

**COUNTY OF MILWAUKEE
Inter-Office Communication**

DATE: August 27, 2012

TO: Supervisor Michael Mayo, Sr., Chairman
Committee on Transportation, Public Works and Transit

FROM: Greg High, Director, AE&ES Section, Facilities Management
Division, Department of Administrative Services

**SUBJECT: File No. 12-265 – Apprenticeship Utilization Plan –
Informational Report**

Background

The Milwaukee County Board of Supervisors adopted a resolution (File No. 12-265) authorizing and directing the Department of Transportation and Department of Administrative Services – Facilities Management Division to prepare an apprenticeship utilization program and report back findings at the September 2012 meeting of the Committee on Transportation, Public Works and Transit.

History

Employee Apprenticeship Opportunities

Several years ago, the Facility Worker positions within Facilities Maintenance Section were reorganized to provide a career ladder for unskilled workers. This model exists today. An unskilled worker can be hired at as Facility Worker 1 and ascend into Facility Worker 2, Facility Worker 3 and Facility Worker 4 positions as they become more experienced and obtain the necessary certifications and licenses. Providing Facilities Workers with career building opportunities benefits the individuals as well as the County by creating a more experienced workforce.

The Architectural, Engineering and Environmental Services (AE&ES) Section once employed between 4 and 5 interns, one each unit (Site Design Services, Environmental Services, Architectural Services and Airport Engineering). These paid positions were gradually eliminated due to lack of funding. AE&ES continually pursues unpaid internship opportunities with area universities.

Apprenticeship Requirements for Construction Contracts


The City of Milwaukee applies apprenticeship requirements to certain construction contracts as required by City of Milwaukee Ordinance 309-38 (see attached) Apprenticeship and On-the Job Trainee requirements for Construction Contracts. As defined by City ordinance, “for every construction contract in

excess of \$100,000 entered into by the City of Milwaukee must contain, where appropriate, a requirement that the contractor shall employ apprentices in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin Department of Workforce Development, and give fair consideration to all segments of the population, including women and minorities." The contracting City department monitors contractor performance over the course of the project. The City's program could serve as a template for Milwaukee County.

Conclusion

The Department of Administrative Services - Facilities Management Division currently offers some apprenticeship opportunities as related to facilities maintenance. Apprenticeship and internship opportunities for skilled trades, engineers and architects will require additional funding.

Next steps include defining apprenticeship opportunities that are available within all of County government and funding requirements, if necessary. In addition to internal apprenticeships, it is necessary to work with other County departments to develop apprenticeship guidelines and requirements for County bid public works construction contracts.



Greg High, Director
AE&ES Section, Facilities Management Division
Department of Administrative Services

Attachment

Cc: Committee on Transportation, Public Works and Transit
Chris Abele, County Executive
Amber Moreen, County Executive Chief of Staff
Tia Torhorst, Legislative Liaison
Pat Farley, Director, DAS
Julie Esch, DAS - Director of Operations, DAS
Jim Burton, Facilities Management Director
Gary Waszak, Facilities Maintenance Manager, DAS-FM
Martin Weddle, County Board Research Analyst
Jodi Mapp, County Board Committee Clerk

309-20 Public Works

309-20. Selling Compressed Natural Gas to the Public. The department of public works may sell compressed natural gas to the public. The price for compressed natural gas sold shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the compressed natural gas itself.
2. All applicable taxes.
3. All pro rata share of fueling station operating and maintenance costs.
4. A fleet overhead factor determined by the commissioner.
5. The cost of credit card processing or other direct sale costs.
6. Three cents per gasoline gallon equivalent unit.

309-22. Selling Electric Vehicle Recharging Services to the Public. The department of public works may sell electric vehicle charging services to the public. The price for recharging services shall be set by the commissioner of public works and periodically updated as needed to reflect changes in underlying costs. The price shall include:

1. The cost of the electricity itself.
2. All applicable taxes.
3. A pro rata share of the capital, operating and maintenance costs of the recharging station.
4. A recharging station site fee equal to the pro rata share to out-of-pocket site costs plus a reasonable estimate made by the commissioner of public works of revenues lost by the city, if any, had the site been used in a manner consistent with comparable property.
5. The cost of credit card processing or other direct sale costs.
6. A premium of 1.5% kilowatt hour of cost of the electricity itself.

309-30. Fees for Construction Plans and Specifications. The department may charge fees for the reproduction and distribution of plans and specifications for the construction of paving projects; water main work; sewer work; building, bridge and recreational facility work; and other public works projects.

