

COMPANIES SUCCEED, COMMUNITIES BENEFIT

A BLUEGREEN ALLIANCE USER GUIDE FOR COMPANIES
TO DEMONSTRATE COMMUNITY BENEFITS
IN FEDERAL FUNDING APPLICATIONS





The BlueGreen Alliance unites labor unions and environmental organizations to solve today's environmental challenges in ways that create and maintain quality jobs and build a clean, prosperous, and equitable economy.

CONTENTS

INTRODUCTION	3
BGA's Recommendations	5

1. BGA RECOMMENDATIONS FOR HOW TO ENGAGE COMMUNITY AND LABOR	6
Define the Community	6
Identify Labor Unions	9
Identify Potential High-Road Workforce Development Partners	10
Reach out to the Identified Stakeholders	11
Negotiate Legally Binding Agreements	13

2. BGA RECOMMENDATIONS FOR HOW TO INVEST IN AMERICA'S WORKFORCE	17
Invest in High-Road Skills Training	17
Commit to Providing Quality Jobs	19
Provide Good Benefits	20
Avoid Worker Misclassification	21
Create Healthy, Safe, and Secure Working Conditions	22
Encourage Worker Empowerment and Representation	23

3. BGA RECOMMENDATIONS FOR ADVANCING DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY	25
Establish Recruitment, Hiring, and Workplace Practices that will Share Prosperity Broadly.	25

4. BGA RECOMMENDATIONS FOR IMPLEMENTING JUSTICE40	27
Ensure that Your Project Improves the Lives of Disadvantaged Communities (DACs) using Justice40 Criteria	27

ENDNOTES	30
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INTRODUCTION

Three bills passed by the 117th U.S. Congress and signed into law by President Biden are historic investments in a new economy that is clean, thriving, and equitable:

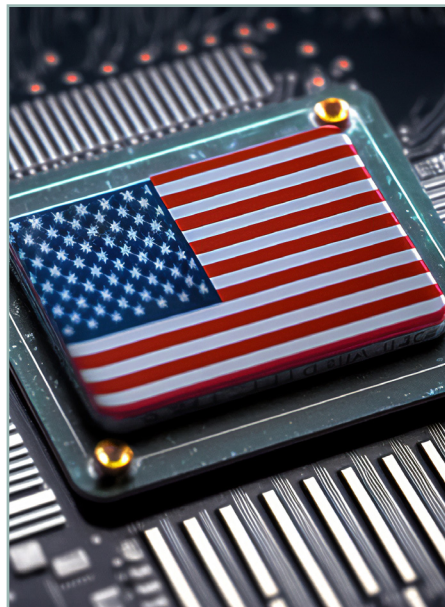
1. The \$1.2 trillion Bipartisan Infrastructure Law (BIL);
2. The \$280 billion CHIPS and Science Act (CHIPS); and
3. The \$740 billion Inflation Reduction Act.

Federal agencies are now charged with distributing more than \$2 trillion to revitalize and clean up U.S. manufacturing, strengthen supply chains, support clean energy deployment, tackle the climate crisis, create good union jobs, and deliver benefits to communities.

The BlueGreen Alliance (BGA) is guided by the principle that we can no longer choose between good jobs and a clean environment—that the actions we take to create quality jobs and to protect working people and the environment must go hand-

in-hand, and that together, we will build a clean, prosperous, and fair economy. Similarly, we believe the documented labor and community actions that will result in a successful application for federal loans and grants under the BIL, CHIPS, and Inflation Reduction Act will create intrinsic value for the companies that are proposing these projects. Unions and communities can be key partners to companies as they bring projects to fruition by helping to recruit and train a skilled workforce, acquire necessary local permits, and get buy-in and support from local leaders. These kinds of relationships can also de-risk projects by shortening permitting and siting timelines, improving the prospect for future development, and ensuring quality products and projects that are competitive in a global marketplace.

The following recommendations aim to help companies create successful federal funding applications that will contribute to what the U.S. Department of Energy (DOE) describes as “broadly





shared prosperity.” DOE’s Community Benefits Plans (CBPs) are a requirement of most DOE BIL and Inflation Reduction Act funded applications and are encouraged by other agencies’ funding opportunities. CBPs provide a comprehensive framework that applicants for grants and loans from all federal agencies can use to demonstrate commitment to creating good jobs and career pathways for a diverse pool of workers, as well as long-term economic, social, environmental, and health benefits for communities.

The DOE’s CBP requirement serves as an example of the application criteria that federal and state agencies can utilize to bolster support for workers and host communities. It’s important to note, however, that the programmatic requirements and guidance for these laws are still under development. BGA’s [Checklist for Federal Funding Applications](#) provides a more comprehensive view of potential criteria that could be integrated into future application requirements.¹ While not all these criteria are presently mandatory, adhering to each would help project developers in showcasing the community benefits in their federal funding applications.

DOE requires four overlapping components in a CBP application. BGA recommends that companies address these four core areas in any federal funding application:

1. Engaging community and labor;
2. Investing in the U.S. workforce;
3. Advancing diversity, equity, inclusion, and accessibility (DEIA); and
4. Implementing Justice40.

The following recommendations align with the U.S. Department of Labor’s (DOL) Good Jobs Principles and follow the DOE’s requirement that applicants define the work that will be done and how progress will be achieved with Specific, Measurable, Achievable, Relevant, and Timely milestones.

BGA'S RECOMMENDATIONS

1. Engage community and labor by defining the impacted community, identifying relevant labor unions, engaging with high-road workforce development partners, reaching out to the stakeholders, and negotiating legally binding agreements.
2. Invest in the U.S. workforce by committing to provide skills training and quality jobs that pay well and provide good benefits; avoiding worker misclassification; creating healthy, safe, and secure working conditions; and encouraging worker empowerment and representation through organizing and collective bargaining.
3. Advance DEIA by establishing recruitment, hiring, contracting, and workplace practices that will share prosperity broadly, and ensuring that your use of legally binding agreements addresses the DEIA concerns of the community.
4. Implement Justice40 to determine how your project will improve the environmental and public health conditions in disadvantaged communities (DAC). The White House describes DACs as overburdened and underserved according to census tract data on income, education, health, environmental threats, and other economic and environmental factors. Justice40 requires at least 40% of benefits from federal investments go to DACs.

The following pages provide more information and resources on how companies can act on these recommendations to create successful grant and loan applications that result in highly successful projects that benefit the company, its workers, the surrounding community, and the environment they share. The DOE's CBP template to accompany funding opportunity announcements (FOAs) can be downloaded [here](#).² If you have questions about CPBs or BGA's recommendations, you can email us at CBP@bluegreenalliance.org.



1. BGA RECOMMENDATIONS FOR HOW TO ENGAGE COMMUNITY AND LABOR

DEFINE THE COMMUNITY

The first step in developing a good CBP is to gather the information that turns the general concept of community into a real understanding of the people, institutions, and social and economic conditions in the real place that your project will impact and plan to benefit. Communities are not homogenous and the most impacted members of a community may not be represented by political leaders or the Chamber of Commerce. A deep dive into the profile of the affected community or communities seeks to reveal the potential disproportionate and/or cumulative impacts of the proposed project and elicit input on the priorities of the members of the community that may not be represented through traditional channels. Communities that can provide input and see their values reflected in development priorities are likely to be more supportive of proposed projects. Right sizing the amount of engagement to the projected impact of the project can be done using the tools below.

