

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 080121)

RESOLUTION

Approving Diversity Plans for certain labor unions pursuant to Bill No. 070994-A (approved December 21, 2007), which authorized, under certain terms and conditions, the execution of an agreement among the Commonwealth, the Pennsylvania Convention Center Authority and the City for the Convention Center expansion project.

WHEREAS, The City of Philadelphia is a racially and ethnically diverse city of 1.5 million people, with racial and ethnic minorities comprising approximately 55% of the City's Population; women comprise approximately 55% of the City's population; 12.4% of the working age population of the City of Philadelphia and 40% of residents age sixteen to nineteen years old are unemployed, a condition having direct impact on increased criminal activities and recidivism; and

WHEREAS, City Council understands that the issue of diversity and inclusion in the building trades is a complex and challenging issue; and

WHEREAS, Pursuant to Bill No. 070994-A (approved December 21, 2007), Council authorized the Finance Director to execute a Convention Center Agreement among the Commonwealth, the Pennsylvania Convention Center Authority ("Authority") and the City for the Convention Center expansion project, provided the Convention Center Agreement includes provisions: (i) requiring the Authority to enter into a Project Labor Agreement; and (ii) stating that "No labor union shall be permitted to execute the Project Labor Agreement unless it has entered into a Diversity Plan approved by Council by resolution, which Plan sets forth long-term inclusionary goals for minorities and women to the extent permitted by law, and providing sanctions for non-compliance"; and

WHEREAS, Diversity Plans for labor unions who wish to execute the Project Labor Agreement have been submitted to Council for approval, which Plans set forth long-term inclusionary goals and provide for sanctions in the form of the imposition of fair and reasonable remedial actions, and these Plans include signed commitments from labor unions to work with the Mayor's Advisory Commission to increase the diversity in their unions; and

City of Philadelphia

RESOLUTION NO. 080121 continued

WHEREAS, The Mayor's Advisory Commission on Construction Industry Diversity (Mayor's Advisory Commission), created by the Mayor's Executive Order attached as Exhibit "B" shall collect, analyze, and verify the demographic data and shall report its initial findings and recommendations to the Mayor and Philadelphia City Council no later than September 1, 2008. Such report shall include, among other components, detailed statistical information on minority and female Philadelphia residents in the building and construction trades; a five-year strategic plan for the full inclusion of minorities and women in employment opportunities in construction projects; an effective structure for implementing, monitoring and enforcing the recommendations of the Advisory Commission and any other legal and practical strategies for the successful accomplishment of these important and compelling objectives; and

WHEREAS, The labor union's have committed to actively support the activities and efforts of the Mayor's Advisory Commission and also have acknowledged that the long-term inclusionary goals may be revised based on the findings of the Mayor's Advisory Commission; now, therefore

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA,

THAT Pursuant to Section 1(c) of Bill No. 070994-A (approved December 21, 2007), the "Philadelphia Building And Construction Trades Council - AFL-CIO Diversity Commitment And Plan" attached as Exhibit "A" is hereby approved for the Sprinkler Fitters Local 692.

SPRINKLER FITTERS LOCAL #692

EXHIBIT "1"

Membership Data and Participation Commitment Form

Name of Local/Union: Sprinkler Fitters Local Union #692

As of the date of this Plan, the Union's workforce demographics are:

Phila.
Residents

	Members	Journeyman	Apprentice
Total	460	378	81
Philadelphia Residents	107	75	32
African American	18	12	6
Hispanic American	3	2	1
Asian American	2	2	0
Women	2	0	2
American Indian	1		

The Union commits to the following inclusionary goals for its workforce demographics within five years after this Plan was executed:

	Members	Journeyman	Apprentice
Total	150	Numbers vary accord-	150
Philadelphia Residents	75	to Organizing	75
African American	18	efforts and number	18
Hispanic American	10	of construction	10
Asian American	2	jobs available.	2
Women	5		5

