifteen percent (15%) women workers, including apprenticeship and journey level workers, where applicable. To the extent allowed by law, Recipients shall hire apprentices and journey level workers with consideration of gender and ethnicity to meet the workforce diversity goal set forth herein.

When hiring, requesting, recruiting, or replacing workers for a WTHP Project, any Recipient's active and good faith efforts to employ a diverse workforce shall include, without limitation:

- requesting minority and female applicants; requests to union halls for signatory contractors;
- making requests to union or open shop apprenticeship programs; and,
- making requests to community resources who assist contractors with recruitment and referral of workers.

Additional documentation will be requested by the Compliance Officer from any Recipient not meeting workforce diversity goals if it appears, in the sole discretion of the Compliance Officer, that the Recipient has not made reasonable and necessary efforts to acquire an equitably diverse workforce. The Recipient shall provide any such requested documentation to the Compliance Officer within 7 calendar days.

Direct hiring of employees (such as "walk-ons") without providing notification of job opportunity may not constitute a reasonable effort.

E. Project Reporting

Any Recipient at any tier that directly employs workers and has a subcontract of \$100,000 or more on a WTHP Project shall provide monthly employment reporting online via the City of Portland's LCP Tracker reporting system by the fifth day of each month.

The Compliance Officer and Compliance Coordinator will review the monthly reporting and share the status of the project to the Prosper Portland project team. The monthly reporting data from the WTHP Project will also be posted on Prosper Portland's website. Failure to submit timely monthly reporting could adversely affect the WTHP Project's ability to meet the program requirements and thus lead to Liquidated Damages as referenced in Section 4 below. At the completion of the WTHP Project the Compliance Officer and Compliance Coordinator will provide a project closeout report documenting the overall compliance of the project.

The Compliance Officer's failure to object to the timeliness or completeness of documentation submitted by any Recipient shall not relieve them of the requirements of this section.

A copy of certified payroll reports may be requested by the Compliance Officer to verify information in any workforce compliance report provided by a Recipient. Such payroll reports shall be provided within seven days of the date when a Recipient receives the request for the payroll reports.

4. CONSEQUENCES OF NON-COMPLIANCE WITH WTHP

Prosper Portland's commitment to WTHP is reflected, in part, by the cost of administering and promoting the program. Failure of any Recipient to meet WTHP requirements is a misuse of such funding and impairs Prosper Portland's efforts to promote workforce diversity and to provide equitable opportunities to the public. A Recipient's failure to meet the requirements of WTHP, including but not limited to the submission of required documentation, constitutes a material breach of WTHP program requirements.

In the event of a material breach of WTHP program requirements by any Recipient, in the sole discretion of the Compliance Officer, Prosper Portland may take any or all the following actions:

A. Withholding Progress Payments

Prosper Portland may withhold all or part of any payments until the non-compliant Recipient has remedied the WTHP program requirements. If payments are so withheld, the non-compliant Recipient shall in no event not be entitled to interest on said payments, if reinstituted.

B. Liquidated Damages for Noncompliance with the Apprenticeship Requirements

It would be difficult, if not impossible, to assess actual damage or cost incurred by Prosper Portland for a Recipient's failure to comply with the WTHP. Therefore, if the Recipient fails to comply with the apprenticeship requirements of this program, the Recipient agrees to pay the sum of \$250 per day for each day of missed apprenticeship hours. These damages are independent of any liquidated damages that may be assessed due to any delay in the project caused by a Recipient's failure to comply with WTHP requirements or that may otherwise be available to Prosper Portland under any other agreement with the Recipient.

C. Notification of Possible Debarment

Recipient's acknowledge that failure to comply with the WTHP requirements may lead to the Recipient's disqualification from bidding on and receiving other Prosper Portland contracts for a minimum of two years and a maximum of three years based on the violation.

D. Other Remedies

The remedies that are noted above do not limit any other remedies available to Prosper Portland in the event that the Recipient fails to meet the requirements of the WTHP.

5. REVIEW OF RECORDS

In the event that the Compliance Officer reasonably believes, in its sole discretion, that a Recipient is in violation of WTHP requirements, the Compliance Officer and Prosper Portland shall be entitled to inspect and copy any books and records of any such Recipient related to the applicable project within 7 days of the date when a Recipient receives a request under this provision. In the event that a Recipient fails to provide its books and records for inspection and copying when requested under this provisions, such failure shall constitute a material breach of WTHP requirements and permit the imposition of any of the remedies set forth in the WTHP requirements.

