



NATIONAL BLACK CONTRACTORS ASSOCIATION

**DECLARES WAR ON RACE DISCRIMINATION IN SAN DIEGO'S
CONSTRUCTION INDUSTRY**

[National Black Contractors Association - YouTube](#)

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An affiliate organization member of the
NEW San Diego Minority Construction Coalition (SDMCC)

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Top ten most Racist States in the U.S. www.thetoptens.com/most-racists-states-us/california-45921.asp

Summit 2015

Summary

This special report is to address or re-address decades of race discrimination in California as a whole, particularly in San Diego County and especially in the City of San Diego proper. Where the effects and after effects of exclusion has created a culture of race discrimination on African Americans, women and other excluded minorities in construction contracting and construction jobs. Despite years of dialogue on this hot topic on race relations and the charge of discrimination and the denial that it exist, the end results are showing no hiring of African Americans by most contractors in San Diego; Where today exclusion is worse than it has been in decades, as reported by the City annual workforce utilization reports. San Diego devoid of equal opportunity political leaders such as the late former Deputy Mayor George L. Stevens and concern city council members and Mayors who've cared, the future is bleak, which leaves African Americans in a hopeless state, where equality in construction contracting and construction jobs are concern.

These claims are based on an historic chronology and present day practice of race exclusion, or outright racism and discrimination, where African Americans in the city of San Diego have experience some of the worse treatment and continued racial insults. I have documented these behaviors and witness prejudice toward African Americans, with statements like "they don't want to work," coming from a contractor's foremen and his workers on a job shutdown (picket) at Redwood and 54th Street in 2011, and presented the video to the city Attorney at that time. There are other reports where swastika's and "I hate niggers" are written in bathrooms, where African Americans have to work in a hateful environment and union labor leaders have made the claim that 60% of African Americans are all in jail, which is why they are not in construction.

The AGC once claims that, "it is because of the failed sponsored apprenticeship program of the Black Contractors Association, "Innercity Unilateral Apprenticeship Committee" (which is an apprentice-to-contractor program), that is stopping them (AGC) from hiring African American apprentices calling for the BCA's program, to be shutdown down so we (ACG and other programs) can recruit African American apprentices." The fact of the matter is that ALL state and federally approved apprenticeship programs must have a California Plan for Equal Opportunity in Apprenticeship (Cal plan). "**Pledge:** The sponsor will take affirmative action to provide equal opportunity in apprenticeship for both minorities and women and will operate the apprenticeship program as required under Title 29 of the Code Federal regulations, part 30 and equal employment opportunity regulation of the State of California." Which if there is a faller, on the part of the AGC and union programs to recruit and hire African Americans and Women, it's not because the BCA's program is stopping them; Which means that they are saying that the BCA has the best recruitment of African Americans and women apprentices, yet there has been talk to collaborate with BCA as an open shop (non-union state and federal approved program) in common, which meets the mandates of Section 1777.5 of the Labor Code. Union and non-union (open shop programs) should be on the same page in helping all citizens' gain and learn a skill in their sponsored apprenticeship trades.

Open shop and Union apprenticeships are established, not only to hire and train unskilled workers at a discount to the employers, as opposed to all journeymen skilled workers (at a prevailing or Davis Bacon pay rate), but to help hire underutilized African American, women

and other excluded groups, to meet equal opportunity hiring and training needs. The problem is that most owners although may not be racist as business owners. They overlook the rights of having a diverse workforce and some ignore the need too. The fact of this lack of oversight the city of San Diego and other public agencies are a party to discrimination, through passive participation or indirectly by non-enforcement of EEO laws to its private contractors and their sub-contractors, which ends up as total exclusion of African Americans, women and other groups.

This culture of race hatred toward African Americans is deeply rooted in the American Society as a mindset from slavery, as the master slave relationship where African Americans fear mistreatment in the work place and are afraid to report it once hired from the fear of being fired, or there are those who fear being excluded from social circles of the elitist, if they speak out for those who cannot, as many are becoming political groupies; whereas law makers are becoming celebrities and turning a blind eye to the injustice of economically poor African Americans, women and other executed groups. Which is why legal remedies must be sought, and laws and rights must be implemented. The Resolution is to apply laws which protect all citizens against discrimination and to promote exclusion of excluders from benefiting from public funds (taxes), to send a message, as well as the need to meet with the victims to ensure equal opportunity or "economic civil rights." By way of outcomes of participation of all races and genders in construction contracting and construction jobs, afforded through the city of San Diego, County and other public and private corporations benefiting from the public who are supported by tax payer.

Ethical Background:

It is generally agreed that discrimination based on racial or ethnic origin is morally wrong and a violation of the principle of equality. The equality principle requires that those who are equal be treated equally based on similarities, and that race is not a relevant consideration in that assessment (May and Sharratt 1994: 317). In other words, it is only possible to justify treating people differently if there exists some factual difference between them that justifies such difference in treatment (Rachels 1999: 94). Equality is a nonspecific term that means nothing until applied to a particular context. Thus, in a political context, equality means equal access to public office and equal treatment under the law, and equal treatment extends to equality in **(Note 1.) terms of job hiring, promotion, and pay.**

The National Black Contractors Association have requested through the freedom of information Act all contractors workforce unitization reports, where the city of San Diego and other public agencies contract out construction projects to private contractors who have a history of excluding African Americans, women, Asians and Native Americans, creating economic harm base of race and ethnicity and continue this practice year end and year out, (years) 2009, 2010, 2011,2012,2013,2014. Although it's been brought to the City of San Diego attention and the city has reviewed these reports, this practice of race and gender exclusion continues without accountability to the aforementioned groups, where 75 -200 plus employees are hired by 70 plus private contractors and some only hire one or two groups and exclusion of all other tax payers.

