



STATE-BASED POLICIES TO BUILD A CLEANER, SAFER, MORE EQUITABLE ECONOMY

A Policy Toolkit



The BlueGreen Alliance **unites America's largest labor unions and its most influential environmental organizations** to solve today's environmental challenges in ways that create and maintain quality jobs and build a stronger, fairer economy.

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INTRODUCTION

CRAFTING STATE POLICY THAT REBUILDS A CLEANER, SAFER, MORE EQUITABLE ECONOMY

Right now, in legislative chambers across the country, lawmakers are making decisions every day about how our nation will address the economic devastation caused by the COVID-19 pandemic, which has exacerbated economic and social inequities in the U.S. At the same time, decisionmakers are putting forward policies to fight climate change—from clean energy standards to energy efficiency investments to aiding workers and communities impacted by shifts in their state’s energy mix—that are important to creating a healthier, more resilient future.

While the transformation of the global economy toward a cleaner economy offers unprecedented job growth opportunities—including many that could benefit communities affected by the pandemic—the reality is that to date, not enough of the new jobs that have been created in the clean economy are high-quality, family-sustaining jobs. Climate policies that do not take into account their impact on workers, communities, and the larger economy suffer twin liabilities: they are much less likely to pass without the support of the people most directly affected, and if enacted without regard to income and racial inequality they will only exacerbate current trends, leaving middle class workers vulnerable to economic crises and disruptions.

Strong climate policies can provide a critical piece of the nation’s economic recovery from the COVID-19 pandemic, but only if these policies create good, union jobs that build pathways into the middle class. Smart climate policies can help to build high-wage, safe, family-supporting jobs directly, but they can also form the foundation of a rebuilt and reenergized manufacturing economy in the United States. Rather than let other countries around the world seize new markets created by a climate-smart future, policymakers can act now to ensure that American manufacturing

continues to lead the global economy in cutting edge technologies that reduce emissions, generate clean energy, build the next generation of advanced vehicles and transportation systems, and rebuild the crumbling infrastructure that has left our water systems, roads, and bridges vulnerable to climate impacts.

In June 2019 the BlueGreen Alliance released a historic platform, *Solidarity for Climate Action*, centered on the core belief that Americans do not have to choose between good jobs and a clean environment—they can and must have both.¹ The platform presents a plan to simultaneously address the dual crises of climate change and economic inequality. Decisions made at state legislatures across the country are crucial to achieving that goal.

This toolkit provides examples of forward thinking policies that help to achieve that goal in a variety of ways, including: (1) measures that ensure the jobs created in the clean economy are local, good-paying, union jobs and that build pathways to these good-paying jobs and careers for all Americans; (2) examples of how states can ensure workers are protected from COVID-19; (3) policies that help to rebuild domestic manufacturing; (4) measures to build a low-carbon, low-toxicity economy with safe and healthy workplaces and communities; and (5) the tools and resources communities need to transition to this new, cleaner economy. The toolkit will be issued in phases, beginning with the publication of this document on labor and workforce standards. We anticipate that the next phase of the toolkit, on policy measures to build safe and healthy workplaces and communities for a low-carbon economy, will be available in July 2020, followed by the third phase on domestic manufacturing and procurement in the fall of 2020, and the final phase in the last quarter of 2020.

Each section provides an overview of implemented and proposed policies from states across the country. These best practice policies can be mixed and matched with policies and investments to improve job quality and opportunity, worker and community safety, adequate workforce training for the jobs of today and tomorrow, and a transition for workers and communities impacted by the changing energy landscape. Examples of representative policy concepts have been included in each section as illustrative examples, but should not be understood as a BlueGreen Alliance endorsement of any particular piece of legislation.

Building a cleaner, fairer economy with products and materials made in the United States is an ideal that can and should transcend political lines. We urge BlueGreen Alliance partners, allies, and policymakers alike to use this resource to advance the creation of good, union jobs through climate and environmental solutions.

Why it Matters

As the COVID-19 pandemic rages through the country, it has become increasingly clear that communities have not been affected equally by the virus. Hospitalizations and deaths have been concentrated in communities of color and low-income communities. In Milwaukee County, Wisconsin, African Americans made up 26% of the overall population, but a staggering 80% of its deaths from COVID-19.² In New York City, the highest concentrations of COVID-19 cases have been in low-income communities.³ Both of these patterns have been replicated across the country, and because of these trends, the devastating loss of jobs from the pandemic has also been concentrated among communities of color and low-income communities.⁴

When the country begins to rebuild from this tragedy, we face a stark choice: rebuild a fairer and more equitable economy, or rebuild the same economy that exposed so many to danger and death. Unionization and fair labor standards are the best proven tools to address the inequities that left so many without sick leave, without income to insulate them from crises, and without the leverage to resist their employers demands to work without personal protective equipment. Labor standards and unionization address these inequities head on. Wages and access to benefits in states that support strong unions are higher across the board than in states with so-called “Right to Work” policies.⁵ Union jobs on the whole pay better, have better benefits, and are safer than non-union jobs,⁶ making unionized workers more equipped to weather significant disruptions such as the COVID-19 pandemic. Non-union workers, on the other hand, are much less likely to have sick days and access to health care,⁷ which directly exposes those workers to illness and death while also facilitating a faster spread of the coronavirus.⁸

As union membership has declined in recent decades, driven by regressive policies to enhance corporate power, income inequality has soared. But despite the concerted efforts to hamper the ability of workers to effectively organize, public support for unions is at a fifty-year high,⁹ and almost half of all workers would vote to create a union in their workplaces tomorrow if they had the chance.¹⁰ Policies that create good, union jobs are a popular and powerful force to reduce the income inequality that has left the American middle class vulnerable to economic disruptions.

The ability of good, union jobs to reduce inequality is particularly true for communities of color, immigrants, and women, who see even more benefits from union membership. For these workers that have historically been shut out of access to good jobs in the United States, union membership narrows pay gaps and reduces workplace discrimination. White workers see wage increases of 9% from union membership; Black workers see wages rise by 19%, and Latinx workers see pay rise 40%. Similarly, access to health



insurance for male workers increases by 25 percentage points; for women workers it increases 32 percentage points.¹¹

Additionally, union workers who blow the whistle on unlawful practices, such as an employer’s insistence that a worker report to work in a dangerous environment, can do so with confidence that their union will protect them from retribution. Overall, access to good, union jobs is a critical tool for fighting inequality in the American economy, and an absolutely vital one to ensure that our recovery lifts up those most affected by the coronavirus. A labor-led clean economy has the potential to create jobs across many sectors and provide pathways to family-sustaining jobs for all Americans. Offshore wind development, for example, can create jobs varying from steel and iron workers, to electricians, operations and maintenance professionals, and construction workers.¹²

But the impacts of high-quality, union jobs go beyond the purely economic realm.

