

CHAPTER 45

PROJECT LABOR AGREEMENTS

**§3601. Project labor agreements for public works projects
(REALLOCATED FROM TITLE 26, SECTION 3501)**

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public authority" has the same meaning as in section 1304, subsection 7. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

B. "Public works" has the same meaning as in section 1304, subsection 8. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]
[PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

2. Public authority may require project labor agreement. Notwithstanding any other provision of law regarding procurement of goods or services, a public authority may require a project labor agreement for any public works project when that public authority has determined, on a project-by-project basis and acting within its discretion, that it is in the public's interest to require such an agreement. In making such a determination, the public authority shall consider the effects a project labor agreement may have on:

A. The efficiency, cost and direct and indirect economic benefits to the public authority; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

B. The availability of a skilled workforce to complete the public works project; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

C. The prevention of construction delays; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §33 (RAL).]

D. The safety and quality of the public works project; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

E. The advancement of minority-owned businesses and women-owned businesses; and [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

F. Employment opportunities for the community. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]
[PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

3. Requirements. A project labor agreement required by a public authority pursuant to this section must:

A. Set forth mutually binding procedures for resolving disputes that can be implemented without delay; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

B. Include guarantees against a strike, lockout or other concerted action aimed at slowing or stopping the progress of the public works project; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

C. Ensure a reliable source of skilled and experienced labor; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

D. Include goals for the number of apprentices and for a percentage of work to be performed by minorities, women and veterans; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

E. Provide for the invitation of all contractors to bid on the public works project without regard to whether the employees of any such contractor are members of a labor organization; [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

F. Permit the selection of the lowest responsible qualified bidder without regard to labor organization affiliation; and [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

G. Bind all contractors and subcontractors to the terms of the agreement. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

A project labor agreement required by a public authority pursuant to this section may not require compulsory labor organization membership of employees working on the public works project. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

4. Bidder that does not agree to abide by conditions. A bidder for a public works project that does not agree to abide by the conditions of the project labor agreement or a requirement to negotiate a project labor agreement may not be regarded as a responsible qualified bidder for the project. [PL 2019, c. 278, §2 (NEW); RR 2019, c. 1, Pt. A, §34 (RAL).]

SECTION HISTORY

PL 2019, c. 278, §2 (NEW). RR 2019, c. 1, Pt. A, §§33, 34 (RAL).

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