

Monroe High work allowed to go forward

Monroe

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Modernization work at Rochester's Monroe High School may go forward for now without a hotly contested labor agreement, state Supreme Court Justice John Ark ruled Wednesday.

Ark ruled that Monroe work can proceed in the interest of the students.

However, Ark directed the appointed board that oversees Rochester's \$1.3 billion schools modernization program to reconvene and vote again on whether to keep or ditch the labor agreement — and this time they have to explain their decision.

The decision springs from litigation filed last month challenging the Rochester Joint School Construction's deci-

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sion to do away with a project labor agreement for the upcoming \$435 million second phase of the modernization program. The suit was brought by the Rochester building trades council, and an allied nonprofit group. Project labor agreements, which have been used in other public construction projects in Rochester, require contractors to use union labor, specify wage and other rules and spell out goals for hiring disadvantaged employees, and minority and women-owned firms. A project labor agreement was in place for the modernization program's first phase.

The board voted 4-3 at an Aug. 4 meeting to do away with the agreement for Phase II. Three of the four members who voted to ditch the program work at City Hall, and it's believed Mayor Lovely Warren is behind the opposition to the labor agreement.

The plaintiffs in the lawsuit argued the board's action was arbitrary and capricious, and was taken with no opportunity for debate or public input. Board president Allen Williams, who is employed as Warren's special projects director, said days after the meeting that the vote reflected Warren's dissatisfaction with the unions' efforts to train minority-group members as apprentices and place them in jobs working on the modernization program.

Representatives of contractors and the unions have said that while the number of new apprentices who worked on school modernization was limited, the program exceeded its overall goals for minority employment and subcontracting.

After arguments at a hearing before Ark Wednesday, he ruled from the bench that the matter should go back to the board for public discussion and a vote, with a record made of their deliberations, lawyers said. If a majority of the board members vote again not to have a project labor agreement, the litigation could continue.

Modernization work at Monroe High School, however, is exempt. A major expansion and upgrade began there during Phase I of the program and Monroe students are now starting their second school year in temporary quarters.

Program officials, hoping to finish work at Monroe before the start of the 2017-18 school year, had solicited bids this summer for Phase II construction work with no project labor agreement attached. They had planned to award contracts in early September, but the lawsuit interrupted that process.

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