MEMORANDUM OF UNDERSTANDING
BETWEEN THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE CALIFORNIA WORKFORCE DEVELOPMENT BOARD ON WORKFORCE DEVELOPMENT FOR ENVIRONMENTAL AND SOCIAL JUSTICE

PURPOSE

Pursuant to the California Public Utilities Commission's (CPUC) Environmental and Social Justice Action Plan (ESJ Action Plan), as well as directives in Governor Newsom's Executive Orders N-79-20 (EO N-79-20)[1] and N-19-19 (EO N-19-19)[2], the CPUC and California Workforce Development Board (CWDB) (collectively the Parties) enter into this Memorandum of Understanding (MOU) to coordinate economic and workforce development planning, analysis, and implementation activities.

The purpose of this agreement is to draw upon the expertise of the CWDB to ensure the state has the workforce and industry-based training partnerships necessary to meet its clean energy and clean transportation goals, while building pathways into the middle class and beyond for Californians who have been historically excluded from opportunity or shouldered a disproportionate share of climate and environmental costs.

The scope of this agreement includes advice and recommendations to ensure CPUC policies and regulated programs create or support high-quality jobs in the energy and transportation sectors and expand access to those jobs for priority populations through high-quality education and training.

BACKGROUND

On October 7, 2015, Governor Brown signed the Clean Energy and Pollution Reduction Act of 2015 (SB 350). SB 350 established new energy efficiency and renewable electricity targets to support California's climate goal of reducing greenhouse gas emissions to 40 percent below 1990 levels by 2030. In addition,

[1] Executive Order N-79-20, September 2020: https://www.gov.ca.gov/wp-content/uploads/2020/09/9.23.20-EO-N-79-20-Climate.pdf
[2] Executive Order N-19-19, September 2019: https://www.gov.ca.gov/wp-content/uploads/2019/09/9.20.19-Climate-EO-N-19-19.pdf

SB 350 directed the California Energy Commission (CEC) and the California Air Resources Board (CARB) to, among other things, study and provide recommendations on barriers for low-income customers to energy efficiency and weatherization investments as well as clean transportation and mobility investments, including those in disadvantaged communities.

On December 2016, the CEC published the *SB 350 Low-Income Barriers Study, Part A- Commission Final Report: Overcoming Barriers to Energy Efficiency and Renewables for Low-Income Customers and Small Business Contracting Opportunities in Disadvantaged Communities* (Study A).[3] Study A recommends promoting well-paying clean energy job opportunities for residents in disadvantaged and low-income communities by creating opportunities to "collaborate with state labor agencies such as the California Labor & Workforce Development Agency, the California Workforce Development Board, and the Employment Development Department on targeted workforce training and job placement initiatives to create strategies that drive clean energy job opportunities in low-income and disadvantaged communities." (Study A, 77.)

In February 2018, CARB published the *SB 350 Low-Income Barriers Study, Part B- Overcoming Barriers to Clean Transportation Access for Low-Income Residents* (Study B).[4] Study B recommends maximizing economic opportunities and benefits for low-income residents from investments in clean transportation and mobility options by expanding workforce training and development. This includes the CWDB taking a lead role, in partnership with other state and local public agencies, to expand opportunities and create connections "for good quality clean transportation jobs in low-income and disadvantaged communities" as well as to expand access to workforce development programs to "support clean transportation jobs and workforce development in low-income and disadvantaged communities, especially for youth." (Study B, 54-55.)

In February 2019, the CPUC adopted the Environmental and Social Justice Action Plan to serve as a roadmap to expand public inclusion in Commission decision-making and improve services to targeted communities in California.[5] One of the core tenets of the ESJ Action Plan, Goal 7, tasks the CPUC with

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[3] https://assets.ctfassets.net/ntcn17ss1ow9/3SqKkJoNIvts2nYVPAOmGH/7bc56e2692769abda31a2aace7b00147/TN214830_20161215T184655_SB_350_LowIncome_Barriers_Study_Part_A__Commission_Final_Report.pdf

[4] https://ww2.arb.ca.gov/sites/default/files/2018-08/sb350_final_guidance_document_022118.pdf

[5] www.cpuc.ca.gov/ESJActionPlan

promoting economic and workforce development opportunities in ESJ communities by developing workforce development guidelines in programs overseen by the CPUC or CPUC regulated utilities.

