



City of Philadelphia

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

**BILL NO. 180704
(As Amended, 11/19/18)**

Introduced June 21, 2018

**Councilmember Bass
for
Council President Clarke**

**Referred to the
Committee on Commerce & Economic Development**

AN ORDINANCE

Amending Chapter 17-1600 of The Philadelphia Code, entitled "Economic Opportunity Plans", by requiring the Labor Standards Unit to monitor contractors and enforce City Contract requirements for Workforce Diversity, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1600. ECONOMIC OPPORTUNITY PLANS

§17-1605. Enforcement.

(4) The Labor Standard Unit shall have the responsibility of administering oversight of the Workforce Diversity requirements of this Chapter and in connection therewith shall:

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(a) Maintain a current schedule of the Workforce Diversity requirements relating to services and industries the work of which is subject to the requirements of this Chapter;

(b) Receive and refer to the Commissioner under whose supervision a contract subject to the requirements of this Chapter is being performed complaints against any contractor or subcontractor for alleged violations of the Workforce Diversity requirements of this Chapter. Thereafter, the Director shall investigate such complaints and in connection therewith or with respect to any investigation shall have full power and authority to subpoena any witness, books, records, or other data of any person for the purposes of obtaining information pertinent to such investigation. The Director shall make a finding in writing with respect to each complaint filed, and shall send a copy thereof to the complainant and the contractor and/or subcontractor and shall maintain it on file. Upon request, the Unit shall provide any affected contractor or subcontractor with a hearing, pursuant to the requirements of Subsection 17-107(8)(e) of this Code; and

(c) Monitor the operations of contractors and subcontractors with respect to the Workforce Diversity requirements of contracts subject to Subsection 17-1603(3)[.]; *and determine for each contract when twenty-five percent (25%) of total projected labor hours are complete, and when twenty-five percent (25%) of total contract value has been expended. At that point, the Labor Standards Unit shall determine whether the contractor is on track to meet workforce goals and take appropriate action pursuant to Section 17-1606, related to Penalties and Remedies. The results of that determination shall be shared with the Office Economic Opportunity and shall be shared with City Council upon its request.*

(5) A violation by any subcontractor shall be deemed a violation by both the subcontractor and the prime contractor.

(6) The violation of any Workforce Diversity requirement of this Chapter or provisions of a contract required thereby shall be considered a substantial breach of the contractor's obligation under the contract.

(7) Upon a finding by the Director of a failure by any contractor or subcontractor to comply with the Workforce Diversity requirements of this Chapter, the Director may direct the appropriate department(s) to pursue remedies, based on the potential remedies outlined in Section 17-1606, which potential remedies, including the possibility of liquidated damages, may be further defined by regulation. A request for a hearing from the Unit pursuant to Subsection 17-1605(4)(b) shall stay the pursuit of penalties under this Section, but not a decision to withhold payment under the contract.

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(8) Upon a final determination of the Director, the contractor or subcontractor may appeal the decision to the Board of Labor Standards, pursuant to the requirements of Subsection 17-107(7) of this Code.

SECTION 2. Effective Date. This Ordinance shall take effect 120 days after final passage.

Explanation:

[Brackets] indicate matter deleted;

Italics indicate new matter added.

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