

FIRST REGULAR SESSION

SENATE BILL NO. 245

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS MAXWELL, STAPLES AND CLAY.

Read 1st time January 11, 1999, and 1,000 copies ordered printed.

S0058.02I

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 295, RSMo, by adding thereto one new section relating to project labor agreements.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 295, RSMo, is amended by adding thereto one new section, to be known as section 295.300, to read as follows:

295.300. 1. For purposes of this section, the following terms mean:

(1) "Core employee", a person on active payroll of the contractor for at least sixty of the one hundred days preceding award of the contract. Core employee shall not mean executives, managers, supervisors, engineering staff or office and clerical workers;

(2) "Department", the department of transportation;

(3) "Project labor agreement", a prehire agreement for the purpose of governing labor relations policies and conditions for individual public construction projects; and

(4) "Project manager", a person employed or contracted by an agency to negotiate a project labor agreement on behalf of such agency.

2. The director of the department of transportation is hereby authorized to establish and implement project labor agreements for individual public construction projects under such department's control and jurisdiction.

3. When considering whether a project should be completed under a project labor agreement, the following factors shall be considered:

(1) Project size;

(2) Complexity;

(3) Length of project;

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- (4) Disruption to the public;**
- (5) Impact on quality of life;**
- (6) Availability of a skilled workforce;**
- (7) History of workforce harmony;**
- (8) Potential cost savings that could result from use of a project labor agreement;**
- (9) Potential benefit to the state for keeping payrolls within the state;**
- (10) Public need for the project; and**
- (11) Any other factor as may be determined by the department.**

4. Upon determining that a project may be appropriately conducted pursuant to a project labor agreement, the department shall consult with a project manager to negotiate a project labor agreement with the appropriate building and construction trades council, its affiliated trade unions and the organization or organizations representing the heavy and highway contracting industry and who can bargain collectively on their behalf with building trades councils and their affiliated unions. The project manager shall present a report and recommendation to the department regarding the terms of a project labor agreement prior to the department's request for bids. The contractor may retain a minimum percentage of core employees of no greater than twenty-five percent for the duration of the project. The department may reject or approve the report and recommendation.

5. If the department approves the project labor agreement, such project labor agreement shall be included in the original bid specifications.

6. No project labor agreement shall be obtained in an arbitrary, capricious or discriminatory manner. Such agreement shall be based on criteria in compliance with competitive bidding laws, including the provisions of this chapter.

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