Dated: 4th day of February, 2008

Signed Wayne Miller
Wayne Miller

Title: Business Manager

Local/Union Sprinkler Fitters Local Union #692

RESOLUTION NO. 080121 continued
14002 McNulty Road
Philadelphia PA 19154
PHONE: 215-671-1692
FAX: 215-673-7468
E-Mail: sprinklerfitters@verizon.net

**SPRINKLER
FITTERS LOCAL
UNION #692**

Fax

To: Tony Wigglesworth

From: Wayne Miller

Fax: 215-732-7479

Pages: 5 pages

Re: Demographic Data &

Date: January 30, 2008

Participation Commitment Form

Tony:

Enclosed is our completed form of the above. Please note that I have also attached a copy of Apprentice Standards regarding "Direct Entry" into our training program.

The "Direct Entry" in our Standards enables our Joint Apprenticeship Committee to hire new candidates from the various organizations listed in Section VII, if a project in the City of Philadelphia should require minority set-aside goals and we have no minorities available at the time.

DEMOGRAPHIC DATA AND PARTICIPATION COMMITMENT FORM

CURRENT MEMBERSHIP

Total Membership	<u>460</u> (Active)	
Pennsylvania		
Philadelphia County	<u>107</u>	[19% of Philadelphia residents are minorities]
Bucks County	<u>88</u>	
Delaware County	<u>71</u>	
Montgomery County	<u>68</u>	
Chester County	<u>4</u>	
Other States	<u>122</u>	
Women	<u>2</u>	
African American	<u>26</u>	
Hispanic American	<u>10</u>	
Asian American	<u>2</u>	
Other American Indian	<u>1</u>	

FIVE YEAR MEMBERSHIP GOALS

	Apprentices	Members
Minority	<u>30</u>	<u> </u>
Women	<u>5</u>	<u> </u>
Philadelphia Residents	<u>75</u>	<u> </u>

Date January 30, 2008

Signed Wayne Miller
 Wayne Miller

Title Business Manager

Local/Union Sprinkler Fitters Local Union #692

STANDARDS OF APPRENTICESHIP

for

SPRINKLER FITTER

formulated by

Sprinkler Industry Joint Apprentice Training Committee of Philadelphia

Representing the

National Fire Sprinkler Association, Inc.
and

Philadelphia Sprinkler Fitters' Local Union #692, U.A.

Registered with
Pennsylvania Apprenticeship and Training Council

Co-operating
Bureau of Apprenticeship and Training
Office of Apprenticeship Training, Employer and Labor Services
United States Department of Labor

- H. A review or summary of the answers to questions from the interview session must be entered in each applicant's file folder (Form #2).
- I. The same questions should be asked of each applicant.

SECTION VI - SELECTION FROM COMMITTEE EVALUATION

- A. The number of new apprentices to be accepted shall be determined before starting interviews. This number will be based on the needs of the industry.
- B. Selection of individuals from the list of interviewed applicants shall not be made until all interview sessions are complete and all applicants have been evaluated.
- C. Selection of applicants for apprenticeship after the interview will be done by the committee or its designated representative(s) on the basis of the numerical rating obtained from the interview evaluation.
- D. All applicants interviewed will be notified of the results by certified mail.
- E. All eligible candidates not selected for entry into apprenticeship after the interview will be placed in an eligibility pool according to their rating. They will remain in this pool for a period of two (2) years from the time of interview and will be included in all subsequent selection procedures during the two (2) year period.

SECTION VII - ALTERNATIVE SELECTION METHOD: (DIRECT ENTRY - JOB CORPS, APPROVED TECHNICAL TRAINING SCHOOL GRADUATES, MILITARY VETERANS WITH TECHNICAL TRAINING, AND ORGANIZATIONAL EFFORTS.

The Sprinkler Industry JATC of Philadelphia encourages preparatory/preapprenticeship craft training to facilitate entry into apprenticeship. Consequently, those who complete the Diversity Apprentice Program ("DAP") offered by the Philadelphia Revitalization and Education Program, Inc. or the Job Corps training program in the sprinkler fitter craft area may be given direct entry into the apprenticeship program. The JATC may evaluate the DAP or Job Corps training received for granting appropriate credit on the term of apprenticeship. Entry of DAP or Job Corps graduates shall be done without regard to race, color, religion, national origin, or sex.