Demographic Assessment

Determine the affected geography both along fence-lines and the flow of resulting materials, pollution, and other project-related activities. Then collect and analyze data about the population residing in the community affected by the project including information on age, gender, race, ethnicity, income levels, education levels, and household composition.

RESOURCES: Demographic Assessment

- [U.S. Census Bureau](#)³
Contains the most recent census data, with the ability to filter down to state, county, and city level demographic data; viewable by map or table.
- [Screening Tool for Equity Analysis of Projects \(STEAP\)](#)⁴
A geographic information system (GIS) project-level screening tool that permits rapid screening of potential project locations in the United States, providing estimates of the socioeconomic characteristics of the resident population.
- [University of Virginia – Guide to Publicly Available Demographic Data](#)⁵
Presents an overview of key sources for demographic data published by various federal and state organizations.

- [Guidance for Creating a CBP for Direct Air Capture Hubs](#)⁶

This document includes supplemental information to aid applicants in developing a CBP for Direct Air Capture Hubs in response to the DOE FOA requirements. The section on *Community and Labor Engagement* details a process for engaging with stakeholder groups, including guidance on how to perform a social characterization analysis of the community.

Community Profiling

Create a detailed profile of the impacted community—including their social, economic, and cultural characteristics. Gather information about economic and cultural resources. Examples of economic and cultural mapping include identifying local infrastructure; houses of worship; organizations representing residents, businesses, environmental justice, and underserved communities; Tribes; emergency responders; local economic development boards; community foundations and United Ways; national and state civil rights and fair housing organizations with local affiliates; community and technical colleges; first responders; and other community-based organizations. Accounts of environmental justice concerns and historical accounts of significant community incidents can be useful resources. Consider the core values of the identified stakeholders and the existing impacts on local health including areas impacted by air, water, and land pollution.

Develop an understanding of the relevant historic and current dynamics between identified stakeholders, community groups, unions, local government, and industry as it may pertain to the project. Determine the primary issues of concern, if they have been resolved, and identify differing perspectives from different stakeholder groups.

RESOURCES: Economic & Civil Society Mapping

- [U.S. Economic Development Administration – Economic Development Directory](#)⁷
Contains lists of regional development commissions and offices.
- [International Trade Administration – State-Designated Investment Officials](#)⁸
A list of state-designated economic development organizations in the United States.
- [International Economic Development Council – Accredited Economic Development Organizations](#)⁹
A list of accredited economic development organizations.
- [Council on Foundations – Community Foundation Locator](#)¹⁰
A state-by-state breakdown of community foundations in the United States. Also includes a link to a further breakdown of [accredited community foundations](#).¹¹
- [United Way](#)¹²
A state-by-state list of United Way locations in the United States

RESOURCES: Environmental Justice Mapping

- [Environmental Protection Agency – EJScreen](#)¹³
An environmental justice mapping and screening tool that allows users to access and compare high-resolution environmental and demographic information for locations in the United States.
- [U.S. Council on Environmental Quality – Climate and Economic Justice Screening Tool \(CEJST\)](#)¹⁴
A geospatial mapping tool that identifies marginalized and overburdened disadvantaged communities across the United States to inform Justice40 decision-making.

- [STEAP¹⁵](#)
A GIS project-level screening tool that that permits rapid screening of potential project locations in the United States, providing estimates of the socioeconomic characteristics of the resident population.

Stakeholder Mapping

Identify and categorize the various individuals, groups, and organizations that have an interest or stake in the project or are affected by it. Stakeholders can include residents, local businesses, community leaders, houses of worship, nonprofits, government agencies, utilities and Common Choice Aggregators, and other relevant entities.

RESOURCES: Stakeholder Mapping

- [The Commons Social Change Library – Power and Power Mapping¹⁶](#)
A collection of resources about power, power analysis, and power mapping to guide an examination and understanding of power relationships across project stakeholders.
- [DOE Guide to Community Energy Strategic Planning¹⁷](#)
This community energy project planning tool includes stakeholder identification and a mapping guide.

Needs Assessment

Determine the specific needs and priorities of the community impacted by the project. Gather information through surveys, interviews, focus groups, and other research methods to identify the social, economic, environmental, and infrastructure needs of the community. Engage members of the community in data collection and verification.

RESOURCES: Needs Assessment

- [Community Needs Assessment Guide¹⁸](#)
This guide designed by the Center for Urban Research and Learning details the steps to take through the planning and implementation phases. It will help identify goals and objectives, create, and disseminate surveys, and summarize and release findings to the community for feedback.
- [Multifamily Housing Capital Needs Assessment \(CNA\) Tool¹⁹](#)
An electronic CNA tool that automates and standardizes the CNA process for the U.S. Department of Housing and Urban Development's (HUD) Office of Multifamily Housing.



Impact Analysis

Assess the potential effects of the project on the community. Evaluate the potential positive and negative impacts across various dimensions, such as social, economic, cultural, and environmental factors. This analysis should transparently identify potential cumulative benefits, risks, mitigating measures, and safety plans.

RESOURCES: Impact Assessment

- [Urban Institute – Capital for Communities Scorecard](#)²⁰
A scorecard used for assessing the potential social, economic, and environmental impacts of a proposed real estate development or operating business investment. It can be used by project sponsors, investors, policymakers, community organizations, and other stakeholders.
- [U.S. Department of Transportation – Community Impact Assessment: A Quick Reference for Transportation](#)²¹
Designed to help transportation practitioners understand how flexible and scalable the community impact assessment process is.
- [WE ACT – Community Engagement Brief](#)²²
A guide detailing best practices for meaningful community engagement and participation towards mutually beneficial project outcomes. It includes recommendations for conducting environmental justice analyses as a means of helping to minimize potential harms from project implementation.

IDENTIFY LABOR UNIONS

Early identification and outreach to unions will aid in community mapping and local organizational and government outreach. Learning the labor history of a community can be a quick way to understand local political dynamics. Engaging with unions is the first step towards standardizing wages, increasing productivity, decreasing turnover, enhancing safety and compliance and formalizing communication

with employees through a collective bargaining agreement. The national and state AFL-CIOs and local Central Labor Councils in every state—including Right-to-Work states—can assist in the identification of unions and other worker-focused groups who represent the sector of workers you will need in your proposed project.

RESOURCES: Identify Labor Unions

- [AFL-CIO – State Federations and Central Labor Councils](#)²³
A list of state federations and central labor councils by state. Each link takes you to the state specific AFL-CIO site, where you can connect with local organizations, which in turn partner with state and community organizations.
- [North America’s Building Trades Unions \(NABTU\) Official Directory](#)^{24,25}
Contains a list of contact information for building trades [state](#) and [local](#) councils.
- [East Bay Alliance for a Sustainable Economy and Building and Construction Trades Council of Alameda County—Best Practices for Community-Trades Partnerships](#)²⁶
A guide that helps define the best practices for collaborations between trade and community groups in an effort to establish strong Community Workforce Agreements.
- [The Advantages of a Unionized Workplace](#)²⁷
A Chron. article that describes five benefits that unionized workers provide to employers.
- [Treasury Department Report on Benefits of Unions to the U.S. Economy](#)²⁸
A first-of-its-kind comprehensive analysis of the role that labor unions play in the U.S. economy by the Treasury’s Department of Economic Policy.

