

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Application of Southern California Edison Company (U338E) for Approval of its 2012-2014 California Alternate Rates for Energy (CARE) and Energy Savings Assistance Programs and Budgets.

Application 11-05-017
(Filed May 16, 2011)

Application of Southern California Gas Company (U904G) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2012-2014.

Application 11-05-018
(Filed May 16, 2011)

Application of Pacific Gas and Electric Company for Approval of the 2012-2014 Energy Savings Assistance and California Alternate Rates for Energy Programs and Budget (U39M).

Application 11-05-019
(Filed May 16, 2011)

Application of San Diego Gas & Electric Company (U902M) for Approval of Low-Income Assistance Programs and Budgets for Program Years 2012-2014.

Application 11-05-020
(Filed May 16, 2011)

NOTICE OF *EX PARTE* COMMUNICATION

Pursuant to Rule 8.2, 8.3, and 8.5 of the California Public Utilities Commission's ("Commission" or "CPUC") Rules of Practice and Procedure, Brightline Defense Project ("Brightline") hereby gives notice of the following *ex parte* communication.

The communication occurred on Monday, July 9, 2012, at approximately 2:00 p.m. at the 5th floor offices of the California Public Utilities Commission. Joshua Arce and Eddie Ahn, representatives of Brightline, and James Bryant and Jacqueline Flin,

representatives of A. Philip Randolph Institute San Francisco (“APRI-SF”), initiated the communication with Rahmon Momoh, Advisor to Commissioner Simon. The communication was oral and written, and included handouts, which are attached to this notice. This meeting was initiated by Mr. Ahn. The communication lasted approximately 30 minutes.

Mr. Arce and Mr. Ahn discussed their positions on modifications to the Proposed Decision of Administrative Law Judge Kim (“PD”), issued in this proceeding on May 4, 2012, concerning the Energy Savings Assistance Program (“ESAP”). Recognizing the current language of the PD contains good goals and directives on WE&T issues, Mr. Arce and Mr. Ahn outlined detailed improvements in furtherance of such goals and directives. Mr. Bryant and Ms. Flin explained APRI-SF’s work in community outreach and targeted high-road job placement, as well as the potential for pilot program to lead to high-road job standards and training. Subsequent to the meeting, Mr. Ahn followed up on request for more information and emailed a copy of Brightline’s Reply Testimony in Applications 11-05-017 et al., filed 12/9/12, to Mr. Momoh and Renee Fell.

To obtain a copy of this notice, please notify Eddie Ahn at (415) 252-9700 or via email at eddie@brightlinedefense.org.

Respectfully submitted,

Dated: July 11, 2012

/s/ Eddie Ahn
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Attachments

Energy Savings Assistance Program (ESAP)

Re: Proposed Decision in A.11-05-16 et al.
by Brightline Defense Project

Workforce Education & Training

- (1) Introduction
 - (a) Brightline Defense Project is a party to the proceeding, A. Philip Randolph Institute and Laborers Local 261 as service providers and community-labor advocates
- (2) Data Collection Practices: improved tracking is key to workforce planning, hiring from disadvantaged communities (Conclusion of Law 79-88)
 - (a) Specific demographic data points: race; gender; age; residency; disabled and returning veterans; limited English speakers or those that speak English as a second language; homelessness; formerly incarcerated, adjudicated, and non-violent offenders.
 - (b) Annual reporting is standard practice for workforce development strategies: 2011-2012 Annual Report to the San Francisco Board of Supervisors on San Francisco's Local Hiring Policy for Construction
- (3) A Responsive Plan for Future Hiring Needs
 - (a) Career ladders - an upwards plan for trainees as they move up in skills
 - (b) Hire plan for ESAP: "demand-pull" strategies
 - (i) local and targeted hiring policies are "demand-pull" strategies
 - (ii) virtuous cycle of more job placement as training partners in sector strategies continue to provide skills to trainees to enter and advance within the sector to reach high-road jobs in energy efficiency envisioned by EESP
 - (iii) San Francisco's Local Hiring Policy for Construction as an example
 - (c) Require pilot programs for ESAP weatherization projects that lead to high-road job standards and training as explained above. (Conclusion of Law 83)
- (4) Coordinate Between the Energy Efficiency Programs.
 - (a) WE&T alignment is essential to ensuring that workers from disadvantaged communities have meaningful career pathways beyond the ESA Program to the energy efficiency sector.
 - (b) Commission should provide additional guidance on the selection of participating organizations to the WE&T Working Group.



PUTTING LOCAL HIRE TO WORK

COMMUNITY DRIVEN. QUALITY JOBS. STRONG POLICY.

brightline
DEFENSE PROJECT

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Protecting & Empowering Communities

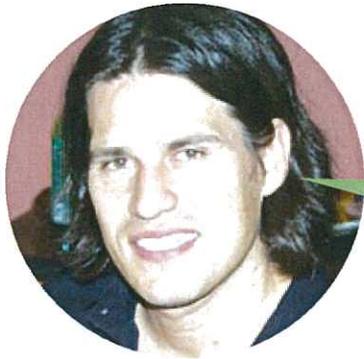


Brightline Mission: Brightline Defense is a community advocacy organization that promotes policy transformation & quality of life improvements in low-income communities of color. Brightline’s environmental justice & workforce development campaign victories have had local, regional, and national impact.

Bright-line Rule: a clearly defined law or guideline composed of objective factors that leaves no room for varying interpretation. The purpose of a bright-line rule is to produce predictable and consistent results in its application. This is in contrast to its opposite, the fine line.

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Local Jobs Guaranteed by Law



"I believe that community-driven policy is central to creating long-term and meaningful jobs for local and disadvantaged residents. After many years of broken promises—promises made on the backs of San Francisco's most vulnerable communities—we saw one logical solution: a new, mandatory local hiring law. In solidarity with several generations of leaders protesting decades of failed good-faith efforts, and by every means necessary...we won."

—Joshua Arce, Brightline Defense Executive Director

A Brightline Rule

At the end of 2010, the City of San Francisco delivered upon a promise several generations in the making.

In adopting the San Francisco Local Hiring Policy for Construction, the City made a bold commitment to local jobs for its local communities. With the passage of this law, publicly funded construction projects now guarantee quality jobs, training opportunities, and pathways out of poverty for local residents.

For decades, the promise of local jobs was governed by agreements based on so-called "good faith efforts." The San Francisco Local Hiring Policy for Construction is unique in that, unlike the City's former "good faith" law, it is grounded in enforceable expectations, standards, and penalties that are still flexible enough to address the needs of organized labor, contractors, and the regional nature of the construction industry.

