



Empowering States & Localities: Making Federal Funds Work for Communities & Workers OMB Uniform Guidance

May 2, 2024



the workplace
justice lab@RU



Today's Agenda & Speakers

What we won & why it matters! - **Madeline Janis**, *Jobs to Move America Co-Executive Director*

Key Partnerships - **Brad Lander**, *NYC Comptroller, Co-Founder Local Progress*

Details on UG updates & use - **Anna Smith** - *Senior Policy Coordinator and Valerie Lizárraga* - *National Program Assistant Director, Jobs to Move America*

Local Case Study - **Leone Jose Bicchieri** - *Working Family Solidarity, Chicago*

5 Key Steps to Start - **Janice Fine** - *Workplace Justice Lab at Rutgers Director*

Q & A

What is the Local Opportunities Campaign (LOC)?

- National coalition of partners has been leading the charge to update a set of decades-old federal grant guidance--known as the Uniform Guidance
- In the past, these rules have impeded cities and states from using community & worker-centered policies in their procurement of goods and services
- The overall goal of the LOC is to update the Uniform Guidance to ensure that pro-worker and pro-community policies can be used when cities enter into contracts on federally-funded projects

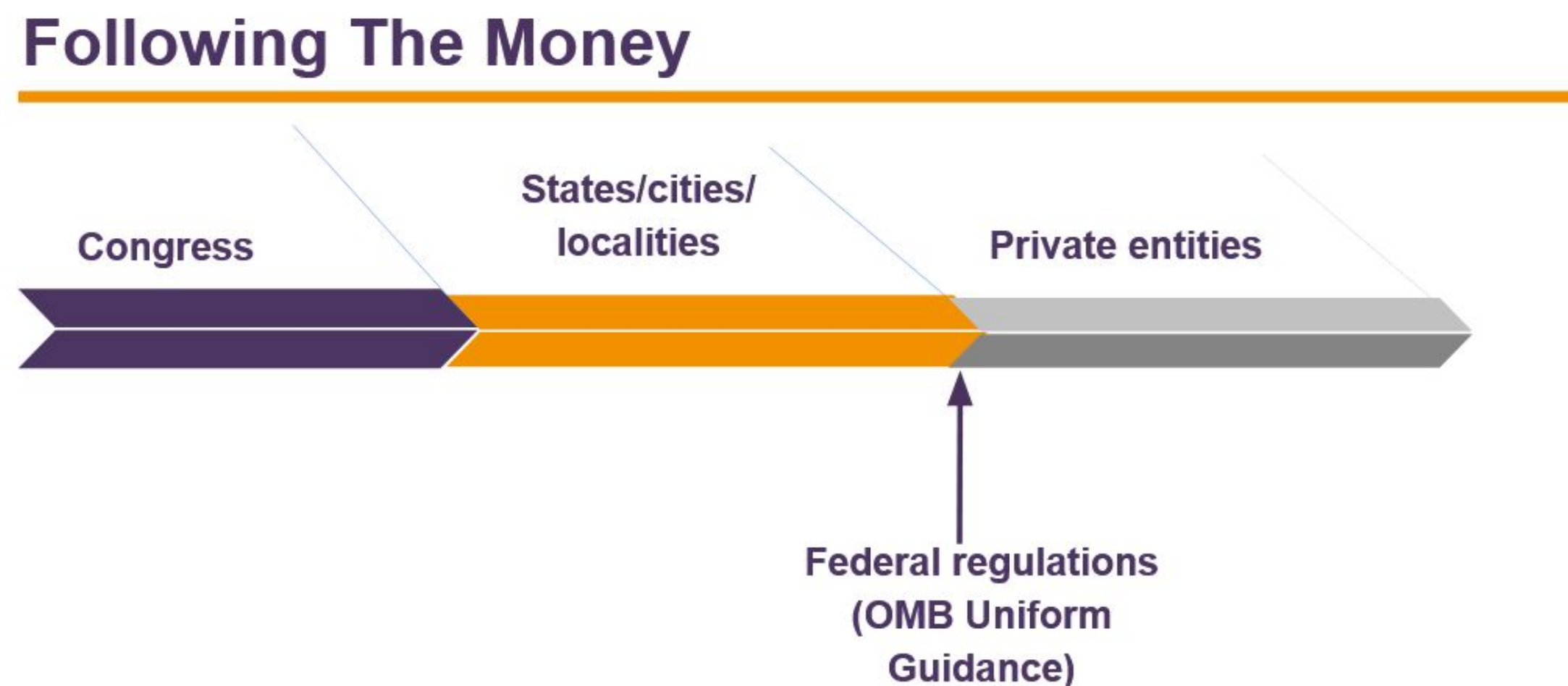
- **AND WE DID IT!**



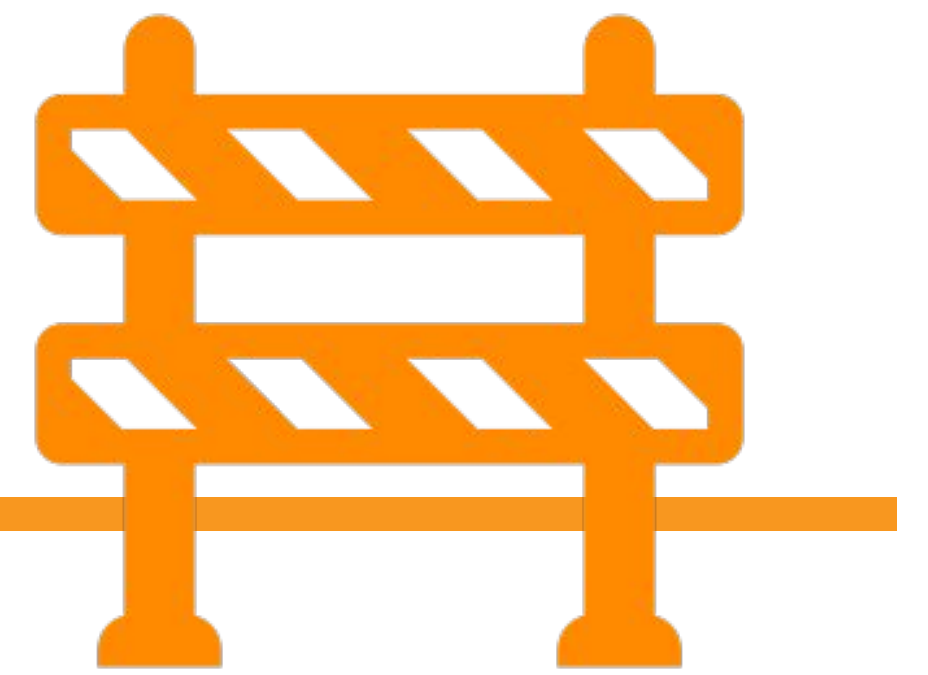
What is the OMB Uniform Guidance?

The Uniform Guidance is a set of federal guidelines housed at the Office of Management and Budget that determines how states and localities can spend federal money and how they award federally-funded contracts to private companies.

- Since the 1980s, the OMB's UG has made it difficult for states and cities to attach labor and equity standards by indicating that this might impede *fair and open competition*.



Examples- *How the Uniform Guidance Limited State & Local Action in the past*



In the past, the **Uniform Guidance** caused these local contract specifications to be rejected:

- **Specifications for local hiring - or geographic preference**
- Specifications prohibiting “pay-to-play” - bidders making political contributions to state elected officials
- **Specifications mandating domestic partner benefits**
- Specifications requiring disclosures regarding contractor predecessors’ participation in slavery

What the Proposed Updates Get Right

Updated guidance clarifies that pro-worker measures are not prohibited by the guidance, including:

- **Scoring Mechanism** - to incentivize quality jobs
- **Project Labor Agreements (PLAs)** - and other pre-hire agreements
- **Protects workers right to unionize**
- **Promotes worker retention-** first right of refusal

What the Proposed Updates Get Right

The guidance includes pro-worker requirements that include:

- **Protects against misclassification**

Requires that agencies only award contracts to responsible contractors

- **Account for the workforce impacts in cost-benefit analysis**

Analysis of the project's potential workforce impacts & if the project will displace public sector employees.