Union membership, particularly through very successful joint labor-management apprenticeship programs,¹³ entails a very high standard of labor quality, producing better results on the ground in terms of project performance. Energy efficiency installations done by a highly skilled and trained workforce, for instance, are more effective at actually conserving energy than installations done by lower-skilled workers.¹⁴ Job sites that use lower skilled workers, on the other hand, experience project delays and difficulties adhering to safety regulations.¹⁵

MAKING CLEAN ECONOMY JOBS GOOD, UNION JOBS

As the gap between working Americans and the rich grows wider and global temperatures continue to rise, Americans are understandably increasingly concerned about climate change and economic inequality. Both of these issues require bold and immediate action, but luckily the solutions needed to succeed are as intrinsically linked as the problems themselves.

The Intergovernmental Panel on Climate Change (IPCC) has determined that fighting climate change will “require rapid, far-reaching and unprecedented changes in all aspects of society,” but also that those changes “could go hand in hand with ensuring a more sustainable and equitable society.”¹⁶ We know that efforts to address climate change can create jobs, because they already do.

In 2018, nearly 3.3 million American workers were employed in energy efficiency, solar, wind, advanced and electric vehicles, and other segments of the clean economy.¹⁷ However, not enough of the new jobs that have been created or promised in the clean economy are the kind of high-quality, family-sustaining jobs that too many Americans are in desperate need of right now. Only 4% of jobs in the solar PV industry, a sector that includes jobs in the manufacture, distribution, installation, and maintenance of solar PV power generation, are unionized jobs.¹⁸

This disconnect—between the *potential* job opportunities of a clean energy economy and the actual *realities* of those jobs—have made many labor interests reluctant to embrace clean energy. Unions affected by the decline of coal-fired power, for instance, have “yet to see evidence that the clean energy industry will replace the number and quality of jobs associated with utility-owned power plants.”¹⁹ It is imperative that smart policies be enacted to ensure that the jobs being created are good, union jobs.

To that end, the following toolkit provides information on a series of policies and measures, including Project Labor Agreements (PLAs), Prevailing Wage and Worker Benefits, Local Hire and Targeted Hire measures, and Organizing Rights and Negative Determination that can be used to ensure the creation of good, union jobs in the clean economy.





POLICIES TO ENSURE THESE ARE GOOD JOBS

PROJECT LABOR AGREEMENTS

Project Labor Agreements (PLAs) are collective bargaining agreements covering all of the craft workers on a construction project. Because they provide comprehensive guidance and set mutual expectations for large projects, they are considered the gold standard of labor provisions by most building trades unions. Widespread adoption of PLAs can help union contractors find work, and win support for projects from building trades unions. Additionally, PLAs help ensure that projects are completed on time and on budget by highly trained workers, protecting taxpayer investments and resulting in better project outcomes.

PLAs set the stage for projects by making clear the basic terms and conditions of employment for everyone involved in the project: the public sector employer, contractors and subcontractors, and the labor force.

When a state government is planning a project, PLAs can be made a condition of being awarded a contract, requiring the contractor to sign the negotiated PLA with the relevant union organizations before being hired. While requiring union labor is typically preempted by the National Labor Relations Act (NLRA), PLAs are a statutory exception.²⁰

By conducting all collective bargaining prior to the start of construction, PLAs can help attract and retain more skilled workers who do higher quality work and avoid delays and bid overruns, protecting taxpayer money and ensuring better project outcomes.

Community Workforce Agreements (CWAs) are similar in nature to PLAs but can be more expansive in scope, often including community organizations as signatories. Sometimes CWAs are negotiated with both union and community partners. Reflecting these broadened community concerns, CWAs “go well beyond the traditional experience and use of PLAs” to “explicitly address the legitimate needs and interests of urban communities that have historically been excluded from the benefits of economic development.”²¹ In addition to the collective bargaining aspects of a PLA, CWAs frequently include local hire provisions, targeted hire of low-income or disadvantaged workers, and the creation of pre-apprenticeship pathways for careers on the project.



Example Statutory Language for Project Labor Agreements

Colorado: The [Colorado PUC Reauthorization Act](#) establishes the criteria by which the Public Utilities Commission (PUC) reviews utility decisions to acquire new energy resources. Section 40-2-129 of that Act directs the PUC to evaluate proposals for new energy construction based on objective project employment metrics: the “availability of training programs, including training through [registered] apprenticeship programs ...; employment of Colorado labor as

compared to importation of out-of-state workers; long-term career opportunities; and industry standard wages, health care and pension benefits.” The PUC is prohibited from approving any resource plan or acquisition that does not provide the requested information about the employment metrics provided by the new energy resource. This requirement is waived, however, “if a utility agrees to use a project labor agreement for construction or expansion of a generating facility.”

Other workforce provisions:

Prevailing Wage, Apprenticeship Utilization, Local Hire

Connecticut: In 2019, Connecticut passed a bill authorizing the state to purchase up to 2,000 MW (30% of the state’s total load) of new offshore wind energy, and directed state agencies to begin the process of soliciting bids from offshore wind developers. In setting the requirements for developers to participate in the bid solicitation process, section 1(a)(2) of the Act states that the “the commissioner shall include requirements for contract commitments in selected bids that ... require selected bidders to engage in a good faith negotiation of a project labor agreement,” and requires that “[a]ny solicitation issue pursuant to this section shall specify the minimum terms that such project labor agreements shall address.”

Other workforce provisions: Prevailing Wage and Worker Benefits

Maryland: Maryland’s Clean Energy Jobs Act established a Clean Energy Workforce Account, funded from the Strategic Energy Investment Fund, to provide grants to support workforce development programs that provide pre-apprenticeship and apprenticeship training in the clean energy industry. Under section 11-708.1(D)(2) of the Labor and Employment Article, in order to be eligible for a grant, a program must first “initiate a project labor agreement.”

The bill also opened an application period for up to 1,200 MW of new offshore wind projects and established a process for regulatory review of project proposals. This portion of the bill, codified at Public Utilities Article section 7-704.1,



requires any approved project to use a “Community Benefit Agreement,” which the bill defines as an agreement that “1. promotes increased opportunities for local businesses and small, minority, women-owned, and veteran-owned businesses in the clean energy industry; 2. ensures the timely, safe, and efficient completion of the project by facilitating a steady supply of highly skilled craft workers who shall be paid not less than the prevailing wage rate determined by the commissioner of labor and industry ... ; 3. promotes safe completion of the project by ensuring that at least 80% of the craft workers on the project have completed an occupational safety and health administration 10-hour or 30-hour course; 4. promotes career training opportunities in the construction industry for local residents, veterans, women, and minorities; 5. provides for best efforts and effective outreach to obtain, as a goal, the use of a workforce including minorities, to the extent practicable; and 6. reflects a 21st-century labor-management approach based on cooperation, harmony, and partnership.”

Other workforce provisions: Apprenticeship Utilization, Prevailing Wage and Worker Benefits, Targeted Hire

Oregon: The Clean Energy Jobs bill, yet to pass the state legislature, would establish a carbon cap and auction system for emitters to purchase carbon credits. The revenues from the auction would fund various climate mitigation and adaptation projects. Section

50 of the bill directs the Department of Administrative Services to adopt model rules specifying “labor, workforce and contracting procedures for state agencies to use in administering funds for construction projects that receive more than \$50,000 in funding from moneys in the Climate Investments Fund or the Transportation Decarbonization Investments Account.” These rules “shall require[] the use of a project labor agreement for construction projects that receive more than \$200,000 in funding” from these accounts.

