



REPORT MAR 6, 2023

# How To Support Good Jobs and Workforce Equity on Federal Infrastructure Projects

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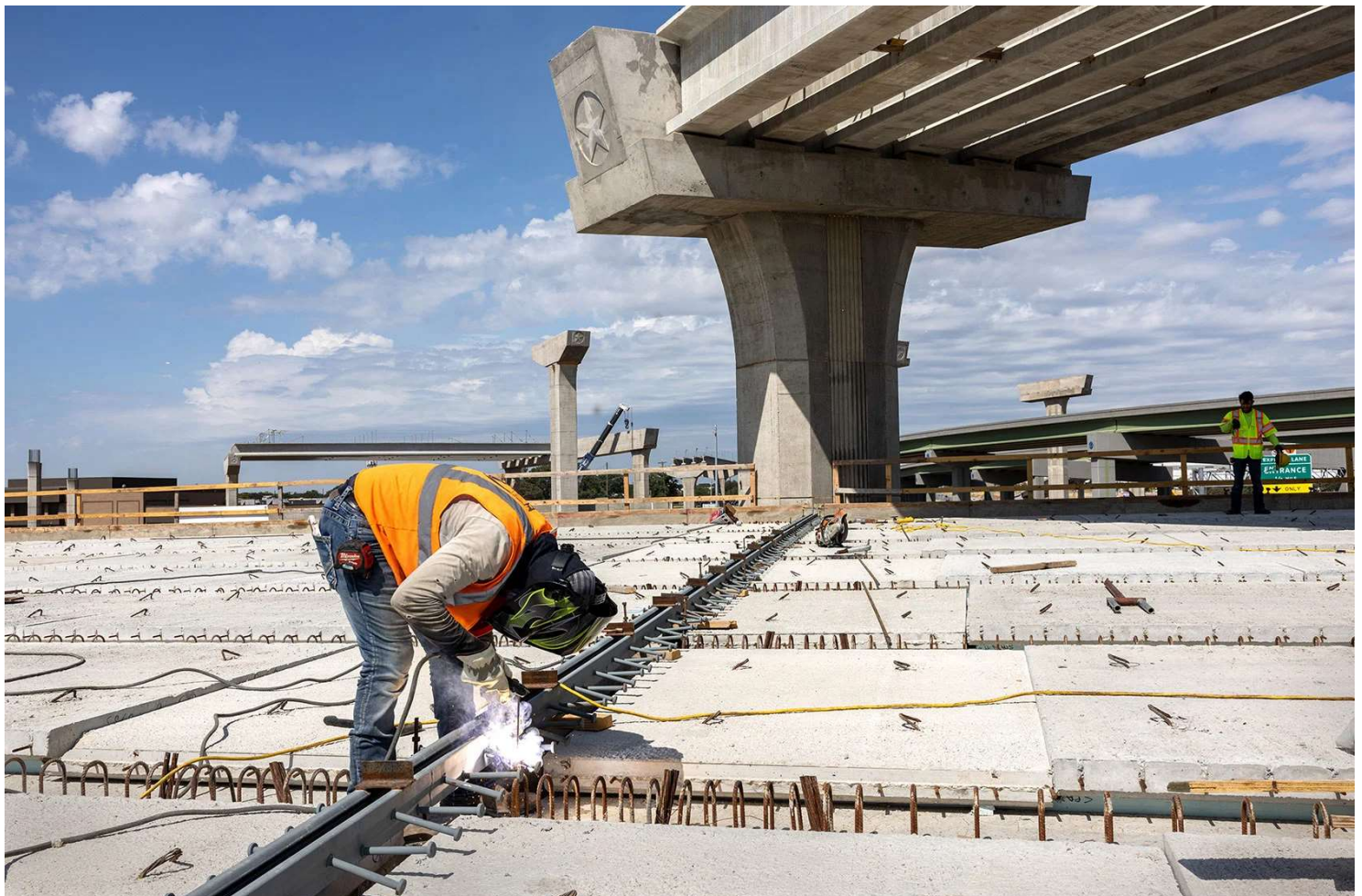


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As funds from the Infrastructure Investment and Jobs Act flow through federal and state project owners, agencies must build long-lasting capacity to provide equitable access to high-quality jobs.



A welder works on an overpass in Irving, Texas, on August 10, 2022. (Getty/John Moore)

## Introduction and summary

America is at the beginning of a government-supported building boom. Between 2021 and 2022, Congress invested more than \$2.3 trillion across three pieces of legislation—the Infrastructure Investment and Jobs Act, the Inflation Reduction Act, and the CHIPS and Science Act—to enable critical transportation, climate, energy, environmental, broadband, and semiconductor manufacturing infrastructure through a combination of direct spending, grants, formula funds, and tax incentives.<sup>1</sup> Over time, the legislation will enable significant structural and clean energy improvements in communities across the country, boost American innovation and competitiveness, and create millions of new jobs annually wherever new infrastructure or manufacturing facilities are built. And an adequately sized, appropriately trained workforce is critical if taxpayer-supported projects are to be delivered effectively and on time.

