

**CITY OF BALTIMORE
COUNCIL BILL 20-0488
(First Reader)**

Introduced by: Councilmember Sneed, President Scott, Councilmembers Clarke, Bullock, Cohen,
Burnett, Reisinger, Henry, Schleifer, Costello, Stokes, McCray

Introduced and read first time: January 27, 2020

Assigned to: Labor Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Board of
Estimates

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.

21 (B) *CONTRACTOR.*

22 “CONTRACTOR” MEANS A PERSON AWARDED A CITY CONTRACT FOR A CONSTRUCTION
23 PROJECT.

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

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1 (C) *CONSTRUCTION PROJECT*.

2 “CONSTRUCTION PROJECT” MEANS ANY PUBLIC WORKS PROJECT, DONE AT THE PUBLIC
3 EXPENSE, FOR THE CONSTRUCTION, RECONSTRUCTION, DEMOLITION, OR RENOVATION OF
4 ANY BUILDING OR INFRASTRUCTURE.

5 (D) *DIRECTOR*.

6 “DIRECTOR” MEANS THE DIRECTOR OF FINANCE OR THE DIRECTOR’S DESIGNEE.

7 (E) *PERSON*.

8 “PERSON” MEANS:

9 (1) AN INDIVIDUAL;

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

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

14 (F) *PROJECT LABOR AGREEMENT*.

15 “PROJECT LABOR AGREEMENT” MEANS A PRE-HIRE COLLECTIVE BARGAINING AGREEMENT
16 BETWEEN A CONTRACTOR AND A LABOR ORGANIZATION THAT ESTABLISHES THE LABOR
17 ORGANIZATION AS THE COLLECTIVE BARGAINING REPRESENTATIVE FOR ALL PERSONS WHO
18 WILL PERFORM WORK ON A CONSTRUCTION PROJECT.

19 (G) *SUBCONTRACTOR*.

20 “SUBCONTRACTOR” MEANS ANY PERSON, OTHER THAN THE CONTRACTOR, PERFORMING
21 ANY WORK ON THE SITE OF A CONSTRUCTION PROJECT, WHETHER AS A SUBCONTRACTOR
22 OR A LOWER TIER CONTRACTOR.

23 **§ 25A-2. SCOPE.**

24 THIS SUBTITLE APPLIES TO:

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

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

30 **§ 25A-3. {RESERVED}**

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1 **§ 25A-4. USE OF PROJECT LABOR AGREEMENTS.**

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

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

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

- 7 (1) BIND ALL CONTRACTORS AND SUBCONTRACTORS ENGAGED FOR THE CONSTRUCTION
8 PROJECT;
- 9 (2) CONTAIN GUARANTEES AGAINST STRIKES, LOCKOUTS, AND SIMILAR WORK
10 DISRUPTIONS;
- 11 (3) PROVIDE FOR EFFECTIVE, PROMPT, AND MUTUALLY BINDING PROCEDURES FOR
12 RESOLVING LABOR DISPUTES ARISING DURING THE AGREEMENT’S TERM;
- 13 (4) PROVIDE OTHER MECHANISMS FOR LABOR-MANAGEMENT COOPERATION ON MATTERS
14 OF MUTUAL INTEREST AND CONCERN, INCLUDING PRODUCTIVITY, QUALITY OF WORK,
15 SAFETY, AND HEALTH; AND
- 16 (5) INCLUDE ANY ADDITIONAL REQUIREMENTS THAT THE DIRECTOR CONSIDERS
17 NECESSARY TO PROMOTE THE INTERESTS OF THE CITY.

18 **§ 25A-6. {RESERVED}**

19 **§ 25A-7. WAIVER.**

20 (A) *IN GENERAL.*

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

25 (B) *FINDINGS.*

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

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

- 30 (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 (A) *DIRECTOR TO ADOPT.*

10 THE DIRECTOR MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE OR
11 TO CLARIFY ANY TERMS OR PHRASES IN THIS SUBTITLE.

12 (B) *FILING.*

13 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
14 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

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

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