Other workforce provisions: Apprenticeship Utilization, Prevailing Wage and Worker Benefits, Targeted Hire, Organizing Rights and Negative Determination

Washington: Section 18 of the 2019 Clean Energy Transformation Act establishes a 100% sales tax exemption for renewable energy projects “if the [D]epartment of [L]abor and [I]ndustries certifies that the project is developed under a community workforce agreement or project labor agreement.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Local Hire, Targeted Hire, Apprenticeship Utilization, Organizing Rights and Negative Determination

PREVAILING WAGE AND WORKER BENEFITS

Prevailing Wage establishes a wage floor for each occupation that all contractors on a project must pay at or above—typically set to reflect the average or market wage for a given type of work in a given area. Similar to PLAs, in practice prevailing wage policies are generally limited to workers employed in the construction industry. Many state and local governments establish a prevailing wage for public works projects, and at the federal level, the Davis-Bacon Act establishes prevailing wage rates for federal construction projects. Requirements or incentives for contractors to pay the prevailing wage can be extended to privately developed projects such as new power generation facilities.

Worker benefits requirements are functionally similar to prevailing wage, setting a minimum standard for health, retirement, and other benefits that must be given to workers on a project. Benefits requirements are often added to prevailing wage provisions to make them even stronger.

Benefits:

- Higher wages and benefits on a given project can attract high-road contractors employing skilled professionals who perform high-quality work, helping projects meet construction milestones on-time and safely, without increasing total construction costs.²²
- Higher wages and benefits can have long-term economic benefits to a community and create a long-standing professional workforce for future projects.
- The prevailing wage is often similar to the wage negotiated by union contractors, which eliminates a bid advantage for low-road nonunion contractors with cheap labor costs and creates a level playing field for contractors seeking to participate in Requests for Proposals (RFPs).

- Benefits requirements make it even harder to for low-road nonunion contractors to win bids; while these contractors may be able to raise pay exclusively for prevailing wage projects, setting up an entire benefit structure is often prohibitive.

Example Statutory Language for Prevailing Wage

Colorado: Section 7 of 2019's [PUC Reauthorization](#) bill modified the criteria by which the state PUC would evaluate new electricity generation acquisitions or permit applications and directed the PUC to consider “best value” employment metrics, which include the payment of “industry-standard wages” for the project. The Commission is prohibited from approving “any electric resource plan, acquisition, or power purchase agreement that fails to ... provide the best value employment metrics documentation specified” in the RFP or certify compliance with those metrics. This prohibition does not apply “if a utility agrees to use a project labor agreement for construction or expansion of a generating facility.”

Other workforce provisions: Project Labor Agreements, Local Hire, Apprenticeship Utilization

Connecticut: In 2019, Connecticut [passed a bill](#) authorizing the state to purchase up to 2,000 MW (30% of the state's total load) of new offshore wind energy, and directed state agencies to begin the process of soliciting bids from offshore wind developers. In setting the requirements for developers to participate in the bid solicitation process, section 1(a) (2) of the Act states that “the commissioner shall include requirements for contract commitments in selected bids that ... require payment of not less than the prevailing wage, as described in section 31-53 of the general statutes, for laborers, workmen, and mechanics performing



construction activities within the United States with respect to the project.”

Other workforce provisions: Project Labor Agreements

Maryland: Maryland’s [Clean Energy Jobs Act](#) opened an application period for up to 1,200 MW of new offshore wind projects and established a process for regulatory review of project proposals. Codified at Public Utilities Article section 7-704.1, the bill requires any approved project to use a “Community Benefit Agreement,” which the bill defines as an agreement that, among other things, “ensures the timely, safe, and efficient completion of the project by facilitating a steady supply of highly skilled craft workers who shall be paid no less than the prevailing wage rate determined by the commissioner of labor and industry.”

Other workforce provisions: Project Labor Agreements, Apprenticeship Utilization, Targeted Hire

Oregon: The [Clean Energy Jobs](#) bill, yet to pass the state legislature, would establish a carbon cap and auction system for emitters to purchase carbon credits. The revenues from the auction would fund various climate mitigation and adaptation projects. Section 50 of the bill sets requirements for construction projects receiving more than \$50,000 in from the Climate Investments Fund or the Transportation Decarbonization Investments Account, directing the primary contractor to “pay the prevailing rate of wage for an hour’s work in the same trade or occupation in the locality where the labor is performed” and to “offer health care and retirement benefits to the employees performing the labor on the construction project.”

Other workforce provisions: Apprenticeship Utilization, Targeted Hire, Organizing Rights and Negative Determination, Project Labor Agreements

Washington: Section 18 of the 2019 [Clean Energy Transformation Act](#) establishes a 75% sales tax exemption for renewable energy projects that “compensate[] workers at prevailing wage rates determined by local collective bargaining as determined by the department of labor and industries.”

Other workforce provisions: Local Hire, Targeted Hire, Apprenticeship Utilization, Organizing Rights and Negative Determination, Project Labor Agreements

LOCAL HIRE

Local Hire provisions mandate or incentivize the hiring of workers on a project from within the state or community where the project takes place. Without this provision, developers often bring in work crews from out of state to do the work and then leave. Local hire provisions may mandate a certain percentage of local workers be used for certain projects, they may offer incentives for projects that hire local workers, or they may simply require developers to consider local employment impacts alongside other benefits of projects being evaluated. Hiring from local communities can be effectively prioritized or incentivized by state law, as in the examples below, but it is also frequently required by CWAs or PLAs that cover particular projects or facilities.