The Infrastructure Investment and Jobs Act (IIJA), the focus of this report, is unique in that most of its funding is provided through grants. While meaningful labor and workforce standards are included in the legislation, much of the promise of good jobs, as well as equitable access to them, lies in policy choices around how funds are disbursed. Effectively meeting job quality and equity goals will require guidance and oversight from federal agencies. This is a new focus for awarding and consultative agencies that are still experimenting with how to signal which factors are important to successful implementation, as well as methods of evaluating bidders and monitoring awardees.

As agencies award money to states, cities, and contractors, they should ensure that taxpayer dollars are put toward projects that pay workers decent wages and benefits, provide workers free and fair paths to come together in unions, ensure equitable access to employment, center workplace safety and health, provide access to workforce training pathways, and promote workplaces free from discrimination and harassment.

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**Committing to standard procurement language and communications, long-term agency staffing capacity, technical assistance, and outcome monitoring will help ensure that workers have equal access to opportunity and that projects are completed successfully and on time.**

The federal government has several levers it can use to meet these equity and job quality goals. One of these levers is that implementation of the laws mentioned above can mean applicants for new discretionary spending are evaluated based on their plans to support job quality and equity. Federal agencies have made notable progress toward including job quality and workforce-oriented language in solicitations, but there are still significant areas of opportunity relating to enforcement of standards and data collection.

This report details how federal agencies that oversee IIJA funds can ensure equitable access to good jobs in the process of making discretionary grants and describes how the U.S. Department of Labor (DOL) can support those agencies in a consultative role. Ultimately, state and local jurisdictions should replicate many of these structures to complement federal efforts. Specifically, the report

recommends four strategies to ensure that IIJA spending meets workforce equity and quality goals:

- Include clear, robust workforce standards in procurement communication and evaluation.
- Build agency capacity to collaborate and prioritize workforce standards.
- Provide technical assistance to achieve desired policy results.
- Measure and report workforce outputs and outcomes.

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REPORT

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May 31, 2022  
Karla Walter

## Investing in workforce quality, training, and equity will address current hiring challenges

The IIJA is expected to support almost 800,000 new jobs annually over its 10-year lifetime, most notably in industries and occupations facing recruitment and hiring challenges, such as construction and skilled trades, manufacturing, and transportation.<sup>2</sup>

For example, preliminary estimates for December 2022 show there were 413,000 openings in the construction industry and 764,000 openings in the manufacturing industry.<sup>3</sup> Many workers in these industries are nearing retirement: 43 percent of construction workers and 48 percent of manufacturing workers are 45 or older, and 22 percent and 26 percent, respectively, are 55 or older.<sup>4</sup> Policymakers have particular opportunity to positively affect employment outcomes in the construction industry, which is subject to specific government regulations outlined in further detail later in this report. But policies that result in equitable access to good jobs should be applied in manufacturing, telecommunications, transportation, and other IIJA-affected industries as well.

#### GENDER, RACIAL, AND ETHNIC DIVERSITY IN CONSTRUCTION

# 47%

of total employed workers in the labor force were women in 2022

# 4%

of workers in construction and extraction occupations were women in 2022

**13%**

of total employed workers in the labor force were Black in 2022

**7%**

of workers in construction and extraction occupations were Black in 2022

**19%**

of total employed workers in the labor force were Hispanic in 2022

**40%**

of workers in construction and extraction occupations were Hispanic in 2022 (yet these workers were underrepresented in higher-paying jobs)

Gender, racial, and ethnic diversity is also a challenge—and a solution—for industries' hiring concerns. Today, men hold the overwhelming majority of jobs in construction and other IJJA-affected industries.<sup>5</sup> In 2022, while 47 percent of total employed workers in the labor force were women, women only made up 11 percent of the construction industry as a whole. In hands-on construction and extraction occupations such as carpentry and plumbing, only 4.2 percent of workers were women.<sup>6</sup> Meanwhile, Black workers made up 7.1 percent of construction and extraction jobs versus 12.6 percent of all employed workers. And while Hispanic workers were overrepresented in these jobs, at 40.3 percent—compared with just 18.5 percent of all employed workers—they were underrepresented in higher-paid jobs, such as electricians.<sup>7</sup> Women of color, meanwhile, face compounding, intersecting racial and gender biases.<sup>8</sup> Underrepresented workers face a variety of barriers to entering and staying in construction trades, including discrimination, harassment, and lack of a network through which to find employment.<sup>9</sup> Ensuring equitable access to construction jobs must involve expanding the number of people who have access to these jobs and changing workplace culture to address discrimination and bias in order to support retention, thus helping employers meet their demand for workers.

