





Introductions



San Diego Unified School District's PSA Coordination Team

PSA Specialists

Ivory J. Anderson, Jr. (Since 2009)

Rey Pedregon (Since 2016)

Todd Ethridge (Since 2018)



Ed Avila
(Since 2019)

Maria Cruz (Since 2021)

Director - George Harris III



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Program Topics



- Project Stabilization Agreement (PSA)
 - ✓ What It Is, Key Points, What It Does
- Working On A PSA
 - ✓ Projects covered, PSA Documents, PSA Pre-Job Conf., Labor Compliance, Prevailing Wages
- Workforce
 - √ Core, Signatory, Dispatch Procedures
- Labor Relations On A PSA
 - ✓ Unions, Badging, Do's and Don'ts, PSA Team Role
- Dispute Resolution On A PSA
 - ✓ Jurisdictional Disputes, Grievances
- PSA App
 - ✓ Pre-Jobs, Support

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The Project Stabilization Agreement What It Is

- The Parties
 - ✓ SDUSD Board of Education
 - ✓ SD County Building & Construction Trades Council
 - √ Western States Regional Council of Carpenters
 - ✓ All contractors regardless of tier
- Term of the Agreement
 - ✓ July 2009, in 2012 Addendum extending agreement for life of capital bond program



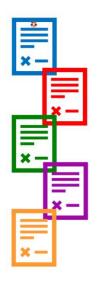






The Project Stabilization Agreement Key Points

- Private/Exclusive Agreement
 - ✓ SDUSD PSA is a stand-alone document
 - ✓ Limited to the Signatory parties
- Covered Contracts
 - ✓ Prop's S, Z, & U, & Measure YY funded projects exceeding \$1M <<<Based on the engineers estimate</p>
 - ✓ All State Bond funded projects, regardless of value
 - ✓ **All** Lease Leaseback projects
 - ✓ **All** Job Order Contracts
- Additional Documents
 - ✓ Amendments/Addenda
 - ✓ Side Letters
 - ✓ Schedule "A"s



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The Project Stabilization Agreement Schedule A's SDUSD Signatory Union's

All the Collective Bargaining Agreements (CBA) of the signatory Union's to the SDUSD agreement are included in the PSA *by reference*.

- Also referred to as Master Labor Agreements

 ☆ [Schedule A's = CBA/MLA]
- Please be sure to review the listed Union parties to this PSA
- If a non-Union contractor: ensure to ask the Union representative for a copy of their CBA to have all their working rules handy
- Using a <u>non-listed/non-signatory Union's CBA</u> and workforce will not be permitted











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The Project Stabilization Agreement What It Does



- Provides Union representation of workers
- Eliminates work stoppages



- Standardizes dispute resolution process
- Establishes rules for hiring workers



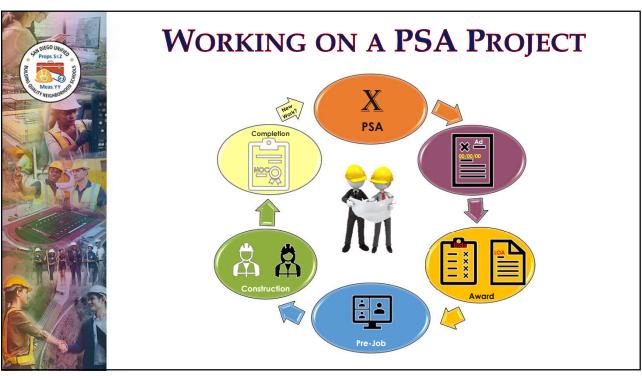


- Establishes local hiring goals
- Supersedes conflicting provisions in Schedule A





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Working on a PSA Project Identifying PSA jobs

• PSA definition of Covered Project



• Bid Advertisement states if PSA applies



• PSA presentation at **mandatory** job walk



• PSA Letter of Assent with bid documents

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Working on a PSA Project Letter of Assent

 The Letter of Assent ("LOA") is a one-page document that evidences the contractor's agreement to be bound by the terms and conditions of the SDUSD PSA on a per contract basis



 All contractors and subcontractors, of any tier, that expect to perform work on a PSA-covered work must sign a LOA



