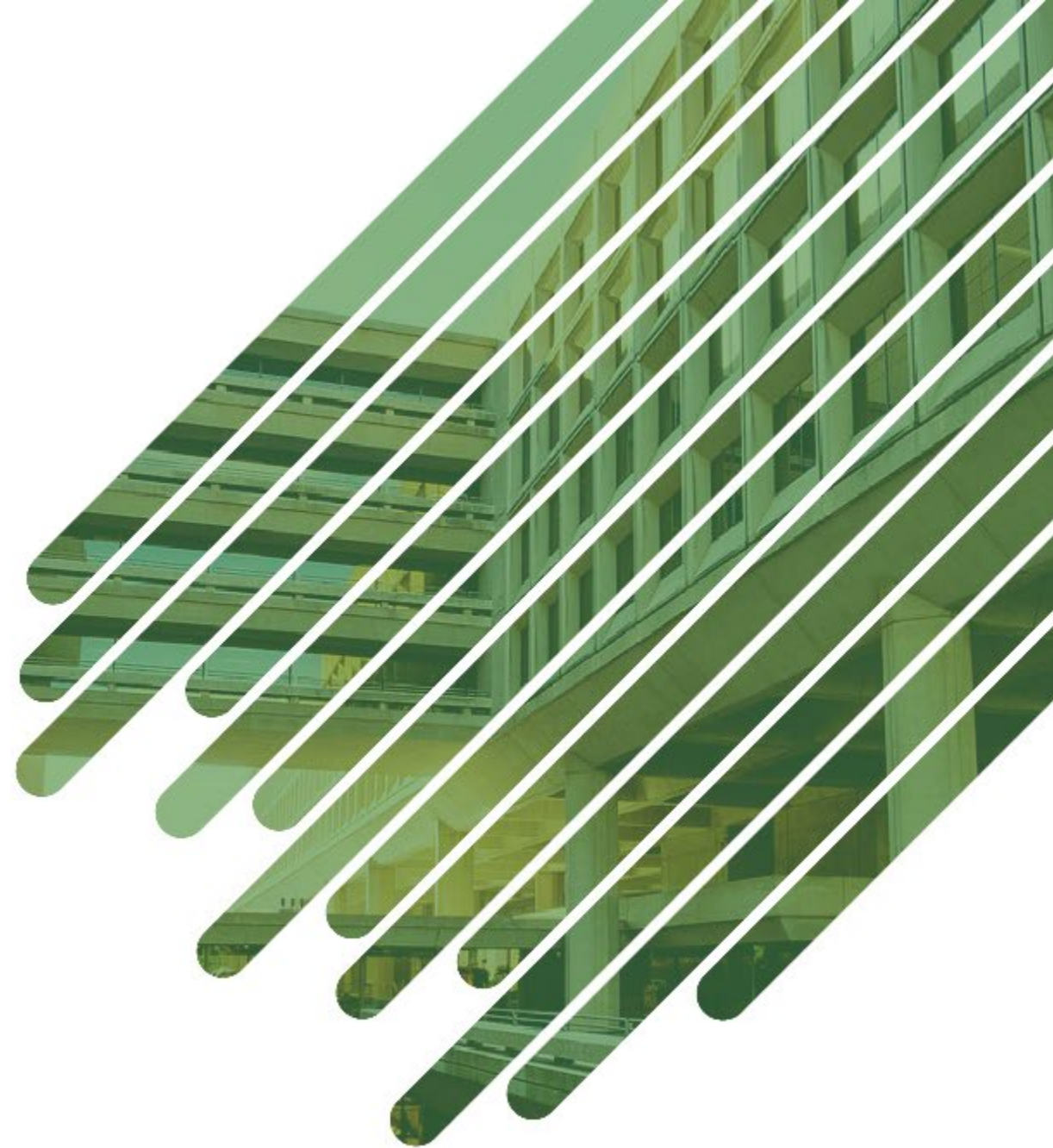




U.S. DEPARTMENT OF
ENERGY

Community Benefits Plans 101

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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**
- **Examples of Effective Commitments**

How is DOE addressing workforce and equity goals in funding opportunities?