This will help connect workers from all walks of life to jobs that provide decent wages and benefits and improve economic security. The vast majority of IJJA funds include Davis-Bacon Act prevailing wage and benefit standards for construction work to ensure that government spending does not undercut local standards. Davis-Bacon standards, which guarantee that construction workers on publicly supported projects are not paid less than the amount local workers commonly earn, level the playing field for skilled workers to participate in the projects and close gender and racial pay gaps.<sup>10</sup>

Yet research shows that wage theft—employers cheating workers out of wages and benefits they rightfully earn—is all too common in the construction industry.<sup>11</sup> Strengthening enforcement of prevailing wage protections will ensure that workers on IJJA-funded projects are paid what they rightfully earn and help prevent low-road businesses from undercutting high-road employers committed to paying decent wages and benefits. They will also provide good value to taxpayers by supporting a stable, well-qualified workforce.

**Policymakers have legislative, regulatory, and policy levers at their disposal to**



## address workforce goals throughout infrastructure spending

There are two primary mechanisms through which IIJA funding reaches communities: 1) competitive, discretionary grants that federal agencies bid out to state and local jurisdictions or directly to companies; and 2) formula funding that federal agencies allocate to state and local jurisdictions, which then bid out directly to companies. The number of applicants for the grants typically exceed the available awards, allowing agencies to set standards, incentives, or priorities that applicants must meet to receive funding. In theory, the federal government has even more latitude to set and oversee job quality and equity standards when awards flow directly to private companies, without a state or local government intermediary. Jurisdictions that receive formula funds typically have to comply with several baseline standards to ensure that workers are paid market wages and benefits and are not discriminated against. While state agencies typically have much broader authority over how funds are spent, federal agencies can issue guidance and offer technical assistance for jurisdictions interested in upholding higher standards on formula funds.<sup>12</sup>

A variety of federal agencies disburse IIJA funding, including the U.S. Department of Transportation (DOT), which is tasked with overseeing projects that affect roads, bridges, rail, public transport, airports and aviation facilities, ports and waterways, safety, and electric vehicles; the U.S. Department of Energy (DOE), U.S. Environmental Protection Agency (EPA), and U.S. Department of the Interior (DOI), which are tasked with disbursing funds related to clean energy and power, water, resilience, and environmental remediation; and the U.S. Department of Commerce (DOT), tasked with overseeing expansion of broadband infrastructure.<sup>13</sup> These agencies' state and local counterparts will both apply for federal competitive grant dollars and allocate formula funds.

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The number of applicants for [federal] grants typically exceed the available awards, allowing agencies to set standards, incentives, or priorities that applicants must meet to receive funding.

The vast majority of IIJA funds are subject to certain baseline wage and equity standards, although enforcement of these standards varies, as it is tied to the capacity of awarding and enforcing agencies. As discussed above, the vast majority of IIJA funds are covered by Davis-Bacon prevailing wage standards, and recipients must also comply with enhanced anti-discrimination protections. Executive Order 11246, signed by President Lyndon B. Johnson in 1965, charges the DOL's Office of Federal Contract Compliance Programs (OFCCP) with upholding equal opportunity among recipients of federal funding for various groups as well as setting and enforcing participation goals for women and minority groups on federal and federally assisted construction projects. The goal for women's participation is set at 6.9 percent of work hours, and the goal for minority groups, not disaggregated by race or ethnicity, differs depending on geography but ranges from 0.5 percent in parts of Maine to 87 percent in parts of Texas.<sup>14</sup> Participation goals are not enforceable quotas, are often lower than

actual population numbers, and rely on recipients to act in good faith. The OFCCP also requires affirmative action in hiring and prohibits discrimination on federal and federally assisted construction projects on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, and disability status.<sup>15</sup> Furthermore, the OFCCP selects some construction projects priced at more than \$35 million to participate in its megaconstruction project program that provides front-end assistance to increase compliance with OFCCP goals.<sup>16</sup>

The DOL has taken a proactive role in building toward equity and job quality goals in infrastructure spending. Through the Good Jobs Initiative, the DOL and key infrastructure agencies—DOT, DOE, and DOC—have signed memorandums of understanding (MOUs) that aim to systematize collaborative efforts to develop strategic partnerships and engage stakeholders; advance job quality and equity metrics and standards; and support equitable workforce development.<sup>17</sup> The DOL has also provided technical assistance to infrastructure agencies and developed a “job quality checklist” to assist staff developing and evaluating grant applications in identifying policies that are likely to lead to quality and equity outcomes. In addition, it has elevated best state and local practices in order to demonstrate their effectiveness.<sup>18</sup> Moreover, the DOL has partnered with the Department of Commerce to develop a set of good jobs principles to guide future policy and investments, and the DOL’s Employment and Training Administration—which funds the public workforce system’s career centers and workforce boards across the country—released a comprehensive policy framework aimed at engaging the public workforce system in IJJA implementation.<sup>19</sup> Finally, in the area of telecommunications, the DOL, in partnership with the Federal Communications Commission, has released guidance on workforce development opportunities associated with broadband investment.<sup>20</sup>

Meanwhile, in 2022, the Department of Commerce announced the Million Women in Construction initiative, which aims to double the number of women in construction over the next decade.<sup>21</sup>

