

City of Philadelphia



(Bill No. 130744-A)

AN ORDINANCE

Amending Chapter 17-1300 of The Philadelphia Code, entitled “Philadelphia 21st Century Minimum Wage and Benefits Standard,” by further providing with respect to the granting and revocation of waivers of the requirements of the Chapter; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 17-1300 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 17-1300. PHILADELPHIA 21ST CENTURY MINIMUM WAGE AND BENEFITS STANDARD

* * *

§ 17-1304. Waivers.

The Office of Labor Standards may grant a partial or total waiver of these requirements, pursuant to the following:

(1) Any Employer which contends that it is unable to pay all or part of the new wage standard must provide a detailed explanation in writing to the City.

(2) The explanation must set forth the reasons for an Employer's inability to comply with the provisions of this Chapter, including a complete cost accounting for the proposed work to be performed with any City funding or assistance that gives rise to coverage under this Chapter, including wages and benefits to be paid all employees, as well as an itemization of the wage and benefits paid to the five highest paid individuals employed by the employer.

(3) The employer must also demonstrate that the waiver will further the interests of the City in creating training positions which will enable employees to advance into permanent jobs paying the new wage standard or better and will not be used to replace or displace existing positions or employees or to lower the wages of current employees.

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(4) The City may grant a waiver only upon a finding and determination that the employer has demonstrated economic hardship and that waiver will further the interests of the City in providing training positions which will enable employees to advance into permanent jobs paying the new wage standard or better.

(5) However, no waiver will be granted if the effect of the waiver is to replace or displace existing positions or employees or to lower the wages of current employees.

(6) Waivers from the Chapter are disfavored and will be granted only where the balance of competing interests weighs clearly in favor of granting the waiver.

(7) If waivers are to be granted, partial waivers are favored over blanket waivers. Moreover, any waiver shall be granted for no more than one year. At the end of the year, the employer may reapply for a new waiver which may be granted subject to the same criteria for granting the initial waiver.

(8) *If the City determines that a waiver is justified, the following procedure shall apply:*

(a) *The City may grant the waiver. Within five days of doing so, the City shall submit to the Living Wage and Benefits Review Committee established pursuant to § 17-1311 a copy of the waiver and an explanation of the grounds for issuing it.*

(b) *At any time after a waiver has been granted, the Living Wage and Benefits Review Committee or Council, by resolution adopted following a public hearing at which the employer receives an opportunity to appear and testify, may determine that the grounds for continuing the waiver do not exist. If the Committee or Council so determines, the waiver shall expire on the expiration date specified in the resolution. A copy of the adopted resolution shall be forwarded to the Finance Director, or such other officer or agency as the Mayor shall designate, who shall notify the employer by certified mail that the waiver shall terminate on the specified date.*

[(8)](9) Notwithstanding any other provision of this Section to the contrary, *but subject to subsection (8)*, the City reserves the right to waive the requirements of this Chapter upon a finding and determination that a waiver is in the best interests of the City.

[(9)](10) All of the provisions of this Chapter, or any part hereof, may be waived by a bona fide collective bargaining agreement.

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§ 17-1311. Living Wage and Benefits Review Committee.

(1) Establishment. The Living Wage and Benefits Review Committee is hereby established as an agency of Council. The Committee's purpose shall be to review the implementation, effectiveness and enforcement of this Chapter, *to terminate waivers as provided in § 17-1304*, and to make recommendations to Council regarding the adoption of resolutions calling for debarment of certain contractors and recipients of City financial assistance under § 17-1312.

(2) Members. The Committee shall be composed of five (5) members, four of whom shall be representatives of the labor and business communities and one of whom shall be a representative of the Office of Labor Standards. No more than two (2) members shall be members of the business community. No members of the Committee shall be employed by an employer subject to the provisions of this Chapter, except that the member representing the Office of Labor Standards may be employed by the City.

(3) Meetings. The Committee shall meet at least quarterly. All meetings shall be open to the public. At each meeting, an opportunity shall be provided for public testimony on matters relating to Chapter 17-1300 of The Philadelphia Code.

* * *

SECTION 2. This Ordinance shall take effect upon approval by the voters of the amendment to the Philadelphia Home Rule Charter proposed in Resolution No. 130544.

Explanation:

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

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on February 20, 2014. The Bill was Signed by the Mayor on March 4, 2014.



Michael A. Decker
Chief Clerk of the City Council