

Disclaimer

This presentation 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 this specific program. In addition, check out the “About Community Benefits Plan” page on the Department of Energy’s website.

Community Benefits Plans: Battery Manufacturing and Recycling Grants



U.S. DEPARTMENT OF
ENERGY

Agenda

1. Community Benefit Plan Overview
2. Effective Community Benefit Plans
3. Deep Dives Into Each CBP Priority
4. Summary

Community Benefit Plans: Overview

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."



Introduction to the CBP

- 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 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.



Community Benefits Plan: Four Priorities

- **Community and Labor Engagement**
 - Meaningful engagement with community and labor partners leading to formal agreements with accountability to affected stakeholders
- **Job Quality and Workforce Continuity**
 - Create good-paying jobs to attract and retain skilled workers and ensure workers have a voice on the job over decisions that affect them
- **Diversity, Equity, Inclusion, and Accessibility**
 - Equitable access to good jobs and wealth-building opportunities (teaming, inclusive recruitment and workforce development investments, business and contracting opportunities, etc.)
- **Justice 40**
 - Meet or exceed the objectives of the Justice40 initiative that 40% of total benefits accrue to disadvantaged communities (not per project or per FOA)



*In most cases, these plans equate to 20% of the technical merit points for project proposals

Community Benefit Plans



- Decrease project risks and delays due to community or labor opposition
- Decrease health and safety risks to workers and communities



- Increase participation of affected stakeholders in decision-making
- Increase opportunities for two-way communication
- Increase accountability to affected workers and communities
- Increase benefits and broadly shared prosperity from place-based projects

Can CBPs fulfill Tribal Consultation requirements?

- CBPs do not fulfill the requirements for formal tribal consultation.
- Tribal consultation is a government-to-government process between DOE and the Tribal government in recognition of Tribal sovereignty.
- Tribes have a right to formal consultation with DOE if all the following occur:
 - An Indian Tribe could be impacted by a project.
 - The impacted Indian Tribe is Federally recognized. This includes Alaska Native Regional and Village Corporations.
 - The Indian Tribe is not a party to the grant application (or other relevant activity). A letter of support from the Tribe or involvement in a CBP does not determine whether a Tribe is a party to an action.

Need Help?

Direct questions to the Tribal Energy Steering Committee: tribalconsultation@hq.doe.gov.

Community Benefits Plan Template

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.

CBP Template

Community Benefits Plan Master Template

[Cover page for federal employees only]

Introduction:

The committee on Equity, Labor, and Economic Prosperity (ELEP) currently supports 3 templates for the Community Benefits Plan Implementation. Please follow the process below to select the correct template for your funding opportunity. The CBP templates are intended to assist applicants and programs with clarifying and refining commitments in their CBP applications submitted in response to a FOA. Programs should consult with legal counsel in connection with allowable cost-share.

Step 1: Assess type of project and identify the correct template for your funding opportunity:

Using the table below assess which CBP template best applies to the funding opportunity or program.

A demonstration and deployment (D&D) project or program.	Research + Development (R&D)	FEED Study/ Phase One Projects
A demonstration and deployment project in phase 2-4 of a phased award. This template is suitable for most award project types. This template is appropriate for any project incorporating construction work.	A research- or lab-based study that does not include construction or deployment activities as part of the project. This template is consistent with the EERE R&D guidance in the FOA template. Any R&D project that incorporates construction work should use the D&D template.	A project that is at a phase 1 or 2 in a multiple phase award, e.g., a study that could lead to construction of facility or technology. This template contains sections that ask the Selectee to consider future workforce considerations and benefits and impacts of a project.

Step 2: Copy and paste the desired CBP template into a new document.

The different CBP templates are located at the pages noted in the contents below. Offer the selected template at the time of FOA release or provide the appropriate template to the Selectee to complete after the award, if needed. Copy and paste the relevant template into a new document before distributing.