## **Federal agencies have been innovative and iterative in the process of releasing discretionary funding**

While some grant awards have already been made, many awards are still forthcoming—leaving significant room for future innovation. Since the IJJA’s passage, agencies disbursing competitive grants have made notable progress toward prioritizing equity, workforce development, and labor standards, including wage and benefit standards, the free and fair choice to join a union, and workplace safety and health. At their best, notices of funding opportunity (NOFOs) are clear about how agencies will use rubrics to evaluate applications, include specific examples of what reviewers are looking for, and clearly state that inclusion of these three workforce goals will significantly increase likelihood of receiving a grant award. Language typically includes the potential for agency monitoring of relevant requirements but does not mandate it.<sup>22</sup>

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## A January 2023 CAP analysis of competitive NOFOs from IIJA-funded agencies available online showed that 54 of 78 documents—69 percent—contained language incentivizing proposals that address job quality, equity, and/or workforce training goals.

A January 2023 Center for American Progress analysis of competitive NOFOs from IIJA-funded agencies available online showed that 54 of 78 documents—69 percent—contained language incentivizing proposals that address job quality, equity, and/or workforce training goals. Seven of those 54 documents allowed IIJA funding to be used for workforce activities.<sup>23</sup> Two excerpts of this language are included in the drop-down boxes below.

### DOT's Reconnecting Communities Pilot Program ▼

**Agency:** Department of Transportation, Office of the Secretary of Transportation

**Program:** Reconnecting Communities Pilot (RCP) Discretionary Grant Program

**Workforce language:** “Each applicant selected for RCP Program Capital Construction Grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A.3. If applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, they will be required to do so before receiving funds ... Recipients of an award under this program are also required to comply fully with the Davis Bacon Act (40 U.S.C. §§ 3141-3148) ... Equal employment opportunity is an important priority. ... All Federally assisted contractors are required to make good faith efforts to meet the goal that women perform at least 6.9 percent of construction project hours and people of color perform at least the construction project hours target pertinent to the project’s geography. The U.S. Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. ... DOT will require project sponsors with costs above \$35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

**Read more:** <https://www.transportation.gov/sites/dot.gov/files/2022-09/RCP-FY22-NOFO-Amendment-1.pdf>

**DOE's Renew America's Schools Program** ▼

**Agency:** Department of Energy, State and Community Energy Program

**Program:** Energy Improvements at Public K-12 School Facilities – Bipartisan Infrastructure Law (BIL) – Renew America's Schools

**Workforce language:** “To support the goal of building a clean and equitable energy economy, the BIL-funded projects are expected to (1) support meaningful community and labor engagement; (2) invest in America’s workforce; (3) advance diversity, equity, inclusion, and accessibility.

Criterion 2: Benefits and Impact (40%) ... involves consideration of the following factors:

- Degree to which the proposed project will likely result in significant energy and cost savings;
- Degree to which the proposed project will likely result in health and safety benefits;
- Degree to which the proposed project will likely result in significant greenhouse gas emissions reductions;
- Degree to which the proposed project will likely result in improvements to student learning and growth; and
- Extent to which applicant’s Community Benefits Plan illustrates project viability and social risk mitigation through community and labor engagement; investment in the American workforce; diversity, equity, inclusion and accessibility (DEIA) goals, and ‘Justice 40 Initiative’ benefits to DAC [disadvantaged communities].”

**Read more:** <https://www.energy.gov/scep/grants-energy-improvements-public-school-facilities>





Furthermore, agencies such as NTIA have included workforce provisions in formula funding. An excerpt of this language is included in the drop-down box below:

**NTIA's Broadband Equity, Access, and Deployment Program** ▼

**Agency:** National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce

**Program:** Broadband Equity, Access, and Deployment (BEAD) Program

**Workforce language:** “At a minimum, an Eligible Entity’s Five-Year Action Plan must: ...

7. Include a description of the Eligible Entity’s external engagement process, demonstrating collaboration with local, regional, and Tribal (as applicable) entities (governmental and nongovernmental) and reflective of the local coordination requirements outlined herein, including outreach to underrepresented communities and unions and worker organizations. ...

10. Provide a comprehensive, high-level plan for providing reliable, affordable, high-speed internet service throughout the Eligible Entity, including: ...

f. Strategies to ensure an available and highly skilled workforce (including by subgrantees, contractors, and subcontractors) to minimize project disruptions, including any plans to ensure strong labor standards and protections, such as those listed in Section IV.C.1.e; and plans to attract, retain, or transition the skilled workforce needed to achieve the plan’s goals, including describing the involvement and partnerships of subgrantees, contractors, and sub-contractors with existing in-house skills training programs, unions and worker organizations; community colleges and public school districts; supportive services providers; Registered Apprenticeship programs and other labor-management training programs, or other quality workforce training providers.”

