Rebutting Misleading and Untrue Statements Union Lobbyists Make about Project Labor Agreements (PLAs)

- From union talking points circulated to offices on the Hill: “If the Department of Defense can NOT [sic] require or prohibit the use of a PLA, then they can’t use them at all.” This is untrue and misleading. The Bartlett amendment simply creates a scenario in which the firm that wins the bid is allowed to choose if it would prefer to use a PLA or not. The Bartlett amendment removes government bureaucrats and special interests from the equation. When the government elects to use a PLA on a project, they are effectively saying “The eighty-six percent of all U.S. construction industry workers who freely choose not to join a union are not welcome to work on this project.”

- The language of the Bartlett amendment DOES NOT prohibit the use of a PLA on any project authorized by the National Defense Authorization Act for FY 2013 (NDAA) (H.R. 4310). It DOES prohibit government bureaucrats from mandating or prohibiting the use of a PLA, and instead leaves that decision to the company selected to perform the project. The Bartlett amendment is not anti-union; it is pro-fairness, pro-competition and respects protections guaranteed by the National Labor Relations Act. There is nothing in current law, Rep. Bartlett’s amendment or H.R. 4310 that would prevent a federal contractor from voluntarily entering into a PLA on a federal construction project authorized by the NDAA.

- The assertions made regarding PLAs “upholding security on military installations” would be laughable if they weren’t so offensive and intentionally misleading. PLAs do not “guarantee” the use of E-verify. E-verify already is mandated on ALL federal construction projects, PLA or not. Union handouts, such as PLA mandates, do nothing to “uphold” security on military installations.

- PLAs DO effectively require a union-only workforce. Anyone who says anything to the contrary is being intentionally deceptive. PLAs typically require that workers on projects join a union and/or pay into union benefit programs as a condition of working on the project. In rare instances, nonunion workers are eligible to work on PLA projects, but they must first go to a union hiring hall. In many cases, nonunion workers hired through union halls will never receive benefits from the union programs they were forced to pay into while working on a PLA project.

- Some Fortune 500 companies have used PLAs on major projects, though most usually choose not to use PLAs. Private companies often will choose to use a PLA in high union density areas in order to avoid union bannering, pickets and other forms of harassment. Private enterprises have the right to make that choice.

- Union-scale wages and benefits already are mandated on federal projects authorized by the NDAA via the Davis-Bacon Act with or without a PLA. Accusations that the effort to prevent government-mandated PLAs is about driving down construction industry wages are completely false. The Bartlett amendment will deliver cost savings as a result of increased competition and reduced waste and inefficiency.

- The Bartlett amendment attempts to limit cronyism in federal contracting and lets the free market—rather than powerful special interests—pick winners and losers.

Ben Brubeck, Director of Labor and Federal Procurement, Federal Affairs
(703) 812-2042
brubeck@abc.org