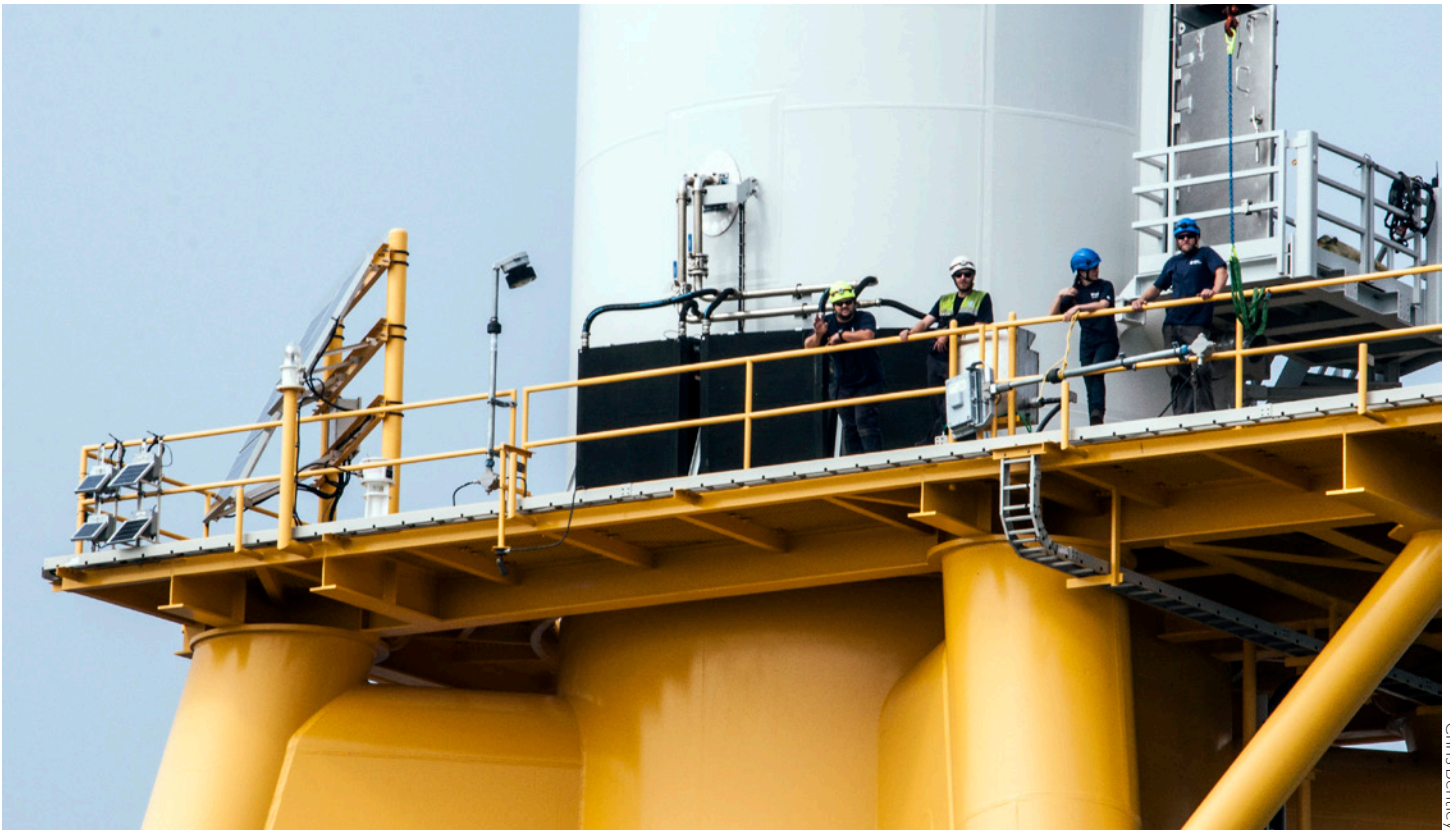
Benefits:

- Local Hire can create jobs and generate economic activity within the state that funded or otherwise enabled the project. This impact is quite large; in Minnesota, studies show that use of a 10%-30% local workforce to build 1.4 GW of new wind projects would generate \$41 to \$57 million in local economic activity.²³ This impact of course increases alongside the percentage of local hires.
- Induced economic activity may expand tax revenue for the state as more money is likely to be spent locally, partially recuperating the cost of the project.
- In states with a high union density, jobs are more likely to go to union workers than if the workforce is brought in from out of state.
- Non-union workers from in state may be easier for building trades unions to organize than out-of-state workers.

Example Statutory Language for Local Hire Provisions

Colorado: The [Colorado PUC Reauthorization Act](#) establishes the criteria by which the PUC reviews utility decisions to acquire new energy resources. Section 40-2-129 of that Act directs the PUC to evaluate proposals for new energy construction based on objective project employment metrics: the “availability of training programs, including training through [registered] apprenticeship programs ...; employment of Colorado labor as compared to importation of out-of-state workers; long-term career opportunities; and industry standard wages, health care and pension benefits.”

Other workforce provisions: Project Labor Agreements, Prevailing Wage and Worker Benefits, Apprenticeship Utilization



Chris Bentley

Maryland: Section 1 of Maryland’s 2013 [Offshore Wind Energy Act](#) established a process for processing applications for new offshore wind projects, requiring that all applications include a “detailed input output analysis of the impact of the offshore wind project on income, employment, wages, and taxes in the state with particular emphasis on in-state manufacturing employment.”

Other workforce provisions: N/A

Minnesota: Minnesota’s [Clean Energy First](#) bill, currently under consideration for the 2020 session, has several provisions designed to incentivize the hire of local workers for new renewable energy development. Article I, section 8 of the bill defines “local workers” as “workers employed to construct and maintain energy infrastructure that are Minnesota residents, residents of the utility’s service territory, or who permanently reside within 150 miles of a proposed new or refurbished energy facility.” The bill creates a preference for local job creation in Article I, section 10, stating that “the [public utilities] commission must consider local job impacts and give preference to proposals that

maximize the creation of construction employment opportunities for local workers, consistent with the public interest, when evaluating any utility proposal that involves the selection or construction of facilities used to generate or deliver energy to serve the utility’s customers, including but not limited to a certificate of need, a power purchase agreement, or commission approval of a new or refurbished electric generation facility.” The bill would also allow utilities to recover expenses incurred “to employ local workers to construct and maintain generation facilities that supply power to the utility’s customers.”

Other workforce provisions: N/A

Virginia: The [Virginia Clean Economy Act](#) directs state utilities to build up to 5,200 MW of new offshore wind projects. The bill, modifying state statute section 56-585.1:11, requires utilities building these new projects to submit to state regulators a plan “for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital

investments and job creation; ... and giving priority to the hiring, apprenticeship, and training of veterans, ... local workers, and workers from historically economically disadvantaged communities.”

Other workforce provisions: Apprenticeship Utilization, Targeted Hire

Washington: Section 18 of the 2019 [Clean Energy Transformation Act](#) establishes a 50% sales tax exemption for renewable energy projects that include: “Procurement from and contracts with women, minority, or veteran-owned businesses; procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations; apprenticeship utilization; and preferred entry for workers living in the area where the project is being constructed.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Targeted Hire, Apprenticeship Utilization, Organizing Rights and Negative Determination, Project Labor Agreements

TARGETED HIRE

Targeted Hire provisions— often a key feature of CWAs—mandate or incentivize the hiring of workers on a project from certain communities, which may include women, minorities, veterans, the formerly incarcerated, indigenous people, economically disadvantaged communities, communities heavily impacted by climate change or climate change policies, and many others. These communities may be targeted through contracting requirements, hiring requirements, or the use or establishment of pre-apprenticeship programs. Ideally, these provisions establish long-lasting pipelines for members of disadvantaged communities to access good jobs and careers in the clean economy. Similar to Local Hire provisions, Targeted Hire requirements can be included in state law, as in the examples below, but is also a frequent provision of Community Workforce or Community Benefit Agreements negotiated for a particular project.

Benefits:

- These provisions can advance diversity, justice, and equity goals in the clean economy.
- These provisions can bring environmental and economic justice groups into the coalition advocating for a policy.
- Pre-apprenticeship programs in particular can help build alliances between environmental and economic justice groups and building trades unions.
- Targeted Hire provisions help build the workforce base for construction jobs in the clean energy economy, which is currently facing a generational wave of retirements.