Step 3: Ensure the summary table at the end of the template is completed.

This summary will become the Community Benefits Outcomes and Objectives (CBOO). Similar to the Statement of Project Objectives (SOPO), this table should contain the high-level

Template Version 01/2024

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Effective Community Benefit Plans

Effective Community Benefit Plans Include

- **SMART Milestones with clear metrics to measure success.**
- **Specific commitments that align with the section of the [CBP Template](#) and that respond to the specific FOA topic.**
- **Integrate with the project such that CBP outcomes can impact project decisions.**
- **Identify sufficient resources (money, people, and time) to achieve the tasks outlined in the CBP.**
- **Reach beyond a high-level or vague vision to demonstrate actionable goals, outcomes, and implementation.**
- **Commitments consider possible project impacts on impacted communities and workers, labor and workforce, and Tribes. The identified commitments align with the identified needs and priorities.**

Effective Community Benefit Plans, cont.

- **Clearly identify those communities that will be impacted by the project and where they are located (name, zip, CEJST).**
- **Offer substantive analysis on the volume of community benefits or when/how they are expected to flow.**
- **Provide specific details for who will be engaged, when, how, and to what purpose.**
- **Thoroughly model, offer to monitor, or ameliorate environmental impacts**

Community and Labor Engagement

Community and Labor Engagement in Community Benefits Plans

Describe the applicant's plans to engage with labor unions and worker organizations, 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:

Examples of Effective Commitments

1. Commitment to negotiate Collective Bargaining Agreements, Community Benefits Agreements, Community Workforce Agreements, and/or Good Neighbor Agreements. (MOU outlining the conditions for negotiation at DOE negotiation stage)
2. Identification of benefits provided to affected stakeholders and local community (e.g., the number of local jobs to be created and wages paid), timelines, and remedies for non-compliance
3. Establishment of Community Advisory Councils including labor, Tribal, and environmental justice representatives

Community and Labor Stakeholder Engagement: Important Questions

- What specific community groups and labor stakeholders will be engaged for consultations and feedback over the life of the project?
 - Over what timeline will these meetings/workshops occur?
 - Is there a specific number of engagements within a specific timeframe?
 - Are the number and type of proposed engagements reasonable and timely for the proposed project?
- Is there a defined methodology for community and/or labor stakeholder feedback (workshop strategies, white boards, surveys, analyses, reports)?

Community and Labor Stakeholder Engagement: Important Questions, cont.

- **Is there a commitment to incorporate engagement feedback into the project or program? Are there specific dates or decision points for how engagement feedback will be incorporated?**
- **Is there a plan for collective bargaining agreements?**
- **Are there established check-in dates and deadlines for the negotiation and execution of any community benefit agreement, collective bargaining agreement, or similar agreements?**
- **Are any milestones, goals or metrics that were committed to in the CBP recorded in the CBOO, CBR, and quarterly reporting for follow up?**

Community and Labor Engagement

Plan to detail governance and accountability

Governance

- Detail how key investment decisions will be made
- Detail how community and labor input will be incorporated into investment decisions
- Community benefits plan committee structure, composition, roles, responsibilities
- Equal worker and community representation

Accountability

- Negotiate self-governing and legally-enforceable agreements to ensure accountability to affected community stakeholders (DOE is not a party to these agreements)
- Agreements detail community benefits
- Agreements detail remedies for non-compliance

Job Quality and Workforce Continuity

Job Quality

Plan to attract, train, and retain a qualified workforce for project success

- High-quality job creation and retention
 - Pay **above average wages** and benefits in both the construction and ongoing operations jobs
 - Invest in workforce training to **support a skilled workforce** and provide pathways to advancement
 - Ensure workplace **health and safety** plan design and implementation
- Affirmative support for worker organizing and collective bargaining
 - Pledge for neutrality and/or card check



Workforce Continuity

Minimizing risks that could contribute to work stoppages and workforce shortages

Work stoppages can occur due to:

- Health and safety incidents due to unsafe working conditions and inadequate training for workers.
- Strikes, lock-outs, or disagreements between workers and employers
- Insufficient workforce and workforce shortages

Workforce shortages can occur due to:

- High workforce turnover and insufficient recruitment due to low job quality
- Failure to retain a skilled workforce
- Insufficient skills development
- Insufficient recruitment of people to workforce training
- Inadequate upskilling programs for incumbent workers
- Barriers for people to participate in training or jobs (e.g., childcare, transportation, lack of a wage subsidy for time involved in training)

Job Quality and Workforce Continuity:

Examples of Effective Commitments

Operations Phase Jobs

- **Commitments to support worker organizing and collective bargaining, such as:**
 - **Pledge to remain neutral during any union organizing campaigns**
 - **Pledge to permit union recognition through card check (as opposed to requiring union elections)**
 - **Pledge to enter into binding arbitration to settle first contracts**
 - **Pledge to allow union organizers access to appropriate onsite non-workspaces (e.g., lunchrooms)**
 - **Pledge to refrain from holding captive audience meetings**
- **Commitments to provide high-quality jobs, such as:**
 - **75th percentile wages or above for industry and relevant production occupations + competitive benefits**
 - **Paid training plus tuition reimbursement for additional training**
 - **Establishment of health and safety committees with participation and training of hourly production workers**

Workforce Continuity: Construction Projects

Risks and Challenges associated with large-scale construction:

- delays in project timeline;
- unexpected increases in project labor costs;
- coordination challenges across multiple contractors and subcontractors;
- compliance with federal labor, wage, and equal opportunity laws;
- availability of appropriately skilled and trained workers to carry out project;
- labor disputes and unrest; and
- public and worker health and safety considerations.

Risk Mitigation Measures:

- Use a project labor agreement or a project workforce continuity plan

Job Quality and Workforce Continuity:

Examples of Effective Commitments

Construction-Phase Jobs

1. Commitments to negotiate Project Labor Agreements for large construction activity associated with project. (An MOU can spell out the process by which PLAs would be negotiated)
2. Commitments to utilize registered apprentices, such as a ratio 15-20% of work hours
3. Commitments to local hire, such as 50% of jobs
4. Commitments to skilled and trained/credentialed workforce with a national journey-card credential
5. Wages above required Davis-Bacon prevailing wages

Project Labor Agreement: Construction Projects

- Collective-bargaining agreement
- Used for complex, large, or long-duration projects
- Negotiated before construction begins
- Intended to provide a legally-binding and enforceable contract related to labor conditions and labor-management relations
- Negotiations for PLAs typically occur between one or more labor unions and the project owner or manager

For more information:

[Project Labor Agreement Resource Guide | U.S. Department of Labor \(dol.gov\)](#)

Workforce Continuity Plan Details

- Names of any subcontracted entities performing work on the project, and the total number of workers employed by each such entity, disaggregated by job title
- Number of contractors and sub-contractors working on the project
- Number of workers on the project hired directly and hired through a third party
- Wages and benefits of workers on the project by classification

Workforce Continuity Plan Details, cont.

- Steps taken, and those that will be taken, to:
 - ensure sufficient supply of appropriately skilled and unskilled labor
 - minimize risks of labor disputes and disruptions
 - ensure a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities
 - ensure that workers on the project receive wages and benefits sufficient to secure an appropriately skilled workforce in the context of the local or regional labor market.
 - make investments in and/or partnerships for career-track workforce education and training, placement, and plan for continuous employment

DEIA

DEIA in Community Benefits Plans

- The Community Benefits Plan must describe how diversity, equity, inclusion, and accessibility (DEIA) objectives will be incorporated into the project.
- The Plan should detail how the applicant will reduce barriers to employment and advancement opportunities for underrepresented individuals by providing supportive services and through partnerships with:
 - Underrepresented businesses
 - Minority Serving Institutions
 - Training organizations that serve workers who face barriers to accessing quality jobs, and/or
 - Other project partners to help improve DEIA in energy jobs



