

CITY OF LYNNWOOD

COMMUNITY WORKFORCE AGREEMENT

FIRST-TIME USERS GUIDE

PROMOTING PUBLIC POLICY:

LOCAL HIRE

DIVERSITY

JOBS/CAREERS

TARGETED WORKERS

COMMUNITY OUTREACH

RISK MANAGEMENT

LABOR HARMONY

STANDARDIZATION

LYNNWOOD COUNCIL MEMBERS

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M. L. Johnson & Associates, LLC
M. L. Johnson CA, Inc.

Mark Johnson & Gerald Pleasant



M. L. Johnson & Associates, LLC

Mark Johnson and Gerald Pleasant are nationally recognized Labor Relations and Workforce Development consultants with extensive experience and expertise in the field of Public and Private Sector Labor Agreements, focusing on Community Workforce programs that include community outreach, local hire, diversity, training and stakeholder inclusion strategies. Significant national experience in negotiating and administering Project Labor Agreements and Community Workforce Agreements, as well as Community Outreach and Labor Compliance.

Well known as an advocate for those who have traditionally been disadvantaged in finding careers in the skilled trades and working side-by-side with all members of the construction industry to support community-based development programs. Long history of driving public and private sector project efficiencies by cultivating cooperation among all sectors of the contractor community, organized labor, community groups and private and public owners and government entities. Responsible for oversight of labor issues on some of the largest public works projects in the United States, as well as a long history of working within the local contractors, labor, agencies and minority communities in areas in U. S.

Responsibilities have included negotiations, administration, labor/contractor compliance, community outreach and support for work on over one hundred projects with a total value in excess of \$100 billion in both the public sector and private sector environments and in both direct-hire and construction management roles. Extensive experience as an “Owner Representative” and/or “Administrator” of both traditional Project Labor Agreements (PLAs) that included contractor compliance responsibilities (prevailing wage, worker classification, change orders, schedule, safety, etc.), as well as experience with the more progressive Community Workforce Agreements (CWAs) and Community Benefits Agreements (CBAs) that focus on local hire, diversity, training and SBE/DBE.MBE/WBE inclusion.

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WHAT IS A LABOR AGREEMENT?

- **Legal Perspective:** A Labor Agreement is a “pre-hire” collective bargaining agreement between a construction employer and/or Owner/Agency and construction Unions (Building Trades).
- In its simplest form, it is a “**contract**” between the Owner and/or Contractor and Building Trades Unions.
- **Labor Relations Perspective:** A Labor Agreement is a “partnership” between the Owner/Contractor and the Unions to effectively and efficiently build a construction project, have a means to resolve all labor issues and achieve negotiated goals and objectives.
- “Labor Agreements” can be a Project Labor Agreement (PLA) or Community Workforce Agreement (CWA)



LEGAL BACKGROUND

➤ U. S. Supreme Court Case:

- Building & Construction Trades Council v. Associated Builders and Contractors of Massachusetts/Rhode Island, Inc. (“Boston Harbor” 1993)

➤ Nevada State Supreme Court Case:

- ABC, Inc. vs. Southern Nevada Water Authority (1999)

➤ NLRA – Section 8(f): Authorizes “pre-hire” agreements

- Unique, in all other industries, workers decide:
 - If they want to be represented by a Union
 - If so, which Union

➤ NLRA Section 8(e): “Construction Industry Proviso”. Applicable to “site of work”

➤ Topic of Political Debate and Division:

- Republicans oppose – Democrats in favor
 - Executive Orders: Obama EO 13502 & Biden EO 14063 & Trump ?