Contractor must deliver the LOA to the PSA Team a minimum of 48 hours before starting work



 Contractor must sign a separate LOA for **each** District awarded PSA-covered contract on which the contractor will perform Covered-work





Working on a PSA Project Letter of Assent

- General Contractors will continue to submit Letter of Assent (LOA) as part of the bid package
- Subcontractors and Tiered Subcontractors will use the PSA App and DocuSign to sign and submit their LOAs
 - Authorized representative (owner/officer) will receive an email from the assigned PSA Specialist requesting signature on the LOA
 - o Representative will open link in the notification to initiate the digital signature process
 - The electronic LOA document will be **pre-populated** with the contractor and project contract information:
 - ✓ Contractor's Legal or DBA Name and Address
 - ✓ Contract Number and Project Name
 - ✓ Authorized representative's Name and Title
 - o After applying the digital signature, the representative will submit the signed LOA
 - Signed copies will be accessible in the App **for all users**, including the General Contractor on the specific contract, Union Representatives, and PSA staff

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Working on a PSA Project Participation/Subscription Agreements

- In addition to the required Letter of Assent, a contractor may be required to sign a "Participation" or "Subscription" agreement
- The Participation/Subscription agreement provides the means to accept fringe benefit contributions
- Like the Letter of Assent, the Participation/Subscription agreement applies **only** to the PSA covered contract
- Unlike the Letter of Assent, more than one signed Participation/Subscription agreement may be required for a single PSA covered contract







Working on a PSA Project Pre-Job Conference

- Under the terms of the PSA, all awarded PSA-covered construction contracts require the Prime Contractor(s) to attend/hold a PSA Pre-Job Conference
- The Purpose of the Pre-Job Conference
 - ✓ Identify the scope of the PSA project
 - ✓ Identify all subs and tiered subs that will be performing work
 - ✓GC, subs and tiers identify their scope of work and announce the unions to which they will assign the work
 - ✓ Minimize jurisdictional disputes
 - ✓ Ensure manpower needs can be met

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Working on a PSA Project Pre-Job Conference

- Pre-Job Conference Basics
 - ✓ Participants
 - ✓ When they occur
 - √ Where they occur
- Preparing for the Pre-Job Conference
 - ✓ Identify the scope for which your company is responsible
 - ✓ Estimate the schedule and/or duration of the work
 - ✓ Identify the Unions to which work will be assigned
 - ✓ Estimate Manpower needs







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Working on a PSA Project Labor Compliance

- PSA projects are subject to CA Dept. of Industrial Relations Prevailing Wage determinations
- Labor Compliance enforcement is carried out by DIR
 - All CPR's are required to be uploaded to the DIR's eCPR system
- For all PSA projects, the applicable prevailing wage will be announced at time of bid.
 - https://www.dir.ca.gov/oprl/DPreWageDetermination.htm
- Special rules apply for Lease Leaseback projects.
 - □ https://fpcprojects.sandi.net/sites/PSA/PSA%20Required%20Documents/Labor%20 Compliance%20Bulletin%20-%20Applicable%20Prevailing%20Wages%20for%20LLB %20Projects%20-%20effective%209.4.2021.pdf

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Working on a PSA Project (cont.) Labor Compliance

- A separate PWC-100 form will be submitted to DIR for
 each PSA covered contract
- Every subcontractor, regardless of tier, must have a valid DIR registration
- Every subcontractor, regardless of tier, must be reported by the GC prior to final payment



Working on a PSA Project **Prevailing Wages**

Procurement Method drives the Prevailing Wage Determination

- ✓ Design-Bid-Build
- ✓ Design-Build
- ✓ Job Order Contracts (JOC)
- ✓ Lease Leaseback
 - ✓ For GMP phases of projects:

https://fpcprojects.sandi.net/sites/PSA/PSA%20Required%20Documents /Labor%20Compliance%20Bulletin%20-

%20Applicable%20Prevailing%20Wages%20for%20LLB%20Projects%20-

%20effective%209.4.2021.pdf

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Working on a PSA Project **Prevailing Wages**

