

## **ORDINANCE NO. 99**

### **AN ORDINANCE OF THE COUNTY OF LANCASTER PROHIBITING PROJECT LABOR AGREEMENTS FOR CONSTRUCTION PROJECTS**

On motion of Commissioner MARTIN, seconded by Commissioner Stuckey,

**WHEREAS**, The County Commissioners of Lancaster County wish to promote competition in government contracting and to encourage efficient use of government funds; and

**WHEREAS**, The County Commissioners believe that it is in the public's best interest to fairly consider all qualified and capable contractors and workers for government contracts; and

**WHEREAS**, The County Commissioners believe that a ban on the use of project labor agreements (known as "PLAs") ensures fair and open competition for government contracts; and

**WHEREAS**, The County Commissioners wish to prohibit any and all project labor agreements beyond those which are required by the State or Federal governments or are required to receive funding from the State or Federal government, though we would prefer they would ban the practice, as well; and

**WHEREAS**, The County Commissioners believe every qualified contractor should be allowed to compete for and to be awarded work on every construction project based on the contractor's merit; and

**WHEREAS**, The County Commissioners oppose "union only" requirements on construction projects; and

**WHEREAS**, The County Commissioners oppose any requirement that a successful bidder or any of its subcontractors must utilize workers represented by a designated labor organization or referred by a designated labor organization exclusively; and

**WHEREAS**, The County Commissioners oppose any requirement that a successful bidder's non-union workforce or any of its non-union subcontractors' workforces affiliate with or pay dues to a labor organization; and

**WHEREAS**, The County Commissioners oppose any requirement that a successful bidder's non-union workforce or any of its non-union subcontractors' workforces recognize a labor organization as the exclusive representative of any of its employees.

**NOW, THEREFORE, BE IT FURTHER ENACTED AND ORDAINED** by the Board of County Commissioners of the County of Lancaster, Pennsylvania, as follows:

#### **SECTION 1:**

For the purpose of this Ordinance, the following definitions shall apply:

- a. "Contractor" shall mean and include a contractor, subcontractor, material supplier, carrier or other person or firm engaged in the completion of a construction project.

- b. "Construction project" shall mean and include any project for the construction, rehabilitation, alteration, conversion, extension, maintenance, repair, or improvement of any structures or real property;
- c. "Project labor agreement" shall mean any pre-hire, collective bargaining or similar type of agreement entered into with one or more labor organizations, employees or employee representatives that establishes the terms and conditions of employment on a construction project.

**SECTION 2:**

Except as required by State or Federal law as a contracting or procurement obligation, or as a condition of the receipt of State or Federal funds, the County shall not require a contractor on a construction project to execute or otherwise become a party to a project labor agreement as a condition of bidding, negotiating, awarding or performing a contract.

**SECTION 3:**

Any local municipality or organization receiving funds from the County related to or in connection with a construction project shall not require a contractor for the construction project to execute or otherwise become a party to a project labor agreement as a condition of bidding, negotiating, awarding or performing a contract, except as required by State or Federal law as a contracting or procurement obligation for the construction project, or as a condition of the receipt of State or Federal funds for the construction project.

**SECTION 4:**

Nothing in this Ordinance shall be construed as prohibiting any contractor from bidding, negotiating or performing work on County construction projects or on projects receiving County funding.

ENACTED and ORDAINED this 26, day of January 2011 by the Board of Commissioners of Lancaster County, Pennsylvania in lawful session duly assembled.

ATTEST:

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Andrea McCue, Chief Clerk  
County of Lancaster, PA  
Date: January 26, 2011

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Scott F. Martin, Chairman

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Dennis P. Stuckey, Vice Chairman

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Craig E. Lehman

**Board of Commissioners of  
Lancaster County, Pennsylvania**