Key to Success

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

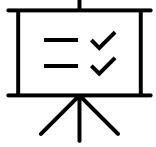
- **Justice 40**
 - Meet or exceed the objectives of the Justice40 initiative that 40% of benefits flow to disadvantaged communities
- **Diversity, Equity, Inclusion, and Accessibility**
 - Equitable access to wealth building opportunities (teaming, access to good jobs, business and contracting opportunities, 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



Community Benefits Plan Overview



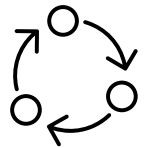
The applicant's Community Benefits Plan must include at least one Specific, Measurable, Achievable, Realistic and Time-based (SMART) milestone per budget period in order to measure progress on the proposed actions.



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.

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

<p style="text-align: center;">Community Benefits Plan FOA Number, FOA Title [Organization Name] [Project Title]</p> <p>Purpose The purpose of this document is to summarize the specific objectives the Applicant is committing to in its Community Benefits Plan (CBP), in quantifiable terms with SMART milestones – Specific, Measurable, Achievable, Relevant, and Timely – and timelines wherever possible.</p> <p style="text-align: center;">[The instructional red and blue text should be removed]</p> <p><i>All of the information included in this CBP must be consistent with the Application. The CBP should accurately define what work is to be done and the expected progress to be achieved.</i></p> <p><i>Intellectual property information and other aspects of the project that could be considered proprietary or business confidential should be clearly marked. The CBP must be marked as follows and identify the specific pages containing confidential, proprietary, or privileged information:</i></p> <p><i>Notice of Restriction on Disclosure and Use of Data:</i> <i>Pages (list applicable pages) of this document may contain confidential, proprietary, or privileged information that is exempt from public disclosure. Such information shall be used or disclosed only for evaluation purposes or in accordance with a financial assistance agreement between the submitter and the Government. The Government may use or disclose any information that is not appropriately marked or otherwise restricted, regardless of source.</i></p> <p><i>The header and footer of every page that contains confidential, proprietary, or privileged information must be marked as follows: "Contains Confidential, Proprietary, or Privileged Information Exempt from Public Disclosure."</i></p> <p><i>In addition, every line and paragraph containing proprietary, privileged, or trade secret information must be clearly marked with double brackets or highlighting.</i></p> <p>A. General Project Information 1. Construction Information</p> <p><small>Note: DOE will evaluate each project to determine whether a Project Labor Agreement (PLA) is required. In addition, participation in DOE's Mega Projects program, which provides technical</small></p> <p style="text-align: center;">1</p>	<p><small>assistance to support compliance with Executive Order 11246, may be required. The information asked for here is necessary to support these determinations.</small></p> <p>For each planned project location identified in the Location(s) of Work document (included with the application package), please address the following:</p> <ol style="list-style-type: none">a. any known construction labor risks or threats that could cause delays to the schedule;b. potential public and worker health and safety risks and hazards;c. known possibilities of labor disruptions;d. plans for coordination among various employers (i.e., prime contractors and subcontractors);e. plans for resolution mechanism to avoid potential project delays (including issues that may arise among contractors and subcontractors as well as employees);f. the general contractor or Engineering, Procurement, and Construction contractor, if known;g. the primary business of the general contractor or EPC contractor. <p>2. Locations and Communities Affected For each location identified in the Location(s) of Work document required with the application submission, please identify each known location served or impacted by the project, including the location(s) of construction or alteration activity listed above, communities geographically near the Applicant's proposed project, and communities that are part of the proposed project's supply or waste life cycle (e.g., where raw materials come from, where waste is sent).</p> <p><small>Sections B through E below should summarize the specific objectives the Applicant is committing to in the relevant section of its Community Benefits Plan, broken into specific commitments, tasks, or subtasks.</small></p> <p><small>Each commitment, task, or subtask should be stated in quantifiable or measurable terms wherever possible and, where relevant, SMART (Specific, Measurable, Achievable, Relevant, and Timely) milestones with timelines should be identified. The Community Benefits Plan may include multiple milestones but should have at least one SMART milestone per budget period as well as one SMART end-of-project goal. If awarded, the progress towards meeting the objectives and milestones set forth in the Community Benefits Plan will be included as part of the Go/No-go evaluation.</small></p> <p>B. Community and Labor Engagement 1. Community and Labor Stakeholders Engaged to Date</p> <p style="text-align: center;">2</p>
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Justice40 Initiative

