Legislation Details (With Text)

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Title:	Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of a Department of Labor, Employment and Consumer Affairs, to provide for the powers and duties of such Department, and to otherwise provide for incorporation of the Department into the City government; and providing for the submission of the amendment to the electors of Philadelphia.				
Sponsors:	Councilmember Henon				
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Date	Ver.	Action By	Action	Result	Tally
4/24/2017	0	Committee on Law and Government	HEARING NOTICES SENT		
4/24/2017	0	Committee on Law and Government	HEARING HELD		
4/24/2017	0	Committee on Law and Government	RECESSED		
6/16/2016	0	CITY COUNCIL	Introduced and Referred	Pass	

Proposing an amendment to The Philadelphia Home Rule Charter to provide for the creation of a Department of Labor, Employment and Consumer Affairs, to provide for the powers and duties of such Department, and to otherwise provide for incorporation of the Department 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:

* * *

(d) The following departments which are hereby created:

* * *

Department of Prisons[.]*;*

Department of Labor, Employment and Consumer Affairs.

* * *

§ 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:

* * *

Prisons Commissioner, of the Department of Prisons[.]*;*

Deputy Mayor, of the Department of Labor, Employment and Consumer Affairs.

* * *

§ 3-102. The Mayor's Cabinet.

The Mayor's Cabinet shall consist of the Mayor, the Managing Director, the Director of Finance, the City Solicitor, the Director of Commerce*, Deputy Mayor of Labor, Employment and Consumer Affairs* and the City Representative.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

§3-206. Deputy Mayor of Labor, Employment and Consumer Affairs.

The Mayor, with the advice and consent of a majority of all the members of the Council, shall appoint the Deputy Mayor of Labor, Employment and Consumer Affairs.

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§ 3-20[6]*7.* Other Department Heads.

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§ 3-20[7]*8.* Members of Boards and Commissions.

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§ 3-20[8]*9.* Officers of Boards and Commissions.

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§ 3-20[9]*10.* Insurance Public Advocated.

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§ 3-20[10]*11.* Public School Family and Child Advocate.

* * *

§ 3-20[11]*12.* Handicapped and Disabled Advocate.

* * *

§ 3-20[12] *13.* Director of Office of Lesbian, Gay, Bisexual and Transgender (LGBT) Affairs.

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ARTICLE IV
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 21
DEPARTMENT OF LABOR, EMPLOYMENT AND CONSUMER AFFAIRS

§ 4-2100. Creation.

The Department of Labor, Employment and Consumer Affairs is hereby created in the Office of the Mayor, headed by the Deputy Mayor of Labor, Employment and Consumer Affairs.

§ 4-2101. Powers and Duties.

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

(a) Such office shall be headed by a deputy mayor who shall be appointed, with the advice and consent of the Council, by the Mayor.

(b) The Deputy Mayor shall have the duty and authority to:

i. plan, make recommendations, conduct research and develop programs for worker education, worker safety and worker protection;

ii. facilitate the exchange and dissemination of information in consultation with City agencies and departments, federal and state officials, businesses, employees, independent contractors and nonprofit organizations working in the field of worker education, safety, and protection;

iii. provide educational materials to employers and develop programs, including administrative support, to assist employers with compliance with labor laws;

iv. implement public education campaigns to heighten awareness of employee and independent contractor rights under federal, state, and local law;

v. collect and analyze available federal, state, and local data on the City's workforce and workplaces and coordinate with federal and state officials and other City agencies to identify gaps and prioritize areas for the improvement of working conditions and practices for employees and independent contractors in the City and within particular industries, and to promote the implementation and enforcement of laws, rules and regulations designed to improve such working conditions and practices; and

vi. Shall recommend efforts and implement relevant strategies to achieve workplace equality for minorities, women, disabled, immigrants and refugees, and other vulnerable workers.

(c) The Deputy Mayor may have the power to enforce any Chapter of Title 9 of The Philadelphia Code, entitled Regulation of Businesses, Trades and Professions, specifically Chapter 1000 of Title 9 in connection with trades, and Chapter 1100 of Title 9 in connection with the Fair Practices Ordinance: Protections Against Unlawful Discrimination, or any successors thereto, including but not limited to, the power and authority to issue and revoke licenses as defined through applicable law, and the ability to collect the appropriate fees for the related administrative costs relevant to such functions.

(d) Notwithstanding any other provision of law, the Deputy Mayor shall have all powers as set forth in Chapter 4100 of Title 9 of the code of the City of Philadelphia in connection with the enforcement of promoting healthy families and workplaces and shall have the power to enforce Chapter 4300 of Title 9 of such code regarding wage theft complaints. The deputy mayor shall also have the authority and power to enforce and implement relevant strategies to ensure compliance with all relevant workforce and employment laws, including the 21st Century Minimum Wage and Prevailing Wages.

(e) The Deputy Mayor, additionally shall have direct oversight and the power and authority to enforce all functions and regulations as he or she may promulgate as they relate to the Office of Economic Opportunity and the Office of Labor Standards or any successors thereto.

(f) The Deputy Mayor, in the performance of his or her functions, powers and duties, including but not limited to those functions, powers and duties pursuant to subdivisions c and d of this Section, shall be authorized to receive complaints, conduct investigations in response to complaints or upon his or her

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initiative, hold public hearings, administer oaths, and mediate disputes in conjunction with the Law Department brought for violations of any law the Deputy Mayor is empowered to enforce. The Deputy Mayor shall have the power to promulgate rules necessary to carry out such functions, powers, and duties.

(g) The Deputy Mayor shall be responsible for conducting consumer protection education and services as applicable under federal, state and local law.

(h) The Deputy Mayor shall possess such powers in addition to any other powers that may be assigned to him or her, pursuant to any other provision of law or directives of the Mayor.

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:

* * *

(14) The amendment to this Charter relating to the Department of Labor, Employment and Consumer Affairs shall take effect July 1, 2017.

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