

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 030791)

RESOLUTION

Calling on the Philadelphia labor standards division to vigorously enforce Chapter 9-2300 of The Philadelphia Code, entitled "Protection of Displaced Contract Workers," to conduct thorough investigations concerning the displacement of nearly fifty workers at Sheraton Hotel University City and 400 Market Street, and to sanction violators of Chapter 9-2300 in these and other cases, as authorized by law.

WHEREAS, On March 31, 2000, twenty long-term custodial and maintenance employees of good standing, many of whom had worked faithfully in the same building for twenty years, showed up for work at the Lafayette Building at 437 Chestnut Street, found that ownership of the building had changed hands, and were given one hour to leave the premises; and

WHEREAS, In response to the summary firing of those workers, City Council voted fifteen to one (15-1) in favor of Bill No. 000108, which enacted Chapter 9-2300 of the Philadelphia Code, entitled "Protection of Displaced Contract Workers," providing a 90-day transition period for contract employees when their contract employer has been replaced by a new contractor at a particular location, during which period an employee shall not be discharged except for misconduct," and amending Section 19-2602 of the Code, entitled "Licenses," to provide that violators of Chapter 9-2300 be subject to the loss of business privilege licenses; and

WHEREAS, The Mayor signed the bill into law on May 31, 2000; and

WHEREAS, Section 19-2602 vests in the Philadelphia Labor Standards Division the power to investigate and sanction violators of the Chapter 9-2300 and allows the revocation of business privilege licenses and the imposition of fines; and

WHEREAS, Chapter 9-2300 offers protection to many low-wage workers in Philadelphia including janitors, security guards, building service, hotel, food and beverage and health care workers, employees who are the bedrock of society but who

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typically are not on the direct payroll of the businesses where they perform their work and are instead employed by outside contractors; and

WHEREAS, These workers are routinely fired without warning when service contracts are not renewed, regardless of their tenure on the job, as was the case with the Lafayette Building workers;

WHEREAS, In violation of Chapter 9-2300, on August 1, 2003, members of Service Employees International Union Local 36 were discharged without notice from their jobs at 400 Market Street when the new owner awarded the janitorial contract to Statewide Environmental Services, which refused to offer employment or compensation to the incumbent employees, who had as much as twenty-three years service in that building; and

WHEREAS, In July 2002, thirty-seven members of Hotel and Restaurant Employees Local 274 were denied employment in violation of the Code, when the Top Dog Sports Grill replaced Shula's Restaurant at the Sheraton University City Hotel, 36th and Chestnut Streets, and among these workers were six who had over twenty years of service at various establishments in that building; and

WHEREAS, The Philadelphia Labor Standards Division has failed to respond to Union requests for investigation and enforcement and has not adequately addressed inquiries from Council members concerning the reasons for its failure to enforce the provisions of Chapter 9-2300; and

WHEREAS, The Philadelphia Labor Standards Division's prolonged refusal to enforce violations of Chapter 9-2300 leaves service and custodial workers as vulnerable to the whims of contractors and subcontractors as they were before City Council took action over three years ago; and

WHEREAS, The Labor Standards Division's abject failure to enforce this Chapter invites all contractors and subcontractors in similar situations to disregard the provisions of the "Displaced Contract Workers" Chapter of The Philadelphia Code; and

WHEREAS, It is the position of the City Solicitor that Chapter 9-2300 is Constitutional;

WHEREAS, The Labor Standards Division's delay in enforcing the rights of workers is unconscionable and intolerable; and

WHEREAS, Routine City enforcement of Chapter 9-2300 is the simplest and most direct way for workers to receive the protection the law provides, and the best way to prevent this kind of worker displacement;

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RESOLVED, That the City Council of Philadelphia calls on the Philadelphia Labor Standards Division to enforce Chapter 9-2300 of The Philadelphia Code, entitled “Protection of Displaced Contract Workers,” to conduct thorough investigations, as the law directs, regarding these displaced workers at Sheraton Hotel University City and 400 Market Street, and to impose the most stringent possible sanctions on violators of the Ordinance in these and other cases, as authorized by law;

FURTHER RESOLVED, That a true and correct copy of this Resolution be provided to Isaac Simpkins, Director of the Philadelphia Labor Standards Division. to Statewide Environmental Services, Inc., to Top Dog Sports Grill, and to Mayor John F. Street, and to representatives of S.E.I.U. Local 36 and H.E.R.E. Local 274.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twentieth of November, 2003.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Cohen, Ortiz and Mariano

Sponsored by: Councilmembers Cohen, Ortiz, Mariano, Reynolds Brown, Goode, DiCicco, Krajewski, Tasco, Miller, O'Neill, Rizzo, Nutter, Clarke and Kenney