IDENTIFY POTENTIAL HIGH-ROAD WORKFORCE DEVELOPMENT PARTNERS

Retaining a more productive and higher-skilled workforce comes from finding and partnering with union training programs, career technical education programs, labor-management partnerships, and registered apprenticeship and pre-apprenticeship programs that offer high-quality skills training that result in industry-recognized credentials, with wrap-around services like support for childcare and transportation. The Inflation Reduction Act recognizes the importance of apprenticeships by adding a five-times bonus to a broad range of clean energy tax credits for taxpayers that use qualified apprentices and meet prevailing wage requirements for covered projects.

DOL is identifying high-road training programs that “implement demand-driven workforce strategies advancing job quality, equity, and worker voice—that can train America’s infrastructure, clean energy, and manufacturing workforce.” To assist applicants for federal grants and loans, DOL has put together a [High Road to the Middle Class map](#), an evolving resource of training programs that meet three DOL criteria:²⁹

- They provide training in an occupational skill or industry relevant to the workforce needs of “Investing in America” projects.
- They leverage one or more of the following evidence-backed training models: registered apprenticeship; pre-apprenticeship; sector-based strategies; labor-management training partnerships; or community college-based workforce training programs; and
- They have a partnership with an employer, multiple employers, or industry consortia and organized labor or a worker organization.

DOL has also launched [apprenticeship.gov](#) “the one-stop source to connect career seekers, employers, and education partners with apprenticeship resources.”³⁰

RESOURCES: Identify Potential High-Road Workforce Development Partners

- [CareerOneStop – Business Center](#)³¹
Helps businesses recruit, hire, train, and retain their workforce.
- [CareerOneStop – Apprenticeship Office Finder](#)³²
Helps people find apprenticeship offices, which work with companies and unions to develop registered apprenticeship opportunities.
- [CareerOneStop – Workforce Development Board \(WDB\) Finder](#)³³
Provides the names, locations, and service areas of each workforce development board, state-by-state. WDBs oversee the “American Job Centers” and direct federal, state, and local funding to workforce development programs.
- [Apprenticeship.gov](#)³⁴
Connects career seekers, employers, and education partners with apprenticeship resources.
- [NABTU – Apprenticeship and Training](#)³⁵
Provides a map of the building trades apprenticeship and training capacity, which includes contact information for training centers across the United States.
- [Jobs Corps](#)³⁶
No-cost education and vocational training program administered by DOL. Includes an [employer page](#) to help companies streamline recruitment process, job screenings, and provides work-based learning partnerships at no cost.
- [U.S. Occupational Safety and Health Administration \(OSHA\)](#)³⁷
Includes an [employer portal](#)³⁸ to assist with OSHA compliance, as well as links to [training resources for employers and workers](#),³⁹ and other general workforce safety resources.

- [National Fund for Workforce Solutions – Toolkit for Developing High-Performing Industry Partnerships](#)⁴⁰
The toolkit is designed to guide workforce practitioners in developing, growing, and improving industry partnerships. It includes, among others, a module on [Employer and Industry Engagement](#).⁴¹
- [U.S. Chamber of Commerce Foundation – Building the Talent Pipeline: An Implementation Guide](#)⁴²
This guide details six strategies that employers can use to be more effective end-customers of education and workforce partnerships.
- [Corporation for a Skilled Workforce – Understanding Your Community: Labor Market and Workforce Development System Data Toolkit](#)⁴³
This toolkit provides an overview of the data and related resources that are available to help answer questions about local and regional labor markets, existing and emerging talent pipelines, and the local and regional workforce development system.
- [CHIPS Program Office – Workforce Development Planning Guide](#)⁴⁴
This guide is designed to help project developers identify and document workforce needs and develop a workforce development plan that addresses these needs. It is specifically aimed at applicants responding to the February 2023 Notice of Funding Opportunity for the construction and expansion of commercial node fabrication facilities under the CHIPS Incentives Program.
- [DOL – Building Pathways to Infrastructure Careers: Framework for Preparing an Infrastructure Workforce](#)⁴⁵
This notice presents a framework and vision for the role of public workforce systems as a strategic partner in supporting pathways to good-paying infrastructure jobs with high-road labor standards. It includes a section on workforce development strategies and a section on engaging underserved populations in high-quality training and workforce pathways.

REACH OUT TO THE IDENTIFIED STAKEHOLDERS

Once you've fully mapped out the community, begin to engage with the identified stakeholders. Engagement can be done through meetings with individual stakeholders, community meetings, public consultations, workshops, and other organized ways to gather input, feedback, and insights from community members. If sufficient resources are available, hiring or contracting with a community engagement specialist can help build the trust that is necessary for successful engagement. Community engagement can be iterative as more connections are made.

Different stakeholders may have capacity for different types of engagement, including town-hall meetings and/or workshops, meetings at places of employment or worship, one-on-one meetings, phone calls, and remote meetings.

To prepare for that engagement, you'll need:

- A comprehensive but easy to understand description of the proposed project.
- A list of the planned actions to overcome the potential barriers to meaningful community engagement including the barriers in language, childcare, and transportation.
- A full description of the goals of the engagement process, including application endorsement and support for permitting.
- A straightforward initial assessment of the project's potential benefits and negative impacts and the plan to maximize the benefits and mitigate the risks. Where relevant, it should align with a community or region's economic development plan, as articulated in, for example, their Comprehensive Economic Development Strategy (CEDS). This assessment should reflect the proposed Justice40 benefits and impacts that are described in Section Four.

- A stated (and required) willingness to engage stakeholders to build trust not only by hearing their priorities and concerns but by committing to address them. The measurable result of successful engagement includes letters of support, memoranda of understanding, and legally binding agreements. By addressing labor and community concerns, these kinds of agreements can help prevent delays, enable permitting, secure a skilled and stable workforce, reduce inequality, and improve community health.

RESOURCES: Reach Out to the Identified Stakeholders

- [Economic Development Administration – CEDS](#)⁴⁶
A collection of tools and resources designed to guide the development of strategy-driven plans for regional economic development.
- [DOE – Creating a Community and Stakeholder Engagement Plan](#)⁴⁷
This guide outlines the main steps for creating a stakeholder engagement plan for projects that build the clean energy economy.
- [National Coalition for Dialogue and Deliberation – Resource Guide on Public Engagement](#)⁴⁸
This guide provides a high-level conceptual framework for engagement with techniques to create space for real dialogue. It outlines the core principles of public engagement and a variety of strategies, tools, and resources available to practitioners.
- [Groundwork USA – Best Practices for Meaningful Community Engagement](#)⁴⁹
This resource provides tips for engaging historically underrepresented populations and strengthening the interpersonal connections across your community.
- [International Association for Public Participation \(IAP2\) – Three Pillars for Effective Public Participation](#)⁵⁰
This brief presents three pillars for effective engagement, designed with broad international input and with the intention of reflecting the interests and concerns of all stakeholders. In addition to introducing core values and a code of ethics for the participation process, the brief includes a Spectrum of Public Participation chart which outlines key considerations for determining the appropriate level of community engagement. Participation levels typically range from inform, consult, involve, and collaborate, up to empower. The engagement frameworks are usually presented in a matrix, which can be helpful in deciding on the types of meeting formats and engagement techniques that may be best suited for specific engagement needs and objectives.
- [IAP2 – Public Participation Toolbox](#)⁵¹
A short guide on techniques for sharing information with your community.
- [Natural Resources Canada – Good Practices in Community Engagement and Readiness](#)⁵²
Details a compendium of good practices in community engagement and readiness based on 43 case studies from Canada’s minerals and metals sector.



