



Community Benefits FAQs

What is the Best Efforts Plan?

- The Best Efforts plan outlines specific actions a contractor is currently taking, or plans to take, to work toward achieving the community benefits goal.

How will I identify who counts as an Eligible Worker?

- Contractors and subcontractors can either use their own Equal Employment Opportunity (EEO) or other form, or use the City of Duluth Self-Attestation Form to gather information about employees' Eligible Worker status. Forms are retained by the employer as part of the employee's confidential HR file, and are subject to review by the City of Duluth if requested.
- For those individuals who are referred by Duluth Workforce Development or another organization providing training, case management, and/or job placement services, the referring organization can provide a letter verifying the individual's Eligible Worker status in lieu of the EEO or Self-Attestation form.

Am I allowed to ask about someone's Eligible Worker status?

- Yes, as long as it is voluntary to provide that information. Any forms requesting information related to Eligible Worker status must clearly state that providing the information is voluntary. If the information is requested as part of an employment application, that information must be kept separate from all other application materials and only reviewed if and when the individual is hired.

Whose work hours can be counted?

- Starting in 2020, only work hours performed by on-site laborers and workers in the building and construction trades may be counted. Office, administrative, managerial, supervisory, and professional employees do not count toward meeting these goals.

What if all the work on the Covered Project will be performed by our existing workforce, and we don't plan to hire anyone new for the project?

- This should be clearly stated in the Best Efforts plan, and then if the existing workforce will not achieve the Community Benefits Goal the emphasis will be on Best Efforts actions taken during and after the project to recruit and hire Eligible Workers in the future.

Who may be counted as a Person of Color?

- The definition for people of color follows the US Census categories for race and include individuals who are Indigenous, African Heritage, Latinx, Asian/Pacific Islander, and Bi-/Multi-racial.

What happens if an employee chooses not to self-identify as an Eligible Worker?

- If an employee chooses not to identify as an Eligible Worker, their work hours will not count toward the Community Benefits Goal.

What must I submit to ensure I am in compliance with the Community Benefits Program Contract Specifications?

- Upon award of a contract, the first step is to submit a Best Efforts Plan for approval. Once approved and work begins, the contractor and all subs must submit a monthly report using the form provided by the City of Duluth, unless another report format is approved. Contractors may either collect subcontractor reports and combine into a single aggregated report, or may submit each report separately.

What standard will be used to determine if a contractor has successfully demonstrated Best Efforts?

- The Best Efforts Plan defines the standard to which contractors will be held accountable. This plan is completed by the contractor and approved by the Director of Workforce Development before work may begin. The plan should detail specific actions the contractor will take during the project, and may include ongoing actions beyond the life of the project, that will help recruit, hire, train, and retain Eligible Workers.

Will compliance with the Community Benefits Program Contract Specifications add to the cost of a project?

- The purpose of the Community Benefits Program is to assist contractors in meeting their workforce needs while also attaining goals set by the City. There should be little or no additional cost for compliance, and may even result in savings from adequate and timely staffing and lower turnover. If there are elements of compliance that the contractor feels are a burden that would result in higher project costs or project delays, this should be addressed in conversation with the Workforce Development and/or Purchasing department before project commencement to determine a solution agreeable to both parties.

Will the prime contractor be held responsible for non-compliance by any subcontractors?

- The contractor is responsible for ensuring their subcontractors are in compliance with all project requirements, including community benefits.

What happens – and who tracks – if a disadvantaged worker has a change in status? Does a Contractor(s) have to re-submit paperwork every time this happens?

- Once someone is certified under a particular status for a project, that person counts as an Eligible Worker even if their status changes during the life of the project (for example, they were low-income at project start but are no longer because they are working). The priority is for disadvantaged workers to not just gain employment, but retain and advance in their construction career. In cases where the same Eligible Worker works on several projects covered by Community Benefits over the years, the Contractor may be asked to re-certify status after 12 months for characteristics that change (i.e. homeless, public benefits recipient, low-income). The majority of Eligible Workers will be certified for a status that does not change (race, gender) so this will likely not be a substantial concern.

Is there another way an employer can determine Eligible Worker status if the employee does not self-identify?

- The preferred method of identification for Eligible Worker status is self-identification, documented using either the City-provided form or a similar form of the employer's choosing. If an employee declines to self-identify, employers may consult with other sources of employee-provided information or use visual observation to determine eligible worker status.