



City of Philadelphia

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

RESOLUTION NO. 200042-A (As Amended on Floor 2/6/2020)

Introduced January 23, 2020

Councilmembers Gym, Henon, Johnson, Brooks, Bass and Thomas

**Referred to the
Committee on Law and Government**

RESOLUTION

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of a Department of Labor and a Board of Labor Standards, to provide for the powers and duties of such Department and such Board, and to otherwise provide for incorporation of the Department and Board into the City government; and providing for the submission of the amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the following amendment to The Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City on an election date designated by ordinance:

ARTICLE III EXECUTIVE AND ADMINISTRATIVE BRANCH – ORGANIZATION

CHAPTER 1 OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§ 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

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* * *

(d) The following departments which are hereby created:

* * *

Department of Planning and Development[.];

Department of Labor.

* * *

(f) The following departmental boards and commissions, which are either created or placed, as the case may be, in the respective departments, as follows:

* * *

In the Department of Labor:

The Board of Labor Standards

* * *

§ 3-101. Department Heads.

Each department shall have as its head an officer who either personally or by deputy or by a duly authorized agent or employee of the department, and subject at all times to the provisions of this charter, shall exercise the powers and perform the duties vested in and imposed upon the department.

The following officers shall be the heads of the departments following their respective titles:

* * *

Director of Planning and Development, of the Department of Planning and Development[.];

Director of Labor, of the Department of Labor.

* * *

§ 3-102. The Mayor's Cabinet.

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The Mayor's Cabinet shall consist of the Mayor, the Managing Director, the Director of Finance, the City Solicitor, the Director of Planning and Development, the Director of Commerce, *the Director of Labor* and the City Representative.

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CHAPTER 2 ELECTION OR APPOINTMENT

* * *

§ 3-204. Managing Director, Director of Finance, Director of Planning and Development, Director of Commerce, *Director of Labor* and City Representative.

The Mayor shall appoint the Managing Director, the Director of Finance, the Director of Planning and Development, the Director of Commerce, *the Director of Labor* and the City Representative. The Director of Finance shall be appointed from among three persons whose names are submitted to the Mayor by the Finance Panel.

* * *

CHAPTER 6 COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

Director of Labor, such amount as is payable to the Director of Commerce.

* * *

CHAPTER 7 BUREAUS AND DIVISIONS; DEPUTIES; OTHER EMPLOYEES

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§ 3-701. Deputies.

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With the approval of the Mayor in writing, the Managing Director, the City Controller,

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the City Treasurer, the City Solicitor, the Director of Finance, the Director of Commerce, *the Director of Labor* or the Personnel Director, and with the approval of the Managing Director in writing, any other department head may authorize any deputy to serve in his stead on any board or commission.

§ 3-702. Employment and Compensation of Bureau Chiefs and Other Employees.

* * *

(2) The number and compensation of all employees in the Law, [and] Commerce *and Labor* Departments, and in the offices of the Managing Director, the Director of Finance and the City Representative, shall be subject to the approval of the Mayor; the number and compensation of all employees in the office of the Personnel Director shall be subject to the approval of the Civil Service Commission; the number and the compensation of all employees in all departments under the supervision of the Managing Director and in their departmental boards and commissions shall be subject to the approval of the Managing Director; and the number and compensation of all employees in the Department of Collections, and its departmental board and commission, and the Procurement Department shall be subject to the approval of the Director of Finance.

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CHAPTER 9 DEPARTMENTAL BOARDS AND COMMISSIONS

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§ 3-921. *Board of Labor Standards.*

The Board of Labor Standards shall be composed of seven appointed members. Two members shall be from among representatives of labor organizations, one of which shall be from the building and construction field and one of which shall be from the service or hospitality fields or the public sector; two members from among employers, one of which shall be from the building and construction field and one of which shall be from the service or hospitality fields or the public sector; two members of the public; and one City employee who shall be the Chair. Members shall represent the diversity of the City and shall possess direct experience in the areas to be considered by the Board, and shall include at least one member knowledgeable about issues concerning workers who are not represented by labor organizations. The Mayor may appoint for each member an alternate, subject to the same qualifications of such member, who may act in place and stead of the member in the member's absence or unavailability for any reason.

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ARTICLE IV

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EXECUTIVE AND ADMINISTRATIVE BRANCH – POWERS AND DUTIES The Mayor, The City Representative, and Departments, Boards, Commissions and Offices under the Mayor

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CHAPTER 23 DEPARTMENT OF LABOR

§ 4-2300. Functions.

The Department of Labor shall have the power and its duty shall be to perform the following functions:

(a) *Represent the City in all phases of collective bargaining and labor relations with the labor organizations representing all represented employees of the City, including negotiations concerning all matters subject to collective bargaining and interest arbitration under Act 111 and Act 195; administering all collective bargaining agreements and arbitration awards and representing the City in all matters arising from such bargaining; managing dispute resolution processes, including grievances, arbitrations, and unfair labor practices; consulting with the Mayor and other City officials regarding all matters concerning collective bargaining and arbitration; and developing and directing training programs for City managers and supervisors to promote effective labor relations.*

(b) *Conduct investigations of any matter pertaining to the worker-protection laws of the City, such as mandatory leave rules, wage payment violations, mandatory notification rules and other City laws designed to regulate the relationship between private employers and their employees, but not including those protections within the purview of the Human Relations Commission, and, in conjunction with the Law Department, participate in legal proceedings to enforce such laws. In connection therewith, the Department may utilize such system of administrative adjudication as may be established by ordinance or regulation of the Department.*

(c) *Monitor, investigate and, as authorized by the Mayor, enforce all aspects of City contracts and grants of financial assistance pertaining to employees of contractors, subcontractors and recipients of assistance, such as prevailing wage, minimum wage and workforce diversity standards.*

(d) *Administer programs pertaining to City employee protections, including investigation of complaints concerning workplace discrimination, including sexual harassment, as determined by the Mayor, and educate and train City managers and employees with respect to rights and responsibilities under laws providing protections to City employees.*

(e) *Develop educational programs for private employers and employees to assist*

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employers with compliance with worker-protection and other labor laws, assist employees with enforcement of their rights under the law and provide general education to heighten awareness regarding worker rights.

(f) *Collect and analyze data on the workforce and workplaces within the City and coordinate with other City agencies and government entities to identify opportunities to improve working conditions for workers in the City, including ways to effectively enforce laws designed to provide worker protections.*

§ 4-2301. *Board of Labor Standards.*

To the extent as may be established by ordinance or regulation, the Board of Labor Standards shall review determinations of the Department of Labor or sit as an adjudicator of matters brought before it by the Department,

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APPENDIX

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CHAPTER A-2

§ A-200. *Schedule.*

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

(18) Creation of the Department of Labor.

(a) *The amendments to this Charter relating to the Department of Labor and the Board of Labor Standards shall take effect July 1, 2020.*

(b) *A City employee serving, as of June 30, 2020, in a position in the Office of the Mayor exempt from civil service under the Office of Labor may, within six months after the effective date set forth in paragraph (a), be transferred by the Director of Labor, with the consent of the Mayor, to a civil service position in that Department approved by the Civil Service Commission and may be continued in such position, without the need for such employee to take a Civil Service examination. Nothing herein shall preclude the reclassification or reallocation as provided by civil service regulations of any position held by any such employee.*

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Explanation:

Italics indicate matter added.

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