This policy is a clear example of a bright-line rule: a clearly defined set of guidelines that produce predictable and consistent results. With the passage of this historic law at the start of a major ten-year investment in public works construction, local hiring success is now measured by results rather than by "faith."

Brightline's Role

Brightline Defense was at the center of both crafting and passing this local hiring policy, one that serves as a bold new model for using public dollars to strengthen a local economy by putting local residents to work.

Our mission is to champion the adoption of bright-line rules such as the San Francisco local hiring law that produce clear and measurable change.

Brightline's Strategy

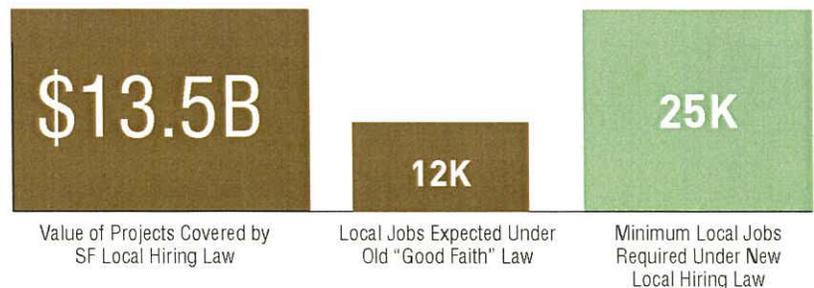
Brightline's strategy to promote policy transformation and quality of life improvements in low-income communities of color is based upon three unique roles:

- Brightline acts as a convener of community-based organizations and community members, many who may not have a history of working together. This results in the forging of unlikely, yet aligned, partnerships for the sake of improving economic conditions in targeted neighborhoods.
- Brightline acts as a connector between these community-based alliances and other stakeholders such as policy makers, labor, and contractors. This includes organizing coalition and community members for action on the ground and within the halls of government.
- Brightline acts as a creator of policy reform that enforces the underlying principles advanced by the coalition. This ensures community goals are enshrined in the letter of the law through our legal expertise and policy development.

Putting Local Hire to Work

The success and efficiency of our campaign proves that community-driven policy advocacy is sustainable and that a small community-based justice organization can have local, regional, and national impact. As we invest in ensuring that San Francisco's local hiring law translates into quality jobs for disadvantaged communities, we are also expanding our capacity to meet the demand for technical assistance in other jurisdictions seeking to learn from these tools and to expand this approach into non-construction sectors.

This document is a story of the hard work that led to the creation and passage of San Francisco's Local Hiring Policy for Construction.



Source: San Francisco 2012-2021 Ten-Year Capital Plan

Stepping into the Bright-line

Meaningful partnerships with communities charted our course.

Seeding Efforts with Environmental Justice Roots

Brightline's local hiring policy efforts emerged naturally from our environmental justice work in San Francisco's most unemployed communities. Before organizing a campaign to reform local hiring policy, Brightline and a coalition of environmental and community justice organizations shut down the City's last polluting power plant.

The Potrero Power Plant had a sordid history of releasing life-threatening pollutants at alarming rates into neighboring low-income communities of color. Brightline's work in southeast San Francisco began in 2007 with a fortuitous meeting with community leader Esplanold Jackson, a central voice in the nearby Bayview-Hunters Point neighborhood. As state and city power agencies recommended the building of a new dirty power plant in the same location as Potrero, we stood with Ms. Jackson and a growing number of community partners as the only consistent voice between city decision makers and the building of this new power plant. After three years of intense advocacy and community organizing at the local, regional, and state levels, our coalition joined Mayor Gavin Newsom and local Supervisor Sophie Maxwell in celebrating the closure of Potrero without the need for any new power plants.

Success came based on a combination of innovative advocacy and dynamic alliances, guiding us to create a new model for transforming the role communities play in policy making.



Connecting Renewable Energy & Job Creation

What made our early efforts successful was effectively connecting legal and historical policy precedents with issue advocacy and good old-fashioned organizing both locally and, when necessary, before state power plant regulators. In shutting down Potrero, a key component of Brightline's winning strategy was advocating clean energy alternatives to dirty power plants, such as the GoSolarSF solar incentive and CleanPowerSF energy program.

An alliance with Van Jones, the Ella Baker Center for Human Rights, and the newly-formed Green for All led Brightline to embrace targeted green job creation as a tool of environmental justice. Making the case that residents of historically polluted neighborhoods in southeast San Francisco should have guaranteed employment opportunities in clean energy, we presented quality jobs in the new green economy as an alternative to Potrero and the City's proposed \$273 million investment in new power plants.

Cultivation of Coalitions

Creating distinctive community-based coalitions and convening multi-sector stakeholders are cornerstones of the Brightline model. Brightline's earliest coalition partners included traditional environmental groups like the Sierra Club and Green Party, community voices such as the A. Philip Randolph Institute and Greenaction, clean energy advocates like SF Community Power and good government organizations such as San Francisco Planning and Urban Research. By delivering consistent advocacy and relentless support, we earned the trust of these groups and a diverse cohort of community leaders.

Through these relationships and our efforts to turn green job hopes into reality, we gained our first exposure to the world of local hiring policy and the City's long-standing "good faith" approach. As early as 2008, we began promoting job guarantees instead of just "good faith" for residents of San Francisco's environmental justice communities on clean energy projects. In time, we would become fully invested in efforts to create a bright-line of opportunity for local workers on all city-funded public works.

Exposure to “Good Faith”

Communities provide insight and inspiration for new enforceable local hiring.

Strengthening Community Hiring

The rich relationships we have with community leaders inform our advocacy work. Veteran activists such as Espanola Jackson warned early on that the City’s reliance on an outdated local hiring law would hamper our efforts to connect residents in neighborhoods impacted by dirty power plants with green jobs.

For decades, public works contractors were required to demonstrate no more than a “good faith effort” to hire local workers. This meant that construction contractors were expected to “do their best” to hire a 50% local San Franciscan workforce. However, with inadequate oversight and no enforced penalties for failing to meet expectations, “good faith efforts” led to many high profile instances of disappointment and disenfranchisement of the City’s most disadvantaged communities. Many residents felt marginalized in this process, stuck in a cycle of debating what was, or was not, “good faith,” without true community engagement despite the devastation of record unemployment.

