

ASSEMBLY BILL NO. 392—ASSEMBLYWOMAN KOIVISTO

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Requires the use of project labor agreements on certain large-scale public works. (BDR 28-135)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; requiring a public body to provide for the negotiation of a project labor agreement on a large-scale public work and to require a contractor or subcontractor to become a party to the project labor agreement as a condition of being awarded a contract; providing an exception; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill requires a public body that undertakes a public work, the estimated
2 cost of which exceeds \$250,000, to provide for the negotiation of a project labor
3 agreement with one or more labor organizations and to require each contractor or
4 subcontractor to become a party to the project labor agreement as a condition of
5 being awarded a contract. A project labor agreement negotiated pursuant to this bill
6 must bind all contractors and subcontractors on the public work, but must also
7 allow the contractors and subcontractors to compete for contracts and subcontracts
8 without regard to whether they are otherwise parties to a collective bargaining
9 agreement. A project labor agreement must include guarantees against strikes,
10 lockouts, work stoppages or any other labor disputes during the term of the project
11 labor agreement, set forth effective, prompt and mutually binding procedures for
12 resolving labor disputes, and provide other mechanisms for labor-management
13 cooperation on matters of mutual interest and concern, such as productivity, quality
14 of work, safety and health. A public body is not required to negotiate a project labor
15 agreement for a large-scale public work if the public body makes a written
16 determination that the benefits of proceeding without a project labor agreement
17 substantially exceed the benefits of proceeding with such an agreement.



* A B 3 9 2 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a public body that undertakes a large-scale public work shall:

(a) Provide for the negotiation of a project labor agreement with one or more labor organizations; and

(b) Require a contractor or subcontractor to become a party to the project labor agreement as a condition of being awarded a contract.

2. A project labor agreement negotiated pursuant to this section must, without limitation:

(a) Bind all contractors and subcontractors on the public work through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;

(b) Allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to a collective bargaining agreement;

(c) Include guarantees against a strike, lockout, work stoppage or any other labor dispute during the term of the project labor agreement;

(d) Set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement;

(e) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including, without limitation, productivity, quality of work, safety and health; and

(f) Fully conform to all applicable federal and state statutes and regulations and local ordinances.

3. A public body is not required to negotiate a project labor agreement for a large-scale public work if the public body makes a written determination that the benefits of proceeding without a project labor agreement substantially exceed the benefits of proceeding with such an agreement.

4. As used in this section:

(a) "Large-scale public work" means a public work the estimated cost of which exceeds \$250,000.

(b) "Labor organization" has the meaning ascribed to it in NRS 613.230.

(c) "Project labor agreement" means a pre-hire collective bargaining agreement with one or more labor organizations that



1 *establishes, without limitation, the terms and conditions of*
2 *employment for a public work.*

3 **Sec. 2.** The provisions of this act do not apply to any large-
4 scale public work for which the public body undertaking the public
5 work has solicited bids before July 1, 2009.

6 **Sec. 3.** This act becomes effective on July 1, 2009.

