

**HOUSE . . . . . No. 3012**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Marjorie C. Decker***

*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:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/20/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/13/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/13/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>3/13/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/13/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>3/13/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>3/13/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/13/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>3/13/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/13/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/13/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>3/13/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>3/13/2023</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/13/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>3/13/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>3/13/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/13/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>3/13/2023</i>

<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>3/13/2023</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>3/13/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/13/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/13/2023</i>

**HOUSE . . . . . No. 3012**

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By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 3012) of Marjorie C. Decker relative to infrastructure projects and public building construction contractors and subcontractors. State Administration and Regulatory Oversight.

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**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. Preamble.

2 The public works and buildings of the Commonwealth and its political subdivisions  
3 require rapid and substantial investment to strengthen and secure Massachusetts’s long term  
4 economic development. The construction of any major infrastructure project and/or public  
5 building is not without risk; any significant delay in starting and completing construction may  
6 result in substantially increased project costs and a disruption of critical public services.

7 Because construction is a highly skilled, labor-intensive industry, the craft labor supplied  
8 to a project can undermine or even cripple the construction process if supply is inadequate or  
9 workers lack required skills and training. For nearly a century, project labor agreements, have  
10 had a long, successful track record in both the public and private sectors for promoting  
11 successful project delivery, protecting capital investments and offsetting project risks by  
12 providing a unique access to a reliable supply of qualified craft labor. These advantages have

13 become paramount in recent years due to acute, persistent craft labor shortages, which are  
14 challenging construction programs across the country.

15 Project labor agreements are a project delivery tool and may only be used only in the  
16 construction industry. They are beneficial because they: (a) include legally enforceable  
17 provisions to prevent disputes that can delay projects; (b) establish uniform terms and conditions  
18 of employment, which foster project stability; and (c) permit the efficient integration of work  
19 schedules among multiple contractors, subcontractors and building trade unions. As a result,  
20 these agreements promote the interests of project owners, contracting firms and labor  
21 organizations, enhancing labor peace and ensuring project delivery.

22 The benefits project labor agreements provide have been cited in numerous decisions  
23 upholding their use on public projects, including those issued by United States Supreme Court  
24 and Massachusetts Supreme Judicial Court, and documented in research reports by government  
25 entities and universities. See, Bldg. & Constr. Trades Council of the Metro. Dist. v. Associated  
26 Builders & Contractors of Mass./R.I. Inc., 507 U.S. 218 (1993) ("Boston Harbor"); John T.  
27 Callahan & Sons, Inc., et al v. City of Malden, 430 Mass. 124 (SJC, 1999); Massachusetts  
28 Special Commission, Report on the Use of Project Labor Agreements in Road, Bridge and Rail  
29 Projects: Analysis and Key Findings (2014), Fred Kotler, Cornell Univ. Sch. Of Indus. & Lab.  
30 Rels., Project Labor Agreements In New York State: In the Public Interest and Of Proven Value  
31 (2011).

32 Due to their effectiveness as a project delivery tool, project labor agreements have been  
33 used for decades by the federal government, many states, including Massachusetts, Rhode Island,  
34 Connecticut and New York, and major private corporations in various economic sectors.

35 Reliance on these agreements is expected to further expand due to a 2021 Presidential Executive  
36 Order requiring these agreements on federal public works projects, as well as related policies  
37 promoting their use for publicly assisted construction programs. Given the necessity of rapidly  
38 improving Massachusetts's public works and buildings to its development, and the proven  
39 benefits of the project labor agreement model and consistency with the goals of G.L. c. 149,  
40 149A, and 30, the legislature herein amends the General Laws:

41 SECTION 2. Chapter 30 of the General Laws is hereby amended by adding the following  
42 section:-

43 Section 39U. (a) Notwithstanding the provisions of this section or any other general or  
44 special state law or local law to the contrary, a public agency planning a contract for construction  
45 may require a project labor agreement and be incorporated into the contract specifications in  
46 accordance with the requirements of this section.

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

51 (i) the efficiency, cost and direct and indirect economic benefits to the public agency;

52 (ii) the availability of a sufficient supply of skilled, qualified workers to complete the  
53 project;

54 (iii) the timing, prevention of delays or disruptions to the construction process;

55 (iv) the safety and quality of the public construction project;

56 (v) the ability of public agencies to ensure that all contractors and subcontractors are  
57 responsible, eligible construction firms under Section 44A(1) of chapter 149;

58 (vi) the ability of public agencies to facilitate cooperation between contractors,  
59 subcontractors and labor organization in construction planning and execution;

60 (vii) the expansion of apprenticeship programs and workforce development in the  
61 construction industry to ensure sufficient skilled and qualified staffing for future public  
62 projects and the creation of employment opportunities in local communities;

63 (viii) the advancement of minority and women-owned contracting businesses; and

64 (ix) the promotion of employment and training opportunities for women, minority  
65 workers, and veterans.

