



BOARD OF EDUCATION
REGULAR MEETING
2309 TULARE STREET
BOARD ROOM, SECOND FLOOR
FRESNO, CA 93721-2287
www.fresnounified.org/board

AGENDA
WEDNESDAY, FEBRUARY 26, 2020
4:30 P.M. (CLOSED SESSION) 6:00 P.M. (OPEN SESSION)

B. CONFERENCE/DISCUSSION AGENDA - continued

7:00 P.M.

B-11, DISCUSS and APPROVE Project Labor Agreement for Juan Felipe Herrera Elementary School Project

It is recommended the Board approve the Project Labor Agreement (PLA) for construction of Herrera Elementary School, and direct staff to incorporate the PLA into the bid documents for the project and take all other actions necessary to implement the PLA pursuant to its terms and conditions. The PLA is a contract between Fresno Unified and the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council (Trades Council) and the Signatory Craft Councils and Unions with terms, work site conditions, worker qualifications, dispute resolution processes, etc. negotiated prior to beginning the project. The Herrera PLA includes internship and pre-apprenticeship opportunities that will directly benefit district students. The Superintendent recommends approval. Fiscal impact: There is no direct cost associated with approval of the PLA. The potential impact on the cost of the project is unknown. Contact person: Karin Temple, telephone 457-3134.

7:15 P.M.

B-12, DISCUSS and APPROVE Memorandum of Understanding with the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council, and the signatory Craft Councils and Unions regarding Career Technical Education Opportunities for Fresno Unified Students

It is recommended the Board approve a Memorandum of Understanding (MOU) with the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council, and the signatory Craft Councils and Unions, addressing Career Technical Education (CTE) opportunities for district students. As part of the Project Labor Agreement (PLA) development process for the Herrera Elementary School project, the district and Trades Council agreed to establish a work opportunities program (CTE Program) for district students and local residents. The primary goal of the CTE Program is to maximize construction work opportunities for traditionally under-represented members of the community. The Superintendent recommends approval. Fiscal impact: There is no cost associated with Board action to approve the MOU. Contact person: Karin Temple, telephone 457-3134.

Fresno Unified School District
Board Agenda Item

Board Meeting Date: February 26, 2020

AGENDA ITEM B-11

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Approve Project Labor Agreement for Juan Felipe Herrera Elementary School Project

ITEM DESCRIPTION: It is recommended the Board approve the Project Labor Agreement (PLA) for construction of Herrera Elementary School, and direct staff to incorporate the PLA into the bid documents for the project and take all other actions necessary to implement the PLA pursuant to its terms and conditions. The PLA is a contract between Fresno Unified and the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council (Trades Council) and the Signatory Craft Councils and Unions with terms, work site conditions, worker qualifications, dispute resolution processes, etc. negotiated prior to project commencement. The Herrera PLA additionally includes internship and pre-apprenticeship opportunities that will directly benefit district students.

Primary requirements for contractors and subcontractors under a PLA typically include: all employees must register with the appropriate trade union and pay applicable fees and/or dues; with the exception of a contractor's "core employees," all employees will be hired through the pertinent union hall referral system; and the unions are the sole representative of project workers.

The PLA is a pilot applicable only to the prime contractor and all subcontractors on the Herrera project. The district is considered a party to the PLA in the sense that it agrees to join the PLA as part of the contract with the prime contractor and consequently its project contractor(s). Incorporating the PLA into bid documents provides notice to prospective bidders that contractors and subcontractors will be bound by the PLA and abide by its terms and conditions as a condition of award.

The Herrera PLA provides for an apprenticeship pathways program for district students including:

- Graduates of the district's pre-apprenticeship program will be treated as pre-apprentices and will be given preferred and priority access to apprenticeship programs.
- A targeted hiring program requires contractors to employ new district pre-apprenticeship program graduates for at least 15% of apprentice work hours on the project.
- The Trades Council will provide, at its expense, a coordinator to work on-site at district high schools to advise students regarding career and job opportunities in the local construction trade industry, and will offer students tours of different apprenticeship programs.
- For students interested in pursuing a career or job in the local construction trade industry, the Trades Council will fund scholarships for students from disadvantaged circumstances to pay the costs of apprenticeship programs.