Example Statutory Language for Targeted Hire Provisions

California: In 2018, the California PUC issued a [decision](#) implementing the “responsible contractor” provision of the 2015 Clean Energy and Pollution Reduction Act. That decision directs all energy efficiency program administrators to propose a common indicator to track participation of disadvantaged workers in all programs. The order defines “disadvantaged worker” as “an individual that meets at least one of the following criteria: lives in a household where total income is below 50 percent of Area Median Income; is a recipient of public assistance; lacks a high school diploma or GED; has previous history of incarceration lasting one year or more following a conviction under the criminal justice system; is a custodial single parent; is chronically unemployed; has been aged out or emancipated from

the foster care system; has limited English proficiency; or lives in a high unemployment ZIP code that is in the top 25 percent of only the unemployment indicator of the CalEnviroScreen Tool.”

Other workforce provisions: N/A

Maryland: The Maryland [Clean Energy Jobs Act](#) opened an application period for up to 1,200 MW of new offshore wind projects and established a process for regulatory review of project proposals. Codified at Public Utilities Article section 7-704.1, the bill requires any approved project to use a “Community Benefit Agreement,” which the bill defines as an agreement that “1. promotes increased opportunities for local businesses and small, minority, women-owned, and veteran-owned businesses in the clean energy industry; 2. ensures the timely, safe, and efficient completion of the project by facilitating a steady supply of highly skilled craft workers who shall be paid not less than the prevailing wage



rate determined by the commissioner of labor and industry ... ; 3. promotes safe completion of the project by ensuring that at least 80% of the craft workers on the project have completed an occupational safety and health administration 10-hour or 30-hour course; 4. promotes career training opportunities in the construction industry for local residents, veterans, women, and minorities; 5. provides for best efforts and effective outreach to obtain, as a goal, the use of a workforce including minorities, to the extent practicable; and 6. reflects a 21st-century labor-management approach based on cooperation, harmony, and partnership.”

Other workforce provisions: Apprenticeship Utilization, Prevailing Wage and Worker Benefits, Project Labor Agreements

Oregon: The [Clean Energy Jobs](#) bill, yet to pass the state legislature, would establish a statewide carbon cap auction, using the revenues generated from the auction to fund various climate mitigation and adaptation measures. Section 50 of the bill directs the Department of Administrative Services to enact rules that “establish measurable, enforceable goals for the

training and hiring of persons who are members of impacted communities ... and for contracting with businesses that are owned or operated by members of impacted communities.” The bill defines “impacted communities” as “a community at risk of being disproportionately impacted by climate change.”

Other workforce provisions: Apprenticeship Utilization, Prevailing Wage and Worker Benefits, Organizing Rights and Negative Determination, Project Labor Agreements

Virginia: The [Virginia Clean Economy Act](#) directs state utilities to build up to 5,200 MW of new offshore wind projects. The bill, modifying state statute section 56-585.1:11, requires utilities building these new projects to submit to state regulators a plan “for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; ... and giving priority to the hiring, apprenticeship, and training of veterans, ... local workers, and workers from historically economically disadvantaged

communities.” The bill defines “historically economically disadvantaged communities” as a “community in which a majority of the population are people of color or ... a low-income geographic area.”

Other workforce provisions: Local Hire, Apprenticeship Utilization

Washington: Section 18 of the 2019 [Clean Energy Transformation Act](#) establishes a 50% sales tax exemption for renewable energy projects that include: “Procurement from and contracts with women, minority, or veteran-owned businesses; procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations; apprenticeship utilization; and preferred entry for workers living in the area where the project is being constructed.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Local Hire, Apprenticeship Utilization, Organizing Rights and Negative Determination, Project Labor Agreements

ORGANIZING RIGHTS AND NEGATIVE DETERMINATION

For the purposes of this document, organizing rights provisions include anything that helps rebalance the power dynamic between workers trying to organize a union and their employer. Federal labor law is broken, and employers routinely exploit loopholes in the law to retaliate by firing or punishing union supporters, subjecting workers to regular anti-union meetings, and delay tactics so the vote only happens when workers are sufficiently scared of supporting a union. Perhaps more importantly, state-level efforts to enact insidious anti-worker “right to work” laws threaten to undermine all

of the critical labor standards outlined in this document. These misleading laws are an effort to ensure that the organizations fighting for worker’s rights do not have the resources necessary to advocate for their members and stand up to the powerful corporate interests that have bankrolled the push to destroy union membership. Allies can work to ensure that these measures do not pass in states that do not currently have them, and to work to repeal them in the states that do. Successful efforts in recent years to withstand the “right to work” assault from corporate lobbyists have relied on broad coalitions

of labor unions and their allies in the environmental movement.

Related state-level provisions addressing the right to organize broadly can be wide-ranging, including explicit support for the right to organize, labor harmony measures, and dispute resolution. Negative determination is one common form of protecting organizing rights by disincentivizing the hiring of contractors who have previously violated labor, wage, or other regulations.

NLRA preemption can limit the scope of what states may do to recognize organizing rights, but narrow provisions may be allowed, and some areas of labor law are expressly delegated to the states, such as the regulation of farmworker organizing.

Benefits:

- Even provisions that simply restate and commit to follow existing labor law can be useful in setting precedent, encouraging organizing, and demonstrating support for labor.
- Labor peace and harmony measures and dispute resolution mechanisms can reduce the likelihood of disruption and slowdown due to strikes and lockouts, although policies should not prevent workers from exercising their right to strike or engage in other collective action like public demonstration.
- Widespread adoption of negative determination provisions can incentivize other contractors not to mistreat their workers if they ever intend to bid for public or clean energy projects.

Example Statutory Language for Organizing Rights and Negative Determination

Multiple states (organizing rights for workers in sectors not covered by NLRA):

Many states have picked up where the federal NLRA left off for farmworkers and domestic workers. Federal law specifically excludes these classes of workers from the federal law establishing the right to organize and collectively bargain. Some states have taken actions to affirmatively establish these workers' right to organize. Eleven states have passed laws recognizing the right of farmworkers to organize. California's [Agricultural Labor Relations Act](#) provides that "It is hereby stated to be the policy of the State of California to encourage and protect the right of agricultural employees to full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and

conditions of their employment, and to be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." In general, states have the authority to recognize organizing rights and collective bargaining rights for workers excluded from coverage under the NLRA.

Multiple states and municipalities (labor peace agreements and union neutrality):

When the state is acting as a market participant, such as in government contracting and procurement, the state may condition funds on an employer's commitment to respect organizing rights. District of Columbia law (§ 32-852) states that "a District contract related to [a hotel development] project to enter into a labor peace agreement with a labor organization that requests a labor peace agreement and which represents, or reasonably might represent, workers on the project, as essential consideration for the District entering into the contract." Similarly, New

York City Executive Order [No. 19](#) states that "the City shall ... require that each recipient of financial assistance agree to a 'labor peace clause,' binding it to require that each current and future Covered Employer ... enter into a Labor Peace Agreement with a Labor Organization" that commits the employer to remain neutral with respect to any organizing efforts for the employees. In other states this requirement is embodied in the application process itself. California's [AB 1291](#), for instance, requires cannabis license applicants to "provide a notarized statement as part of its application indicating that the applicant will enter into and abide by the terms of a labor peace agreement within 60 days of employing its 20th employee."