These Workforce unitization reports are required by the City of San Diego and filled out by each contractor performing work on city funded projects. Which the city use private contractors as pass through to support race discrimination on city funded projects. These reports are required by all other public agencies, which do not collect this data to prevent tracing from public exposure.

(Note 2.) Race refers to groups of persons who are relatively alike in their biological inheritance and are distinct from other groups (American Anthropological Association 1997: 2). Ethnicity is a cultural phenomenon referring to a person's identification with a particular cultural group (Hinman 1998: 403). However, race is socially constructed, and the notion that persons "belong" to a particular race was developed in the last century based on the belief that there was a biological basis for categorizing groups of people. Biologically, however, the term race has no meaning, yet society continues to give the notion meaning by using it as a social category. The notion of race gradually took hold in U.S. society when the institution of slavery reinforced the idea that one race could be inferior to another (Banks and Eberhardt 1998: 58). In the United States, the law has had the effect of distributing benefits and burdens based on race, and the assignment of a person to a racial category has often, in the past, determined his or her rights and obligations (e.g., in the "Jim Crow" laws passed at the end of the Civil War). Racism in its most general sense can be defined as "social practices which (explicitly or implicitly) attribute merits or allocate values to members of racially categorized groups solely because of their 'race'" (Zatz and Mann 1998: 3). There are at least three aspects to racism: personal prejudice; ideological racism, where culture and biology are used to rationalize and justify the superior position of a dominant culture; and institutional racism, where the policies and practices of institutions operate to produce systematic and continuing differences between racial groups.

(Note 3.) African Americans have suffered discrimination on grounds of race, initially through the system of slavery, and then through a pattern of exclusion and segregation, both informal and formal, in the shape of legislation and court decisions that have historically endorsed overt racial discrimination. From the time of the inception of slavery in the early 17th century until 1865, slaves were considered the property of their masters based on a view that they were naturally unequal and inferior people. They were subjected to slave codes, which prohibited the possession of any rights or freedoms enjoyed by whites; experienced brutal and inhumane treatment of an extralegal nature; and were exploited for their labor. Following the Civil War, amendments to the Bill of Rights prohibited slavery and granted all persons, regardless of race, a right to equal protection. However, despite these legal statements of freedom, patterns of discrimination persisted after the war because many states passed Jim Crow laws, which had the effect of maintaining forms of discrimination in legal, social, and economic forums. **(Note 4.) For example, African Americans were denied the right to vote or to enter into contracts, and the doctrine of separate but equal was applied to keep the races separate and was denied full U.S. citizenship as an American until "1965."**

Today this Practice is use through a required performance bonding which keep African Americans from benefiting for public contracting, for contracts over \$25,000, that is stated to be used to protect the public interest; whereas all contractors are paid 30 days after work-in-progress is completed and material supplied and there are no payment paid in advance which does not put tax payer at-risk. Bonding was promoted to keep undesirables out and limit competition of African Americans.

The courts continued to enforce Jim Crow laws until the mid-1900s, and African Americans were also subjected to extralegal treatment in the form of physical assaults and practices such as lynching, where police were often present. About 3,000 African Americans were lynched between the mid-1800s and the early 1900s (B. Smith 2000: 75), and those performing the lynching were seldom

prosecuted (*as in police killing of blacks today in the 2000's*). During the 20th century, legal rights were accorded to African Americans and have been protected by the courts. In the landmark case of *Brown v. Board of Education* in 1954, the Supreme Court struck down the "separate but equal" doctrine, and the civil rights acts passed in the mid-20th century attempted to restate and reinforce a policy against segregation. Today, the black community in the United States is diverse, comprising, for example, Jamaicans, Nigerians, Ethiopians, Somalis, and other African and West Indies nationalities, each with its own culture distinguishable from that of African Americans. **(Note 5.)** Nevertheless, despite this heterogeneity, racist attitudes continue to be manifested based on skin color.

Federal Laws: (Note 6.)

- OFCCP "Internet Applicant" Final Rule, which amends OFCCP's [Executive Order 11246](#) recordkeeping rule for Federal contractors and subcontractors to prescribe the records to be maintained and the demographic information to be solicited from job applicants who apply for work through the Internet or other electronic technologies.

Protected classes in California: (Note 7.)

In all 50 states, federal law makes it illegal to discriminate based on:

- Race
- Color
- National origin
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions)
- Disability
- Age (40 and older)
- Citizenship status
- Genetic information

In addition, California state law also prohibits discrimination based on:

- Race
- Color
- National origin
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions)
- Disability: Physical or mental
- Age (40 and older)
- Genetic information
- Marital status
- Sexual orientation and identity
- AIDS/HIV
- Medical condition
- Political activities or affiliations
- Military or veteran status
- Status as a victim of domestic violence, assault, or stalking

How many employees must a company have in California to be subject to antidiscrimination laws?

Under federal law, companies with 15 or more employees are covered by Title VII, the primary law prohibiting employment discrimination, the Americans with Disabilities Act, which prohibits discrimination on the basis of disability, and the Genetic Information Nondiscrimination Act, which prohibits discrimination based on genetic information. Companies with 20 or more employees are subject to the Age Discrimination in Employment Act (ADEA), the federal law that prohibits discrimination against employees 40 years or older. Companies with four or more employees must comply with the employment discrimination provisions of the Immigration Reform and Control Act, which prohibits discrimination on the basis of citizenship status. And all companies of any size must pay men and women equally for doing equal work, by virtue of the Equal Pay Act.

In California, companies with five or more employees are subject to the state's antidiscrimination law.

What government agency regulates workplace discrimination in California?