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.

**Executive Order 14008:
Tackling the Climate
Crisis at Home and
Abroad
(1/27/21)**

Justice40 Initiative in the Community Benefits Plan

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:

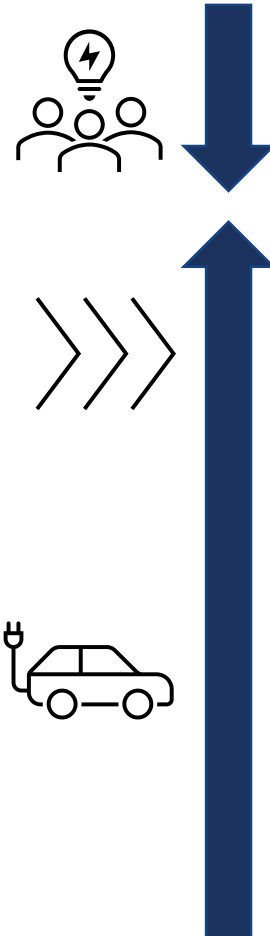
How benefit will be delivered: [e.g., direct or indirect, who will deliver]

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.**

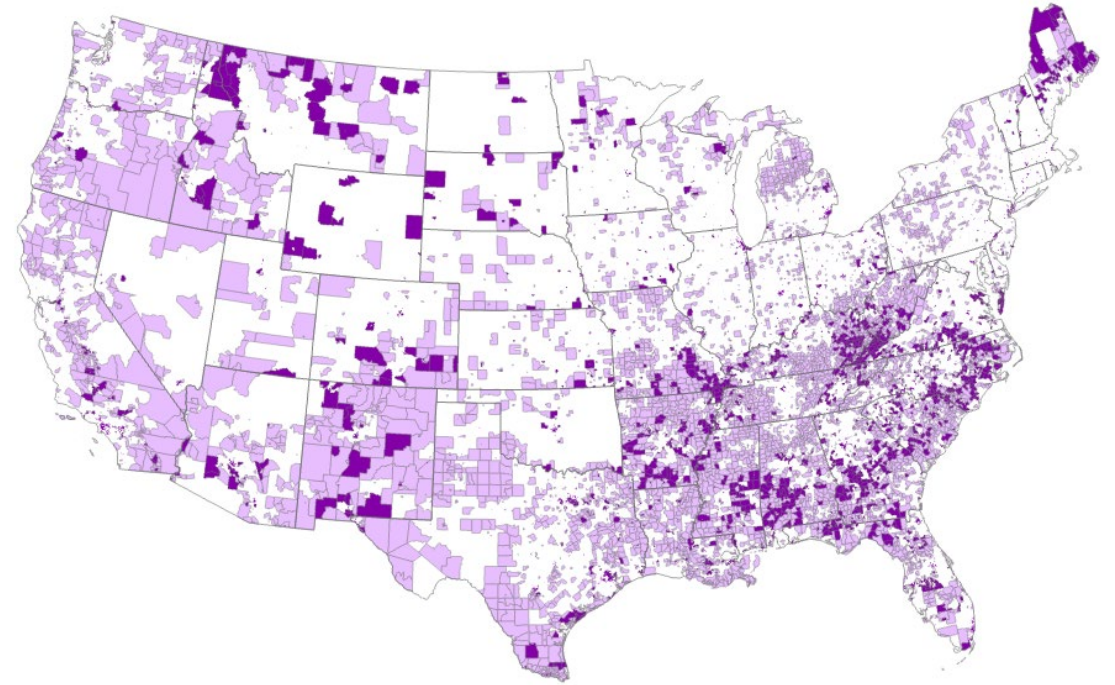