**Read more:** <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>



NOFO language has evolved over time to be more robust and affirmative. For example, DOT’s Port Infrastructure Development Program (PIDP) NOFO states that for applicants to receive a high rating in the equity and opportunity category, they “must robustly include components from each of the following areas—equity-focused policies and related project initiatives, labor standards, support of workforce training and placement efforts for underrepresented populations, and planning and policies to promote hiring of underrepresented populations.”<sup>24</sup>

This is distinct from the earlier Rebuilding American Infrastructure with Sustainability and Equity (RAISE) NOFO, which includes workforce standards as one of several “and/or” criteria in several different evaluation categories—something that makes it easier for an application without these elements to meet other goals and thus advance in the selection process.<sup>25</sup>

The DOE’s Battery Materials Processing and Battery Manufacturing NOFO, meanwhile, includes workforce objectives and encourages it to be tied to legally enforceable community benefits agreements, community workforce agreements, or similar legally binding agreements. This grant requires an equity plan that illustrates the following:

**how their proposed project will incorporate (1) Quality Jobs including (a) efforts to attract, train, and retain a skilled workforce and (b) workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs; and (2) Community Benefits including (a) Diversity, Equity, Inclusion, and Accessibility; and (b) the Justice40 Initiative.**<sup>26</sup>

Tying equity and workforce provisions to a community benefits agreement or community workforce agreement makes these goals legally enforceable by the signatories, subject to the oversight of the DOE’s inspector general, while agreements that contain project labor agreements are enforceable through

arbitration procedures agreed to by the parties and, ultimately, the National Labor Relations Board.

Finally, some NOFOs include plans to work with grantees during the planning, contract negotiation, or post-award stage to improve workforce outcomes. The DOC's Broadband Equity, Access, and Deployment (BEAD) Program asks eligible state governments to develop five-year plans that include steps to achieve workforce goals; it also instructs states deciding among competing broadband projects to evaluate potential subgrantees based on their past record of compliance with labor standards and plans for future compliance. Moreover, the National Telecommunications and Information Administration will provide technical assistance to states between submission of their initial plans and final plans.<sup>27</sup> DOT's Reconnecting Communities Pilot Program, meanwhile, requires grantees who may not initially meet workforce standards—but nonetheless receive funding because they score high enough in other categories—to develop their plans to meet workforce standards before they receive funds.<sup>28</sup>

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ARTICLE

**Meeting the Moment: Equity and Job Quality in the Public Workforce Development System**

Feb 17, 2022  
[Marina Zhavoronkova](#)

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**Supply- and demand-side policies would ensure access to good jobs**

There is a growing body of knowledge on what policies and structures jurisdictions can implement to create more equitable access to higher-quality work and training. While the federal government cannot typically directly implement these strategies, it can often require, incentivize, model, elevate, or otherwise support their development at the state and local levels.

Supply-side strategies such as the following should increase and diversify the jobseeker pipeline:

- **Pre-apprenticeship programs or apprenticeship readiness programs (ARPs)** can recruit directly from target communities and organizations that serve underrepresented populations, such as women and workers of color, and articulate directly into registered apprenticeship programs. ARPs can expose workers to a field they would not have otherwise considered, help workers meet minimum standards to articulate into registered apprenticeship programs, and provide access to supportive services such as child care and transportation.<sup>29</sup>
- **Registered apprenticeship (RA) programs**, workforce training, and career pathway models can include classroom and on-the-job training and wage progression over time.<sup>30</sup> Apprentice populations are often more diverse than the overall industry workforce. Given that apprentices are at the start of the entry pipeline into skilled trades, this is a promising shift.<sup>31</sup>
- **Partnerships with one-stop career centers and training programs funded by the Workforce Innovation and Opportunity Act (WIOA) and**

**Wagner-Peyser Act** can provide employment services to almost 17 million people annually.<sup>32</sup>

- **Recruitment activities, outreach, and marketing campaigns** can seek to increase visibility and awareness of construction careers, particularly for underrepresented groups. For example, the Northeast Center for Tradeswomen’s Equity Build a Life That Works campaign has highlighted women in trades careers. The organization also organizes “Tradeswomen’s Tuesdays” recruitment events.<sup>33</sup>

Meanwhile, demand-side strategies—which government agencies are in a unique position to drive—must increase the demand for good-quality jobs and skilled, diverse workforces representative of larger communities. Applicants can show that federal investment will increase demand for diverse workforces and support compliance across contractors and subcontractors through the following strategies:

- Encourage and enforce both wage and equity goals through ongoing monitoring of compliance with wage and demographic outcomes and through partnerships with trusted worker and community organizations.
- Ensure beneficiaries of IJJA funding hire local workers, diversify their workforces, and establish welcoming work environments free from discrimination and harassment.
- Establish legally enforceable, project-specific agreements in order to support workforce quality, safety and stability; ensure that investments benefit the local economy; and help guarantee on-target and on-budget completion of projects. These can include project labor agreements, community workforce agreements, and U.S. employment plans.<sup>34</sup>
- Screen out non-responsible contractors with histories of violating workplace laws as well as those without the capacity to support workforce stability. For example, several cities have adopted responsibility screening processes for construction contractors that review participation in active registered apprenticeship programs.<sup>35</sup>

As discussed above, these measures to increase demand for local workers help prepare a new generation for skilled, noncollege positions, not only supporting timely completion of directly funded projects but also guaranteeing a well-qualified workforce for decades to come.

