



MBTU MASSACHUSETTS BUILDING TRADES UNIONS

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Bipartisan Infrastructure Law (BIL) & Inflation Reduction Act (IRA), Competitive Grant and Tax Credit Labor Language

Dear MA Towns and Cities,

As discussed on the MAPC (Metropolitan Area Planning Council) Zoom entitled, **“Win Federal Jobs and Create Good Jobs For Your Community”**, the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act have opened up a host of different funding opportunities for municipalities over the next several years (<https://www.mapc.org/resource-library/infrastructure-opportunity/>)

Bipartisan Infrastructure Law Grant Programs:

<https://www.transportation.gov/bipartisan-infrastructure-law/bipartisan-infrastructure-law-grant-programs>

Inflation Reduction Act Guidebook:

<https://www.whitehouse.gov/wp-content/uploads/2022/12/Inflation-Reduction-Act-Guidebook.pdf>

This document will break down the Labor Standards included in these two programs and provide contact information to MA Building Trades Unions to discuss and increase your chances of securing this funding through the creation of good, local jobs.

**Example: Notice of Funding Opportunity for the Department of Transportation’s
Multimodal Project Discretionary Grant Opportunities (BIL) (Pg. 64 & 65)**

Score:	Economic Impacts, Freight Movement, and Job Creation Criterion	Example
0	The project negatively impacts this project outcome area	
1	The project’s claimed benefits in this outcome area are plausible but minimal OR the project’s claimed benefits in this area are not plausible	<p>Example 1: The project sponsor provides some justification, but with minimal evidence, that the project will help to positively impact regional economic development in the area or help to offset job losses in the area.</p> <p>Example 2: The project sponsor provides minimal evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.</p>
2	The project produces nontrivial, positive benefits in this outcome area that are well supported by the evidence in the application.	<p>Example 1: The project sponsor demonstrates some or limited new short-term or long-term job creation as a result of the project and it is documented by a signed letter from a business(es) stating the amount of new jobs to be created, and how the project is vital to the creation of those jobs.</p> <p>Example 2: The project opens additional new tourism or recreational access and is aligned with a plan that demonstrates that intention.</p> <p>Example 3: The project sponsor demonstrates some evidence that the project will create high quality jobs with a free choice to join a union or the incorporation of strong labor standard and practice, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce.</p>
3	The project produces <i>significant</i> , transformative benefits in this outcome area, that are well supported by the evidence in the application.	<p>Example 1: The project sponsor demonstrates that the project addresses a national supply chain bottleneck, the main goal of the project is to positively impact that bottleneck, and ample evidence is provided that shows significant national supply chain benefits from the project.</p> <p>Example 2: The project sponsor demonstrates significant creation of good-paying jobs with a free and fair choice to join a union and the incorporation of strong labor standards and practices, such as project labor agreements, use of registered apprenticeships or other joint labor-management training programs, and the use of an appropriately credentialed workforce. This can be documented by a signed letter for a labor union, or worker organization that describes the number and characteristics of high-quality jobs on the project.</p>

Below are key components to satisfy the strong Labor Standards and Practices encouraged in President Biden's Federal Discretionary Infrastructure Grants and tax credits:

Registered Apprenticeship

Diversity, Equity & Inclusion

Model Certified Payrolls

Project Labor Agreements

Local Hire

Ability for Workers to Join a Union

Prevailing Wage (Davis-Bacon)

Local Labor Partnerships

If you have any questions or would like to discuss satisfying these requirements with local building trades councils in your area, contact information is provided at the end.

Registered Apprenticeship

Registered Apprenticeships are job-training and entry programs for building trades workers with the state where they split their hours between classroom training and actual work on the jobsite. Thus, apprentices do not pay for their training and earn pay as they learn. Apprenticeships registered with the state meet all required criteria and certifications as outlined by the MA Division of Apprenticeship standards.