What the Proposed Updates Get Right

Pro-equity measures that are not prohibited by the guidance, include:

- **Local hiring** (removes geographic preference ban)
- **Targeted hiring** - (Preferencing disadvantaged communities in hiring)

What the Proposed Updates Get Right Cont.

Pro-community mandates and encouragements, include:

- Promotes sustainable contracting
- Allows cities to encourage community benefits in contracting

The guidance makes clear that these examples and that other pro-worker, pro-community, and pro-equity policies are allowed, so long as they are not explicitly prohibited by other guidance or by laws and regulations governing specific programs.

How to Utilize the Guidance - Scoring Mechanism

- **What it does:**
 - Creates a race to the top among bidders for public contracts or applicants for public funding
 - They can incentivize family-sustaining jobs with inclusive hiring practices
- **Example: JMA's US Employment Plan**
 - Companies create legally binding commitments to good jobs and inclusive hiring practices
 - Agency evaluates U.S.E.P. commitments and rewards best plans
 - Scores can be tied to bidding evaluation, funding, or certifications
 - U.S.E.P. are transparent and enforceable

Examples - Scoring Mechanism/USEP

- LA Metro’s Manufacturing Careers Policy
- New York MTA
- Chicago Transit Authority
- Amtrak

Editorial: Taxpayer money can build transit projects — and a stronger middle class. L.A. Metro shows how



Workers build electric buses at the BYD electric bus factory in Lancaster in July 2021. (Mike Blake / Reuters)

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How to Utilize the Guidance - Local & Targeted Hire

LOCAL HIRE - Hiring workers to work on projects in their communities. Agencies can additionally target based on zip codes that:

- Are economically distressed
- Have a high unemployment rate
- Have a concentration of households below the federal poverty level rate

TARGETED HIRE - Prioritizes workers with certain criteria such as:

- Economic conditions
- Barriers to employment
- Historically underrepresented
- Justice40 communities

How to Implement Community- Centered Policies

Depending on state and local contract law, local & targeted hire programs (and other policy tools) can be implemented through various mechanisms:

- City Wide Ordinances
- Agency Policies
- Community Benefit Agreements
- Individual contracts between contracting agencies and prime contractors

These policies can be done together or separately but must be done in partnership with community stakeholders

