

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 4, 2024
2:19 p.m.

PRESENT:

COUNCILMAN MARK SQUILLA, CHAIR
COUNCILMAN MICHAEL DRISCOLL
COUNCILWOMAN JAMIE GAUTHIER
COUNCILMAN JEFFREY YOUNG, JR.

ALSO PRESENT:

COUNCILMAN JIM HARRITY

BILL: 240088

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2 COUNCILMAN SQUILLA: Good
3 afternoon and thanks everybody for
4 attending. Welcome to the hearing
5 for the Committee on Commerce and
6 Economic Development today,
7 Thursday, March 21st(sic). I note
8 that the hour has come and a quorum
9 of the Committee is present. To my
10 left Councilmember Driscoll, to my
11 right Councilmember Gauthier and
12 Council President appointed
13 Councilmember Harrity.

14 This is a public hearing on
15 the Committee of Commerce and
16 Economic Development regarding Bill
17 No. 240088.

18 Mr. McMonagle, will you
19 please read the title of the bill.

20 THE CLERK: Bill No.
21 240088, an ordinance amending
22 Chapter 9-2300 of The Philadelphia
23 Code, ("Protection of Displaced
24 Contract Workers") to provide
25 protections for service employees,

1 including laid-off employees, all
2 under certain terms and conditions.

3 COUNCILMAN SQUILLA: Thank
4 you. Before we call our first
5 panel to testify, the Chair would
6 like to recognize Councilmember
7 Harrity for a comment.

8 COUNCILMAN HARRITY: Thank
9 you, Mr. Chairman.

10 The proposed amendments
11 outlined in the bill closes
12 loopholes that have excluded
13 protections for workers in the
14 past. Additional job categories
15 such as all central services of the
16 residential market concierges and
17 door attendants. Added will be
18 recalled protections for workers
19 laid off due to a closing of a
20 building, strengthening enforcement
21 by authorizing City agencies to
22 investigate any alleged violations
23 and provide appropriate relief to
24 impacted employees.

25 The other amendments

1 include clarifying that protections
2 apply during the inhousing of
3 contracted service and changes in
4 building ownership; extend
5 protections to workers who have
6 worked at sites for at least three
7 months; require successor employers
8 to give workers a written job
9 evaluation at the end of the
10 transition period; protect workers
11 when there is a conversion of the
12 use or sale.

13 And while the job security,
14 improve and protect the rights of
15 current workers who worked in large
16 commercial buildings; prevent
17 unnecessary taxpayer expenditures
18 by keeping employed people during
19 conversions and transitions.

20 The bottom line is what I'm
21 trying to do is help some of our
22 lowest paid employees in the City
23 of Philadelphia. It wasn't long
24 ago that we were praising them for
25 the work they did during the COVID

1 crisis and now fastforward, it's
2 like they're no longer needed and
3 we're just trying to give them a
4 little bit of added protection to
5 keep people working.

6 Thank you, Mr. Chairman.

7 COUNCILMAN SQUILLA: Thank
8 you, Councilmember.

9 Mr. McMonagle, can you
10 please read the first panel to
11 testify.

12 THE CLERK: Yes. Can we
13 please have Daisy Cruz, Tiffany
14 Cherry and Keisha Hayes please.

15 (Witnesses approached
16 Witness table.)

17 COUNCILMAN SQUILLA:
18 Daisy, we can start with you. And
19 before each person starts, state
20 your name for the record and then
21 you can proceed with your
22 testimony.

23 MS. CRUZ: Sure. Can you
24 guys hear me?

25 COUNCILMAN SQUILLA:

1 (Nodded affirmatively).

2 MS. CRUZ: Daisy Cruz. Do

3 you want me to spell it?

4 COUNCILMAN SQUILLA:

5 (Shaking head).

6 MS. CRUZ: Okay. All

7 right. So good afternoon. I just

8 want to thank you for the

9 opportunity to testify here today.

10 Thank you, Chairman. Thank you,

11 City Councilmembers. I'm the

12 District Leader for SEIU 32BJ. The

13 MidAtlantic 1201 District.

14 We represent over 10,000

15 workers in Philadelphia in the

16 tristate area. Several thousand of

17 them work here in Center City.

18 Many of our members found

19 themselves in danger in losing

20 their jobs to no fault of their

21 own. Our union members are

22 cleaners, security officers and

23 building engineers and maintenance

24 mechanics who make sure that the

25 buildings are clean,

1 well-maintained and secure so that
2 businesses are able to function
3 properly every single day.

4 During the pandemic while
5 the rest of the world were
6 quarantined, our members risked
7 their lives coming to work every
8 single day. They were celebrated
9 just like Councilmember Harrity
10 said and honored as essential
11 workers when it was still unclear
12 exactly how the virus was
13 spreading.

14 They did the extra deep
15 cleaning constantly and kept our
16 buildings safe and operational.
17 Many of our members were laid off.
18 They lost hours and some
19 unfortunately lost their lives.
20 Now that they're coming out of the
21 worst of it and entering into a
22 time of recovery, we find that
23 businesses that our members worked
24 so hard to help stay afloat are
25 making adjustments themselves.

1 We expect that as social
2 and economic times change,
3 businesses will adapt but we cannot
4 sacrifice the jobs of low-wage
5 hardworking people so that
6 billionaires can continue to get
7 richer. We fought for displaced
8 worker laws in the past to close
9 the loopholes that left workers
10 vulnerable to job loss from
11 irresponsible businesses trying to
12 avoid the living wages and benefits
13 that our members fought so hard in
14 their union contracts for so many
15 years.

16 This is not new language.
17 This is not a new concept -- I'm
18 sorry. This is new language but
19 it's not a new concept. It is
20 simply adapting to an already
21 existing law that addresses
22 changing circumstances. Passing
23 these amendments to existing laws
24 will give workers a chance to hold
25 onto their wages, their health

1 insurance, their pension at a time
2 when they're the ones who need it
3 the most.

4 Businesses should not be
5 benefiting off of the expense of
6 poor hardworking people who live
7 paycheck-to-paycheck. We ask you
8 to continue to support us by voting
9 yes on this displaced worker bill.
10 By doing so, you will be sending a
11 clear message to our workers, to
12 our members that we are all in this
13 recovery process together.

14 If you vote no, you'll be
15 voting no on poor hardworking
16 people and voting yes for
17 billionaires to get richer. I
18 thank you truly for your time.

19 COUNCILMAN SQUILLA: Thank
20 you.

21 Please proceed. Just state
22 your name and proceed with your
23 testimony.

24 MS. HAYES: Good afternoon.
25 My name is Keisha Hayes and I'm a

1 cleaner at the Public Ledger
2 Building, 620 Chestnut for 29
3 years. I would like to speak to
4 you for a moment on the importance
5 of the displaced workers
6 protections currently on the books
7 in Philadelphia and why we have
8 such an urgent need to amend the
9 current language.

10 When I started almost 30
11 years ago, we were making \$7 an
12 hour. Then in 2000 we joined the
13 union and our pay went to around
14 \$13 an hour. And after our latest
15 contract negotiation, we make \$22
16 an hour with full family health
17 insurance. Because of my union, my
18 ability to fight for better wages
19 and benefits, I have been able to
20 put both of my children through
21 college and they both been able to
22 have great medical care while on my
23 insurance. So they were able to
24 deliver my three grandchildren
25 without having to worry about

1 medical expenses.

2 I am now helping my
3 children put my grandchildren
4 through Catholic school. Our jobs
5 have become the kinds of jobs that
6 change lives and improve families.
7 And over decades of negotiation
8 improvements, we have been able to
9 earn the kind of wages and benefits
10 to help us support our families and
11 communities.

12 But all these gains could
13 be lost if another company takes
14 over and does not hire us and
15 negotiate to keep our union
16 contract. Last year my building
17 switched cleaning companies
18 overnight to a non-union company
19 and when I came to work the next
20 day, my coworkers and I were told
21 that our services were no longer
22 needed. After 20 years I wasn't
23 even allowed in the building and I
24 was told by the new company I
25 wasn't even allowed to apply.

1 I immediately contacted my
2 union. Because of the Displaced
3 Worker Protection, we were able to
4 fight to keep our jobs. Another
5 cleaning company eventually came in
6 and respected our rights and
7 contract and protected us from
8 having the rug completely pulled
9 the rug -- I mean, for the rug
10 completely pulled from under us.

11 Now, coming out of the
12 pandemic we are faced with a new
13 threat. After working through
14 COVID and being front line making
15 buildings safe for businesses, we
16 are faced with from commercial to
17 residential which often means
18 layoffs and changes in our
19 employer.

20 My building has gone from
21 22 cleaners down to 2 as
22 renovations are being done around
23 us. Half of the building has
24 already been turned into condos.
25 But if the building is sold or if

1 it gets closed for renovations, I
2 will have no protection whatsoever.

3 Recovering or adapting to
4 the world post-COVID has changed
5 our industries and exposed us to
6 new jobs, extensive workers like me
7 who work so hard all these years to
8 keep buildings in our downtown
9 clean and safe deserves to be
10 protected. Thank you.

11 COUNCILMAN SQUILLA: Thank
12 you.

13 Yeah, move the mic in front
14 of you. Say your name and then
15 proceed. Thanks.

16 MS. CHERRY: Good
17 afternoon. My name is Tiffany
18 Cherry. I've been a worker at the
19 Bellevue for 13 years -- I've been
20 working at the Bellevue for 13
21 years as a 32BJ SEIU cleaner. Our
22 members are the ones that clean the
23 Chambers of Commerce, which is in
24 the same building. 32BJ has helped
25 us see a standards -- a steady pay

1 increase under the union contract.
2 I've gone from \$15 to \$22 an hour.
3 Half of the building --
4 half of the Bellevue -- well,
5 one-half of the building is the
6 hotel. The other half is
7 residential. We had 10 floors that
8 was residential. And now we're
9 down to 4 floors that's commercial
10 because the other 6 floors is now
11 going to residential. Once a point
12 in time we had 23 workers in the
13 building. Now, we're down to 5
14 workers. 1 on day shift, 4 on
15 nightshift. With the transition to
16 residential workers, as I said
17 we're down to 5 cleaners.
18 The current legislation
19 protects workers during a switch.
20 However, if a building closes
21 completely for renovations, I would
22 be out of a job all together. I
23 would lose my seniority when it
24 comes time to apply as it reopens.
25 The threat of losing our jobs is a

1 threat of losing our wages. It
2 could also lead to us losing our
3 health insurance, pension and
4 benefits.

5 These changes are not being
6 made due to the work performance.
7 They're being made based on the
8 circumstances outside of our
9 control, which is why displaced
10 worker legislation is so important
11 to us. If I lose my job, it will
12 affect me in a major way. I have
13 bills, children, mortgage to pay.

14 Workers like me live and
15 work in the community and I also
16 support small business. This bill
17 not only means job security, it
18 protects our ability to support our
19 local economy. The owners of these
20 buildings will -- hold on. Workers
21 of the building will still be taken
22 care of no matter how it plays out.
23 We won't.

24 We need your help to
25 protect our jobs so that we can

1 fight and maintain our rights,
2 wages, working conditions and
3 ultimately benefits, everyone. The
4 world is trying its best to recover
5 from the first global pandemic of
6 our lifetime. It's enough that
7 many of us lost friends and family.
8 We should do everything we can to
9 avoid additional stress of losing
10 our livelihoods as well. Thank
11 you.

12 (Applause.)

13 (Union chanting.)

14 COUNCILMAN SQUILLA: Thank
15 you. Thank you so much for your
16 testimony.

17 Mr. McMonagle, can you
18 please read the next people to
19 testify.

20 THE CLERK: Can we please
21 have Jeremiah Woosey -- Worsley,
22 I'm sorry, and Barbara Cherry.

23 (Witnesses approached
24 Witness table.)

25 COUNCILMAN SQUILLA: All

1 right. Thank you for being here to
2 testify.

3 I guess, Ms. Cherry, we can
4 start with you first if you want
5 and then we'll go --

6 MS. CHERRY: Okay. Hello.
7 My name is Barbara Cherry. I'm a
8 proud member of SEIU 32BJ and a
9 cleaner at the Fashion District at
10 9th and Market Street. This will
11 be my fifth year come September
12 after working over 20 years as an
13 educator. There are many changes
14 that's happening downtown with the
15 buildings being sold or converted
16 into residential.

17 I'm very nervous that if
18 this bill doesn't pass I could join
19 the growing list of people who have
20 lost their jobs through no fault of
21 their own. Now, we desperately
22 need you to pass this bill to
23 secure job security and support for
24 our families. Some of us have been
25 doing our job over 25 to 30 years

1 and some of us are so close to
2 retirement and our union just
3 negotiated a new contract with
4 401(k) and that can just be taken
5 away from us. We're trying to set
6 up a future for our families.

7 Now, a lot of us come to
8 the buildings -- a lot of people
9 come through these buildings and
10 they tell us we are doing a great
11 job and we're keeping the buildings
12 clean and they appreciate coming
13 into a clean building and smell the
14 part. Now, these developers are
15 coming in trying to wipe out our
16 workforce and our hard-earned
17 benefits.