NEGOTIATE LEGALLY BINDING AGREEMENTS

The demographic assessment, stakeholder mapping, needs assessment, impact analysis, and labor and community profiling and engagement will help project planners identify the whole community—as well as their priorities and concerns. This can enable a spectrum of issues to be addressed in legally binding documents that are designed to ensure that intentions become reality.

In its [Community Benefits Plan 101 video](#), the DOE notes that Community Benefit and Workforce Agreements are the “gold standard.”⁵³ Legally binding agreements with community and labor organizations are the strongest documentation of the intent to not only be a benign neighbor but to measurably improve lives and livelihoods.

Legally binding agreements that respond to labor and community concerns include the following:

Good Neighbor/Community Benefits Agreement (CBA)

CBAs are agreements used to ensure that community priorities and concerns are addressed in the construction and operation of a project. CBAs can be negotiated with both union and community partners and used to ensure that a project delivers specific economic, health, and environmental benefits to workers and communities in exchange for their explicit support for the project. CBAs should address the economic and environmental issues identified in implementing the Justice40 section of DOE Community Benefits Plans and can include agreements on job training and placement of low-income workers, people of color, and dislocated workers in the community and other issues that are also found in other types of agreements.

RESOURCES: Good Neighbor/Community Benefits Agreement (CBA)

- [Community Benefits Resources – Resource Platform](#)⁵⁴
The platform offers a collection of resources to support organizers and stakeholders working for community benefits and equitable development. It includes a [Guide to Community Benefits Agreements](#), concrete examples of existing CBAs, an interactive map and searchable database of successful community benefit campaigns, and a library of documents on how to organize for community benefits.⁵⁵
- [Action Tank – Community Benefits Agreement Toolkit](#)⁵⁶
The toolkit outlines the basics of CBAs, with detailed descriptions of each step of the process. It guides users through best practices in engagement, consensus building, and agenda setting, and discusses how to enforce the agreement once signed.
- [Partnership for Working Families – Common Challenges in Negotiating Community Benefits Agreements and How to Avoid Them](#)⁵⁷
This guide presents case studies, checklists, charts, and resources for moving community benefits campaigns forward. It includes helpful background on the CBA process, information about the weaknesses of purely aspirational CBAs, and a reference guide with real-life examples of effective CBAs versus ineffective CBAs.
- [Columbia Law School – Expert Insights on Best Practices for Community Benefits Agreements](#)⁵⁸
This report, targeted to developers and host communities, outlines recommendations for negotiating and drafting CBAs for direct air capture hubs and other clean energy projects.

- [Data for Progress – Community and Labor Benefits in Climate Infrastructure: Lessons for Equitable, Community Centered Direct Air Capture Hub Development](#)⁵⁹
This memo offers lessons for how CBAs and PLAs can be crafted to deliver strong and meaningful benefits for communities and workers for Direct Air Capture facilities and other climate infrastructure projects. It describes the types of benefits that can be included in these agreements, presents data on voter preferences around these benefits, and highlights best practices and recommendations from a set of case studies.
- [Canadian International Resource Development Institute – Impact Benefit Agreement Guidebook](#)⁶⁰
Provides in depth guidance on how to design the fiscal components of a community benefit agreement to achieve a fair distribution of project revenue for the community.
- [First Nation LGN Alliance – Impact Benefit Agreements: Key Insights from First Nations’, Government, and Industry Leaders](#)⁶¹
Presents guidance on the design and implementation of impact benefit agreements, drawing from the experience of those who have been directly involved in creating or implementing agreements within the liquified natural gas sector in Canada.



Project Labor Agreements (PLA)

PLAs are pre-hire [collective bargaining](#) agreements with one or more labor union.⁶² A PLA sets out the terms and conditions of recruitment, employment, and dispute resolution for a specific construction project. A PLA applies to all contractors and may include labor peace provisions to prevent any strikes, [lockouts](#), or other work stoppages for the length of the project.⁶³ The DOL [notes](#) that PLAs can help projects get completed on time at or under budget, provide employers with a reliable source of highly skilled workers, increase diversity and support equitable workforce development and improve worker health and safety on the job.⁶⁴ PLAs are authorized under the National Labor Relations Act and have been in use since the 1930s.

RESOURCES: Project Labor Agreements

- [DOL – Project Labor Agreement Resource Guide](#)⁶⁵
This resource page provides a collection of background information on PLAs, including an introductory webinar and a reference guide.
- [DOL – Project Labor Agreements as Tools for Equity](#)⁶⁶
This brief explores how PLAs can be used to advance equity within the workforce and among local communities. It highlights examples of some of the key equity components that have been part of the PLAs or community workforce agreements adopted by various cities.
- [Economic Policy Institute \(EPI\) – Building Better: A Look at Best Practices for the Design of Project Labor Agreements](#)⁶⁷ This briefing paper highlights best practices for designing and negotiating effective project labor agreements, with a focus on the construction sector. The guide discusses how PLAs can be designed and implemented to support a variety of project goals, including helping to meet project deadlines and quality standards, improving safety and health, resolving disputes, and supporting communities.



Community Workforce Agreements (CWA)

CWAs are PLAs that set out the benefits and opportunities provided to local communities. CWAs not only include agreements on wages, hours and working conditions but can also include targets for the training and hiring of residents and disadvantaged persons.

RESOURCES: CWAs

- [DOL – Project Labor, Community Workforce, and Community Benefits Agreements Resource Guide](#)⁶⁸

This short document introduces the concept of PLAs, with an explanation into how they work and what benefits they offer. The guide also briefly touches on CWAs and CBPs, with a discussion of how these three types of agreements differ and/or overlap.

- [Inclusive Economics – High-Road Workforce Guide for City Climate Action](#)⁶⁹

A step-by-step guide for cities to plan and implement high-road workforce development, with examples, case studies, and best practices for engaging qualified, diverse local workforces to meet climate goals. It includes a section on setting project standards through various agreement mechanisms including PLAs, CWAs, CBAs. While the guide is designed for city staff and elected officials, much of the guidance is relevant for other actors interested in high-road workforce planning.

Collective Bargaining Agreements

A collective bargaining agreement is a written legal contract between an employer and a union representing the employees. The collective bargaining agreement is the result of a negotiation process between the parties on wages, hours, and terms and conditions of employment.

Companies can demonstrate their willingness to engage in collective bargaining by negotiating a PLA for construction activity (as summarized above), pledging to remain neutral during a union organizing campaign—including allowing union organizers access to lunchrooms and other onsite non-workplaces and not holding captive audience meetings—and committing to permit union recognition through card check and to enter into binding arbitration to settle issues in a first contract.