The Equal Employment Opportunity Commission (EEOC) is the federal agency that regulates workplace discrimination. You can contact the Equal Employment Opportunity Commission by calling 800-669-4000 or check out its website at www.eeoc.gov. The website will help you locate an EEOC field office in California.

The Department of Fair Employment and Housing, Sacramento District Office enforces state antidiscrimination law in California. You can contact the Department of Fair Employment and Housing, Sacramento District Office at 916-478-7200 or 800-884-1684 or go to its [website](#).

California Affirmative Action, Proposition 209 (1996)

Proposition 209 was on the November 5, 1996 general election ballot in California as an initiated constitutional amendment, where it was **approved**.

(Note 8.) Proposition 209 amended the California Constitution to prohibit public institutions from discriminating on the basis of race, sex, or ethnicity. It was supported by the California Civil Rights Initiative Campaign, led by University of California Regent Ward Connerly, and opposed by pro-affirmative action advocacy groups. After Proposition 209 was approved by voters, it was challenged in the courts. In 2000, the California Supreme Court said that Proposition 209 is constitutional.^[1] Opponents of Proposition 209 filed a federal lawsuit in 2010 to undercut the provisions of Proposition 209 by allowing the University of California to use affirmative-action criteria in its admissions decisions, as it did before the enactment in 1996 of Proposition 209.^[1] A 3-judge panel of the United States Court of Appeals for the Ninth Circuit on April 2, 2012 voted to uphold Proposition 209. The same federal appeals court had previously upheld Proposition 209. The lawsuit that led to the April 2012 ruling had claimed that a new ruling was required by new evidence showing that in the years after the adoption of Proposition 209, minority admissions to the state's "most prestigious" universities declined.^[2] (Read more [below](#)).

California Proposition 54, the "Racial Privacy Initiative" (October 2003)

(Note 9.) California Proposition 54, also known as the **Racial Privacy Initiative**, was on the October 7, 2003 special election ballot in California as an initiated constitutional amendment, where it was **defeated**.

Proposition 54 would have restricted state and local governments in California from collecting or using information on a person's race, ethnicity, color, or national origin for the purposes of public education, public contracting, public employment, and other government operations, starting on January 1, 2005.

(Note 10.) Associated General Contractors of America, San Diego Chapter, v. California Department of Transportation

Status: Oral argument held on Feb. 11, 2013, before the Ninth Circuit Court of Appeals. Awaiting decision.

The California Department of Transportation (Caltrans) has launched a new program that uses race- and sex-based quotas in awarding contracts on federally funded highway projects. This quota program violates both the U.S. Constitution (Fourteenth Amendment) and the California Constitution (Article I, Section 31; i.e., Proposition 209, the voter-approved provision that bars race- and sex-based preferences or discrimination in public contracting, employment, and education). On June 11, 2009, Pacific Legal Foundation attorneys filed a federal lawsuit challenging the Caltrans quota program, representing Associated General Contractors of America, San Diego Chapter.

At issue is Caltrans' 2009 Disadvantaged Business Enterprise (DBE) Program, which Caltrans announced to transportation-related agencies in a memo on March 4, 2009. On projects that receive federal funds, Caltrans' DBE program sets a quota of having 6.75 percent of contracts go to women or members of targeted, preferred groups—African American, Asian-Pacific American, and Native American (but not Latinos or any other group)—through the explicit use of race or sex in awarding contracts.

This new Caltrans program represents a backward step—a return to quotas—by the agency. In 2006, after PLF sent a demand letter arguing that the scheme violated state and federal law, Caltrans abandoned a previous policy of using quotas in contracting. However, soon after going “race neutral” in response to PLF's letter, the agency began seeking a route to bring quotas back—by trying to exploit the exception to Proposition 209 for cases where federal funds would be lost if race-conscious policies were not implemented. Caltrans petitioned the federal government for permission to reinstate race-based and sex-based goals in the awarding of public works contracts funded by federal dollars. Caltrans cited a “disparity study” that it commissioned, reporting that Caltrans dollars going to minority contractors didn't match the available minority firms.

For two years, Caltrans was unsuccessful in getting federal permission to reinstate race-based quotas. But the federal government now has complied. In letters on February 25, 2009, and April 2, 2009, the U.S. Department of Transportation (Federal Highway Administration) approved “race conscious means” in “implementation of [Caltrans'] FY 2009 Disadvantage[d] Business Enterprise (DBE) Program.”

However, this federal “permission slip” does not in fact provide Caltrans a valid excuse to evade Proposition 209 or the Equal Protection Clause of the Fourteenth Amendment. For instance, the Ninth Circuit has ruled—in Western States Paving v. Washington State DOT (2006)—that race-based preferences in government contracting are allowed under the Equal Protection Clause only if there is evidence of past or present intentional discrimination that is being remedied. Caltrans' vague and defective “disparity study” provides no such evidence of discrimination by Caltrans.

For this same reason—the lack of any credible evidence of discrimination by Caltrans—the agency's quotas are invalid under the California Constitution (Proposition 209), because they are not “narrowly tailored” to respond to specific, identified discrimination. Moreover, Caltrans cannot demonstrate that it will lose federal money if it does not implement quotas. Indeed, Nancy Singer, a spokeswoman for the Federal Highway Administration, told the Associated Press in May that the race- and sex-based goal it approved for Caltrans is “an inspirational goal. It's not a drop-dead goal that you're losing your federal funds if you don't meet that goal.”

On March 23, 2011, the District Court denied our motion for summary judgment and granted the summary judgment motions of Caltrans and Defendant-Interveners. The Judge said Caltrans had followed the requirements set forth in *Western States Paving* case by having a disparity study and anecdotal evidence. The judge did not accept PLF's argument that the evidence failed to identify discrimination with "specificity," or show any pattern of "deliberate exclusion" - the requirements from Supreme Court in *City of Richmond v. Croson*. Caltrans notified AGC San Diego in 2009 that it did not believe that Caltrans officials, the local agencies, or any segment of its prime contractors had engaged in discrimination.