Those who graduate from an accredited technical training school that has been reviewed and approved by the Sprinkler Industry JATC of Philadelphia, in recognition of the critical training they have already received for occupations registered in the plumbing and pipefitting industry may be given direct entry into the apprenticeship program. With the approval of the JATC, such a new apprentice may start at the apprentice wage rate recommended by the JATC for graduates of that particular program. The JATC will determine as to those new apprentices what training requirements they need to meet to ensure that they receive all the necessary training for completion of the apprenticeship program. Entry of technical training school graduates shall be done without regard to race, color, religion, national origin, or sex.

Military veterans, who completed military technical training school and participated in a registered apprenticeship program while in the military in the occupations registered in the

plumbing, sprinkler fitter and pipefitting industry, may be given direct entry into the apprenticeship program. The JATC may evaluate the military training received for granting appropriate credit on the term of apprenticeship and the appropriate wage rate. The JATC will determine what training requirements they need to meet to ensure that they receive all necessary training for completion of the apprenticeship program. Entry of military veterans shall be done without regard to race, color, religion, national origin, or sex.

An employee of a nonsignatory employer not qualifying as a Journey worker when the employer becomes signatory, may be evaluated and indentured at the appropriate period of apprenticeship based on previous work experience and related training.

An individual who signs an authorization card during an organizing effort, whether or not the employer becomes signatory, and is an employee of the nonsignatory employer and does not qualify as a Journeyworker, may be evaluated and indentured at the appropriate period of apprenticeship based on previous work experience and related training (NOTE: This is a method of direct entry into the apprenticeship program). For such applicants to be considered they must:

- a. Be employed in the JATC's jurisdiction when the authorization card was signed.
- b. Have been employed by the employer before the organizational effort commenced.
- c. All employees of the employer must have been offered the opportunity to sign authorization cards and be evaluated.
- d. Provide reliable documentation to the JATC to show they were an employee performing sprinkler fitter/plumbing/pipefitting work prior to signing the authorization card.

SECTION VIII - APPRENTICE APPLICANT APPEALS PROCEDURE

- A. An Appeals Committee should be established composed of one member appointed by Labor, one member appointed by Management, and a public member appointed by both groups. Each organization shall appoint its own representative on the Appeals Committee in such manner as it desires, except that no member of the apprenticeship committee may serve on the Appeals Committee.
- B. Management and Labor shall mutually agree on and select the public member of this committee.
- C. The authority of the Appeals Committee shall be limited to the rendering of Decision on cases involving unjust treatment of applicants for the apprentice program in the matter of selection.
- D. Any appeal must be submitted in writing to the JATC within fifteen (15) days of the date of receipt of notification (as evidenced by return receipt) of the applicant as to the decision of the JATC regarding the application.
- E. A copy of the appeals shall be kept on file by the JATC for a period of at least five (5) years.
- F. The local JATC shall submit the appeal and the disposition of the applicant in the apprenticeship process to the Appeals Committee.

**PHILADELPHIA BUILDING AND
CONSTRUCTION TRADES COUNCIL
AFL-CIO DIVERSITY COMMITMENT
AND PLAN**

**FEBRUARY 4, 2008
10:00 A.M.**

PHILADELPHIA BUILDING AND CONSTRUCTION TRADES COUNCIL - AFL-CIO

DIVERSITY COMMITMENT AND PLAN

I. Statement of Commitment

A. The Philadelphia Building and Construction Trades Council ("Trades Council") is committed to policies of inclusion, equal opportunity and non-discrimination in its ranks and in the deployment of persons in the workforce.

B. The Trades Council firmly believes that minorities and women should have the opportunity to fully participate in and benefit from all publicly and privately funded construction projects in the City of Philadelphia.