DEIA Effective CBPs may include:

- Commitments for projects to make financial investments to **effective inclusive workforce development programs** (e.g., a small percentage of total project costs), with an emphasis on disadvantaged communities, fence-line communities, and organizations that serve marginalized populations:
 - Apprenticeship readiness programs or pre-apprenticeship programs
 - Apprenticeship utilization plans
 - Programs with K-12 school systems
 - Programs for post-secondary education
- Commitment for projects to provide workers and people in supported trainings with a variety of **supportive services** critical to accessing work and workforce training:
 - Access to affordable, high-quality childcare or other caregiving benefits for workers or people in supported to trainings
 - Transportation assistance
 - Career navigation, mentoring programs, or other supportive services

DEIA Effective CBPs may include:

- Commitments to **embed inclusive recruitment and retention practices** in negotiated agreements, hiring local workers, setting goals for recruitment and retention of workers from disadvantaged communities.
- Commitment to **contract with minority- and women-owned businesses**
- Pledge to **affirmatively support employment opportunities for formerly incarcerated workers** This may include: a pledge to build workforce partnerships with CBOs, agencies that serve the incarcerated or formerly incarcerated (e.g., build workforce pathways for people leaving incarceration)
- Commitment to **baseline DEIA assessment and targeted DEIA improvements** transparently shared and modified with community input