66 (b) Nothing in this section shall prevent a public agency from utilizing a determination  
67 for a project labor agreement for multiple buildings or public works under an integrated  
68 construction program.

69 (c) A public agency that determines a project labor agreement will be used on a project  
70 shall require the lead construction firm for the project, and all subcontractors, regardless of tier,  
71 to negotiate or become a party to a project labor agreement with one or more appropriate labor  
72 organizations.

73 (d) Any project labor agreement required by a public agency pursuant to this section shall  
74 include provisions that:

75 (i) require all contractors and subcontractors, regardless of tier, to be bound to the project  
76 labor agreement for a specific project through the inclusion of appropriate specifications in all  
77 relevant solicitation provisions and contract documents and by requiring execution of the project  
78 labor agreement prior as a contractual requirement;

79 (ii) allow all contractors and subcontractors on the project to compete for contracts and  
80 subcontracts without regard to whether they are parties to collective bargaining agreements prior  
81 to bid selection;

82 (iii) establish uniform, mutually agreeable terms and conditions of employment for the  
83 construction workforce, including uniform work rules and schedules for the project;

84 (iv) set forth effective, prompt, binding procedures for resolving labor disputes arising  
85 during the term of the project labor agreement;

86 (v) contain guarantees against strikes, lockouts, and similar job disruptions;

87 (vi) incorporate goals for the percentage of apprentice hours to be employed on the  
88 project;

89 (vii) incorporate goals for the percentage of work to be performed by minorities, women  
90 and veterans in accordance with applicable Massachusetts law and local ordinances, whichever is  
91 higher;

92 (viii) authorize the parties to the project labor agreement to develop other mechanisms for  
93 labor-management cooperation on matters of mutual interest and concern, including scheduling,  
94 quality of work and safety, and permit the public agency to participate in such mechanisms if it  
95 elects to do so; and

96 (ix) establish other terms and conditions required for the project labor agreement and  
97 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

98 SECTION 3. Section 1 of chapter 149 of the General Laws, as appearing in the 2020  
99 Official Edition, is hereby amended by inserting after the word “standards.”, in line 9, the  
100 following words:-

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

105 SECTION 4. Said section 1 of said chapter 149, as so appearing, is hereby further  
106 amended by inserting after the word “standards.”, in line 20, the following words:-

107 “Construction”, the construction, reconstruction, installation, demolition, maintenance or  
108 repair of public works or a building project.

109 SECTION 5. Said section 1 of said chapter 149, as so appearing, is hereby further  
110 amended by inserting after the word “steel.”, in line 77, the following words:-

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

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



116 SECTION 6. Said section 1 of said chapter 149, as so appearing, is hereby further  
117 amended by inserting after the word “employment.”, in line 92, the following words:-

118 “Project labor agreement” means a pre-hire collective bargaining agreement with one or  
119 more labor organizations that establishes the terms and conditions of employment for a specific  
120 construction project and is an agreement described in 29 U.S.C. 158(f) of the National Labor  
121 Relations Act.

122 SECTION 7. Chapter 149 of the General Laws is hereby amended by adding the  
123 following section:-

124 Section 44N. (a) Notwithstanding the provisions of this section or any other general or  
125 special state law or local law to the contrary, a public agency planning a contract for construction  
126 may require a project labor agreement and be incorporated into the contract specifications in  
127 accordance with the requirements of this section.

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

132 (i) the efficiency, cost and direct and indirect economic benefits to the public agency;

133 (ii) the availability of a sufficient supply of skilled, qualified workers to complete the  
134 project;

135 (iii) the timing, prevention of delays or disruptions to the construction process;

136 (iv) the safety and quality of the public construction project;

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

139 (vi) the ability of public agencies to facilitate cooperation between contractors,  
140 subcontractors and labor organization in construction planning and execution;

141 (vii) the expansion of apprenticeship programs and workforce development in the  
142 construction industry to ensure sufficient skilled and qualified staffing for future public  
143 projects and the creation of employment opportunities in local communities;

144 (viii) the advancement of minority and women-owned contracting businesses; and

145 (ix) the promotion of employment and training opportunities for women, minority  
146 workers, and veterans.

147 (b) Nothing in this section shall prevent a public agency from utilizing a determination  
148 for a project labor agreement for multiple buildings or public works under an integrated  
149 construction program.

150 (c) A public agency that determines a project labor agreement will be used on a project  
151 shall require the lead construction firm for the project, and all subcontractors, regardless of tier,  
152 to negotiate or become a party to a project labor agreement with one or more appropriate labor  
153 organizations.