In addition, the unions commit to making efforts to refer and/or recruit skilled craft workers from the following categories to fulfill the requirements of project employers: City of Fresno residents, veterans

in the area, district graduates in the area, and multi-craft core curriculum (MC3) graduates in the area.

The November 20, 2019 Board Workshop included presentations and discussion regarding PLAs, and provided opportunity for the Board to comment regarding a potential PLA for the Herrera project; the Board indicated support to negotiate a PLA. Herrera is proposed to be built at 5090 E. Church to accommodate student enrollment in the southeast region.

Bid documents for construction of Herrera Elementary School are being developed. If approved, the PLA will be included in the documents and the successful bidder and all of its subcontractors will be required to comply with all requirements of the PLA. Subcontracts of \$150,000 or less are excluded, with a cap of five percent of the project's total construction cost estimate. The current Herrera project schedule targets a construction contract recommendation to the Board in late May or early June. If the project stays on track, it is planned to open for the start of school in August 2022.

The PLA is available for review in the Board Office.

FINANCIAL SUMMARY: There is no direct cost associated with approval of the PLA. The potential impact on the cost of the project is unknown.

PREPARED BY: Alex Belanger, Asst. Supt,
Facilities Mgmt. & Planning, and Edward Collins,
Exec. Director, Purchasing

DIVISION: Operational Services

PHONE NUMBER: (559) 457-3134

CABINET APPROVAL: Karin Temple,
Chief Operating Officer

SUPERINTENDENT APPROVAL:





Agenda Items B-11 and B-12



Project Labor Agreement –
Herrera Elementary School Project;
and
Memorandum of Understanding –
CTE Opportunities for Students

February 26, 2020

Background – PLA and MOU

- Project labor agreement (PLA) establishes terms and conditions for the Herrera Elementary School project between Fresno Unified and the Trades Council and Signatory Unions (*agenda item B-11*)
- PLA is for the Herrera project only, and will be incorporated into project bid documents after approval
- Board received information and discussed PLAs at November 20, 2019 Board Workshop
- Memorandum of Understanding (MOU) regarding CTE opportunities is related to PLA, but is separate and continues beyond Herrera project (*agenda item B-12*)

Primary Terms of PLA

- General contractor and subcontractors on Herrera project will be bound by PLA requirements
 - All project employees must register with pertinent trade union and pay union fees/dues
 - Project employees to be hired through union hall referral system (with exception of “core employees”)
 - Unions are sole representatives of project employees
- Carve out from requirements for subcontracts of \$150,000 or less
 - Capped at 5% of total project construction cost
 - Cap not to be absorbed by any single craft
- Unions to make efforts to recruit district graduates, Fresno residents, and veterans

PLA: CTE Opportunities for Students on Herrera Project

- District pre-apprenticeship program graduates to receive:
 - Priority access to Trades apprenticeship programs
 - At least 15% of apprenticeship work hours on project
- Trades Council commits to:
 - Provide coordinator to advise students about opportunities in local construction trade industry
 - Fund scholarships to cover cost of apprenticeship programs for disadvantaged district graduates

MOU: Future Educational Opportunities for Students

- Trades Council will provide:
 - Tours of apprenticeship programs to discuss entrance qualifications and selection for indenture into local apprenticeship programs
 - Industry experts for career counseling and coordination of internship opportunities, and assistance to CTE teachers with curriculum design, skills teaching, and student feedback
 - Coordinator to advise students regarding job/career opportunities in local construction trade industry
- Trades Council may fund student scholarships for apprenticeship programs
- District pre-apprenticeship program graduates can be recognized as year 2 apprentices (subject to verification of skills) and receive preferred and priority access to union apprenticeship programs

Next Steps / Summary

- PLA incorporated into Herrera project bid documents
- Herrera project advertised for bidding March 1, 2020
- Construction contract recommendation to the Board targeted for late May/early June
- Herrera is prioritized for Measure X funding
- Assuming project stays on track, Herrera Elementary School will open for start of school in August 2022