As San Francisco joblessness approached a forty-year high in early 2009, the A. Philip Randolph Institute introduced Brightline to a group of Bayview-Hunters Point and Visitacion Valley community-based organizations well-acquainted with this sense of frustration among their unemployed clients. As unemployed low-income residents increasingly relied upon these organizations for help as the economy continued its decline, these organizations shared our desire to find reliable ways of meeting their clients’ needs. By March of 2009, a series of weekly meetings and conversations led the groups to organize ourselves as “The Southeast Jobs Coalition.”

SOUTHEAST JOBS COALITION

Aboriginal Blackman United

Anders & Anders Foundation

A. Philip Randolph Institute

Arc Ecology

Brightline Defense Project

Inner City Youth

Positive Directions Equal Change

Visitacion Valley Community Development Corporation

Young Community Developers

Local Jobs for Local Residents

Over the course of the next year, our coalition would experiment with a new strategy of coupling issue advocacy with direct policy innovation and collaborative community organizing.

Our goal was to encourage policy makers, unions, and contractors to increase access to jobs for unemployed residents of southeast San Francisco’s low-income communities of color. Most workers had meaningful experience in the construction trades or were graduates from San Francisco’s CityBuild pre-apprenticeship training program.

Community members were ready, willing, and eager to show what they could do on the job site, particularly on projects built in their neighborhood. Our coalition partners were able to tap into this pool of viable candidates who desired to benefit from employment opportunities funded by their tax dollars.

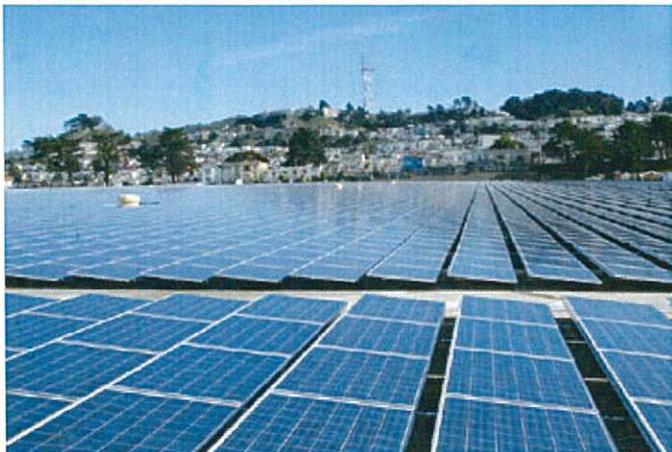
“It’s a real shame, people saying there aren’t enough ‘skilled workers’ in our community. I remember a time when folks in southeast San Francisco didn’t have access to education, but we somehow still built the ships and fighter planes that American soldiers relied on to win wars. In the 1940’s, my husband was in the Navy. He was a first-class Electrician. The difference is that we now have a chance to train our young people so that serving on the fields of combat isn’t the only publicly funded job that’s out there. Right now, there are thousands of young men and woman that want to serve the city of San Francisco. So let them carve their names into the fabric of our public buildings, roads and parks, because when you get to the heart of it, we have a right to work on behalf of the city we live in. Brightline certainly understands this.”

—Espanola Jackson, Veteran Bayview-Hunters Point Activist



Searching for Solutions

Identifying enforceable policies to put San Franciscans to work.



Winning Jobs on Sunset Reservoir

Brightline and the Southeast Jobs Coalition regularly looked for opportunities to pilot new local hiring approaches. In April 2009, the City unveiled a proposal to put 25,000 solar panels atop a water reservoir in San Francisco's Sunset District. We knew this new project would without a doubt bring dozens of green jobs to San Francisco, serving as an opportunity to use public dollars to put local residents to work.

The largest renewable energy project of its kind in the country, Sunset Reservoir presented a clear opportunity to target jobs for residents of historically polluted neighborhoods such as Bayview-Hunters Point and Potrero Hill. However, we were alarmed by the glaring absence of concrete, local hiring goals in the proposal. As a result, Brightline and the Southeast Jobs Coalition raised serious questions about the viability of Sunset Reservoir as a means of advancing green equity when the project came up for approval.

In partnership with CityBuild and local policy makers such as Supervisors Eric Mar and Carmen Chu, we crafted an agreement which aligned the project goals with the City's longstanding policy of promoting opportunities for its local workforce. Our agreement required that no less than 30% of the panels would be installed by residents of the City's eight most economically disadvantaged zip codes, including low-income communities of color such as Bayview-Hunters Point, Chinatown, and the Mission.

Directly challenging the prevailing notion that "good faith" was the most communities could expect when it came to jobs, we brought in new allies with our jobs agreement that helped get the project approved with employment guarantees for local, disadvantaged workers. The project would eventually break ground in the spring of 2010.



Local Hiring and Organized Labor

Sunset Reservoir was where Brightline first worked with organized labor to advance progressive community development goals. In crafting a bright-line community hiring agreement, the Laborers Union became our partner in delivering high-quality jobs to disadvantaged workers from low-income communities of color. This experience formed Brightline's belief that the wages, health benefits, pension, training, and workplace protections that employment with union membership provides are essential to breaking persistent cycles of unemployment, as well as generations of poverty.

In fact, we found the needs of San Francisco's vulnerable communities to be uniquely aligned with the needs of unemployed workers in the City's union hiring halls. Both are hurting from protracted periods of unemployment and both benefit from the creation of new jobs and efforts to organize low-wage jobs without benefits into good-paying jobs with benefits and long-term career opportunities.

The conversation around Sunset Reservoir highlighted, sometimes to the point of tension, both the impact of an admitted history of exclusion of workers of color in the case of some trades, as well as the vision of some labor leaders that the labor movement grows stronger by embracing communities who have never given up on the potential of organized labor to sustain working families despite that history.

This firsthand experience with the ability of trade unionism to uplift communities would inform our efforts to expand our local hiring campaigns beyond only green jobs to other blue-collar employment opportunities.

Expanding relationships with other communities and labor.

"I've been in the electrical union for 12 years and have sat on many citizens advisory committees for six of those years. I've watched over a dozen construction projects go up while San Francisco residents were unable to get work – as a matter of fact, many out-of-work union members represented by various unions have lost everything and left town over the past two to three years because they haven't worked. I got involved in local hire discussions because I truly believed it could be a win-win conversation for my community and local unions."

—Uruma Belfrey, Electrician - Journey Level Member of IBEW Local 6



From 'Green Jobs' to All Jobs

In the summer of 2009, we expanded our policy scope to include not only green projects but all types of public works construction. That year, the City proposed a \$368 million street repair bond for the November ballot to create over 1,000 jobs fixing San Francisco's roads and bike lanes. When polls showed the measure falling just short of voter approval, we sought to show policy makers and our new partners in labor how local hiring might provide a solution.

