

City of Philadelphia



(Bill No. 080148)

AN ORDINANCE

Amending Section 17-107 of The Philadelphia Code, entitled “Contractors: Labor-Management Relationships,” to change the method by which the prevailing wage and prevailing working conditions are calculated for certain occupational classifications, 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:

* * *

(m) Prevailing Wages.

(.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[, and in doing so may, but need not, rely on] *or (ii)* the wages determined by the Secretary of Labor under the Service Contract Act, 41 U.S.C. § 351 or other related acts *for that classification*; and (b) the additional benefits, 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. [Similar locations means commercial office buildings of at least 25,000 square feet and residential buildings of at least twenty-five (25) dwelling units, whether owned or rented by the occupants thereof.]

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(.3) With respect to all other occupational classifications, as follows: The aggregate of (a) *the greater of (i) the wage paid to the majority (more than 50 percent) of the workers in the classification on similar projects in the Philadelphia area, 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; provided that the Director is authorized to determine a reasonable approximation of the foregoing[, and in doing so may, but need not, rely on] or (ii) the wages determined by the Secretary of Labor under the Service Contract Act, 41 U.S.C. § 351 or other related acts for that classification; and (b) the additional benefits, for which a monetary equivalent may be determined, and which are given employees pursuant to a bona fide collective bargaining agreement for such service in the Philadelphia area, or the monetary equivalent of such benefits.*

(.4) *With respect to the calculation of prevailing wage rates for occupational classifications defined in subsection (.2) above, the Director may ascertain and consider the wage rates and employee benefits established by collective bargaining agreements. Where such collective bargaining agreements establish a series of wage rates over multiple years, the Director shall issue a multi-year wage determination with respect to wages for the corresponding classification of employees for each year covered by the terms of the relevant collective bargaining agreements.*

* * *

(s) *Similar Locations. With respect to building service employees working primarily in commercial office buildings, all commercial office buildings of at least 25,000 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.*

(2) Contracts.

(a) The specifications for all city-work contracts shall contain a provision stating the minimum wages to be paid for each occupational classification of employees. Such minimum wages shall be the prevailing wages as defined herein for the corresponding classification of employees. *If, prior to the execution of the city work contract, the Director has issued a multi-year wage determination for the corresponding classification of employees, the city work contract shall also contain a provision mandating that the contractor and each subcontractor shall pay each affected worker any new prevailing wage rate, as of the first date on which the new prevailing wage rate is effective.*

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

Explanation:

[brackets] indicate matter deleted

Italics indicate new matter added

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on June 12, 2008. The Bill was Signed by the Mayor on June 18, 2008.



Patricia Rafferty
Chief Clerk of the City Council