

Legislation Text

File #: 220666-A, **Version:** 2

Amending Chapter 9-3300 of The Philadelphia Code, entitled “Use and Inspection of Tower and Mobile Cranes in Construction,” to require breaks for operators, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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CHAPTER 9-3300. USE AND INSPECTION OF TOWER AND MOBILE CRANES IN CONSTRUCTION

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§ 9-3303. Use of Tower Cranes.

(1) No contractor, construction manager or a qualified person designated as a supervisor of an operation under subsection 9-3302(2)(a) shall:

* * *

(d) *in the interest of safety, allow an operator to remain at the operating controls for a period exceeding four hours without requiring the operator to descend the tower for a break of at least thirty minutes after descent, and such operator must be allowed to descend at any time to have access to sanitary facilities as needed. The operator may be relieved by a second operator for either purpose.*

(i) *It shall be unlawful for any person to interfere with, restrain or deny the exercise of, or the attempt to exercise, any right protected under this paragraph (d), including by taking any adverse employment action in connection therewith.*

(ii) *A violation of this paragraph (d) shall be a Class II violation and shall be enforced by the Department of Labor pursuant to the process and provisions of Section 9-4708(1)(a)-(e) of this Code, except that retaliation against an employee for any activity protected under this paragraph (d) shall be a Class III offense.*

(iii) *Operators shall be provided with notice of their rights under this paragraph (d) which identifies the Department of Labor as the enforcement agency, within thirty days of this paragraph taking effect.*

(iv) *Contractors shall maintain records of compliance with the provisions of paragraph (d) for two years.*

(v) *Operators may file an action under this paragraph (d) in any court of competent jurisdiction. Upon a finding of a violation, the court shall award the employee any damages suffered and reasonable attorney's fees. Remedies include presumed damages to be awarded to an operator of at least thirty minutes of pay per violation.*

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