Legislation Details (With Text)

File #:	SO2021-2058		
Type:	Ordinance	**Status:**	Passed
File created:	5/26/2021	**In control:**	City Council
		Final action:	1/26/2022
Title:	Amendment of form of Certified Service Provider License Agreement adopted by City Council on September 6, 2017		
Sponsors:	Villegas, Gilbert, Sadlowski Garza, Susan		
Indexes:	Aviation, License		
Attachments:	1. SO2021-2058.pdf, 2. O2021-2058.pdf		

Date	Ver.	Action By	Action	Result
1/26/2022	1	City Council	Passed	Pass
1/24/2022	1	Committee on Workforce Development	Recommended to Pass	
1/24/2022	1	Committee on Workforce Development	Substituted in Committee	
11/15/2021	1	Committee on Workforce Development	Add Co-Sponsor(s)	
6/25/2021	1	City Council	Re-Referred	
6/22/2021	1	Committee on Committees and Rules	Recommended for Re-Referral	
5/26/2021	1	City Council	Referred	

CITY OF CHICAGO

MICHELLE A. HARRIS. ALDERMAN. STH WAUD CHAIRMAN-COMMITTEE ON COMMITTHF.S AND RUI Ef, CITY HALL.
RM-200. OPFICE <M • 171 NORTH LASALLE STREET. CI'ICAOO il. COCO? I'HONE: 312-/1'1-JU7!> • FAX: 3 I 2-7 1-1-5007

City Council Meeting June 23, 2021

To the President and Members ofthe City Council:

Your Committee on Committees and Rules, considered all the following Report, Ordinances and Orders which met June 22, 2021:

1. The approval of the May, 2021 Monthly Rule 45 Report for the Committee on Committees and Rules

Your Committee on Committee and Rules, recommends "do pass" ofthe following items:

Recommendation to refer proposed item 2 to the Committee on Budget & Government Operations:

2. (O2021 -1995)Transfer of funds within City Council Committee on Housing and Real Estate for Year 2021 for personnel services and contract service

Recommendation to refer proposed items 3-9 to Committee on License and Consumer Protection

3. (02121-1842) Amendment of Municipal Code Section 4-60-023 (30.4) to allow additional package goods licenses on portion (s) of N Milwaukee Ave.

4. (02021-1998) Amendment of Municipal Code Section 4-60-023 (37.15) to allow additional package goods licenses on portion (s) of W North Ave.

5. (O2021 -1843) Amendment of Municipal Code Section 4-60-023 (45.40) to allow additional package goods licenses on portion (s) of N Lipps Ave

6. (02121-2138) Designation of 6th Precinct of 23rd Ward as Restricted Residential Zone prohibiting additional shared housing units and vacation rentals

7 (02021-2135) Designation of 14th Precinct of 41st Ward as Restricted Residential Zone prohibiting additional shared housing units and vacation rentals

8. (02021-2136) Designation of 22nd Precinct of 41st Ward as Restricted Residential Zone prohibiting additional shared housing units and vacation rentals

9. (02021-2028) Amendment of Municipal Code Chapters 9-114 and 9-115 to further regulate regular fare rates for transportation network providers

Recommendation to refer proposed items 10-13 to Committee on Transportation and Public Way

10. (02021-2139) Dedication of public way (s) in area by W 33rd St, Sanitary Ship Canal and S Pulaski Rd

11. (02021-1877) Dedication of public way (s) in area bounded by W Irving Park Rd, N Kenneth Ave, W Byron St and N Kilbourn Ave

12. (02021-2142) Approval of plat of Lincoln Yards South Resubdivision

13. (02021-2141) Vacation of N Throop St bounded by W Wabansia Ave, W Concord PI and N Ada St

Recommendation to refer proposed item 14 to Committee on Workforce Development

14. (02021-2058) Amendment of form of Certified Service Provider License Agreement adopted by City Council September 6, 2017

Recommendation to refer proposed items 15-25 to Committee on Zoning, Landmarks & Building Standards

15. (Or2021-116) Historical landmark fee waiver for property at 2115 W Evergreen

16. (02021-1997) Amendment of Municipal Code Section 17-3-0503-D by modifying certain pedestrian retail street designations on portions of N Lincoln Ave

17. (Or2021-97) Issuance of permits for sign(s)/signboard(s) at 5400 W Belmont Ave

18. (Or2021-109) Issuance of permits for sign(s)/signboard(s) at 9 W Washington St

