STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

AN ACT

RELATING TO PUBLIC PROPERTY AND WORKS -- PROJECT LABOR AGREEMENT

Introduced By: Representative Paul E. Moura

Date Introduced: February 12, 2004

Referred To: House Labor

It is enacted by the General Assembly as follows:

1	SECTION 1. Title 37 of the General Laws entitled "Public Property and Works" is					
2	hereby amended by adding thereto the following chapter:					
3	CHAPTER 23					
4	PROJECT LABOR AGREEMENT					
5	37-23-1. Short Title This chapter shall be known as the "Project Labor Agreement					
6	Act."					
7	37-23-2. Legislative Findings. – The general assembly finds that:					
8	(a) In undertaking public works projects, the state has a compelling interest in ensuring					
9	that construction proceeds:					
10	(1) in a timely, cost-efficient manner, with the highest degree of quality;					
11	(2) with minimal delays and disruptions; and					
12	(3) with the highest degree of safety for workers and the public.					
13	(b) Throughout the country, public and private construction owners regularly utilize and					
14	required project labor agreements for billions of dollars worth of construction each year.					
15	(c) Project labor agreements that establish uniform terms and conditions of employment					
16	for the contractors and craft construction employees working throughout a project have been					
17	shown to provide an effective mechanism for overall construction project staffing and planning					
18	because they allow project owners to:					
19	(1) predict their labor costs and requirements up-front, and therefore more accurately					

2	(2) promote cost-efficient, timely and safe construction project delivery by providing					
3	access to a reliable supply of properly trained and skilled construction craft personnel for all					
4	aspects of the project;					
5	(3) assure greater productivity and workmanship quality from construction craft					
6	personnel, thereby yielding high quality, cost-efficient projects, while also reducing maintenance					
7	and repair costs over the life of the project;					
8	(4) integrate work schedules and standardize work rules for the project, to provide a well-					
9	coordinated, efficiently functioning construction worksite that will minimize delays, promote					
10	quality and maintain project safety; and					
11	(5) assure that construction will proceed without interruptions that can result from					
12	staffing shortages, high employee turnover, safety incidents and labor disputes, by providing					
13	reliable project staffing, as well as contractual guarantees against work stoppages and mutually					
14	binding procedures for resolving disputes.					
15	(d) A project labor agreement can therefore provide a public entity with a useful tool for					
16	advancing its interests in cost-efficiency, quality, safety and timeliness in public works					
17	construction.					
18	(e) Consistent with this state's role as a market participant in purchasing construction					
19	services and the routine practice under public contracting laws of requiring contractors and					
20	subcontractors to meet certain qualification standards as a condition of performing public projects					
21	a public entity may require contractors and subcontractors to abide by a project labor agreement					
22	as a condition of working on a particular public works project.					
23	<u>37-23-3. Definitions. – As used in this chapter, the following words and terms shall have</u>					
24	the following meaning:					
25	(a) "Project labor agreement" means a form of multi-employer, multi-craft pre-hire					
26	collective bargaining agreement covering terms and conditions of employment for construction					
27	employees on a particular construction project.					
28	(b) "Public entity" means the state, any of its political subdivisions, any authority created					
29	by the legislature, and any instrumentality or agency of the state or any of its political					
30	subdivisions.					
31	37-23-4. Project labor agreements. – (a) A public entity may use a project labor					
32	agreement on a public works project, without limitation to the size, complexity or cost of the					
33	project, when it determines, in the exercise of its discretion, that doing so will further its interests					
34	in securing a reliable supply of trained, skilled craft workers for the project and in avoiding					

estimate actual total project costs;

1	potential delays and disruptions in the project.					
2	(b) A public entity considering using a project labor agreement on a particular project					
3	shall undertake an evaluation to determine whether doing so would advance its interests.					
4	(c) The public entity that decides, based on its evaluation, to use a project labor					
5	agreement on a particular project shall set forth the basis for its decision in writing.					
6	(d) A reviewing court shall uphold the public entity's decision unless a party challenging					
7	the decision demonstrates by clear and convincing evidence that it was arbitrary or capricious.					
8	37-23-5. Implementation of project labor agreement. – When a public entity has					
9	determined, pursuant to section 37-23-4, to use a project labor agreement on a particular project:					
10	(a) the agreement shall be made binding on all contractors and subcontractors working on					
11	the site; and					
12	(b) the public entity shall implement the project labor agreement by including the					
13	requirement to adhere to the agreement in the bid specifications in all relevant bid documents.					
14	37-23-6. No requirement to become party to collective bargaining agreement. –					
15	Notwithstanding the requirements of section 37-23-5, no contractor shall be required to be or					
16	become a party to a collective bargaining agreement on any other construction project in order to					
17	qualify to work under a project labor agreement implemented for a particular project pursuant to					
18	section 37-23-5.					
19	37-23-7. Requirements for project labor agreement. – A project labor agreement					
20	implemented pursuant to the provisions of this chapter shall:					
21	(a) set forth effective, mutually binding procedures for resolving any jurisdictional and					
22	labor disputes arising during the construction process;					
23	(b) contain guarantees against strikes, lock-outs and similar actions; and					
24	(c) state that employment on the project will be available to any qualified applicant,					
25	without regard to union membership.					
26	SECTION 2. This act shall take effect upon passage.					
	LC00622					

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

AN ACT

RELATING TO PUBLIC PROPERTY AND WORKS -- PROJECT LABOR AGREEMENT

- This act would permit the discretionary use of project labor agreements by public entities

 on public works projects in this state.
- This act would take effect upon passage.

LC00622