What makes the judge's decision particularly disappointing is that briefing had only been completed seven days before the date set for oral argument, making it unlikely that the court thoroughly examined the complete record under the exacting requirements of strict scrutiny - which is the court's duty in such cases.

Note 1.) Terms of job hiring, promotion, and pay.

The National Black Contractors Association have requested through the freedom of information Act contractors workforce unitization reports where the city of San Diego and other public agencies contract out construction projects to private contractors who have a history of excluding African Americans, women, Asians and Native Americans, creating economic harm base of race and ethnicity and continue this practice year end and year out, (years) 2009, 2010, 2011,2012,2013,2014. Although it's been brought to the City of San Diego attention and the city has reviewed these reports, this practice of race and gender exclusion continues without accountability to the aforementioned groups, where 75 -200 plus employees are hired by 70 plus private contractors who hire one or two groups (races) and exclusion of others tax payers. These Workforce unitization reports are required by the City of San Diego and filled out by each contractor performing work on city funded projects. Which the city uses privet contractors as pass through to support race discrimination on city funded and owned by tax payers..

(Note 2.) Race refers to groups of persons who are relatively alike in their biological inheritance and are distinct from other groups

In recent years the construction industry commonly reference to race by the term minority in reference to a group of minorities. Which is has been used to scapegoat identifying each race by its ethnic group and use to hide groups or genders who are unaccounted for as workforce participates and openly excluded; Which has been permitted by city and other public agencies who report gross numbers of “minority participation” in the workforce panting the perception on large numbers of

minorities; Which by the greed of one group over the other excluded African Americans and Women, and other minorities.

(Note 3.) African Americans have suffered discrimination on grounds of race, initially through the system of slavery, and then through a pattern of exclusion and segregation,

Whereas the city of San Diego permits the exclusion of African Americans, women, and other underrepresented group's byway of outsourcing its construction projects to the lowest bidder. Whereas all prime contractors are mandated to post a bid bond to guarantee completion of the city funded projects to protect the tax payers. Whereas the city of San Diego as an governmental agency entrusted to uphold the requirements of equality in construction employment and as it is prohibited by federal and state of California laws to allow or permitting race and gender discrimination. The city of San Diego after years of being informed of the practice of exclusion of African Americans, women and other underrepresented minorities, in construction on city projects, and whereas the city continues allowing private contractors who historically and present day practice is race discrimination causing economic harm to African Americans, women and other excluded groups.

Whereas the city of San Diego is in violation to the public trust to uphold the laws of equality in construction employment and has woefully permitted race discrimination on African Americans, women and other excluded groups, creating economic hardship and poverty on African Americans causing generational poverty, homeless, divorce and other human hardships. It is within reason and fairness that just consideration be granted to African Americans, women and other excluded groups, to enforce all laws which require equality in construction employment and resources be used to train and develop a skill workforce of African Americans, women and other excluded groups. And whereas the open practice of discrimination by private contractors, who woefully excluded African Americans and other excluded groups as reported by their reports, are to be excluded from doing business with the city of San Diego using tax payer's money to promote and practice race discrimination.

Note 4.) For example, African Americans were denied the right to vote or to enter into contracts, and the doctrine of separate but equal was applied to keep the races separate.

The Davis-Bacon Act, passed by Congress in 1931, re-quires private contractors to pay "prevailing wages" to employees on all federally funded construction projects over \$2000. Most often, the "prevailing wage" corresponds directly to the union wage. This is especially true in urban areas, where union membership tends to be higher.

The Davis-Bacon Act covers a significant portion of the projects undertaken by the construction industry. Approximately 20 percent of all construction projects in the U.S. are covered by the Act, affecting more than 25 percent of all construction workers in the nation at any given time.

The Act was passed with the specific intent of preventing non-unionized black and immigrant laborers from competing with unionized white workers for scarce jobs during the Depression. This invidious law continues to have devastating discriminatory effects, as minorities tend to be vastly underrepresented in highly unionized skilled trades, and over-represented in the pool of unskilled workers who would benefit, if the prevailing wage laws were abolished.

Davis-Bacon restricts both contracting and employment opportunities for minorities. Most minority-owned construction firms are small and non-unionized. Davis-Bacon mandates inflated wage rates (e.g., \$40,000 a year ditch diggers and \$60,000 a year carpenters) and creates rigid job classifications and procedures which, though standard operating procedure for unions, are anathema to small non-unionized firms. Such firms literally have to become less efficient in order to compete for Davis-Bacon contracts. Workers who perform a variety of tasks must be paid at the highest applicable skilled journeyman rate (e.g., a general laborer who hammers a nail must be paid as a "carpenter," at perhaps three times the company's regular wage rate). Unskilled workers can be employed only if the company can afford to pay high wages, and training can be provided only through limited and heavily regulated apprenticeship programs. Paperwork is voluminous, complex, and cumbersome, accompanied by the constant threat of fines or litigation from government officials or unions. Not surprisingly, small minority-owned companies are often placed at a serious disadvantage in competing for Davis-Bacon contracts and are often discouraged from doing so, which was, of course, the motivation for the law in the first place. And entry-level employment and training opportunities are lost by the tens of thousands in an industry where such opportunities otherwise would be plentiful.

Whereas Davis Bacon laws was development in New York City in 1939 to prevent African Americans the opportunity; the city of San Diego has suppress equality in construction contracts to save white construction contracts. Thereafter promoted bonding as a barrier to keep African Americans from budding on public works contracts in preventing them from self-help and providing equality in construction employment of other African Americans and other excluded groups.