Brightline issued a policy paper in July that proposed a mandatory local hiring amendment to the street repair bond as a way to build public support through local jobs guarantees. The City Attorney's office responded with its belief that it was not legally permissible to require local hiring as part of the measure. In fact, we learned that even the City's "good faith" language had been removed from most contracts due to confusion regarding the legality of resident hiring. This experience showed that City officials had very limited familiarity with local hiring case law.

With the proposed street bond serving as the tip of the iceberg on the City's ambitious plan to spend billions on public works construction, we knew that changing the City's view on the viability of a new local hiring law was critical to securing jobs for workers in our local communities. Amid this debate, the bond was pulled from the ballot for lack of support.

A New Partner

In the meantime, Brightline was introduced to the work of Chinese for Affirmative Action (CAA) during advocacy to win local hiring gains on the expansion of San Francisco City College. An organization with 40 years of social justice advocacy, CAA had recently secured a local hiring commitment on construction of a new City College campus in Chinatown.

That summer, after a successful joint effort to establish a stronger local hiring policy for all City College construction, CAA invited Brightline to collaborate on a report to at last quantify the City's actual progress toward meeting its "good faith" local hiring goals.

One year later, this partnership would deliver unprecedented local hiring analysis and a set of policy recommendations that would garner groundbreaking recognition and results.

"Local hiring can build stronger communities. Yet San Francisco's 'good faith' policy had consistently failed to deliver promised opportunities to historically marginalized communities - especially women, minorities, and limited-English proficient individuals."

—Vincent Pan, Executive Director, CAA



Developing Real Policy Reform

They said: “Good faith is all we can do.” We said: “We can absolutely do better!”

Review of Local Hire Case Law

As 2009 drew to a close, we found ourselves in search of a bright-line solution to transform policy and guarantee quality job opportunities for underserved San Francisco residents.

Brightline reviewed local hiring approaches from across the country and found a model that was unique not only for its rejection of “good faith efforts,” but because it had also withstood a legal challenge based on the same constitutional objections raised in San Francisco. The City of Cleveland passed the Fannie M. Lewis Cleveland Resident Employment Law in 2003 to establish public works job guarantees for local and low-income workers. It was challenged not long after its adoption, but the 2007 case of *Cleveland v. Ohio* upheld the law against constitutional concerns and provided us with the validation we need for a new, mandatory local hiring approach in San Francisco.

A Champion Emerges

Though the City would reject our proposed amendment to the street repair bond and pull the measure from the ballot, our advocacy caught the attention of former community activist, labor organizer, and first-year lawmaker, Supervisor John Avalos.

As 2009 drew to a close and San Francisco’s unemployment rate approached a forty-year high, Supervisor Avalos sat down with Brightline’s Joshua Arce and CityBuild director Guillermo Rodriguez to discuss Brightline’s proposal for a new mandatory local hiring policy and how such a law might increase opportunities for unemployed residents and jobless graduates of the CityBuild pre-apprenticeship program. Avalos committed to working with our coalition on a local hiring reform agenda in the coming year.

Bold Solution Needed

The year 2010 began with an important breakthrough: City Attorney Dennis Herrera confirmed that Brightline’s analysis of the legal defensibility of mandatory local hiring had changed his opinion on the subject. A green light from the City’s top legal adviser made us expand our plans for a local hiring pilot with the San Francisco Public Utilities Commission into a campaign to work with Supervisor Avalos on a new policy to cover the City’s entire \$27 billion ten-year capital plan for construction.

Our ongoing advocacy with the Southeast Jobs Coalition and policy work with Chinese for Affirmative Action helped facilitate the coming together of a powerful cross-sectional coalition across San Francisco’s communities of color to promote local hiring reform. In June, a massive community protest at Sunset Reservoir led by Aboriginal Blackman United (ABU), an organization of unemployed, yet skilled, mostly African American members of various local trade unions, brought the project to a standstill. After a jurisdictional dispute led to layoffs of workers of color employed through the local hiring agreement we crafted the prior year, the City began what the San Francisco Examiner called “crisis talks” that signaled the looming end of “good faith efforts.”

“The Failure of Good Faith”



On August 2, at a press conference in Chinatown attended by community representatives from across San Francisco, CAA and Brightline presented our landmark report, “The Failure of Good Faith: Local Hiring Policy Analysis and Recommendations for San Francisco.” Our research showed that the City consistently failed to meet its “good faith” local hiring goals. Public works averaged only a 24% local workforce, a number which dropped to 20% in 2010. We found that local women,

people of color and limited English speakers were more likely to find opportunities within the basic crafts than within the higher-paid mechanical trades.

Community leaders, civil rights attorneys, local contractors, and our partners in labor agreed that these outcomes were unacceptable. We proposed a new mandatory local hiring policy, one modeled on the Cleveland ordinance or the local hiring policies emerging in Los Angeles with the support of the Los Angeles/Orange Counties Building Trades Council, to include specified levels of opportunities for local and disadvantaged workers across all trades, targets for local apprenticeship, and outcomes based on actual performance with financial penalties for noncompliance. In the days following our press conference, we met with Mayor Newsom’s Chief of Staff Steve Kawa to encourage the Mayor to embrace our recommendations.



“Local contractors can make local hiring work. It makes us feel closer to the community. Some of the workers that we employ would not have a chance if there were no community contractors to make sure they are working on public projects. And if there is no work for local workers to take advantage of, they leave the City and take away a piece of what makes San Francisco special.”

—Florence Kong, President, Kwan Wo Ironworks



The City Convenes Stakeholders

In August, Supervisors John Avalos and Sophie Maxwell, who jointly represented the City's most unemployed neighborhoods, worked with Rhonda Simmons and Guillermo Rodriguez from the Office of Economic and Workforce Development, Redevelopment Director Fred Blackwell, Department of Public Works Director Ed Rieskin, and Public Utilities Commission Assistant General Manager Harlan Kelly to convene a series of local hiring policy discussions funded by the Walter & Elise Haas Fund and San Francisco Foundation. The goal was to bring together key sets of stakeholders to craft a solution to the City's jobs crisis.



Avalos, Maxwell, and Mayor Newsom Chief of Staff Steve Kawa instructed the participants to pursue a consensus approach to guide local hiring reform efforts. Brightline's Joshua Arce, Chinese for Affirmative Action's Vincent Pan, Bayview-Hunters Point

community and labor advocate Utuma Belfrey, Antonio Diaz of community organizers ¡PODER!, and Jason Trimiew of social enterprise non-profit REDF served as community representatives. They joined 13 other building trade union representatives, local, regional and national contractors, and City department heads for over 20 hours of federally mediated discussions.