Minnesota: Article 2, section 4 of Minnesota's [100% Clean Energy](#) bill, which is yet to pass the state legislature, would modify the state Renewable Portfolio Standard (RPS) statute to direct the PUC to "take all reasonable actions ... in a manner that maximizes benefits to all Minnesota citizens and local workers throughout the



state ... [including] the recognition of the rights of workers to organize and unionize.”

Other workforce provisions: Local Hire

Minnesota: Minnesota’s responsible contractor law (§ 16C.285) limits contractor eligibility for state contracts to contractors that (among other requirements): are in compliance with wage and unemployment insurance laws, do not have a history of wage theft violations, and do not have a history of employee misclassification.

Oregon: The [Clean Energy Jobs](#) bill, yet to pass the state legislature, would establish a carbon cap and auction system for emitters to purchase carbon credits. The revenues

from the auction would fund various climate mitigation and adaptation projects. Section 50 of the bill sets requirements for construction projects receiving more than \$50,000 in from the Climate Investments Fund or the Transportation Decarbonization Investments Account. Under that section, any participating contractor must “demonstrate a history of material compliance with the rules and other requirements of the Construction Contractors Board and of the Workers’ Compensation Division, the Building Codes Division and the Occupational Safety and Health Division of the Department of Consumer and Business Services ... and must demonstrate a history of compliance with federal and state wage and hour laws.”

Other workforce provisions: Apprenticeship Utilization, Prevailing Wage and Worker Benefits, Targeted Hire, Project Labor Agreements

Washington: Section 18 of the 2019 [Clean Energy Transformation Act](#) establishes a 50% sales tax exemption for renewable energy projects that include (among other requirements): “procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Local Hire, Targeted Hire, Apprenticeship Utilization, Project Labor Agreements

APPRENTICESHIP UTILIZATION

Union apprenticeship and pre-apprenticeship programs are an important component to any effort to train workers. Having highly skilled, trained workers has many benefits, including improving the efficiency gains seen from investments. These training programs also offer a ladder to the middle class for disadvantaged workers. For workers to thrive in a clean economy, they must have the opportunity to get the skills needed to do the work.

The building trades unions have made significant investments in their union apprenticeship programs to train craftspeople for construction jobs. Union-led apprenticeship programs are much less common and consistent in other industries, in part because the labor laws governing fixed facilities are different. Utility unions have some new registered apprenticeship programs for clean energy operations and maintenance workers. Manufacturing unions are supportive of apprenticeship programs but also prioritize ongoing training outside of registered apprenticeship programs.

An apprenticeship utilization standard requires a certain percentage of a project’s workforce be enrolled in or have graduated from a certified apprenticeship program. Apprenticeship programs may be certified under state law or by the U.S. Department of Labor. Apprenticeship utilization standards typically favor union contractors, which often provide top tier apprenticeship programs.

Benefits:

- Apprenticeship utilization can reduce the risk of cost overruns or substandard work due to poorly trained workers.
- Apprenticeship utilization standards may remove a competitive edge for low-road, nonunion contractors who employ poorly trained workers and can bid low due to low labor costs.
- Apprenticeship utilization can encourage high-road contractors to become union signatories for access to apprenticeship programs, and encourage low-road contractors to become high-road contractors.

Example Statutory Language for Apprenticeship Utilization Provisions

Colorado: The [Colorado PUC Reauthorization Act](#) establishes the criteria by which the PUC reviews utility decisions to acquire new energy resources. Section 40-2-129 of that Act directs the PUC to evaluate proposals for new energy construction on “‘best value’ employment metrics: The availability of training programs, including training through apprenticeship programs registered with the United States Department of Labor’s office of apprenticeship and training or by state apprenticeship councils recognized by that office.” For the operations and maintenance of constructed or acquired clean energy projects, the bill also directs utilities to use qualified contractors if the employees have access to a registered apprenticeship program.

Other workforce provisions: Local Hire, Prevailing Wage and Worker Benefits

Maine: The Green New Deal requires that all new generation facilities over 2 MW employ a certain percentage of apprentices certified by the U.S. Department of Labor. The statutory language is direct: “A construction employer shall, to the extent qualified apprentices are determined to be available in accordance with rules adopted by the department, employ a number of apprentices that equals at least” 10% for construction beginning before 2025, 17.5% for construction beginning between 2025 and 2027, and 25% for construction beginning thereafter.

Other workforce provisions: N/A

Maryland: Section one of Maryland’s [Clean Energy Jobs Act](#) creates new funding mechanisms to “provide grants to support workforce development programs that provide: pre-apprenticeship job training; youth apprenticeship jobs training; and registered apprenticeship job training.” Among other requirements, a pre-apprenticeship program grantee must include:

- “1. Training and curriculum based on national best practices that prepare individuals with the skills and competencies to enter one or more state-registered or U.S. Department of Labor-registered apprenticeship programs that prepare workers for careers in the clean energy industry;
2. A documented strategy for increasing apprenticeship opportunities for unemployed and underemployed individuals, including:
 - a. Recruitment strategies to bring these individuals into the pre-apprenticeship jobs training program;
 - b. Educational and pre-vocational services to prepare program participants to meet the entry requirements of one or more registered apprenticeship programs;
 - c. Access to appropriate support services to enable program participants to maintain participation in the program; and



- d. Mechanisms to assist program participants in identifying and applying to registered apprenticeship programs; and
3. Rigorous performance and evaluation methods to ensure program effectiveness and improvement; and... have a documented partnership with at least one registered apprenticeship program described in item (ii)2 of this paragraph.”

Other workforce provisions: Project Labor Agreement, Targeted Hire

New Mexico: New Mexico’s 2019 [Energy Transition Act](#) contains two provisions incentivizing or requiring participation in apprenticeship programs. First, section 16 of the Act establishes an Energy Transition Displaced Worker Assistance Fund to assist workers affected by the closure of fossil fuel generating facilities, defined as a state resident who “was terminated from employment, or whose contract was terminated, due to the abandonment of a New Mexico facility producing electricity that resulted in displacing at least forty workers.” Funds from the account will be used for “job training and apprenticeship programs for displaced workers or for programs designed to promote economic development in the affected community.”

Second, section 24 of the bill requires new generation facilities to be constructed by apprentices pursuant to the Apprenticeship Assistance Act: “Subject to availability of qualified applicants, the construction of facilities that generate electricity for New Mexico retail customers shall employ apprentices from an apprenticeship program during the construction phase of a project.” The percentage starts at 10% in 2020 and rises to 25% by 2027.

Other workforce provisions: N/A

Oregon: The [Clean Energy Jobs](#) bill, yet to pass the state legislature, would establish a carbon cap and auction system for emitters to purchase carbon credits. The revenues from the auction would fund various climate mitigation and adaptation projects. Section 50 of the bill sets requirements for construction projects receiving more than \$50,000 in from the Climate Investments Fund or the Transportation Decarbonization Investments Account. Under that section, any participating contractor must “participate in an apprenticeship program registered with the State Apprenticeship and Training Council.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Targeted Hire, Organizing Rights and Negative Determination, Project Labor Agreements

Virginia: The [Virginia Clean Economy Act](#) directs state utilities to build up to 5,200 MW of new offshore wind projects. The bill, modifying state statute section 56-585.1:11, requires utilities building these new projects to submit to state regulators a plan “for review that includes the following considerations: (i) options for utilizing local workers; (ii) the economic development benefits of the project for the Commonwealth, including capital investments and job creation; ... and giving priority to the hiring, apprenticeship, and

training of veterans, ... local workers, and workers from historically economically disadvantaged communities.”

