

BALTIMORE CONTRACTORS FOR FAIRNESS

The Honorable John Bullock
Councilman, District 9
Baltimore City Council
100 Holliday Street, Room 503
Baltimore, Maryland 21202

April 1, 2021

Dear Councilman Bullock:

As members and supporters of Baltimore's Black business community, we are writing to express our grave concern with your decision to introduce CB-21-0048, entitled Construction Projects-Project Labor Agreements (CB21-48). We know you to be a thoughtful legislator seeking to increase Baltimore's citizens' opportunities; we are hopeful that you will listen to the Black business community about what policies are in the best interest of the companies we have built and the workers we employ.

CB 21-48 Plain Language

In introducing the legislation, you stated:

"We believe this can also be leveraged to increase the number of Baltimore City residents working on city-funded construction projects. There would be a positive economic impact for city residents, including higher wages, less wage theft because of bargaining power, and also access to benefits like health insurance and retirement."

After reading CB21-48 ([Legislation Text-21-0048.pdf](#)), we find no language to address local hiring. The words are never mentioned in the bills four pages. As you know, contractors working on City public works projects are already bound by the City's 2013 local hiring law. ([local_hiring_law.pdf \(baltimorecity.gov\)](#)) In fact, acknowledgment and compliance with this law are part of the current bidding process for construction projects. We share your policy objective of increasing city residents' hiring into the building trades and will proffer ideas later in this letter.

Regarding increasing wages, the term is never included in the bill. Baltimore has a prevailing wage statute that sets the wage and benefits rates for each project over \$5000. See [Art 5 Sub 25- Prevailing Wages 0.pdf \(baltimorecity.gov\)](#) and current rates [Prevailing Wage Rates-2021 0.PDF \(baltimorecity.gov\)](#). Each contractor, union or merit shop, majority or minority-

owned, working on a public works contract is required to submit certified payrolls attesting to compliance with the requirements of the existing law, face stiff penalties for violations, and, our businesses, just like Union contractors, pay the same wage and fringe rates as required and verified by the City. The plain language of CB 21-48 is not a wage bill; this goal is already achieved in existing law.

What does the bill say? According to the plain language of the bill, the PLA will:

1. bind all contractors and subcontractors engaged for the construction project;
2. guarantees against strikes, lockouts, and similar work disruptions;
3. provide for effective, prompt, and mutually binding procedures for resolving labor disputes arising during the agreement's term;
4. provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and
5. include any additional requirements that the Director considers necessary to promote the interests of the City.

Clauses 2 through 4 can be required during the bidding process and contractually between the Board of Estimates and the contractor; the City gains little from these provisions. Our businesses, however, must change our operations and workforce as a result of the language.

Application and Impact of CB21-28

So, what does CB21-48 do?

Its plain language is simplistic, direct, and devastating to our business models: for major public works projects, our merit shop businesses would be forced to contract with a labor organization, which does not represent our workers, to work on major public works projects. We walk into a negotiation with no leverage; we agree or do not work. Despite your good intentions, the bill inexplicably makes organized labor a gatekeeper on major public projects; to work, our business must pay a toll, and forgo the majority of our trained workforce.

Organized labor, by their admission, has an "ugly history" in areas of race relations. AFL-CIO President Richard Trumka admirably owns up to this fact and has called for a change. ([Acknowledging "Ugly History of Racism" in Labor Movement, AFL-CIO Creates New Commission on Race - In These Times](#)). The skilled trades are predominantly white; they boast few Baltimore-based, Black-owned companies. Organized labor's efforts on worker's rights are commendable; however, like most institutions, they have a long way to progress in Civil Rights and Black business inclusion and empowerment. Simply put, they should not be toll-taker or overseers of our businesses; they should be our partners in improving the pipeline for skilled construction workers for our shared industry.

While the bill contains no benefits for City residents or businesses, Unions will benefit significantly. Non-union signatory companies will be forced to forgo the overwhelming majority of our workforce and hire from their Union halls under their hiring rules. We will be held accountable for the work and mistakes of employees who are not trained by us, whom we are not familiar with, and who will leave our employ after the project. Union coffers will receive pension, health, and dues contributions from every hour worked on the project by every worker, regardless of membership; this influx of money to Unions is the true reason for PLAs.

Please understand, most of our contractors will not bid on projects with a PLA requirement. The restrictions on utilizing our workforce, the risks associated with workers who are not accountable to our companies, and the potential long-term pension liabilities which result from being a signatory create a de facto bar to our participation. We also do not seek an MBE exemption, as this places a ceiling on our ability to grow, rendering our businesses to a permanent sub-contractor status. We want to emphasize exemptions will not garner our support; legislation should not force Black business and to subjugate itself to a Union business model in order to work on public works projects of any size.

Alternatives

Increasing Baltimore residents' presence on public works projects is essential; merit shop organizations, including members of MMCA, have worked hard to establish pre-apprentice programs like Project Jumpstart and the ABC multi-craft construction training center located in East Baltimore, which opened in 2020. The Construction Education Academy is an excellent investment designed to open access to skilled trades apprenticeships for City residents. ([Construction Education Academy \(abcbaltimore.org\)](https://www.abcbaltimore.org)).

