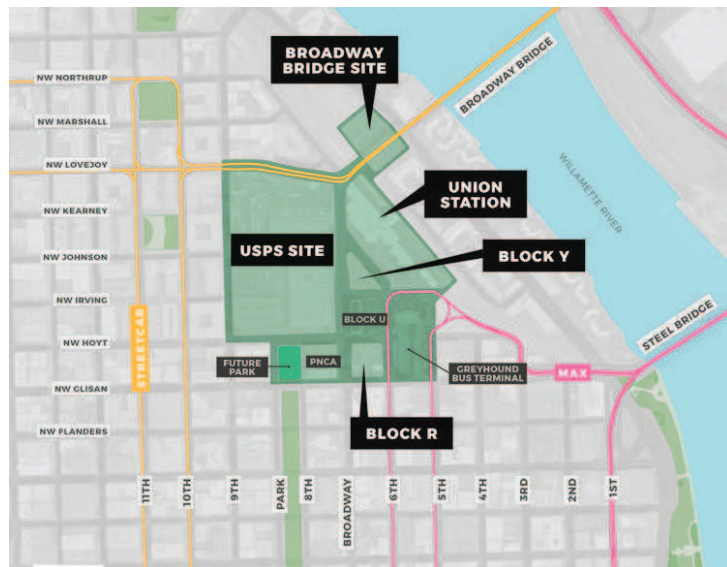


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when there's at least \$750,000 of public money involved. Branam said Prosper Portland will be paying for demolition, site preparation, and infrastructure, and that work will be subject to prevailing wage requirements, and so would any housing that's subsidized by the Portland Housing Bureau. [Portland Housing Bureau owns 16% of the USPS site, and plans to build 720 affordable housing units there alongside roughly 1,650 privately-funded market-rate units.] But Continuum would not be required to pay prevailing wage on the privately funded buildings it constructs on the site, Branam said.

Asserting that the whole Broadway Corridor development should be treated as a single project, Operating Engineers Local 701 asked BOLI to determine whether the prevailing wage law applies. But in a May 5 letter, BOLI said it can't make that determination until Prosper Portland reaches a final development agreement with Continuum. BOLI said the prevailing wage requirement would apply to any site work that Prosper Portland pays for.

Whether or not it's required to, coalition members say Continuum has voluntarily agreed that contractors will pay the prevailing wage on the "core



and shell" of buildings, just not on all tenant improvements.

Branam says a deal has been reached with SEIU Local 49 covering janitors and security guards on the properties once the project is complete.

But on construction equity issues, the two sides appear to be at an impasse.

Branam said negotiations have been delayed by COVID, by a land use appeal over proposed building heights, and by the complexity of the project.

"Right now we're trying to land four planes at once," Branam said, listing the CBA; Prosper Portland's final "development and disposition agreement" with Continuum; an intergovernmental agreement with the City bureaus in charge of roads, water, and sewer serv-

ice; and the project's master development plan, which must be approved by a design commission. "It's a complicated Rubik's cube."

"We're still at the table," Branam said. "We're all negotiating in good faith."

The latest timeline calls for a CBA to be ready for a vote at Prosper Portland's July 22 board meeting, followed by a City Council vote in August or September. Whether an agreement will be reached by then remains to be seen.

"At a time when we're in a nationwide reckoning about the disenfranchisement of the African-American community, we think this is a prime opportunity for Portland and Prosper Portland to get development right," Satterfield said.

## Public-owned broadband study nears completion

Multnomah County is running the numbers to see if fiber to the home is feasible.

By Noah Wass

Last October, Multnomah County and its five resident jurisdictions (Portland, Wood Village, Gresham, Troutdale, and Fairview) agreed to fund a study of the costs and benefits of providing a publicly owned high-speed broadband network for all of Multnomah County. Originally scheduled to be published by the end of May, the study is now expected to be finalized some time in late July.

Multnomah County Commissioner Sharon Meieran, a leading voice for public broadband on the Commission, says COVID-19 delayed the study but also presented an opportunity to enhance it. CTC Technology and Energy, which was hired to conduct the study, has added an additional chapter around COVID.

"We have talked about the digital equity gap for a long time, and with COVID, that gap has been shown to be a yawning chasm," Meieran said. "Now during the emergency, broadband access is essential for peo-

ple to be able to work, to get information for kids to be able to attend school, to get medical care, or to access services."

The commissioner says she expects a draft of the study by the end of the month.

Michael Hanna and the Broadband PDX group he helped found have led the union-backed charge for creating a publicly owned municipal broadband network in Multnomah County since 2017. Hanna, a data engineer for the County and chief steward and former president of AFSCME Local 88, says he'll continue to push for the use of unionized labor in the construction and maintenance of a high-speed fiber-optic network.

"Our main role now is to advocate for the publicly-owned route, rather than just expanding the current corporate for-profit model," he said. "That is the decision that's before us as a society: Do we want to perpetuate this for-profit model where hundreds of millions of dollars per year leave our local economy, or do we want to build a digital infrastructure for the future where we as a community own it?"

## ...Trump NLRB sues Oregon

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failed to show they were harmed by either of the defendants.

In an April 7 response to the NLRB, Oregon Attorney General Ellen Rosenblum's office asked that the new lawsuit be dismissed for similar reasons because the state itself could not have caused the alleged harm. The Worker Freedom Act allows workers to sue their employer as a private individual. The state has no power to enforce it or bring a lawsuit on any worker's behalf.

The NLRB replied May 21 that the state harmed the NLRB because it wrote and passed the law. According to the filing, the National Labor Relations Act gives the NLRB the ultimate authority to regulate and protect an employer's free speech concerning unionization. The NLRB also cites the pre-emption doctrine, which holds that state law, where it conflicts with federal law, must bow to federal law. To fix this conflict, the NLRB wants the Worker Freedom Act declared in-

valid when it applies to meetings where unions are the subject.

Labor attorney David Rosenfeld, who was involved in the legal defense during the 2009 lawsuit, says the new case is quite similar.

"Oregon is saying clearly, 'We don't enforce the law, so don't come asking us to do something where all we did was pass the law,'" Rosenfeld says. "You may think its unconstitutional, but until you are actually harmed or somebody sues you, the courts shouldn't get involved. I'm not the district judge, but I think that the state is right here. If the state doesn't enforce the law, why sue the state?"

A hearing is scheduled for July 14 via telephone before U.S. District Court Judge Mustafa T. Kasubhai.

For now, the Workers Freedom Act remains in effect and Oregon workers may still sue their employers should they be threatened or disciplined for not attending an anti-union meeting.



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