The convenings included discussions of the pros and cons of both a local hiring ordinance and project labor agreement approach, as well as conversations about what each set of stakeholders might gain from potential local hiring reform. Consensus was not reached but many good ideas came from this process.

In September, Avalos reconvened community stakeholders, the Mayor's Office, and the City Attorney to craft legislation based on the discussions, inviting trade unions who declined to negotiate during the stakeholder process to the table as well. An open and transparent process empowered community members who once felt voiceless to feel capable of creating real change.

Brightline contracted the Community Benefits Law Center and Attorney Julian Gross to aid in framing these policy recommendations. We worked with our community partners to engage a diverse group of voices for insight and specific legislative language, sharing feedback at the drafting table set by Avalos and his legislative aide Raquel Redondiez.

Local Heroes Introduce Local Hire

Supervisor Avalos introduced the San Francisco Local Hiring Policy for Construction on October 19, 2010. At a massive City Hall rally, Avalos delivered the vision of a New Deal for our communities. Attended by over 150 community activists, workers, labor representatives, unemployed residents, and policy makers, the event quickly expanded organizing efforts on the ground. With seven city supervisors speaking at our rally, one more than enough to pass our law, we were poised for a local hiring victory.

Over the next month and a half, the Board held two committee hearings in which nearly 200 speakers came out to speak in favor of the law with no organized opposition. San Francisco Public Utilities Commission General Manager Ed Harrington and Redevelopment Director Blackwell testified in support of the law as an important tool for employing local residents.

We worked diligently to partner with labor and found allies in the City's two largest and most progressive building trade unions. Ramon Hernandez, Business Manager of Laborers Union (LiUNA) Local 261, collectively bargained assurances that the law would build up very gradually toward a 50% requirement, with an array of safeguards along the way, and a requirement that contractors work with state-certified apprenticeship programs.

In December, Robert Alvarado, executive officer of the Carpenters Northern California Regional Council, offered support for the law based upon the City's acceptance of concessions around initial hiring percentages and additional flexibility in referring disadvantaged workers. The Building Trades Council did not take an official position on the law but did offer language that was added to the legislation to provide "direct entry" for community apprentices and a pathway for future partnership.

Winning Local Hire

The Power of Multi-Sector

By the time the law came up for a vote, our multi-sector local hiring coalition had become a widespread and diverse collaboration between allies. Base-building organizations such as POWER, (PODER), Coleman Advocates, Chinese Progressive Association, and the Filipino Community Center organized their members for rallies and hearings. Local minority-owned contractors such as Kwan Wo Ironworks and Hubcoch stood with regional and national contractors such as Webcor Builders and Mabi Brothers to offer suggestions for streamlining local hiring compliance. The Sierra Club stood with the NAACP to embrace the policy's capacity to promote sustainability in low-income communities of color.

The Osiris Coalition represented a new generation of African American leadership, while REDF and the Greenlining Institute presented an economic argument regarding the social cost of not increasing employment in the City's most disadvantaged communities. Leaders across all gender, race and political lines stood together in solidarity.

Our collective efforts garnered the clear support of a supermajority of the Board of Supervisors. Supervisor Bevan Dufty, who represented the same district as civil rights leader Harvey Milk, provided a critical eighth vote, committing his support for the law to ABU president James Richards and dozens of unemployed African American trade unionists just minutes before the vote.

On December 7, our coalition packed City Hall as Avalos delivered a poignant summary of the collective vision embodied in his legislation. The energy that day was electric as the San Francisco Local Hiring Policy for Construction passed overwhelmingly.

The Final Stretch

As the holidays approached, Mayor Newsom was immersed in his own due diligence on the policy while the law sat on his desk awaiting signature. Borrowing a popular phrase from ABU, Brightline printed Christmas cards asking the Mayor to "Put the Merry into Christmas and the Happy back into New Year, please sign the community's local hiring law."

On December 22, Brightline and our partners delivered 1,000 cards signed by unemployed workers and local hiring supporters to the Mayor in two overflowing Christmas bags. The next day, we received word that Newsom would send the law back to the Board with a letter expressing his thoughts on how to successfully implement the law as he left office to become state Lieutenant Governor.

As a result, local hiring became law on Christmas morning, leading several generations of community members to celebrate a truly historic achievement.

Former civil rights attorney and longtime City Administrator Edwin Lee replaced Mayor Newsom and made local hiring implementation one of his five policy priorities in 2011. Mayor Lee worked closely with Supervisor Avalos and community, labor, and contractor stakeholders to deliver on the promises of this landmark legislation, tapping acting City Administrator Naomi Kelly to convene a citywide implementation committee to translate the policy into new contracts and procedures for contractors with the help of community stakeholders and labor.

As of January 2012, 59 projects representing \$366 million and nearly 1,500 jobs have gone out to bid under the new local hiring law, with nearly \$60 million of work already underway.

"We needed a New Deal in San Francisco. In the 1930's during the Depression we saw how government put many people back to work through publicly funded construction. We have a great opportunity to do that here in San Francisco with our tax dollars, spending local money in our local economy for local benefit. Brightline's Joshua Arce has been a relentless force behind local hiring and particularly this legislation. He came to educate me about the Cleveland ordinance and the court ruling upholding their mandatory local hiring legislation. It was from that meeting that I knew that we could do it here."

—John Avalos, Supervisor District 11



"We're building in local neighborhoods and we think that people ought to have a shot at building their communities. Local hiring helps us do that, and it works."

—Robert Alvarado,
Executive Officer,
Northern California Carpenters



"Local 261 supports Brightline & Local Hiring. We have a long history of strong local membership and hiring people from the community. I see all the time what a quality job can do to transform people's lives for the better. We're glad to see the City more invested in putting people to work. I imagine other unions are too."

—Ramon Hernandez,
Business Manager, LiUNA Local 261



The Road Ahead

Brightline is in a moment of exponential growth as policy makers and community-based organizations in other cities seek to replicate our strategy and policy. In the coming year, we plan to fully document our tools and approach for the use of other community advocates in order to meet the demand for technical assistance and support to advance a similar community-driven mission.

