

Late Backup

CM Flannigan Motion Sheet re: Agenda Item No. 9 – Ordinance re: Expedited Permitting & Worker Protection

Council Meeting: March 2, 2017

Distribute motion sheet on the dais and provide a copy to the City Clerk.

Summary of Amendment:

Removes reference to the Better Builder program, while still require that third-party certification meet the substantive standards currently established in that program.

Text of Amendment:

- Amend the ordinance to add the attached document as Exhibit A to the ordinance and add a new Part 2 to read as follows:

PART 2. Exhibit A to this ordinance, entitled “City of Austin Worker Protection Standards,” is incorporated herein and shall be used in implementing Section 4-18-2 (Worker Protection Certification).

- Amend Subsection (B) in new Section 4-18-2 (*Worker Protection Certification*) to read as follows:

(B) If a project is required to be certified under this section, the accountable official may accept a permit application for review only if the application includes a third-party certification requiring that construction comply with the worker protection standards set forth in Exhibit A to Ordinance No. 20170302-009, and posted on the City’s website, with respect to each of the following requirements:

~~(1) — Comply with the “Better Builder” program, as the program existed on February 2, 2017; or~~

~~(2) — A similar program, as determined by the accountable official, that establishes comparable requirements for:~~

(1)[(a)] Payment of a living wage;

(2)[(b)] Completion of OSHA-10 training;

- (3)~~(e)~~ Workers compensation;
- (4)~~(d)~~ Hiring goals from local craft training programs;
- (5)~~(e)~~ Compliance with all applicable state, federal, and local laws; and
- (6)~~(f)~~ Independent onsite monitoring.

EXHIBIT A TO ORDINANCE NO. 20170302-009

City of Austin Worker Protection Certification Standards

To be a certified worker protection program under City Code Section 4-18-2 (*Worker Protection Certification*), the program must comply with the following standards:

- (1) **Payment of a Living Wage:** Ensure all construction workers shall be paid at a rate not less than the living wage defined by the City of Austin at the time of permit application (currently at \$13.50 per hour for the year 2016);
- (2) **Payment Process:** Ensure all construction workers are paid by check and at a minimum once per week;
- (3) **OSHA Training:** Ensure OSHA-10 training for all construction workers and OSHA-30 training for all safety supervisors;
- (4) **Workers Compensation:** Ensure contractors and subcontractors provide workers compensation insurance for all construction workers;
- (5) **Personal Protective Equipment:** Ensure all construction workers receive personal protective equipment at no cost to the worker;
- (5) **Local Hiring Goals:** Ensure contractors comply with local hiring goals that, at a minimum should include commercially reasonable efforts to ensure 30% of the project's workforce be students or graduates of local, US Department of Labor-registered apprenticeship programs and bilingual craft training programs that offer hands-on instruction at no cost to the worker;

- (6) **Compliance with all Applicable State, Federal, and Local Laws;**
- (7) **Onsite Worker Protection Certification Signage:** Ensure reasonable signage on the jobsite, in both English and Spanish, with the worker protection standards met and the certified monitor contact information, where other federal and state regulatory signage is posted; and
- (8) **Independent 3rd Party Onsite Monitoring:** Ensure contractors and subcontractors comply with independent 3rd party onsite monitor requirements that, at a minimum, should include an opportunity once per pay period to speak directly with construction workers during lunch and rest breaks to ensure all laws and standards are upheld.