

SENATE No. 2027

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing project labor agreements.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/13/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/13/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/13/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/13/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/13/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/13/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/21/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/6/2023</i>

SENATE No. 2027

By Mr. Mark, a petition (accompanied by bill, Senate, No. 2027) of Paul W. Mark, Susannah M. Whipps, Marc R. Pacheco, Jack Patrick Lewis and other members of the General Court for legislation to authorize project labor agreements. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act authorizing project labor agreements.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 15 of chapter 149A of the General Law is hereby amended by
2 inserting after the last paragraph the following paragraphs:-

3 “Construction” means the construction, reconstruction, installation, demolition,
4 maintenance or repair of public works or a building project.

5 “Labor organization” means a labor organization as defined in 29 U.S.C. 152(5) of the
6 National Labor Relations Act of which building and construction employees are members.

7 “Lead construction firm” means the entity that executes a construction contract with the
8 public agency, whether a general contractor, contractor principal, trade contractor, construction
9 manager, design builder or other entity.

10 “Project labor agreement” means a pre-hire collective bargaining agreement with one or
11 more labor organizations that establishes the terms and conditions of employment for a specific

12 construction project and is an agreement described in 29 U.S.C. 158(f) of the National Labor
13 Relations Act.

14 “Awarding authority”, the commonwealth, or any political subdivision, department,
15 agency, board, commission, authority, or other instrumentality thereof, or any county, city, town,
16 or district. To the extent not otherwise prohibited, this definition includes public authorities,
17 subject to said chapter 150A by chapter 760 of the acts of 1962.

18 SECTION 2. Section 44A of Chapters 149 and Section of the General Laws is hereby
19 amended by inserting after Section 44A the following section:-.

20 Section 44A1/4

21 Notwithstanding the provisions of this section or any other general or special state law or
22 local law to the contrary, a public agency planning a contract for construction may require a
23 project labor agreement and be incorporated into the contract specifications in accordance with
24 the requirements of this section.

25 A public agency may require a project labor agreement for any public works or building
26 project when such a public agency has determined, on a project-by-project basis and acting
27 within its discretion, that it is in the public's interest to require such an agreement. In making
28 such a determination, the agency may consider the effects a project labor agreement may have
29 on:

30 the efficiency, cost and direct and indirect economic benefits to the public agency;

31 the availability of a sufficient supply of skilled, qualified workers to complete the project;

32 the timing, prevention of delays or disruptions to the construction process;

33 the safety and quality of the public construction project;

34 the ability of public agencies to ensure that all contractors and subcontractors are

35 responsible, eligible construction firms under Section 44A(1) of this chapter;

36 the ability of public agencies to facilitate cooperation between contractors, subcontractors

37 and labor organization in construction planning and execution;

38 the expansion of apprenticeship programs and workforce development in the

39 construction industry to ensure sufficient skilled and qualified staffing for future public

40 projects and the creation of employment opportunities in local

41 the advancement of minority and women-owned contracting businesses; and

42 communities;

43 the promotion of employment and training opportunities for women, minority workers,

44 and veterans.

45 Nothing in this Section shall prevent a public agency from utilizing a determination for a

46 project labor agreement for multiple buildings or public works under an integrated construction

47 program.

48 A public agency that determines a project labor agreement will be used on a project shall

49 require the lead construction firm for the project, and all subcontractors, regardless of tier, to

50 negotiate or become a party to a project labor agreement with one or more appropriate labor

51 organizations.