18 Now, put yourself in our
19 shoes. How would you feel if you
20 were in our shoes losing your job
21 and your family's livelihood is
22 destroyed and maybe making less
23 money and don't have the benefits
24 we worked so hard for and then you
25 have to start all over. You might

1 not have great benefits or good
2 wages. And we urge you to please
3 do not pass this bill. Thank
4 you -- I meant, pass the bill. I'm
5 sorry.

6 COUNCILMAN SQUILLA: Thank
7 you for your testimony. We
8 understand. We know what you
9 meant.

10 Jeremiah.

11 MR. WORSLEY: My name is
12 Jeremiah Worsley. I'm a proud
13 member of 32BJ. I've been working
14 in Center City District cleaning
15 the outside for the past 17 years.
16 In that time we've been able to
17 negotiate pay raises and maintain
18 great benefits for the care of my
19 family and all the other families
20 that work with 32BJ.

21 Honestly the health
22 benefits are what keeps me here.
23 They take care of my blood pressure
24 medicine which I get through the
25 union, and they keep my kids --

1 they got contacts and they get
2 their braces and stuff through the
3 union with the benefits. While I'm
4 responsible for cleaning the
5 outside of the buildings, what's
6 happening to the inside of the
7 building to me is really important.

8 The testimony you heard
9 here today so far is heartbreaking.
10 It's heartbreaking to see 20 to 30
11 people in the building who have
12 been at a job for decades put out.
13 I can't imagine losing my job that
14 I've been excelling at because of
15 the new building owner just to wash
16 the union away.

17 Now, I ask y'all to pass
18 this bill to (inaudible) on
19 displaced workers. We all deserve
20 a future we can be comfortable
21 retiring and taking care our family
22 also.

23 COUNCILMAN SQUILLA: Thank
24 you. Thank you so much for your
25 testimony. Thank you both for your

1 testimony.

2 (Union chanting.)

3 COUNCILMAN SQUILLA:

4 Mr. McMonagle, will you please read
5 the next panel to testify.

6 THE CLERK: Can we please
7 have Donald Haas and Richard
8 McClure.

9 (Witnesses approached
10 Witness table.)

11 COUNCILMAN SQUILLA: Will
12 you both be testifying?

13 MR. McCLURE: Just Don.

14 COUNCILMAN SQUILLA: All
15 right. Donald, if you just want to
16 state your name for the record and
17 proceed with your testimony.

18 MR. HAAS: Sure. My name's
19 Don Haas. I'm here today in my
20 capacity with my Co-chair of BOMA
21 Philadelphia, Rich McClure. And
22 I'd like to thank the Councilmember
23 Squilla and the Commerce and
24 Economic Development Committee for
25 the opportunity to testify on Bill

1 No. 240088.

2 Let me state at the outset
3 that the SEIU workers employed at
4 the BOMA member buildings are
5 highly-valued members of our
6 property teams. They are reliable
7 and dependable, coming to work all
8 hours of the day and night-cleaning
9 our tenants' offices, sanitizing
10 restrooms, clearing snow and ice
11 from the surrounding sidewalks.
12 The duties they perform go on and
13 on.

14 The service workers of
15 Philadelphia are on the front line
16 when it comes to making our
17 buildings hospitable places in
18 which to work. As many of you
19 know, BOMA members typically
20 operate in the commercial office,
21 industrial and retail sectors
22 rather than multi-family owned
23 residential. Our member buildings
24 define the City's skyline.

25 As we collectively, the

1 public and the private sectors,
2 seek to recover from the pandemic
3 and remote work, no doubt we are
4 facing some serious headwinds. Our
5 industry is faced with tenant
6 constrictions, inflationary
7 pressures, skyrocketing insurance
8 premiums as well as rising interest
9 rates.

10 In fact, we have a number
11 of buildings surrounding City Hall
12 which are currently in default of
13 their loans or facing foreclosure.
14 Simply put, these are challenging
15 times. You have many other groups
16 here today testifying about
17 concerns or unattended consequences
18 associated with this bill and we
19 have at BOMA echo all of those
20 concerns.

21 As commercial building
22 owners, we are struggling to make
23 ends meet and to hold onto their
24 assets. In some cases, sale or
25 pursuit of an alternate path such

1 as a conversion to residential
2 might be the highest and best use.
3 The City should embrace this,
4 incentivize this rather than impose
5 any measures which would be an
6 impediment.

7 I will not speak today on
8 the points that others are raising
9 but will instead focus on BOMA's
10 primary concern, first and foremost
11 government interference in a
12 collective bargaining agreement and
13 other mandating who an employer
14 should hire. Building owners and
15 labor relations commonly known as
16 BOLR is a division of BOMA. Its
17 principal function is to negotiate
18 collective bargaining agreements on
19 behalf of member buildings.

20 BOLR has historically
21 bargained in good faith with the
22 SEIU. One could say that we're
23 even partners in the administration
24 in the Health and Welfare Fund.
25 The most recent four-year contract

1 was concluded this past fall.
2 October 23rd to be exact. It was a
3 very favorable contract for the
4 service workers. It included wage
5 increases of \$3.75 over a four-year
6 period, 20 percent increase in
7 pension, increased benefits and a
8 continuation of a fully-funded
9 health care. Again, we value our
10 partners in purple and yellow who
11 helped us navigate the pandemic and
12 the same was reflected in the
13 contract.

14 During the course of the
15 good faith negotiations with 32BJ,
16 increased displaced worker
17 protection were solved intended
18 primarily to assist the SEIU in
19 organizing service workers in the
20 growing residential sector. In the
21 end, the members opted to taking
22 more generous compensation package
23 than fight for the enhanced worker
24 protection.

25 As I noted a few moments

1 ago, the negotiations concluded on
2 October 23rd. Much to BOMA's
3 chagrin, three days later on
4 October 26th a bill was introduced
5 in City Council seeking to gain
6 legislatively the displaced worker
7 protection the SEIU opted to forego
8 at the bargaining table. That's
9 not good faith.

10 If you pass this bill today
11 in its current form, you are
12 setting a terrible precedence.
13 Under the circumstances, it appears
14 that City Council was seeking to
15 override a collective bargaining
16 agreement that is just months old.
17 BOMA objects to this level of
18 governmental interference in a
19 long-established labor practice. A
20 practice that is supported at the
21 federal level by the National Labor
22 Relations Act as well as by
23 Pennsylvania state labor law.
24 BOMA member buildings have
25 long abided by these well-

1 established state and federal labor
2 practices. We placed our trust and
3 partnership with the SEIU and with
4 the 32BJ and with the prescribed
5 collective bargaining process. We
6 trusted that the negotiations we
7 had were in good faith. Issues of
8 concern to all parties would be
9 resolved in good faith and that the
10 CBAs would be allowed to stand for
11 the duration of the term once they
12 had been ratified.

13 If Council is determined to
14 pass Bill 240088, it must move
15 forward in spite of the 32BJ's
16 recently ratified collective
17 bargaining agreement. BOMA would
18 urge Council to exempt collectively
19 bargained employees from this bill.
20 I repeat, any advance of this bill
21 should specifically exclude
22 collective bargaining agreements.

23 In the end, BOMA
24 wholeheartedly believes employers
25 should be able to hire and develop

1 teams that contribute to the
2 overall success of the
3 organization. That holds true for
4 both the public and private sector.
5 Thank you.

6 COUNCILMAN SQUILLA: Thank
7 you so much for your testimony.

8 Any questions from the
9 panel?

10 (No response.)

11 COUNCILMAN SQUILLA: Seeing
12 none, thank you so much.

13 MR. McCLURE: Thank you.

14 COUNCILMAN SQUILLA:
15 Mr. McMonagle, can you please read
16 the next panel to testify.

17 THE CLERK: Can we please
18 have Will Carter and Regina
19 Hairston.

20 (Witnesses approached
21 Witness table.)

22 COUNCILMAN SQUILLA: Will
23 you both be testifying today?

24 MS. HAIRSTON: Yes.

25 MR. CARTER: Yes.

1 COUNCILMAN SQUILLA:

2 Regina, you can go first. Just
3 state your name for the record and
4 then proceed with your testimony.

5 MS. HAIRSTON: Certainly.

6 Good afternoon. My name is Regina
7 Hairston, President and CEO of the
8 African American Chamber of
9 Commerce for Pennsylvania, New
10 Jersey and Delaware.

11 The African American
12 Chamber of Commerce is not for this
13 bill in its current form, the
14 Displaced Workers bill, as it
15 relates to conversion. We
16 understand that the intent of this
17 bill is to protect workers' rights
18 as it relates to conversions.

19 The bill is sweeping and
20 it's sweeping our small businesses
21 with it. It does not specifically
22 state that it is only for
23 conversions. And when that
24 happens, our Black firms are caught
25 up into the legislation. The

1 narrative continues to be
2 billionaires get richer, but the
3 voice of the smaller businesses are
4 not taken into consideration.

5 And as I sit here today,
6 April 4th, if we look back at April
7 4, 1968, what was today? It was
8 the assassination of Dr. Martin
9 Luther King, Jr. The night before
10 he was standing with union workers
11 as the African American Chamber of
12 Commerce does, we stand with union
13 workers.

14 It was the business owners
15 during the Civil Rights Movement
16 who were the force behind ensuring
17 that there could be an advocacy
18 voice. When folks were getting
19 arrested in Atlanta, it was Herman
20 Russell and it was those folks who
21 were paying for folks to get out of
22 jail.

23 So Black businesses are a
24 part of the ecosystem to ensure
25 that workers have rights and Black

1 businesses should also be
2 considered -- not just Black
3 businesses, but small businesses,
4 Brown businesses, should also be
5 considered when we're looking at
6 legislation when we are protecting
7 one constituency, how does it
8 impact the other constituency. We
9 always look at it from a
10 30,000-foot level and we don't
11 think about the folks that are
12 being swept up in it at the ground
13 level.

14 So I implore you if you
15 pass this legislation, that it's
16 done so with amendments that only
17 contain it to conversions. So
18 thank you for your time.

19 MR. CARTER: Thank you.
20 William Carter, Vice-President of
21 Local Government Affairs for the
22 Chamber of Commerce for Greater
23 Philadelphia. Good afternoon,
24 Chairperson Squilla, Vice-Chair
25 Jones and esteemed members of the

1 Committee on Commerce and Economic
2 Development. Thank you for giving
3 us the opportunity to testify on
4 this legislation.

5 Many of you, if not all of
6 you, already know me. But for
7 those who may not, once again
8 William Carter. I not only work at
9 the Chamber, but I am a founding
10 member along with this young lady
11 of the Inclusive Growth Coalition,
12 which is a group committed to
13 informing local leaders regarding
14 policies that will grow all
15 businesses and increase the number
16 of people working in good-paying
17 jobs in Philadelphia.

18 I am one person, but as a
19 part of the IGC I advocate for job
20 and business growth through the
21 engagement of diverse partners from
22 every corner of the City. We
23 believe legislation like this,
24 particularly as currently drafted,
25 and I must say as currently drafted

1 hurts small and diverse businesses'
2 ability to grow and then hire.
3 Philadelphia is already
4 seen as a difficult place to do
5 business, and we're trying to
6 change that narrative and we
7 appreciate working with you all in
8 that regard, but it's due to the
9 high cost and also really the
10 overregulation of entrepreneurs out
11 here. And I know this bill is
12 built as once again building owners
13 versus workers, but that's not the
14 case. As Regina indicated, this is
15 sweeping in their service
16 contractors, many of whom are
17 scraping by to try to grow their
18 businesses here. We're trying to
19 help them grow.
20 You know some of the names
21 out here. I'm not going to say
22 them. I've heard some have been
23 targeted already, and I don't want
24 to even put them at more risk. But
25 I will say that there are several

1 service industries that are
2 represented by minority owners who
3 are in this space and want to grow
4 in this City. And this does add
5 cost and time and extra burden onto
6 their bottom line. And I've heard
7 from them ad nauseam and it's
8 something to be considered. We
9 must consider them.

10 So it's extremely
11 unfortunate, the community members
12 who would be most affected by this
13 whom I'm talking about now are not
14 here with us to testify. Their
15 absence does not indicate any
16 disinterest, but it's due to
17 limitations on time that local
18 entrepreneurs who work 24/7.
19 They're not 9-to-5 workers. They
20 work 24/7.

21 And somebody reminded me
22 how they are competing out here
23 every day -- if you can recall when
24 you're running for office every
25 four years, that year that you're

1 running for office and those
2 sleepless nights and wake up with
3 tightness in your stomach, that's
4 every day for a business owner.
5 That was your one year to compete
6 for four years, and then the next
7 four years the same feeling. But
8 business owners wake up every day
9 with that feeling.

10 And although I work for the
11 Chamber and I helped found the
12 Inclusive Growth Coalition, I tell
13 people I do this for the culture.
14 Both of my grandfathers were
15 entrepreneurs. My grandfather on
16 my mother's side was a contractor.
17 My grandfather on my father's side
18 was the first licensed Black
19 plumber in the history of Richmond,
20 Virginia where I'm from. And he is
21 originally from Philadelphia, North
22 Philadelphia, born and raised, then
23 move to Virginia.