Other workforce provisions: Local Hire, Targeted Hire

Washington: Section 18 of the 2019 [Clean Energy Transformation Act](#) establishes a 50% sales tax exemption for renewable energy projects that include: “Procurement from and contracts with women, minority, or veteran-owned businesses; procurement

from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations; apprenticeship utilization; and preferred entry for workers living in the area where the project is being constructed.”

Other workforce provisions: Prevailing Wage and Worker Benefits, Local Hire, Targeted Hire, Organizing Rights and Negative Determination, Project Labor Agreements

REPRESENTATIVE BILLS & ADMINISTRATIVE PROVISIONS

California: Clean Energy and Pollution Reduction Act

California’s 2015 Clean Energy and Pollution Reduction Act increased the state renewable portfolio standard to require 50% renewable energy by 2030, an amount that was later increased by subsequent legislation. That bill also required the state PUC to adopt and implement a “responsible contractor” policy for use across all ratepayer-funded energy efficiency programs to “ensure that retrofits meet high-quality performance standards and reduce energy savings lost or foregone due to poor-quality workmanship.” In 2018, the California PUC issued a [decision](#) implementing that policy by applying workforce standards to certain utility energy efficiency programs, with a focus on large efficiency projects updating HVAC and lighting control systems. The PUC intends these standards to be a starting point for potentially more far-reaching requirements. The PUC also intends to use the standards to increase workplace participation from disadvantaged workers, and requires all energy efficiency to track disadvantaged worker participation in order to create future requirements to build skilled and trained workforces from disadvantaged communities. Disadvantaged workers can include people who are low income,

lack a high school degree, were formerly incarcerated, are single parents, are chronically unemployed, are former foster children, have limited English proficiency, were referred from other similar programs, or live in a disadvantaged zip code.

Workforce Provisions: Targeted Hire

Colorado: Public Utilities Commission (PUC) Reauthorization

This law, which prevented the PUC from expiring and makes a number of structural changes to the Commission, sets a Clean Energy Resource Standard requiring an 80% reduction in CO2 emissions from electricity by 2030 and a 100% reduction by 2050.

In addition to its bold climate targets the bill includes a variety of well-thought-out workforce and transition provisions. Through a “Best Value” metric, the law requires the PUC to consider potential job creation and job quality of new generation facilities, rather than simply considering cost alone. Additionally, it considers the impact of fossil fuel retirement on communities and workers and requires transition plans to be submitted by the utility as part of its clean energy planning.

Finally, the law includes a policy that helps utilities pay off debt associated with eligible fossil fuel facilities that are retired early.

The law streamlines electric resource acquisitions for projects that use a PLA by allowing a PLA to effectively function as a substitute for the required resource planning documents typically filed by a utility.

Workforce Provisions: Project Labor Agreements, Prevailing Wage and Worker Benefits, Local Hire, Apprenticeship Utilization

The bill passed with a bipartisan majority in the senate and an overwhelming majority in the house and was signed into law in 2019 by Governor Jared Polis (D). For more information, read the [full text](#).

Connecticut: Offshore Wind Procurement Act

In 2019, Connecticut [passed a bill](#) authorizing the state to purchase up to 2,000 MW (30% of the state’s total load) of new offshore wind energy, and directed state agencies to begin the process of soliciting bids from offshore wind developers. The Act outlined the bid solicitation process for these new offshore

wind projects, and specified that the state may require bidders to commit to using a prevailing wage and to negotiate in good faith toward a PLA. In addition to the bidding requirements, the Act establishes a bid evaluation process that is designed to ensure selected proposals will have localized economic development benefits.

Workforce Provisions: Project Labor Agreements, Prevailing Wage and Worker Benefits

Maine: Green New Deal

In 2019, Maine passed a modest “green new deal” bill requiring all new generation facilities over 2 MW to employ people in apprenticeship programs certified by the United States Department of Labor. This requirement begins in 2021, with 10% of workers required to be apprentices, and ramps up to 25% in 2027. Generation facilities on the customer side of an electric meter are exempt from this requirement. Rulemaking around this legislation will take place in 2020, but it appears that these requirements should apply to almost all major generation facilities, including those built through the state’s new RPS. It also appears that almost all of the apprentices hired because of this requirement will be union. While the utilization targets are somewhat modest, Maine does not have a high union density, and this policy represents an excellent first step and a foot in the door for the building trades.

Second, the law requires the Efficiency Maine Trust to arrange solar capacity on all new school construction projects funded by the Department of Education.

Workforce Provisions: Apprenticeship Utilization

The bill was passed by the legislature in 2019 and signed into law by Governor Janet Mills (D). See [here](#) for full text.

Maryland: Clean Energy Jobs Act

The Maryland Clean Energy Jobs Act increases the role of wind and solar power in the state’s energy mix, requiring electricity suppliers in the state to sell 50% of their electricity from renewable sources by 2030. The law establishes a working group to study pathways to reach 100% clean energy and to consider a just transition for impacted workers and communities.

The bill also includes several provisions promoting high-quality, in-state clean energy jobs and appropriates \$7 million in funding specifically for small, minority, women-owned, and veteran-owned clean energy businesses.

Finally, the bill offers grants to clean energy employers that sponsor registered apprentices and pre-apprentices. Recipients of these grants must use a PLA and use American-manufactured goods. The grants are \$150,000 for sponsoring the program, plus \$3,000 per enrolled worker. While the employers receiving these grants may be involved in any area of the clean energy industry, the apprentices and pre-apprentices must be prepared for careers in solar or wind.

Workforce Provisions: Apprenticeship Utilization, Targeted Hire, Project Labor Agreements

After passing the legislature, Governor Larry Hogan (R) opted neither to sign nor veto it, allowing it to pass into law in 2019. Read the [full text](#) and see Section 11-708.1 for the Apprenticeship and PLA provisions.

Maryland: Offshore Wind Energy Act

Maryland’s 2013 [Offshore Wind Energy Act](#) modified the state RPS to require a percentage of electricity sales to be generated by offshore wind generation. Section 1 of the bill established a process for processing project applications, requiring that all applications include a “detailed input output analysis of the impact of the offshore wind project on income, employment, wages, and taxes in the state with particular emphasis on in-state manufacturing employment. In reviewing those project applications, state regulators are directed to evaluate the project proposals with respect to “the extent to which an applicant’s plan provides for the use of skilled labor, particularly with regard to the construction and manufacturing components of the project, through outreach, hiring, or referral systems that are affiliated with registered apprenticeship programs.”

Workforce Provisions: Local Hire

Read the [full text](#); see Section 1 for the use of skilled labor in project construction and maintenance.