Recommendation

It is Recommended the Board Approve (separately):

Item B-11: PLA for Juan Felipe Herrera Elementary School Project; and

Item B-12: MOU with the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council, and the Signatory Craft Councils and Unions regarding CTE Opportunities for Fresno Unified Students



2/26/2020

Fresno Unified School District
Board Agenda Item

Board Meeting Date: February 26, 2020

AGENDA ITEM B-12

AGENDA SECTION: B

(A – Consent, B – Discussion, C – Receive, Recognize/Present)

ACTION REQUESTED: Approve

(Adopt, Approve, Discuss, Receive, etc.)

TITLE AND SUBJECT: Discuss and Approve Memorandum of Understanding with the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council, and the signatory Craft Councils and Unions regarding CTE Opportunities for Fresno Unified Students

ITEM DESCRIPTION: It is recommended the Board approve a Memorandum of Understanding (MOU) with the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council (Trades Council), and the signatory Craft Councils and Unions (Unions) addressing CTE opportunities for district students. As part of the PLA development process for the Herrera Elementary School project, the district and Trades Council agreed to establish a work opportunities program (CTE Program) for district students and local residents. The primary goal of the CTE Program is to maximize construction work opportunities for traditionally under-represented members of the community.

While the PLA covers only the Herrera project, it is the intent of the district and Trades Council that the CTE Program survive and continue after completion of the Herrera project. Therefore, the MOU was developed. Per the MOU, graduates of Fresno Unified's pre-apprenticeship program or a Council-approved pre-apprenticeship program will be treated as pre-apprentices and receive preferred and priority access and pathways to apprenticeship programs. Where allowed by apprenticeship standards, students will be credited one year of apprentice training.

Benefits to district students include the following:

- Opportunities for the Trades Council/Unions to engage with students and discuss apprenticeships.
- The Trades Council will provide a coordinator or qualified craft representative, at its expense, with responsibility to inform and advise students and, when appropriate, district employees on the process, availability and opportunities of a career or job in the local construction trade industry. The coordinator will visit each of the District's high schools on an as-needed basis, with a minimum of one visit per month per site.
- The Trades Council will provide industry subject matter experts to assist CTE teachers with curriculum design, teaching discreet skills, interaction and feedback to students, career counseling, and coordination of internship opportunities.
- The Trades Council/Unions will offer off-campus curriculum or off-campus classes and tours of apprenticeship programs.
- For students interested in pursuing a career or job in the local construction trade industry, the Trades Council may fund scholarships for students from disadvantaged circumstances to cover the costs of apprenticeship programs.

In addition, the Trades Council/Unions will support local events and programs designed to recruit and develop adequate numbers of competent workers in the construction industry.

The MOU is attached.

FINANCIAL SUMMARY: There is no cost associated with Board action to approve the MOU.

PREPARED BY: Alex Belanger, Asst. Supt,
Facilities Mgmt. & Planning, and Jeremy Ward,
Exec. Officer, College and Career Readiness

DIVISION: Operational Services

PHONE NUMBER: (559) 457-3134

CABINET APPROVAL: Karin Temple,
Chief Operating Officer

SUPERINTENDENT APPROVAL:





MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“MOU”) dated _____, 2020, (“**Effective Date**”) is entered into by and among the Board of Education for the Fresno Unified School District (the “**District**”), the Fresno, Madera, Kings and Tulare Counties Building and Construction Trades Council (the “**Council**”), and the signatory Craft Councils and Unions signing this Agreement (hereinafter together with the Council, collectively, the “**Union**” or “**Unions**”) (collectively “**Parties**”).

RECITALS

WHEREAS, The Parties to the Agreement support the development of increased numbers of skilled construction workers from among local residents to meet the labor needs of District projects, specifically, and the requirements of the local construction industry generally; and

WHEREAS, the Parties agree to cooperate in the establishment of a work opportunities program for local residents, the primary goal of which shall be to maximize construction work opportunities for traditionally underrepresented members of the community.