Whereas the city of San Diego meet with the AGC on a regular basis and appointed reparative to oversee policies and monitor contracting and construction jobs; and promotes the use of their apprenticeship program which for the most part exclude African Americans and creating a divided workforce through the use of promoting one minority race over the other, resulting in preventing African Americans equality in construction employment. Whereas the city use prevailing wages requirements on all public works projects vs. federal term know as Davis-Bacon wages of federal projects which was originally use to keep out unskilled African Americans, women and other excluded groups out.

Therefore the city of San Diego, need to enforce equality in construction apprenticeships and promote the use of programs who recruits African Americans, women and other exclude group. And appoint reparative of African American trade groups and contractors Association to set on boards of governance to inform and be informed on policies and laws that prevent and are being promoted which will promote discrimination of African American, women and other excluded groups. These representatives must have a connection with Black, Brown, Asian, Women and disable Vets contractor's trade associations.

The city is to father prevent the hiring or use of more than 50% of one race over the others and ensure equality in construction as new hire needs and use of their workforce cannot be more than one race at any time of employment on city funded projects, through the promotion of "One San Diego" policy in equality in construction employment.

(Note 5.) . Today, the black community in the United States is diverse, comprising, for example, Jamaicans, Nigerians, Ethiopians, Somalis, and other African and West Indies nationalities, each with its own culture distinguishable from that of African Americans. Nevertheless, despite this heterogeneity, racist attitudes continue to be manifested based on skin color.

African Americans despite the fact that some companies will hire one or two African Americans out of 100 to 200 hundred construction workers in San Diego, where retention is rare as well as the harsh treatment African Americans receive is dehumanizing, as in many cases where boy, nigger and other dehumanizing statements are made. As in the case of Ortiz Construction company for the most part only have one, African American who feel that he has to amuse his employer by referring to himself as nigger "eyes your best nigger" and stated that he has been there over 10 years. As in many cases African Americans use this term on themselves to desensitize the hurt of being called nigger outside of their race. There are cases, with an AGC apprenticeship committee, that he was told to walk behind the truck, where the Latinos road and he had to walk, being the AGC apprenticeship committee to near tears, as he told his story and how he needed his job to provide for his family. Omar League was near to tears where he was sexually harassed by a male Foreman and told him what he was going to do to his nigger ass." Which today there are untold stories of women who are not hired for fear of the companies thinking they will be sued because their male employees may harass women and there are women who never tell their story, out of fear of being laid off and black (white) balled.

Where in the City of San Diego most cases of mistreatment are not reported by African Americans, who fear being fired and need work where they are the only one or too few to keep this kind of talk and mistreatment from happening. This majority minority work force creates culture segregation and as I have been told, that we would hire African Americans, but my crews is all speak Spanish, as is on the case of a city heights construction project, where I was the community outreach consultant.

The remedy is desegregation and workforce diversity, where companies hire one group over the other, and the city allow this practice of race exclusion of African Americans.

Federal Laws: (Note 6.)

OFCCP "Internet Applicant" Final Rule, which amends OFCCP's [Executive Order 11246](#) recordkeeping rule for Federal contractors and subcontractors to prescribe the records to be maintained and the demographic information to be solicited from job applicants who apply for work through the Internet or other electronic technologies.

The City of San Diego under state of California laws, which mandate recordkeeping of work force utilization and tracking minority contracting by race for public records and where most other public agencies do not track or report their work force diversity. The city of San Diego in seeing what is reported still has not taken steps to make correction and continues to overlook exclusion.

Although the city of San Diego is to be commended for its transparency and open government, and although it is under siege by the AGC who promotes suppression of equal opportunity and economic civil rights implementation by way of "assuring that prop 209 is enforced by all governmental agencies and to not violate its white contractors members; in promoting streamlining government to remove any and all equal opportunity programs, in calling for stricter prequalification's of local small business enterprise (LSBE) program established to recruit, African American, women, and other ethnicities who lack their fair share of contracts. The mission is to garner the 10% or 20% that all so-called minorities get.

Protected classes in California: (Note 7.)

In all 50 states, federal law makes it illegal to discriminate based on:

In addition, California state law also prohibits discrimination based on:

- Race
- Color
- National origin
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions)
- Disability: Physical or mental
- Age (40 and older)
- Genetic information
- Marital status
- Sexual orientation and identity
- AIDS/HIV
- Medical condition
- Political activities or affiliations
- Military or veteran status
- Status as a victim of domestic violence, assault, or stalking

Although the city of San Diego publicizes the message of equal opportunity and states that it prohibit race discrimination and gender exclusion in the work place, year after year he city review its reports from private contractors and ignore after being brought to their attention of this practice of discrimination and how it has hurt African Americans in preventing them for working on publicly funded projects and being excluded base on race, gender as a protected class and as race or group.

(Note 8.) Proposition 209 amended the California Constitution to prohibit public institutions from discriminating on the basis of race, sex, or ethnicity.

The misinterpretation of prop 209 and the message promulgated is that it is a California law that prohibits race and gender outreach or quotas hiring and goal setting to meet race participation. The city of San Diego in fear of being in violation of these laws promoted by the AGC has turned a blind eye to the practice of race discrimination where African Americans, Women and other excluded groups are concern. The basis of these laws is that it prohibits public institutions from discriminating on the basis of race, sex, or ethnicity. The city in outsourcing its public works projects allow the practice of discrimination and the exclusion African Americans, women and other groups, which is violation of prop 209 and documented in its workforce utilization reports, with the execution of African Americans.

(Note 9.) California Proposition 54, also known as the **Racial Privacy Initiative**, was on the October 7, 2003 special election ballot in California as an initiated constitutional amendment, where it was **defeated**.

