



Heart of America
Chapter

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UNIONS SEEK ROLE IN LAWSUIT

Action To Intervene Supports ABC's Position That School and Ambulance District Actions Were Designed to Promote Unions and Discriminate Against Open Shop Workers

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The Heart of America Chapter of Associated Builders and Contractors (ABC) received notice that the Building Trades Council (a conglomeration of local construction unions) is seeking to intervene in a lawsuit filed by ABC demanding Governor Jay Nixon and Missouri Attorney General Chris Koster enforce the construction procurement laws of the state.

The "Fairness in Public Construction Act," passed in 2007, is designed to maintain and promote the economical, nondiscriminatory and efficient expenditures of public funds in connection with publicly funded or assisted construction projects. Missouri prohibited so-called "project labor agreements" on state funded projects, and restricted their use on projects using local tax resources.

A project labor agreement is generally an agreement mandating the use of only union labor as a condition of working on the construction project. The 2007 law requires local governmental bodies to hold public hearings and justify the rational basis for banning non-union workers before they impose such a mandate on a publicly funded project.

"The motion to intervene acknowledges what ABC has contended all along," stated Jim Kistler, President and CEO of the ABC chapter. "The actions of the school district and the ambulance district benefited union members and union members alone. The other 80 plus percent of taxpayers are discriminated against."

The motion to intervene suggests the law allows governmental bodies to "encourage" the use of project labor agreements to their general contractors, and then the general contractor can impose such a requirement. This way, the unions suggest, governmental bodies avoid direct participation in a project labor agreement.

“If the union position is allowed to stand, every law in Missouri can be circumvented. This motion suggests government officials deny taking responsibility simply by saying ‘*We didn’t do it, the general contractor did it – wink, wink, nod, nod.*’ Missouri taxpayers cannot allow government officials to deflect their responsibility to follow the law,” continued Kistler. “There has to be accountability. The buck has to stop with these government officials.”

In the Bayless Schools case, the school district issued a project labor agreement just before the bid closing date. When the low bidder refused to sign the PLA, the school district concocted a scheme to disqualify the low bid and gave the project to a union firm – costing taxpayers an additional \$20,000.

The case involving the St. Charles County Ambulance District takes a slightly different approach, with the district clearly indicating their desire for a PLA in the bid documents. To comply with the terms for submitting a bid, companies then had to certify they were either already union or were willing to become union. The ambulance district did not permit bidders to certify their qualifications as a non-union contractor.

“We hear a lot about transparency in the news today,” stated Kistler. “The intent of the unions to discriminate against all non-union taxpayers is very transparent with this filing. ABC is demanding the state of Missouri –by and through its Governor and Attorney General – guarantee the transparent and nondiscriminatory use of tax money as intended by the 2007 law.”

“Why are the unions so afraid of competing in a fair and open bid process?” asked Kistler.

For a copy of the lawsuit and related filings, please use the contact information provided.

Associated Builders and Contractors is a trade association representing 25,000 construction industry businesses and nearly 2 million employees across the nation. The Heart of America Chapter represents ABC members and their employees in the states of Missouri and Kansas.

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