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Comments of the LiUNA Midwest Region

to the Illinois Power Agency

Regarding the

Draft Long-Term Plan's Proposed Implementation of Project Labor Agreement Requirements

Public Act 102-0662 established a requirement that several types of renewable energy facilities be constructed under a project labor agreement (PLA). The Public Act also requires the PLAs to establish minimum wages and benefits, contain provisions that prohibit strikes and lockouts and others that establish goals for the hours worked by apprentices and journeypersons who are minorities and women.

The Agency should recognize that there are numerous types of PLAs and that some of those Agreements are uniform nationwide. In fact, the vast majority of the wind facilities constructed in Illinois to date have been built using some form of national PLA.

These "national agreements" form the basic framework of the PLA and, therefore, contain two of its most fundamental provisions: the prohibition of strikes and lockouts during the project's construction (provisions that are now required in the definition of "Project labor agreement" contained in the Illinois Power Agency Act (20 ILCS 3855/1-10)).

However, since these national project labor agreements can be used anywhere in the United States, they do not, therefore, specify the wages and benefits to be paid because wages and benefits will differ from state to state and oftentimes from location to location within the same state.

Rather than stipulating the wages and benefits to be paid, national PLAs contain provisions that require the contractor to "comply with the contractual wages (and) fringe benefits... established between the unions' affiliates and the employers or employer agencies in the localities in which the company does any work..." In other words, national PLAs require the payment of wages and benefits established by local collective bargaining agreements. The local collective bargaining agreements are, therefore, "addenda" to these national PLAs that establish "the minimum hourly wage" and "the benefits and other compensation for each class of labor organization employee" as required in the IPA Act's definition of PLA.

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Similarly, these national agreements contain provisions requiring equal employment opportunity to be provided to qualified workers without regard to race, ethnicity or sex. Given that these provisions do not meet the Act's requirement that the PLA establish "goals for apprentice hours to be performed by minorities and women" or "goals for total hours to be performed by underrepresented minorities and women" it will be incumbent upon the parties to a national PLA to negotiate and include a separate addendum that contains these crucial goals.

We ask the Agency, therefore, to look not only to the contents of the body of the PLA, but also to any addenda such as local collective bargaining agreements and other locally negotiated provisions when determining whether a PLA satisfies the Act's PLA requirements.

Lastly, the Agency seeks feedback on the timing of the submission of the PLA to the Agency. **It is our opinion that providing the applicant with the additional flexibility afforded by a window of time after the submission of the application for a renewable energy contract during which a PLA can be filed with the Agency would be advantageous to the satisfaction of the goals of the Long Term Plan.**