

City of Philadelphia



(Bill No. 160713)

AN ORDINANCE

Amending Section 17-107 of The Philadelphia Code, entitled “Contractors: Labor-Management Relationships,” to provide that building service employees performing labor under certain building service contracts, receive the prevailing wage and prevailing working conditions; and to provide for certain exemptions or exclusions, 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 to read as follows:

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

* * *

(1) Definitions. In this section, the following definitions apply:

* * *

(d) Building Service Employee. A person performing work in connection with the care and maintenance of a building *or property*, including but not limited to watchman, guard, doorperson, building cleaner, janitor, custodian, porter, maintenance person, handyperson, elevator operator or starter, window cleaner, desk clerk, housekeeper, gardener, [and] groundskeeper *and cleaner of public property or the public right-of-way*.

* * *

(m) Prevailing Wages.

City of Philadelphia

BILL NO. 160713 continued

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(1) With respect to each classification of building service employee, as follows: The aggregate of (a) the greater of (i) the wage paid to the majority (more than 50 percent) of workers in the classification at similar locations in the City of Philadelphia, or, if the same wage is not paid to a majority of those employed in the classification, the average of the wages paid weighted by the total employed in the classification at similar locations; provided that the Director is authorized to determine a reasonable approximation of the foregoing or (ii) the wages determined by the Secretary of Labor under the Service Contract Act, 41 U.S.C. § 351 *et seq.* [or other related acts] for that classification; and (b) the *greater of the additional benefits[,] provided to the majority (more than 50 percent) of workers in the classification at similar locations in the City of Philadelphia, or the additional benefits determined by the Secretary of Labor for the job classification under the Service Contract Act, 41 U.S.C. § 351 et seq. for that classification*, for which a monetary equivalent may be determined[, and which are given building service employees pursuant to a bona fide collective bargaining agreement for such services in City of Philadelphia, or the monetary equivalent of such benefits].

* * *

(s) Similar Locations. [With respect to building service employees working primarily in commercial office buildings, all] *All commercial office buildings of at least [25,000] 50,000 square feet located in the City of Philadelphia.* [With respect to building service employees working primarily in residential buildings, all residential buildings of at least twenty-five (25) dwelling units located in the City of Philadelphia, whether such residential buildings are owned or rented by the occupants thereof.]

* * *

(11) Leases and Subleases.

(a) Lease means a lease of City property or property owned or managed by a City-related agency: which contains, or will contain, a [commercial office] *building or complex of buildings of at least 50,000 [25,000] square feet of at least one of the following types: commercial office, hospital, university, stadium, convention center, airport or port;* [or] *which contains or will contain a residential building or complex of buildings of at least fifty (50) [twenty-five (25)] dwelling units, whether owned or rented by the occupants thereof; or that is leased to an authority operating a special services district or a NIDMA operating a business improvement district.* Leases shall be deemed to include subleases, including tenant leases.

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(12) Recipients of Financial Assistance.

City of Philadelphia

BILL NO. 160713 continued

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(b) Building service employees employed at properties that benefit from financial assistance, whether employed by the owner, developer or lessee of the property, or through a property management company or a contractor, will receive the prevailing wage; this requirement applies at [commercial office] *a building[s] or complex of buildings* of at least 50,000 [25,000] square feet *of at least one of the following types: commercial office, hospital, university, stadium, convention center, airport or port; or at a residential building[s] or complex of buildings* of at least fifty (50) [twenty-five (25)] dwelling units, whether owned or rented by the occupants thereof. *Building service employees employed by an authority operating a special services district or a NIDMA operating a business improvement district, that receives financial assistance, or by a contractor of such an entity, shall receive the prevailing wage. This requirement shall apply* for the duration of the assistance or ten (10) years from the issuance of a certificate of approval, whichever is later.

(13) Sale of Property.

(a) Every contract or agreement entered into by the City for the sale of City property or by a City-related agency for the sale of property transferred to it by the City, which property: contains, or will contain, a [commercial office] *building or complex of buildings* of at least 50,000 [25,000] square feet *of at least one of the following types: commercial office, hospital, university, stadium, convention center, airport or port; or contains or will contain a residential building or complex of buildings* of at least fifty (50) [twenty-five (25)] dwelling units, whether owned or rented by the occupants thereof; *or is sold to a an authority operating a special services district or a NIDMA operating a business improvement district,* shall contain a provision that all building service employees employed at the property shall be paid at least the applicable prevailing wages for ten (10) years from the date of the sale or issuance of a certificate of approval, whichever is later; that the purchaser shall require all property managers, contractors, lessees and tenants to, and shall itself, comply with and be bound by all provisions of this Section, as if such work were City-work and purchaser were a contractor; and that the purchaser will comply with the requirements of subsection 13(c).

SECTION 2. Effective Date. This Ordinance shall take effect immediately upon final approval.

Explanation:

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

City of Philadelphia

BILL NO. 160713 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 6, 2016. The Bill was Signed by the Mayor on October 19, 2016.



Michael A. Decker
Chief Clerk of the City Council