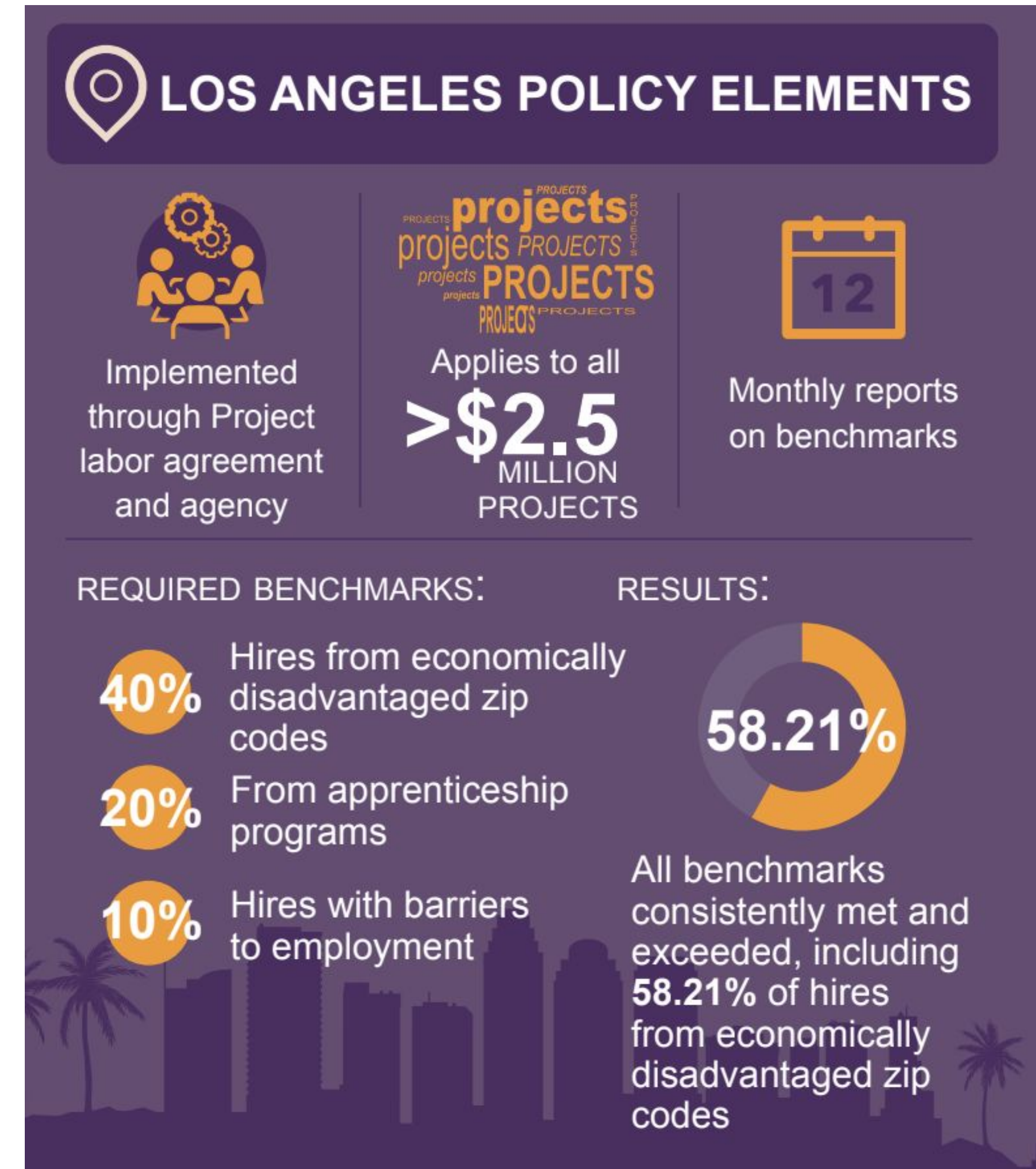


Examples - Local & Targeted Hire

LA Metro's Construction Careers

Policy - City agency local hire program.

- LA Metro sets targeted hire goals and enforces goals through a PLA with the Los Angeles/Orange County Building Construction Trades Council



How to Utilize the Guidance - Local & Targeted Hire

Seattle's Priority Hire - City-wide ordinance that includes:

- Targeted hire
- Local hire
- Stakeholder advisory committee
- Requirements for Community Workforce Agreements

SEATTLE POLICY ELEMENTS

Implemented through City-wide ordinance and CWA

Applies to all **>\$5.0** MILLION PROJECTS

RESULTS:

- Workers in economically distressed zip codes earned an additional \$36.7 million in wages by participating in the Priority Hire program
- Higher wages for apprentices of color
- Apprenticeship-to-hire pipeline

The infographic features a dark purple background with white and orange text and icons. At the top, a location pin icon is next to the title 'SEATTLE POLICY ELEMENTS'. Below this, two columns of information are presented. The left column shows an icon of buildings and text stating 'Implemented through City-wide ordinance and CWA'. The right column shows an icon of multiple 'PROJECTS' labels and text stating 'Applies to all >\$5.0 MILLION PROJECTS'. A horizontal line separates this from the 'RESULTS:' section, which contains three icons: a person entering a door, a dollar sign with upward arrows, and a hierarchical organizational chart. Each icon is accompanied by a text description of a result. At the bottom, a silhouette of a city skyline is visible.

5 key steps to plan a campaign

- 1. You can't do this alone - find or help build a table!**
- 2. Research funding flows**
- 3. Power map opportunities**
- 4. Match demands with programs & new organizing handles**
- 5. Make case for funding for co-enforcement / compliance monitoring from the very start of the campaign**