



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2014-9491
Type: Ordinance **Status:** Passed
File created: 11/19/2014 **In control:** City Council
Final action: 1/21/2015

Title: Amendment of Municipal Code Chapter 10-36 by adding new Section 10-36-210 to require airport concessionaires to enter into agreements with labor organizations prohibiting employees from engaging in picketing, work stoppage, boycott or other means of dispute resolution intended to interfere with concessionaire business operations at Chicago O'Hare and Midway International Airports

Sponsors: Burnett, Jr., Walter, Solis, Daniel, Fioretti, Bob, Willie B. Cochran, Cullerton, Timothy M., Dowell, Pat, Arena, John, O'Connor, Mary, Maldonado, Roberto, Reboyras, Ariel

Indexes: Ch. 36 Parks, Playgrounds & Airports

Attachments: 1. O2014-9491.pdf, 2. SO2014-9491.pdf

Date	Ver.	Action By	Action	Result
1/21/2015	1	City Council	Passed as Substitute	Pass
1/20/2015	1	Committee on Aviation	Substituted in Committee	Pass
12/8/2014	1	Committee on Aviation	Held in Committee	Pass
11/19/2014	1	City Council	Referred	

SUBSTITUTE

ORDINANCE

WHEREAS, Chicago-O'Hare International Airport and Chicago Midway Airport ("the airports") provide vital services to the traveling public, to the air carriers operating at the airports, and to the economy of the City of Chicago; and

WHEREAS, Successful operation of the airports requires that airport patrons have access on an ongoing basis to a wide variety of foods and beverages, to newspapers and other reading materials, and to gift stores and duty-free stores; and

WHEREAS, Labor disputes involving concessionaires at the airports impede the efficient and orderly provision of these critical services to the traveling public; and

WHEREAS, The City of Chicago seeks to reduce the potential for labor-related disruptions at the airports by requiring airport concessionaires, as a condition of their concession contract with the City, to enter into agreements with labor organizations representing or seeking to represent their employees prohibiting the labor organization and its members from engaging in picketing, work stoppages, boycotts or other means of dispute resolution that interfere with a concessionaire's ability to conduct uninterrupted business operations at the airports; and

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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Workforce Development & Audit

Finance

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**