19. (Or2021-110) Issuance of permits for sign(s)/signboard(s) at 625 W Madison St

20 (Or2021 -111) Issuance of permits for sign(s)/signboard(s) at 555 W Madison St

21. (O2021-112) Issuance of permits for sign(s)/signboard(s) at 320 S Canal St -west elevation

22. (Or2021-113) Issuance of permits for sign(s)/signboard(s) at 320 S Canal St-south elevation

23. (Or2021-89) Issuance of permits for sign(s)/signboard(s) at 2844 N Broadway

24. (02021-115) Issuance of permits for sign(s)/signboard(s) at 6250 N Sheridan Rd

25. (02021-2131) Amendment of Municipal Code Chapters 17-3 and 17-9 by modifying Section 17-3-0304-A and adding new Section 17-9-0131 regarding general district standards for indoor and outdoor operations and use standards for outdoor walk-up service windows

This recommendation of each item was concurred in by the Committee on Committees and Rules.
Michelle Harris, Chairman Committee on Committees and Rules

Sincerely,

Chicago City Council May 26, 2021 Referred to Committee on Aviation

ORDINANCE

WHEREAS, Labor disputes involving Service Providers at the Airports would impede the efficient and orderly provision of these critical Services to the traveling public; and

WHEREAS, In an ordinance adopted by the City Council of the City of Chicago ("City Council") on June 9, 1993 ("1993 Ordinance"), the Commissioner of Aviation was authorized to grant permits and promulgate rules and regulations relating to the Services at the Airports, and the 1993 Ordinance included, as an exhibit, the form of permit; and

WHEREAS, The form of permit approved in the 1993 Ordinance was updated and replaced in an ordinance adopted by the City Council on March 12, 2008 ("2008 Ordinance"), and the 2008 Ordinance included an exhibit updating the form of permit; and

WHEREAS, The form of permit approved in the 2008 Ordinance was updated and replaced with a form of Certified Service Provider License Agreement "License" in an ordinance adopted by the City Council on

September 6, 2017 ("2017 Ordinance"), and the ordinance included exhibits updating both the form of License and Provider Rules; and

WHEREAS, The City now desires to replace the form of License adopted in the 2017 Ordinance with the form of License attached to this ordinance as Exhibit A and the Certified Service Provider Program Rules as Exhibit B; and

WHEREAS, The City, as the operator of the Airports, seeks to require Service Providers to obtain Licenses to provide Services at the Airports in order to ensure airport safety and security; optimize the use of Airport facilities, including airfield space; eliminate congestion on the airfield; improve vehicle and equipment safety; and maintain a high quality of customer service to the traveling public at the Airports; and

WHEREAS, The City, as the operator of the Airports, seeks to reduce the potential for labor-related disruptions at the Airports by requiring Service Providers, as a condition of their License, to agree to enter into agreements with labor organizations representing or seeking to represent their employees, upon request, which prohibit the labor organizations and their members from engaging in picketing, work stoppages, boycotts, or other means of dispute resolution that interfere with a Service Provider's ability to conduct uninterrupted business operations at the Airports; now, therefore,

Chicago City Council May 26, 2021 Referred to Committee on Aviation

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

SECTION 1. The above recitals are hereby incorporated by reference as if fully set forth herein.

SECTION 3. The form of License approved in the 2017 Ordinance, which replaced the form of License approved in the 2008 Ordinance, is hereby replaced with the form of License attached to this ordinance as Exhibit A.

SECTION 4. The Commissioner is authorized to grant licenses to any qualified Service Providers serving one or more of the Airports in substantially the form attached hereto as Exhibit A.

SECTION 5. The Commissioner is authorized to make such amendments and modifications to the form of License attached to this ordinance as Exhibit A as the Commissioner may determine to be reasonable or necessary from time to time, including to reflect changes in federal, state, or local laws, statutes, ordinances, executive orders, rules, or regulations; to reflect changes in the Services industry; to reflect changes in airport operations; or so as to promote airport safety, security, efficiency, or physical integrity.

Gilbert Villegas Alderman, 36th Ward

SECTION 6. This ordinance shall take effect upon passage and publication.