Special PSA rules regarding Prevailing Wages

- ✓ Section 5.1 Wages
 - Only the applicable prevailing wage (per contract) must be paid
- ✓ Section 5.3 Wage Premiums
 - Based off DIR published information (watch special trades add-ons)
- ✓ Section 5.4 Compliance with Prevailing Wage Laws
 - All complaints regarding possible prevailing wage violations shall be referred to the Project Labor Coordinator for processing, investigation and resolution, and if not resolved within thirty calendar days, may be referred by any party to the state labor commissioner



Working on a PSA Project Employee/Fringe Benefits

 On PSA covered projects, the employee benefit portion of the prevailing wage rate, also referred to as "fringe" benefits
 must be paid to the applicable Union Trust by the contractor



• It is the *contractor's responsibility* to inform the employees of their trust fund benefits



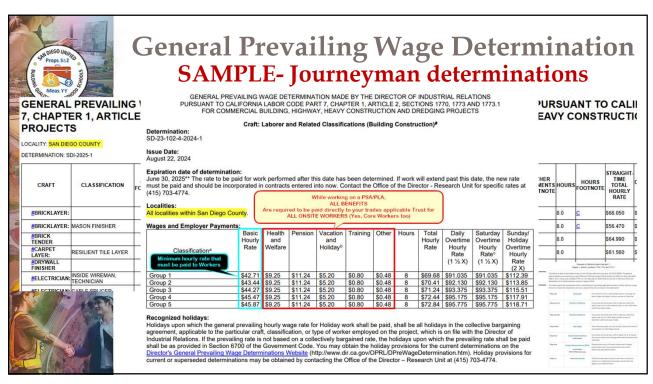
 Benefit contributions are not to exceed the amounts set forth in the applicable prevailing wage determinations, as benefit contributions are part of the prevailing wage rate



• It is imperative that contractors contribute employee benefits to the trust funds in a **timely manner**



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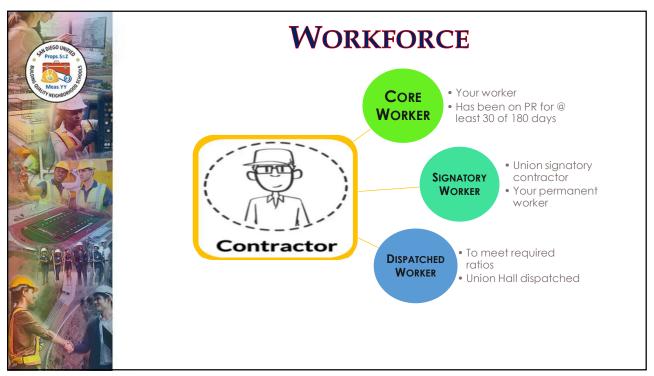
Working on a PSA Project Skilled & Trained Workforce

Regarding the DIR published
Skilled & Trained Workforce requirements
on District PSA projects:

- > It is up to each contractor to comply with the Law
 - Contractors ARE required to utilize a S&T workforce as required by state law
 - By working on a PSA project, contractors are **exempt** from the statutory reporting requirements of the law

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Core Workforce and Hiring Procedures

- Non-Union Contractors **can** employ their own workers
 - Contractors have the right to determine:
 - √ Competency of all employees
 - ✓ Number of employees required
 - ✓ Duties of such employees (*w/in each craft jurisdiction*)
 - √Which employees are to be laid off
 - ❖ A core employee is defined as an employee who: (Sec. 3.6(b))
 - ✓ Appears on the contractor's active payroll for 30 of the last 180 working days prior to contract award
 - ✓ Possesses required licenses (certifications)
 - ✓ Performs work safely
 - Contractor is responsible for identifying all Core Workers planned to be performing onsite to the applicable Union(s)

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Core Workforce and Hiring Procedures

- One-time Core Worker registration, per trade union:
 - ✓ Required of <u>all</u> Core Workers
 - ✓ Allows Union to set up Trust Account to accept fringes on the Core Worker's behalf
 - \checkmark Allows the Union to include the Core Worker in the Union's dispatch system
 - ✓ Core Worker must be registered with <u>each</u> Union assigned to the scope of work the Core Worker will be performing