Justice40 Disadvantaged Communities

How is DOE Defining Disadvantaged Communities?

A community is defined as either:

1. A group of individuals living in geographic proximity (such as a census tract)
2. A geographically dispersed set of individuals (such as migrant workers or native tribes) that experience a common condition.

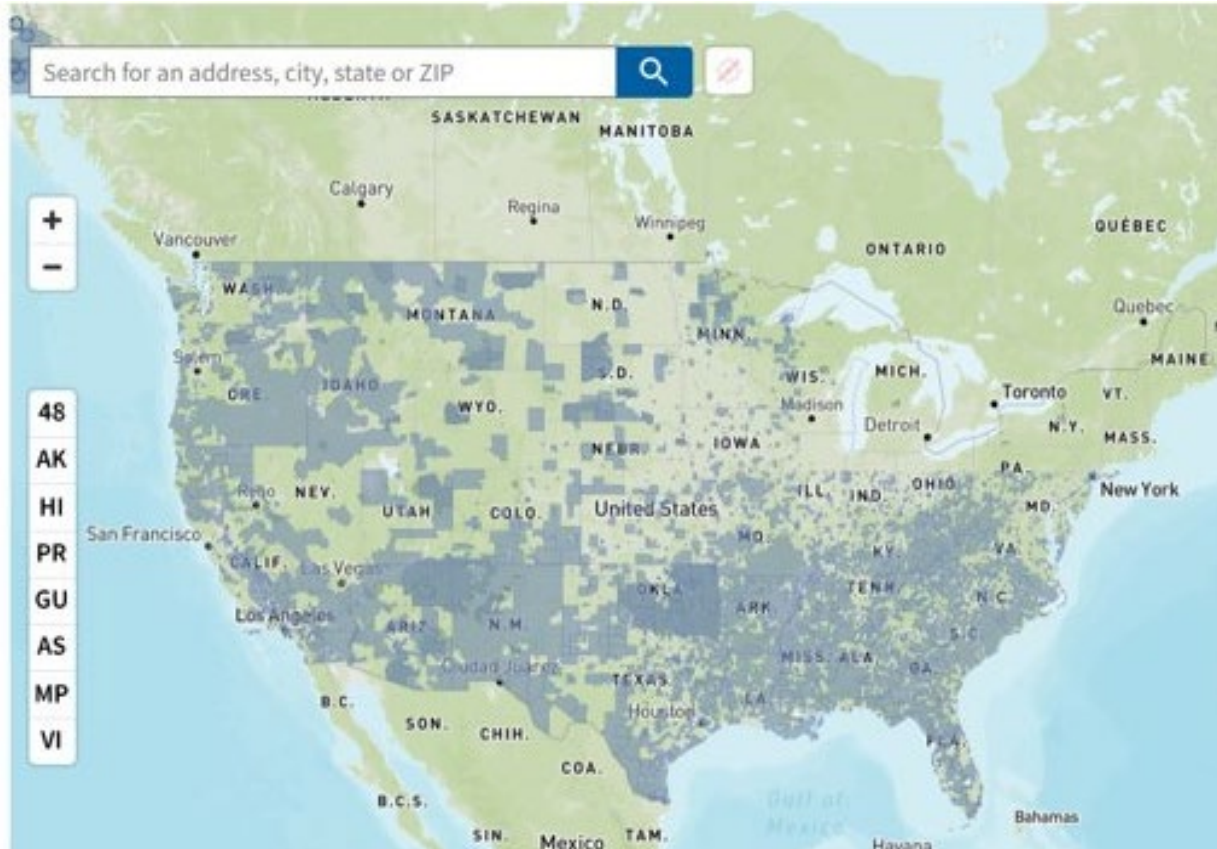
All Tribal lands are included as a “disadvantaged community.”