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EXHIBIT A

Certified Service Provider License Agreement Between City of Chicago And

At

International Airport

[Revisions to Section 2.10 and 2.11; Omitted text is unaffected by this Agreement

Section 2.10. Labor Harmony. Licensee covenants that its employees at thc Airport shall be able to work in labor harmony in order to protect the City's proprietary and economic interests. In order to comply with this provisions:

1. Licensecshall have in place, at all required times, a labor peace agreement ("Labor Peace Agreement") with any organization of any kind, or an agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with service providers at the Airport concerning grievances, labor disputes,-wages, rates of pay, hours of employment, or conditions of work ("Labor Organization"), which requests a Labor Peace Agreement.

2. The Labor Peace Agreement shall include a binding and enforceable provision(s) prohibiting the Labor Organization and its members from engaging in, supporting, encouraging or assisting any-pteketing, work stoppages, beyeetts-ror any other direct economic interference by the Labor Organization or by the Licensee's employees for the duration ofthe Labor Peace Agreement~~, which must include thc entire term of any CSPP License Agreement.~~ The Labor

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Peace Agreement shall be limited to those Licensee's employees who regularly work at thc Airport. No Labor Peace Agreement shall be recognized under this Section if the Licensee directly or indirectly assists or encourages the formation or operation ofthe Labor Organization.

2.10.3. A Labor Organization seeking a Labor Peace Agreement shall notify thc CSP in writing of its intention to enter into a Labor Peace Agreement with thc Licensee identifying thc employee classifications of the Licensee to be covered under thc Labor Peace Agreement.

2.10.4. The Labor Peace Agreement must be executed within 60 days after receipt

of the Labor Organization's written notice ol'intention.

2.10.5-3. Licensee shall, upon the City's request, submit to the City a certification, signed by thc CSP and any Labor Organization(s), indicating the parties have entered into a Labor Peace Agreement.

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dtey-shall-submit-die-4ispo~~te to o n~~>u4uftliy-flffleed-H:>pon-tnediator-to-a5sist-the-parties-in

Organiz~~ation are~~ ~~una~~ble-^^e^lva-reasi^rmbie-L-a~~bor Peace~~ ~~Ag~~reefflent-thteugh-mediaHonT t~~he partie~~s ~~shall submit the dispute to tho the American Arbitration Association ("AAA")~~

~~necessary, tho arbitrator shall be guided in the determination-oi'a reasonable-Labor Peace~~

2.10.65. Licensee may continue to operate at the AirporHluring the 60._day period described above in Section 2:10.4 or for thc period a Labor Peace Agreement remains in effect, including any collective bargaining agreement containing the terms required under Section 2.10.2. dwitt~~g anv negotiation~~, ~~mediation, or ar~~bkra+ieH-relahrt~~g to a Labor Peac~~e Agreem~~ent conducte~~d-ptirsuan~~t to this Section~~ However, notwithstanding that a Licensee has entered into a Labor Peace Agreement, it must also comply with the requirements under this Section 2.10 with respect to anv additional employees not covered by the Labor Peace Agreement should another Labor Organization request to enter into a Labor Peace Agreement i'or the additional employees.

2.10.76. In thc event that the City determines it necessary for the public safety or the efficient operation of the Airport to post police details or take other actions resulting from Licensee's violation of this Section or Section 2.11, the City shall have the authority to require that Licensee reimburse thc City for all reasonable costs incurred by doing so.

2.10.8?. Nothing in this Section requires or prohibits any specific term in a Labor Peace Agreement other than as specified in Section 2.10.2 above, including with respect to any ~~shall be construed as requiring~~-Li~~censee, through arbitration or otherwise, to~~ change in the terms and conditions of employment ~~for it~~s ~~e~~mployees, rccognizinge a Labor Organization as the exclusive bargaining representative, ~~for its~~ empl~~oyees,~~ adopting any particular recognition process, or entering into a collective bargaining agreement with a Labor Organization.

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2.10.9 This License shall be terminable by the City upon thirty (30) days notice to Licensee if any ofthe provisions of this Section 2.10 arc violated by Licensee.

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Section 2.11 Base Wages for Employees of Licensees.

Section 2.11 Base Wages for Employees of Licensees.

2.11.1 Definitions. For the purposes of this License, the following definitions will apply to this Section 2.11:

"Employee" means a person employed by Licensee, or its subcontractor or sublicensee, and who is performing Services under this License at the Airport and who is paid an hourly rate for his or her work by Licensee, or its subcontractor or sublicensee. For purposes of this License, the term "Employee" does not include persons subject to subsection 4(a)(2)~~, subsection 4(a)(3),~~ or Section 6 of the Minimum Wage Law.