Core Workforce and Hiring Procedures

- Core employees are not required to become members of any union; however, the contractor shall require their Core employees to register with the appropriate hiring hall prior to working onsite
- All employees are encouraged to contact the union directly to validate their information and if they have any questions

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Signatory Workforce Procedures

- Signatory Contractors—those contractors who have signed onto a Collective Bargaining Agreement must use the dispatch system described in the Collective Bargaining Agreement.
- However, to ensure employees of Signatory Contractors are counted toward the PSA worker utilization goals, all employees of Signatory Contractors working on a SDUSD PSA project—whether dispatched for this project or not must be included on a Signatory Contractor's Workforce Form



Dispatching Workforce Procedures

 Prime contractors and subcontractors must follow an alternating hiring procedure if they intend to use members of their core workforce.

CONTRACTOR'S	UNION
CORE WORKFORCE	REFERRAL
1st employee (core)	2 nd employee (from union)
3 rd employee (core)	4 th employee (from union)
5 th employee (core)	6 th + employee (from union)

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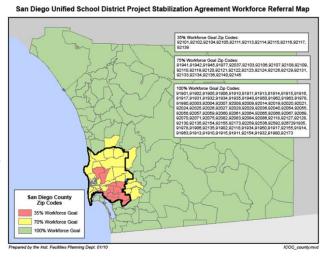
Dispatching Workforce Procedures

- Dispatch procedure
 - Complete Workforce Dispatch Form
 - Fax or email to applicable Union(s)
 - Follow up that form was received
- All contractors are required to submit a Workforce
 Dispatch Form for crews with more than one person
 - Must submit at least 48-hours prior to need
 - Excluding weekends and holidays
 - Add specific skills desired or required to perform work



Dispatching Workforce Goals

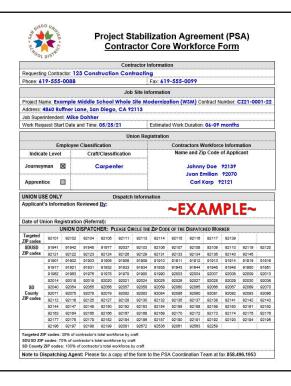
- 35 % workforce goal for targeted zip codes
- 70 % workforce goal for District zip codes
- 100 % workforce goal for San Diego County zip codes



See Workforce Dispatch Request Form

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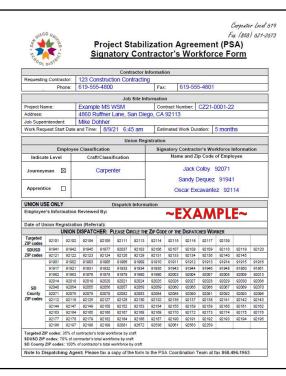




CORE WORKER FORM

You can submit multiple employees per sheet or individual Core Worker Form for each worker.



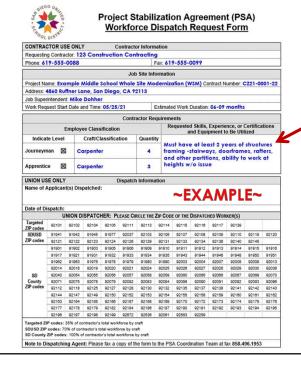


SIGNATORY FORM

For *Union Signatory*contractors, to
identify the workers
to be used on our
project, you would
complete this form
and send it to the
Union Hall, they
verify and send to
our office.

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WORKFORCE DISPATCH FORM

It is recommended to complete this form specifically identifying any special, specific, or required skill/experience/certifications or equipment that the person will need to have to be effective working on your crew(s).

In addition, you can also identify desired residency requirements for Targeted and SDUSD zip codes.