Minnesota: Clean Energy First Bill

This bill creates a preference for clean energy in the existing PUC process for considering new energy development. The bill would allow the construction of new fossil fuel resources only if a utility demonstrates that renewable energy is not in the public interest.

The bill also includes several provisions designed to incentivize the use of local workers and maximize the local economic impact of new energy projects. When evaluating competing proposals for new energy construction, for instance, the bill directs the PUC to give preference to project proposals that employ local workers. Perhaps most notably, the bill would allow a utility to recover expenses incurred in employing local workers.

Workforce Provisions: Local Hire

Read the [full text](#); see section 3, 5, 6, 10 for local hire provisions.

Minnesota: 100% Clean Energy Bill

The 100% Clean Energy Bill (some versions of which have also included language from the Clean Energy First Bill) would modify the state's Renewable Portfolio Standard to set a series of targets culminating in 100% carbon free electricity for the state of Minnesota by 2050. The bill directs the PUC to implement the standard in a manner that maximizes benefits to local workers by prioritizing high-wage jobs and the recognition of the right to organize and unionize.

Workforce Provisions: Organizing Rights and Negative Determination

Read [full text](#); see Article 2, section 4, subdivision 9 for local benefits, organizing rights.



New Mexico: Energy Transition Act

The New Mexico Energy Transition Act establishes a clean energy standard requiring 40% renewable energy by 2025, 50% by 2030, and 100% carbon-free energy by 2050. The law states that 80% of the 2050 target must be from renewables, provided it proves feasible and does not cause affordability or reliability concerns.

Additionally, the bill contains provisions to provide a just transition for both workers and communities affected by power plant closures. The bill creates a community transition fund to fund economic development and diversification of impacted communities. The law also creates a worker transition fund which can be used to help employers qualify for tax relief for hiring displaced workers, to help displaced workers pay any costs associated with enrolling in job training or apprenticeship programs, or to help communities create training or apprenticeship programs as part of their economic diversification efforts. The law also includes a securitization provision intended to help utilities pay off debt associated with fossil fuel facilities that are retired early. The savings generated from securitization may be used in part to pay for the transition funds.

Finally, the law creates an apprenticeship utilization standard which applies to new generation resources. The required utilization starts at 10% in 2020, goes up to 17.5% in 2024, and finally up to 25% in 2026. Rulemaking around this is still in progress, but it appears that most of the apprentices hired because of this requirement will be union. While the utilization targets are somewhat modest, New Mexico does not have a high union density, and this policy represents an excellent first step and a foot in the door for the building trades.

Workforce Provisions: Apprenticeship Utilization

See the [full text](#) here; see section 24 for the apprenticeship utilization standard.

Oregon: Clean Energy Jobs Bill

Oregon's Clean Energy Jobs bill seeks to achieve a 45% reduction in emissions by 2035 and an 80% reduction by 2050. The bill would create an economy-wide cap and trade framework and ensure that money spent on emission credits would be invested in clean energy infrastructure, economic development, and environmental justice projects within the state.

The bill would set up two tiers of strong workforce standards for projects funded by these investments. Any project receiving more than \$50,000 would need to provide prevailing wage, healthcare, and retirement benefits, participate in an apprenticeship program, and demonstrate past compliance with labor laws and other regulations. Projects receiving more than \$200,000 would need to use a PLA and demonstrate measurable goals for training and hiring members of impacted communities—those disproportionately impacted by climate change or climate change policies—or for using contractors that are owned by impacted communities. These provisions were written in consultation with the building trades and won their support for the bill.

The bill would also set aside \$10 million for a just transition fund. That funding is intended to provide grants to help displaced workers and could be used on measures such as retraining, wage subsidies, and a bridge of wage support until an impacted worker reaches retirement. It also establishes a just transition committee to manage the funding, coordinate and plan just transition activities, and make further recommendations to the legislature.

The bill set up a regulatory, oversight, and funding structure to ensure these targets are met, and would also enter Oregon into the carbon market started by California's cap and trade program and allow carbon offsets to be purchased to offset emissions.

Workforce Provisions: Apprenticeship Utilization, Project Labor Agreements, Prevailing Wage and Worker Benefits, Targeted Hire, Organizing Rights and Negative Determination

The bill has not passed the legislature. For the second year running, opponents of the bill have fled the state to deny a quorum that would allow a vote on the bill. Read the [full text](#) and see section 50 for PLA provision.

Virginia: Clean Economy Act

The Virginia Clean Economy Act is a comprehensive bill designed to achieve 100% clean electricity generation by 2050. The bill establishes a 100% RPS and directs the state Department of Environmental Quality to institute a carbon cap and trade program that would comply with the Regional Greenhouse Gas Initiative (RGGI). In addition to these more general regulatory schemes, the bill also contains specific directives regarding utility acquisition of particular resources. The bill directs public utilities in the state to develop up to 5,200 MW of offshore wind, and requires that utilities building those resources submit plans detailing their options for hiring local workers as well as opportunities to prioritize the hiring and apprenticeship of local workers, veterans, and historically economically disadvantaged communities.

Workforce Provisions: Local Hire, Apprenticeship Utilization, Targeted Hire

Read the [full text](#). See section 56-585.1:11 for the local and targeted hire provisions. As of this writing, the bill has passed both houses of the Virginia General Assembly and is expected to be signed by Governor Northam.

Washington: Clean Energy Transformation Act (CETA)

In 2016, Washington passed the Energy Independence Act, which targeted 15% carbon free energy by 2020. By 2019, almost 70% of the state's electricity was generated by hydropower, setting the stage for an even more ambitious state climate policy. One of the nation's most robust climate laws, the 2019 Clean Energy Transformation Act (CETA) requires Washington's utilities to generate all electricity from clean—non-emitting or renewable—sources and completely

eliminate coal power by 2025. The bill set additional targets for the state's electricity to be 100% carbon neutral by 2030 and 100% carbon free by 2045. Utilities can use a number of methods to reach these targets, including Renewable Energy Credits, a carbon fee, and investments in electric vehicle infrastructure, energy efficiency projects, or renewable natural gas.

CETA also takes steps to ensure job quality by incentivizing labor standards. It does so through tiered exemptions from state and local sales tax. For example, large projects can get a 50% tax exemption by demonstrating a "good faith effort" to meet an apprenticeship utilization standard, prefer workers from the local community, and procure from and contract with minority, women, or veteran owned businesses, as well as businesses with a history of compliance with wage and hour laws. That exemption goes up to 75% if the project meets the lower tier requirements and pays prevailing wage, and up to a 100% tax exemption if a PLA or CWA is also used.

Additionally, under CETA, utilities have to consider the social cost of carbon, public interest, and equity in addition to return on investment when proposing new investments. Finally, the law requires a large expansion in low-income energy assistance.

Workforce Provisions: Prevailing Wage and Worker Benefits, Local Hire, Targeted Hire, Apprenticeship Utilization, Organizing Rights and Negative Determination, Project Labor Agreements

The bill was signed in 2019 by Governor Inslee (D). Read the [full text](#), and see Section 18 for tax exemptions and labor standards.

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