In September 2019, Governor Newsom signed Executive Order (EO) N-19-19 to further California's commitment to mitigate the impacts of climate change. EO N-19-19 directs all aspects of state government to continue to increase efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change to build a sustainable and inclusive economy. In September 2020, Governor Newsom signed Executive Order (EO) N-79-20 to redouble California's efforts to reduce emissions from the transportation sector. EO N-79-20 directs the CPUC and other state agencies to accelerate the deployment of affordable fueling and charging infrastructure for zero-emission vehicles, and promotes the creation and retention of high-road, high-quality jobs in the transition to a carbon neutral economy. These Executive Orders reinforced the ESJ Action Plan goal and solidified CWDB's commitment to collaborate with the CPUC to improve workforce development opportunities.

In March 2020, the CWDB released California's 2020-2023 Unified Strategic Workforce Development Plan (State Workforce Plan)[6] featuring the CWDB's vision of a high road economy which is defined by a set of goals to be achieved simultaneously: greater equity and mobility for workers, higher skills and competitiveness for employers, and long-term environmental sustainability and climate resilience for the state. Strategies to advance the high road vision through policy and programs include administering the High Road Construction Careers (HRCC) and High Road Training Partnerships (HRTP) workforce initiatives, as well as establishing partnerships between the CWDB and other state agencies – including the CPUC – to align California's transition to carbon neutrality with the State's high road vision.

ROLES AND RESPONSIBILITIES

The CPUC regulates energy utilities, telecommunications, water, railroad, rail transit, and passenger transportation companies' services and utilities, protects consumers, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services.

[6] https://cwdb.ca.gov/plans_policies/2020-2023-state-plan-draft/

The CWDB oversees and continuously improves the workforce system in California, which encompasses a wide array of work including: policy development, workforce support and innovation, and performance assessment, measurement, and reporting. In addition to administering innovative workforce development programs, the CWDB works with a multitude of public and private organizations at the state and local levels to develop a common policy vision for the provision of workforce services in the state.

SHARED PRIORITIES

The Parties share the following priorities for effective communication and coordination to support workforce development policies and practices to implement the State's and CPUC'S directives:

1. Establish regular intervals for information sharing on both the management and staff levels, including a process for regular information flow and opportunities for joint planning and goal setting;
2. Develop a near and long-term framework for high road economic and workforce policy and practice to meet the goals of the state including but not limited to those outlined in CPUC's ESJ Action Plan and CDWB's 2020-2023 State Workforce Plan;
3. Identify programs to examine the scope of CPUC workforce development efforts. Possible program areas include energy efficiency, building electrification, renewable energy, transportation electrification and vegetation management programs;
4. Establish or advance a set of principles and practices that can guide any CPUC-regulated program in updating or developing California's economy and workforce in a way that delivers measurable benefits for ESJ communities. These principles and practices should directly aid disadvantaged Californians by building clean energy and clean transportation career pipelines, while taking into consideration ratepayer impacts;
5. Establish targets and analyze metrics to assess economic and workforce development related activities within CPUC programs and ESJ communities.

CPUC RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, the CPUC will perform the activities and functions summarized below:

1. CPUC will provide information and data to CWDB on workforce development in the energy and transportation industries regulated or overseen by the CPUC, which includes but is not limited to the following:
    a. Elements of current workforce development programs overseen by the CPUC or CPUC regulated utilities.
    b. To the extent available, background information on prior and current CPUC efforts to develop and implement workforce development requirements.
    c. Industries and occupations involved in CPUC workforce development efforts.
    d. Strategies used by CPUC to promote and track workforce development programs and outcomes.
2. Review and analyze CWDB's feedback to develop a standardized workforce development framework.
3. Designate CPUC staff and management with relevant experience to support MOU activities including data and information sharing, and other related activities in coordination with CWDB.

CWDB RESPONSIBILITIES

In order to achieve optimal results for the shared priorities, the CWDB will perform the activities and functions summarized below:

1. Provide subject matter expertise related to high road economic and workforce development strategies and best practices.
2. Evaluate, analyze, and provide feedback on CPUC or CPUC regulated industries' workforce development efforts.
3. Provide recommendations on program design, standards, and requirements to promote high road economic workforce development strategies and best practices.
4. Identify opportunities for upgrading workers' skills and contractors' competencies to perform high-quality work that meets clean energy and clean transportation goals.