Dispatching Workforce Additional Information

 If a union fails to supply a worker within 48 hours (excluding weekends and holidays), the contractor may hire from other sources



✓ Other sources include using additional Core Workers

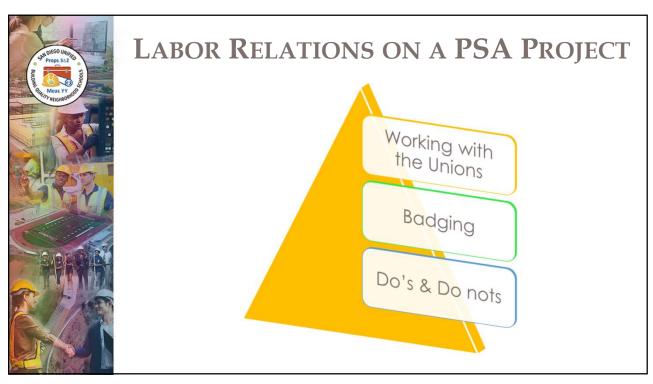


√ The appropriate union hiring hall must be notified and all employees are still required to be registered.



 Contractors shall not employ on Project Work (when minors may be present on or around the site during working hours), a person who would not be eligible for employment by the District under California Education Code section 45123.





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Labor Relations on a PSA Project Working with Union Reps

- Union representatives have the right to access PSA-covered jobsites, provided they do not interfere with the work of employees.
- Union representatives accessing jobsites must comply with posted visitor, security and safety rules as required by SDUSD
- SDUSD/PSA Team should be notified immediately if any disruptions of site rules occur



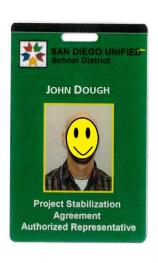
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Labor Relations on a PSA Project Badge Program

District's badge program for union representatives:

- •Badge is for ease of identifying union reps, not a requirement for entry on PSA site
- •Example of what the Union Representative badge looks like



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Labor Relations on a PSA Project Union Do's and Don'ts

- Unions agree to abide by the terms and conditions of the PSA and will not engage in strikes, slowdowns or disruptions of Project Work.
- No onsite work disruptions are permitted.
- Local unions will make their best effort to recruit and refer sufficient numbers of skilled craft workers to fulfill the labor needs of the contractors and District.





Labor Relations on a PSA Project Contractor Do's and Don'ts

Contractors have the **sole and exclusive right** to oversee and manage (means & methods) operations on PSA work unless **expressly** limited by the PSA.

Those rights include:

- Planning, directing and controlling operations of all work
- Hiring, promoting, transferring, and laying off employees
- Requiring employees to observe job, safety, and security rules
- Discharge, suspend or discipline employees for just cause

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Labor Relations on a PSA Project The Role of the PSA Team

The PSA Team will actively administer the PSA by:

- Monitor compliance with the PSA
- Assist the Business Outreach Program
- · Act as mediator or facilitator when requested
- Advise and educate contractors and unions about the PSA when requested
- Facilitate and monitor PSA dispute resolution procedures between contractors, unions, and the District

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DISPUTE RESOLUTION ON A PSA PROJECT

Two Types of Disputes:

- Jurisdictional Disputes
 - Union v. Union
- Grievances
 - Anyone v. Anyone







Dispute Resolution on a PSA Project Jurisdictional Disputes

What are Jurisdictional Disputes?

- A Jurisdictional Dispute occurs when one union challenges the Contractor's assignment of a particular scope of work to another union
- If an assignment is challenged, and the Contractor, assigning Union, and challenging union cannot informally resolve the challenge, the challenging Union may formally dispute the assignment according to Article VIII

How is a Jurisdictional Dispute carried out?

- The Jurisdiction Dispute Process is carried out according to the Plan for the Settlement of Jurisdictional Disputes ("The Plan")
- Unions are the primary parties in the Dispute before the Plan Administrator, an outside entity independent of the SDUSD PSA

How should the Contractor respond to a Jurisdictional Dispute?