We regularly field requests from activists across the country who desire to use our local hiring law as a starting point for a policy of their own. In 2011, Brightline provided support to the New Jersey Office of Legislative Services, as State Senator Ronald L. Rice sought a local hiring reform model for his own Newark District. Brightline worked over a period of several months with the legislature's lead research analyst in developing a New Jersey-based law modeled after San Francisco's ordinance, with an option for local jurisdictions to use project labor agreements as the preferred vehicle for implementation.

In addition, a new generation of policy makers such as San Francisco Supervisor Jane Kim have begun to expand the local hiring to non-construction industries such as the City's booming technology sector, while Brightline steps up for our partners in labor to ensure that construction projects such as preparation for the 2013 America's Cup are built by organized labor in partnership with our local communities.

As a footnote, after adopting its new local hiring law, San Francisco took another chance and reintroduced the road repair bond as Proposition B on the November 2011 ballot. With job guarantees for voter-taxpayers in place, the bond passed comfortably, creating over 1,000 much-needed construction jobs.



Proclamation

City and County of San Francisco

WHEREAS, Brightline Defense Project is a community advocacy organization that promotes policy transformation and quality of life improvements in workers and communities of color; and

WHEREAS, Brightline Defense Project's environmental justice and workforce development policy advances have had a local, regional, and national impact; and

WHEREAS, Brightline continues to provide important advocacy and insight on issues of environmental and social justice that affect the City's job's policy and the quality of life for San Francisco residents; and

WHEREAS, Brightline has helped champion green jobs and union construction work for low-income and traditionally underserved San Francisco communities; their work in helping to develop and support San Francisco's local hiring policy for construction has helped us to boost the City's economy and provide jobs for our residents; and

WHEREAS, Brightline has worked to build a better community labor partnership by recognizing in San Francisco and putting language back to work, creating a more inclusive, sustainable workforce and life here.

THEREFORE BE IT REMEMBERED that I, Edwar M. Lee, Mayor of the City and County of San Francisco, do hereby proclaim September 29, 2011, as

BRIGHTLINE DEFENSE PROJECT DAY

In San Francisco!



IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City and County of San Francisco, this 29th day of September, 2011.

Edwar M. Lee
Edwar M. Lee
Mayor

Local Hire Timeline

1970-1994 "BEST EFFORTS"

An agreement between the Bayview-Hunters Point Model Neighborhood Agency, San Francisco Building and Construction Trades Council, and Associated General Contractors of California requires the parties to "use their best efforts" to ensure that "no less than 50% of the work force in each craft" on southeast San Francisco public works construction are residents impacted by the phased closure of the Hunters Point Shipyard.



JUNE 2009

Brightline proposes to mandate local hiring on proposed \$368 million Prop. B Road Repair Bond to create local jobs and win voter support.

SF City Attorney's office expresses its opinion that local hiring is illegal, indicating that it has pulled even "good faith" language from city contracts.

JANUARY 2009

The economic downturn nearly doubles local unemployment in one year. In low-income communities of color, unemployment is well into double digits.

Brightline begins winding down its campaign to shut down the Potrero Power Plant and works with Bayview-Hunters Point and Visitacion Valley job developers to create jobs in disproportionately polluted and unemployed communities.



JANUARY 2010

SF unemployment hits 10% for the first time in over 40 years.

Supervisor Avalos requests mandatory local hiring legislation from the City Attorney and speaks to the community's policy objectives at the Board of Supervisors.

1994 "GOOD FAITH"

The City codifies its approach to local hiring in an ordinance that requires contractors to "make a good faith effort ...to hire qualified individuals who are residents of the City and County of San Francisco to comprise not less than 50% of each contractor's total construction work force."

JULY 2009

Brightline issues policy paper in response to City Attorney's office assertion regarding local hiring, making the case for the legality of a mandatory local hiring policy based on the Cleveland local hiring ordinance.

The Road Repair Bond is pulled from the ballot for lack of public support.

MARCH 2009

Brightline and its partners form the Southeast Jobs Coalition, working first to create a local hiring agreement for the Sunset Reservoir solar project.

They successfully secure a requirement that 30% of the workforce must come from the City's most economically disadvantaged neighborhoods.



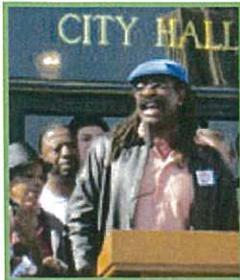
FEBRUARY 2010

City Attorney Dennis Herrera announces that, based on Brightline's analysis, he no longer believes local hiring is illegal.



AUGUST 2009

Supervisor John Avalos meets with Brightline's Joshua Arce, and CityBuild director Guillermo Rodriguez, to discuss Brightline's proposed mandatory local hiring policy.



SEPTEMBER 2010

Supervisor Avalos convenes a citywide committee to draft new local hiring policy.

After one month and dozens of meetings, community convenings, town halls, and late night drafting sessions, legislation is ready for introduction.

OCTOBER 2010

Supervisor John Avalos introduces local hiring legislation at massive City Hall rally.

NOVEMBER 2010

Brightline, the Southeast Jobs Coalition, CAA, the Progressive Workers Alliance, and a growing citywide coalition of advocates organize turnout on the ground and at City Hall.

Brightline and community partners work to earn the support of organized labor.

DECEMBER 2010

Board of Supervisors passes the local hiring legislation. In the spirit of the holiday season, Brightline delivers holiday cards to Mayor Gavin Newsom asking him to sign it.



The San Francisco Local Hiring Policy for Construction becomes law.

JUNE 2010

ABU leads a major community protest at Sunset Reservoir after a labor dispute leads to layoffs of workers employed through our local hiring agreement.



MARCH 2011

Four months after its passage, San Francisco's new local hiring policy goes into effect.

AUGUST 2011

Multi-sector stakeholders convene to develop a vision for successful local hire implementation.

MARCH 2010

Community advocates highlight lack of opportunities on Hetch Hetchy water system projects, exploring the balance between jobs for local ratepaying communities and impacted residents in the Bay Area region.

AUGUST 2010

Brightline Defense and Chinese for Affirmative Action (CAA) publish "The Failure of Good Faith," criticizing the City's local hiring performance and proposing policy recommendations.



The Haas Sr. Fund and San Francisco Foundation convene a series of local hiring stakeholder conversations in an effort to reach consensus on local hiring reform. Community, labor, contractor, and government stakeholders discuss local hiring models from Los Angeles, Cleveland, and elsewhere, but do not reach agreement on a single set of recommendations for policy makers.

NOVEMBER 2011

Brightline and partners launch the San Francisco Local Hiring Community Education Committee (www.sflocalhiring.com).