RESOURCES: Collective Bargaining Agreements

- [Payscale - Navigating Collective Bargaining Agreements: A Complete Guide](#)⁷⁰
This guide introduces collective bargaining agreements and the bargaining process.
- [DOL - Online Public Disclosure Room](#)⁷¹
An online listing of collective bargaining agreements established between employers and labor organizations.
- [National Labor Relations Board - Bargaining in Good Faith with Employees' Union Representative](#)⁷²
A comprehensive overview of employers' obligations and responsibilities for bargaining in good faith with employees' union representatives, under the collective bargaining process.
- [Mechanical Contractors Association of America - Collective Bargaining Guide and Legal Analysis](#)⁷³
This guide covers practical aspects of the negotiation process and the legal framework for collective bargaining. Some of the principles are specific to the construction industry, but much of the information can be applied to collective bargaining negotiations generally.

While these four types of agreements address the different concerns of different sets of stakeholders, all four need to include methods and structures that can be used for problem solving, oversight, and the utilization of penalty provisions to assure that the commitments of all parties are met.

2. BGA RECOMMENDATIONS FOR HOW TO INVEST IN AMERICA'S WORKFORCE

INVEST IN HIGH-ROAD SKILLS TRAINING

As described on pages 9 and 10, partnerships with community colleges with career technical education departments, union training programs, labor-management partnerships, and registered apprenticeships can all provide workforce development training programs that are tailored for your project. Wrap around services and pre-apprenticeship programs can augment high-road training by filling in the job-readiness gaps caused or accelerated by racial and societal inequities. Teaching additional math skills, connecting to quality affordable childcare, and providing additional mental health services for veterans are all examples of programs that aim to solve the problems that prevent the establishment and maintenance of a diverse, inclusive, well-trained, and retained workforce.

Applicants' proposed investment in high-road workforce development should adhere to the Department of Commerce and the [DOL's Good Jobs Principles section on Skills and Career Advancement](#).⁷⁴ High-road skills training should provide workers with "equitable opportunities and tools to progress to future good jobs within their organizations or outside them. Workers have transparent promotion or advancement opportunities. Workers have access to quality employer- or labor-management-provided training and education."



The U.S. Department of Commerce expects CHIPS Incentives Program applicants to recruit, train, hire, retain, and upskill workers in good jobs as defined by the eight [Good Jobs Principles](#) developed by that agency and the DOL.⁷⁵ Other federal applications also refer to these principles:

Recruitment and Hiring: Qualified applicants are actively recruited—including those from underserved communities. Applicants are free from discrimination, including unequal treatment or application of selection criteria that are unrelated to job performance. Applicants are evaluated with relevant skills-based requirements. Unnecessary education, credentials, and experience requirements are minimized.

Benefits: Full-time and part-time workers are provided family-sustaining benefits that promote economic security and mobility. These include health insurance, a retirement plan, workers' compensation benefits, work-family benefits such as paid leave and caregiving supports, and others that may arise from engagement with workers. Workers are empowered and encouraged to use these benefits.

DEIA: All workers have equal opportunity. Workers are respected, empowered, and treated fairly. DEIA is a core value and practiced norm in the workplace. Individuals from underserved communities do not face systemic barriers in the workplace. Underserved communities are persons adversely affected by persistent poverty, discrimination, or inequality, including Black, Indigenous, people of color; LGBTQ+ individuals; women; immigrants; veterans; individuals with disabilities; individuals in rural communities; individuals without a college degree; individuals with or recovering from substance use disorder; and justice-involved individuals.

Empowerment and Representation: Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation. Workers contribute to decisions about their work, how it is performed, and organizational direction.

Job Security and Working Conditions: Workers have a safe, healthy, and accessible workplace, built on input from workers and their representatives. Workers have job security without arbitrary or discriminatory discipline or dismissal. They have adequate hours and predictable schedules. The use of electronic monitoring, data, and algorithms is transparent, equitable, and carefully deployed with input from workers. Workers are free from harassment, discrimination, and retaliation at work. Workers are properly classified under applicable laws. Temporary or contractor labor solutions are minimized.

Organizational Culture: All workers belong, are valued, contribute meaningfully to the organization, and are engaged and respected, especially by leadership.

Pay: All workers are paid a stable and predictable living wage before overtime, tips, and commissions. Workers' pay is fair, transparent, and equitable. Workers' wages increase with increased skills and experience.

Skills and Career Advancement: Workers have equitable opportunities and tools to progress to future good jobs within their organizations or outside them. Workers have transparent promotion or advancement opportunities. Workers have access to quality employer- or labor-management-provided training and education.

COMMIT TO PROVIDING QUALITY JOBS

Pay Well

Higher wages are an investment in a skilled and productive workforce. Construction projects that pay well attract high-road contractors that employ skilled professionals who perform high quality work, helping projects meet milestones on time and safely, without increasing total costs. Similarly, in manufacturing and other industrial facilities, higher wages attract and retain highly skilled production workers, create a long-standing professional workforce, and provide long term economic benefits to a community.

The Davis-Bacon Act prevailing wage requirements, and living wage calculations can provide the floor for determining fair compensation for high-quality work. Davis-Bacon rates are determined by DOL based on surveys of wages and benefits paid to construction workers in a local area. These rates typically include wages and fringe benefits such as health insurance, pension contributions, and other benefits that are customary for the type of work being performed. For workers that are not covered under Davis-Bacon, a living wage is set to provide workers with a minimum level of economic security and stability by covering basic expenses such as healthcare, education, or saving for retirement. A living wage is substantially higher than the minimum wage set by law. Living wage policies have been implemented by labor unions, community groups, and governments as a way to address poverty and income inequality.

Living Wage

Living wage is calculated based on the cost of living in a particular geographic area, considering the average cost of housing, food, healthcare, transportation, and other necessities.

RESOURCES: Living Wage

- [Massachusetts Institute of Technology \(MIT\) – Living Wage Calculator](#)⁷⁶
A tool that helps estimate the local wage rate that a full-time worker needs to cover the costs of their family’s basic needs in a given location, by county, metro area, or state.
- [National Fund for Workforce Solutions – Job Design Framework](#)⁷⁷
A menu of components to help identify different ways to create quality jobs that are right for employers and workers. These components can also be helpful in defining job quality and setting goals for improvement.
- [DOT – Grant Application Checklist for a Strong Transportation Workforce and Labor Plan](#)⁷⁸
This brief defines the key components of a strong job quality and workforce plan and includes a checklist of considerations for each component.
- [Political Economy Research Institute – Employment Impacts of New U.S. Clean Energy, Manufacturing, and Infrastructure Laws](#)⁷⁹
Analyzes the job creation, job quality, and demographic distribution measures for the policy initiatives under the Inflation Reduction Act, BIL, and the CHIPS Act. The findings—which are summarized in this [executive summary](#)—help reveal sectors and job categories that should be the primary focus of workforce development efforts, while pointing to areas where job quality indicators need improvement and highlighting the need for targeted hiring practices and other tools to expand access for underrepresented workers.⁸⁰

Adherence to the Davis-Bacon Act

The Davis-Bacon and Related Acts (DBRA) require contractors and subcontractors on federal and federally-assisted construction projects to pay their workers no less than the local prevailing wages and fringe benefits for the same type of work within the geographic area. On August 23, 2023, the DOL published the final rule, entitled “[Updating the Davis-Bacon and Related Acts Regulations](#),” in the Federal Register.⁸¹ The updated regulations went into effect on October 23, 2023, and are designed to promote compliance, provide appropriate and updated guidance, and enhance their usefulness in the modern economy.

