



WHEREAS, The City of Chicago seeks, as a matter of policy, to ensure that its residents and members of the traveling public have access to reliable, high-quality concession and transportation services at its airports; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. The foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein and are hereby declared to be the findings of the City Council of the City of Chicago.

SECTION 2. Chapter 10-36 of the Municipal Code of Chicago is hereby amended by inserting a new Section 10-36-210, as follows:

10-36-210 Labor-related requirements governing concession agreements at the airports.

(a) Definitions. As used in this section:

"Airport" means Chicago-O'Hare International Airport or Midway International Airport.

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"City" means the City of Chicago.

"Concession contract" means any contract, lease or license to operate at any airport terminal facility any enterprise that provides food or beverage services to the general public, or that is a news and gift store or duty-free store, pursuant to which contract the City is entitled to receive, in the form of rents, royalties or other income, a percentage of the revenues generated by such enterprise or by any subcontract, sublease, management agreement or other transfer or assignment of any right, title or interest received from the City pursuant to any of the foregoing contracts, leases or licenses. The term "concession contract" does not include any contractually authorized extension, renewal, or holding over with the consent of the city, of any concession contract entered into prior to the effective date of this section.

"Concessionaire" means any entity that is a party to a concession contract at any airport terminal facility entered into after the effective date of this section.

"Employee" means a person employed by the concessionaire on a full time or part time basis.

"Entity" means a sole proprietorship, partnership, corporation, joint venture, franchise or other business organization of any kind.

"Labor Peace Agreement" means a written agreement between a concessionaire and a labor organization(s) seeking to represent the concessionaire's employees, to which 29 U.S.C. Section 185(a) applies, as that section has been interpreted by the United States Supreme Court, which contains a provision prohibiting

the labor organization and its members from engaging in any picketing, work stoppage, boycott or other economic interference with the operations of the concessionaire or with any subcontractor or sublicensee of the concessionaire, for the duration of the concessionaire's concession contract(s) with the City.

"Small business" means an entity that, in aggregate at all of its global operations, employs fewer than 500 employees and also employs fewer than 50 employees between both airports under all concession contracts of the entity and its subsidiaries and affiliates.

(b) Concessionaire contractual requirements. Except as otherwise provided in subsection (d) of this section, as a condition to entering into any concession contract with the City, the concessionaire shall either (1) be a party to a collective bargaining agreement(s) with the employees who staff the concessionaire's operations, which labor agreement shall prohibit the union and its members, and all employees covered by the agreement, from engaging in strikes, picketing, work stoppages, boycotts or other economic interference with the business of such concessionaire for the duration of the concession contract(s); or (2) enter into and comply with a Labor Peace Agreement.

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c) Additional requirements. As a condition of its concession contract with the City, a concessionaire shall include in all of its subcontracts, sublicenses or similar agreements a provision(s) requiring compliance with subsection (b) of this section, which provision(s) shall include the exception set forth in subsection (d) of this section.

d) Exception. This section shall not apply to any small business.

e) Enforcement-Regulations. The commissioner of aviation is authorized to administer and enforce this section, and to promulgate rules and regulations necessary to implement the requirements of this section.

SECTION 3. Severability. If any provision or application of this Ordinance is declared illegal, invalid or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining provisions and applications not declared illegal, invalid or inoperative shall remain in full force and effect, and no such determination shall invalidate the remaining provisions of this Ordinance.

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SECTION 4. This Ordinance shall take full force and effect upon its passage and approval.

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**January 21, 2015**

**To the President and Members of the City Council:**

**Your Committee on Aviation begs leave to report and recommend that your Honorable Body pass the proposed ordinance transmitted herewith.**

**A meeting was held on January 20, 2015 in Room 201A at City Hall to consider the following Substitute Ordinance:**

- 1. SO2014-9491 Amendment of Municipal Code Chapter 1-36 concerning high quality, uninterrupted concession and transportation services at Chicago's O'Hare and Midway Airports.**

**Burnett (27)**  
**Solis (25)**

**At the meeting 8 Alderman were added as co-sponsors:**

**Fioretti (2)**  
**Cochran (20)**  
**Cullerton (38)**  
**Dowell (3)**  
**Arena (45)**  
**O'Connor (41)**  
**Maldonado Reboyras (30)**

**This ordinance passed unanimously by a viva voce vote of the members.**

**Chairman  
Committee on Aviation**