154 (d) Any project labor agreement required by a public agency pursuant to this section shall  
155 include provisions that:

156 (i) require all contractors and subcontractors, regardless of tier, to be bound to the project  
157 labor agreement for a specific project through the inclusion of appropriate specifications in all  
158 relevant solicitation provisions and contract documents and by requiring execution of the project  
159 labor agreement prior as a contractual requirement;

160 (ii) allow all contractors and subcontractors on the project to compete for contracts and  
161 subcontracts without regard to whether they are parties to collective bargaining agreements prior  
162 to bid selection;

163 (iii) establish uniform, mutually agreeable terms and conditions of employment for the  
164 construction workforce, including uniform work rules and schedules for the project;

165 (iv) set forth effective, prompt, binding procedures for resolving labor disputes arising  
166 during the term of the project labor agreement;

167 (v) contain guarantees against strikes, lockouts, and similar job disruptions;

168 (vi) incorporate goals for the percentage of apprentice hours to be employed on the  
169 project;

170 (vii) incorporate goals for the percentage of work to be performed by minorities, women  
171 and veterans in accordance with applicable Massachusetts law and local ordinances, whichever is  
172 higher;

173 (viii) authorize the parties to the project labor agreement to develop other mechanisms for  
174 labor-management cooperation on matters of mutual interest and concern, including scheduling,  
175 quality of work and safety, and permit the public agency to participate in such mechanisms if it  
176 elects to do so; and

177 (ix) establish other terms and conditions required for the project labor agreement and  
178 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

179 SECTION 8. Chapter 149A of the General Laws is hereby amended by adding the  
180 following section:-

181 Section 22. (a) Notwithstanding the provisions of this section or any other general or  
182 special state law or local law to the contrary, a public agency planning a contract for construction  
183 may require a project labor agreement be incorporated into the contract specifications in  
184 accordance with the requirements of this section.

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

189 (i) the efficiency, cost and direct and indirect economic benefits to the public agency;

190 (ii) the availability of a sufficient supply of skilled, qualified workers to complete the  
191 project;

192 (iii) the timing, prevention of delays or disruptions to the construction process;

193 (iv) the safety and quality of the public construction project;

194 (v) the ability of public agencies to ensure that a sufficient compliment contractors and  
195 sub-contractors meet the prequalification standards and requirements of section 8 of this chapter;

196 (vi) the ability of public agencies to facilitate cooperation between contractors,  
197 subcontractors and labor organization in construction planning and execution;

198 (vii) the expansion of apprenticeship programs and workforce development in the  
199 construction industry to ensure sufficient skilled and qualified staffing for future public  
200 projects and the creation of employment opportunities in local communities;

201 (viii) the advancement of minority and women-owned contracting businesses; and  
202 the promotion of employment and training opportunities for women, minority workers,  
203 and veterans.

204 (b) Nothing in this section shall prevent a public agency from utilizing a determination  
205 for a project labor agreement for multiple buildings or public works under an integrated  
206 construction program.

207 (c) A public agency that determines a project labor agreement will be used on a project  
208 shall require the lead construction firm for the project, and all subcontractors, regardless of tier,  
209 to negotiate or become a party to a project labor agreement with one or more appropriate labor  
210 organizations.

211 (d) Any project labor agreement required by a public agency pursuant to this section shall  
212 include provisions that:

213 (i) require all contractors and subcontractors, regardless of tier, to be bound to the project  
214 labor agreement for a specific project through the inclusion of appropriate specifications in all  
215 relevant solicitation provisions and contract documents and by requiring execution of the project  
216 labor agreement prior as a contractual requirement;

217 (ii) allow all contractors and subcontractors on the project to compete for contracts and  
218 subcontracts without regard to whether they are parties to collective bargaining agreements prior  
219 to bid selection;

220 (iii) establish uniform, mutually agreeable terms and conditions of employment for the  
221 construction workforce, including uniform work rules and schedules for the project;

222 (iv) set forth effective, prompt, binding procedures for resolving labor disputes arising  
223 during the term of the project labor agreement;

224 (v) contain guarantees against strikes, lockouts, and similar job disruptions;

225 (vi) incorporate goals for the percentage of apprentice hours to be employed on the  
226 project;

227 (vii) incorporate goals for the percentage of work to be performed by minorities, women  
228 and veterans in accordance with applicable Massachusetts law and local ordinances, whichever is  
229 higher;

230 (viii) authorize the parties to the project labor agreement to develop other mechanisms for  
231 labor-management cooperation on matters of mutual interest and concern, including scheduling,  
232 quality of work and safety, and permit the public agency to participate in such mechanisms if it  
233 elects to do so; and

234 (ix) establish other terms and conditions required for the project labor agreement and  
235 mutually agreeable to parties and otherwise consistent with Federal and Massachusetts law.

236 SECTION 9. Nothing in this act shall limit publicly assisted projects from using project  
237 labor agreements.

238           SECTION 10. The provisions of this act are severable. If any provision is determined to  
239 be invalid, the remainder of this act shall remain in full force and effect.