24 I just will say this, we
25 have to consider both. This is not

1 an either-or consideration for the
2 hardworking people, working
3 families. All of them are working
4 families. Just because you work
5 for yourself doesn't mean you're
6 not a working family. As a matter
7 of fact, you're working so hard
8 that you're creating work for other
9 people. That has to be considered
10 and certainly respected when we
11 talk about legislation like this.

12 So we just ask that the
13 amendments be properly considered
14 that will limit the impact on our
15 diverse businesses, whether they're
16 Black, Brown, small or what have
17 you. We want to make this City a
18 better place for all businesses and
19 we want to make Philadelphia the
20 best place for both businesses and
21 workers. Thank you.

22 COUNCILMAN SQUILLA: Thank
23 you so much for your testimony.

24 Are there any questions
25 from members of the Committee?

1 (No response.)

2 COUNCILMAN SQUILLA: Seeing

3 none, thank you so much.

4 MS. HAIRSTON: Thank you.

5 COUNCILMAN SQUILLA:

6 Mr. McMonagle, is there anyone else

7 to testify?

8 THE CLERK: We have no

9 further public comment.

10 COUNCILMAN SQUILLA: Is

11 there anybody else that we did not

12 call who would like to testify

13 before the Committee today?

14 (No response.)

15 COUNCILMAN SQUILLA: Seeing

16 none, I know the sponsor is still

17 willing to work with all parties,

18 both union and concerned Chambers

19 and other folks and has committed

20 to continue working with everyone

21 on this legislation.

22 So with no further comments

23 and no further questions, that'll

24 conclude the hearing. And then we

25 now go into a public meeting.

1 Chair recognizes
2 Councilmember Driscoll for a motion
3 on Bill No. 240088.

4 COUNCILMAN DRISCOLL: Thank
5 you, Mr. Chairman.

6 I move that Bill No. 240088
7 be reported from this Committee
8 with a favorable recommendation and
9 further move that the rules of
10 Council be suspended to permit
11 first reading of this bill at the
12 next session of Council.

13 COUNCILMAN SQUILLA: Before
14 we have proceed, I also want to for
15 the record state that Councilmember
16 Young was present for the hearing
17 and the meeting.

18 Is there a second on that
19 motion?

20 COUNCILMAN HARRITY:
21 Second.

22 COUNCILMAN SQUILLA:
23 Councilmember Harrity is noted for
24 seconding the motion. It has been
25 moved and properly seconded that

1 Bill No. 240088 be reported from
2 this Committee with a favorable
3 recommendation and further move
4 that the rules of Council be
5 suspended as to permit the first
6 reading of this bill at the next
7 session of Council.

8 All those in favor will
9 signify by saying aye.

10 (Aye.)

11 COUNCILMAN SQUILLA: Those
12 opposed?

13 (No response.)

14 COUNCILMAN SQUILLA: The
15 ayes have it and the motion
16 carries.

17 That will conclude the
18 meeting today. I thank the
19 Committee on Commerce and Economic
20 Development. Thank you for all
21 that testified. Have a good day.

22 (Committee on Commerce and
23 Economic Development concluded at
24 2:54 p.m.)

25

1 CERTIFICATION

2 I, hereby certify that the proceedings
3 and evidence noted are contained fully and
4 accurately in the stenographic notes taken by
5 me in the foregoing matter, and that this is a
6 correct transcript of the same.
7

8

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10

11

12 TANEHA CARROLL
13 Court Reporter - Notary Public

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19 (The foregoing certification of this
20 transcript does not apply to any reproduction
21 of the same by any means, unless under the
22 direct control and/or supervision of the
23 certifying reporter.)

24

25

	10:12	401(k)	add	27:17
\$	22	18:4	34:4	agreements
\$13	12:21	4th	additional	24:18
10:14	23	30:6	16:9	27:22
\$15	14:12		addresses	allowed
14:2	23rd	5	8:21	11:23, 25
\$22	25:2 26:2	5	adjustments	27:10
10:15 14:2	24/7	14:13, 17	7:25	alternate
\$3.75	34:18, 20		administrat	23:25
25:5	240088	6	ion	amend
\$7	22:1 27:14	6	24:23	10:8
10:11	25	14:10	advance	amendments
	17:25	620	27:20	8:23 31:16
1	26th	10:2	advocacy	36:13
1	26:4		30:17	American
14:14	29	9	advocate	29:8, 11
10	10:2	9-to-5	32:19	30:11
14:7		34:19	Affairs	appears
10,000	3	9th	31:21	26:13
6:14	30	17:10	affect	Applause
1201	10:10		15:12	16:12
6:13	17:25	A	affected	apply
13	20:10	abided	34:12	11:25
13:19, 20	30,000-foot	26:25	affirmative	14:24
17	31:10	ability	ly	approached
19:15	32BJ	10:18	6:1	16:23 21:9
1968	6:12	15:18 33:2	afloat	28:20
30:7	13:21, 24	absence	7:24	April
	17:8	34:15	African	30:6
2	19:13, 20	Act	29:8, 11	area
2	25:15 27:4	26:22	30:11	6:16
12:21	32bj's	ad	afternoon	arrested
20	27:15	34:7	6:7 9:24	30:19
11:22		adapt	13:17 29:6	assassinati
17:12	4	8:3	31:23	on
20:10 25:6	4	adapting	agreement	30:8
2000	14:9, 14	8:20 13:3	24:12	assets
	30:7		26:16	23:24

assist 25:18	9:9 15:16 17:18, 22	bottom 34:6	8:3, 11 9:4 12:15	Center 6:17 19:14
Atlanta 30:19	19:3, 4	braces 20:2	29:20	CEO 29:7
avoid 8:12 16:9	20:18	Brown 31:4 36:16	30:3, 23	chagrin 26:3
	21:25		31:1, 3, 4	
	23:18		32:15	
	26:4, 10		33:18	
	27:14, 19,	building 6:23 10:2	36:15, 18,	Chairman 6:10
B	20 29:13,	11:16, 23	20	
back 30:6	14, 17, 19	12:20, 23,	businesses' 33:1	Chairperson 31:24
	33:11	25 13:24		challenging 23:14
Barbara 16:22 17:7	billionaire s	14:3, 5, 13,	C	
	8:6 9:17	20 15:21		
bargained 24:21	30:2	18:13	call 37:12	Chamber 29:8, 12
27:19	bills 15:13	20:7, 11, 15	capacity 21:20	30:11
bargaining 24:12, 18	Black 29:24	23:21		31:22 32:9
26:8, 15	30:23, 25	24:14	care 10:22	35:11
27:5, 17, 22	31:2 35:18	33:12	15:22	Chambers 13:23
based 15:7	36:16	buildings 6:25 7:16	19:18, 23	37:18
behalf 24:19	blood 19:23	12:15 13:8	20:21 25:9	chance 8:24
	BOLR 24:16, 20	15:20		change 8:2 11:6
believes 27:24	BOMA 21:20	17:15	Carter 28:18, 25	33:6
	22:4, 19	18:8, 9, 11	31:19, 20	changed 13:4
Bellevue 13:19, 20	23:19	20:5 22:4,	32:8	changing 8:22
14:4	24:16	17, 23	case 33:14	chanting 16:13 21:2
benefiting 9:5	26:17, 24	23:11	cases 23:24	
benefits 8:12 10:19	27:17, 23	24:19	Catholic 11:4	Cherry 13:16, 18
11:9 15:4	BOMA's 24:9 26:2	26:24	caught 29:24	16:22
16:3	books 10:6	built 33:12	CBAS 27:10	17:3, 6, 7
18:17, 23	born 35:22	burden 34:5	celebrated 7:8	Chestnut 10:2
19:1, 18, 22		business 15:16		
20:3 25:7		30:14		
bill		32:20 33:5		
		35:4, 8		
		businesses 7:2, 23		

children 10:20 11:3 15:13	close 8:8 18:1	32:12 37:19	concluded 25:1 26:1	11:16 12:7 14:1 18:3
circumstances 8:22 15:8 26:13	closed 13:1	Committee 21:24 32:1	conditions 16:2	24:25 25:3,13
City 6:11,17 19:14 23:11 24:3 26:5,14 32:22 34:4 36:17	closes 14:20	36:25 37:13	condos 12:24	contractor 35:16
City's 22:24	Co-chair 21:20	commonly 24:15	consequences 23:17	contractors 33:16
Civil 30:15	Coalition 32:11 35:12	communities 11:11	consideration 30:4 36:1	contracts 8:14
clean 6:25 13:9, 22 18:12, 13	collective 24:12,18 26:15 27:5,16,22	community 15:15 34:11	considered 31:2,5 34:8 36:9, 13	contribute 28:1
cleaner 10:1 13:21 17:9	collectively 22:25 27:18	companies 11:17	constantly 7:15	control 15:9
cleaners 6:22 12:21 14:17	college 10:21	company 11:13,18, 24 12:5	constituency 31:7,8	conversion 24:1 29:15
cleaning 7:15 11:17 12:5 19:14 20:4	comfortable 20:20	compensation 25:22	constrictions 23:6	converted 17:15
clear 9:11	comment 37:9	compete 35:5	contacted 12:1	corner 32:22
clearing 22:10	comments 37:22	competing 34:22	contacts 20:1	cost 33:9 34:5
CLERK 16:20 21:6 28:17 37:8	Commerce 13:23 21:23 29:9,12 30:12 31:22 32:1	completely 12:8,10 14:21	continuation 25:8	Council 26:5,14 27:13,18
	commercial 12:16 14:9 22:20 23:21	concept 8:17,19	continue 8:6 9:8 37:20	COUNCILMAN 6:4 9:19 13:11 16:14,25 19:6 20:23 21:3,11,14 28:6,11, 14,22 29:1 36:22
	committed	concern 24:10 27:8	contract 10:15	37:2,5,10, 15
		concerned 37:18		
		concerns 23:17,20		
		conclude 37:24		

Councilmember 7:9 21:22	default 23:12	17:9 19:14	17:13	established 27:1
Councilmembers 6:11	define 22:24	diverse 32:21 33:1 36:15	either-or 36:1	esteemed 31:25
COVID 12:14	Delaware 29:10	division 24:16	embrace 24:3	eventually 12:5
coworkers 11:20	deliver 10:24	Don 21:13, 19	employed 22:3	exact 25:2
creating 36:8	dependable 22:7	Donald 21:7, 15	employees 27:19	excelling 20:14
Cruz 6:2, 6	deserve 20:19	doubt 23:3	employer 12:19 24:13	exclude 27:21
culture 35:13	deserves 13:9	downtown 13:8 17:14	employers 27:24	exempt 27:18
current 10:9 14:18 26:11 29:13	desperately 17:21	drafted 32:24, 25	end 25:21 27:23	existing 8:21, 23
	destroyed 18:22	due 15:6 33:8 34:16	ends 23:23	expect 8:1
	determined 27:13	duration 27:11	engagement 32:21	expense 9:5
D	develop 27:25	duties 22:12	engineers 6:23	expenses 11:1
Daisy 6:2	developers 18:14		enhanced 25:23	exposed 13:5
danger 6:19	Development 21:24 32:2	E	ensure 30:24	extensive 13:6
day 7:3, 8 11:20 14:14 22:8 34:23 35:4, 8	difficult 33:4	earn 11:9	ensuring 30:16	extra 7:14 34:5
days 26:3	disinterest 34:16	economic 8:2 21:24 32:1	entering 7:21	extremely 34:10
decades 11:7 20:12	displaced 8:7 9:9 10:5 12:2 15:9 20:19 25:16 26:6 29:14	economy 15:19	entrepreneurs 33:10 34:18 35:15	F
deep 7:14	District 6:12, 13	ecosystem 30:24	essential 7:10	faced 12:12, 16 23:5
		educator		facing 23:4, 13

fact 23:10 36:7	firms 29:24	full 10:16	governmenta l 26:18	21:7, 18, 19
faith 24:21 25:15 26:9 27:7, 9	floors 14:7, 9, 10	fully- funded 25:8	grandchildr en 10:24 11:3	Hairston 28:19, 24 29:5, 7 37:4
fall 25:1	focus 24:9	function 7:2 24:17	grandfather 35:15, 17	half 12:23 14:3, 4, 6
families 11:6, 10 17:24 18:6 19:19 36:3, 4	folks 30:18, 20, 21 31:11 37:19	Fund 24:24	grandfather s 35:14	Hall 23:11
family 10:16 16:7 19:19 20:21 36:6	force 30:16	future 18:6 20:20	great 10:22 18:10 19:1, 18	happening 17:14 20:6
family's 18:21	foreclosure 23:13	G	hard 7:24 8:13 13:7 18:24 36:7	hard-earned 18:16
Fashion 17:9	forego 26:7	gain 26:5	Greater 31:22	hardworking 8:5 9:6, 15 36:2
father's 35:17	foremost 24:10	gains 11:12	ground 31:12	Harrity 7:9
fault 6:20 17:20	form 26:11 29:13	generous 25:22	group 32:12	Hayes 9:24, 25
favorable 25:3	forward 27:15	give 8:24	groups 23:15	head 6:5
federal 26:21 27:1	fought 8:7, 13	global 16:5	grow 32:14 33:2, 17, 19 34:3	headwinds 23:4
feel 18:19	found 6:18 35:11	good 6:7 9:24 13:16 19:1 24:21 25:15 26:9 27:7, 9 29:6 31:23	growing 17:19 25:20	health 8:25 10:16 15:3 19:21 24:24 25:9
feeling 35:7, 9	founding 32:9	good-paying 32:16	growth 32:11, 20 35:12	heard 20:8 33:22 34:6
fight 10:18 12:4 16:1 25:23	four-year 24:25 25:5	government 24:11 31:21	guess 17:3	hearing 37:24
find 7:22	friends 16:7		H	
	front 12:14 13:13 22:15		Haas	

