

**CS FOR SENATE BILL NO. 95 (L&C)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE LABOR AND COMMERCE COMMITTEE**

**Offered: 4/10/91**  
**Referred: Judiciary, Finance**

**Sponsor(s): SENATORS RODEY, Menard**

**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; and providing for an effective date."**

**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 AS 23.05.380 is repealed and reenacted to read:**

**10 Sec. 23.05.380. REGULATIONS. The agency shall adopt regulations under the**  
**11 Administrative Procedure Act (AS 44.62) to carry out labor relations functions under**  
**12 AS 23.05.360 - 23.05.390, AS 23.40.070 - 23.40.260, and AS 42.40.730 - 42.40.890.**

**13 \* Sec. 3. AS 36.90 is amended by adding a new section to read:**

**14 Sec. 36.90.150. PROJECT LABOR AGREEMENTS. (a) The purpose of this section**

1 is to enable the state or a political subdivision of the state to structure labor relations at the job  
2 site of a public construction project in the interests of industrial harmony and to permit public  
3 agencies to make optimal use of their construction resources.

4 (b) If the public construction project meets the requirements of (c) of this section, the  
5 state or a political subdivision of the state and a representative of one or more labor organizations  
6 representing employees in the building, maintenance, and construction industry may enter into  
7 a project labor agreement concerning labor relations on a public construction project whether or  
8 not the representative is a majority status labor organization under 29 U.S.C. 159. However, they  
9 may not enter into a project labor agreement to cover work currently or traditionally performed  
10 by employees of the state or political subdivision or work covered under a current collective  
11 bargaining agreement between the state or political subdivision and a labor organization  
12 representing employees of the state or political subdivision unless both the state or political  
13 subdivision and the labor organization representing the employees consents to coverage of that  
14 work in the project labor agreement. In addition to addressing wages, hours, and other terms and  
15 conditions of employment, the agreement may, with respect to labor relations on the project,

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

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

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

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

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

25 (B) in the industry; or

26 (C) in the particular geographical area;

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

1 (c) This section applies to a public construction project only if  
2 (1) the project is entirely funded by state and local funds; and  
3 (2) the total cost of the project exceeds \$7,000,000.

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

7 (e) If a settlement is reached at the completion of negotiations under this section, the  
8 state or political subdivision shall reduce the settlement to writing in the form of an agreement.  
9 The agreement may include a term for which it will remain in effect, not to exceed three years.  
10 However, if the specific project is expected to last longer than three years, the term may exceed  
11 three years but may not exceed the length of the project. The agreement must include a  
12 grievance procedure with binding arbitration as its final step.

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

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

18 (h) An agreement entered into under (b) of this section does not constitute an election  
19 under 29 U.S.C. 159.

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

22 (j) An agreement entered into under this section is not prohibited under AS 45.50.562 -  
23 45.50.596.

24 \* Sec. 4. AS 36.30.850(b) is amended by adding a new paragraph to read:

25 (23) agreements entered into under AS 36.90.150.

26 \* Sec. 5. AS 45.50.572 is amended by adding a new subsection to read:

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

29 \* Sec. 6. AS 36.30.850(b)(23), AS 36.90.150, and AS 45.50.572(j) are repealed January 1, 1995.

30 \* Sec. 7. Section 2 of this Act takes effect January 1, 1995.