



Legislation Details (With Text)

File #: 21-0048 **Version:** 0 **Name:** Construction Projects - Project Labor Agreements
Type: Ordinance **Status:** In Committee
File created: 3/8/2021 **In control:** Ways and Means
On agenda: **Final action:**
Enactment date: **Enactment #:**

Title: Construction Projects - Project Labor Agreements
For the purpose of requiring project labor agreements for certain construction projects in Baltimore City; providing for the content of those agreements; permitting the Director of Finance to waive the project labor agreement requirement under certain circumstances; allowing for rules and regulations; and defining certain term.

Sponsors: John T. Bullock

Indexes: Agreement, Construction, Labor, Project

Code sections:

Attachments: 1. 21-0048~1st Reader, 2. Written Testimony #1 21-0048, 3. Minority Owned Business Letter to Bullock 4.1.212 WRITTENT TESTIMONY #2, 4. Planning - 21-0048

Date	Ver.	Action By	Action	Result
3/11/2021	0	Baltimore City Council	Refer to Mayor's Office of Minority and Women-Owned Business Development	
3/11/2021	0	Baltimore City Council	Refer to Mayor's Office of Employee Development	
3/11/2021	0	Baltimore City Council	Refer to Minority and Women's Business Opportunity Office	
3/11/2021	0	Baltimore City Council	Refer to Dept. of Recreation and Parks	
3/11/2021	0	Baltimore City Council	Refer to Mayor's Office of Information Technology	
3/11/2021	0	Baltimore City Council	Refer to Dept. of Planning	
3/11/2021	0	Baltimore City Council	Refer to Dept. of Transportation	
3/11/2021	0	Baltimore City Council	Refer to Dept. of Public Works	
3/11/2021	0	Baltimore City Council	Refer to Dept. of General Services	
3/11/2021	0	Baltimore City Council	Refer to Dept. of Finance	
3/11/2021	0	Baltimore City Council	Refer to City Solicitor	
3/11/2021	0	Baltimore City Council	Refer to Labor Commissioner	
3/11/2021	0	Baltimore City Council	Refer to Baltimore Development Corporation	
3/8/2021	0	Baltimore City Council	Assigned	
3/8/2021	0	Baltimore City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

*** Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore Council Bill

Introduced by: Councilmember Bullock

A Bill Entitled

An Ordinance concerning

Construction Projects - Project Labor Agreements

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

By adding

Article 5 - Finance, Property, and Procurement

Section(s) 25A-1 to 25A-9, to be under the new subtitle,

“Subtitle 25A. Project Labor Agreements for Construction Projects”

Baltimore City Code

(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 5. Finance, Property, and Procurement

Subtitle 25A. Project Labor Agreements for Construction Projects

§ 25A-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Contractor.*

“Contractor” means a person awarded a City contract for a construction project.

(c) *Construction project.*

“Construction project” means any public works project, done at the public expense, for the construction, reconstruction, demolition, or renovation of any building or infrastructure.

(d) *Director.*

“Director” means the Director of Finance or the Director’s designee.

(e) *Person*.

“Person” means:

- (1) an individual;
- (2) a partnership, firm, association, corporation, or other entity of any kind; or
- (3) a receiver, trustee, guardian, personal representative, fiduciary, or representative of any kind.

(f) *Project labor agreement*.

“Project labor agreement” means a pre-hire collective bargaining agreement between a contractor and a labor organization that establishes the labor organization as the collective bargaining representative for all persons who will perform work on a construction project.

(g) *Subcontractor*.

“Subcontractor” means any person, other than the contractor, performing any work on the site of a construction project, whether as a subcontractor or a lower tier contractor.

§ 25A-2. Scope.

This subtitle applies to:

- (1) any proposed contract for a construction project valued at \$25 million or more; and
- (2) any long-term capital improvement plan that involves construction projects at multiple locations, provided that the aggregate construction costs of all the projects are valued at \$15 million or more.

§ 25A-3. {Reserved}

§ 25A-4. Use of project labor agreements.

The Director shall require, as part of a solicitation for a construction project, that a contractor agree to negotiate or become a party to a project labor agreement for that project.

§ 25A-5. Contents of project labor agreements.

Any project labor agreement agreed to under this subtitle shall:

- (1) bind all contractors and subcontractors engaged for the construction project;
- (2) contain guarantees against strikes, lockouts, and similar work disruptions;
- (3) provide for effective, prompt, and mutually binding procedures for resolving labor disputes arising during the agreement’s term;

- (4) provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and
- (5) include any additional requirements that the Director considers necessary to promote the interests of the City.

§ 25A-6. {Reserved}

§ 25A-7. Waiver.

(a) *In general.*

Subject to subsection (b) of this section, the Director may waive the requirements of this subtitle by issuing a written determination, posted on the Department of Finance’s website for at least 10 calendar days prior to advertising a solicitation for a construction project.

(b) *Findings.*

In order to waive the requirements of this subtitle, the Director must find that:

- (1) the use of a project labor agreement will not advance the City’s interest in:
 - (i) producing and maintaining labor-management stability; and
 - (ii) ensuring compliance with laws and regulations governing occupational health and safety, equal employment opportunity, labor and employment standards, and other related matters; and
- (2) the construction project will not require multiple contractors or subcontractors that employ individuals in multiple crafts or trades.

§ 25A-8. {Reserved}

§ 25A-9. Rules and regulations.

Subject to Title 4 {“Administrative Procedure Act - Regulations”} of the General Provisions Article, the Director may adopt rules and regulations to carry out the provisions of this subtitle.

Section 2. And be it further ordained, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

Section 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.