heartbreaki ng 20:9, 10	hotel 14:6	20:18	interferenc e 24:11 26:18	Jones 31:25
helped 13:24 25:11 35:11	hour 10:12, 14, 16 14:2	incentivize 24:4	introduced 26:4	Jr 30:9
helping 11:2	hours 7:18 22:8	included 25:4	irresponsib le 8:11	K
Herman 30:19	hurts 33:1	Inclusive 32:11 35:12	Issues 27:7	keeping 18:11
high 33:9	I	increase 14:1 25:6 32:15	J	Keisha 9:25
highest 24:2	ice 22:10	increased 25:7, 16	jail 30:22	kids 19:25
highly- valued 22:5	IGC 32:19	increases 25:5	Jeremiah 16:21 19:10, 12	kind 11:9
hire 11:14 24:14 27:25 33:2	imagine 20:13	industrial 22:21	Jersey 29:10	kinds 11:5
historicall y 24:20	immediately 12:1	industries 13:5 34:1	job 8:10 14:22 15:11, 17 17:23, 25 18:11, 20 20:12, 13 32:19	King 30:9
history 35:19	impact 31:8 36:14	industry 23:5	jobs 6:20 8:4 11:4, 5 12:4 13:6 14:25 15:25 17:20 32:17	L
hold 8:24 15:20 23:23	impediment 24:6	inflationar y 23:6		labor 24:15 26:19, 21, 23 27:1
holds 28:3	implore 31:14	informing 32:13		lady 32:10
Honestly 19:21	importance 10:4	inside 20:6		laid 7:17
honored 7:10	important 15:10 20:7	insurance 9:1 10:17, 23 15:3 23:7		language 8:16, 18 10:9
hospitable 22:17	impose 24:4	intended 25:17		latest 10:14
	improve 11:6	intent 29:16	join 17:18	law 8:21 26:23
	improvement s 11:8	interest 23:8	joined 10:12	laws 8:8, 23
	inaudible			

layoffs 12:18	livelihood 18:21	17:20	Mcmonagle 16:17 21:4	mic 13:13
lead 15:2	livelihoods 16:10	lot 18:7,8	28:15 37:6	Midatlantic 6:13
Leader 6:12	lives 7:7,19	low-wage 8:4	means 12:17	minority 34:2
leaders 32:13	11:6	Luther 30:9	15:17	moment 10:4
Ledger 10:1	living 8:12		meant 19:4,9	moments 25:25
left 8:9	loans 23:13	M	measures 24:5	money 18:23
legislation 14:18	local 15:19	made 15:6,7	mechanics 6:24	months 26:16
15:10	31:21	maintain 16:1 19:17	medical 10:22 11:1	mortgage 15:13
29:25	32:13	maintenance 6:23	medicine 19:24	mother's 35:16
31:6,15	34:17	major 15:12	meet 23:23	move 13:13
32:4,23	long 26:25	make 6:24 10:15	meeting 37:25	27:14
36:11	long-established 26:19	23:22	member 17:8 19:13	35:23
37:21	longer 11:21	36:17,19	22:4,23	Movement 30:15
legislative 26:6	loopholes 8:9	making 7:25 10:11	24:19	multi-family 22:22
ly 26:6	lose 14:23	12:14	26:24	
level 26:17,21	15:11	18:22	32:10	N
31:10,13	losing 6:19 14:25	22:16	members 6:18,21	name's 21:18
licensed 35:18	15:1,2	mandating 24:13	7:6,17,23	names 33:20
lifetime 16:6	16:9 18:20	Market 17:10	8:13 9:12	narrative 30:1 33:6
limit 36:14	20:13	Martin 30:8	13:22	National 26:21
limitations 34:17	loss 8:10	matter 15:22 36:6	22:5,19	
list 17:19	lost 7:18,19	Mcclure 21:8,13,21	25:21	
live 9:6 15:14	11:13 16:7	28:13	31:25	
			34:11	
			36:25	
			message 9:11	

nauseam 34:7	number 23:10	overnight 11:18	partnership 27:3	36:2,9
navigate 25:11	32:15	overregulat ion	pass 17:18,22	percent 25:6
needed 11:22	0	33:10	19:3,4	perform 22:12
negotiate 11:15	objects 26:17	override 26:15	20:17	performance 15:6
19:17	October 25:2 26:2,	owned 22:22	26:10	period 25:6
24:17	4	owner 20:15 35:4	27:14	person 32:18
negotiated 18:3	office 22:20	owners 15:19	31:15	Philadelphia 6:15 10:7
negotiation 10:15 11:7	34:24 35:1	23:22	past 8:8 19:15	21:21
negotiation s	officers 6:22	24:14	25:1	22:15
25:15 26:1	offices 22:9	30:14	path 23:25	31:23
27:6	one-half 14:5	33:12 34:2	pay 10:13	32:17 33:3
nervous 17:17	operate 22:20	35:8	13:25	35:21,22
night 30:9	operational 7:16	P	15:13	36:19
night- cleaning	opportunity 6:9 21:25	package 25:22	19:17	place 33:4
22:8	32:3	pandemic 7:4 12:12	paycheck- to-paycheck	36:18,20
nights 35:2	opted 25:21 26:7	16:5 23:2	9:7	places 22:17
nightshift 14:15	organizatio n	25:11	paying 30:21	plays 15:22
nodded 6:1	28:3	panel 21:5 28:9,	Pennsylvani a	plumber 35:19
non-union 11:18	organizing 25:19	16	26:23 29:9	point 14:11
North 35:21	originally 35:21	part 18:14	pension 9:1 15:3	points 24:8
noted 25:25	outset 22:2	30:24	25:7	policies 32:14
		32:19	people 8:5 9:6,16	poor 9:6,15
		parties 27:8 37:17	16:18	
		partners 24:23	17:19 18:8	
		25:10	20:11	
		32:21	32:16	
			35:13	

post-covid 13:4	15:25 29:17	28:8 36:24 37:23	29:2,6 33:14	responsible 20:4
practice 26:19,20	protected 12:7 13:10	R	relates 29:15,18	rest 7:5
practices 27:2	protecting 31:6	raised 35:22	relations 24:15 26:22	restrooms 22:10
precedence 26:12	protection 12:3 13:2 25:17,24	raises 19:17	reliable 22:6	retail 22:21
premiums 23:8	26:7	raising 24:8	reminded 34:21	retirement 18:2
prescribed 27:4	protections 10:6	rates 23:9	remote 23:3	retiring 20:21
President 29:7	protects 14:19 15:18	ratified 27:12,16	renovations 12:22 13:1 14:21	Rich 21:21
pressure 19:23	proud 17:8 19:12	read 16:18 21:4 28:15	reopens 14:24	Richard 21:7
pressures 23:7	public 10:1 23:1 28:4 37:9, 25	recall 34:23	repeat 27:20	richer 8:7 9:17 30:2
primarily 25:18	pulled 12:8,10	recent 24:25	represent 6:14	Richmond 35:19
primary 24:10	purple 25:10	recently 27:16	represented 34:2	rights 12:6 16:1 29:17 30:15,25
principal 24:17	pursuit 23:25	record 21:16 29:3	residential 12:17 14:7,8,11, 16 17:16 22:23 24:1 25:20	rising 23:8
private 23:1 28:4	put 10:20 11:3 18:18 20:12 23:14 33:24	recover 16:4 23:2	resolved 27:9	risk 33:24
proceed 9:21,22 13:15 21:17 29:4		Recovering 13:3	respected 12:6 36:10	risked 7:6
process 9:13 27:5		recovery 7:22 9:13	response 28:10 37:1,14	rug 12:8,9
properly 7:3 36:13	Q	reflected 25:12		running 34:24 35:1
property 22:6	quarantined 7:6	regard 33:8		Russell 30:20
protect	questions	Regina 28:18		

S	September	33:1 36:16	14,22 29:1	support
sacrifice	17:11	smaller	31:24	9:8 11:10
8:4	service	30:3	36:22	15:16,18
safe	22:14	smell	37:2,5,10,15	17:23
7:16 12:15	25:4,19	18:13	stand	supported
13:9	33:15 34:1	snow	27:10	26:20
sale	services	22:10	30:12	surrounding
23:24	11:21	social	standards	22:11
sanitizing	set	8:1	13:25	23:11
22:9	18:5	sold	standing	sweeping
school	setting	12:25	30:10	29:19,20
11:4	26:12	17:15	start	33:15
scraping	shaking	solved	17:4 18:25	swept
33:17	6:5	25:17	started	31:12
sector	shift	space	10:10	switch
25:20 28:4	14:14	34:3	state	14:19
sectors	shoes	speak	9:21 21:16	switched
22:21 23:1	18:19,20	10:3 24:7	22:2 26:23	11:17
secure	side	specificall y	27:1 29:3,22	T
7:1 17:23	35:16,17	27:21	stay	table
security	sidewalks	29:21	7:24	16:24
6:22 15:17	22:11	spell	steady	21:10 26:8
17:23	simply	6:3	13:25	28:21
seek	8:20 23:14	spite	stomach	takes
23:2	single	27:15	35:3	11:13
seeking	7:3,8	sponsor	Street	taking
26:5,14	sit	37:16	17:10	20:21
SEIU	30:5	spreading	stress	25:21
6:12 13:21	skyline	7:13	16:9	talk
17:8 22:3	22:24	Squilla	struggling	36:11
24:22	skyrocketin g	6:4 9:19	23:22	talking
25:18 26:7	23:7	13:11	stuff	34:13
27:3	sleepless	16:14,25	20:2	targeted
sending	35:2	19:6 20:23	success	33:23
9:10	small	21:3,11,14,23	28:2	teams
seniority	15:16	28:6,11,		22:6 28:1
14:23	29:20 31:3			

tenant 23:5	31:18 34:5,17	unfortunate 34:11		19:20
tenants' 22:9	times 8:2 23:15	union 6:21 8:14	W	22:7,18
term 27:11	today 6:9 20:9	10:13,17	wage 25:4	23:3 32:8
terrible 26:12	21:19	11:15 12:2	wages 8:12,25	34:18,20
testify 6:9 16:19	23:16 24:7	14:1 16:13	10:18 11:9	35:10
17:2 21:5,	26:10	18:2 19:25	15:1 16:2	36:4,8
25 28:16	28:23	20:3,16	19:2	37:17
32:3 34:14	30:5,7	21:2	wake 35:2,8	worked 7:23 18:24
37:7,12	37:13	30:10,12	wash 20:15	worker 8:8 9:9
testifying 21:12	told 11:20,24	37:18	Welfare 24:24	12:3 13:18
23:16	transition 14:15	urge 19:2 27:18	well- 26:25	15:10
28:23	tristate 6:16	urgent 10:8	well- 27:24	25:16,23
testimony 9:23 16:16	true 28:3		whatsoever 13:2	26:6
19:7 20:8,	trust 27:2	V	wholeheartedly 27:24	workers 6:15 7:11
25 21:1,17	trusted 27:6	versus 33:13	William 31:20 32:8	8:9,24
28:7 29:4	turned 12:24	Vice-chair 31:24	wipe 18:15	9:11 10:5
36:23	typically 22:19	Vice- president 31:20	witnesses 16:23 21:9	13:6
that'll 37:23		Virginia 35:20,23	28:20	14:12,14,
thousand 6:16	U	virus 7:12	Woosey 16:21	16,19
threat 12:13	ultimately 16:3	voice 30:3,18	work 6:17 7:7	15:14,20
14:25 15:1	unattended 23:17	vote 9:14	11:19 13:7	20:19
Tiffany 13:17	unclear 7:11	voting 9:8,15,16	15:6,15	22:3,14
tightness 35:3	understand 19:8 29:16	vulnerable 8:10		25:4,19
time 7:22 9:1,				29:14
18 14:12,				30:10,13,
24 19:16				25 33:13
				34:19
				36:21
				workers' 29:17
				workforce 18:16
				working 12:13
				13:20 16:2
				17:12
				19:13

32:16 33:7

36:2, 3, 6, 7

37:20

world

7:5 13:4

16:4

worry

10:25

Worsley

16:21

19:11, 12

worst

7:21

Y

y'all

20:17

year

11:16

17:11

34:25 35:5

years

8:15 10:3,

11 11:22

13:7, 19, 21

17:12, 25

19:15

34:25

35:6, 7

yellow

25:10

young

32:10

City of Philadelphia

Public Hearing Notice

The **Committee on Commerce & Economic Development** of the Council of the City of Philadelphia will hold a Public Hearing on **Thursday, April 4, 2024, at 2:00 PM, in Room 400, City Hall**, to hear testimony on the following item:

240088 An Ordinance amending Chapter 9-2300 of The Philadelphia Code (“Protection of Displaced Contract Workers”) to provide protections for service employees, including laid-off employees, all under certain terms and conditions.

