



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 051103

Introduced November 17, 2005

**Councilmembers Clarke, DiCicco, Reynolds Brown, Goode, Rizzo, Tasco,
O'Neill, Miller, Ramos, Nutter and Kenney**

**Referred to the
Committee on Labor and Civil Service**

AN ORDINANCE

Amending Section 17-107 of The Philadelphia Code, entitled "Contractors: Labor-Management Relationships," by requiring a certain number of apprentices and journeymen on every City public works contract and further requiring that such apprentices be selected from a City apprenticeship identification program; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 17-107 of The Philadelphia Code is hereby amended as follows:

§17-107. Contractors: Labor-Management Relationships.

* * *

(2) Contracts.

(a) The specifications for all city-work contracts shall contain a provision stating the minimum wages to be paid for each occupational classification of employees. Such minimum wages shall be the prevailing wages as defined herein for the corresponding classification of employees.

(b) *Every city-work public works contract shall contain a provision requiring every contractor and/or subcontractor to employ one apprentice for every three journeymen employed at the job site.*

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(c) All apprentices hired to work on city-work public works contracts pursuant to the requirement of subparagraph (b) shall be selected pursuant to a City program established to identify available and qualified apprentices.

[(b)] *(d)* Every City-work contract shall contain a provision that all employees performing city-work other than apprentices and job trainees as provided below shall be paid at least the applicable prevailing wages for journeymen and given at least the applicable working conditions; and that, upon any violation of this Section or any regulations promulgated hereunder, the City may withhold any sums remaining due on the contract until such time as the violation is remedied or, if the violation is not remedied promptly, the City may take such payments directly to affected employees, out of withheld sums, as may be necessary to remedy the violation.

(.1) An apprentice may be paid less than prevailing wage, provided that:

(.a) Such apprentice is employed, pursuant to, and individually registered in, a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State Apprenticeship Agency recognized by the Bureau.

[(b)] The ratio of apprentices to journeymen on the job site in any craft classification is not greater than the ratio generally prevailing in the relevant trade, craft or industry in the Philadelphia area, as determined by the Director.]

[(c)] *(b)* Such apprentice is paid the full amount of fringe benefits set forth in subsection 17-107(l)(k)(.1)(b), with respect to the definition of the prevailing wage.

[(c)] *(e)* Every City-work contract shall contain a provision that the contractor shall require all subcontractors to, and shall itself, comply with and be bound by all the provisions of this section; and requiring the contractor to attach the applicable wage-rate information to all subcontracts. A violation by any subcontractor shall be deemed a violation by the prime contractor, as well.

[(d)] *(f)* Every city-work contract shall contain a provision requiring the contractor to post the applicable prevailing wage rates in an area easily accessible by all employees on each job site.

[(e)] *(g)* Every City-work contract shall contain a provision requiring the contractor to submit to the Unit a compilation contractor listing no later than seven (7)

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days before the starting date of work on any such contract, and to notify the Unit of any changes in the information contained in such listing within five (5) days of any such changes. Such listing shall include, for each contractor and subcontractor working on the contract:

* * *

SECTION 2. Subparagraph 17-107(2)(c) shall be effective upon the establishment, by regulation of such City department or agency as shall be authorized by the Mayor, of a City program designed to identify available and qualified apprentices to work on City-work contracts, and publication by such department or agency of public notice that apprentices are, in fact, available for selection through such program. The remainder of this ordinance shall take effect immediately.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.

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