RESOURCES: Davis-Bacon Act

- [DOL – Final Rule: Updating the Davis-Bacon and Related Acts Regulations](#)⁸²
A list of resources pertaining to the final rule for the DBRA regulations. Among the resources included are a link to the updated regulations, a FAQ document, a DBRA comparison chart showing changes under the final rule, and a small entity compliance guide.
- [DOL – Prevailing Wage Resources](#)⁸³
A collection of resources on prevailing wages, including guidance documents, posters, factsheets, DBRA Certified Payroll Forms, and related laws and regulations.

PROVIDE GOOD BENEFITS

Retirement and fringe benefits help ensure that workers can thrive, both in and outside of the workplace, and contribute to a more stable and prosperous society. Employers are already legally required to provide a range of benefits, including Social Security, unemployment insurance, and workers’ compensation. Employers with 50 or more employees must also provide affordable health insurance and medical leave. In addition to these legally required benefits, employers are free to offer additional benefits—or “fringe benefits”—to attract and retain employees, such as family coverage in health insurance, retirement contribution, life insurance, transportation benefits, tuition and other educational assistance, childcare support, paid leave, caregiving support, predictable schedules, equitable opportunities for advancement, and sick days. High-road benefits can support employer recruitment efforts, motivate existing employees to increase and maintain high performance, and reduce employee burdens. Retirement contributions can also help workers prepare for their future by building savings over time.

RESOURCES: Provide Good Benefits

- [Department of Commerce – CHIPS Workforce Development Planning Guide](#)⁸⁴
The CHIPS Incentives Program leverages public money to implement a high-quality childcare requirement. Manufacturers that apply for over \$150 million of CHIPS direct funding are required to provide childcare access for facility and construction workers. This planning guide includes a section on childcare plans, which outlines the core principles for high-quality childcare and presents options for how companies can provide these benefits to employees.

- [Bright Horizons – The CHIPS Act from Childcare to Training: Your Guide to Meeting and Delivering on Workforce Mandates](#)⁸⁵

This guide helps interpret the requirements of the CHIPS workforce plan—including for childcare, family care, and training and education—and provides guidance on how to create cost-effective programs that meet these requirements while supporting the business plan.

- [Pacific Community Ventures – Good Jobs, Good Business Toolkit](#)⁸⁶

The toolkit is designed to equip small business owners with practical tools and resources to offer high-quality jobs that reflect both the needs of the business and employees. After explaining the business case for quality jobs, the guide walks through key considerations for employee compensation and various benefits.

- [Society for Human Resource Management – 2023 Employee Benefits Survey](#)⁸⁷

This summary distills the results from an annual surveys of employee benefits in the U.S., showing emerging trends in the popularity of various employer-sponsored benefits.

- [Workable – Employee Benefits: A Guide on Common and Best Benefits](#)⁸⁸

This short guide presents an overview of employee benefits, covering the main types of employee benefits and a discussion on which benefits are most valued by employees.

- [Financial Health Network – Using Data and Design to Increase Equity in Employee Financial Health](#)⁸⁹

This brief provides a framework to help employers design and deliver benefits programs that increase equity in employee financial health, a common component of job quality. The guidance centers equity approaches such as broadening access to benefits and introducing benefits targeted to financially vulnerable groups.

AVOID WORKER MISCLASSIFICATION

The Fair Labor Standards Act (FLSA) provides minimum wage and overtime pay protections to nearly all workers in the U.S. Some employers incorrectly treat workers who are employees under this federal law as independent contractors. The Internal Revenue Service [uses three criteria](#) to determine if employees are being misclassified; behavioral control; financial control; and relationship of the parties.⁹⁰ Employers must pay social security, Medicare, and unemployment (FUTA) taxes and withhold their employees' income tax, social security, and Medicare taxes. Independent contractors are responsible for their own taxes.

RESOURCES: Avoid Worker Misclassification

- [Internal Revenue Service – Independent Contractor or Employee?](#)⁹¹

This short brochure describes the differences between independent contractors and employees, in terms of behavioral control, financial control, and relationship of the parties; and highlights the tax implications for both classification of workers.

- [DOL – Misclassification of Employees as Independent Contractors](#)⁹²

This resource page includes a list of documents that can help determine whether an employee has been misclassified as an independent contractor and has been denied benefits and labor standards protections under the FLSA.

CREATE HEALTHY, SAFE, AND SECURE WORKING CONDITIONS

The U.S. Occupational Safety and Health Act guarantees every worker in the United States the right to a safe and healthy workplace. Complying with OSHA rules reduces the risk of injuries, fatalities and toxic exposures and the accompanying risks of litigation, fines and penalties, and reputational damage.

To fulfill the OSHA guarantee, workers must be engaged in the design and execution of all safety and health, workplace violence, and anti-harassment programs. These programs and the worker-led, employer-engaged health and safety committees that manage them, should include a comprehensive analysis and a management plan for all risks. They should also address how a strong safety culture will be built and maintained, how open communication about safety and health and lessons learned will be encouraged, how workers will be protected from harassment and discrimination, how retention rates will be measured, and how all worker and workplace concerns will be addressed.

Signing a collective bargaining agreement gives employers access to the safety and health expertise and experience and training resources of the union(s) that represent their workers. Unions make workplaces safer. [One recent analysis](#) of OSHA inspections of construction sites found that union worksites are 19% less likely to have an OSHA violation and have 34% fewer violations per inspection.⁹³ Expressing knowledge of and commitment to the Contract Work Hours and Safety Standards Act (CWHSSA), and the Occupational Safety and Health Act can demonstrate support for these federal rules. Requiring compliance with CWHSSA ensures that workers are not exposed to unsanitary, hazardous, or dangerous working conditions on federal and federally financed

construction projects. Frequently, workers in the construction industry are subject to overtime hours and the CWHSSA offers an avenue for intervention by the workers if the contractor violates the overtime requirements.

A commitment to healthy, safe and secure working conditions can be shown through:

- **Recognition of and adherence to law:** A written commitment to abide by DBRA, the CWHSSA, the Occupational Safety and Health Act and the FLSA.
- **Action to prevent workplace violence:** A worksite analysis and plan for how workers will collaborate in the design and implementation of a workplace violence recognition and prevention plan.
- **Safety and health training and an ongoing worker-led health and safety committee:** A written commitment to engage workers in the design and implementation of workplace safety and health plans that will be implemented in partnership with a worker-led committee. Specifics can include how hourly workers will collaborate in the design and implementation of any of the following:
 - Safety hazard identification, prevention, and control;
 - Health hazard identification, prevention, and control;
 - Utilizing a hierarchy of controls to identify the inherently safest production practices and products;
- **Prevention of workplace harassment:** A description of how workers will collaborate in the design and implementation of anti-harassment training.