· No action unless the Plan Administrator orders a change in assignment

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Dispute Resolution on a PSA Project Jurisdictional Disputes

Key Takeaways

- The PSA Team will work with contractors and unions to prevent the occurrence of jurisdictional disputes and will assist in resolving any that may occur, consistent with PSA Article 8
- Pre-Job Conferences give the contractor the opportunity to assign work and resolve jurisdictional disputes **prior** to work beginning
- There will be no work stoppages or slowdowns over jurisdictional disputes
- It is not the PSA Team's place to make jurisdictional assignments, it is solely the responsibility of the contractor and union accepting said assignment

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Dispute Resolution on a PSA Project Grievances

- What are Grievances?
 - □ "Any question arising out of and during the term of the PSA involving its interpretation and application"
- Who can initiate a Grievance?
 - ☐ Any party to the PSA can initiate a grievance: Contractors, Unions, Employees, SDUSD
- ➤ How is a Grievance carried out?
 - ☐ Multi-step Process (Reviewed in next slide)
- ➤ How does Grievance end?
 - □ "Off-ramps" at each step of the process

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Dispute Resolution on a PSA Project Grievances

Steps in the Grievance Process

STEP I: Begin process

Involved parties informally attempt to settle the matter

STEP II: Official Meeting

- If a settlement is not reached at Step I, either party may request a Step II meeting. The request must be in writing and describe the reason the grievance was initiated.
- Representatives of the parties meet with a member of the PSA team to attempt settlement of the grievance.

STEP III: Arbitration

• If a settlement is not reached at Step II, either party may request the matter be submitted to an arbitrator.

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PSA APPLICATION

- New for Pre-Jobs
- Training & Support



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The PSA App

Online Tool for Managing PSA Project Data Version 1 Launched Fall 2022

- App supports the Pre-Job Conference aspects of the PSA
 - ✓ Pre-Job Conference Forms are assigned to designated representatives of each Contractor via the App
 - ✓ Contractor representatives complete and submit the form within the App
 - ✓ PSA Specialists review the submitted forms and confirm they are ready for review at the Pre-Job Conference or return them to Contractors to be updated
 - ✓ Pre-Job Conference notes and outcomes are recorded in the App



The PSA App Online Tool for Managing PSA Project Data Version 2 Launched Spring 2024

- Letter of Assent (LOA) now by digital signatures
 - LOAs are assigned to Authorized Representatives (owners/officers) of each Subcontractor and Tiered Subcontractor
 - \circ Representatives apply their digital signature to the LOA using DocuSign
 - ✓ Notification of assigned LOA will be sent directly to the AR through their email, a link in that email will take them to DocuSign
 - ✓ App connects with DocuSign to confirm when the LOA has been signed and retrieves the PDF of the signed document for view through the App
 - ✓ Users can download a copy of the signed LOA for their records at any time
- ☑ General Contractors will not use the App to provide their LOA as it included in the bid package





The PSA App Training and Support

- An introductory training video for Contractors is available on the publicly accessible PSA Cloud site
- Live Contractor training is delivered on a regular basis for new users and any existing users who would like to attend
 - ✓ Each session will be recorded, and the recording will be posted to the PSA Cloud
 - ✓ Check the PSA Event Calendar on the support site for future sessions
- User guides, FAQs, and other support materials are also available on the PSA Cloud
- Specific support requests can be submitted to dedicated support staff via a ticketing system
 - ✓ Each request will be reviewed and assigned to an individual who is focused on providing support
 - ✓ Dedicated support will be available during standard business hours
- Lorretta Walden, FPC Custom Application Specialist, lwalden@sandi.net



Summary Important for Contractors



- READ AND UNDERSTAND THE PROJECT STABILIZATION AGREEMENT, AND ALL SIDE LETTERS
- UTILIZE SDUSD RESOURCES PRIOR TO BIDDING
- A contractor that does not sign a Letter of Assent cannot perform Project Work
- Execute a participation/subscription agreement where applicable
- Register your "core employees" with the appropriate hiring hall and follow proper hiring procedures
- Make accurate employee benefit contributions to the appropriate trust fund on behalf of your employees

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QUESTIONS





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PSA Coordination Team Contact Information



Director

George Harris III

gharris@sandi.net (619) 788-4913

PSA Specialists

Ivory J. Andersonianderson1@sandi.net(916) 835-7349Rey Pedregonrpedregon@sandi.net(619) 288-5592Todd Ethridgetethridge1@sandi.net(619) 719-9773Ed Avilaeavilaii@sandi.net(619) 885-5614Maria Cruzmcruz5@sandi.net(619) 879-7870

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