

**HOUSE BILL NO. 223**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES ELLIS, Navarre, Koponen, Gruenberg, Brown, Finkelstein, Boyer, Moyer**

**Introduced: 3/18/91**

**Referred: Community & Regional Affairs, Labor & Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act permitting the state or political subdivisions of the state to enter into project  
2 labor agreements."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 23.05.380 is amended to read:

5           Sec. 23.05.380. REGULATIONS. The agency shall adopt regulations under the  
6 Administrative Procedure Act (AS 44.62) to carry out labor relations functions under  
7 AS 23.05.360 - 23.05.390, AS 23.40.070 - 23.40.260, AS 36.90.150, and AS 42.40.730 -  
8 42.40.890.

9 \* **Sec. 2.** AS 36.90 is amended by adding a new section to read:

10           Sec. 36.90.150. PROJECT LABOR AGREEMENTS. (a) The purpose of this section  
11 is to enable the state or a political subdivision of the state to structure labor relations at the job  
12 site of a public construction project in the interests of industrial harmony and to permit public  
13 agencies to make optimal use of their construction resources.

14           (b) The state or a political subdivision of the state and a representative of one or more

1 labor organizations representing employees in the building, maintenance, and construction  
2 industry may enter into a project labor agreement concerning labor relations on a public  
3 construction project whether or not the representative is a majority status labor organization under  
4 29 U.S.C. 159. In addition to addressing wages, hours, and other terms and conditions of  
5 employment, the agreement may, with respect to labor relations on the project,

6 (1) require the state or political subdivision to require a contractor, subcontractor,  
7 or other person on the project to

8 (A) notify labor organizations representing building, maintenance, and  
9 construction industry employees of project employment opportunities; or

10 (B) accept referrals of qualified applicants from the labor organizations  
11 for project employment;

12 (2) provide for priority in opportunities for employment referrals based on  
13 minimum training or experience qualifications or based on length of service

14 (A) with the contractor, subcontractor, or other person;

15 (B) in the industry; or

16 (C) in the particular geographical area;

17 (3) require the state or a political subdivision of the state and one or more labor  
18 organizations representing employees in the building, maintenance, and construction industry to  
19 enter into an agreement concerning labor relations on a public construction project, to cease or  
20 refrain, or agree to cease or refrain, from handling, using, selling, transporting, or doing business  
21 with a contractor, subcontractor, or other person.

22 (c) The state or political subdivision shall retain substantial control of job site labor  
23 relations including the means, manner, and standards of performance of all employees engaged  
24 in work or employed on projects covered by an agreement entered into under this section.

25 (d) In negotiating and implementing an agreement under this section, the state or political  
26 subdivision of the state and the labor organization or representative of labor organizations shall  
27 comply with the requirements for negotiating and implementing collective bargaining agreements  
28 set out in AS 23.40.070, 23.40.110 - 23.40.160, 23.40.180, 23.40.190, and 23.40.250.

29 (e) If a settlement is reached at the completion of negotiations under this section, the  
30 state or political subdivision shall reduce the settlement to writing in the form of an agreement.  
31 The agreement may include a term for which it will remain in effect, not to exceed three years.

1        However, if the specific project is expected to last longer than three years, the term may exceed  
2        three years but may not exceed the length of the project. The agreement must include a  
3        grievance procedure with binding arbitration as its final step. Either party to the agreement has  
4        a right of action to enforce the agreement by petition to the Alaska labor relations agency  
5        established in AS 23.05.360.

6                (f) The labor relations agency shall adopt regulations under the Administrative Procedure  
7        Act (AS 44.62) to implement this section.

8                (g) Notwithstanding a project labor agreement entered into under this section, employees  
9        of the contractors and subcontractors on a public construction project are not considered  
10       employees of the state or political subdivision of the state.

11               (h) An agreement entered into under (a) of this section does not constitute an election  
12       under 29 U.S.C. 159.

13               (i) The provisions of AS 36.30 do not apply to agreements entered into under this  
14       section.

15               (j) An agreement entered into under this section is not prohibited under AS 45.50.562 -  
16       45.50.596.

17   \* Sec. 3. AS 36.30.850(b) is amended by adding a new paragraph to read:

18                (23) agreements entered into under AS 36.90.150.

19   \* Sec. 4. AS 45.50.572 is amended by adding a new subsection to read:

20                (j) AS 45.50.562 - 45.50.596 do not prohibit agreements entered into under AS 36.90.150  
21       between a public employer and a labor organization or representative of labor organizations.