RESOURCES: Create Healthy, Safe, and Secure Working Conditions

- [CDC – Worksite Analysis](#)⁹⁴
A resource for performing a worksite analysis (related to workplace violence prevention), with [additional resources](#) including checklists for worksite records analysis, incident report forms, and various risk assessment tools.⁹⁵
- [European Agency for Safety and Health at Work webpage](#)⁹⁶
A resource for safety and health legislation for the European Agency for Safety and Health at Work. Includes a link to the EU commission’s strategic framework for 2021-2027, EU directives, guidelines, and standards, and specific national legislation.
- [OSHA – Recommended Practices for Safety and Health Programs](#)⁹⁷
A resource from the DOL’s OSHA which employers can use to support their workplaces. Includes a step-by-step guide (explorable by either step order or by specific content), worksheets, and case studies.
- [WorkSafeBC – Health & Safety Programs](#)⁹⁸
A resource for determining if a workplace needs a joint health and safety committee. Also includes some links to specific occupational safety and health guidelines.
- [Maine Department of Labor – Managing Safety and Health](#)⁹⁹
A practical guide for employers to help gauge and manage their safety and health systems.
- [Safety+Health Magazine – Six Tips for Starting a Safety Committee](#)¹⁰⁰
An article detailing 6 different tips for starting a safety committee, which includes a list of 16 states’ various safety committee regulations (states in which employers are required to have a safety and health committee).

- [U.S. Environmental Protection Agency \(EPA\) – Chemical Safety Alert](#)¹⁰¹
An alert issued by the EPA that introduces and explains the concepts and principles of the integration of safe technologies into facility risk management.

ENCOURAGE WORKER EMPOWERMENT AND REPRESENTATION

The 1935 National Labor Relations Act (NLRA) explicitly encourages collective bargaining under the cover of federal law to protect workers’ full freedom of association. The NLRA promotes workplace democracy by providing employees at private-sector workplaces the fundamental right to seek better working conditions and designation of representation without fear of retaliation.

Through the collective bargaining process, workers represented by a union negotiate the terms of their employment with their employer. This includes wages, benefits, hours, health and safety requirements, dispute resolution, and advancement.

RESOURCES: Encourage Worker Empowerment and Representation

- [Princeton University – Influence of high-road labor policies and practices on renewable energy costs, decarbonization pathways, and labor outcomes](#)¹⁰²
This working paper quantifies the relationship between high-road labor practices and the cost and pace of clean energy transitions. The analysis demonstrates that that high-road labor practices—which include local hiring requirements, prevailing wage standards, unionization, gender and racial equity hiring requirements, workforce development and training, and domestic content share requirements—and have minimal effect on the pace of renewable energy deployment and on the total cost of transitioning to a clean energy economy.

- [Mechanical Industry Advancement Fund – Quantifying the Value of Union Labor in Construction Projects](#)¹⁰³
This report analyzes the cost and schedule differences between union labor and non-union labor. The analysis finds that union labor is more productive than open shop labor and that despite the higher average wage rate paid to union labor, projects that employed union labor cost less.
- [Society for Human Resource Management – How Companies Benefit from Partnering with Unions](#)¹⁰⁴
This short article discusses several ways unionized workforces can add value to companies, in addition to providing some tips on how to best engage with unions from a legal and HR perspective.

In addition to the PLAs, CWAs, and Collective Bargaining Agreements described above, specific, measurable actions to encourage worker empowerment and representation can include:

Union Neutrality Agreement

A written pledge or memorandum of understanding (MOU) to remain neutral during any union organizing campaigns. This agreement can include a commitment to refrain from holding captive audience meetings and to allow union organizers to access break rooms or other on-site non-work areas.

RESOURCES: Union Neutrality Agreement

- [DOL – Respecting Workers’ Right to Organize: An Employer’s Guide](#)¹⁰⁵
A guide outlining the basic steps employers can take to respect their workers’ right to organize, with emphasis on neutrality and voluntary recognition.

- [United States Steel Corporation \(USS\) and United Steel Workers \(USW\) – Sample Agreement](#)¹⁰⁶
An agreement, entered between the USS and USW in 2018, which includes a neutrality section describing the company’s position of neutrality in relation to the unionization of its employees (see page 6).
- [DOL – Unions 101](#)¹⁰⁷
A resource designed to answer any questions about what a union is and why they’re important, how to form a union, your rights as a union member, and some other research on the importance of unions.

Card Check

The Intention or willingness to permit union recognition through card check (as opposed to requiring union elections).

RESOURCE: Card Check

- [The Federal Mediation & Conciliation Services \(FMCS\) – Card Check Services](#)¹⁰⁸
The FMCS provides a card check recognition service to employers and unions at no cost. This brochure presents an overview of the card check process and explains the value employers can gain from using FMCS card check services when initiating labor management relationships with a labor organization.

3. BGA RECOMMENDATIONS FOR ADVANCING DIVERSITY, EQUITY, INCLUSION, AND ACCESSIBILITY

ESTABLISH RECRUITMENT, HIRING, AND WORKPLACE PRACTICES THAT WILL SHARE PROSPERITY BROADLY

Preparing a DEIA plan can help applicants create projects that embed inclusion and equity in their design and implementation. A robust DEIA plan ensures that projects support disabled persons and underrepresented groups and businesses and that the impacts on communities are taken into consideration in project design.

The PLAs, CWAs, and Collective Bargaining Agreements described on pages [14](#), [15](#), and [16](#) are all frameworks that can be used to codify DEIA plan components. Without legally binding agreements, DEIA plans can become secondary considerations.

DEIA Plans

A written description of the actions the applicant will take to advance equity, including:

- Fostering a welcoming and inclusive environment;
- Conducting implicit bias training with management and staff;
- Integrating DEIA benchmarks into strategic planning and staff evaluation processes;

- Establishing targets for contracting with businesses and enterprises owned by people of color, woman owned businesses, and veteran owned businesses; and
- Encouraging participation by and partnership with institutions serving disadvantaged communities, Tribal colleges and universities, community-based groups, faith-based organizations, or other entities located in disadvantaged communities.

Local Hire

Local hire benchmarks—often a key feature of CWAs—support the hiring of workers from a specific area.

Targeted Hire

These benchmarks—also a key feature of CWAs—support employing workers from certain communities, which may include women, people of color, veterans, the formerly incarcerated, indigenous people, economically disadvantaged communities, or communities heavily impacted by climate change, pollution, energy transition, or deindustrialization.

Ensure that your use of legally binding agreements, including contractor and subcontractor policies, address the DEIA concerns of the community by including:

- The community benefits to be delivered for disadvantaged communities (as discussed in the Justice40 section);
- Access to jobs and business opportunities for to local residents and underrepresented workers;
- Investments in training for local and underrepresented workers;
- Commitments to pay wages and benefits above the prevailing rates for construction;
- Commitments to pay above-average wages and benefits for manufacturing, operations and maintenance workers;
- Commitments to advanced protections for worker and community health and safety;
- Technical assistance to help community-based organizations more fully participate in the process;
- Commitments to reduce or mitigate local pollution;
- Commitments to contribute to a community-controlled fund for economic development;
- A dispute resolution mechanism; and
- Remedies for non-compliance.

