



City of Philadelphia

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

BILL NO. 241060

Introduced November 14, 2024

Councilmember Harrity for Council President Johnson

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

AN ORDINANCE

Amending Philadelphia Code Section 17-107 to add Stadium Concessions Employees as a class of workers entitled to receive prevailing wages, as defined by the City Code, from persons receiving City contracts or leasing land from the City or a City-related agency, adding and modifying definitions, and establishing when such requirements are effective , 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:

(a) *Board.* The Board of Labor Standards.

(b) *City-Work.* All building or construction work under a contract with the City, for compensation that exceeds two thousand dollars (\$2,000), including repair, alteration and remodeling done on behalf of the City under a contract awarded by the City; and all offsite fabrication of sheet metal ducts or similar sheet metal products for heating, ventilating, and air-conditioning systems produced as non-standard items for such work; and all other non-professional service contracts with the City for compensation that exceeds two hundred thousand dollars (\$200,000); or in the case of building service contracts, [or] covered airport service contracts, *or covered stadium concessions contracts*, contracts for compensation that exceeds one hundred thousand dollars (\$100,000) in a one-year period; and subcontracts of all or a portion of such non-professional service contracts.

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(h) *Non-professional Service Contracts.* Contracts for the provision of the following non-professional services only: landscaping; building care and maintenance; custodial/janitorial housekeeping; covered airport services; *stadium retail, food and beverage concessions*; security guard service; demolition; snow removal; stucco; roof capping; furniture moving; locking systems and repairs; mechanical/HVAC maintenance and repairs; elevators, escalators, and electrical maintenance and repair, and subcontracts of all or a portion of such contracts. Non-professional services performed under the terms of a professional service contract, whether directly or by reason of a subcontract, shall be subject to this Section if the compensation for non-professional services under the prime contract exceeds two hundred thousand dollars (\$200,000); or in the case of building service contracts, [and] covered airport service contracts *and covered stadium concessions contracts*, the compensation for services under the prime contract exceeds one hundred thousand dollars (\$100,000).

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(m) *Prevailing Wages.*

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(.6) *With respect to the classification of Covered Stadium Concessions Employee, both:*

(.a) *the greater of:*

(i) *the wage paid to the majority (more than fifty percent (50%)) of workers in the classification of cook II (Cook II) at similar locations in the City of Philadelphia, or, if the same wage is not paid to a majority of those employed in that 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 wage determined by the Secretary of Labor under the Service Contract Act, 41 U.S.C. §§ 351 et seq. for the classification of Cook II for Philadelphia County; or*

(iii) *the wage set forth in § [17-1305\(1\)](#); and*

(.b) *the greater of:*

(i) *the additional benefits, or the monetary equivalent of such benefits, provided to the majority (more than fifty percent (50%)) of workers in the classification of cook II (Cook II) at similar locations in the City of Philadelphia; or*

(ii) *the additional benefits, or the monetary equivalent of such benefits, determined by the Secretary of Labor for the job classification of Cook II for Philadelphia County under the Service Contract Act, 41 U.S.C. §§ 351 et seq.*

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(.7) *With respect to the calculation of prevailing wage rates for tipped workers covered by this section Employers may use a “tip credit” to meet their prevailing wage obligation only if the covered employee belongs to a classification in which employees customarily and regularly receive tips which, calculated on an hourly basis, exceed the covered employee’s cash wage, provided that the employer notifies the worker of the tip credit allowance in writing prior to utilizing it.*

* * *

(w) *Covered Stadium Concessions Employee. A person performing retail or food and beverage services at a stadium on property owned by the City or property owned or managed by a City-related agency;*

The term Covered Stadium Concessions Employee shall not include any building service employee.

(x) *Covered Stadium Concessions Contract. Any contract or sublease governing or related to the provision of services performed by covered stadium concessions employees at any property subject to a lease defined at subsection 17-107(11)(a).*

(y) *Covered Stadium Concessions Contractor. Any lessee of the City, and any contractor or sublessee thereof, who, through direct employment or contract with a third party, provides services performed by covered stadium concessions employees at any property subject to a lease defined at subsection 17-107(11)(a).*

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(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 building or complex of buildings of at least 50,000 square feet of at least one of the following types: commercial office, hospital, university, stadium, convention center, airport or port; which contains or will contain a residential building or complex of buildings of at least fifty (50) 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, and any concession agreement that is part of a master airport concession program or provides for retail or food and beverage services at a stadium on property owned by the City or property owned or managed by a City-related agency.*

(b) *Building service employees, [and] covered airport service employees, and covered stadium concessions employees employed at properties subject to a lease as defined herein,*

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whether employed directly by the lessee, or by a sub-lessee, tenant, contractor, or subcontractor of the lessee, or through a property management company, will receive the prevailing wage.

(c) Every lease entered into by the City or City-related agency shall contain a provision that all building service employees, [and] covered airport service *employees, and covered stadium concessions employees* at the subject premises shall be paid at least the applicable prevailing wages; that the lessee will require all sub-lessees, tenants, contractors, and subcontractors to, and lessee shall itself, comply with and be bound by all provisions of this Section, as if such work were City-work and lessee a contractor; and that, upon any violation of this Section and any regulations promulgated hereunder, which is not promptly remedied, such additional sums as may be necessary to remedy the violation shall become due and owing under the lease. The City shall make payments directly to affected employees, out of such additional sums, as may be necessary to remedy the violation.

(d) Any lessee of a lease with the City or City-related agency shall be bound by the provisions of this Section as if such work were City-Work and lessee were a contractor, regardless of whether such lease includes such requirement.

(e) This subsection applies to all leases entered into, renewed, or extended after the effective date of this subsection, *except that this subsection shall apply to any lease of City property or property owned or managed by a City-related agency that contains a stadium immediately upon passage of this Ordinance.*

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SECTION 2. Effective Date. This Ordinance shall take effect immediately.

Explanation:
[Brackets] indicate matter to be deleted.
Italics indicate new matter added.