STATE OF ILLINOIS

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER **10-03**

EXECUTIVE ORDER ON PROJECT LABOR AGREEMENTS

WHEREAS, the State of Illinois has a compelling interest in awarding public works contracts so as to ensure the highest standards of quality and efficiency at the lowest responsible cost; and

WHEREAS, a project labor agreement, which is a form of pre-hire collective bargaining agreement covering all terms and conditions of employment on a specific project, can ensure the highest standards of quality and efficiency at the lowest responsible cost on appropriate public works projects; and

WHEREAS, the State of Illinois has a compelling interest that a highly skilled workforce be employed on public works projects to ensure lower costs over the lifetime of the completed project for building, repairs and maintenance; and

WHEREAS, project labor agreements provide the State of Illinois with a guarantee that public works projects will be completed with highly skilled workers; and

WHEREAS, project labor agreements provide for peaceful, orderly and mutually binding procedures for resolving labor issues without labor disruption, preventing significant lost-time on construction projects; and

WHEREAS, project labor agreements allow public agencies to predict more accurately the actual cost of the public works project; and

WHEREAS, the use of project labor agreements can be of particular benefit to complex construction projects; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority of the Governor as set forth in Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

1. On a project-by-project basis, a State department, agency, authority, board or instrumentality, which is under the control of the Governor, shall include a project labor agreement on a public works project where said department, agency, authority, board or instrumentality has determined that such agreement advances the State's interests of cost, efficiency, quality, safety, timeliness, skilled labor force, labor stability or the State's policy to advance minority- and women-owned businesses and minority and female employment.

2. Where it has been determined that a project labor agreement is appropriate, and in furtherance of the President's Executive Order 13502, the State department, agency, authority, board or instrumentality responsible for awarding the project may include a project labor agreement on a public works project funded in whole or in part with Federal funds.

3. Where it has been determined that a project labor agreement is appropriate for a particular public works project, the State department, agency, authority, board or instrumentality responsible for awarding the project shall in good faith negotiate a project labor agreement with labor organizations engaged in the construction industry. In the event that the State department, agency, authority, board or instrumentality and the labor organizations engaged in the construction industry ("the parties") cannot agree to the terms of the project labor agreement, the Governor shall appoint a designee to assist the parties in reaching an agreement.

4. Pursuant to this Order, any project labor agreement:
    a. shall set forth effective, immediate and mutually binding procedures for resolving jurisdictional labor disputes and grievances arising before the completion of work;
    b. shall contain guarantees against strikes, lockouts, or similar actions;
    c. shall ensure a reliable source of skilled and experienced labor;
    d. shall further public policy objectives as to improved employment opportunities for minorities and women in the construction industry to the extent permitted by state and federal law;
    e. shall permit the selection of the lowest qualified responsible bidder, without regard to union or non-union status at other construction sites;
    f. shall be made binding on all contractors and subcontractors on the public works project through the inclusion of appropriate bid specifications in all relevant bid documents; and
    g. shall include such other terms as the parties deem appropriate.

5. Any decision to use a project labor agreement in connection with a public works project by a State department, agency, authority, board or instrumentality shall be supported by a written, publicly disclosed finding by such department, agency, authority, board or instrumentality, setting forth the justification for use of the project labor agreement.

6. All State departments, agencies, authorities, boards and instrumentalities are hereby ordered to ensure that all public works projects are implemented in a manner consistent with the terms of this Order and are in full compliance with all statutes, regulations and Executive Orders.

7. Nothing in this Executive Order shall be construed to contravene any state or federal law or to jeopardize the State's entitlement to federal funding. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order that can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

8. This Order supersedes Executive Order 2003-13.

9. This Order shall be in full force and effect upon its filing with the Secretary of State.

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Pat Quinn
Governor

Issued by the Governor: March 31, 2010
Filed with the Secretary of State: March 31, 2010