## Recommendations

This report recommends four strategies to increase equitable access to good jobs and address staffing goals. The primary audience for these strategies is federal agencies with control over infrastructure funds and the U.S. Department of Labor in its capacity as a technical assistance provider on the workforce aspects of IJJA implementation. The secondary audience for these strategies is state and local governments looking to achieve workforce outcomes directly.

### **Include clear, robust workforce standards in procurement communication and evaluation**

Federal agencies, including the U.S. Department of Transportation and U.S. Department of Energy, have made significant progress in including workforce goals and metrics in a variety of procurements. To create cross-agency



consistency and drive workforce outcomes, language used in procurement notices and evaluation processes should reflect clear, robust, and consistent policy goals, while also incentivizing the steps required to reach those policy goals.

When legally permissible, procurement language should include the following priorities:

- **Clear and prominent language that applicants will be required to meet preexisting workforce standards if awarded funding:** All procurements should also clearly state all relevant existing laws and policies with which bidders are required to comply. This is a simple step that sends a strong message. For example, DOT’s Reconnecting Communities Pilot Program references Executive Order 11246, which mandates that bidders make good faith efforts to meet employment goals for women and workers of color.<sup>36</sup>

Where such a requirement is not legally permissible, language should include a clear and prominent statement that applicants that meet the NOFO workforce standards will be significantly more likely to win the award. For example, for all demonstration and deployment funds, the DOE allocates 20 percent of the technical score of a proposal to a required community benefits plan, where the applicant describes its commitments to job quality; diversity, equity, inclusion, and accessibility; the Justice40 Initiative; and community and labor engagement.

- **Clear, robust, and consistent definitions of policy goals, ideally tied to implementation steps, enforcement, and reporting:** The process of getting to consistent priorities and evaluation criteria may require iteration over time to reach the right language, but ultimately, a consistent framework will benefit both agencies and bidders. For example, the DOE’s aforementioned Battery Materials Processing and Battery Manufacturing Funding Opportunity Announcement clearly outlines several workforce priorities that will be prioritized in grant awards: quality jobs that attract, retain, and train workers and create opportunities in communities that have lost jobs due to fossil fuel displacement, as well as community benefits that facilitate diversity, equity, inclusion, and accessibility and commitment to the Biden-Harris administration’s Justice40 agenda.<sup>37</sup> Similarly, while many Department of Transportation NOFOs prioritize or incentivize project labor agreements; local, targeted, or economic hire ordinances; registered apprenticeships; and strategies to increase diversity, the RCP Discretionary Grant Program requires all grant winners to partner with the OFCCP if selected to do so and participate in the megaconstruction project program, which then “engages directly with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations.”<sup>38</sup>

The National Telecommunications and Information Administration’s BEAD Program specifies the various metrics states can include in their proposals to advance equitable workforce development and job quality objectives, including sector-based partnerships, prioritization of direct employment and local hiring, and ability to deliver on quality jobs standards. It also includes instructions on the relative weighting of these sorts of metrics to evaluate competing subgrantee proposals,

instructing that “fair labor practices” should be among the factors given greatest weight and “equitable workforce development and jobs quality” is an additional factor to prioritize.<sup>39</sup>

Consistency of priorities, and robust and specific prioritization of policies that create equitable access to good jobs, paired with clear, enforceable requirements, ensures bidders understand what is required of them and gives agencies tools for monitoring and enforcement.

- **Commitment letters from worker, community, or national organizations from which applicants will receive technical assistance or with whom they will be partnering:** This will increase the likelihood that an applicant’s workforce objective is fulfilled. For example, if an applicant states that they will work to have more women and workers of color represented in their workforces, they should be partnering with organizations that represent tradeswomen, community-based organizations that recruit from underrepresented populations, labor unions, and others. To indicate long-term collaboration and joint decision-making across a suite of projects, partnerships should include concrete steps such as a certain number of meetings, public transparency or postings, or other partnership indicators.<sup>40</sup>
- **Intent to disclose which entities are selected to complete projects and their narratives at the grantee and subgrantee level:** In the 2023 RAISE NOFO, the Department of Transportation included language communicating to prospective bidders that it “intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested ... [and] may make application narratives publicly available.”<sup>41</sup> This type of disclosure allows local stakeholders and partners to connect with entities receiving infrastructure funds and ensure they deliver on their stated workforce commitments.

## **Build agency capacity to collaborate and prioritize workforce standards**

Agencies responsible for disbursing infrastructure funds are experts in evaluating proposals based on their ability to adhere to technical specifications necessary to deliver a safe, high-quality product on time and on budget. The Biden administration has demonstrated its commitment to workforce goals by staffing infrastructure agencies with workforce-oriented experts that have been driving many of the strategies outlined in this report. However, in order to ensure the longevity of these efforts and reframe the purpose of current and future infrastructure spending, more systemic operational structures are needed. These structures should achieve two goals across federal, state, and local jurisdictions: 1) build job quality and workforce staff capacity into infrastructure agencies by increasing full time employees dedicated to these issues; and 2) ensure long-term sustainability of workforce initiatives.