We invite you to tour this facility and speak to the Project Jumpstart coordinator. Project Jumpstart has trained and placed almost a thousand Baltimore citizens in the construction trades, many returning citizens. ([Project JumpStart \(projectjumpstarttraining.org\)](https://www.projectjumpstarttraining.org)).

MMCA is partnered Equality Equation Inc. to build the Industrial Park for Workforce Development. The Park will house the Equality Academy that aim to take workforce development programs from being an act of social responsibility and into a space where they are an economically viable function for community, government and those companies that employ and provide services for disadvantaged citizens. [The Park will serve Baltimore's construction industry by preparing citizens for the 21st century workspace.](#)

Council Bill 21-0039 Local Hiring-Employment Plan and CB 21-0047, The Dante Barksdale Career Technology Apprenticeship Fund, each of which you are a co-sponsor, provide a tremendous vehicle to train Baltimore's workforce and require their participation on City public works projects. These are bills that organized labor, black-owned businesses, and merit shop

contractors should work to improve and support; these are bills that will encourage and support Baltimore-based training programs needed to supply labor to all aspects of the Construction trades. They are examples of inclusionary not exclusionary legislation, designed to solve a common problem without implicitly blaming either business model.

Conclusion

Councilman Bullock, Mayor Brandon Scott has asked all city policies be evaluated through an equity lens. This bill, in its application, is a divisive, exclusionary piece of legislation that will divide the Construction industry. Resources and energy rehashing a stale policy are wasted and unproductive in accomplishing your stated goals.

We urge you to reject the voices of those who seek to tell Black business owners what is best for our businesses; we ask you to listen to the men and women who have worked as minority contractors for decades in Baltimore and act in their best interests. We respectfully request you to withdraw this bill and bring all parties to the table to develop legislation to address our common goals; legislation that includes all entities. You have our commitment to participate and work in good faith in such a process.

Respectfully, we formally request a meeting to discuss this issue further.

Sincerely,



Alex Smith, Owner
Division Street Landscaping
alex@divisionstlandscaping.com



Alvin Smith, President & CEO
P.O.S.T., LLC
ASmith@punchoutteam.com



Barnett J. Carroll, President & CEO
Aegis Mechanical Corporation
barnettc@aegismechanical.com



Christopher Braswell, President & CEO
Personal Electric, LLC
info@mypersonalelectric.com



Curtis J. Myles

Curtis L. Myles, President
C. L. Myles Contracting Co., Inc.
Curtis.l.myles@verizon.net



Debra Keller-Green

Debra Keller-Green, CEO
Keller Professional Services
debra@kellerproservices.com

Elwy Williams

Elway Williams, President
Williams and Hunter Services
emwjantorial@verizon.net



Gudell Ward

Gudell Ward, Managing Principal
IMEC
gward@imecgroupllc.com



James Hurtt

James Hurtt, President
American Contractors of Baltimore, Inc.
James.Hurtt@americancontractorsofbaltimore.com



Larry Lopez

Larry Lopez, President
Green JobWorks LLC
llopez@greenjobworks.com



Gregory Malcom

Gregory Malcom, Principal
IronShore Contracting, LLC
gmalcolm@ironshoregrp.com



Michael Onyeje

Michael Onyeje, President
Delta Electrical Contractors, Inc.
mike@aframinc.com



Monica Chiduzza, Owner
Shumba Floors & Construction Services, LLC
monica@shumbafloors.com



Neil Ingram, Owner
Preferred Cleaning Janitorial Service, Inc.
neil@preferredcleaningmd.com



Tammy Lunn, President
D&T Welding Contractor, LLC
tammylunn@dandtwelding.com



Larnell Gross, President
Twin Electric, Inc.
lgross@twinelectricinc.com



Joshua C. Matthews, Owner
JCM Controls



Jarrod M. Blackwell
President
BMC Services
jblack@bmcserv.com



Cheo Hurley
President & CEO
THG Companies, LLC
cheohurley@thgcompaniesllc.com



Christopher McCoy
President
 C. L. McCoy Framing
 Company, Inc.
 chrism@clmccoyframing.com



Curtis Coates
Owner
 World Wide Corporation
 ccoates@worldwideco.net

MAHOGANY



Jeff Hargrave
President
 Mahogany, Inc.
 Jeff.hargrave@mahoganyinc.com



Jeffrey Belfield
Owner
 J.D. Belfield Enterprises,
 LLC
 tminner@belfieldenterprises.com



Renard Gardner
President
 Vessel Electric
 rgardner@vessel-
 llc.com



Pless Jones, Sr.
President
 P & J Contracting Co., Inc.
 pless.jones@pandjcontracting.com



Charles Sparks
President
 Sparks Quality
 Fence Company
 s4881850@aol.com



Robert Harrington, Sr.
President
 REHarrington Plumbing &
 Heating, Co.
 REHarrington@REHarrinton.com



Ali Perrin
CEO
 Ruff Next, LLC
 ali@ruffnextllc.com



Anjenette Criner
Owner
 DLoren Construction
 Acriner@dlorenconstruction.com



Lenzie Johnson
Chief Financial Officer
 LJW
 lenzie@ljwinc.com

Sekwan Merritt
Owner
 Lightning Electric
 s.merritt@lepower.biz