AGREEMENT

In furtherance of the foregoing, the Unions specifically agree to:

- a) Encourage the referral and utilization, to the extent permitted by law, hiring hall practices and apprenticeship standards of qualified local residents as journeymen and apprentices on District projects, and entrance into such qualified apprenticeship and training programs as may be operated by signatory Unions and training committees; and
- b) Work cooperatively with the District and its consultants to identify, or establish and maintain, effective programs, events and procedures for persons interested in entering the construction industry; and
- c) Participate in District-based job fairs, career days and outreach events; and
- d) Provide speakers for District programs and at academies as requested; and
- e) Provide a contact information list for all Union representatives and Joint Apprenticeship Committee representatives; and
- f) Support local events and programs designed to recruit and develop adequate numbers of competent workers in the construction industry.

I. Apprenticeship Pathways for Current Year and Future District High School Graduates. The Council and the Unions agree that District students who are new graduates of the District’s pre-apprenticeship program or a Council-approved pre-apprenticeship program shall be treated as pre-apprentices and shall be given preferred and priority access and pathways to apprenticeship programs, where allowed by apprenticeship standards and shall be credited one

year of apprentice training, subject to skills, ability, certification and work experience determined by the prospective apprenticeship program director and or designee. In coordination with the pre-apprentice program, the Council agrees to work with, develop and adopt a first-year apprentice program and or programs at approved District sites with the purpose to qualify and accept graduating District CTE students. Therefore, the Council and the Unions shall implement a targeted hiring program for District students, using best efforts to indenture five new District pre-apprenticeship and first year apprentice program graduates per trade per year, subject to the current and future apprentice needs as determined by the appropriate apprenticeship program and the Union's senior agent, business manager and or designee. The District understands the Council's and the Unions' ability to reach this goal is subject to District students' desire to enter into the trades, and District students' ability to satisfy the requirements for entry into the apprenticeship program.

- (a) The Parties agree that these pathways will be primarily provided through the MC3 program offered through the State Center Community College District but may also be satisfied at programs or campuses located in the area under the direction of district CTE site pathway coordinator.
- (b) The Parties agree that:
 - (1) The District will provide the Council and the Unions opportunities to engage and discuss apprenticeship opportunities with current District students; and
 - (2) The Council and the Unions will provide at the end of each fiscal year and six (6) months thereafter, detailed and confidential information on the students they have provided apprenticeship program access to, including which program(s) and the status of progress and/or graduation of each student currently in the program(s) or recently graduated from the program(s).

II. Pre-Apprentice/Internship/Apprenticeship Coordinator.

- (a) The Council shall provide a coordinator or qualified craft representative, at the Council's expense, whose responsibilities shall include informing and advising District students and, when appropriate, District employees on the process, availability and opportunities of a career or job in the local construction trade industry. The coordinator shall visit each of the District's high schools; Bullard, Duncan, Edison, Fresno, Hoover, McLane, Roosevelt, Sunnyside, and alternative education campuses on an "as needed" basis but shall make a minimum of one visit per month to each high school site.
- (b) The Council shall provide industry subject matter experts to assist CTE teachers in:
 - i. Curriculum design
 - ii. Teaching of discreet skills
 - iii. Interaction and feedback to students

- iv. Career counseling to students
- v. Coordination of internship opportunities

The District will provide appropriate space at each site for the coordinator to perform his/her work. Subject to the District’s policies for field trips, the council and unions will offer off-campus curriculum or offer off-campus classes and tours of different apprenticeship programs. This access is intended to satisfy much of the District’s obligation to provide opportunities for the Council and the Unions to engage and discuss apprenticeship opportunities with current District students.

III. Council Scholarship for Disadvantaged Students. The Council may fund and provide scholarship(s) to students to cover the costs of apprenticeship programs, for those disadvantaged students that are interested in pursuing a career or job in the local construction trade industry.

IV. Specifically excluded from this MOU is the District’s New Juan Felipe Herrera Elementary School project;

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding, effective as of the date indicated above.

Dated: February __, 2020

Dated: February __, 2020

Fresno Unified School District

**Fresno, Madera, Kings and Tulare Counties
Building and Construction Trades Council**

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Print Title: _____

Print Title: _____