LOCAL HIRING SCORE CARD									
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

JULY 2011

The San Francisco Public Utilities Commission awards the first construction contract under the new mandatory local hiring law. This and other projects awarded by the Department of Public Works come in at or below budget, dispelling speculations that the new law would drive up construction costs.

Local Hire Ins & Outs

Guaranteed local participation on public works construction.

San Francisco's Local Hiring Policy for Construction went into effect on March 25, 2011. The law requires city contractors to hire local and disadvantaged workers within every construction trade on city-funded construction, mandating 20% local residents in 2011 with that number increasing 5% annually until reaching the goal of 50% by 2017. Financial penalties are imposed in cases of contractor noncompliance. The City will conduct a comprehensive review of this new program in the third year to ensure that its goals are being met.

Additional Requirements

The law mandates that 50% of all construction apprentices must be from local communities. This creates an instant pipeline of local blue- and green-collar workers to meet the gradually escalating requirement for seasoned journey level workers. The measure also requires that half of all local opportunities be allocated for residents of historically disadvantaged communities and those facing barriers to employment.

The law provides contractors a method of alternative, pipeline compliance when a local workforce is not available by allowing the option of partnering with local trade unions and certified pre-apprenticeship programs such as CityBuild to bring new local community apprentices into the trade through direct entry. Contractors may also work off penalties by employing San Francisco residents on non-covered projects at the prevailing wage and by banking hours for future projects by exceeding local hiring requirements.

Case Example - Construction of the SF Public Utilities Commission Headquarters

San Francisco is currently building a \$191 million new, state-of-the-art headquarters for its Public Utilities Commission. General Manager Ed Harrington, an important supporter of local hiring, gave direction to contractors such as Webcor that though the project is not covered by the new law, he wanted the project built as if it was. As of January 1, 2012, this publicly funded project is averaging a 40% local workforce across 422,000 job hours in over 20 different trades. The difference between this and the City's prior year average of 20% is nearly \$2 million in additional wages for residents, plus nearly the same amount in worker benefits.

No trade performing more than 2% of total job hours has delivered less than a 20% local workforce. General Manager Harrington has noted that he believes the project provides a local hiring dry run and shows that contractors and labor are preparing to work with government and the community to make local hiring work.

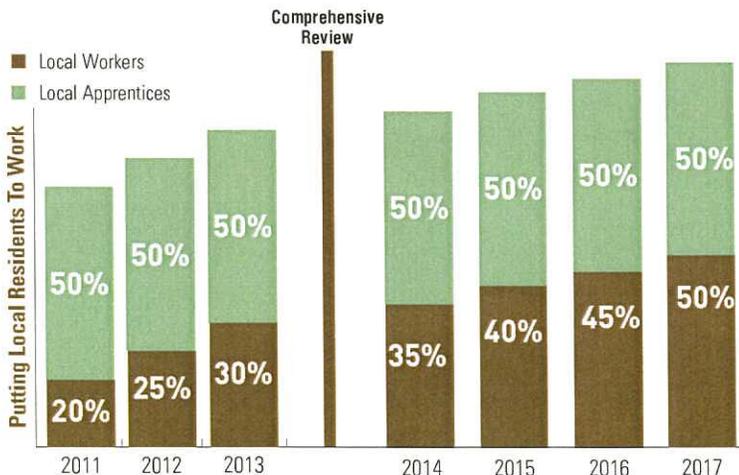
\$177M

Estimated additional revenue for SF general fund over next 10 years due to increased local wages.

335

Estimated annual number of brand new jobs from multiplier effect of more dollars in the hands of local workers.

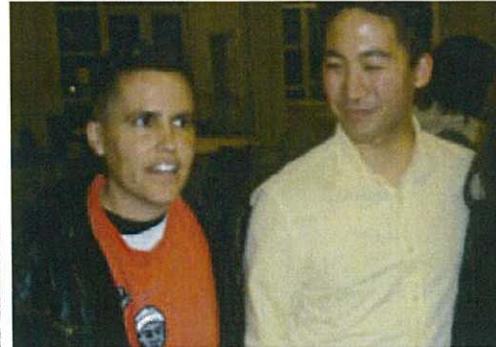
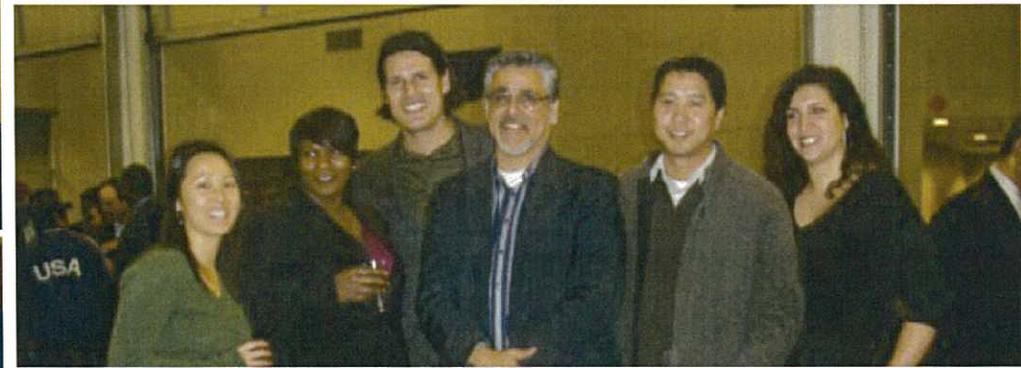
Source: Office of Mayor Edwin Lee



"The Public Utilities Commission has a lot of projects that are going on and we have struggled sometimes less than fully successfully to make 'good faith' into a reality. The problem has been that we have not had a tool with teeth in it, so we can actually make this happen as opposed to hope for it to happen. We support local hiring and we look forward to making the law work."

