

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
UNITED STATES DEPARTMENT OF ENERGY
AND THE
UNITED STATES DEPARTMENT OF LABOR

I. BACKGROUND

Two contemporaneous challenges facing the American people are climate change and growing economic insecurity. While each requires unique strategies, there exist untapped opportunities to align solutions. For example, achieving a carbon-free power sector by 2035 and a net-zero economy by 2050 will create jobs. Rebuilding and creating new energy infrastructure and expanding domestic supply chains for clean energy will require investing in and drawing upon America’s diverse, skilled, and talented workforce.

In November, Congress passed, and the President signed, the bipartisan Infrastructure Investment and Jobs Act (“IIJA”), a once-in-a-generation investment in America’s infrastructure and competitiveness.¹ A critical component of the Biden-Harris Administration’s climate and job quality agenda, the infrastructure law charges the U.S. Department of Energy (“DOE”) with delivering transformative benefits to American families, workers, businesses, and communities.

Combined with the President’s Build Back Better Framework, the law will add on average 1.5 million jobs per year for the next 10 years – across a wide range of construction, maintenance, manufacturing, and operations occupations. An expansion of good-paying union jobs, with a commitment to clear and accessible pathways into those jobs, will create economic prosperity in communities and support a more sustainable, resilient, and equitable economy.

There is an urgent need to create clear pathways to high-quality jobs as the infrastructure law unlocks billions of dollars in new DOE investments, which will in turn spur billions in private sector investment. These pathways must be equitable, given persistent “occupational segregation” across many sectors of the economy, including in energy-related industries. Occupational segregation results when groups, facing systemic barriers to employment, are concentrated in lower paying, more precarious, less safe, and non-unionized jobs.²

To ensure these new resources create good-paying, high-quality jobs with the free and fair chance to join a union—and that America’s workers have everything they need to deliver on this historic investment—the DOE and U.S. Department of Labor (“DOL”) agree that there is a need for highly aligned efforts to attract, train, retain, and empower diverse, qualified, well-compensated workers for jobs in clean energy infrastructure and supply chains.

¹ Pub. L. 117-58

² Underserved workers who have experienced the deepest barriers to full inclusion in our economy include Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

II. PURPOSE

The purpose of this Memorandum of Understanding (“MOU”) is to promote cooperative efforts between DOE and DOL (the “Departments”) to create and support pathways to millions of high-quality, good-paying energy infrastructure and supply chain jobs with the free and fair chance to join a union. This cooperative effort will emphasize efforts to attract, train, and retain a diverse and skilled workforce – including bringing in people who have not had the opportunity to attain high-quality energy infrastructure and supply chain jobs while also supporting workers displaced by the energy transition.

III. OBJECTIVES

The Departments enter into this MOU to leverage the resources and expertise of both agencies to ensure the actions necessary to meet shared goals related to expanding equitable access to high-quality jobs for workers and communities in American energy infrastructure and supply chains. This MOU supports both Departments’ efforts, where permissible and consistent with available appropriations and authorities, to:

- Assist State, local, and Tribal government partners as well as partners in industry or civil society who can identify, train, employ, reskill, and retain the diverse workforce needed to build and operate American energy infrastructure.
- Integrate job quality, labor standards, and equal employment opportunity standards across all funding mechanisms related to energy infrastructure and supply chains.
- Leverage Federal spending to create more high-quality, good-paying jobs in fair and safe workplaces that offer workers a free and fair chance to join a union.
- Create a more diverse energy infrastructure and supply chain workforce through targeted work at both agencies to address occupational segregation and give a more diverse workforce access to these higher-paying jobs.
- Engage stakeholders and develop strategic partnerships with organizations that can draw on all of America’s strength, talent and skill, including coalitions that represent women, Black, Indigenous, and people of color, as well as other populations facing systemic barriers to employment.
- Design, expand, and implement proven workforce development strategies, such as registered apprenticeship programs and labor-management partnerships.
- Develop sectoral strategies to support high-road workforce development with labor unions and industry partners, including for emerging and growing industries, like those across the battery supply chain and the emerging carbon management sector.