Immediately following the public hearing, a meeting of the Committee on Commerce & Economic Development, open to the public, will be held to consider the action to be taken on the above listed item.

Copies of the foregoing item are available in the Office of the Chief Clerk of the Council, Room 402, City Hall.



City of Philadelphia

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

BILL NO. 240088

Introduced February 8, 2024

**Councilmembers Harrity, O'Rourke, Landau, Bass, Thomas, Brooks, Jones,
Gauthier, Squilla and Driscoll**

**Referred to the
Committee on Commerce and Economic Development**

AN ORDINANCE

Amending Chapter 9-2300 of The Philadelphia Code ("Protection of Displaced Contract Workers") to provide protections for service employees, including laid-off employees, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-2300 of The Philadelphia Code is amended to read as follows:

TITLE 9. Regulation of Businesses, Trades and Professions

* * *

CHAPTER 9-2300. PROTECTION OF DISPLACED [CONTRACT WORKERS] *SERVICE
EMPLOYEES*

* * *

§ 9-2301. Definitions.

The following definitions shall apply throughout this Chapter.

(1) *Covered employer* [Awarding authority] means any person *that directly employs service employees at any covered property or awards or otherwise enters into contracts, including subcontracts, with any contractor for [any of the following] services performed by service employees at any covered property* [within the City of Philadelphia: (a) security; (b) janitorial

City of Philadelphia

BILL NO. 240088 continued

services; (c) building maintenance; (d) food and beverage; (e) hotel service; (f) health care services; (g) services by parking employees, as defined at subsection 9-4701(6); or (h) services by covered airport service employees as defined at subsection 17-107(1)(t)(.1)].

(2) Contractor means any person that enters into a service contract with the *covered employer* [awarding authority], and any subcontractors to such service contract at any tier, who employs *service employees at any covered property* [ten (10) or more persons].

(3) Customary seasonal work means work performed by an employee during only the same approximate part of each calendar year, such as summer or winter.

(4) *Service e[E]mployee* means any person employed *at any covered property to provide any of the following services pursuant to a service contract or direct employment with a covered employer or successor employer: (a) security; (b) janitorial services; (c) building maintenance; (d) concierge services; (e) door attendant services; (f) food and beverage; (g) hotel service; (h) health care services, and includes registered nurses; (i) services by parking employees, as defined at subsection 9-4701(6); or (j) services by covered airport service employees as defined at subsection 17-107(1)(t)(.1)* [to provide services pursuant to a service contract, and includes registered nurses]. “Service Employee” does not include a person who is (a) a managerial, supervisory, or confidential employee, including those employees who would so be defined under the Fair Labor Standards Act; [or] (b) *a domestic worker as defined in Section 9-4501*; or (c) is employed less than 15 hours a week. However, “Service Employee” does include persons who work 15 hours or more per week during customary seasonal work but do not work an annualized average of 15 hours or more per week.

(5) Person means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may employ individuals or enter into other contracts.

(6) Service contract means a contract, lease, or concession agreement, including any subcontracts, *entered into between* [let to] a contractor *and* [by the awarding authority] *a covered employer* for the furnishing of [subcontracts,] *services performed by service employees at any covered property* [for any of the following services performed within the City of Philadelphia: (a) security; (b) janitorial services; (c) building maintenance; (d) food and beverage; (e) hotel service; (f) health care services; (g) services by parking employees, as defined at subsection 9-4701(6); or (h) services by covered airport service employees as defined at subsection 17-107(1)(t)(.1)].

(7) Successorship service contract means a service contract with the *covered employer* [awarding authority] where substantially the same services to be performed *by service employees* have previously been rendered to the [awarding authority] *covered employer* as part of the same program or at the same [facility] *covered property* under [another] *the predecessor* service contract that recently has been terminated or has ended [within the previous 90 days], or have previously been rendered by the *covered employer's* [awarding authority's] own employees.

City of Philadelphia

BILL NO. 240088 continued

(8) *Successor employer means (a) any contractor that has entered into a successorship service contract to provide, in whole or in part, services at a covered property that are substantially similar to those provided by either the covered employer's direct employees at any time during the previous 90 days or under the predecessor service contract; (b) any person that has purchased or acquired a controlling interest of a covered property where service employees were previously employed by a covered employer or contractor at any time during the 90 days prior to the effective date of the purchase or acquisition; or (c) any covered employer that terminates a service contract and hires service employees as its direct employees to perform services that are substantially similar to the services performed under the service contract of the terminated or ending contractor.*

~~[(8)]~~ (9) *Terminated or ending contractor means a contractor whose service contract at a covered property expires without renewal or whose contract is terminated, [and includes the] or the covered employer [awarding authority] itself where services [work] previously rendered by the covered employer's [awarding authority's] own service employees is the subject of a successorship service contract [.] or is otherwise transferred to a successor employer.*

(10) *Covered property means any building, facility, structure or other real property, including a complex comprised of more than one building, of at least 50,000 square feet or containing at least fifty (50) residential dwelling units, whether owned or rented by the occupants thereof, located within the City of Philadelphia, where service employees are employed by a covered employer, contractor or successor employer.*

(11) *Laid-Off Employee means any service employee who was employed by a covered employer or contractor at any covered property for any of the following services: (a) security; (b) janitorial services; (c) building maintenance; (d) concierge services; or (e) door attendant services, and was employed for six months or more in the 12 months preceding their separation from employment, where such separation occurred after March 1, 2024, and whose separation was due to a closure of the property where the employee was employed and unrelated to any reasons involving employee discipline.*

(12) *List of Laid-Off Employees means a written notice identifying all laid-off employees from a covered property due to closure. The List of Laid-Off Employees shall include each laid-off employee's first and last name, occupation title, date of hire, telephone number, mailing address, preferred language and email address, if known. The List of Laid-Off Employees shall also include the name and contact information for the collective bargaining representative of the Laid-Off Employees.*

(13) *Closure means the partial or complete closing to public access and/or tenant occupancy of any covered property that results in more than 25 percent of the total number of employees employed within the categories set forth in Subsection 11 at the property during the previous 12-month period qualifying as Laid-Off Employees. The total number of employees employed at the property for purposes of determining when closure occurred shall include both direct employees of the covered employer and those employees employed by a contractor or contractors at the*

City of Philadelphia

BILL NO. 240088 continued

property. Closure does not include complete demolition of the entire property where the laid-off employees previously worked.

(14) Agency means such office as the Mayor shall designate to administer and enforce this Chapter.

§ 9-2302. Notice And Transition Employment Period.

All [service] contractors, *covered employers* and [awarding authorities] *successor employers* who *employ service employees*, or enter into service contracts to be performed [, within the City of Philadelphia] *at any covered property* shall be subject to the following obligations:

(1) The *covered employer* [awarding authority] shall give *not less than 15 calendar days* advance notice to a [service] contractor, and any collective bargaining representative of any of the service [contract] employees *employed by such contractor*, that a service contract will be terminated or ended and the name, telephone number and address of the *successor employer* [contractor] or *employers* [contractors], if known. The terminated or ending contractor shall, within three (3) days after receipt of such notice, provide to the *successor employer* [contractor], the name, date of hire, *preferred language* and employment occupation classification of each *service* employee employed at the [site or sites] *covered property* by the *terminated or ending* [predecessor] contractor at the time of receiving said notice.

(2) On the date said *service* contract ends, the terminating or ending contractor shall update the information previously provided to make it current to the actual termination date.

(3) If the [terminating] *terminated or ending* contractor is not notified of the identity of the *successor* [contractor, in] *employer*, pursuant to the notice required by subsection (1), the *terminated[ing] or ending* contractor shall provide such information to the *covered employer* [awarding authority] within three (3) days of receipt of such notice. The *covered employer* [awarding authority] shall be responsible for providing such information to the *successor employer* [contractor] as soon as that *successor employer* [contractor] has been selected or identified.

(4) A *successor* [contractor or subcontractor] *employer* shall retain, for a 90-day transition employment period commencing with (a) the onset of the *successorship* service contract, or (b) *the effective date of its purchase or acquisition of a controlling interest of the covered property* [site], or (c) *the termination of the terminated or ending contractor, if the covered employer is directly employing service employees at the covered property to perform the services of the terminated or ending contractor*, all employees who have been employed *at the covered property* by the *terminated or ending* contractor, or its subcontractor, or *by the covered employer who sold or transferred its controlling interest in the covered property*, [at the site or sites covered by the contract] for at least [the eight months] *90 days* immediately preceding the date

City of Philadelphia

BILL NO. 240088 *continued*

the predecessor contract is terminated *or effective date of purchase or acquisition of the covered property.*

In the event that the successorship service contract is terminated or ended prior to the expiration of the 90-day transition employment period, then any [contractor or subcontractor awarded a subsequent successorship service contract] *subsequent successor employer* shall be bound by the requirements set forth in this subsection to retain, for a new 90-day transition employment period commencing with the *termination of the initial* [onset of the subsequent] successorship service contract, all *service* employees who have been employed by any one or combination of the terminated or ending contractor *at the covered property* [at the site or sites covered by the contract] for at least the *90-day period* [eight months] immediately preceding the date of the most recently terminated or ended *service* contract.

The successor [contractor or subcontractor] *employer* shall hand deliver a written offer of employment to each employee as required by this Section in the employee's native language or another language in which the employee is fluent. Such offer shall state the time within which the employee must accept such offer but in no case may that time be less than ten days from the date of the offer and in no case may the tenth day occur any later than five days prior to the expiration *or termination* of the *terminated or ending contractor's service* [predecessor] contract *or the covered employer's termination of its direct employees' employment.*

The written offer required by this Section shall be substantially in the form set forth in Section [9-2304] 9-2306 in a language in which each employee is fluent.

(5) If at any time a successor [contractor] *employer* determines that fewer employees are required to perform the new service contract than were required by the terminated contractor, the successor *employer* [contractor] shall be required to retain employees by seniority *based on original dates of hire at the covered property* within each job classification.

(6) During such 90-day period, the successor [contractor] *employer* shall maintain a preferential hiring list of employees eligible for retention under Section 4, not retained by the successor *employer* [contractor] from which the successor *employer* [contractor] shall hire additional employees.

(7) Except as provided under subsection (6) of this Section, during such 90-day period, the successor [contractor] *employer* shall not discharge without cause an employee retained pursuant to this Chapter. Cause shall be based only on the performance or conduct of the particular employee.

(8) *At the end of the 90-day transition employment period, the successor employer shall perform a written performance evaluation for each employee retained pursuant to this section. If such employee's performance during such 90-day transition period is satisfactory, the successor employer shall offer such employee continued employment under the terms and conditions established by the successor employer.*

City of Philadelphia

BILL NO. 240088 continued

§ 9-2303 Right of Recall For Laid-Off Employees at Closed Properties.

(1) A covered employer shall provide service employees who work at the property to provide security, janitorial services, building maintenance, concierge services, or door attendant services, and the collective bargaining representative of any such employees, a sixty (60) day advance written notice of the effective date of a closure of the property where the employees are employed and the list of laid-off employees. If the covered employer receives less than 60 days' notice of the closure, it must provide the required notice and list of laid-off employees to employees and their collective bargaining representative as soon as practicably possible after it learns of the closure. A copy of the notice of closure and list of laid-off employees shall be promptly provided to the Agency, in the manner and form prescribed by the Agency.

(2) In the event of sale or transfer of the property where closure occurred and after the date of separation of the laid-off employees from the property, the covered employer selling the property shall provide a copy of the written notice and the list of laid-off employees provided under Subsection (1) to the purchaser(s) of the property. Any purchaser of a property where closure occurred that does not receive a list of laid-off employees shall contact the Agency to request a copy of the list. Any purchaser of the property shall maintain the written notice of closure and list of laid-off employees and shall be subject to the same duty to furnish the notice of closure and list of laid-off employees to any successor owner in the event of a subsequent sale or transfer of the property until such time that the laid-off employees' right of recall under this section is satisfied.

(3) A covered employer, contractor or successor employer that intends to hire employees due to the re-opening of any part of the property previously closed and where any laid-off employee had previously been employed shall offer each laid-off employee any job position that becomes available at the property for which the laid-off employee is qualified. The offer shall be made in a manner in which the employer entity typically customarily communicates with employees, including e-mail, text message, other electronic communication, and/or postal mail, to the extent that such communications system permits laid-off employees to confirm receipt of the offer and permits covered employers to demonstrate the receipt has been confirmed.