52 Any project labor agreement required by a public agency pursuant to this section shall
53 include provisions that:

54 require all contractors and subcontractors, regardless of tier, to be bound to the project
55 labor agreement for a specific project through the inclusion of appropriate specifications in all
56 relevant solicitation provisions and contract documents and by requiring execution of the project
57 labor agreement prior as a contractual requirement;

58 allow all contractors and subcontractors on the project to compete for contracts and
59 subcontracts without regard to whether they are parties to collective bargaining agreements prior
60 to bid selection;

61 establish uniform, mutually agreeable terms and conditions of employment for the
62 construction workforce, including uniform work rules and schedules for the project;

63 set forth effective, prompt, binding procedures for resolving labor disputes arising during
64 the term of the project labor agreement;

65 contain guarantees against strikes, lockouts, and similar job disruptions;

66 incorporate goals for the percentage of apprentice hours to be employed on the project;

67 incorporate goals for the percentage of work to be performed by minorities, women and
68 veterans in accordance with applicable Massachusetts law and local ordinances, whichever is
69 higher;

70 authorize the parties to the project labor agreement to develop other mechanisms for
71 labor-management cooperation on matters of mutual interest and concern, including scheduling,

72 quality of work and safety, and permit the public agency to participate in such mechanisms if it
73 elects to do so; and

74 establish other terms and conditions required for the project labor agreement and
75 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

76 SECTION 3. Section 39M of Chapters 30 of the General Laws is hereby amended by
77 inserting after Section 39M the following section:-.

78 Section 39M1/4

79 Notwithstanding the provisions of this section or any other general or special state law or
80 local law to the contrary, a public agency planning a contract for construction may require a
81 project labor agreement and be incorporated into the contract specifications in accordance with
82 the requirements of this section.

83 A public agency may require a project labor agreement for any public works or building
84 project when such a public agency has determined, on a project-by-project basis and acting
85 within its discretion, that it is in the public's interest to require such an agreement. In making
86 such a determination, the agency may consider the effects a project labor agreement may have
87 on:

88 the efficiency, cost and direct and indirect economic benefits to the public agency;

89 the availability of a sufficient supply of skilled, qualified workers to complete the project;

90 the timing, prevention of delays or disruptions to the construction process;

91 the safety and quality of the public construction project;

92 the ability of public agencies to ensure that all contractors and subcontractors are
93 responsible, eligible construction firms under Section 44A(1) of this chapter;

94 the ability of public agencies to facilitate cooperation between contractors, subcontractors
95 and labor organization in construction planning and execution;

96 the expansion of apprenticeship programs and workforce development in the
97 construction industry to ensure sufficient skilled and qualified staffing for future public
98 projects and the creation of employment opportunities in local communities;

99 the advancement of minority and women-owned contracting businesses; and

100 the promotion of employment and training opportunities for women, minority workers,
101 and veterans.

102 Nothing in this Section shall prevent a public agency from utilizing a determination for a
103 project labor agreement for multiple buildings or public works under an integrated construction
104 program.

105 A public agency that determines a project labor agreement will be used on a project shall
106 require the lead construction firm for the project, and all subcontractors, regardless of tier, to
107 negotiate or become a party to a project labor agreement with one or more appropriate labor
108 organizations.

109 Any project labor agreement required by a public agency pursuant to this section shall
110 include provisions that:

111 require all contractors and subcontractors, regardless of tier, to be bound to the project
112 labor agreement for a specific project through the inclusion of appropriate specifications in all
113 relevant solicitation provisions and contract documents and by requiring execution of the project
114 labor agreement prior as a contractual requirement;

115 allow all contractors and subcontractors on the project to compete for contracts and
116 subcontracts without regard to whether they are parties to collective bargaining agreements prior
117 to bid selection;

118 establish uniform, mutually agreeable terms and conditions of employment for the
119 construction workforce, including uniform work rules and schedules for the project;

120 set forth effective, prompt, binding procedures for resolving labor disputes arising during
121 the term of the project labor agreement;

122 contain guarantees against strikes, lockouts, and similar job disruptions;

123 incorporate goals for the percentage of apprentice hours to be employed on the project;

124 incorporate goals for the percentage of work to be performed by minorities, women and
125 veterans in accordance with applicable Massachusetts law and local ordinances, whichever is
126 higher;

127 authorize the parties to the project labor agreement to develop other mechanisms for
128 labor-management cooperation on matters of mutual interest and concern, including scheduling,
129 quality of work and safety, and permit the public agency to participate in such mechanisms if it
130 elects to do so; and

131 establish other terms and conditions required for the project labor agreement and
132 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

133 SECTION 4. Nothing in this Act shall limit publicly assisted projects from using Project
134 Labor Agreements.

135 SECTION 5. The provisions of this act are severable. If any provision is determined to
136 be invalid, the remainder of this act shall remain in full force and effect.