The Inflation Reduction Act contains Registered Apprentice workforce goals to earn bonus tax credits and sets an achievable baseline for apprentices on infrastructure work. The goals are outlined here:

*Registered Apprentice workforce hours goals: After December 31, 2022, and before January 1, 2024, **12.5 percent**...after December 31, 2023, **15 percent**.*

Partnering with Building Trades Unions, which train over 80% of all Registered Apprentices in Massachusetts, is the best way to achieve those requirements (MA Division of Apprenticeship Standards, 2021).

Diversity, Equity & Inclusion

All contracts by a state agency or state-assisted contract in Massachusetts set *minimum* construction workforce hour goals at 15.3% Minority, 6.9% Female.

MA Building Trades Unions train 85% of all Registered Apprentices of Color and 92% of all Registered Tradeswomen Apprentices in the state (MA Division of Apprenticeship Standards, 2021).

Model Certified Payroll

Strong certified payroll records are essential to good labor standards on projects. This includes Ethnicity and Gender makeups of the crews as well as OSHA certifications and Apprentice info like in the MASSPORT Payroll here:

www.massport.com/media/1150/massportweeklycreportform_cp2.pdf

Creating or using a comparable payroll sheet with the same covered information is sufficient.

Project Labor Agreements

Project Labor Agreements are successful for a variety of reasons, as outlined in President Biden's Executive Order below, but also are a means of ensuring compliance with labor standards like diversity, apprenticeship, and local hire across projects with multiple contractors.

From President Biden's Executive Order 13502, Project Labor Agreements on Federal Construction

From Section 1. Policy:

(a) Large-scale construction projects pose special challenges to efficient and timely procurement by the Federal Government. Construction employers typically do not have a permanent workforce, which makes it difficult to predict labor costs when bidding on contracts and to ensure a steady supply of labor on contracts being performed. Challenges also arise because construction projects typically involve multiple employers at a single location, and a labor dispute involving one employer can delay the entire project. A lack of coordination among various employers, or uncertainty about the terms and conditions of employment of various groups of workers, can

create friction and disputes in the absence of an agreed-upon resolution mechanism.

(b) Project labor agreements are often effective in preventing these problems from developing because they provide structure and stability to large-scale construction projects. Such agreements avoid labor-related disruptions on projects by using dispute-resolution processes to resolve worksite disputes and by prohibiting work stoppages, including strikes and lockouts. They secure the commitment of all stakeholders on a construction site that the project will proceed efficiently without unnecessary interruptions. They also advance the interests of project owners, contractors, and subcontractors, including small businesses. For these reasons, owners and contractors in both the public and private sector routinely use project labor agreements, thereby reducing uncertainties in large-scale construction projects. The use of project labor agreements is fully consistent with the promotion of small business interests.

Local Hire

Consult your city or town's local hiring ordinance for goals.

There is significant discretion for municipalities to set these goals in the BIL.

Ability for Workers to Join a Union

Non-Interference Language: Section 7 of the National Labor Relations Act (the Act) guarantees employees "the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through

representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection," as well as the right "to refrain from any or all such activities."

Section 8(a)(1) of the Act makes it an unfair labor practice for an employer "to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in Section 7" of the Act.

Prevailing Wage (aka Davis-Bacon)

Prevailing Wage is a requirement on public work in Massachusetts to pay a "prevailing rate" for given construction work which is generated by local and regional wage surveys.

90% of funding for the Bipartisan Infrastructure Law will be public work and require Prevailing Wage—however private work may receive extra benefits for including it.

Local Labor Partnerships

MA Building Trades Unions have 10 regional Building Trades Councils around the Commonwealth where union trades come together to coordinate (contact info in link): <https://massbuildingtrades.org/local-building-trades-councils/>

Berkshire BTC	Boston BTC
Brockton BTC	Framingham-Newton BTC
Merrimack Valley & North Shore BTC	Pioneer Valley BTC
Quincy BTC	Southeastern MA
Worcester BTC	

As listed in the BIL grant scoring chart, partnership with local labor organizations to satisfy these requirements and create good local jobs are scored favorably. Letters of support from local building trades councils are eligible to be included in applications (even retroactively).

Please reach out to MA Building Trades Unions with questions or directly to a local council leader through the link above.

Sincerely,

MA Building Trades Unions

781-321-6282

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