(4) A laid-off employee is qualified for a position if the laid-off employee:

- (a) held the same or similar position at the property at the time of the laid-off employee's most recent separation from service with the covered employer or contractor with whom the laid-off employee was employed at the time of separation; or*
- (b) is qualified for the position with the same training by the covered employer, contractor or successor employer that would be provided to a new employee hired into that position.*

(5) The covered employer, contractor or successor employer shall offer positions to laid-off employees who qualify under category (4)(a) of this Section and then to Employees who qualify

City of Philadelphia

BILL NO. 240088 continued

under category (4)(b). Where more than one laid-off employee is entitled to the offer of a position at the same time, the covered employer, contractor or successor employer shall offer the position to the laid-off employee with the earliest date of hire at the property according to the list of laid-off employees.

(6) A laid-off employee who is offered a position pursuant to this section shall be given no less than 5 days from confirmed receipt of the offer in which to accept or decline the offer. A laid-off employee may accept an offer at any time before the end of the 5-day period. A laid-off employee, upon accepting an offer, will have fourteen (14) days from the expiration of the initial 5-day period to return, unless a different period is mutually agreed upon by the covered employer, contractor or successor employer and laid-off employee.

(7) A covered employer, contractor or successor employer that hires someone other than a laid-off employee on the grounds of lack of qualifications shall provide the laid-off employee a written notice within 30 days identifying those hired in lieu of such laid-off employee's recall and providing the reasons for such decisions.

(8) The right of recall for any laid-off employee provided under this section shall expire on the date five years after the laid-off employee's most recent date of employment at the property.

§ 9-2304. Enforcement.

(1) Agency Enforcement.

(a) An employee or other person may file a complaint with the Agency for any violation of this Chapter. The Agency may also conduct an investigation on its own initiative.

(b) The Agency should maintain as confidential the identity of any complainant unless disclosure of such complainant's identity is necessary for resolution of any investigation by the Agency, or otherwise required by law. The Agency should, to the extent practicable, notify such complainant that the Agency will be disclosing his or her identity prior to such disclosure.

(c) Upon receiving a complaint alleging a violation of this Chapter, or upon its own initiative, the Agency is authorized to investigate alleged violations of this Chapter. The Agency has the power to subpoena records and testimony from any party to a complaint. Such records shall be provided to the Agency within thirty (30) days after receipt of the subpoena.

(d) The Agency should keep complainants reasonably notified regarding the status of their complaint and any resulting investigation and to notify complainants of any final decision of the Agency, including any mediation result, with respect to the complaint.

(e) Whenever the Agency finds that a violation of this Chapter has occurred, it is authorized to issue to the offending employer a notice of violation and may seek to resolve violations by mediation.

City of Philadelphia

BILL NO. 240088 continued

(f) *The Agency shall have the power to provide or obtain appropriate relief. Available remedies include instatement, reinstatement, restoration of hours, other injunctive relief, back pay and benefits, any other damages suffered as a result of the employer's violation of this Chapter, and reasonable attorney's fees and costs.*

(2) *Civil Enforcement*

(a) *The Agency or a[A]n employee displaced or terminated or denied recall in violation of this Chapter may bring an action in a Court of competent jurisdiction against the covered employer [awarding authority], the terminated or ending contractor and/or the successor employer [contractor], jointly or severally, for violations of any obligations imposed under this Chapter and shall [may] be awarded:*

(1) *back pay, including the value of benefits, for each day during which the violation continues, which shall be calculated at a rate of compensation not less than the higher of:*

(.1) *the average regular rate of pay received by the employee, during the last year of the employee's employment in the same job classification times average hours worked per work day over the past four months; or*

(.2) *the final regular rate of pay received by the employee at the time of termination times the average hours worked per work day over the past four months; and*

(b) *instatement or reinstatement to the employee's [his or her] former position at no less than the last wage rate, with benefits and hours worked per work day, that the employee received.*

(2) *If the employee is the prevailing party in any such legal action, the Court shall award reasonable attorney's fees and costs to the employee as part of the costs recoverable.*

(3) *This Section shall not be construed to limit an employee's right to bring common law cause of action for wrongful termination.*

(4) *Each day a violation continues shall constitute a separate violation.*

(5) *Any covered employer [awarding authority] or contractor or successor employer who knowingly violates this Chapter shall pay penalties per employee per day of violation of fifty dollars (\$50) to one hundred dollars (\$100).*

§ 9-2405 *Regulations*

The Agency is authorized to coordinate the implementation, administration, and enforcement of this Chapter, and shall promulgate such regulations or guidelines as it may deem necessary for such purposes.

City of Philadelphia

BILL NO. 240088 continued

[§ 9-2304] § 9-2306. Notice to Displaced Worker.

(1) English Language Notice.

DATE:

TO: (name of employee)

IMPORTANT INFORMATION REGARDING YOUR EMPLOYMENT

We have received information that you are employed by (name of *terminated or ending* [predecessor] contractor) and are currently performing work at (address of *covered property* [worksite]). (Name of *terminated or ending* [predecessor] contractor) has lost its contract with the owners of (address of *covered property* [worksite]) and will no longer be providing (security or janitorial or building maintenance or food and beverage or hotel or covered airport services or covered parking services or health care) services as of (last day of *terminated or ending* [predecessor] contract).

We are (name of successor [contractor] *employer*) and have been hired by the owners of (address of *covered property* [worksite]) to provide the same (security or janitorial or building maintenance or *concierge services or door attendant services* or food and beverage or hotel or covered airport services or covered parking services, or health care) service. We are offering you a job with us for a 90-day probationary period starting (first day of [successor] *successorship* contract) to perform the same type of work that you have already been doing for (name of *terminated or ending* [predecessor] contractor) under the following terms:

Payrate (per hour): \$ _____

Hours per shift: _____

Total Hours Per Week: _____

Benefits: _____

You must respond to this offer within the next ten days. If you want to continue working at (address of *covered property* [worksite]) you must let us know by (mm/dd/yyyy - no later than 5 days prior to the expiration of the *terminated or ending* [predecessor] contract or 10 days after the date of this letter if the predecessor contract has already expired). If we do not receive your response by the end of business that day, we will not hire you and you will lose your job. We can be reached at (successor contractor phone number).

The Protection of Displaced Contract Workers Ordinance, Chapter 9-2300 of The Philadelphia Code gives you the following rights:

City of Philadelphia

BILL NO. 240088 continued

1. You have the right, with certain exceptions, to be hired by our company for the first 90 days that we begin to provide services at (address of worksite).
2. During this 90-day period, you cannot be fired without just cause.
3. If you believe that you have been fired or laid off in violation of this Ordinance, you have the right to sue us and be awarded back pay, attorneys fees and court costs.

FROM: (Name of successor contractor)

(Address of successor contractor)

(Telephone # of successor contractor)

(2) Spanish Language Notice.

FECHA:

PARA: (nombre del trabajador)

INFORMACION IMPORTANTE SOBRE SU EMPLEO

Hemos recibido información que usted está empleado por (nombre [de la Compañía] *del empleador* anterior) y que actualmente está trabajando en (dirección del lugar de empleo). (Nombre [de la compañía] *del empleador* anterior) ha terminado el termino de su contrato con los dueños de (dirección del lugar de empleo) y no proveerá más (servicios de seguridad o de limpieza o mantenimiento de edificio *o servicios de conserjería o servicios de portero* o de comida y bebida o servicios de estacionamiento o de servicios de aeropuerto, servicios a hoteles o servicios de salud) servicios desde el (el último día de contrato de la compañía anterior).

Somos (nombre [de la] del nuevo *empleador*) y hemos sido contratados por los dueños de (dirección del lugar de trabajo) para proveer el mismo (seguridad o de limpieza o mantenimiento de edificio *o servicios de conserjería o servicios de portero* o de comida y bebida o servicios de estacionamiento o de servicios de aeropuerto, servicio de hoteles o servicios de salud) servicio. Le estamos ofreciendo un empleo con nosotros con 90 días de periodo probatorio comenzando el (primer día de contrato de la compañía nueva) desempeñando el mismo tipo de trabajo que ha estado haciendo para (nombre de la compañía anterior) bajo los siguiente términos:

Salario (por hora): \$ _____

Horas por días: _____

Total de horas por semana: _____

Beneficios: _____

City of Philadelphia

BILL NO. 240088 continued

Usted deberá de contestar nuestra oferta entre los próximos diez días. Si usted quiere continuar trabajando en (dirección del lugar de trabajo) deberá de dejarnoslo saber no más tardar del (mes/día/año) - a no más tardar de 5 días antes de la expiración del contrato de la compañía anterior o 10 días después de haber recibido esta carta si el contrato de la compañía anterior ya está expirado). Si no recibimos su contestación ese día al terminar el día laboral no le contrataremos y usted perderá su empleo. Puede comunicarse con nosotros (numero telefónico de la compañía nueva).

La Ordenanza de Protección para Trabajadores Desempleados bajo Contrato, Capitulo 9-2300 del Código de Filadelfia le da los siguientes derechos:

1. Usted tiene el derecho, con ciertas excepciones, de ser contratado por nuestra compañía por los primeros 90 días en que comencemos a dar servicios en (dirección del lugar de empleo).
2. Durante este periodo de 90 días usted no puede ser despedido sin causa [justificada].
3. Si usted cree que ha sido despedido o le han dado de baja en violación a esta Ordenanza usted tiene el derecho de demandarnos y recibir su salario, honorarios de abogado y costo de corte.

DE: (Nombre de la Compañía nueva bajo contrato)

(Dirección de la Compañía nueva bajo contrato)

(Teléfono # de la Compañía nueva bajo contrato)

City of Philadelphia

BILL NO. 240088 continued



PHILADELPHIA CITY COUNCIL
Commerce and Economic Development Committee
April 4, 2023

Written Testimony Provided By:
Carol Christner, CEO
Pennsylvania Apartment Association



Commerce and Economic Development Committee

Bill 240088

April 4, 2024

Good afternoon, Chair Squilla and members of the Commerce and Economic Development Committee. My name is Carol Christner, and I am the CEO for the Pennsylvania Apartment Association (PAA) representing over 287,000 units and 316 property management companies across the Commonwealth. Locally here in Philadelphia we represent over 38,000 units and 49 property management companies.

I'd like to take a moment to thank the bill's sponsor, Councilmember Jim Harrity and his team, for their willingness to engage with our Association and for having an open dialogue on the bill before you today. We greatly appreciate the opportunity to submit testimony today and look forward to cross collaborating.

The PAA opposes this legislation as written, but we are very willing to continue working with Councilmember Harrity to amend the legislation to craft a bill that can assist with worker retention while ensuring that our members who manage future conversion properties have the ability to maintain autonomy over their staffing needs.

One of the major challenges we have is the potential impact on office to residential conversions, and with Federal, state, and local incentives coming, we are concerned that this legislation adds another layer of red tape and will disincentivize those conversions here in Philadelphia.

The bill could be improved in several ways. First, we would like the bill to exempt office to residential conversions. This legislation does not reflect that different types of buildings have different business models and staffing needs. For example, residential buildings tend to have less of a need for large on-site security teams than commercial buildings.

In addition, we believe any severance package given to employees should be negotiated through the already existing CBA process. We also believe the definition for an employer should be changed to specify that the language specifically applies to contracted employees. The contracts buildings have with in-house employees differ greatly from those with contractors. The multifamily housing industry primarily employs in-house teams, and contract work is largely specialized.

Lastly, the threshold should be raised to 20+ contracted employees, and that would alleviate some of the burden of this legislation.

The Pennsylvania Apartment Association would welcome any opportunity to continue to work with this committee, and all stakeholders who would be impacted by any potential changes due to this bill.

We appreciate the opportunity to testify today and look forward to working with this Committee in the future to find innovative solutions.

Good afternoon. My name is Daisy Cruz and I am the District Leader for SEIU Local 32BJ MAD 1201. We represent thousands of workers who clean, provide security for, and maintain buildings in and around center city. As you have heard, a lot of our members find themselves in danger of losing their jobs due to no fault of their own.

Our union members are cleaners, security officers, building engineers, and others who ensure that buildings are clean, well-maintained, and secure so that businesses can function properly. Being in the position that I have been with the union over the years, I have come to understand that our workers can easily be taken for granted because they do such an excellent job that the people they serve don't have to worry.

Covid presented the most constant, pressing problem we have ever seen. During the pandemic, our members became highly recognized in a way they had never been before. While we were quarantined, masked, and dealing with death and uncertainty, a lot of people were able to work from home. Not our members. They were celebrated and honored as "essential workers" when it was still unclear exactly how the virus was spreading.

They did extra deep cleanings constantly and helped enforce social distancing/mask mandates in an effort to keep us as safe and healthy as possible. Many of them were laid off, lost hours, and, like the rest of the world, some unfortunately lost their lives. We stood together through those times.

Now that we are coming out of the worst of it and entering a time of recovery, we find that the businesses that we worked so hard to help stay afloat are making adjustments themselves. We expect that as social and economic times change, businesses make different decisions. We ask that you, our elected officials, make different decisions as well.

32BJ has advocated for displaced worker laws in other cities throughout its jurisdiction. The laws are designed to protect working people from a sudden loss of employment due simply to a change in their employer, like contracting out of certain jobs. Irresponsible companies can use these types of business transactions to undercut wage and benefit standards and even bust unions. The proposed amendments in this bill are intended to close loopholes and strengthen these protections for the new world we face after the COVID pandemic.