After the successful duping of the uninformed California voters who thought they were voting for a Civil Right Initiative, in relations to the Civil Rights Bill and Dr. Martin Luther King Dream, were unaware as voters, that this vote was to undo mandated affirmative action laws, which was misinterpreted as preferential treatment of blacks over whites, where diversity in hiring and employment and contracts was law. In following up with the success of this action, promoting of Prop 54 was to trick the voters again into passing laws through their votes to

establish a new California law as a "Racial Privacy Initiative" which would have prohibited public agencies from tracking race and gender employment and contracting. Although the initiative was defeated by the California voters, as fallout of prop. 209, most governmental agencies do not track by race and gender hiring, which prevents the public from knowing the true makeup of the workforce. Although the city of San Diego does require its prime contractors (not their subcontractors) to track their workforce by race and gender, as for other agencies there is no true count overall, as to how bad or good thing are for African Americans. The City must require its prime contractors to require their sub-contractors to report their workforce by race and genders as they all are benefitting from public tax payers funds.

The legal loophole used by most private contractors doing business with the city of San Diego and other governmental agencies is "Good faith (Fake) efforts," where contractors will send letters to minority community base organizations announcing that they don't discriminate on the basis of race and gender and that they are actively seeking women and minorities to work for their company. By directing interested parties to contact this union where the Unions ask for joining fees (\$300 - \$600 dollars) and require paying union dues, until everyone in the line in front of you gets a job first, and whereas Union members let their friends in the line ahead of African Americans, which is someone of their own race. As in the case with Ibn Najor who was told to join the union so he could work for Swinerton Builders and that he would have a job within a week or so, he never did and had to go to L.A. Ca to work. Then there are those who tell you they are hiring and when the BCA send people to that company, the job seeker is told that they are not accepting applications at this time and to check back later, so there is no record of African Americans or Women applying for jobs.

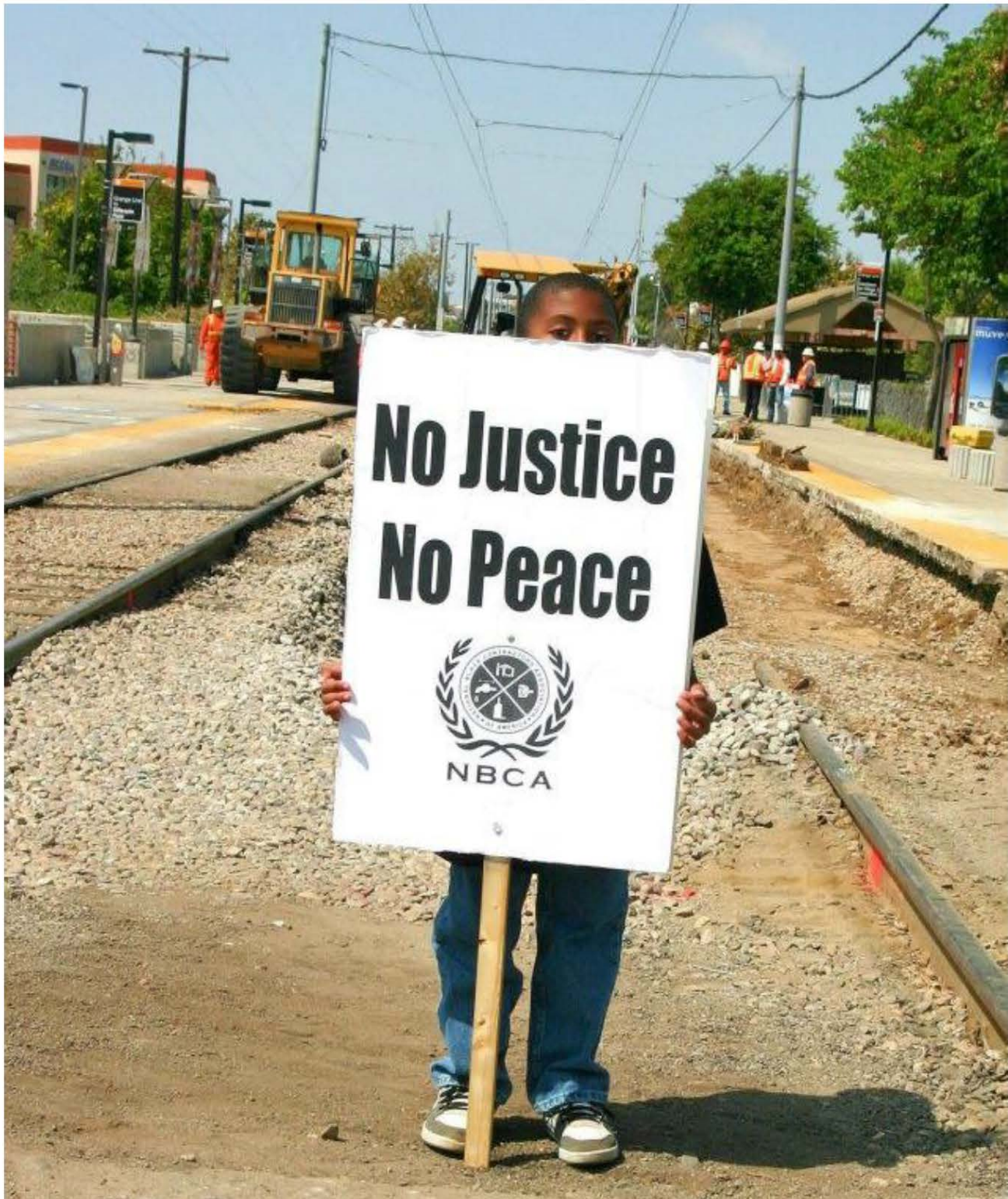
(Note 10.) Associated General Contractors of America, San Diego Chapter, v. California Department of Transportation

On March 23, 2011, the District Court denied our motion for summary judgment and granted the summary judgment motions of Caltrans and Defendant-Intervenors. The Judge said Caltrans had followed the requirements set forth in Western States paving case by having a disparity study and anecdotal evidence. The judge did not accept PLF's argument that the evidence failed to identify discrimination with "specificity," or show any pattern of "deliberate exclusion" - the requirements from Supreme Court in City of Richmond v. Croson. Caltrans notified AGC San Diego in 2009 that it did not believe that Caltrans officials, the local agencies, or any segment of its prime contractors had engaged in discrimination; This San Diego AGC group is morally reprehensible.

