Community Benefits Plans 101: Informational Video

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Disclaimer

This video is not a rule or regulation, and the recommendations it contains may not apply to a particular situation based upon the individual facts and circumstances. If you have specific Community Benefits Plans (CBPs) guidance questions, please refer to the funding opportunity announcement for each specific program. In addition, check out the “About Community Benefits Plan” page on the Department of Energy’s website.
Agenda

➢ Overview of CBPs, Justice 40 and CBP Templates
➢ Tribes & CBPs
➢ Diversity, Equity, Inclusion & Access
➢ Community & Tribal Engagement
➢ Labor and Enforceable Agreements
➢ Accountability
➢ OCED & CBP Examples
How is DOE addressing workforce and equity goals in funding opportunities?

- Prioritize benefits to disadvantaged communities
- Equitable access to wealth building opportunities
- Good jobs and career-track training
- Impacted workers and communities have a voice throughout the process
Community Benefits Plan: Key to Successful Implementation

- Reduces risks of opposition and delays
- Maximizes benefits
- Ensures long-term success
- Builds durable support for implementation

“I’m confident that as the American people see and feel the benefits from our efforts to transform America’s economy, lower costs, create jobs, and strengthen our national security, we will build momentum and broaden support for further action.”
Community Benefits Plan: Four Priorities

- **Justice 40**
  - Meet or exceed the objectives of the Justice40 initiative that 40% of benefits flow to disadvantaged communities

- **Diversity, Equity, Inclusion, and Accessibility**
  - Equitable access to wealth building opportunities (teaming, access to good jobs, business and contracting opportunities, etc.)

- **Good Jobs**
  - Create/retain high-quality jobs
  - Attract, train, and retain skilled workers

- **Workforce and Community Agreements**
  - Meaningful engagement with community and labor partners leading to formal agreements
Intersecting Goals – Community Benefits Plan

Justice40

Workforce and Community Agreements

DEIA

Good Jobs
Community Benefits Plan Overview

The applicant’s Community Benefits Plan must include at least one Specific, Measurable, Assignable, Realistic and Time-based (SMART) milestone per budget period in order to measure progress on the proposed actions.

The Community Benefits Plan will be evaluated as part of the technical review process, typically valued at 20% of the overall score.

If the project is selected, DOE will incorporate the Community Benefits Plan into the award and the recipient will be required to meet implement the Community Benefits Plan it proposed.

During the life of the DOE award, DOE will evaluate the recipient’s progress, including as part of the Go/No-Go review process.
A Community Benefits Plan template is available at this link: CBP Template

Each Funding Opportunity Announcement applicant is encouraged to use the CBP template to aid in the submission of the CBP portion of the application.

The CBP Template provides instructions on the type of information that an applicant should include so that they can submit a Community Benefits Plan that addresses all four priorities identified in the Community Benefits Plan portion of the Funding Opportunity Announcement.
40% of the overall benefits of certain Federal investments, including:

- investments in clean energy and energy efficiency;
- clean transit;
- affordable and sustainable housing;
- training and workforce development;
- the remediation and reduction of legacy pollution; and
- the development of clean water infrastructure must flow to disadvantaged communities.
The Justice40 Initiative section must include:

1. Identification of applicable DACs to which the anticipated project benefits will flow.
2. Identification of applicable benefits that are quantifiable, measurable, and trackable, including, at a minimum, a discussion of the relevance of each of the eight DOE Justice40 Initiative benefits outlined below.
3. A description of how and when anticipated benefits are expected to flow to DACs
4. A discussion of anticipated negative and cumulative environmental impacts on DACs.
Justice40 Policy Priorities

Benefit E1.1: [Description of benefit]

DAC that will benefit:

How benefit will be delivered: [e.g., direct or indirect, who will deliver]

When benefit will be delivered:

Milestones toward benefit delivery:

Metrics to track and report on benefits:

Community-based organization(s) involved in identifying or negotiating benefit or developing plan for benefit delivery:

1. **Decrease** energy burden in disadvantaged communities (DACs).
2. **Decrease** environmental exposure and burdens for DACs.
3. **Increase parity in clean energy technology** (e.g., solar, storage) access and adoption in DACs.
4. **Increase access to low-cost capital** in DACs.
5. **Increase clean energy enterprise creation** (MBE/DBE) in DACs.
6. **Increase the clean energy job pipeline and job training for individuals from DACs.**
7. **Increase** energy resiliency in DACs.
8. **Increase energy democracy in DACs.**
J40: Defining Disadvantaged Communities (DACs)

CEQ’s CEJST Mapping Tool:

27,248 census tracts as disadvantaged (~36% of 74,134 total U.S. census tracts)
WHERE ARE THE DISADVANTAGED COMMUNITIES?

A community can be either people in geographic proximity or people experiencing a common condition. Disadvantage was measured based on a score across 36 indicators, such as energy burden, housing burden, park access, power outages, cancer incidence, and more. The higher the score, the more disadvantage. Census tracts with at least 50% low income households and disadvantage scores higher than 80 percent of those in their state are considered a disadvantaged community (DAC). DACs are shown in blue and green on the map below, with all territories and tribal lands in green.

All Tribal lands are included as a “disadvantaged community.”
Federally Recognized Indian Tribes/Tribal Governments

Source: GAO, based on U.S. Census Bureau data and the Federal Communications Commission's definition of tribal lands. | GAO-18-630
Tribal Trust Responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian Tribes. (Seminole Nation v. United States 1942).
Diversity, Equity, Inclusion, and Accessibility

The Community Benefits Plan must describe how diversity, equity, inclusion, and accessibility (DEIA) objectives will be incorporated into the project.

- Should detail how the applicant will partner with:
  - underrepresented businesses,
  - educational institutions, and
  - training organizations that serve workers who face barriers to accessing quality jobs, and/or other project partners to help address DEIA.
Diversity, Equity, Inclusion, and Accessibility

This section should summarize the Applicant’s plan to incorporate diversity, equity, inclusion, and accessibility (DEIA) objectives into the Project.

Examples:

Commitment D1. Applicant commits to partnering with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses for contractor support needs.

Please describe your approach to partnering with Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses and Veteran Owned Businesses. 7

Commitment D1.1: [Name of partnership]

Summary of scope of work: [insert here]

Contract amount: $_____

Overall value of partnership: $_____


Diversity, Equity, Inclusion, and Accessibility (cont.)

This section may include a brief summary of the plan and should enumerate specific elements as sub-commitments below.

Commitment D2.1: Applicant will partner with pre-apprenticeship or apprenticeship readiness programs to foster improved access for underrepresented workers to jobs.

Name of readiness program/s: [insert here]

Commitment D2.2: Applicant will partner with training and placement programs [other than apprenticeship programs] for underrepresented workers.

Name of training and placement programs: [insert here]

Commitment D2.3: Applicant will provide ($_____) in childcare services for workers.

Description of services: [insert here]

Commitment D2.4: Applicant will provide flexible work schedules.

Description of flexible work schedule program: [insert here]

Commitment D2.5: Applicant will provide of ($_____ ) in transportation assistance to and from work and training sites.

Description of assistance provided, including any cost to employee, contractor, or trainee: [insert here]

Commitment D2.6: Applicant will provide emergency cash assistance for items such as tools, work clothing, etc.

Commitment D2.7: Applicant will hire local, disadvantaged, or underrepresented workers for % [insert percent] of construction work hours.