"Gratuities" has the meaning ascribed to that term the Minimum Wage Law.

"Minimum Wage Law" means the Illinois Minimum Wage Law, 820 ILCS 105/1, et seq., in force on the effective date of this License and as thereafter amended.

2.11.2. ~~Except as provided in subsections 2.11.1 and 2.11.4 herein-~~rLicensee shall: (i) pay its Employees no less than $15.00~~13.45~~ per hour for work performed under the License; and (ii) require any subcontractors or sublicenses to pay their Employees no less than S~~I3.45~~15.00 per hour for work performed under the License. Beginning on July 1, 20214-ff, this minimum hourly wage shall increase to SI6.00 per hour. Beginning on July 1, 20224-8,-a-nd ~~every J~~h4v-4 ~~thereafter,-~~ this minimum #ns-hourly wage shall increase to $ 18.00 per hour. Beginning on July 1, 2023, and on every July 1 thereafter, the minimum hourly wage rate shall increase in proportion to the increase, if any, in the Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics of the United States Department of Labor. Any hourly wage increase pursuant to this subsection 2.11.2 shall be rounded up to thc nearest multiple of SO.05. Such increase shall remain in effect until any subsequent adjustment is made. Notwithstanding these minimum hourly wage rates, nothing herein shall prohibit Employees who have customarily received Gratuities from continuing to receive Gratuities.

Sec. 2.11.3 [delete in entirety]

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EXHIBIT B

Certified Service Provider Program Rules at the City of Chicago
Department of Aviation Airports

[Proposed Changes to Section 4.6 and 4. 7 of CSPP Rules]

4.6 Base Wages for Employees of Licensee. CSPs must comply with all applicable federal, state, and local wage requirements, including but not limited to the minimum hourly wage authorized by City Council ordinance in September 2017 and described in Section 2.11 ofthe CSPLA, and all amendments thereto.

1. As of July 1, 2021~~2018~~, the minimum hourly wage required under Section 2.11 ofthe CSPLA to be paid to employees of CSPs, including tipped employees, -is $JjyX)4-3-r80/hour. ~~Applied to tipped e~~mplo~~yees,~~ tlHS-mi~~nimun~~^o~~urly wage is~~ SnMlS/he~~ur as of J~~uly ~~1, 2018.~~ Notwithstanding these minimum hourly wage rates, nothing herein shall prohibit employees who have customarily received gratuities (tips) from continuing to receive gratujtics,

2. Current service providers (as described in Section 1.2.1 herein) shall be required to pay thc rate described in subsection 4.6.1 no later than Ju ly__l_2.202 LQetoke? ~~1, 201~~8. Employees of current service providers who are paid hourly wages above the minimum hourly wages rates specified in this Section shall receive thc specified annual incremental increases in hourly wages over their then-current hourly wage.

3. New service providers (as described in Section 1.2.2 herein) shall be required to pay the rate described in subsection 4.6.1, or the adjusted minimum hourly wage rates in effect at that time, upon the date they begin providing CSPP-rcgulated services at the Airport(s).

4. Thc requirements of this Section 4.6 may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

5. Beginning on July 1, 2022, 4~~-9, and on every July~~ l-thereafter-the minimum hourly wage rate specified in this Section 4.6 shall increase to $ I 7.00/hr. Beginning on July 1, 2023, thc minimum hourly wage rate specified in this Section 4.6 shall increase lo SI 8.00/hr. Beginning on July 1, 2024, and on every July 1 thereafter, the minimum hourly wage rate specified in this Section 4.6 shall increase in proportion to the increase, if any, in thc Consumer Price Index for All Urban Consumers most recently published by the Bureau of Labor Statistics ofthe United States Department of Labor. Any such hourly wage increase shall be rounded up to the nearest multiple of $0.05.

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6. On or before June 1, 2021-1-9, and on or before every June 1 thereafter, thc City shall make available to all Certified Service Providers a notice announcing the adjusted minimum hourly wage rate for the upcoming year by posting such adjusted rate on thc CSPP website and/or notifying CSPs by electronic mail.

7. Employees of CSPs covered under this Section 4.6 and Section 2.11 of the CSPLA that must be paid the minimum hourly wage described therein include any person employed by a CSP, or its subcontractor or sublicensee, who is performing CSPP-regulated services under the CSP's CSPLA. and who is paid an hourly rate for his or her work by the CSP, or its subcontract or sublicense.

