

## Courting Trade Unions

By Scot Lehigh, Globe Columnist | March 31, 2010

ALTHOUGH GOVERNOR Patrick has won plaudits here for putting the public interest over those of the public-employee unions, he hasn't always demonstrated similar resolve with other unions. Instead, as he has courted the building trades, Patrick has dangled the prospect of shutting thousands of nonunion workers out of certain state construction projects.

He hasn't stated things that baldly, mind you. But that's exactly what his recent affirmation of Project Labor Agreements translates to. Speaking to the annual convention of the Massachusetts Building Trades Council on March 11, Patrick boasted of all he had done to promote union priorities and boost employment of union workers.

"Because I am committed to building on this record . . . I have directed that, going forward, Project Labor Agreements be used when necessary," he said, according to the text. ("Necessary" is a sly wiggle word, disguising what is really a political decision; PLAs, after all, are never required.)

Patrick added that his administration planned a PLA for a new \$150 million science center at UMass Boston and was investigating their use for an academic building at UMass Amherst, a library project at Salem State College, and a new Lowell courthouse.

The non-union construction sector is understandably upset. PLAs, which require that all hiring for a project be done through union halls, that all workers pay union dues, and that all project contractors be bound by rigid union work rules, sharply tilt the playing field in favor of unionized companies.

"There are logistical and philosophical hurdles that are extremely difficult to overcome for an open-shop firm," says Ron Cogliano, president of the Merit Construction Alliance, an association of open-shop contractors. "For example, it's virtually impossible to have your own crew working with you on a PLA job. And given that, it's impossible to prepare a realistic bid."

Greg Beeman, president of Associated Builders and Contractors of Massachusetts, notes that if his umbrella group for non-union contractors tried to require that every firm working on a particular public project had to come to his shop for workers, the unions would be outraged.

"So why, when things are reversed, it is suddenly acceptable public policy?" he asks.

On the pro-PLA side, Frank Callahan, president of the Massachusetts Building Trades Council, argues that PLAs help ensure that state money goes to companies that pay the prevailing wage, comply with unemployment compensation and workers' compensation laws, and don't hire undocumented workers. There are other ways to address those issues, however. State Secretary of Labor Joanne Goldstein adds that PLAs can be structured to guarantee that state construction dollars go to hire Massachusetts workers. As a practical matter, yes, though legally that can't be required.

But that PLA benefit is easily trumped by this undeniable unfairness: Imposing PLAs means non-union Massachusetts construction workers will, through their taxes, help fund projects where they have no real chance of being hired.

The two sides differ on what proportion of the industry is unionized. Cogliano says non-union workers constitute about 80 percent of the state's construction force. Callahan says that unions represent 55 to 60 percent of the sector. Other estimates suggest that Cogliano is closer to the mark. But even if Callahan were right, a policy that excludes 40 to 45 percent of Massachusetts construction workers is blatantly inequitable.

So where are some of the other principal gubernatorial candidates on PLAs?

Opposed, says Republican Christy Mihos. Independent candidate Tim Cahill's campaign couldn't provide his position by deadline.

"Public construction projects should be open to all bidders," GOP hopeful Charles Baker said in a statement. "Competition is important to ensure the best deal for the taxpayers and the state."

Certainly increased competition promotes lower costs. Further, if union workers, with their putative experience and expertise, can do the job just as cheaply, union firms shouldn't need PLAs.

On this one, the Republicans have it right. The plate of PLA plums Patrick is waving as he seeks reelection may make the unions salivate, but the restrictive agreements are bad public policy.

***Scot Lehigh can be reached at [lehigh@globe.com](mailto:lehigh@globe.com)***