IV. AUTHORITIES

As DOE and DOL collaborate, each will draw on their unique authorities and funding, including DOE's new authorities and programs under the IIJA as well as other DOE and DOL programs. DOL will draw on its respective strength and experience in encouraging high-quality jobs and its investments in equitable workforce development. DOE will draw on its strength and experience in energy technology, infrastructure, and supply chain activities that create new opportunities for American workers.

DOE enters into this MOU under the authority of section 646 of the Department of Energy Organization Act (Pub. L. 95-92, as amended; 42 U.S.C. § 7256). DOL enters into this MOU under the authority of 29 U.S.C. § 551.

Specific authorities that DOE and DOL will seek to coordinate for the Purpose and Objectives include, but are not limited to:

Department of Energy:

- Section 34 of the National Institute of Standards and Technology Act (Pub. L. 113-235), as amended by section 1741 of the National Defense Authorization Act for Fiscal Year 2020 (Pub. L. 116-92, Div. A, title XVI), which authorized the Manufacturing USA program. (15 U.S.C. § 278s). The statutory purposes of the Manufacturing USA program include “accelerat[ing] the development of an advanced manufacturing workforce” and “create[ing] and preserv[ing] jobs[.]” (15 U.S.C. § 278s(b)(2)). In selecting applications for planning, establishing or supporting a Manufacturing USA Institute, DOE must consider, in part, “The potential of the Manufacturing USA institute to advance domestic manufacturing and the likelihood of economic impact, including the creation or preservation of jobs” and “How the Manufacturing USA institute will carry out educational and workforce activities that meet industrial needs related to the predominant focus areas of the institute,” and “How the Manufacturing USA institute will encourage the education and training of veterans and individuals with disabilities.” (15 U.S.C. § 278s(e)(4)(C)).
- Subtitle D of title IV of the Energy Independence and Security Act of 2007 (EISA)(Pub. L. 110-140), as amended by section 40521 of the IIJA, which amended and expanded the authority for DOE's longstanding Industrial Assessment Centers program (now Industrial Research and Assessment Centers). The expanded authority specifically directs DOE to support workforce training. Section 457(g) of EISA, as amended. (42 U.S.C. § 17116).
- Section 2601(b) of the Energy Policy Act of 1992 (Pub. L. 102-486, as amended; 25 U.S.C. § 3502(b)) provided the program authority for the DOE Indian Energy Education Planning and Management Assistance Program provides that DOE may provide grants for “activities to increase the capacity of Indian tribes to manage energy development and energy efficiency programs”, which includes workforce development.
- IIJA Sections 40207 and 40208 allow DOE to consider in the selection of grant recipients whether a project supports battery supply chain workforce opportunities that promote

career transition and equitable access through programs in trade schools, community colleges, and public universities and partnerships. (42 U.S.C. 18741 and 42 U.S.C. § 17231).