6. CONTACTS

A. For any notices or questions regarding apprenticeships, please contact:

Bureau of Labor & Industries

Apprenticeship & Training Division
800 N.E. Oregon St. # 32
Portland, OR 97232
(971) 673-0760

B. For any notices or questions regarding Prosper Portland WTHP requirements, please contact either:

Ay Saechao

Compliance Officer

City of Portland/Outside Services, Purchasing
1120 S.W. Fifth Ave., Room 750
Portland, OR 97204
(503) 823-1090
Ay.Saechao@portlandoregon.gov

Wendy Wilcox

Compliance Coordinator

Prosper Portland
222 NW Fifth Avenue
Portland, OR 97209-3859
(503) 823-3236 wilcoxw@prosperportland.us

ATTACHMENTS:

- Exhibit 1: Recommended Recruitment & Retention Practices
- Exhibit 2: Workforce Plan
- Exhibit 3: Request for Apprentice form
- Exhibit 4: Recipient Checklist

EXHIBIT 1
to
PROSPER PORTLAND WORKFORCE TRAINING AND HIRING PROGRAM

RECOMMENDED GOOD FAITH RECRUITMENT &
RETENTION PRACTICES

A. Recruitment Efforts

Good faith recruitment efforts are intensive, active, sincere, and result-oriented actions taken, and best practices used, by a Recipient designed to accomplish WHTP and Equal Employment Opportunity Program objectives and requirements. Good faith recruitment efforts include, but are not limited to:

1. Working aggressively with the Recipient's Joint Apprenticeship Training Committee (**JATC**) to recruit minorities, women and disadvantaged individuals and documenting these efforts;
2. Requesting JATC ideas on how to increase employment of underutilized groups, and assist JATC in conducting a recruitment workshop with potential minority and women employees;
3. Supporting JATC by giving all apprentices referred to the Recipient by JATC a fair chance to perform successfully, allowing for possible lack of previous experience, and taking responsibility for providing on-the-job training, understanding that all apprentices should not be expected to have previous experience;
4. Participation in job fairs, school-to-work, and community events to recruit minorities, women, and disadvantaged individuals into the construction trades;
5. Allowing scheduled job site visits by participants in community programs, as safety allows, to increase awareness of job and training opportunities in the construction trades; and,
6. Retaining job applications of those recruited but not selected for a job, in the event a relevant job becomes open.

B. Retention Efforts

Recipients shall attempt to retain minorities, women, and disadvantaged employees by implementing steps such as the following:

1. Maintaining a harassment-free work place;
2. Ensuring that employees are knowledgeable about company policies if they need to report a harassment issue;
3. Making best reasonable efforts to keep apprentices working and train them in all work processes described in the apprenticeship standards;
4. Reviewing and disseminating, at least annually, the obligations under the WTHP, as well as the Recipient's EEO policy, with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions;
5. Reviewing, at least annually, of all supervisors' adherence to and performance under the Recipient's EEO policies and affirmative action obligations;
6. Taking steps to reduce any negative isolation of, or hostile attitudes or behavior toward, minorities and women (e.g., have several minorities and women at the job site; provide access to support group system);
7. Providing adequate toilet facilities for women on the job site; and,
8. Matching minority, female, or disadvantaged apprentices who may need support to complete their apprenticeship programs with a journey-level mentor.

EXHIBIT 2
WORKFORCE PLAN

This form must be completed by any WHTP Recipient. Please state how you plan to perform the work on this project, indicating the number of journey workers and apprentices by trade. This workforce plan must demonstrate how your company will fulfill all Workforce Training & Hiring & Workforce Equity Program requirements, including utilization of apprentices. Refer to Exhibit 5 for apprenticeship ratio data. **Complete all columns, with project-specific information.**

BID# _____ CONTRACT AMOUNT \$ _____ PROJECT NAME: _____

COMPANY NAME _____

Federal ID # _____ ☐ Prime Contractor ☐ Subcontractor

List all Trades to be used on this Project	Total # of Journey Workers	Total # of Apprentices	Total # of Female Workers	Total # of Minority Workers	# and Level of New Positions (i.e. 1A or 1J)	Anticipate d Start Date	Estimated Total Hours (all workers in each trade)

Please list the apprentices who will work on this project. If you need more space, attach an additional sheet of paper. The Compliance Agency must approve all apprentices on the project.

Name of Apprentice	Trade	Race	Gender	Date of Hire	STAFF USE ONLY

If no current apprentices, indicate when and how they will be hired:

Person in your company who does hiring: _____

Company: _____ CCB# _____ Phone: _____ Fax: _____

E-mail address for submitting Monthly Employment Reports via e-mail: _____

Are you a registered Training Agent? ☐Yes ☐No Are you a ☐Union ☐Open Shop contractor?

