

**Title:** Labor Harmony Requirement: What is Labor Harmony and How Will it Work?

**Description:** Information about Multnomah County's labor harmony policy and answers to frequently asked questions.

On Oct. 21, 2021, the Multnomah County Board of County Commissioners [adopted resolution 2021-081](#) in support of the County's labor harmony policy, which will be implemented as a pilot in the Behavioral Health Division and the new Preschool and Early Learning Division.

## What is a labor harmony requirement?

A labor harmony requirement ensures that the services provided by a contractor to the County will not be interrupted or disrupted due to union or labor organization activities by a contractor's employees or workforce. This requirement is imposed through a clause in the County's contract with the contractor (the "Labor Harmony Clause"), which requires the contractor to enter into a project-labor agreement (PLA) with applicable labor organizations. Under a PLA, the contractor and labor organization agree to certain conditions with regard to labor organizing and related activities. PLAs are common in the construction industry, and are becoming more common in the social services fields. Multnomah County is imposing a labor harmony requirement on eligible Behavioral Health and Preschool and Early Learning Division contracts by including a [Labor Harmony Clause](#) in our contracts with service providers.

## What are the goals of the labor harmony policy?

Multnomah County's labor harmony policy was developed with three primary goals to:

- Ensure continuity of services for Multnomah County clients, minimizing disruption of services to the greatest extent possible;
- Maintain a well-supported and stable workforce, which is critical to the delivery of consistent, reliable and quality County services;
- Adhere to federal, state, and local requirements regarding labor negotiations, including the National Labor Relations Act and state law, and continue to evaluate the changing legal landscape.

## How long will the pilot program last?

This pilot will last at least two years. There will be a review of this pilot initiative within 24 months of adoption. At that time, there will be a briefing on the implementation and impacts of the policy, and an analysis of the legal landscape surrounding labor harmony, labor neutrality, and any other tools that may further support and protect the County's interest in maintaining a stable workforce to ensure quality and consistency of services.

## Which County services will include the labor harmony clause?

Behavioral Health Division and Preschool and Early Learning Division service contracts that meet the criteria below will include the Labor Harmony Clause. Note that this applies to procurements for *services*, and not other contracts such as for information technology or facility support.

## What criteria will be used to apply a labor harmony clause on County contracts?

The policy will apply to *all* County service contracts in the Behavioral Health and Preschool and Early Learning Divisions that are either part of a formal solicitation or have a value of \$150,000 or greater. The policy does not apply to contracts which were procured prior to adoption of the Labor Harmony Agreement Resolution by the Board of Commissioners on October 21.

## What does implementation look like?

- Solicitation:
  - During solicitation the contractor answers Yes or No to this question: *Is your agency committed to avoiding labor disputes that disrupt services?*
  - The County also asks contractors to attach any labor harmony, collective bargaining or project labor agreements to their responses to the solicitation.
- Contract Language: once a provider has been awarded a contract, a Labor Harmony Clause will be included within the contract.

## What does the labor harmony clause (contract language) include?

The [Labor Harmony Clause](#) in the contract is included to ensure that services are maintained free of interruption or disruption from labor unrest.

- A few requirements of the contract language include that:
  - The contractor will have in place a project-labor agreement (PLA) with any labor organization requesting a PLA.
  - The PLA will include a prohibition against work stoppages and other interference by the labor organization.
  - The contractor agrees to mediation and then, if that is unsuccessful, arbitration with a labor organization if they are unable to agree to a PLA within 60 days of the labor organization's written request for a PLA.

- The contractor may be responsible to reimburse the County for reasonable costs and damages incurred if the Contractor fails to comply with the requirements of the contract.

## Does the labor harmony clause require the contractor to recognize a labor organization or enter into a collective bargaining agreement?

No. The contractor is not required to change terms and conditions of employment for its employees, recognize a labor organization as the bargaining representative for its employees, adopt any particular recognition process, or enter into a collective bargaining agreement with a labor organization.

## Can a labor harmony requirement be applied across all eligible transactions?

Yes.

## What happens if a contractor checks “no” to the initial box?

The box asks for interest and does not determine whether the language will be included in a contract. If the contract meets the policy criteria, then Labor Harmony Clause will be included.

## What happens if the contractor violates the labor harmony clause?

The County will use standard contracts language for breach of contract if the contractor does not adhere to the Labor Harmony Clause. This could include early termination of the contract and the potential for damages. See [executive rules](#) for more information.

## Who do I contact if I have any questions?

Please contact Adam Renon at [adam.renon@multco.us](mailto:adam.renon@multco.us) in the Chair’s office or Brian Smith in procurement at [brian.r.smith@multco.us](mailto:brian.r.smith@multco.us).