Federal agencies should consider the following promising practices in the short and long term:

### **Short-term practices**

Agencies should build staff capacity to implement good jobs and equity goals across agencies, implement goals within agencies, and liaise with states and cities.

For example, agencies can take the following steps:

- **Build the capacity and expertise of new and existing career staff in infrastructure agencies** to include workforce standards in NOFOs, evaluate grant applicants for workforce standards and equity provisions, build workforce standards into contractual terms, and collaborate with external workforce and labor stakeholders and experts. For current staff, this can be accomplished through training, a process the Department of Labor and others has been heavily involved in on the federal level. Most agencies have designated labor advisers that provide guidance to contracting officials on contract labor issues, including assessing prevailing wage determinations; providing guidance during labor-management disputes on contracts; investigating allegations of related violations; and liaising with the DOL and National Labor Relations Board. Recently, the Office of Management and Budget and DOL issued a memo instructing all 24 agencies covered by the Chief Financial Officers Act to designate a high-level career staff member to fill this role, including working with awarding agency personnel “to promote greater awareness and understanding of labor law requirements, including wages, benefits, recordkeeping, reporting, and notice requirements, as well as effective and promising practices for obtaining compliance with contract labor law requirements.”<sup>42</sup> Training these designees on the IJJA’s workforce quality and equity goals—including when to refer incidents of possible discrimination to the OFCCP or Equal Employment Opportunity Commission, given the complexities of construction hiring and crew retention procedures that can hide discrimination—would help ensure consistent implementation across agencies.
- **Create a state-level coordinator role that liaises between federal agencies and state and local implementers.** For example, the National Telecommunications and Information Administration (NTIA) has deployed federal program officers and state program points of contact that will be publicly accessible to communities and stakeholders on the state and local level and will participate in federally deployed training, including workforce training, to support implementation of NTIA’s federal workforce priorities.<sup>43</sup>
- **Institutionalize the DOL’s role as a technical assistance provider to other agencies by creating career staff positions dedicated to interagency consults.** The DOL should play a coordinating role over the long term to ensure that agency staff can leverage and connect with external experts and are working toward a joint quality and equity agenda.
- **Continue and even expand outreach efforts.** The DOL has recently added staff specifically focused on supporting outreach to state and local governments. The agency should continue and even expand this outreach, training, and technical assistance for state agencies so that they can build and engage on appropriate job quality and equity strategies. These strategies should be included in applications for federal DOL, DOT, DOE, DOC, and other procurements as well as in the design of their own state-led, formula-funded grants. Akin to the use of MOUs between the DOL and IJJA awarding agencies, the DOL should also recommend and support the development of MOUs between state labor departments and agencies that

will be applying for IIJA funds to facilitate collaborative working relationships. As federal agencies continue to prioritize applicants with strong workforce and equity goals, MOUs can improve states' likelihood of qualifying for federal discretionary funding and, similarly, ensure states replicate best practices in their own awards.

### **Long-term practices**

Agencies should create permanent infrastructure jobs offices in or connected to federal awarding agencies that ensure a specific body is charged with responding to employment implications of infrastructure policy. Offices should influence demand-side workforce standards attached to infrastructure spending and make connections to the workforce pipeline through apprenticeship and pre-apprenticeship programs and WIOA-funded one-stop career centers and programs. For example, the Office of Energy Jobs in the U.S. Department of Energy is focused on ensuring that energy jobs are high quality and accessible while providing guidance to other program offices across the department.<sup>44</sup>

At the state level, the Illinois Works model is unique in that it does not provide policy guidance but combines supply- and demand-side functions by addressing both talent pipeline and standard enforcement issues. Housed in the state's Department of Commerce and Economic Opportunity, the office manages funding for pre-apprenticeship programs, enforcement of a goal of apprentices working 10 percent of project hours on public works projects of more than \$500,000, and a bid credit system that gives contractors who hire pre-apprentices an advantage in the procurement process.<sup>45</sup> This effectively funds the training pipeline into construction and creates incentives that mean trainees are more likely to be employed.

The mandate of these offices is likely stronger when tied to legislative language and not subject to changing political preferences.