- IIJA section 40308 amended section 969D of the Energy Policy Act of 2005, Pub. L. 109-58 (EPAAct 2005), to include the authority for funding to eligible projects that contribute to the development of Regional Direct Air Capture Hubs. The statute directs DOE to prioritize eligible projects that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region (42 U.S.C. § 16298d).
- IIJA section 40342 authorized the Clean Energy Demonstration Program on Current and Former Mine Land. It directs DOE to prioritize eligible projects that can be carried out in a location where the greatest number of jobs can be created from the successful demonstration of the clean energy project; provide the greatest domestic job creation (both directly and indirectly) during the implementation of the clean energy project; and provide the greatest job creation and economic development in the vicinity of the clean energy project, particularly in economically distressed areas and with respect to dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining. (Section 40342(c)(3); 42 U.S.C. § 18761).
- IIJA section 40314 amended EPAAct 2005 to add the authority to establish Regional Clean Hydrogen Hubs. (Section 813 EPAAct 2005; 42 U.S.C. § 16161a). The authority requires DOE to “give priority to regional clean hydrogen hubs that are likely to create opportunities for skilled training and long-term employment to the greatest number of residents of the region.” (42 U.S.C. § 16161a (c)(3)(E)).
- IIJA Section 40503 authorized the Energy Auditor Training Grant Program to support State programs that train and certify individuals to conduct energy audits or surveys of commercial and residential buildings. (42 U.S.C. § 18793).
- IIJA Section 40513(b) authorized DOE to award grants for career skills training programs that include classroom instruction and on-the-job training with the goal of “obtaining an industry-related certification to install energy efficient buildings technologies.” (42 U.S.C. § 18802).
- Section 1011 of the Energy Act of 2020, Pub. L. 116-260, amended the Weatherization Assistance Program (WAP) programmatic authority to explicitly allow for workforce training and retention programs related to weatherization activities. (For example, see 42 U.S.C. §§ 6864; 6864c; and 6864d).
- The use of project labor agreements on construction projects funded by DOE is set forth under Executive Order (E.O.) 13502, “Use of Project Labor Agreements for Federal Construction Projects.” Once applicable, E.O. 14063 will supersede E.O. 13502.
- Section 619 of EISA, as amended by section 3002 of the Energy Act of 2020, authorizes a geothermal energy workforce development program. (42 U.S.C. § 17198).
- Section 604 of EISA authorized DOE to create and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. (42 U.S.C. § 17172).

- Section 637 of EISA, as amended by section 3001 of the Energy Act of 2020, authorizes DOE to conduct workforce development and training activities to support technical, non-hardware, and information-based advances in water power systems development and operations. (42 U.S.C. § 17216(f)).
- Section 3003 of the Energy Act of 2020 authorized DOE to establish a wind energies technology program. As part of the program activities, DOE is authorized to conduct professional development activities. (42 U.S.C. § 16237(b)).
- All other DOE programs authorized under the bipartisan Infrastructure Investment and Jobs Act (Pub. L. 117-58), the Energy Policy Act of 1992 (Pub. L. 102-486), EPAct 2005, (Pub. L. 109-58), EISA, (Pub. L. 110-47), the Energy Act of 2020 (Pub. L. 116-260) and other DOE authorities, where the implementation of such programs will include workforce development or otherwise include activities that support the objectives of this MOU.

Department of Labor:

- Enforcement of federal wage and labor standards through the Wage and Hour Division including: 29 U.S.C. §§ 201, et seq.; 29 U.S.C. §§ 2001-2009; 29 U.S.C. §§ 2611-2654; 40 U.S.C. §§ 3141 et seq.; 15 U.S.C. §§ 1671-1677; *see also* 29 CFR § 5.1 (“Related Acts”); Executive Order (E.O.) 13658, Establishing a Minimum Wage for Contractors; E.O. 13706, Establishing Paid Sick Leave for Federal Contractors.
- Enforcement of federal EEO and affirmative action obligations applicable to covered federal contractors and subcontractors through the Office of Federal Contract Compliance Programs including:
 - E.O.11246, Sec. 205 as amended, Equal Employment Opportunity, at 41 CFR part 60-1 and part 60-4; Public Law (P.L.) 81-152, 63 Stat. 377; Section 503 of the Rehabilitation Act, 29 U.S.C. § 793; Section 4212 of the Vietnam Era Veterans’ Readjustment Assistance Act, 38 U.S.C. § 4212; 41 U.S.C. §§ 6701-6707; 41 U.S.C. §§ 6501-6511
- Enforcement of safety and health standards through the Occupational Safety and Health Administration including, Occupational Safety and Health Act of 1970, 29 U.S.C. § 651 et seq.
- Programs administered by the Office of Labor-Management Standards to promote labor organization democracy, financial integrity, and transparency, and highlight the important role unions play in the modern American economy including: E.O. 13496, Notification of Employee Rights Under Federal Labor Laws; 29 U.S.C. §§ 401 – 531
- Workforce development programs funded and administered by the Employment and Training Administration to support job training and workforce development services including: 29 U.S.C. § 3101, *et seq.*; 29 U.S.C. § 50; 29 U.S.C. § 49, *et seq.*; 19 U.S.C. § 2271, *et seq.*
- Programs operated by the Women’s Bureau including those focused on getting women into non-traditional occupations including: 29 U.S.C. § 13.
- Programs operated by the Office of Disability Employment Policy that focus on increased workplace success for people with disabilities including: 29 U.S.C. § 557b.