Historical Timeline of Labor Agreements

- 1930 HOOVER DAM
- 1960 MISSILE SITES COMMISSSION / CAPE CANAVERAL
- 1968 WALT DISNEY WORLD
- 1974 TRANS-ALASKA PIPELINE
- 1989 MASS. WATER RESOURCE AUTHORITY (BOSTON HARBOR)
- 1996 SOUTHERN NEVADA WATER AUTHORITY
- 1999 PORT OF SEATTLE – SEA-TAC AIRPORT
PORT OF OAKLAND VISION 2000
SAN DIEGO WATER AUTHORITY – EMERGENCY STORAGE
- 2003 LOS ANGELES UNIFIED SCHOOL DISTRICT
- 2009 SAN DIEGO SIX – METROPOLITAN WATER AUTHORITY OF L. A.
- 2011 SAN DIEGO UNIFIED SCHOOL DISTRICT
- 2013 COUNTY OF LOS ANGELES – MLK MACC MEDICAL CENTER
- 2015 CITY OF SEATTLE
- 2018 SEATTLE HOUSING AUTHORITY
CITY OF LOS ANGELES – PROPOSTION HHH



COMMUNITY WORKFORCE AGREEMENT AS A “PARTNERSHIP”

- **Benefits:** The “Partnership” is meant to bring a smooth, cost-efficient project to the Parties and to provide training and employment opportunities to Targeted/Priority Workers.
- **Change in Construction “Culture”:** The implementation of a CWA will create a change in the way that the City handles construction projects, in order to benefit its Targeted/Priority Workers.
- **Rights and Responsibilities:** The CWA will define the rights and responsibilities of the Parties.
- **Expectations and Accountability:** The CWA will change the expectations and accountability of the Parties, particularly with the Community and Contractors.



TYPES OF PROJECT LABOR AGREEMENTS (PLAs)

- **Project Labor Agreement (PLA)** is the common name for a variety, or types, of Labor Agreements, as PLAs can be used in a number of ways.
- What it is called is dependent upon its **purpose**.
- **Traditional – Purpose: Risk Management**
 - Project Labor Agreement (PLA)
- **Progressive – Purpose: Promote Public/Corporate Policy***
 - Community Workforce Agreement (CWA)
 - Project Stabilization Agreement (PSA)
 - Community Benefits Agreement (CBA)

* Progressive Labor Agreements also have Traditional components



PURPOSE OF PROJECT LABOR AGREEMENTS

- The main purpose of a “traditional” Labor Agreement, or **Project Labor Agreement (PLA)**, is as a **TOOL** that delivers on the “Risk Management” goals and objective”s of the Owner/Agency:
 - **Traditional PLA: Risk Management**
 - Labor Harmony:
 - No picketing
 - No strikes
 - Standardization of job rules and policies:
 - Starting time
 - Overtime
 - Efficiencies in construction practices
 - Protects Budget and Schedule
 - **Focus on Physical Legacy – Jobs**



PURPOSE OF COMMUNITY WORKFORCE AGREEMENTS

- The purpose of a “progressive” Labor Agreement, or **Community Workforce Agreement (CWA)**, is a **TOOL** that delivers on “Promoting Public or Corporate Policy” goals and objectives of the Owner/Agency:
 - **Progressive CWA: Promotes Public/Corporate Policy**
 - Inclusion and diversity
 - Community Outreach/Local Hire
 - People of color, disadvantaged, etc.
 - Targeted Workers (Women, veterans, etc.)
 - Pre-Apprenticeship
 - Training
 - SBE/MBE/WBE/DBE
 - **Focus on Human Legacy - Careers**



Purpose of Labor Agreements

Project Elements – Progressive View

➤ Labor Agreements as a “tool” for Promoting Public Policy:

Public Policy Elements:

- Workers: Local Hire
- Workers: Disadvantaged
- Workers: Inclusion
- SBE/WBE/DBE/MBE
- Small Business Assistance
- Training
- Veterans
- Environmental

Labor Agreement Provisions:

Zip Codes/Economic Status/Diversity

Targeted Goals

Direct/Preferred Entry

Special Provisions: Carve-outs

Boot Camp-Bonding/Insurance/Payroll/Other

Pre-Apprenticeship & Apprenticeship

Helmets-to-Hardhats

“Emerald Cities Collaborative”



PLA/CWA AS A LEGAL/LABOR COMPLIANCE “TOOL”

➤ Legal/Labor Compliance TOOL:

- Monitors and Enforces:
 - Collective Bargaining Agreement
 - Certified Payroll
 - Prevailing Wage
 - Davis-Bacon
 - Worker Classification
 - Wages & Benefits
 - Drug Testing
 - Craft Jurisdiction
 - Grievances
 - Local Hire
 - Targeted Workers (Women, Veterans, etc.)