### **Provide technical assistance to achieve desired policy results**

While there is significant energy and momentum to ensure that infrastructure spending results in good jobs, there is also concern about state and project-owner capacity to effectively implement best practices. While federal agencies have released many resources and significant guidance on how to achieve desired workforce outcomes, there is still room for more hands-on technical assistance from project owners and grantees on how to ensure job quality, equity, and access to workforce training. One step in this direction was the Women in the Workforce Initiative, funded by the DOL Women's Bureau to support 11 tradeswomen's organizations as they work with partners to create equity plans for infrastructure projects.<sup>46</sup>

Ultimately, the Department of Labor and infrastructure agencies should deliver technical assistance to grantees and contractors, ideally through established national centers. The DOL should deliver two levels of support to state and local jurisdictions, contractors, and other partners: 1) determining which combination of policy levers is feasible in given social, political, and geographic contexts; and 2) successfully implementing selected policy levers. This type of technical assistance is ideally funded through appropriations on an ongoing basis and can be rolled out today through existing technical assistance funding—the IIJA includes at least \$700 million for this purpose—or through a collaboration with philanthropic organizations looking to ensure equitable implementation of IIJA funds.<sup>47</sup>



Technical assistance could be rolled out for grantees of a specific program or on a broader level to ensure that jurisdictions are able to apply lessons learned to a wide array of infrastructure funding. Furthermore, any initiative should leverage organizations and jurisdictions that have developed deep expertise in areas of focus, including but not limited to the supply- and demand-side interventions detailed above.

Initiatives should also work to build organizational capacity by:

- Improving understanding of labor and workforce-related policy and when IJJA or other infrastructure funds can be spent on workforce development and supportive services
- Engaging in workforce planning, including setting equity and workforce training goals
- Meeting operational and staffing needs at state and local levels, including in state and local project owner and procurement offices
- Building data and reporting infrastructure

### **Measure and report workforce outputs and outcomes**

Reporting—both real-time and after project completion—is critical to ensure that projects are evaluated after the fact against equity and quality goals, to ensure grant recipients course-correct during the project if necessary, to create transparency for local communities, and to allow past performance to influence future grant awards.

Data collection and publication on publicly funded projects is fragmented. Contractors are required to submit certified payroll records weekly for all workers on a project covered under Davis-Bacon prevailing wage laws, providing essential real-time data that allow the DOL's Wage and Hour Division the oversight necessary to correct problems, such as worker misclassification and wage theft, as they occur. In addition, project owners can require the use of proprietary software systems that facilitate electronic prevailing wage reporting but also collect data on demographic factors, such as race and ethnicity, gender, veteran status, and other factors, down to the subcontractor level.<sup>48</sup>

Separately, the DOL's OFCCP requires employers to maintain records and use data collected by the U.S. Equal Employment Opportunity Commission for the enforcement of affirmative action and anti-discrimination protections relating to executive orders and legislation that affect hiring goals for women, minority groups, individuals with disabilities, and veterans. While this type of data collection can facilitate large-scale understanding of wages and the demographic composition of the workforce, as well as support or detract from a grantee's future funding application, it is less useful for real-time corrective action. Real-time data reporting is necessary in order to prevent discrimination on the job site and ensure equitable access to hours worked. This type of project-specific reporting requires contractors and subcontractors to collect data on their workforce and report it to the project owner, who would then ensure it is publicly available and, ideally, that it convenes all parties to course-correct if necessary. Ultimately, the DOL should explore legislative and regulatory pathways to requiring or encouraging more real-time reporting of demographic data by covered firms, with a particular focus on ways that sectorwide reporting requirements could improve compliance.

In addition, federal agencies can support outcomes tracking, measurement, and evaluation in the following ways:

- 1 Require grantees who are subject to certified payroll requirements to use software that tracks demographic characteristics of workers along with hours worked and wages paid.** The Department of Energy has required successful grantees on its Battery Materials Processing and Battery Manufacturing grant to use a DOE-procured web-based software service that will “automate the collection, verification and management of DBA [Davis-Bacon and Related Acts] compliance data as well as certified payroll report data, as applicable, from prime recipients and subrecipients of DOE funding.”<sup>49</sup> Standardized reporting both takes the burden off states and municipalities to design their own tracking systems and sets up consistent data sets for internal analysis, public review, or sharing with federal funders.
- 2 Require or incentivize grantees to convene partners on a regular basis to review data** through models such as access and opportunity committees that are charged with monitoring contractors to achieve workforce diversity.<sup>50</sup>
- 3 Require project owners to make infrastructure project data publicly available,** ideally disaggregated by company.
- 4 Track commitments to policies that are likely to result in greater equity and quality for workers.** This practice can both inform evidence-based practices and provide a complement to qualitative data that demonstrate how certain policies do or do not affect workforce goals. For example, the Department of Interior’s abandoned mine land guidance not only requires reporting on demographics and geography but also on whether a project prioritized local hires or used policy tools such as project labor agreements or community benefits agreements.<sup>51</sup> The DOL’s Good Jobs Initiative provides some high-level tracking of best practices across agencies and could be expanded to track information that successful applicants have included in their submissions.

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## **Conclusion**

Federal agencies have made notable progress toward delivering on the promise of good infrastructure jobs to communities. As funds continue to flow through federal and state project owners, funders should exercise creativity and commitment to good jobs principles. Committing to standard procurement language and communications, long-term agency staffing capacity, technical assistance, and outcome monitoring will help ensure that workers have equal access to opportunity and that projects are completed successfully and on time.

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