

## Guinta: Ban pro-union labor agreements from federal construction projects

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U.S. Rep. Frank Guinta wants to ban what he calls "union-favoring" project labor agreements from being used on federal construction projects.

In a move criticized by organized labor leaders, the New Hampshire Republican on Tuesday proposed attaching an amendment banning "PLAs" to a continuing resolution that would fund the federal government from March 4 through the Sept. 30 end of the current federal fiscal year.

It is unclear if the amendment, if passed, would apply to the contract eventually secured for the \$35 million Job Corps Center planned for Manchester. Guinta said he believes it would.

His amendment says that no funds appropriated by the continuing resolution "may be used to enter into, after the date of enactment of (the continuing resolution), a government contract that requires a project labor agreement."

Project labor agreements require contractors to provide health care, retirement benefits and apprenticeship programs. They usually include work rules, safety provisions, dispute resolution and no-strike clauses.

President Barack Obama two years ago reversed former President George W. Bush's ban on the use of project labor agreements.

Guinta, trying now to reverse Obama's executive order, said a PLA requires that any federal construction project be awarded only to companies that "agree to recognize unions as representatives of their employees on that job; use the union hiring hall to obtain workers; follow archaic and inefficient union work rules; and pay into union benefit and multi-employer pension plans."

Guinta said his amendment is not anti-union because it does not ban union contractors from bidding on contracts.

"It's about allowing a fair playing field and letting New Hampshire contractors and small business owners bid on jobs," he said. "It's getting government out of the way of the private sector and reducing the costs of projects to taxpayers."

Guinta said a study cited by the Cato Institute stated that the Bush administration's ban on PLAs saved taxpayers \$2.6 billion in 2008.

Joseph Casey, president of the 5,000-member New Hampshire Building and Construction Trades Council, said PLAs "in no way shape or form mandates union contractors or employees. That is absolute spin."

Casey said it mandates only that local residents work on a project and that they receive wages and benefits commensurate with those received by unionized workers.

But Guinta countered, "I would say that lifting the ban on PLAs was essentially requiring them. The fact is that the head of the agency that makes the decision on PLA's reports to the President and the President wants to have PLAs on all federal construction projects. That was his intent when he lifted the ban and instructed the

Department of Labor to act accordingly."

Guinta said PLAs "are nothing but political payback to unions that come at the taxpayer's expense. They drive up the cost of already expensive government construction projects. Instead of using limited taxpayer dollars to restore our crumbling infrastructure, PLA's put money in the pockets of unions."

He said his amendment "would level the playing field and restore competition among contractors."

Casey called Guinta's move "irresponsible" and said it was the congressman's attempt at "payback to organized labor for not supporting him in the election. He is supporting his constituents, who are the non-union contractors."

Guinta legislative director Austen Jensen said that even if the continuing resolution becomes law with Guinta's amendment attached, it is unclear if it will apply to the Job Corps Center.

Jensen said that if the money used to pay a contractor for the center comes from the money appropriated under the continuing resolution, it could be subject to the ban on PLAs.

But Jensen cautioned that "there are a lot of variable and moving parts" involved.

Manchester Mayor Ted Gatsas said last week he expects the federal Department of Labor to solicit bids for the project by the end of the month. If so, it would come after a delay of more than a year over the PLA issue.

Bid solicitations were set to go out for the project in the fall of 2009 under a PLA. But the process was put on hold after North Branch Construction of Concord filed a protest with the Government Accountability Office. The national trade group Associated Builders and Contractors backed North Branch.

The Labor Department then hired Hill International Inc., a New Jersey-based construction management claims firm, to review the Job Corps Center project and recommend whether it should continue to be subject to a PLA.

James O'Neill, a vice president at Hill International who conducted the study, said Tuesday his recommendation was sent to the labor department "some time ago, and we're waiting for them to come to some decision. I'd expect that decision sometime in the next several weeks or months."

Guinta said the Job Corps Center did not, in itself, prompt his amendment, but he said it is "the current local example of a project that was put on hold as a result of a PLA requirement."

Guinta said he is "very confident" the House GOP leadership will allow his amendment to go to the floor and that the House will pass it.

He acknowledged it would have a more difficult time passing the Senate, where Democrats are the majority. "But you never know. Some moderate Democrats may be supportive because there is no question that a PLA increases construction costs."

State AFL-CIO president Mark MacKenzie said Guinta has become "the mouthpiece for the Associated General Contractors and the Associated Builders and Contractors and others who have been dead against project labor agreements."

PLAs he said, "give people opportunities to participate in good-paying jobs with health benefits and do not restrict who can bid on the projects to union contractors. It simply sets the rules under which people will work."

Casey said 80 percent of the workers on the non-PLA federal prison project in Berlin resided outside of New

Hampshire, "and that's all we're trying to reverse. We want to ensure that New Hampshire workers are doing projects in our community."

He said Guinta's proposal is "irresponsible at best, considering what happened to the poor people in Berlin, who were unable to take advantage of that construction site. The only people who made money on that site were out-of-state contractors who never set foot in New Hampshire."

State Democratic Party spokesman Harrell Kirstein said Guinta's move is "reckless and job killing." He said that PLA contracts "provide American families with health care, job safety and job training and all that is essential to the American economy."

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