

## QUESTIONS TO PROMPT FEEDBACK AND DISCUSSION

**When we talk about “local hiring”, how should “local” be defined?** (Sunnyvale only? Santa Clara County? Bay Area? Other?)

*This is a subjective criteria that is up to the council. Whatever it is it cannot be mandated and it will probably increase your costs if it is given too much weight because a worker or contractor that resides, let's say, 1 mile outside of the boundary might not bid the job or get the job.*

**To which public works projects should a local hiring program apply?** (e.g., All projects? All projects above a certain square footage? Above a certain dollar value?)

*You cannot legally require a “local hire” program. Regarding which one(s) it should apply to, that again is up to the council so long as they understand that again, it may increase their costs.*

**To which private development projects should a local hiring program apply?** (same questions as above)

*See above.*

**Should the City offer incentives for participating private developers?** (e.g., bidding advantages or financial rewards for achieving specific hiring targets?)

*That is the only legal way to engage in a “local hire” provision.*

**Should developers be required to submit a local hiring plan, and if so, what should be included?**

*I would make it optional and that way you can see the difference in bid pricing. I have attached the San Bernardino Community College local hire example that saw them achieve 80% local hire without a mandate.*

**Should developers be required to target a certain percentage of a projects' jobs for “local” applicants? If so, what should that percentage be, and what classification of workers should it affect?**

*Answered above.*

**Should there be a requirement that developers limit their employment advertising to local venues for a specific period of time? If so, for how long, and what venues or tools should they be required to use to advertise?**

*I would not recommend. This would severely increase your costs.*

**Should there be a requirement that developers use a local referral agency? If so, what agency or agencies should serve in that role?**

*Again, this cannot be required and seeing how contractors use their own workforces, I am not sure how it would work if this was “encouraged.”*

**Should there be a requirement that developers utilize local job training and/or apprenticeships to fulfill their local hiring obligation? Who provides that service?**

*On public works projects this is already required. Both union and non-union training programs exist. What should not be done is to limit these programs to union-only programs (aka "Joint-Labor/Management Programs"). That would be discriminatory to towards the state certified non-union programs.*

**Should the City monitor compliance with program requirements? If so, what should be monitored and which work unit should be tasked with that work?  
How much will that cost?**

*If you have such a program then yes, you would need to monitor it. There would be costs the amount of which would be determined by whether or not you did it in-house or hired a third party. The SBCCD example would be a good one to investigate with regards to costs.*

**Should builders and developers be required to self-report progress toward program requirements? If so, how often?**

*This would make more sense. Quarterly would be my suggestion.*

**Should a developer's completion of specific steps and/or attainment of specific targets be required, or should "good faith" efforts constitute compliance?**

*Legally you can only ask for a "good faith" effort.*

**Should there be penalties for non-compliance? If so, what should those be?**

*This requires legal consultation as applying such penalties could open you up for legal action.*

**If deemed necessary, who should be tasked with enforcement efforts? How much will that cost?**

*A construction management firm. It will be costly.*

In conclusion:

Big labor special interests will no doubt use this as an opportunity to claim a Project Labor Agreement (PLA) is a way to achieve this. That is not true as I have shown you with the SBCCD example. As most local contractors and workers are in fact union-free, the effort to increase local hire would in fact be made harder under a PLA because of certain anti-competitive provisions contained in the PLA. If the council determines that a local hire policy is needed then having ALL parties involved in its creation is the way to go (contractors, developers, unions, non-union associations like AGC and ABC, etc.)

Thank you for your time.

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