- Programs operated by the Veterans' Employment and Training Service that assist veterans, reservists, and National Guard members in securing employment including: 38 U.S.C. §§ 2021, 2021A, 2023, 4102A, 4103A, and 4104.

V. JOINT RESPONSIBILITIES OF THE DEPARTMENTS

- A. Strategic Partnerships and Stakeholder Engagement:** Subject to available authorities and appropriations, the Departments will support engagement with organizations and coalitions that can help connect workers to good-paying jobs, including organizations that represent workers who are underrepresented in energy infrastructure and supply chain jobs so that these workers can be engaged in the design and implementation of investment strategies. Specifically, the Departments will collaborate to:
- Jointly establish a process to regularly hear from stakeholders with regard to energy infrastructure and supply chain jobs, workforce development, labor standards, and the needs of underrepresented workers and communities.
 - Jointly engage State, local, and Tribal governments to advance shared equity priorities, including job quality and access to energy infrastructure and supply chain jobs
 - Jointly engage non-profit partners interested in workforce, job quality, energy, and infrastructure investments on how they can support and amplify the Departments' efforts.
 - Jointly identify opportunities to simplify the process of leveraging DOL and DOE funds, individually or in combination, including but not limited to reducing cost-share requirements, identifying project selection policy factors, and providing joint technical assistance to DOL/DOE program awardees to support program design and implementation.
 - Document and disseminate best practices and profiles of success in national, state, and local efforts that are addressing barriers to access to, and retention and progression in, quality jobs in infrastructure.
 - Any other items identified as mutually agreeable.
- B. Job Quality, Standards and Metrics, Workplace Equity and Inclusion:** Subject to available authorities and appropriations, the Departments will support job quality across investments and grants related to energy infrastructure and supply chain jobs, to ensure diverse workers will benefit from safe and healthy, high-quality, good-paying jobs and a free and fair chance to join a union. Specifically, the Departments will collaborate to:
- Integrate job quality standards into DOE's energy infrastructure and supply chain investment projects, grants and other financial assistance, and procurement processes.
 - Ensure compliance with applicable prevailing wage requirements, including but not limited to Davis-Bacon and Related Acts' labor standards as permitted by statute.
 - Identify DOE grants that will result in direct or federally-assisted construction projects to potentially participate in DOL's Mega-Construction Project program establishing models for how energy projects can promote opportunities for

women, people of color, people with disabilities and veterans in the construction trades.

- Promote compliance with the equal employment opportunity requirements of Executive Order 11246, as amended, and the utilization of apprentices, trainees and journeymen across all DOE assisted construction projects.
- Develop mechanisms to support unionized workers and ensure that workers have a free and fair opportunity to join a union and collectively bargain.
- Develop ways to provide support and technical assistance, as appropriate based on statutory authority, for local and economic hiring in DOE funding to improve the hiring and retaining of underserved populations. Local and economic hiring efforts may include but are not limited to policies that seek to recruit certain percentages of workers from local communities with high rates of unemployment, public assistance recipients, individuals lacking a GED or high school diploma, or other economic barriers, as allowed by law.
- Develop best practices for creating fair and safe workplaces that promote workforce retention, including of underrepresented populations.
- Address workplace harassment and discrimination by requiring grant recipients and contractors to comply with existing equal opportunity standards, adopt accountability practices, and conduct training to combat on-the-job hostility and harassment.
- Consistent with the Paperwork Reduction Act, identify methods of capturing key job quality characteristics for energy infrastructure and supply chain jobs from government statistical surveys, registered apprenticeship data, and Davis-Bacon reporting as well as the demographics of workers holding those jobs, as way to measure success of joint efforts.
- Any other items identified as appropriate as mutually agreed to.