Commitment D2.8: Applicant will adopt local and economic hiring preferences as follows: [insert description here]
Good Jobs and Investing in Workers

- Funding applicants must detail commitments to:
  - Worker organizing and collective bargaining
    - free and fair chance to join a union
  - Quality Jobs:
    - above average wages and benefits in both the construction and operations jobs
    - workforce training and pathways to advancement
    - worker voice in workplace health and safety
Investing in Job Quality and a Skilled Workforce

Worker Representation
Applicant’s plan to support worker organizing and collective bargaining beyond their minimum legal obligations, consistent with the 1935 National Labor Relations Act and other applicable laws. Examples could include:
- a commitment to negotiate a Project Labor Agreement (PLA) for construction activity
- a pledge to remain neutral during any union organizing campaigns
- intention or willingness to permit union recognition through card check (as opposed to requiring union elections)
- a pledge to allow union organizers access to appropriate onsite non-work places (e.g. lunch rooms)

Job quality
Applicant’s plan to ensure that jobs created of sufficient quality to attract and retain a skilled workforce
- provide competitive wages and benefits, benchmarked to the industry average for the region
- provide workforce education and training through: Labor-Management Training Partnerships, paid on-the-job training, registered apprenticeships, covering costs and paid time for professional development and continuing education
- ensure workers are engaged in the design and implementation of workplace safety and health plans
Good Jobs and Investing in Workers

- “The National Labor Relations Act (1935) proclaims that the policy of the United States is to encourage worker organizing and collective bargaining and to promote equality of bargaining power between employers and employees”

“Confirming the policies declared in Federal labor laws, substantial evidence shows that union membership increases:
- wages,
- the likelihood of receiving employer-provided benefits, and
- job security.

Union membership also gives workers the means to build the power to ensure that their voices are heard in their workplaces, their communities, and in the Nation.

Therefore, it is the policy of my Administration to encourage worker organizing and collective bargaining.”
Workforce and Community Agreements

Describe the applicant’s plans to engage with labor unions, tribal governments, and community-based organizations representing local stakeholders including disadvantaged communities.

Describe plans to negotiate formal workforce and community agreements to detail benefits, partner obligations, and remedies to ensure accountability.
Community and Labor Engagement

Describe the specific stakeholders and organizations already engaged and planned to engage.
Examples:
- local governments,
- tribal governments,
- labor unions,
- and community-based organizations that support or work with DACs

Describe the nature of the support received (e.g., verbal, written, financial, etc.) and commitments made to the organization that provided the support.

Workforce and Community Agreements
Identify whether the Applicant is committing to negotiate workforce and/or community agreements and what type of agreements

Agreement Summary:
Describe the intended parties to the agreement and the intended scope of the agreement
Examples:
- the community benefits to be delivered for DACs (as discussed in the Justice40 section below)
- access to jobs and business opportunities for local residents
- investments in training for local workers
- commitments to pay wages and benefits above the prevailing rates for construction when not already required
- commitments to pay above average wages and benefits for hourly (non-construction) workers
- guarantees against strikes, lockouts, and similar job disruptions;
- effective, prompt, and mutually binding procedures for resolving disputes arising during the term of the agreement
- provide mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health
- utilization of registered apprentices
- remedies for non-compliance
Building in accountability to community members and workers

Scoring
Community Benefits Plans are scored, typically 20%, based on the applicant's specific commitments to Justice40, good jobs, DEIA, and community & labor engagement.

Funding Terms & Conditions
For successful applicants, Community Benefits Plans become part of the contractual obligations of the recipient, with milestones and Go/No-Go decision points.

Legal Enforceability
Negotiation of enforceable community and workforce agreements, such as Community Benefits Agreements and Collective Bargaining Agreements, ensure accountability to affected stakeholders. DOE is not a party to these agreements.

Public Transparency
For funded projects, non-business sensitive elements of Community Benefits Plans will be publicly posted. This will enable community and labor stakeholders to engage proactively with recipients rather than waiting to be contacted.
Community Benefit Planning Resources

- About Community Benefits Plans (FAQ) | Department of Energy
- Community Benefits Plan Template
- Climate & Economic Justice Screening Tool (geoplatform.gov)
- Energy Justice Dashboard (anl.gov)
- Justice40 Initiative | Department of Energy
THANK YOU!

For more information, please visit: energy.gov/infrastructure/about-community-benefits-plans