8. If another hourly minimum wage is required to be paid by a CSP to its employees by federal, state, or local law, CSPs must pay its employees thc higher of thc different minimum wage rates.

4.7 Labor Harmony. CSPs covenant that their employees at thc Airport(s) shall be able to work in labor harmony in order to protect the City's proprietary and economic interests. In order to comply with this provision:

4.7.1. CSPs shall have in place, at all required times, a labor peace agreement ("Labor Peace Agreement") with any organization of any kind, or an agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with service providers at the Airport(s) concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work ("Labor Organization"), which requests a Labor Peace Agreement.

2. Thc Labor Peace Agreement shall include a binding and enforceable provision(s) prohibiting the Labor Organization and its members from engaging in, supporting, encouraging or assisting any ~~picket~~ting^ work stoppages, ~~boycotts,~~ or any other direct economic interference by the Labor Organization or by the CSP's employees for the duration ofthe Labor Peace Agrecmcnt.r-wht~~eh must~~-in~~elude the~~ ~~entir~~e ~~-term of any CSPP License Agreement.~~_ The Labor Peace Agreement shall be limited to those CSP's employees who regijJ^rlj_worJ^a_t_the Airport. No Labor Peace Agreement shall be recognized under this Section if thc CSP directly or indirectly assists or encourages thc formation or operation ofthe Labor Organization.

3. A Labor Organization seeking a Labor Peace Agreement shall notify the CSP in writing of its intention to enter into a Labor Peace Agreement with the CSP identifying the employee classifications ofthe CSP to be covered under the Labor Peace Agreement.

4. Thc Labor Peace Agreement must be executed within 60 days after receipt ofthe Labor Organization's written notice of intention.

4.7.53. All CSPs shall, upon the City's request, submit to the City a certification, signed by the CSP and any Labor Organization(s), indicating thc parties have entered

into a Labor Peace Agreement.

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~~("AAA")~~-r^eH^r%trrratien-eondueted-in aeeerdanee-with-A^A-A-rulesr-Both-rlte-me4iatep ~~and, if necessary, the~~

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~~arbitrator shall be guided in the determination of a reasonable~~ Labor-Pe~~ace ag~~reenient-by-t4>e-L-abo~~r Peace Agreemen~~ts ~~entered into~~-ifl-4he-pi[L]ivate-~~sector.~~

4.7.65. CSPs may continue to operate at thc Airport(s) during the 60-day period described above in Section 4.7.4 or for the period a Labor Peace Agreement remains in effect, including any collective bargaining agreement containing the terms required under Section 4.7.2. ~~any negotiation, mediation, or arbitration relating to a Labor Peace Agreement conducted pursuant to this Section.~~ However, notwithstanding that a CSP has entered into a Labor Peace Agreement, it must also comply with the requirements under this Section 4.7 with respect to any additional employees not covered by thc Labor Peace Agreement should another Labor Organization request to enter into a Labor Peace Agreement for the additional employees.

4.7.76. In the event that the City determines it necessary for the public safety or the efficient operation of thc Airport(s) to post police details or take other actions resulting from a CSP's violation of this Section or Section 4.6, the City shall have the authority to require that the CSP reimburse the. City.for all reasonable costs incurred by doing so.

4.7.8.7- Nothing in this Section requires or prohibits any specific term in a Labor Peace Agreement other than as specified in Section 4.7.2 above, including with respect to any

terms and conditions of employment, ~~for its employees,~~ recognizinge a Labor Organization as the exclusive bargaining representative., ~~for~~ i~~ts employees,~~ adopting any particular recognition process, or entering into a collective bargaining agreement with a Labor Organization.

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CITY OF CHICAGO

* :

OFFICE- OF THE CITY CLERK ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

O2021-2058/SO2021-2I

Substitute "Lift-up Airport Workers Ordinance" for Workforce Development Committee

Adding Co-Sponsor(s)

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Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)

(Signature)

(Signature)

Principal Sponsor:

Ward) Ward)

Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal Sponsor's Consent NOT Required)

fl IWarrtt

(Signature)

Alderman

(Signature)

Date Filed:

Final Copies To Be Filed With: • Chairman of Committee to which legislation was referred

• City Clerk

121 NORTH LASALLE STREET, ROOM 107, CHICAGO, ILLINOIS 60602

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