137 SECTION 6. Chapters 149A of the General Laws are hereby amended by inserting after
138 section 21, the following

139 Section 22. Notwithstanding the provisions of this section or any other general or special
140 state law or local law to the contrary, a public agency planning a contract for construction may
141 require a project labor agreement and be incorporated into the contract specifications in
142 accordance with the requirements of this section.

143 A public agency may require a project labor agreement for any public works or building
144 project when such a public agency has determined, on a project-by-project basis and acting
145 within its discretion, that it is in the public's interest to require such an agreement. In making
146 such a determination, the agency may consider the effects a project labor agreement may have
147 on:

148 the efficiency, cost and direct and indirect economic benefits to the public agency;

149 the availability of a sufficient supply of skilled, qualified workers to complete the project;

150 the timing, prevention of delays or disruptions to the construction process;

151 the safety and quality of the public construction project;

152 the ability of public agencies to ensure that a sufficient compliment contractors and sub-
153 contractors meet the pre-qualification standards and requirements of Section 8 of 149A of this
154 chapter;

155 the ability of public agencies to facilitate cooperation between contractors, subcontractors
156 and labor organization in construction planning and execution;

157 the expansion of apprenticeship programs and workforce development in the
158 construction industry to ensure sufficient skilled and qualified staffing for future public
159 projects and the creation of employment opportunities in local communities;

160 the advancement of minority and women-owned contracting businesses; and

161 the promotion of employment and training opportunities for women, minority workers,
162 and veterans.

163 Nothing in this Section shall prevent a public agency from utilizing a determination for a
164 project labor agreement for multiple buildings or public works under an integrated construction
165 program.

166 A public agency that determines a project labor agreement will be used on a project shall
167 require the lead construction firm for the project, and all subcontractors, regardless of tier, to
168 negotiate or become a party to a project labor agreement with one or more appropriate labor
169 organizations.

170 Any project labor agreement required by a public agency pursuant to this section shall
171 include provisions that:

- 172 require all contractors and subcontractors, regardless of tier, to be bound to the project
173 labor agreement for a specific project through the inclusion of appropriate specifications in all
174 relevant solicitation provisions and contract documents and by requiring execution of the project
175 labor agreement prior as a contractual requirement;
- 176 allow all contractors and subcontractors on the project to compete for contracts and
177 subcontracts without regard to whether they are parties to collective bargaining agreements prior
178 to bid selection;
- 179 establish uniform, mutually agreeable terms and conditions of employment for the
180 construction workforce, including uniform work rules and schedules for the project;
- 181 set forth effective, prompt, binding procedures for resolving labor disputes arising during
182 the term of the project labor agreement;
- 183 contain guarantees against strikes, lockouts, and similar job disruptions;
- 184 incorporate goals for the percentage of apprentice hours to be employed on the project;
- 185 incorporate goals for the percentage of work to be performed by minorities, women and
186 veterans in accordance with applicable Massachusetts law and local ordinances, whichever is
187 higher;
- 188 authorize the parties to the project labor agreement to develop other mechanisms for
189 labor-management cooperation on matters of mutual interest and concern, including scheduling,

190 quality of work and safety, and permit the public agency to participate in such mechanisms if it
191 elects to do so; and

192 establish other terms and conditions required for the project labor agreement and
193 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

194 SECTION 7. Nothing in this Act shall limit publicly assisted projects from using Project
195 Labor Agreements.

196 SECTION 8. The provisions of this act are severable. If any provision is determined to
197 be invalid, the remainder of this act shall remain in full force and effect.