

House File 185 - Introduced

HOUSE FILE 185
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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:

unofficial

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

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

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

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

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

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

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

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

35 e. The benefits to the public from the use of the project

1 labor agreement relative to the project's cost, efficiency,
2 quality, safety, and timeliness of completion.

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

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

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

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

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

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

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

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

33 *f.* Fully conform to all applicable state laws and rules.

34 6. This section shall not be construed to preclude the use
35 of a project labor agreement on any construction project not

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

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

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with

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the explanation's substance by the members of the general assembly.

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

30 The bill applies notwithstanding provisions of law prohibiting
31 certain prequalification requirements and award conditions for
32 public improvement projects.