

**House File 2294 - Introduced**

HOUSE FILE 2294

BY CROKEN, ABDUL-SAMAD,  
STECKMAN, SCHEETZ, and  
WILBURN

**A BILL FOR**

1 An Act requiring the consideration of project labor agreements  
2 for certain state construction projects.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 72.6 Project labor agreements.

2 1. For the purposes of this section:

3 a. "*Labor organization*" means an area or state building  
4 and construction trades or crafts council, organization, or  
5 association or a comparable body.

6 b. "*Large-scale construction project*" means the  
7 construction, rehabilitation, alteration, conversion,  
8 extension, repair, or improvement of a vertical public works  
9 project, including a building and other real property-related  
10 project, for which the total project cost is twenty-five  
11 million dollars or more.

12 c. "*Project labor agreement*" means a comprehensive pre-hire  
13 collective bargaining agreement that is negotiated between a  
14 project's owner and an appropriate labor organization and sets  
15 out the basic terms and working conditions for that particular  
16 project.

17 2. A state agency shall consider using a project labor  
18 agreement in connection with a large-scale construction project  
19 as provided in this section.

20 3. In awarding a contract in connection with a large-scale  
21 construction project, or in obligating funds pursuant to such a  
22 contract, a state agency, on a project-by-project basis, may  
23 require the use of a project labor agreement when the use will  
24 advance the state's interest. In making the decision whether  
25 to use a project labor agreement, the state agency shall  
26 consider the following factors:

27 a. The potential for a labor disruption, such as a strike,  
28 lockout, or slowdown, that could affect the timely completion  
29 of the project.

30 b. The number of trades and crafts anticipated to be used  
31 on the project.

32 c. The need and urgency of the project and the harm to the  
33 public if the completion of the project is delayed.

34 d. The size and complexity of the project and the time  
35 needed for its completion.

1 e. The benefits to the public from the use of the project  
2 labor agreement relative to the project's cost, efficiency,  
3 quality, safety, and timeliness of completion.

4 f. The ability to ensure compliance with all applicable  
5 state laws and rules governing safety and health, equal  
6 employment opportunity, labor, and employment standards.

7 4. If a state agency determines that the use of a project  
8 labor agreement will advance the state's interest, the state  
9 agency may require that every contractor or subcontractor on  
10 the project agree, for that project, to negotiate or become a  
11 party to a project labor agreement with one or more appropriate  
12 labor organizations. The decision to use a project labor  
13 agreement shall be supported by written findings by the  
14 affected state agency that demonstrate how the use of a project  
15 labor agreement will benefit the state's interest, particularly  
16 with respect to the factors enumerated in subsection 3.

17 5. A project labor agreement reached pursuant to this  
18 section shall do all of the following:

19 a. Bind all contractors and subcontractors on the  
20 large-scale construction project through the inclusion of  
21 appropriate specifications in all relevant solicitation  
22 provisions and contract documents.

23 b. Allow all contractors and subcontractors to compete for  
24 contracts and subcontracts without regard to whether they are  
25 otherwise parties to collective bargaining agreements.

26 c. Contain guarantees against strikes, lockouts, and similar  
27 job disruptions.

28 d. Set forth effective, prompt, and mutually binding  
29 procedures for resolving labor disputes arising during the term  
30 of the project labor agreement.

31 e. Provide other mechanisms for labor-management cooperation  
32 on matters of mutual interest and concern, including but not  
33 limited to productivity, quality of work, safety, and health.

34 f. Fully conform to all applicable state laws and rules.

35 6. This section shall not be construed to preclude the

1 use of a project labor agreement on any construction project  
2 not otherwise subject to this section. This section shall  
3 not be construed to require a contractor or subcontractor to  
4 enter into a project labor agreement with any particular labor  
5 organization.

6 7. This section applies notwithstanding section 26.16 and  
7 chapter 73A, subchapter III.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill requires a state agency to consider using a project  
12 labor agreement for a large-scale construction project. The  
13 bill defines a "project labor agreement" as a comprehensive  
14 pre-hire collective bargaining agreement that is negotiated  
15 between a project's owner and an appropriate labor organization  
16 and sets out the basic terms and working conditions for  
17 that particular project. The bill defines a "large-scale  
18 construction project" as the construction, rehabilitation,  
19 alteration, conversion, extension, repair, or improvement of  
20 a vertical public works project, including a building and  
21 other real property-related project, for which the total  
22 project cost is \$25 million or more. The bill authorizes a  
23 state agency to require the use of a project labor agreement  
24 when the use will advance the state's interest. The bill  
25 sets out certain factors for making such a decision. The  
26 bill delineates requirements for a project labor agreement.  
27 The bill specifies that the bill should not be construed to  
28 preclude a state agency from using a project labor agreement  
29 for any construction project not otherwise covered by the bill.  
30 The bill specifies that the bill should not be construed to  
31 require a contractor or subcontractor to enter into a project  
32 labor agreement with any particular labor organization.

33 The bill applies notwithstanding provisions of law  
34 prohibiting certain prequalification requirements and award  
35 conditions for public improvement projects.