DEIA: Important Questions

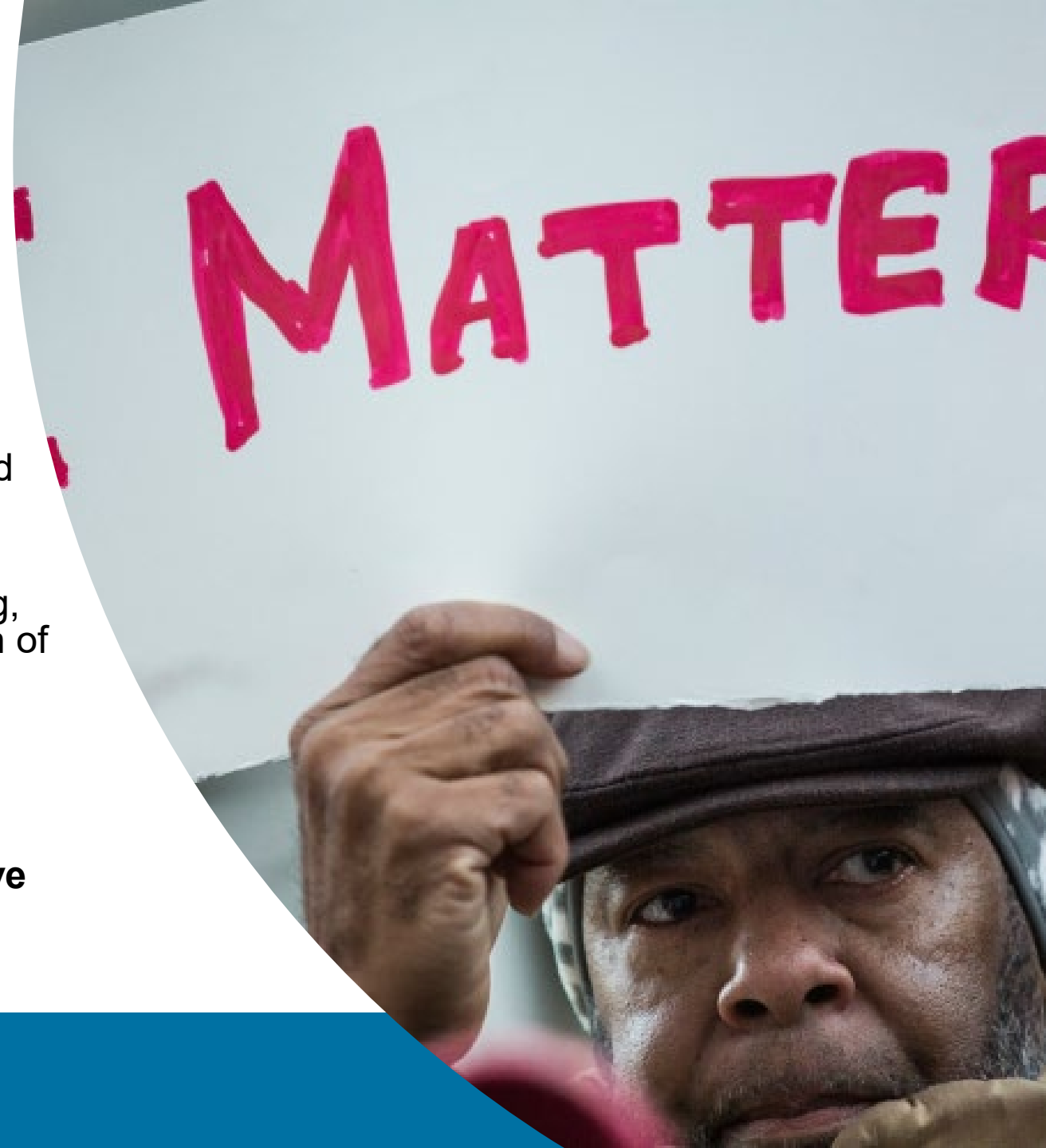
- Does the CBP **specifically identify MWDBE** (Minority, Women, and Diverse Business Enterprise) firms **and MSIs** (Minority Serving Institutions) that the applicant plans to contract/partner with?
- Does the CBP identify **workforce training organizations that serve disadvantaged communities, underrepresented or marginalized populations** and with whom the applicant will work to recruit, train and/or retain workers?
- Has the CBP identified **robust and inclusive workforce development investments, including critical supportive services**, that it will make as part of the project?
- Has the CBP included a commitment to **support apprenticeship readiness and registered apprenticeship**?
- Does potential awardee commit to **partner with or recruit from HBCUs** (Historically Black Colleges and Universities), **TCUs** (Tribal Colleges and Universities), **and other MSIs** for research and development opportunities?
- If awarded, will the applicant **record commitments related to milestones, goals or metrics** into the CBOO, CBR, and quarterly reporting for follow up?

Justice 40

Justice40 Initiative in the Community Benefits Plan

The **Justice40 Initiative** section must include:

- Identification of **applicable disadvantaged communities** where the anticipated project benefits will flow.
- 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 Policy Priorities**.
- A description of **how** and **when** anticipated benefits are **expected to flow to disadvantaged communities**.
- A discussion of anticipated **negative** and **cumulative impacts** on disadvantaged communities.



J40 CBP Concerns



- Community desired benefits won't be in CBPs
- Advisory boards won't have meaningful input or truly represent communities
- Fence-line communities won't be engaged
- Harms will impact fence-line communities without benefits
- Engagement with communities won't be genuine

J40 CBP Concerns

- DOE-funded infrastructure could add further burdens
- Some communities face a legacy of burden
- Communities facing high climate risks that could produce catastrophic emergencies
- Poor disaster response
- Poor compliance and enforcement
- Jobs and financial benefits won't go to communities who bear the risks



Specific EJE Guidance for CBPs:

Refine and Strengthen across 5 key topic areas

<u>Community and Labor Engagement</u>	<u>Community and Labor Engagement</u>	<u>Justice40 Initiative</u>	<u>Justice40 Initiative, DEIA</u>	<u>Justice40 Initiative</u>
1. EEJ Regional History and Context	2. Equitable and Effective EEJ Engagement	3. Transformative Investments	4. CBPs as bridges to lasting commitments	5. Monitoring and Accountability
<ul style="list-style-type: none"> What key local issues are generating distrust? What are key local opportunities to build trust? How can community CBP priorities be surfaced? 	<ul style="list-style-type: none"> Community Advisory Board composition and timeline Engaging fence-line Communities/DACs Supporting community engagement Community responsive planning 	<ul style="list-style-type: none"> How can CBPs open the door to transformative investments? Resilience hubs, environmental remediation 	<ul style="list-style-type: none"> How can CBPs build a foundation for benefits and CBAs? Budget and process support DEIA considerations 	<ul style="list-style-type: none"> Transparent modelling of benefits and harms Transparent and accessible monitoring Accountability systems and metrics

Justice40 Effective CBPs may include

- Applicant clearly identifies the communities impacted (positive or negative) by the project or program and provides how these communities are characterized (CEJST, DOE DAC reporter, state tools, other).
- Applicant clearly defines what benefits will result from the project or program and how these benefits will flow to the communities impacted. Benefits should be reasonable, obtainable, and in accordance with DOE's Justice40 policy priorities.



Justice40 Effective CBPs may include

- Applicant clearly describes impact of the project (both positive and negative) on local air, water, and/or land quality.
- Applicant offers clear and reasonable metrics to track how the identified benefits will flow and provides milestones/a schedule for when these expected outcomes will be achieved.

[DOE Justice40 General Guidance | Department of Energy](#)



Justice40: Aims & Recommendations

- All CBP commitments are publicly available in one shared location online
- All Go/No Go criteria are publicly available
- Commitment to transparently model environmental impacts e.g., air quality modeling
- Third party compliance
- Commitment to community advisory board and transparent accountability measures
- Environmental compliance as criteria for Go/No Go
- End of Phase 1 life-cycle assessments transparently shared and inclusive of upstream and downstream impacts
- Emergency response and capacity building for first responders
- Commitment to develop transparent community accessible environmental monitoring

Effective CBP Wrap Up

Success is in the details: Driving towards Specifics

- CBA or PLA execution dates
- Budgets, timelines, and deadlines for stakeholder engagement (includes standing up Community Advisory Boards)
 - Clearly identifying stakeholders
 - Governance structure
- Definitively identifying benefits tied to concrete metrics that can be measured and set as goals
- Clearly describing size and scope of impacts to what communities
 - Modeling health impacts
 - Emissions monitoring
 - Amelioration plans

Review: Effective CBPs

1. SMART Milestones with clear metrics to measure success.
2. Specific commitments that align with the section of the [CBP Template](#) and that respond to the specific FOA topic.
3. Integrate with the project such that CBP outcomes can impact project decisions.
4. Identify sufficient resources (money, people, and time) to achieve the tasks outlined in the CBP.
5. Reach beyond a high-level or vague vision to demonstrate actionable goals, outcomes, and implementation.
6. Commitments consider possible project impacts on impacted communities and workers, labor and workforce, and Tribes. The identified commitments align with the identified needs and priorities.

Resources

Community Benefits Plan FAQ

- Community Benefits Plan Template:
[CommunityBenefitsPlanTemplate.docx \(live.com\)](#)
- Community Benefits Plan FAQ
[About Community Benefits Plans | Department of Energy](#)
- Community Benefit Agreement Toolkit, including a webinar

UC Berkeley Technical Assistance

- [Technical Assistance: DOE Community Benefit Plans - UC Berkeley Labor Center](#)

The Green Economy Program of the UC Berkeley Labor Center has been contracted by the Lawrence Berkeley National Laboratory through the Department of Energy's Office of Energy Jobs to provide no-cost technical assistance to stakeholders interested in developing and implementing the job quality and skilled workforce and labor engagement components of Community Benefit Plans (CBPs) for demonstration and deployment projects.

Questions?