C. Equitable and Effective Workforce Development: Subject to available authorities and appropriations, the Departments will support the creation and expansion of high-quality and equitable workforce development programs that connect new, incumbent, and displaced workers with quality energy infrastructure and supply chain jobs. Specifically, the Departments will collaborate to:

- Identify the highest priority geographic and sectoral workforce shortfalls to enable more focused partnership and activities.
- Align energy infrastructure and supply chain projects with proven workforce development practices needed to link workers, including underrepresented workers and communities, to high-quality, good-paying jobs. DOE and DOL will make available guidance on how State and local funding could be leveraged for these practices. DOE and DOL will also encourage workforce development activities for energy infrastructure and supply chain jobs through selection processes in appropriate discretionary grant programs.
- Support the development and expansion of labor-management partnerships, registered apprenticeship, and pre-apprenticeship in energy infrastructure and supply chain occupations. DOE and DOL will seek to dedicate funding to registered apprenticeship and pre-apprenticeship and share best practices for

promoting labor-management partnerships, registered apprenticeship, and pre-apprenticeship in procurement policy.

- Collaborate on the identification, creation, and dissemination of clean energy training standards across workforce development programming and industry-recognized certifications and credentials. DOE and DOL will seek to engage with diverse industry stakeholders to prioritize occupations and job tasks of interest, and support accelerated action among these stakeholders to align, augment, and proliferate skills standards that will ensure a workforce skilled and prepared to deploy clean energy technologies.
- As a part of sector-based workforce investments, promote best practices that create and expand training programs to support long-term careers in the energy infrastructure and supply chain sectors.
- Share best practices on how State and local governments and energy agencies can partner with the workforce system to support mutual goals, including workforce boards, community colleges, sector partnerships, registered apprenticeship programs, and career and technical education programs.
- Share best practices on how state and local governments and energy agencies track and report metrics related to job creation and workforce needs.
- Provide insight and guidance to the full Infrastructure Task Force on workforce gaps and policies to address these gaps that should be included in workforce funding across all agencies.
- Any other items identified as appropriate as mutually agreed to.

VI. EFFECTIVE DATE AND TERMINATION

This Memorandum of Understanding is effective on the date of the last signature and shall continue in force until terminated indefinitely. It may be terminated by either agency by giving 90-day written notice to the other agency. Its provisions will be reviewed annually and amended or supplemented in writing as may be agreed upon mutually.

VII. EFFECT

Nothing in this Memorandum of Understanding shall be interpreted as limiting, superseding, or otherwise affecting either Department's normal operations or decisions in carrying out its statutory or regulatory duties, and all efforts described shall be carried out consistent with the law. This Memorandum of Understanding does not limit or restrict either agency from participating in similar activities or arrangements with other entities.

This Memorandum of Understanding is an internal governmental agreement designed to improve the efficiency of government and does not confer any rights on any other parties.

This Memorandum of Understanding does not obligate any funding of the Departments. All activities under this Memorandum of Understanding are subject to the availability of funds.

VIII. POINTS OF CONTACT

Department of Energy:

Carla Frisch, Acting Executive Director and Principal Deputy Director, Office of Policy
Betony Jones, Senior Advisor, Workforce
Kate Gordon, Senior Advisor to Secretary

Department of Labor:

Brent Parton, Acting Assistant Secretary, Employment and Training Administration
Lynn Rhinehart, Senior Advisor
Katelyn Walker Mooney, Director, Good Jobs Initiative

IX. AUTHORIZING SIGNATURE AND DATES

The signatories below warrant and represent that they have the competent authority on behalf of their respective agencies to enter into the obligations set forth in this Agreement.

Jennifer Granholm, Secretary of Energy

SIGNED: _____

DATE: _____

Marty Walsh, Secretary of Labor

SIGNED:  _____

DATE: 6-21-22

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