We ask that you continue to support and protect us by voting yes on this Displaced Worker bill. By doing so, you will be sending a clear message that we are all in this recovery process together.

Thank you.

Hello. My name is Tiffany Cherry. I've been working at the Bellevue for 13 years as a cleaner. We are the cleaners who service the Chamber of Commerce. SEIU has helped us see a steady pay increase under our union contracts I've gone from around \$15 an hour to \$22 an hour.

Right now, only 4 of those floors are commercial while the other 6 are under renovation to become residential. The Bellevue started transitioning to new management as covid hit and fully transitioned in early 2022. Half of the building is still the Bellevue Hotel while the side we work on used to be 10 commercial floors.

Before the cuts and renovations started, the building had 23 cleaners. Now we are down to 5, with one in the daytime and four at night. That means 18 workers are no longer at the building. The threat of losing our jobs isn't just a threat to our wages; it could also lead to us losing health insurance, pensions, and other benefits.

The second management company that came in immediately cut the workforce and we have heard that there is another new company that took over as of November 1st.

These changes are not being made due to our work performance. They are being made based on circumstances outside of our control which is why Displaced Worker legislation is so important for us.

If I lose my job, it will affect my life in a major way. I have bills, kids, mortgage, car notes just life in general. The passage of this bill means job security, it means those things I just listed stay taken care of. The owner of the buildings will be well taken care of no matter how it plays out, we won't.

I don't want to start over. I don't know what will happen with the floors we are still working on. 90 percent of the building is under construction. We are 100 percent worried about our job security if the owners of the buildings in Center City have the power to continue putting myself and my coworkers out. Thank you

Keisha Hayes Talking Points

Good afternoon, my name is Keisha Hayes and I have been a cleaner in the Public Ledger Building at 620 Chestnut St for 29 years. I would like to speak to you for a moment on the importance of the Displaced Worker protections currently on the books in Philadelphia and why we have such an urgent need to amend the current language.

When I started almost 30 years ago, we were making \$7.00/hr. Then in 2000, we joined the union and our pay went to around \$13.00/hr. Now, after our latest contract negotiation, we make \$21.43/hr. with full family health insurance.

Because of my union and our ability to fight for better wages and benefits, I have been able to put both of my children through college and they have both been able to have great medical care while on my insurance so they were able to deliver my three grandchildren without having to worry about medical expenses. I am now helping my children put my grandchildren through catholic school.

Our jobs have become the kinds of jobs that change lives and improve families. Over decades of negotiations and improvements, we have been able to earn the kinds of wages and benefits that help us support our families, neighborhoods and communities. But all those gains could be lost if another company takes over and does not hire us and negotiate to keep our union contract.

Last year, my building switched cleaning companies over night to a non-union company and when I came to work the next day, my co-workers and I were informed that our services were no longer needed. After over 20 years, I wasn't even allowed in the building and after calling around and asking for an application to the new company, I was told that I wasn't even allowed to apply.

I immediately contacted my union and because of the displaced worker protections we had fought for, we were able to fight to keep our jobs and another cleaning company eventually came in fully respecting our rights and agreeing to our contract. The legislation protected us from changes that otherwise would have completely pulled the rug out from under us.

Now, coming out of the pandemic, we are faced with a new threat. After working through Covid and being front line making buildings safe for businesses, we face conversions from commercial to residential, which often means lay-offs and changes in our employer.

My building has gone from 22 cleaners down to 2 or 3 as renovations are literally being done around us. Half the building has already turned into condominiums and we have no protections in the process.

"Recovering" or "adapting" to a world post-covid has changed our industry and exposed us to new job insecurity. We understand that the buildings are trying to recover from the pandemic but so are we as workers and they should not be allowed to recover at the expense of us, the employees who have been working so hard all these years to keep these buildings clean and safe.

Thank you.

My name is Jeremiah Worsley I'm a proud member of SEIU32BJ. I've been a Center City District worker cleaning the outside of these buildings for 17 years. In that time we've been able to negotiate pay raises and maintain some great benefits to take care of my family.

Honestly, the health benefits are what keep me here. They take care of my blood pressure medicine and make sure my daughters can get their contacts and braces.

While I'm responsible for the outside of these buildings what happens inside is important to me because these are my union family.

The testimony you've heard so far is heartbreaking. It is heartbreaking to see 20-30 people in a building who have been at jobs for decades put out.

I can't imagine losing my job that I've been excelling at just because a new building owner wants to slash the union workers out.

I implore you to take pass this bill and take care of our displaced workers. We all deserve a future where we can comfortably retire and take care of our families.

Barbara Cherry Talking Points

Hello, I'm Barbara Cherry. I'm a cleaner at the Fashion District at 9th and Market. This will be my 5th year in September, after working over 20 years as an educator.

These developers are coming in and making condos that we have been working with our union, SEUI32BJ, to make into a great place to work. I'm nervous that if this bill doesn't pass I will join the growing list of people who have lost their jobs at no fault of their own.

We need this bill to pass to ensure job security and support for our families. Some of us have been doing their jobs for 25-30 years. Some of us are so close to retirement. Our union just negotiated a new contract with a 401k, and they are just going to take that away from us. We are trying to set up a future for our families.

A lot of people come through this establishment and always tell me what a great job we are doing keeping the buildings clean. They appreciate coming through a nice, clean place and it smells the part. These developers are coming in and trying to wipe out our workforce and our hard-earned benefits.

Put yourself in our shoes. How would you feel if you were in our shoes? Losing your job and your family's livelihood is destroyed. Maybe making less money and you don't have the benefits we worked so hard for. You have to start all over. How would you feel? Thank you.



Testimony before the Philadelphia City Council
Committee on Commerce & Economic Development
Chaired by Council Member Mark Squilla
in Response to Bill No. 240088
to amend Chapter 9-2300 of The Philadelphia Code, to provide protections for service
employees, including laid-off employees, all under certain terms and conditions

Thursday, April 4, 2024

My name is Don Haas. I am General Manager of the Logan Square complex. I am here today in my capacity as Co-Chair of BOMA's Government Relations Committee (the Building Owners' and Managers' Association of Philadelphia). I would like to thank Council Member Squilla and the Commerce and Economic Development Committee for the opportunity to testify on Bill No. 240088.

Let me state at the outset that the SEIU service workers employed at BOMA member buildings are highly valued members of our property teams. They are reliable and dependable, coming to work at all hours of the day and night, cleaning our tenants' offices, sanitizing the restrooms, clearing snow and ice from the surrounding sidewalks – the duties they perform go on and on. The service workers of Philadelphia are on the front line when it comes to making our buildings hospitable places in which to work.

As many of you know, BOMA members typically operate in the commercial office, industrial and retail real estate sectors, rather than in multifamily and/or residential. Our member buildings define the Center City skyline. As we, collectively (public and private sector) seek to recover from the pandemic and remote work, no doubt we are facing some serious headwinds. Our industry is faced with tenant contractions (as tenants renew), inflationary pressures, skyrocketing insurance premiums as well as rising interest rates. In fact, we have a number of buildings surrounding City Hall which are currently in default of their loans or facing foreclosure. Simply put, these are challenging times.

You have many other groups here today testifying about concerns (or unintended consequences) associated with Bill 240088 and we at BOMA echo all their concerns. As commercial building owners, many are struggling to make ends meet and to hold on to their asset - in some cases a sale or pursuit of an alternate path, such as conversion to residential might be the highest and best use. The City should embrace this -incentivize this rather than impose any measures which would be an impediment.

I will NOT speak today on points that others are raising, but instead will focus on BOMA's primary concerns. First and foremost, government interference in a collective bargaining agreement and the other, mandating who employers should hire.



Building Operators Labor Relations (commonly known as BOLR) is a division of BOMA. Its principal function is to negotiate collective bargaining agreements on behalf of member buildings. BOLR has historically bargained in good faith with SEIU 32BJ... one could say that we are even partners in the administration of the Health and Welfare fund. The most recent 4-year contract was concluded this past fall (October 23, 2023 to be exact). It was a very favorable contract for the service workers. It included wage increases of \$3.75 over the 4-year period, 20% increase in pension, increased benefits and the continuation of fully funded healthcare.

Again... we value how our partners in purple and yellow helped us navigate the pandemic and the same was reflected in the contract.

During the course of the "good faith" negotiations with 32BJ (and its members), increased displaced worker protections were sought, intended primarily to assist the SEIU in organizing service workers in the growing residential sector. In the end, the members opted to take a more generous compensation package than fight for enhanced worker protections.

As I noted a few moments ago... the negotiations concluded on October 23rd. Much to BOMA's chagrin, 3 days later, on October 26th, a bill was introduced in City Council seeking to gain legislatively the displaced worker protections that SEIU members opted to forego at the bargaining table.

THAT IS NOT GOOD FAITH!

If you pass this bill today, in its current form, you are setting a terrible precedent. Under the circumstances, it appears that Council is seeking to override a collective bargaining agreement that is just months old. BOMA objects to this level of government interference with a long-established labor practice – a practice that is supported at the federal level by the National Labor Relations Act, as well as by Pennsylvania state labor laws.

BOMA member buildings have long abided by these well-established state and federal labor practices. We placed trust in our partnership with the SEIU and with 32BJ and with the prescribed collective bargaining process. We trusted that when we negotiate in good faith, issues of concern to all parties will be resolved in good faith, and that CBAs will be allowed to stand for the duration of their terms once they have been duly ratified.

If Council is determined that Bill No. 240088 must move forward in spite of 32BJ's recently ratified collective bargaining agreement, BOMA would urge Council to exempt collectively bargained employees from the bill. I repeat... any advancement of this bill should specifically exclude collectively bargained employees.



Before we part, I would like to ask the committee members a few questions with a show of hands:

1. How many of you value the dedicated staff members in your office?
2. How many of you were able to personally select the team that works with you in your offices?
3. How many of you would have been okay if you were told who you “must” hire... or were informed that the existing staff in that office were now your staff?

In the end, BOMA wholeheartedly believes that employers should be able to hire and develop teams that contribute to the overall success of the organization. That holds true for both the Public and Private sector.

Thank you for your time and I’m happy to answer any questions you may have.

Testimony of Alba Martinez, Director, Department of Commerce

Committee on Commerce and Economic Development

April 4, 2024

Bill No. 240088

Dear Chairman Squilla and members of the Commerce and Economic Development Committee, my name is Alba Martinez, Director of Commerce. I am submitting written testimony on Bill No. 240088, which amends Chapter 9-2300 of The Philadelphia Code to provide greater protections for displaced contract workers.

I understand that amendments on this legislation are forthcoming. With that said, this legislation as introduced would make several significant changes to existing protections under Code Chapter 9-2300. If approved by City Council, the legislation would:

- Expand the types of workers covered to include people working in concierge services and door attendant services.
- Specify that notice of termination of a service contract must be provided at least 15 calendar days in advance.
- Extend the protections of a 90-day transition period to employees who worked at the site for at least 90 days prior to the contract termination (instead of the current requirement of at least 8 months).
- Bind new building/site owners to the same obligations as the prior owner, provided employees were working there in the prior 90 days.
- Require that after the 90-day transition period, the employer must provide written performance evaluations for each retained employee and offer them indefinite, continued employment so long as their performance is satisfactory.
- Authorize an agency in the City of Philadelphia to receive complaints of violations, and authorize investigations by the agency.
- Add a new, separate category of protections for “laid-off employees” which include solely those who work in security, janitorial services, building maintenance, concierge services, and door attendant services, and who were employed at a building for at least 6 months in the 12-month period preceding their loss of employment, if such loss is due to closure of the property occurring after January 1, 2024.

If approved by City Council, I confirm that Mayor Cherelle L. Parker will sign this legislation and that the relevant Departments will commit to working with City Council on implementation.

Thank you for the opportunity to submit this testimony on behalf of the Parker administration.



Testimony of Lyle Rowan
32BJ SEIU Associate General Counsel
In Support of Bill No. 240088
April 4, 2024

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Thank you for the opportunity to testify today. My name is Lyle Rowen and I serve as an Associate General Counsel to SEIU Local 32BJ. I am submitting testimony in support of Bill No. 240088, which would amend Chapter 9-2300 of the Philadelphia Code to improve job protections for many of our city's essential workers who are currently vulnerable to arbitrary displacement.

32BJ SEIU represents over 175,000 members up and down the East Coast, including over 9,000 hardworking individuals here in the City of Philadelphia. Our members form the backbone of the property service industry, including the cleaners, security officers, door persons and other building service workers who maintain the residential and commercial spaces the people of the city rely on. Our members are predominantly workers of color and immigrants, who have worked tirelessly to improve job standards in industries characterized by low wages and high turnover. As a union, we are committed to making life better for working families and we fight for a world where everyone is treated with fundamental respect and dignity.

On behalf of our members, I urge you to pass this amendment that would fix the gaps in Philadelphia's current displaced worker law. The city's existing ordinance was one of the first of its kind, and has been in effect since 2000. While it has provided crucial job security to many workers vulnerable to the churn of a heavily contracted industry, the law has several loopholes that limit its ability to protect the type of jobs it intends to as well as imprecise language that cannot respond to changing market conditions.

