
SENATE BILL 5167

State of Washington

65th Legislature

2017 Regular Session

By Senator Ericksen

Read first time 01/16/17. Referred to Committee on Transportation.

1 AN ACT Relating to prohibiting the use of mandatory project labor
2 agreements by regional transit authorities; adding a new section to
3 chapter 39.04 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that to promote and
6 ensure fair competition on regional transit authority public works
7 projects, open competition in public works contracts is necessary.
8 Therefore, to prevent discrimination against governmental bidders,
9 offerors, contractors, or subcontractors based upon labor affiliation
10 or the lack thereof, the legislature declares that project labor
11 agreements may not be part of the competitive bid process.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 39.04
13 RCW to read as follows:

14 (1) A regional transit authority seeking a public works bid
15 solicitation, awarding a public works contract or obligating funds to
16 a public works contract, may not include the following in the bid
17 specifications, bid requests, project agreements, or any other
18 controlling documents for the public works project:

1 (a) A requirement or prohibition that a bidder, offeror,
2 contractor, or subcontractor must enter into or adhere to a project
3 labor agreement;

4 (b) A term, clause, or statement that infers, either directly or
5 indirectly, that a bidder, offeror, contractor, or subcontractor must
6 enter into or adhere to a project labor agreement;

7 (c) A term, clause, or statement that rewards or punishes a
8 bidder, offeror, contractor, or subcontractor for becoming or
9 remaining, or refusing to become or remain a signatory to, or for
10 adhering or refusing to adhere to, a project labor agreement; or

11 (d) Any other provision dealing with project labor agreements.

12 (2) This section does not:

13 (a) Prohibit a regional transit authority from awarding a
14 contract to a private owner, bidder, contractor, or subcontractor who
15 enters into or who is party to an agreement with a labor
16 organization, if being or becoming a party or adhering to an
17 agreement with a labor organization is not a condition for award of
18 the contract, and if the regional transit authority does not
19 discriminate against a private owner, bidder, contractor, or
20 subcontractor in the awarding of that contract based upon the status
21 as being or becoming, or the willingness or refusal to become, a
22 party to an agreement with a labor organization;

23 (b) Prohibit a private owner, bidder, contractor, or
24 subcontractor from voluntarily entering into or complying with an
25 agreement entered into with one or more labor organizations in regard
26 to a contract with a regional transit authority;

27 (c) Prohibit employers or other parties from entering into
28 agreements or engaging in any other activity protected by the
29 national labor relations act, 29 U.S.C. Secs. 151 to 169; or

30 (d) Interfere with labor relations of parties that are left
31 unregulated under the national labor relations act, 29 U.S.C. Secs.
32 151 to 169.

33 (3) The head of a regional transit authority may exempt a
34 particular project, contract, or subcontract from the requirements of
35 any or all of the provisions of subsection (1) of this section if it
36 finds, after public notice and a hearing, that special circumstances
37 require an exemption to avert an imminent threat to public health or
38 safety. A finding of special circumstances under this subsection may
39 not be based on the possibility or presence of a labor dispute
40 concerning the use of contractors or subcontractors who are

1 nonsignatories to, or otherwise do not adhere to, agreements with one
2 or more labor organizations or concerning employees on the project
3 who are not members of or affiliated with a labor organization.

4 (4) For purposes of this section a "project labor agreement"
5 means any prehire collective bargaining agreement with one or more
6 labor organizations that establishes the terms and conditions of
7 employment for a specific public works project.

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