

## School labor accord pushed

### Labor

Lawsuit aims to reinstate construction agreement

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The Rochester building-trades union council and an allied nonprofit group filed a legal action Tuesday seeking reinstatement of a labor agreement for Rochester's \$1.3 billion school modernization program. The appointed board that oversees the modernization program abruptly canceled the project labor agreement by a 4-3 vote at an Aug. 4 meeting. Board members allied with Mayor Lovely Warren voted for the cancellation.

The agreement, which was in place for the first phase of the modernization program, required contractors to use union labor, laid out wage and other rules and embraced goals for hiring disadvantaged employees and minority and women-owned firms. The agreement required trade unions to allow non-union contractors to hire their apprentices, and officials have credited the PLA with helping contractors meet or exceed minority and women

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**About \$40 million is needed to renovate Monroe High School.**

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employment goals in Phase I.

The litigation, filed Tuesday morning in state Supreme Court, claims the Rochester Joint Schools Construction Board acted in an arbitrary and capricious way when it voted to eliminate the PLA for the program's second phase. Thirteen city schools are scheduled to be fully updated or rebuilt in Phase II at a cost of \$435 million.

But the chairman of the appointed board, Allen Williams, said Tuesday the board acted properly in the face of evidence that the unions and the allied nonprofit had not fulfilled their obligations in Phase I. "We decided it's not worth it," he said of continuing with a PLA in Phase II. The Article 78 legal proceeding was brought by the Rochester Building and Construction Trades Council, an association of 18 local unions, and Rochester Careers in Construction Inc.

The latter group is a nonprofit that encourages young people to enter the field and promotes apprenticeship programs that train workers for the building trades. Apprenticeships have been used as an entry point into the industry for minority workers. In order to help the unions meet school modernization minority employment goals, the nonprofit ran apprentice training programs for African- Americans, Latinos and women, Williams said. The effort was partly funded by about \$500,000 paid by modernization program contractors over a five-year period, he said.

But of 90 minoritygroup members who completed training, only five worked on Phase I modernization projects, according to Williams.

“We asked what happened to the other 85 people. We have yet to get an answer. Why is it, over a five-year period, only five people worked on the project?” Williams said. “They didn’t live up to the agreement, which is why we started to take a hard look at the PLA.” He also questioned RCIC’s finances, saying it was not clear where its money was spent during the Phase I period. The statement offered by Williams — who works at City Hall as Warren’s special-projects director — was the first public explanation of the board’s decision to set aside the labor agreement. It came a day after a group of elected officials and others met to press for such an explanation. It is not yet known if the legal action will delay Phase II, for which a tight timetable has been laid out. The first Phase II project, completion of major reconstruction of Monroe High School, has already been slowed by several events, including the PLA cancellation. The project, for which contractors are to be chosen Sept. 12, was scheduled to be finished in time for students to reoccupy the building in the fall of 2017. Architectural design on a number of other schools is currently underway. Each school has its own timetable for construction, and the timetables interlock — students are housed in temporary quarters while modernization work is done, and they have to vacate those quarters on time so the next school’s students can move in. “One would hope it (the lawsuit) would not slow it down. That’s certainly not the intent,” said Aaron Hilger, president of the Builders Exchange of Rochester and a board member of the nonprofit.

The petition filed Tuesday asserts the state law that authorized the modernization program requires most contractors to participate in union apprentice- training programs. But without a PLA, many contractors will not be able to participate, the petition says.

Cancellation of the agreement “will cause irreparable harm” and violate the authorization law, it says.

The legal papers ask for a court order decreeing the Monroe High work, and other school projects begun while the litigation is pending, be covered by an extension of the Phase I PLA. They also ask the court to order that the Phase II PLA be restored to cover other projects, or that the matter be sent back to the appointed board for reconsideration.

The case was assigned Tuesday to Supreme Court Justice John Ark, who set an initial hearing date of Sept. 7.

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