The AGC as an Anglo-Saxons contractors association pulls up all stops to oppose any measure or laws that would promote hiring and contracting that may help African Americans and other excluded minorities from receiving more than 20% of the contracts and will stop any affords through their funded politicians. The national BCA is addressing these cancers; and do not hold the City of San Diego's new Mayor and Council responsible for the past, only for not taking prompt action and implanting remedies to prevent race discrimination in the city of San Diego construction and employment.

The following poster protest campaign by youths and African Americans, are intended to bring awareness to the state of race discrimination and its future effects on the African American community, whose growing property on family by exclusion base on race and gender need outside review from federal and state law makes. Its intentions are to attach community input and promote a case study as to why and how to stop it. This report is not an attack on any person, group or race; it is for the purpose of race inclusion of all Americans seeking opportunity in construction jobs and public and private contracting.

Abdur-Rahim Hameed – President of the National BCA



The time has come for African American youth in San Diego to start fighting for their rights to work today, so that tomorrow when they are old enough and able to work, they canas we must end race discrimination NOW no matter who is in charge!

Special Report on Race and Gender Decimation in San Diego's Construction Industry

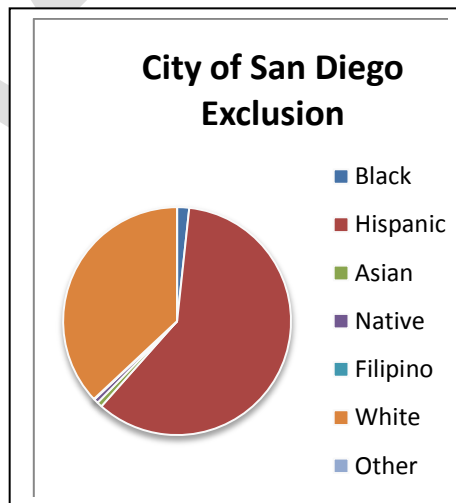
As Billions of Dollars are in trusted to a few and intentionally or not African Americans see little or no opportunity in America's Worst city for blacks in construction!

This is a formal annual request for information (RFI) as to workforce utilization by race and gender for all contractors doing projects in San Diego County and the City of San Diego, Public, Federal, City and State funded projects. The NBCA is requesting (nationally and locally) **public agencies to provide its annual report on race workforce utilization** in construction and contractors participation by race and gender. Please accept this as a formal (R.F.I.) via e-mail transmittal as of November 25, 2014 **The *Freedom of Information Act (FOIA)* is a United States federal law that grants the public access to information possessed by government agencies.**



addressed to:

- 1.) The Port of San Diego
- 2.) San Diego County Regional Airport Authority
- 3.) City of San Diego
- 4.) County of San Diego
- 5.) The San Diego Community College District
- 6.) San Diego Unified School District
- 6.) University of California San Diego
- 7.) San Diego State University
- 8.) Sempra Energy,



African Americans stand a better chance of getting killed in San Diego then getting a job!

*The shame of it all is that every year San Diego elites, blacks, whites, gays, unions, and politicians parade Dr. King's legacy on race equality, with the awareness of open race exclusion of blacks in San Diego construction industry and have outcast the foremost leaders who dear to speak up, for the rights of blacks in construction! **This is why I have resigned as local President and CEO of BCA of San Diego, Inc.** I am tired of going along... to get along, while seeing my sons and the sons of the African American Community denied the freedom of a dam JOB!!!! OPEN YOUR EYES*



**San Diego Airport's \$300 + Million Dollar Parking Project, and Car Rental Building
What's in it for African American Workers and Contractors?**

*"I cannot tell you how it burns my heart every time I drive down Pacific Coast Hwy, and look at the new parking structure and see little of no blacks working on the **San Diego International Airport** project **OR** I-5 to Martin Luther King Jr. Freeway (Who died for race equality) and see a historic symbol of African American exclusion of construction workers and contractors on the 1.5 billion construction of San Diego Community College District, under the blind eyes, of who's in charge or not?*



San Diego Quieter Home Program, San Diego, CA
San Diego County Regional Airport Authority Quieter Home Program



One Resident stated that when asked, why are there no African Americans working, he replied **"THEY ALL ARE IN JAIL"**



A \$1 billion Mass African American Worker Exclusion program - Youth Fight Discrimination



National BCA Leader was told that we (San Diego County Regional Airport Authority Quieter Home Program) had one African American Contractor, who hired blacks (and at that time was being put off the job).

Special Report on Race and Gender Decimation in San Diego's Construction Industry



I will organize today's youth to fight for their future, so race discrimination tomorrow in the San Diego construction industry does not exist.



