

RESPONSIBLE CONTRACTING

MODEL POLICY

PURPOSE

The district is committed to using its construction and contracting dollars to support fair wages and responsible workplaces. This policy supports the payment of prevailing wages, supports the use of Project Labor Agreements, requires labor neutrality from district contractors, and directs the district not to do business with contractors that have a recent record of wage theft or other serious labor law violations.

PREVAILING WAGE

District construction contracts shall require that all workers employed on the project, by a contractor or subcontractor of any tier, be paid not less than the prevailing wage rate for their trade or classification, including any required overtime premium, as determined under applicable law.

PROJECT LABOR AGREEMENTS

The Board supports the use of Project Labor Agreements on district construction projects. For construction projects above \$[INSERT AMOUNT], the Superintendent or designee shall bring a Project Labor Agreement option to the Board for its consideration before the project is put out for bid.

A Project Labor Agreement considered under this policy may include, among other terms, no-strike and no-lockout commitments, standard procedures for hiring and dispute resolution, and goals for local hiring and apprenticeship opportunities for district students and residents.

LABOR NEUTRALITY

Any company that contracts with the district, whether or not the contract is covered by a Project Labor Agreement under this policy, shall agree, as a condition of the contract, to remain neutral with respect to any effort by its employees who perform work under the contract to organize a union. Neutrality means the company will not communicate to those employees its opposition to unionization, will not hold captive-audience meetings or use other tactics to discourage them from organizing, and will voluntarily recognize a union once a majority of those employees have signed cards authorizing representation.

RESPONSIBLE CONTRACTOR REQUIREMENT

Before a covered contract is awarded, the district shall require the bidder, and any subcontractor of any tier, to certify that neither it nor any predecessor or affiliated entity has, within the preceding [INSERT NUMBER] years, been found by a court or government agency to have committed wage theft, or to have repeatedly violated wage and hour, prevailing wage, or workplace safety laws.

A bidder that cannot make this certification, or that is found to have made a false certification, shall be ineligible for district contractst.

ONGOING COMPLIANCE

If the district becomes aware, during the term of a covered contract, that a contractor or subcontractor has committed wage theft or a serious labor law violation, the district shall require a corrective action plan and may terminate the contract if the violation is not corrected.

CONSIDERATIONS FOR DISCUSSION

The items below are not part of the model policy language itself. They are issues a board may want to work through, with administration and with legal counsel, before adopting a policy along these lines.

Whether state law already sets a prevailing wage floor.

States vary widely on this. Some have their own prevailing wage laws that already apply to school district construction, some have repealed such laws, and some never had one. If no prevailing wage system exists, districts may craft a system to set its own minimum wage standard.

Which projects trigger the Project Labor Agreement discussion.

Boards should set a dollar threshold, or otherwise define which projects are significant enough to warrant bringing a Project Labor Agreement option to the Board, since preparing and negotiating one is not generally proportionate to routine maintenance work.



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A Note on Using This Model Policy

This model policy is a starting point, not a finished product. It is intended to prompt discussion among board members and with district administration, not to be adopted verbatim. Every board should revise this language to reflect its own district's circumstances, governance culture, and priorities before bringing it forward for adoption.

This model policy is published freely and openly. Boards, board members, administrators, and consultants are welcome to use, share, and amend it in any way that is useful to them, without needing to ask permission.

Boards considering this policy should consult with their district's legal counsel to confirm that any policy they adopt complies with applicable state procurement, labor, and prevailing wage law, which varies by state and is not addressed in this document.