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**Office location:**  
 4275 NE Halsey St., Portland, Oregon

**Mailing address:**  
 P.O. Box 13150, Portland, OR 97213  
 Phone: (503) 288-3311

**Web address:**  
<http://nwlaborpress.org>

**Editor:** Michael Gutwig  
**Associate editor:** Don McIntosh  
**Office manager:** Cheri Rice

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# ...Managers Revolt: Portland may scrap union-led CBA

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The old template, known as the Community Benefits Agreement (CBA), was crafted by a broad labor-community coalition, the Metropolitan Alliance for Workforce Equity. It committed general contractors, unions, minority contractors, community groups, workforce training groups and pre-apprenticeship programs to work together to hit ambitious numeric targets for the participation of women and minorities — as apprentices, journeymen, and subcontractors — on City-funded construction projects.

The new template, entitled the Community Equity and Inclusion Plan (CEIP), was crafted by a work group of city managers, including Office of Equity and Human Rights director Dante James, chief procurement officer Christine Moody, deputy city attorney Molly Washington, and the heads of City infrastructure bureaus like water, transportation, and sewer.

As such, it's a construction contract written by city managers with little or no experience in construction. The result is a marvel of management-speak, full of redundant and impenetrably vague language, and frequently lacking clarity about who's responsible for what.



"[City managers] conspired together to create a low-road approach that discounts the value of union labor to the point where it's offensive."

— Willy Myers, executive secretary-treasurer, Columbia-Pacific Building Trades Council

quently lacking clarity about who's responsible for what. Here's Article 7.3, Section B, Subsection 1, item i, sub-item (c): "Information shall be posted on the Contractor's website, or to a shared website approved by the Owner, to facilitate assessment of the interest of D/M/W/ESBs for the Work on the Project." Much of the document reads like that.

But beyond style and comprehensibility, unions and community allies are raising a number of specific objections to the CEIP, such as:

- It creates a new 9-to-15-member Community Equity and Inclusion Committee (CEIC), but unlike the CBA's labor-management-community oversight committee, the CEIC would be advisory only, meet just four times a year, and would be appointed by the city's chief administrative officer, Equity Director (Dante James) and an unspecified infrastructure bureau director.

- It makes no mention of a 1 percent for equity fund to pay for pre-apprenticeship programs and technical assistance for minority contractors; that's supposedly going to be addressed through a separate policy that has yet to be revealed.
- Unions (and pre-apprenticeship organizations) had no role in crafting the CEIP, and they aren't signatory parties to it. Instead, they're supposed to sign an Exhibit A "Partnership Agreement" that they had no hand in negotiating.

That last item is significant, where unions are concerned. In a Jan. 16 letter to Dante James, the Pacific Northwest Council of Carpenters, Operating Engineers Local 701 and the Columbia-Pacific Building Trades Council explained that many labor unions would face significant exposure to lawsuits from members if they agreed to dispatch specifically women and minority workers in the absence of a signed, collectively bar-

gained agreement with a contractor. The CBA, as written, served that function. But City managers said it was unwieldy to have so many signers.

"The idea was not to make 17, 18, 20 people all parties to a contract," City Equity Office director Dante James told the Labor Press. "That doesn't make any sense."

Instead, in the CEIP, "building trades, both union and non-union" can sign a separate non-binding "partnership agreement" pledging to "make efforts to assist the Contractor" in achieving the goals. James said the CEIP was created by synthesizing a number of documents, including the CBA, and then sending the document out to "over 44 organizations and individuals" for feedback.

But that's only after a number of organizations complained they were being left out. When City staff presented a list of organizations they were going to reach out to last October to the City's Fair Contracting Forum, not one of the dozens of labor unions, pre-apprenticeship programs, or community groups that had participated in creating the CBA was on the list.

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