The Climate and Economic Justice Screening Tool identifies 27,248 census tracts as disadvantaged (~36% of 74,134 total U.S. census tracts)

J40: Defining Disadvantaged Communities (DACs)

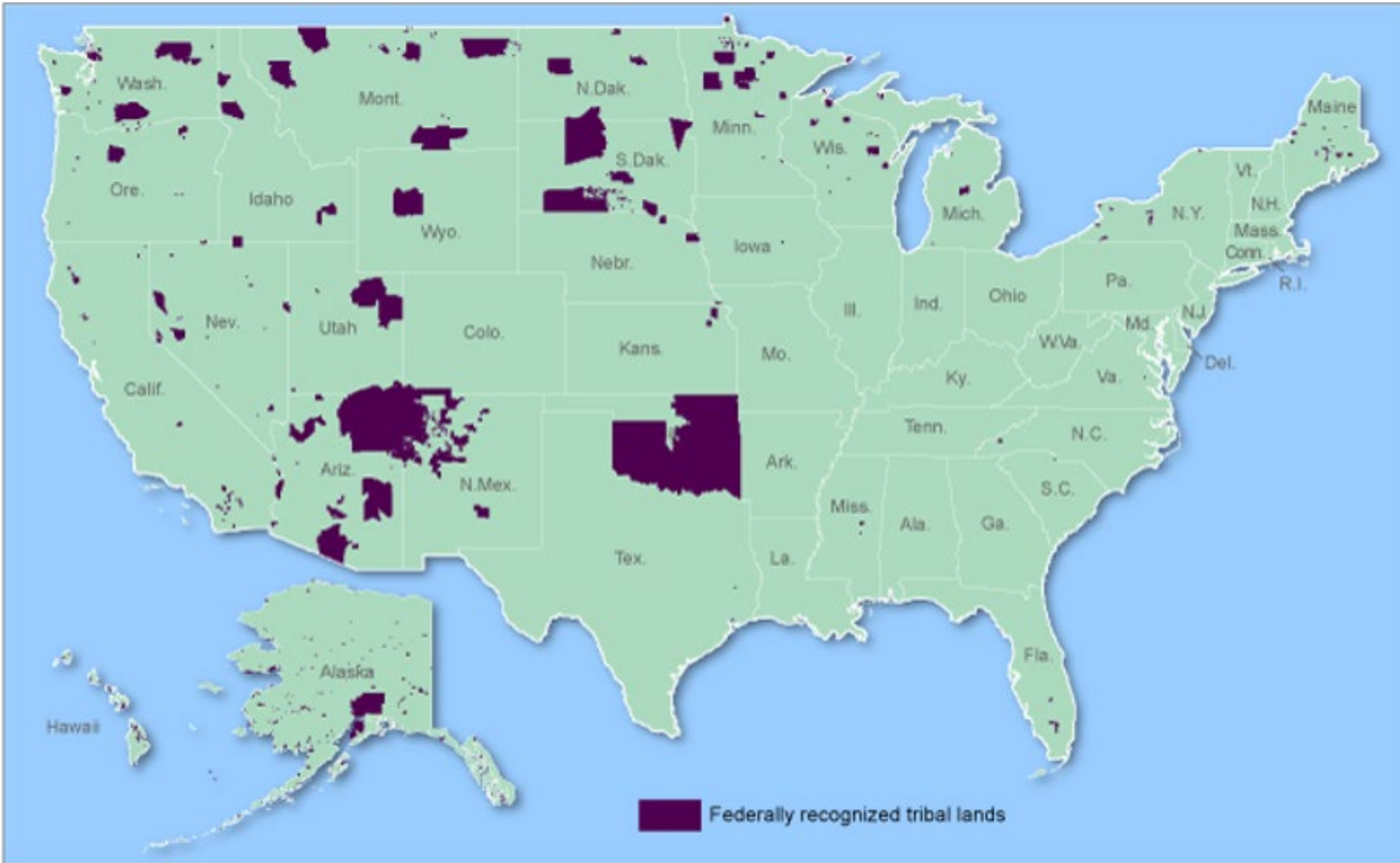
CEQ's CEJST Mapping Tool:



Eight Climate and Economic Justice Screening Tool Categories:

1. Climate Change
2. Energy
3. Health
4. Housing
5. Legacy Pollution
6. Transportation
7. Water and wastewater
8. Workforce Development

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 and Consultation

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).



President Biden signing an Order at the 2022 Tribal Nations Summit



DOE Secretary Granholm meeting with tribal leaders at the Tribal Clean Energy Summit (2022)

Challenges to Energy Development in Indian Country

Energy and infrastructure development in Indian Country is constrained due to:

- Limited funding and financing,
- Inadequate infrastructure,
- Limited technical capacity, and a
- Complicated legal and regulatory structure governing Indian lands.

As a result,

- Many Indian tribes spend a **disproportionate amount of their income on energy** (28.3% higher on average than the U.S. National median energy burden of 3% with some paying well over 4 times the national average)
- A significant number, especially in Alaska, experience a **severe energy burden** (i.e., paying more than 10% of income on energy),
- **One in three American Indians and Alaska Natives (32%) live in poverty**, which is nearly double the United States average (18%),
- **Nearly five times as likely to live in inadequate housing**, and
- **Eight times more likely to live in overcrowded housing** (16% versus 2% for the United States).

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]

Quality Jobs and a Workforce Continuity

- Applicants need to think in the planning phase about how to attract, train, and retain a skilled workforce in a competitive labor market.
- Skilled workers are essential for quality workmanship, innovation, and efficiency
- We need to be investing in workforce education and training and *through* project implementation.
- High-quality jobs attract and keep skilled workers in energy jobs

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 - Template

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

Examples could include:

- 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”

Executive Order on Worker Organizing and Empowerment (4/26/21)

“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.”

Labor and Community Engagement

- Engagement with affected stakeholders allows applicants to surface and address concerns before they lead to project slowdowns.
- Ensuring that the benefits from project implementation are shared with affected worker and community stakeholders can build support and mitigate risks.
- Implementation of projects needs to be accountable to DOE, to taxpayers, and to the affected communities. Formal agreements support accountability

Labor and Community Engagement

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.



Labor and Community Engagement

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

Accountability

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.

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

Job Quality and Workforce Continuity

Examples of Effective Commitments

Operations Phase Jobs

1. 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
2. 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

Labor and Community 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

Diversity, Equity, Inclusion, and Accessibility:

Examples of Effective Commitments

1. Identify Minority Business Enterprises, Minority Owned Businesses, Woman Owned Businesses, and Veteran Owned Businesses to solicit as vendors and sub-contractors for bids on supplies, services and equipment;
2. Partnership Agreements with Minority Serving Institutions as partners;
3. Collaborate with researchers, and staff in Minority Serving Institutions, as applicable;
4. Identify diversity workforce training partners to foster improved access to jobs for members of the community, including under-represented individuals and those facing barriers to high-quality employment;
5. Commitment to support quality pre-apprenticeship programs in the local community to improve access to career-track training and jobs for underrepresented workers, including returning citizens.
6. Commitment to Local and/or Economic Hiring efforts (i.e., preferences for economically disadvantaged populations).
7. Commitment to provide flexible work schedules, transportation assistance, childcare support, etc.

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](#)
- [Technical Assistance: UC Berkeley Labor Center](#)

THANK YOU!

