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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

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A N A C T

RELATING TO PUBLIC PROPERTY AND WORKS -- PROJECT LABOR AGREEMENT
ACT

Introduced By: Senators Ruggerio, DaPonte, Ciccone, Lanzi, and Goodwin

Date Introduced: February 11, 2004

Referred To: Senate 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 THE PROJECT LABOR AGREEMENT ACT

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 (1) In undertaking public works projects, the state has a compelling interest in ensuring
9 that construction proceeds:

10 (i) In a timely, cost-efficient manner, with the highest degree of quality and with minimal
11 delays and disruptions;

12 (ii) With the highest degree of safety for workers and the public; and

13 (iii) In a manner that provides meaningful training and employment opportunities for
14 residents of the communities in which the projects are being built.

15 (2) Throughout the country, public and private construction owners regularly utilize and
16 require project labor agreements for billions of dollars worth of construction each year.

17 (3) Project labor agreements that establish uniform terms and conditions of employment
18 for the contractors and craft construction employees working throughout a project have been

1 shown to provide an effective mechanism for overall construction project staffing and planning
2 because they allow project owners to:

3 (i) Predict their labor costs and requirements up-front, and, therefore, more accurately
4 estimate actual total project costs;

5 (ii) Promote cost-efficient, timely, and safe construction project delivery, by providing
6 access to a reliable supply of properly trained and skilled construction craft personnel for all
7 aspects of the project;

8 (iii) Assure greater productivity and workmanship quality from construction craft
9 personnel, thereby yielding high quality, cost-efficient projects, while also reducing maintenance
10 and repair costs over the life of the project;

11 (iv) Integrate work schedules and standardize work rules for the project, to provide a
12 well-coordinated, efficiently functioning construction worksite that will minimize delays,
13 promote quality, and maintain project safety; and

14 (v) Assure that construction will proceed without interruptions from staffing shortages,
15 high employee turnover, safety incidents, and labor disputes, by providing reliable project
16 staffing, contractual guarantees against work stoppages, and mutually binding procedures for
17 resolving disputes.

18 (4) A project labor agreement can provide a public entity with a useful tool for advancing
19 its interests in cost-efficiency, quality, safety and timeliness in public works construction.

20 (5) Consistent with this state's role as a market participant, in purchasing construction
21 services, and the routine practice under public contracting laws of requiring contractors and
22 subcontractors to meet certain qualification standards as a condition of performing public
23 projects, a public entity may require contractors and subcontractors to abide by a project labor
24 agreement as a condition of working on a particular public works project.

25 **37-23-3. Definitions.** – As used in this chapter, the following words and terms shall have
26 the following meanings:

27 (1) "Project labor agreement" (PLA) means a form of multi-employer, multi-craft pre-
28 hire collective bargaining agreement covering terms and conditions of employment for
29 construction employees on a particular construction project.

30 (2) "Public entity" means the state, any of its political subdivisions, any authority created
31 by the legislature, and any instrumentality or agency of the state or any of its political
32 subdivisions.

33 **37-23-4. Project labor agreements.** – Notwithstanding the provisions of section 45-55-
34 1:

1 (a) A public entity may use a project labor agreement on a public works project, without
2 limitation to the size, complexity, or cost of the project, when it determines, in the exercise of its
3 discretion, that doing so will further its interests in promoting timely, cost-efficient, and quality
4 construction with minimal delays and disruptions.

5 (b) A public entity considering using a PLA on a particular project shall undertake an
6 evaluation to determine whether doing so would advance its interests.

7 (c) The public entity that decides, based on its evaluation, to use a PLA on a particular
8 project shall set forth the basis for its decision in writing.

9 (d) A reviewing court shall uphold the public entity's decision, unless a party challenging
10 the decision demonstrates by clear and convincing evidence that the decision was arbitrary or
11 capricious.

12 **37-23-5. Implementation of project labor agreement.** – When a public entity has
13 determined, pursuant to section 37-23-4, to use a project agreement on a particular project:

14 (1) The agreement shall be made binding on all contractors and subcontractors working
15 on the site; and

16 (2) The public entity shall implement the project labor agreement by requiring adherence
17 to the agreement in the bid specifications in all relevant bid documents.

18 **37-23-6. No requirement to become party to collective bargaining agreement.** –
19 Notwithstanding the requirements of section 37-23-5, no contractor shall be required to be or
20 become a party to a collective bargaining agreement on any other construction project in order to
21 qualify to work under a project labor agreement implemented for a particular project pursuant
22 section 37-23-5.

23 **37-23-7. Requirements for project labor agreement.** – A project labor agreement
24 implemented pursuant to the provisions of this chapter shall:

25 (1) Set forth effective, mutually binding procedures for resolving any jurisdictional and
26 labor disputes arising during the construction process;

27 (2) Contain guarantees against strikes, lock-outs, and similar actions; and

28 (3) Provide that employment on the project will be available to any qualified applicant,
29 without regard to union membership.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO PUBLIC PROPERTY AND WORKS -- PROJECT LABOR AGREEMENT
ACT

- 1 This act would allow a public entity to use a project labor agreement on a public works
- 2 project.
- 3 This act would take effect upon passage.

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