RESOURCES: Establish Recruitment, Hiring, and Workplace Practices that Will Share Prosperity Broadly

- [National Minority Supplier Development Council](#)¹⁰⁹
A business growth engine designed to connect minority business enterprises (MBEs) with corporations, the public sector, and other MBEs with the goal of helping to correct unequal access to wealth-building opportunities.
- [National Employment Law Center – Responsible Contracting: Best Practices Fact Sheet](#)¹¹⁰
Details a collection of sources that cover various aspects of responsible contracting best practices, including proper employee classification, responsible contractor policies, franchisee agreements, etc.
- [UCLA Labor Center – Exploring Targeted Hire](#)¹¹¹
An assessment from 2014 of the best practices in the construction industry. Details the best ways to develop targeted hire initiatives, the impacts of targeted hiring, and an example of two project labor agreement case studies.
- [The Management Center – Equity & Inclusion](#)¹¹²
A repository of tools to help managers center equity and inclusion into the working of managing people. Includes articles on the three dimensions of effective management, mitigating bias, using choice points to advance racial equity and inclusion, etc.
- [NABTU – Apprenticeship Readiness Programs \(ARPs\)](#)¹¹³
The portal for North America’s Building Trades Unions (NABTU) comprehensive apprenticeship readiness programs (ARPs). These programs focus on gaining access for women, people of color, and transitioning veterans to Building Trades’ registered apprenticeship programs. ARPs are administered by state and local Building Trades Councils and they teach NABTU’s nationally recognized Multi-Craft Core Curriculum (MC3).
- [DOL – Building Pathways to Infrastructure Careers: Framework for Preparing an Infrastructure Workforce](#)¹¹⁴
This notice presents a framework and vision for the role of public workforce systems as a strategic partner in supporting pathways to good-paying infrastructure jobs with high-road labor standards. It includes a section on workforce development strategies and a section on engaging underserved populations in high-quality training and workforce pathways.

4. BGA RECOMMENDATIONS FOR IMPLEMENTING JUSTICE40

ENSURE THAT YOUR PROJECT IMPROVES THE LIVES OF DISADVANTAGED COMMUNITIES (DACs) USING JUSTICE40 CRITERIA

Including Justice40 provisions or plans ensure that the federal government can deliver on its mission to deliver at least 40% of the benefits of public investments to disadvantaged communities. Justice40 is a whole-of-government effort to fully recognize communities that have historically been left behind and use federal investments to begin to correct long-standing economic and environmental injustice. The term community is defined in Justice40 as either geographic or people living with a common condition such as migrant workers or Native Americans. A disadvantaged community is measured in census tracts that have been marginalized and overburdened by climate change, energy, health, housing, legacy pollution, transportation, water and wastewater, and workforce development.

Disadvantaged communities include communities geographically near a proposed project and communities directly affected by project construction or operations, including those that are upstream in the supply chain or downstream in the disposal of project waste.

DOE's Community Benefit Plan Template includes these measurable milestones to indicate progress toward Justice40 goals:

- Decrease energy burden (energy costs for low-income households);
- Decrease environmental exposure and burdens;
- Increase access to low-cost capital;
- Increase quality job creation, including the clean energy job pipeline, and job training for individuals (specifically from DACs);
- Increase clean energy enterprise creation and contracting (e.g., minority-owned or diverse business enterprises);
- Increase energy democracy, including community ownership of project assets;
- Increase parity in clean energy technology access and adoption;
- Increase energy resilience.
- Increase climate resilience; and
- Use manufacturing to revitalize [energy communities](#) or deindustrialized communities.¹¹⁵

DOE offers [this chart](#) (printed on the following page) on implementing a Justice40 action plan.¹¹⁶ It emphasizes the importance of identifying metrics with stakeholders. In addition to metric identification, methods to measure and report on these metrics should be negotiated along with the identification of a trusted third party to do the measurement and reporting. The findings must be accessible and comprehensible to all community members.

Justice40 Implementation Plan Elements

Priorities/Goals	Performance Metrics	Process	Coordination
<ul style="list-style-type: none"> Stakeholder/Community engagement Equity and Environmental and Energy Justice Workforce expansions and job development/training 	<ul style="list-style-type: none"> Qualitative metrics Tracking methodology Impact/Savings Systems for reporting and evaluation 	<ul style="list-style-type: none"> Procurement/contracting requirements Capacity building Identify challenges – risk mitigation strategies Identify policies needed to support implementation Non-federal funding support 	<ul style="list-style-type: none"> Other public agencies Public Utility Commission Localities Utilities Legislatures Labor Unions Non-profits Community based organizations MSIs, minority business entities (MBEs), TCUs

The implementation of Justice40 will help ensure that as we are creating millions of good jobs through the investments from new federal legislation, that we are also prioritizing those opportunities in the places that need them most and creating accessible pathways into those jobs and middle-class careers. The following resources can help companies submit successful applications and build successful projects that provide broadly shared prosperity by benefiting investors, management, workers, the community, and the environment.

RESOURCES: Ensure That Your Project Improves the Lives of DACs Using Justice40 Criteria

- [BGA – Hard-Hit Community Deserve Equitable Federal Investments](#)¹¹⁷
 An interactive map of communities impacted by the decline of domestic industrial manufacturing, the energy transition, and disproportionate environmental, economic, and health burdens across the United States. The tool helps demonstrate the potential for clean manufacturing investments to address historical disparities and foster a more equitable economy.

- [DOE – Inflation Reduction Act Energy Community Tax Credit Bonus Map](#)¹¹⁸
 A map displaying two types of energy communities, as defined by the renewable energy tax credits under the Inflation Reduction Act. Specifically, the tool shows census tracts with coal closures, census tracts adjoining census tracts with coal closures, and metropolitan statistical areas (MSA) and non-MSAs that meet the fossil fuel employment threshold and the unemployment rate requirement.
- [DOE – Low-Income Communities Bonus Credit Program Map](#)¹¹⁹
 Maps out U.S. locations that fall within each one of the four designated categories of ‘low-income communities,’ under Internal Revenue Code Section 48(e). These are locations in which a qualified wind or solar facility may be eligible for the Low-Income Communities Bonus Credit.
- [Council on Environmental Quality – Climate and Economic Justice Screening Tool \(CEJST\)](#)¹²⁰
 A geospatial mapping tool that identifies marginalized and overburdened disadvantaged communities across the U.S. to inform Justice40 decision-making.

- [EPA – EJScreen](#)¹²¹
An environmental justice mapping and screening tool that allows users to access and compare high-resolution environmental and demographic information for locations in the United States.
- [Screening Tool for Equity Analysis of Projects \(STEAP\)](#)¹²²
A geographic information system (GIS) project-level screening tool that permits rapid screening of potential project locations in the United States, providing estimates of the socioeconomic characteristics of the resident population.
- [DOE – Creating a Justice40 Initiative Plan](#)¹²³
This guide outlines the foundational steps for addressing energy and environmental justice as part of a Justice40 (J40) Initiative Plan. This includes detailed guidance on: 1) conducting an energy and environmental justice (EEJ) assessment and 2) using the EEJ assessment to create a plan that for maximizing benefits, minimizing disbenefits/harms, and measuring, tracking, and reporting project impacts.
- [EPA – The Health Impact Assessment \(HIA\) Resource and Tool Compilation](#)¹²⁴
A collection of resources for implementing health impact assessments compiled by the EPA. HIAs are a decision-support tool used to examine how a proposed project may impact the health and well-being of local communities.



ENDNOTES

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- 3 U.S. Census Bureau, 2020 Census Results. <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html>
- 4 U.S. Department of Transportation (DOT), HEPGIS Title VI Tool. <https://hepgis.fhwa.dot.gov/fhwagis/buffertool/>
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