In the property service industry, contracts turn over at a high rate, and services may also be in-housed or out-sourced with little notice to employees. In the absence of displaced worker laws, longstanding, high-quality employees can be fired with less than 24 hours' notice, because a low-road contractor decides to trade in on quality to save on labor costs. In jurisdictions that do not have these laws, our union has seen instances in which an employee who has cared for a building for years or even decades, has lost their job overnight simply due to a change in contractor. Many in this industry live paycheck to paycheck and support households that may lose their ability to pay rent and access critical benefits like healthcare in the months it can take to get another job following displacement.

Displaced worker laws, also known as worker retention laws, guard against this kind of needless vulnerability simply by ensuring that existing workers have a chance to prove themselves to their new employer for a transition period after a new employer takes over a jobsite. In doing so, these laws can help maintain continuity and quality in the services that the public receives, while minimizing unemployment and the costs it imposes on local social safety net programs and on communities.

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Philadelphia's existing law has been highly effective in protecting those it covers against arbitrary displacement and its collateral costs, while also maintaining a high standard of service for the public.

However, the COVID-19 pandemic inflicted enormous and potentially lasting damage on the commercial side of the building service industry. Increasingly, this is resulting in temporary, partial, or complete closure of a building while the property is renovated for conversion, resulting in painful displacement and disruption to the economic security of the employees working there. Bill No. 240088 would provide new protections to address these new challenges of a changing real estate landscape.

Key Changes

Currently, Philadelphia's law only protects workers when a new contractor takes over their worksite, but not when building ownership in-houses a workforce. The proposed amendments extend job protection to employees who previously worked for a service contractor, but are subsequently hired directly by the building owner, whether that change occurs by decision of the existing building owner or by operation of a sale of the building to new ownership who elects against using a service contractor. Direct employment of building staff is more common in residential properties through the operation of co-op and condominium boards. Philadelphia currently has one of the highest commercial-to-residential conversion rates in the country,ⁱ suggesting that the city's residential workforce is likely to continue growing, and by extension the number of workers vulnerable to this loophole.

Additionally, with the changes in the industry shifting toward residential development, the bill adds jobs classifications common to residential property management that are not included in the existing law, specifically, concierge services and door attendant services. Without these changes, central services of the residential market would not be covered by the law's protections.

Finally, the proposed amendments include a recall protection provision to reduce the collateral damage attached to office conversion, such as lay-offs to longstanding commercial workers due to the partial or full temporary closure of the building for renovations necessary to repurpose the property. In these cases, the amendments would provide a minimum measure of continued job protection to allow displaced employees the right to be recalled to their former building when it re-opens in its new form. There will still be hardship endured during the hiatus period, and many employees may simply move on to other positions elsewhere, but this provides them a choice to return and resume their service if so desired.

The Impact

The fundamental purpose of these amendments is to reduce Philadelphia's incidence of needless job displacement, and ensure that should workers be displaced, they can adequately prepare for an employment transition. Job displacement has far-reaching impacts, both for workers and the economy. Brookings Institute estimates a 57% decline in a worker's annual earnings in the year following a job displacement, and that ten years post-displacement, impacted workers still on average make 25% less than their non-displaced counterparts.ⁱⁱ Unemployment insurance and other public assistance programs

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can help offset some of the household-level damage of these earnings losses,ⁱⁱⁱ but these supports come at the expense of taxpayers. Thus, when low-road contractors seek to offset their own costs by replacing long-term workers with less expensive new hires, they may actually be passing some of these costs onto the public.

Adding to this, risk of job displacement and the economic tolls attached to it vary significantly by race and socioeconomic group. Black workers are 67% more likely to be displaced than their white counterparts, and workers from low income families are 27% more likely to be displaced than high income earners.^{iv} By targeting industries that are largely comprised of low-income workers and workers of color, the bill's expansion could also be a promising tool to help close racial unemployment gaps.

Further, 32BJ's experience with Philadelphia's existing law and similar legislation in other jurisdictions has found these protections to be effective in mitigating the individual and societal impacts of sudden job loss, while minimally impacting employers. This is because worker retention laws simply reinforce the existing industry standard for a new employer to retain the incumbent workforce during a change in contractor. Most contractors already opt to re-hire incumbent employees, given the savings to onboarding costs and the experience and relationships these workers bring to the job. Given the slim financial margins in this industry, service contractors do not typically have a large staff on hand that is not actively working, and instead hire on a project by project basis. As a result, worker retention laws only affect a small pool of bad-actor employers who seek to cut labor costs by replacing the existing workforce with less-experienced new hires.

Displaced worker laws also preserve a high degree of the employer's managerial control. Under Philadelphia's existing legislation, employers retain the right to downsize their workforce if they determine they can perform the work with fewer workers, and also retain the right to terminate employees for cause at any time. They can also terminate any employees with or without cause following the 90-day transition period.

For all of these reasons, over 20 jurisdictions across the country have now passed their own worker retention laws, including many in Philadelphia's neighboring jurisdictions.^v In Washington DC this legislation has been in place since 1994 for janitors and since 2006 for security officers and other service workers.^{vi} In Maryland, Montgomery County enacted legislation in 2012,^{vii} followed by Baltimore in 2017,^{viii} and Prince George's County in 2022.^{ix} After seeing the success of multiple worker retention laws at the city level,^x in 2023 New Jersey became the second state in the country to pass a statewide law.^{xi}

The bill's coverage is tailored to the worker categories and worksite locations that would most benefit its protections, while intentionally excluding employer-employee relationships where they would be impractical. For example, it does not apply to private homeowners who employ a housecleaner to clean their homes or who hire a landscaping company to mow their lawns.

Our experience with Philadelphia's existing law and those in other jurisdictions finds them to be a win for workers, consumers, and employers alike. Good workers can trust that they will not lose their jobs overnight, and have better ability to plan around their

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income and their families' needs. The public can trust in continuity of services and the human relationships that enhance their experience of them. Finally, employers can trust in a ready workforce that has the skills and experience to hit the ground running on day one, while retaining their ability to make necessary changes in the workforce if they need to.

For all of these reasons, I respectfully urge the legislature to stand with Philadelphia's working families and pass Bill No. 240088. Thank you for your time today.

ⁱ Avilucea, Isaac and Sami Sparber. "Charted: Philadelphia metro's office-to-apartment conversions surges." *Axios Philadelphia*, Feb 1, 2024. Available at <https://www.axios.com/local/philadelphia/2024/02/01/philly-office-to-apartment-conversions-increasing>

ⁱⁱ Gelrud Shiro, Ariel and Kristin F. Butcher. "Job Displacement in the United States by Race, Education, and Parental Income." Brookings Institute, July 2022. Available at https://www.brookings.edu/wp-content/uploads/2022/07/20220719_FMCI_ShiroButcher_JobDisplacement_FINAL.pdf

ⁱⁱⁱ Gelrud Shiro, Ariel and Kristin F. Butcher. "The long-term economic scars of job displacements." Brookings Institute, July 21, 2022. Available at <https://www.brookings.edu/articles/the-long-term-economic-scars-of-job-displacements/>

^{iv} Gelrud Shiro, Ariel and Kristin F. Butcher. "Job Displacement in the United States by Race, Education, and Parental Income." Brookings Institute, July 2022. Available at https://www.brookings.edu/wp-content/uploads/2022/07/20220719_FMCI_ShiroButcher_JobDisplacement_FINAL.pdf

^v Existing displaced worker laws include, but are not limited to, the following:

1. *Displaced Service Worker Protection Ordinance* Baltimore City Code Art. 11, § 18-1, available at <https://civilrights.baltimorecity.gov/sites/default/files/Art%2011%20Sub%2018%20Displaced%20Workers.pdf>
2. *Berkeley Marina Zone Worker Retention Ordinance* Berkeley Municipal Code § 13.25, available at <https://berkeley.municipal.codes/BMC/13.25>
3. *Displaced Janitor Opportunity Act*/ California Labor Code § 1060 – 1065. Available at <https://law.justia.com/codes/california/2022/code-lab/division-2/part-3/chapter-4-5/section-1060/>
4. *Workplace Justice Standards at Large Hotels* Emeryville Code § 5-32, available at <https://www.codepublishing.com/CA/Emeryville/html/Emeryville0532.html>
5. *Grocery Worker Retention Ordinance* Gardena Municipal Code § 5.10.0010 – 5.10.070, available at <https://www.codepublishing.com/CA/Gardena/html/Gardena05/Gardena0510.html>
6. *County of Los Angeles Living Wage Program* Los Angeles County Code § 2.201.010 – 2.201.100, available at https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TTT2AD_DIV4MIRE_CH2.201LIWAPR_2.201.070EMRERI
7. *Service Contract Worker Retention Ordinance* Los Angeles, CA Municipal Code § 10.36, et seq., available at https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-39492
8. *Displaced Service Worker Act*. Montgomery County Code Sec. 27:7-27:8. Available at <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2012/19-12.htm>
9. *New Jersey Service Worker Retention Bill A4682/S2389* available at <https://www.njleg.state.nj.us/bill-search/2022/A4682>
10. *Displaced Building Service Workers Protection Act* New York City Administrative Code § 22-505, available at <https://www.nyc.gov/assets/dca/downloads/pdf/about/Displaced-Building-Service-Workers-Act.pdf>
11. *Living Wage and Labor Standards at Port-Assisted Businesses, Preventing Displacement of Workers* Oakland Municipal Code § 728(5), available at https://www.portofoakland.com/files/pdf/responsibility/livi_04.pdf
12. *Protection of Displaced Contract Workers* Philadelphia Code § 9-2301 – 9-2304, available at https://codelibrary.amlegal.com/codes/philadelphia/latest/philadelphia_pa/0-0-0-279302
13. *Displaced Service Employees Protection Act*. Prince George's County Code Sec 13A:19-13A:121. Available at

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14. *Hospitality Business Protection and Worker Retention Ordinance* Providence, RI Municipal Code § 2-18.5, available at https://library.municode.com/ri/providence/codes/code_of_ordinances?nodeId=PTIICOOR_CH2A_D_ARTIINGE_S2-18.5HOBUPRWORE

15. *Service Worker Retention* San Diego Municipal Code § 22.2801 – 22.2806, available at <https://docs.sandiego.gov/municode/MuniCodeChapter02/Ch02Art02Division28.pdf>

16. *Displaced Worker Protection* San Francisco Police Code §§ 3300C.1 – 3300C.6, available at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_police/0-0-0-7283

17. *Grocery Worker Retention* San Francisco Police Code §§ 3300D.1 – 3300D.9, available at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_police/0-0-0-7323

18. *Living Wage Ordinance* San Leandro Municipal Code § 1-6-645, available at <https://www.sanleandro.org/DocumentCenter/View/6139/2007-0723---LWO-Text-Ord-No-2007-018?bidId=>

19. *City of Santa Cruz Living Wage Ordinance, Employee Retention* Santa Cruz Municipal Code § 5.10.090, available at <https://www.codepublishing.com/CA/SantaCruz/html/SantaCruz05/SantaCruz0510.html#5.10.090>

20. *Grocery Worker Retention* Santa Monica Municipal Code § 5.40, available at <https://ecode360.com/42734259>

21. *Hotel Worker Retention* Santa Monica Municipal Code § 4.67.050, available at <https://ecode360.com/42728310>

22. *Displaced Workers Protection Act* D.C. Code § 32-101 – 32-103, available at <https://code.dccouncil.gov/us/dc/council/code/titles/32/chapters/1>

23. *Displaced Service Employees Protection Law*. Westchester County Code Sec 580.01-680.05. Available at https://library.municode.com/ny/westchester_county/codes/code_of_ordinances?nodeId=PTIVOTL_OLAACRE_CH580DISEEMPRLA

24. *Displaced Workers Protection Act* D.C. Code § 32-101 – 32-103, available at <https://code.dccouncil.gov/us/dc/council/code/titles/32/chapters/1>

vii *Montgomery County Human Rights and Civil Liberties Code* Sections 27-7-27-8. Available at <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2012/19-12.htm>

viii *Displaced Service Worker Protection Ordinance* Baltimore City Code Art. 11, § 18-1, available at [https://civilrights.baltimorecity.gov/sites/default/files/Art%2011%20Sub%2018%20Displaced%20Workers.p](https://civilrights.baltimorecity.gov/sites/default/files/Art%2011%20Sub%2018%20Displaced%20Workers.pdf)

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ix *Displaced Service Employees Protection Act*. Prince George's County Code Sec 13A:19-13A:121. Available at

https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIITI17PULOLAPRGECOMA_SUBTITLE_13ALACO_DIV4DISEEMPRAC

* See *Hoboken Service Worker Retention*: Hoboken, NJ Municipal Code §199.1-199.4, Enacted 2021 and *Newark Service Contract Worker Retention*: Newark City Code § 2:4-22A, Enacted 2007

xi *New Jersey Service Worker Retention Bill A4682/S2389* available at <https://www.njleg.state.nj.us/bill-search/2022/A4682>

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