CURRENT CONSTRUCTION LABOR ISSUES

➤ National:

■ Labor Disruption:

- 255 strikes in 2021 – 309 in 2025
- 100,000+ workers on strike (2021) – 290,000 (2025)
- Unions “emboldened”

■ Inter-Union Political Issues:

- Carpenters Withdrawal from Building Trades

■ Craft Availability:

- 92% of Contractors report worker shortage

■ **JURISDICTION**

- Jurisdictional Dispute Resolution (The “Plan”)
- Past: Craft vs. Contractor
- Current: Craft vs. Craft



COMMUNITY WORKFORCE AGREEMENT KEYS TO SUCCESS - ADMINISTRATION

➤ Successful Community Workforce Agreements:

- 10% - Negotiated terms and conditions
- 90% - Administration: Relationship with project participants

➤ Successful Administration:

- Labor Relations is all about “**RELATIONSHIPS**”
- Be **PRO-ACTIVE** with Labor and Contractors, not reactive
- Engage and include Community Groups
- Focus on “**partnership**” with all parties



COMMUNITY WORKFORCE AGREEMENT KEYS TO SUCCESS – ADMINISTRATION (cont'd)

➤ Purpose of Administration:

- PROTECT OWNER/AGENCY:
 - Mitigate Exposure: (i. e. Worker's charges, etc.)
- Ensure Goals and Objectives of CWA are achieved:
 - Priority Hire:
 - Local Residents
 - Minority/Disadvantaged
 - Women
 - Veterans
- Informally Mediate:
 - Grievances
 - Jurisdictional Disputes



COMMUNITY WORKFORCE AGREEMENT KEYS TO SUCCESS – ADMINISTRATION (cont'd)

➤ Purpose of Administration (cont'd):

- Monitor Compliance:
 - Wage/Benefits
 - Worker Classification
 - Drug Tests
 - Orientation
- Mentor Project Participants New to CWA:
 - Owner/Agency
 - Non-Signatory Contractors
 - SBE/MBE/WBE/DBE
 - Community Groups



CWA ADMINISTRATION RESPONSIBILITIES

➤ Community Benefits Agreement Administrator:

- **Manages Labor Issues:**
 - Interprets CWA
 - Monitors labor issues
 - Enforces Agreement
- **Single point of contact – assists all project participants**
- **Labor Relations:**
 - Letters of Assent
 - Pre-job meetings
 - Informally mediates issues between all project participants



City of Lynnwood Community Workforce Agreement

POLITICAL ISSUES

➤ Non-Union/Open Shop

- Market Share
- Impact on bids
 - Number
 - Price
- Threshold Levels (\$0 - \$1,000,000)
- Union project rules
- Union jurisdiction rules
- Union benefit funds
- “Core” employees



City of Lynnwood Community Workforce Agreement

POLITICAL ISSUES

➤ Union

- Priority training and hiring for local residents
 - Targeted/Priority Workers
- Labor Harmony
- Excellent training and apprenticeship programs
- Reduction in wage theft and misclassification
- Benefit Programs:
 - Health & Welfare
 - Pension
- Increased opportunity to “careers”



City of Lynnwood Community Workforce Agreement

POTENTIAL LOCAL ISSUES

➤ Regional Approach:

- City of Lynnwood – City of Edmonds – City of Montlake Terrace

➤ Public/Private Options:

- Legal Means to Encourage Private Projects to Participate

➤ Local School Pre-Apprenticeship:

- Vocational Programs – High School Participation

➤ Non-Union Contractors:

- Small Contractors – Number of Core Employees
- Benefits: Health & Welfare & Pension (City Standard?)



Question and Answer Section

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