—Ed Harrington,
General Manager, SFPUC





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Open Conditions

Sustainable Futures

Mission Hingay Hall
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PROGRESSIVE WORKERS ALLIANCE

Coleman Advocates for Children
and Youth
Chinese Progressive Association
Filipino Community Center
La Raza Centro Legal
Mujeres Unidas y Activas
People Organized to Demand
Environmental and Economic
Rights (PODERO)
People Organized to Win Employ-
ment Rights (POWER)
Pride at Work
Young Workers United

CIVIL RIGHTS GROUPS

Creating Justice
Equal Justice Society
Public Advocates
National Association for the
Advancement of Colored People
(NAACP) - San Francisco Chapter

ORGANIZED LABOR

Laborers Union Local 261
Carpenters Union Local 22
Operating Engineers Union Local 3

CONTRACTORS

Webcor Builders
MIM Brothers
Habco Construction
Kerr Weitzworks
Liberty Builders

ENVIRONMENTALISTS

Sierra Club
Global Exchange
SF Green Party
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Urban Habitat
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For more information, please visit:

www.brightlinedefense.org

brightline
DEFENSE PROJECT



San Francisco Public Utilities Commission General Manager addresses the first graduating class of the Laborers-A. Philip Randolph Institute training class, flanked by (from left to right): Sup. Malia Cohen, Jesus Villalobos of Local 261, City College Trustees John Rizzo and Chris Jackson, Sen. Leland Yee, Labor Council Executive Director Tim Paulson, Sup. Scott Wiener, Building Trades Council Secretary-Treasurer Michael Theriault, Sup. Mark Farrell, Laborers Guest, Sup. David Chiu, City Attorney Dennis Herrera, Sup. Eric Mar, Sup. John Avalos, and SFPUC Commissioner Vince Courtney

THE STORY OF LOCAL HIRING'S BEST-KEPT SECRET

Community-Labor Partnership Changes Lives By Training Local Residents
To Work On Major Water System Project

March 18, 2011, San Francisco, CA – “I give 100% to my job, not 30%. If you want to go play, go to a playground. I give it my all,” said Terence Buckner, a recent graduate of an innovative new community-labor training program sponsored by the San Francisco Public Utilities Commission and San Francisco's CityBuild program. Mr. Buckner, who has now begun work as an excavator on an SFPUC water system tunneling project in Sunnydale, was recruited by A. Philip Randolph Institute – San Francisco Chapter (APRI) based in the Bayview-Hunters Point, to be a member of the first class of graduate of Laborers Union Local 261's Laborers' Tunnel Worker Preparedness Program, or LTWPP for short.

The opportunity to enroll in the LTWPP came just in time for Mr. Buckner as he had just been laid off from a major contractor. A Bayview resident for over twenty years, Mr. Buckner had also been a lifelong union member, first with Carpenters Union Local 22 until carpentry work had dried up and then with Laborers Union 261. As local opportunities for work were increasingly harder to find, Mr. Buckner applied to enroll in LTWPP through the San Francisco Public Utilities Commission (SFPUC).

“When so many of workers are unemployed, we saw this as a critical time to re-train local residents to work on tunneling work available for several major infrastructure projects,” said Harlan Kelly, Assistant General Manager of the San Francisco Public Utilities Commission.

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In collaboration with APRI and SFPUC, the Northern California District Council of Laborers had designed LTWPP as a response to several tunnel and mine disasters that had recently occurred in the U.S. and to prepare for upcoming work being done for the Hetch Hetchy water system. Upon learning of LTWPP, Bayview residents young and old, male and female, flooded APRI's office and expressed their eagerness for a chance to work rebuilding their water system, illustrating the demand of local residents wanting to work on local construction projects.

Mr. Buckner was selected alongside nine other candidates and underwent a comprehensive tunneling program overseen by a close collaboration between the City, labor, and community. For instance, the Laborers union brought the recruits to their training campus in San Ramon for tunnel certification. Additionally, APRI, a community development non-profit based in Bayview-Hunters Point, demonstrated how "local" hiring works for regional projects like Hetch Hetchy by collaborating with Oakland-based Cypress Mandela Training Center and San Mateo-based JobTrain to further recruit workers from their local communities.

APRI worked with these regional community-based organizations to recruit candidates for an estimated 80 hours of classroom and on-the-job training at the Laborers' Training Center in San Ramon. The program provides introductory courses specific to tunneling work, educating and training workers to better identify, avoid, and prevent unsafe working conditions in and around the jobsite. Following classroom instruction, APRI facilitated a Boot Camp that physically and mentally prepared each candidate for working on the jobsite, challenging each candidate's endurance, strength and progress over a period of two weeks. Observing their progress over the course of the training, James A. Bryant, Western Regional Director of the A. Philip Randolph Institute commented, "We had a great class of candidates who really understood what it takes to be in tunneling."



James A. Bryant, Western Regional Director of the A. Philip Randolph Institute, San Francisco Mayor Edwin Lee, SFPUC Assistant General Manager Harlan Kelly

[Type text]

In Mr. Buckner's words, he "got prepared physically, mentally, emotionally" with this intensive training for the rigors and dangers of tunneling. Mr. Buckner spoke of both the good and tough times of the training: "You got to have your heart into it and mind into it...[After work,] you're going to go home filthy after being 40-50 feet underground, soaking wet. You got to tell yourself this is what you want to do, because once you're down there, there's no going back...So you give 100% to make sure you come home safe." Such commitment has paid off for Mr. Buckner and his peers. LTWPP's first class of ten graduates was so successful that they have already been put to work before the local hiring law even kicks in.

Moreover, Mr. Buckner's employment prospects remain solid with the City's new local hiring law going into effect on March 25. This law, which establishes specific requirements for how many work hours on city-financed projects must be completed by city residents, would offer more opportunities to San Francisco residents like Mr. Buckner.

Mr. Buckner reflected on the law: "It would increase my chances on getting on other contracts, and there are a lot of other tunnel projects going on for the next ten years." These construction projects include not only improvements to the Hetch Hetchy water system, but also the Central Subway tunneling project.

"This program is the best-kept secret of local hiring and exemplifies how our exciting new law will put people to work," said Guillermo Rodriguez, director of CityBuild, an employment program under the Workforce Development Division of the Office of Economic and Workforce Development that provides workforce training and job placement services to San Francisco residents interested in pursuing a career in the construction industry. Along Mayor Edwin Lee and other city departments, CityBuild will drive much of the implementation behind the City's new local hiring law.

Additionally, a continuing community-labor partnership ensures the future success of the law. "This has been a successful collaborative effort between labor and the community. We look forward to bringing in more graduates for training in other trades," said Ramon Hernandez, Business Manager of Laborers, Local 261.

Indeed, not only is the Laborers' Tunnel Worker Preparedness Program local hiring's best-kept secret, but it is a model that certainly must be considered for adoption on the upcoming Central Subway tunneling project, in which the Chinatown and South of Market communities eagerly await the opportunity to work in their neighborhoods.

The **A. Philip Randolph Institute's** mission, from our founding to the present, has been to fight for racial equality and economic justice. Our role is unique we work with black trade unionists, the people best suited to serve as a bridge between labor and the black community.

- Labor donated -