



Contractors sue schools over project pacts

8/27/2009

By Sebastian Ruiz

The San Diego Chapter of the Associated General Contractors of America (AGC) filed a lawsuit against the San Diego Unified School District (SDUSD) board of education in late June over part of an agreement between unions and the school district mandating that only apprentices associated with a union can work on about \$2.1 billion worth of voter-approved school construction bond projects over the next several years.

San Diego voters approved Proposition S bonds in November 2008 to repair and improve school facilities and infrastructure. AGC representatives claim the Project Stabilization Agreement, or Project Labor Agreement, violates California law and discriminates against state-approved nonunion apprentices seeking job opportunities without joining a union, said Brad Barnum, AGC San Diego chapter vice president of government relations.

The current agreement would prevent approximately 750 San Diego AGC apprentices from working on future Prop S school bond projects, he said.

“San Diego is very unique in that [contractors] have a thriving apprenticeship program, a very effective, productive program. I don’t think the [school board] understands that they’ll be shutting that down,” Barnum said.

AGC wants the court to stop the school district from “carrying out or enforcing the District’s Resolution or policy in any way,” according to language in the lawsuit. At the least, AGC is asking the court that the “union-only” apprenticeship requirement be removed from the PSA.

School district boardmember John de Beck represents an area comprising several beach community schools in La Jolla and Ocean, Mission and Pacific beaches. De Beck voted against the Project Stabilization Agreement because of the apparent discrimination against nonunion apprentices. Board president Shelia Jackson, and board members John Lee Evans and Richard Barrera, voted for the agreement. De Beck and board member Katherine Nakamura voted against implementing the agreement July 28 during a SDUSD board of education meeting.

“It isn’t fair not to be using apprentices approved by the state [of California],” de Beck said. “I think they should be working for us.”

De Beck added that the suit could hold up progress on school construction projects if the court decides to step in and stop all contracts from moving forward while deciding the case. Lawyers representing AGC could not be reached for comment.

The school board, however, has approved agreement and district staff currently work to implement the language for future contracts, he said. Tom Lemmon, business manager for the San Diego County Building and Construction Trades Council, said that private contracting

groups often sue over Project Labor Agreements.

“This lawsuit has no merit,” Lemmon said. “[Courts] have said that this type of agreement is legal.”

In June 2004, seven apprentices affiliated with the Associated Builders and Contractors of California (ABC), a state and national association of private contractors, filed a lawsuit against Orange County’s Rancho Santiago Community College District, claiming the community college district’s Project Labor Agreement discriminated against nonunion apprentices, according to ABC documents. A federal judge ruled against the apprentices, according to the statement.

As contractors fight to allow state-approved, merit-shop apprentices to work on future San Diego school district construction projects, community advocate organizations continue to defend the PSA.

In a statement to the SDUSD board, Corinne Wilson, research and policy analyst for the Center on Policy Initiatives, said agreements like the PSA help set standards for employee healthcare and funnel jobs to communities historically suffering from higher unemployment rates.

More than 29 school bond measures have project agreements similar to the SDUSD’s Proposition S Independent Oversight Committee, with union apprenticeship programs graduating a vast majority of minority and female apprentices, according to the statement.

“PLAs (project labor agreements, or project stabilization agreements) are not new,” Wilson said. “They’re just new to San Diego.”

The school board has a little more than a few months to fully implement the PSA language for future construction bids.