With which JATCs are you registered to train apprentices? _____

Apprentice committee or union contact person who dispatches apprentices to your company:

Name: _____ Phone: _____ Fax: _____

Name: _____ Phone: _____ Fax: _____

PREPARED BY: _____ DATE: _____
(sign and print)

Prime contractor must complete and submit to as designated to Compliance Agency:

Workforce Training & Hiring Program
1120 S.W. Fifth Avenue #750, Portland, OR 97204
Phone (503) 823-6850 or FAX (503) 823-5539

EXHIBIT 3

Request for Apprentice

The contractor may use this form to document efforts when recruiting apprentices.

FAX To: _____ / _____
(Apprenticeship Committee) (Contact/ Dispatcher)

Fax Number : _____ Number of Pages: _____

Request From:

Company Name: _____ / _____
(Registered Training Agent) (Contact Person)

Phone: _____ Fax: _____ Date: _____ Time: _____

Apprentice Request:

As a registered Training Agent, I am using this form to request referral of an apprentice for employment with my company in cooperation with the City Workforce Training & Hiring Program. I would like to continue to diversify my workforce. Therefore, please refer ethnic minorities and women for my consideration. If I am unable to receive a referral from my apprenticeship program within a reasonable time, and my apprenticeship program is open for applications or allows direct entry, I may use this form to request a referral to the apprenticeship program from community recruitment resources.

Apprentice referral is needed by this date: _____ Work Starts: _____

Job Site Location: _____ Expected Length of Employment: _____

Project: _____ Compliance Agency (City of Portland) _____

Number of Apprentices: _____ Trade/Occupation: _____

Number of Apprentices: _____ Trade/Occupation: _____

Minimum qualifications (if different from apprenticeship standards): _____

Safety needs. Hard hat: _____ Gloves: _____ Hard-toed boots: _____ Other? _____

Please fax this Request for Apprentice form to your apprenticeship committee.

To document your good faith efforts, copies may also be sent to:

City Workforce Training & Hiring
1120 SW 5th Ave. Rm 750
Portland, OR 97204
Phone: (503) 823-6850
FAX: (503) 823-5539

(a) For Apprenticeship Program Only

Please check the appropriate box and fax to City Workforce Equity Program:

☐ I was able to dispatch an apprentice to the project listed above.

Name of Apprentice _____ Race _____ Gender _____ Term _____

☐ I was unable to dispatch an apprentice to the project listed above because _____

_____ Fax
this form with dispatch information to 823-5539. Thank you.

Workforce Training & Hiring Program Prime Contractor Checklist

The following Workforce Training & Hiring Program (WTHP) requirements are a summary of the key contractual obligations of developers and contractors working on WTHP Projects. It is the Recipient's responsibility to read and fully understand this section of the bid specifications and to comply with all provisions of the program, regardless of whether they appear on this checklist. The City administers this program for the Prosper Portland.

CHECKLIST:

1. Prime Contractor:

- A. Submit Projected Hiring Needs form (Exhibit 2) to Compliance Officer within 15 calendar days after bid opening or prior to contract award, whichever occurs first.
- B. Ensure compliance by all subcontractors with subcontracts of \$100,000 or more and provide them with a copy of the WTHP specifications.

2. Subcontractors, at all tiers, with contracts of \$100,000 or more:

Submit Projected Hiring Needs form (Exhibit 2) prior to beginning work on the project or within 5 days of signing subcontracts, whichever occurs first.

3. Prime Contractor and all subcontractors with contracts of \$100,000 or more must:

- A. Before starting work on this project: Submit proof of registration as a Training Agent with the Bureau of Labor & Industry (BOLI), Apprenticeship & Training Division. Not a BOLI registered training agent? Contact BOLI at (971) 673-0760 or the City of Portland at (503) 823-6888 for information on how to become a BOLI registered training agent.
- B. Throughout the duration of the project:
 - 1. Ensure that a minimum of 20% of labor hours in each apprenticeable trade performed by the prime and subcontractors of \$100,000 or more are worked by State-registered apprentices.
 - 2. Strive, actively and in good faith, to meet the applicable workforce diversity goals of employing people of color and women (including both journey level and apprentice workers).
 - 3. Make all active, good faith efforts to employ a workforce that reflects the diversity of the City of Portland, including recruitment of diverse workforce through the unions, apprenticeship programs and other community resources, as described herein.
 - 4. Maintain written documentation of all requests for workers from the unions, apprenticeship programs, and community organizations.
 - 5. When an apprentice is hired, notify the Compliance Officer, Ay Saechao at (503) 823-1090.
 - 6. Submit WTHP reporting online via LCP Tracker by the 5th business day of the month.
 - 7. Communicate with the Compliance Officer early and often regarding any issues with meeting the WTHP requirements.