

EXECUTIVE ORDER NUMBER 22

WHEREAS, large-scale construction projects undertaken by the various departments and agencies of the State of Iowa can pose unique challenges to the public interest in terms of delivering fully-constructed public projects of the highest standards, at the most reasonable costs, on-time, and in a manner that fully complies with all applicable laws—including those involving health, safety, equal employment opportunity, labor and employment standards; and

WHEREAS, large-scale construction projects pose challenges to employers that often do not have permanent workforces, making it difficult to ensure the availability of a steady supply of skilled labor or to predict labor costs for said projects; and

WHEREAS, large-scale construction projects frequently involve multiple employers and employees drawn from multiple trades and crafts all working at a single location; and

WHEREAS, a labor dispute involving only one of many employers can delay an entire large-scale construction project; and

WHEREAS, a lack of coordination among various employers, or uncertainties about the terms and conditions of employment of any of the various groups of workers involved with large-scale construction projects, can create frictions and disputes that, in the absence of agreed-upon dispute resolution mechanisms applicable to all said employers and workers, may jeopardize the efficient, on-time, on-budget completion of said projects; and

WHEREAS, the use of Project Labor Agreements may protect the public interest by providing structure and stability to large-scale construction projects, thereby promoting the efficient, on-time completion of said projects of the highest standards and at the most reasonable costs:

NOW, THEREFORE, I, Chester J. Culver, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa, do hereby issue this Executive Order to become effective immediately:

1. For the purpose of this Order, the following definitions shall apply:
 - a. “Labor organization” means an area or state building and construction trades or crafts council, organization or association or comparable body.
 - b. “Large-scale construction project” means the construction, rehabilitation, alteration, conversion, extension, repair or improvement of a vertical public works project, including a building and other real property-related project, where the total project cost is \$25 million or more.
 - c. “Project Labor Agreement” means a comprehensive pre-hire collective bargaining agreement that is negotiated between a project’s owner (here, the State of Iowa or an agency or department of the State of Iowa) and an appropriate labor organization and which sets out the basic terms and working conditions for that particular project.

2. All state departments and agencies should consider using Project Labor Agreements in connection with large-scale construction projects which meet the criteria established in this Order.

3. In awarding any contract in connection with a large-scale construction project, or in obligating funds pursuant to such a contract, state departments and agencies may, on a project-by-project basis, require the use of a Project Labor Agreement where said use will advance the state's interest. In making the decision whether to use a Project Labor Agreement, the following factors shall be considered:

- A. The potential for labor disruptions, such as strikes, lockouts or slowdowns, which could affect the timely completion of the project;
- B. The number of trades and crafts anticipated to be used on the project;
- C. The need and urgency of the project and the harm to the public if the completion of the project is delayed;
- D. The size and complexity of the project and the time needed for its completion;
- E. The benefits to the public from the use of a Project Labor Agreement relative to a project's cost, efficiency, quality, safety and timeliness of completion; and
- F. The ability to ensure compliance with applicable State laws and regulations governing safety and health, equal employment opportunity, labor and employment standards.

4. If a state agency or department determines that the use of a Project Labor Agreement will satisfy these criteria, the state agency or department may, if appropriate, require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a Project Labor Agreement with one or more appropriate labor organizations. The decision to use a Project Labor Agreement shall be supported by written findings by the affected state agency or department which demonstrate how the use of a Project Labor Agreement will benefit the project, particularly with respect to the criteria set forth in paragraph 3, herein.

5. Any Project Labor Agreement reached pursuant to this Order shall:

- . Bind all contractors and subcontractors on the large-scale construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;
- A. Allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements;
- B. Contain guarantees against strikes, lockouts and similar job disruptions;
- C. Set forth effective, prompt and mutually binding procedures for resolving labor disputes arising during the term of the Project Labor Agreement;
- D. Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including, but not necessarily limited to, productivity, quality of work, safety and health; and

E. Fully conform to all applicable state statutes, regulations and Executive Orders.

6. This Order does not require a state agency or department to use a Project Labor Agreement on any construction project with a total project cost of \$25 million or more, nor does it preclude the use of a Project Labor Agreement on any construction project with a total cost of less than \$25 million when circumstances of a particular project would support its use. Finally, this Order also does not require contractors or subcontractors to enter into a Project Labor Agreement with any particular labor organization.

7. If any provision of this Order, or the application of such provision to any person or circumstance, is held to be invalid, the remaining provisions, as applied to any person or circumstance, shall not be affected thereby.

8. This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the State of Iowa, its departments, agencies, or entities, its officers, employees, or agents or any other person.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 3rd day of February, in the year of our Lord two thousand ten.

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