

**CITY OF BALTIMORE
COUNCIL BILL 21-0048
(First Reader)**

Introduced by: Councilmember Bullock
Introduced and read first time: March 8, 2021
Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Baltimore Development Corporation, Labor Commissioner, Mayor’s Office of Economic Development, Mayor’s Office of Minority and Women-Owned Business Development, Minority and Women’s Business Opportunity Office

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Construction Projects – Project Labor Agreements**

3 FOR the purpose of requiring project labor agreements for certain construction projects in
4 Baltimore City; providing for the content of those agreements; permitting the Director of
5 Finance to waive the project labor agreement requirement under certain circumstances;
6 allowing for rules and regulations; and defining certain terms.

7 BY adding

8 Article 5 - Finance, Property, and Procurement
9 Section(s) 25A-1 to 25A-9, to be under the new subtitle,
10 “Subtitle 25A. Project Labor Agreements for Construction Projects”
11 Baltimore City Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
14 Laws of Baltimore City read as follows:

15 **Baltimore City Code**

16 **Article 5. Finance, Property, and Procurement**

17 **SUBTITLE 25A. PROJECT LABOR AGREEMENTS FOR CONSTRUCTION PROJECTS**

18 **§ 25A-1. DEFINITIONS.**

19 (A) *IN GENERAL.*

20 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 (B) *CONTRACTOR*.

2 "CONTRACTOR" MEANS A PERSON AWARDED A CITY CONTRACT FOR A CONSTRUCTION
3 PROJECT.

4 (C) *CONSTRUCTION PROJECT*.

5 "CONSTRUCTION PROJECT" MEANS ANY PUBLIC WORKS PROJECT, DONE AT THE PUBLIC
6 EXPENSE, FOR THE CONSTRUCTION, RECONSTRUCTION, DEMOLITION, OR RENOVATION OF
7 ANY BUILDING OR INFRASTRUCTURE.

8 (D) *DIRECTOR*.

9 "DIRECTOR" MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR'S DESIGNEE.

10 (E) *PERSON*.

11 "PERSON" MEANS:

12 (1) AN INDIVIDUAL;

13 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
14 KIND; OR

15 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
16 REPRESENTATIVE OF ANY KIND.

17 (F) *PROJECT LABOR AGREEMENT*.

18 "PROJECT LABOR AGREEMENT" MEANS A PRE-HIRE COLLECTIVE BARGAINING AGREEMENT
19 BETWEEN A CONTRACTOR AND A LABOR ORGANIZATION THAT ESTABLISHES THE LABOR
20 ORGANIZATION AS THE COLLECTIVE BARGAINING REPRESENTATIVE FOR ALL PERSONS WHO
21 WILL PERFORM WORK ON A CONSTRUCTION PROJECT.

22 (G) *SUBCONTRACTOR*.

23 "SUBCONTRACTOR" MEANS ANY PERSON, OTHER THAN THE CONTRACTOR, PERFORMING
24 ANY WORK ON THE SITE OF A CONSTRUCTION PROJECT, WHETHER AS A SUBCONTRACTOR
25 OR A LOWER TIER CONTRACTOR.

26 **§ 25A-2. SCOPE.**

27 THIS SUBTITLE APPLIES TO:

28 (1) ANY PROPOSED CONTRACT FOR A CONSTRUCTION PROJECT VALUED AT \$25 MILLION OR
29 MORE; AND

30 (2) ANY LONG-TERM CAPITAL IMPROVEMENT PLAN THAT INVOLVES CONSTRUCTION
31 PROJECTS AT MULTIPLE LOCATIONS, PROVIDED THAT THE AGGREGATE CONSTRUCTION
32 COSTS OF ALL THE PROJECTS ARE VALUED AT \$15 MILLION OR MORE.

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1 **§ 25A-3. {RESERVED}**

2 **§ 25A-4. USE OF PROJECT LABOR AGREEMENTS.**

3 THE DIRECTOR SHALL REQUIRE, AS PART OF A SOLICITATION FOR A CONSTRUCTION PROJECT,
4 THAT A CONTRACTOR AGREE TO NEGOTIATE OR BECOME A PARTY TO A PROJECT LABOR
5 AGREEMENT FOR THAT PROJECT.

6 **§ 25A-5. CONTENTS OF PROJECT LABOR AGREEMENTS.**

7 ANY PROJECT LABOR AGREEMENT AGREED TO UNDER THIS SUBTITLE SHALL:

8 (1) BIND ALL CONTRACTORS AND SUBCONTRACTORS ENGAGED FOR THE CONSTRUCTION
9 PROJECT;

10 (2) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, AND SIMILAR WORK
11 DISRUPTIONS;

12 (3) PROVIDE FOR EFFECTIVE, PROMPT, AND MUTUALLY BINDING PROCEDURES FOR
13 RESOLVING LABOR DISPUTES ARISING DURING THE AGREEMENT’S TERM;

14 (4) PROVIDE OTHER MECHANISMS FOR LABOR-MANAGEMENT COOPERATION ON MATTERS
15 OF MUTUAL INTEREST AND CONCERN, INCLUDING PRODUCTIVITY, QUALITY OF WORK,
16 SAFETY, AND HEALTH; AND

17 (5) INCLUDE ANY ADDITIONAL REQUIREMENTS THAT THE DIRECTOR CONSIDERS
18 NECESSARY TO PROMOTE THE INTERESTS OF THE CITY.

19 **§ 25A-6. {RESERVED}**

20 **§ 25A-7. WAIVER.**

21 (A) *IN GENERAL.*

22 SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE DIRECTOR MAY WAIVE THE
23 REQUIREMENTS OF THIS SUBTITLE BY ISSUING A WRITTEN DETERMINATION, POSTED ON
24 THE DEPARTMENT OF FINANCE’S WEBSITE FOR AT LEAST 10 CALENDAR DAYS PRIOR TO
25 ADVERTISING A SOLICITATION FOR A CONSTRUCTION PROJECT.

26 (B) *FINDINGS.*

27 IN ORDER TO WAIVE THE REQUIREMENTS OF THIS SUBTITLE, THE DIRECTOR MUST FIND
28 THAT:

29 (1) THE USE OF A PROJECT LABOR AGREEMENT WILL NOT ADVANCE THE CITY’S
30 INTEREST IN:

31 (I) PRODUCING AND MAINTAINING LABOR-MANAGEMENT STABILITY; AND

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1 (II) ENSURING COMPLIANCE WITH LAWS AND REGULATIONS GOVERNING
2 OCCUPATIONAL HEALTH AND SAFETY, EQUAL EMPLOYMENT OPPORTUNITY,
3 LABOR AND EMPLOYMENT STANDARDS, AND OTHER RELATED MATTERS;
4 AND

5 (2) THE CONSTRUCTION PROJECT WILL NOT REQUIRE MULTIPLE CONTRACTORS OR
6 SUBCONTRACTORS THAT EMPLOY INDIVIDUALS IN MULTIPLE CRAFTS OR TRADES.

7 **§ 25A-8. {RESERVED}**

8 **§ 25A-9. RULES AND REGULATIONS.**

9 SUBJECT TO TITLE 4 {"ADMINISTRATIVE PROCEDURE ACT - REGULATIONS"} OF THE
10 GENERAL PROVISIONS ARTICLE, THE DIRECTOR MAY ADOPT RULES AND REGULATIONS TO
11 CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
13 are not law and may not be considered to have been enacted as a part of this or any prior
14 Ordinance.

15 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
16 after the date it is enacted.