5. Provide recommendations related to tracking workforce development impacts and outcomes.
6. Provide designated CWDB staff and management with relevant experience to support data and information sharing, and other related activities in coordination with CPUC.

PROTECTION OF CONFIDENTIAL INFORMATION

"Confidential Information" includes, but is not limited to, any information or data obtained pursuant to California Public Utilities Code section 583 and CPUC General Order 66-D, records exempt from public disclosure under the California Public Records Act (Government Code Section 6250, et seq.), Evidence Code section 1040, or any other applicable federal or state law, or information that is appropriately designated by the Parties to be exempt, prohibited, or privileged from disclosure by state or federal law.

The Parties shall take all necessary measures to protect Confidential Information and, consistent with the Public Records Act and any other laws requiring disclosure, treat any shared Confidential Information as confidential. The Parties shall impose all the requirements of this MOU on all of their respective officers, members, employees, and agents with access to Confidential Information. Any Confidential Information obtained by the Parties shall only be used for purposes that are consistent with existing law. The Parties agree to promptly notify each other's legal counsel of any public records act requests they receive seeking information shared or obtained pursuant to this agreement.

All Confidential Information provided to the Parties pursuant to this MOU shall be subject to Government Code Section 6254.5, subdivision (e), which exempts from public disclosure under the California Public Records Act, confidential records that one state or local agency has provided to another state or local agency pursuant to an agreement that the latter will treat the disclosed records as confidential. The Parties agree that, as provided in Government Code Section 6254, subdivision (e), Confidential Information will only be shared with persons authorized in writing by the Executive Officer of the relevant agency (or by their authorized delegate), and that all information obtained by the Parties pursuant to this agreement will be used only for purposes that are consistent with existing law.

Confidential Information provided to the other party, shall be maintained as confidential and shall not be released without an agreement in writing from the other party, unless a court of competent jurisdiction order the release of the Confidential Information.

The Parties will make all reasonable efforts to ensure that disclosure of Confidential Information will not occur. In the event an inadvertent disclosure of Confidential Information occurs, the party making such inadvertent disclosure will notify the other party in writing and will make every reasonable effort to promptly correct the inadvertent disclosure.
If either party receives a request to release, disclose, or access any of the Confidential Information (for example, pursuant to a subpoena, discovery request, or the California Public Records Act), the party receiving the request shall promptly transmit a copy of the request to the other party that originally generated the Confidential Information. The party who originally generated the Confidential Information shall assume the lead responsibility for determining the appropriate response required by California law, and shall consult with the other party during the course of reaching its determination.

SCOPE

This MOU is made for the sole benefit of the Parties and no other person or entity shall have any rights or remedies under or by reason of this MOU. Nothing in this MOU may be the basis of any third-party challenges or appeals. Nothing in this MOU creates any rights, remedies, or causes of action in any person or entity not party to this MOU.

APPROVAL

This MOU is effective upon completion of the signatures listed below. This MOU may be executed in counterparts. Each executed counterpart shall have the same force and effect as an original instrument. Taken together, the executed counterparts shall constitute one and the same agreement.

This MOU shall not be modified except by a written agreement signed by authorized representatives of the Parties. The Parties shall meet and coordinate on issues pertaining to the effectiveness and validity of this MOU on an annual basis, or as mutually agreed upon by the Parties. Any determination that a

provision in this MOU is invalid does not invalidate any other provision of this MOU or the MOU in its entirety.

This MOU shall continue unless or until either party to the MOU determines that the MOU should be terminated. Unless otherwise provided for by the written agreement of both of the Parties, unilateral termination of the MOU shall be effected no sooner than 60 days from the date either party provides written notice of its intent to terminate the MOU. Termination of this MOU shall not affect the obligation of the Parties to maintain the confidentiality of information pursuant to this MOU.

Each party represents and warrants that it has the right, power, and authority to execute this MOU. Each party represents and warrants that it has given any and all notices, and obtained any and all consents, powers, and authorities necessary to permit that party, and the persons executing this MOU for the party to enter into this MOU.

CALIFORNIA PUBLIC UTILITIES COMMISSION:

Rachel Peterson

October 29, 2020

RACHEL PETERSON
Acting Executive Director

CALIFORNIA WORKFORCE DEVELOPMENT BOARD:

October 26, 2020

TIM RAINEY
Executive Director