



IBEW

International Brotherhood of Electrical Workers • Local Union 11

"Representing Electrical Construction and Municipal Workers across Los Angeles County"

MARVIN KROPKE

Business Manager

Financial Secretary



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California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512
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California Energy Commission

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**RE: Comments on Proposition 39 – California Clean Energy Jobs Act 2013
Program Implementation Draft Guidelines Docket Number 13-CCEJA-1**

Thank you for hosting public meetings on the Proposition 39 Implementation Draft Guidelines and for providing my office with the opportunity to submit comments. The International Brotherhood of Electrical Workers Local Union 11 (IBEW Local 11) represents over 11,000 workers in Los Angeles County. Our Electrical Training Institute is also the largest electrical training facility in North America, and provides a wide variety of energy efficiency and renewable energy in-class and hands-on training opportunities (<http://www.laett.com/>). We look forward to partnering with the State of California and local education agencies to reduce energy consumption, to create quality career opportunities, and to ensure full public accounting of Proposition 39 funds. We have reviewed the Draft Guidelines and have included our comments and recommendations below.

We are very concerned that the draft guidelines do not contain a requirement for local education agencies (LEAs) to provide reports on actual job creation, job training, and apprenticeship outcomes. The draft guidelines directs that LEAs only use Exhibit G, which is a general jobs projection calculator, and does not measure the actual numbers and quality of jobs generated as a result of Proposition 39 investments. Thus, the draft implementation guidelines are not in compliance with the goals and intentions of Prop 39 and SB 73. LEAs should require contractors to submit online certified payroll reports for each worker employed on a project that receives Proposition 39 funds. At a minimum, these reports should include: 1) Scope of work for the contract being performed; 2) Job classification by trade, craft, and prevailing wage category; 3) Job classification by journey level or apprentice

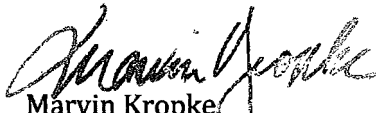
level; 5) Hourly rate of pay; 5) Number of hours worked per week; and 6) Zip code of worker residence.

- 1) An online labor compliance reporting system such as LCP Tracker should be used to ensure transparency, consistency, and accuracy across LEAs in California. Construction contractors who have performed public works projects are already familiar with submitting certified payroll records, and allowing these contractors to submit and certify their payrolls online will make it easier for contractors to submit these records. An online certified payroll system will also help to streamline the reporting requirements across the state while also ensuring that the payroll records are easily searchable and reportable.
- 2) Funding to set up & implement the online certified payroll system should come from the \$28 million technical assistance funds already allocated by SB 73. The costs of setting up such an online certified payroll system are relatively small compared to the efficiencies in implementation, compliance, and reporting that the system can generate. This would be a great technical assistance tool for LEAs to be able to utilize since not all LEAs have a sophisticated labor compliance program that can meet the reporting requirements in Proposition 39 and Senate Bill 73.
- 3) In order to ensure high accountability (one of the three goals of Prop 39), access to the data generated by the online certified payroll system should be accessible to the public, or at least to a broader set of compliance groups. Some information can still be redacted to protect privacy.
- 4) There is mention of a Citizens Oversight Committee, but there are very vague details on how this committee will be selected and operate. There is currently no place on the committee for someone with a strong background in workforce development, such as a labor representative. We strongly recommend that such a workforce expert should be on that committee since one of the three goals of Prop 39 is quality job creation. The expertise regarding quality job creation must be well represented on the Citizens Oversight Committee.
- 5) In addition, the guidelines ignore Proposition 39's mandate that funds for energy efficiency retrofits for public schools also include funding for "related improvements and repairs that contribute to reduced operating costs and improved health and safety conditions." Due to years of budgets shortfalls, classrooms across the state have insufficient ventilation and lighting, and harmful levels of toxins and irritants that not only impede the learning process but threaten the long term well-being of millions of students. Studies have shown that improved indoor environmental conditions can reduce illnesses by up to 40 percent and can lead to a 36-point increase in California

Academic Performance Index scores. The Guidelines should be revised to incorporate this mandate and to include Proposition 39's provision that non-energy benefits, such as those pertaining to health and safety, shall be considered when calculating the total project benefits.

We hope that the California Energy Commission will consider and act on our comments, which we believe will lead to high levels of success for energy efficiency, quality job creation, and public accountability across local education institutions in the state. Please do not hesitate to reach out to my office with additional questions and discussions points. You can contact Dick Reed, Senior Assistant Business Manager, at reed@joinlocal11.org or by phone at 626-243-9700.

Sincerely,



Marvin Kropke
Business Manager

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