BLACK BABIES WILL FIGHT FOR THEIR FUTURE NOW THAT KNOW THEY DON'T HAVE ONE
"MY FATHER NEED TO WORK SO THAT HE CAN FEED OUR FAMILY"

HOLD  FEET TO THE FIRE

Special Report on Race and Gender Discrimination in San Diego's Construction Industry



City of San Diego Capital Improvement Projects Reported in September 22, 2011 that out of **\$143,884.496** African American(s) received **\$40,000** dollars in construction contracts

City of San Diego 2014 workforce Utilization Report Snapshot showed **2,066** workers and only **36** were African Americans with one African American female

Emergency Contacts
McCarthy: (619) 821-3111 Ext. 77402
Department of General Services (DGS): (858) 694-8834
Harris & Associates: (323) 509-9769

McCarthy

Board of Supervisors

GREG COX	FIRST DISTRICT
DIANNE JACOB	SECOND DISTRICT
DAVE ROBERTS	THIRD DISTRICT
RON ROBERTS	FOURTH DISTRICT
BILL HORN	FIFTH DISTRICT

Helen Robbins-Meyer Chief Administrative Officer
Donald Steuer Asst. Chief Administrative Officer
April F. Heinze P.E. Chief Operating Officer
Director



DGS CALIFORNIA DEPARTMENT OF
GENERAL SERVICES

WHERE IS DGS OVERSIGHT AND WHAT IS THE BLACK PARTICAPATION?



Sempra Energy, (SDG&E)

Based in San Diego, is a Fortune 500 energy services holding company with 2013 revenues of more than

\$10.5 billion

What is the participation of African American Contractors and African American Construction Workers?



Walgreens Community Exclusionary Plan for African American Construction Work, window dresses two or four African American Workers in the heart of the African American Community, who are to be its customers, as large numbers of out of town workers & contractors run with the cash from the construction of the New Walgreens.



SHAME ON WALGREENS

African Americans Can't Get Work IN THEIR COMMUNITY nor OUTSIDE OF THEIR COMMUNITY.

Special Report on Race and Gender Decimation in San Diego's Construction Industry

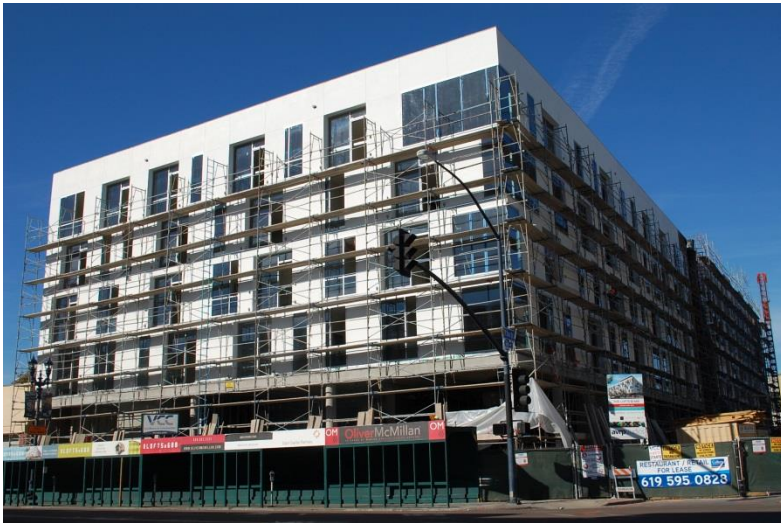


*Race Exclusion
wears many
masks
"From the movie
Bamboozled"*



Black Babies fighting for jobs, for their Fathers, Brothers, Sisters and Mothers in America's worst City for Blacks in Construction.

Special Report on Race and Gender Decimation in San Diego's Construction Industry



Down Town East Village Whats the Numbers?



San Diego Unified School District \$2 Billion Construction project says no to Black Works and Black Contractors ...



Yet San Diego openly excludes African American Workers,... as some African American leaders say nothing...

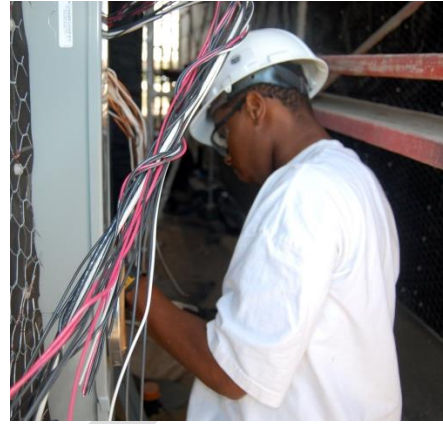
Its Time for Blacks youth to fight for their rights to work!

SANDAG has No Shame



Lead Follow or Get out the Dam way!

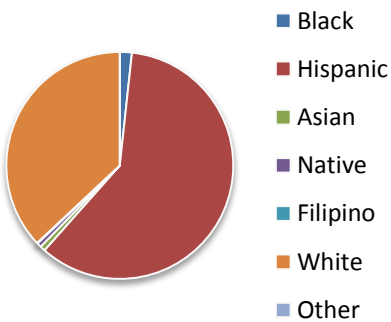
"There are those who fear being excluded from social circles of the elitist, if they speak out for those who cannot. Many are becoming political groupies whereas law makers are becoming celebrities and turning a blind eye to injustice of poor and excluded African Americans, women and other executed groups"



African American, Youth Ready Willing and Able!



City of San Diego



The City of San Diego Workforce Utilization Report by the Numbers 2013

In 2013 workforce Utilization Report Snapshot showed **2,066** workers and only **36** were African Americans, as most companies don't hire Blacks at all, with over 100 to 200 workers

We are requesting All public agencies formentioned to report by race and gender workforce utilization for 2014
Per the Freedom of Information Act (FOIA)

Special Report on Race and Gender Discrimination in San Diego's Construction Industry



*The shame of it all is that every year San Diego elites, blacks, whites, gays, unions, and politicians parade **Dr. King's legacy on race equality**, with the awareness of open race exclusion of blacks in San Diego's construction industry and have outcast the foremost leaders who dare to speak up, for the rights of blacks in construction! – exclaims Abdur-Rahim Hameed President of the National BCA*