

LEGISLATIVE DIGEST

[Administrative Code - Labor Peace Agreements for Excursion Vessel Operations Under Lease with the Port]

Ordinance amending the Administrative Code to require Labor Peace Agreements between employers operating excursion vessels under a Port lease and labor organizations seeking to represent their employees to protect the City's ongoing proprietary interest.

Existing Law

Since 1998, the City has had a card check ordinance in Administrative Code §§ 23.50-23.56. That Chapter requires hotel and restaurant employees working in projects in which the City has a proprietary interest, including on property under the Port's jurisdiction, to enter into agreements providing an expedited "card check" process for recognizing a bargaining representative as an alternative to the formal election procedures in the NLRA and, if they cannot agree, to participate in binding arbitration. The card check ordinance is intended to address the concern that labor-management conflict may cause delay, reduce revenues, or increase costs in the completion of real estate developments or other projects in which the City has a proprietary interest.

Amendments to Current Law

The proposed ordinance would impose similar requirements on certain employers operating under a lease of Port property in which the City has a proprietary interest. The ordinance would apply to employers, or their subcontractors, with 40 or more employees, that operate Excursion Vessels under a lease of Port property. "Excursion Vessel" means a passenger vessel used for transporting the public to or from Port property for sightseeing and similar activities. It does not include common carrier vessels, commuter vessels, or water taxis.

The ordinance would require the employers to agree, upon request by their employees' labor representative, to enter into a labor peace agreement. The agreement would apply to the period when the union is seeking recognition as the employees' labor representative; and when, after recognition, the parties are negotiating their first collective bargaining agreement. Although the ordinance largely permits the parties to negotiate the content of the agreement, at a minimum the agreement must: (1) prohibit the labor organization from, during the periods noted above, bringing economic pressure to bear on the employer, such as striking, picketing, or boycotting; and (2) require the parties to engage in mediation and arbitration if they are unable to reach agreement on the labor peace agreement. The ordinance would also require the employer to provide a report, upon the Port's request, attesting to the status of the employer's compliance with the requirements, and to include compliance with the requirements as a material term in any subcontract under the Port lease.

The ordinance would apply only to excursion vessel operations under leases entered into after the effective date of the ordinance, and pre-existing leases that are substantially amended in specified ways after that date. The ordinance would exempt employers under specified conditions, upon a determination by the Executive Director of the Port. The Port would investigate complaints that the ordinance had been violated, and the Port and the City could take any action necessary to enforce the ordinance. Taxpayers could join the City's civil enforcement action in court, or if the City declined to file suit, initiate their own suit.

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