→ **309-38. Apprenticeship and On-The-Job Trainee Requirements for Construction Contracts.** 1. DEFINITIONS. In this section:

- a. "Apprentice" means any person, 16 years of age or over, who shall enter into a

written contract of service where he or she is to receive from or through his or her employer, in consideration for his or her services, in whole or in part, instruction in any trade, craft or business. Apprenticeship agreements shall be governed by ch. 106, Wis. Stats.

b. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

c. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

d. "Contracting department" means any city department, agency, board or commission that has contracting responsibilities.

e. "Contractor" means a separate distinguishable business entity participating or seeking to participate in the performance of a contract.

2. REQUIREMENTS. a. The specifications for every construction contract in excess of \$100,000 entered into by the city of Milwaukee must contain, where appropriate, a requirement that the contractor shall employ apprentices in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen established by the Wisconsin department of workforce development, and give fair consideration to all segments of the population including women and minorities. In determining whether this requirement is appropriate for insertion in specifications for a particular contract, the contracting department may consider the nature of the work, whether the contract is of short duration, and whether the work will involve trades which are not apprenticeable.

b. Require all contractors and subcontractors to submit within 10 days following completion of the work or every 3 months, whichever comes first, contract time reports showing compliance with any contract requirements imposed in accordance with this section.

3. MONITORING AND ENFORCEMENT. The contracting department shall:

- a. Determine whether the work involves trades that have apprentices or on-the-job trainees and the appropriate level of participation of apprentices and on-the-job trainees per trade for inclusion in the contract specifications.

b. Monitor the performance of each contract with respect to the ratio of apprentices to journeymen employed on the project during performance of the contract.

c. Require all contractors and subcontractors to maintain records concerning its apprenticeship program, which shall be retained for 3 years after the contractor has received final payment under the contract. These records shall be made available to the contracting department for inspection upon reasonable notice.

4. **SANCTIONS.** Every construction contract effected by this section shall contain language indicating that if any documents submitted to the contracting department by a contractor, subcontractor, bidder or individual contain any false, misleading or fraudulent information, or if a contractor or subcontractor fails to comply with the provisions of this section, the contracting department may direct the imposition of any of the following sanctions:

- a. Withholding of payments.
- b. Termination, suspension or cancellation of the contract in whole or in part.
- c. After a due process hearing, denial of the right to participate in future contracts awarded by the city for 2 years.

309-39. Public Building Contracts.

1. **ADVERTISING FOR BIDS.** For those public contracts calling for the construction, repair, remodeling or improvement of public buildings, the commissioner of public works is authorized to call for bids for a single contract or up to 6 separate branches of work. Contracts shall be awarded based on the lowest responsible bidder for each contract to be let.

2. **BRANCHES OF PUBLIC BUILDING WORK.** For the purposes of this section, branches of public work consist of:

- a. General construction, including but not limited to: site work and landscaping; concrete work; masonry work; structural steel and miscellaneous metals; carpentry work; moisture control; windows, doors, glass and glazing; interior finishes; building equipment; and furnishings.
- b. Roofing.
- c. Heating, ventilating and air conditioning.
- d. Plumbing.
- e. Electrical, except as required for elevators.
- f. Elevators.

309-41. Participation of City Residents in Public Works Contracts. 1. **DEFINITIONS.** In this section:

a. "Construction" means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings or any other public work whatsoever.

b. "Contract" means a binding agreement executed by the city in which the city is committed to expend or does expend its funds or other resources.

c. "Contractor" means a separate and distinguishable business entity participating or seeking to participate in the performance of a contract.

d. "Department" means the department of public works.

e. "Resident" means a person who maintains his or her place of permanent abode within the city. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the city. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitation, the location where the person votes, pays personal income taxes or obtains a driver's license.

f. "Unemployed or underemployed" means that the resident has worked less than 1200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin department of public instruction to define eligibility for reduced lunch in public schools. A resident shall continue to qualify as unemployed or underemployed for 5 years from the date he or she first participated in a construction contract. If a resident becomes an apprentice for a contractor or becomes a participant in an on-the-job training program as determined by the city immediately after or in the course of performing on a particular construction contract, he or she shall continue to qualify as unemployed or underemployed for a period not exceeding 5 years from the date the person became an apprentice or participant in such on-the-job training program.

g. "Worker hours" means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a