C. The Trades Council recognizes that any effective long term diversity inclusion plan, including membership participation goals for minorities and women, must be based on reliable statistical and demographic data from the Philadelphia region. The Trades Council will actively support the activities and efforts of, and will cooperate fully with, the Mayor's Advisory Commission on Construction Industry Diversity ("Commission") and the Mayor's Office of Construction Industry Diversity ("MOCID"). Such cooperation shall include, but not be limited to, cooperating to develop an effective five year strategic plan for the inclusion of minorities and women in the building trades which shall be submitted to the Mayor and the City Council for their approval by September 1, 2008.

D. Each member union of the Trades Council will use its best efforts, over the next five years, to increase the minority and women members in each union in accordance with the attached Membership Data and Participation Commitment Form which sets forth the demographic and geographic statistics for each union as of the date this Plan is executed, and the goals for each unions membership at the end of the five year period. "Best efforts" shall include, but not be limited to, efforts similar to the type of efforts required with respect to Permanent Employment Opportunities set forth in the Economic Opportunity Plan attached to Bill No. 070994-A (approved December 21, 2007). Said goals may be revised, and the required "best efforts" may be further specified after September 1, 2008, based on the recommendations of the Commission and MOCID, provided that any such revised goals and required "best efforts" are first approved by Council by resolution.

E. After September 1, 2008, the Trades Council will provide to the Commission, MOCID and City Council quarterly reports on the good faith efforts and progress made to achieve the goals of the diversity plan.

F. The Trades Council will cooperate with the Commission and MOCID to develop effective procedures for implementing and monitoring the achievement of the workforce participation goals, including the imposition of fair and reasonable remedial actions, provided that any proposed remedial actions shall be approved by Council by resolution before taking effect.

G. The Trades Council will continue its past efforts to support inclusion within building trades membership and apprenticeships, through such successful programs as the partnership with the Philadelphia Housing Authority's APT Program, its Partnership Agreement with the Philadelphia School District, and the Lucien E. Blackwell Pre-Apprenticeship Program.

H. The Trades Council will utilize the diversity "best practices" from such successful project specific initiatives as the Phillies and Eagles Stadiums, the Comcast Center Economic Inclusion Committee and the United States Postal Service Diversity Emphasis Program.

II. Pennsylvania Convention Center Expansion Diversity Plan

The Trades Council fully supports the goals and objectives of the Pennsylvania Convention Center Authority to insure that minorities and women are fully utilized in the pending expansion of the Center, and to that end will support the proposed Diversity Apprenticeship Program and any other initiatives designed to promote the goals of full inclusion. The Trades Council is committed to working with the Convention Center and using its best efforts to achieve the workforce utilization and apprenticeship goals set forth in the Project Labor Agreement as follows:

A. Workforce:

African Americans	25%
Hispanic Americans	10%
Asian Americans	5%
Women	10%
Philadelphia Residents	50%

B. Apprenticeships:

350

Martin P Campbell
Asbestos Workers Local # 14

[Signature]
Bricklayers & Allied
Craftworkers Local #1 PA.DE

[Signature]
Carpenters Regional
Council

Mike Ferro
Cement Masons Local #592

[Signature]
I.B.E.W. Local #98

[Signature]
Elevator Constructors #5

Joseph J. Naugherity
Iron Workers Local #401

[Signature]
Laborers Local #332

[Signature]
I.U.O.E. Local #542

[Signature]
District Council #21

[Signature]
Plumbers Local #690

[Signature]
Roofers Local #30

[Signature]
Sheet Metal Workers Local #19

[Signature]
Sprinkler Fitters Local #692

[Signature]
Steamfitters
Local #420

EXECUTIVE ORDER NO. __ - 08

**MAYOR'S ADVISORY COMMISSION ON
CONSTRUCTION INDUSTRY DIVERSITY**

BACKGROUND

WHEREAS, the United States Constitution, the Constitution of the Commonwealth of Pennsylvania, the Philadelphia Home Rule Charter, and various state and local legislative provisions prohibit discrimination against any person on the basis of race, color, ethnicity and gender; and

WHEREAS, the City of Philadelphia is a racially and ethnically diverse city of 1.5 million people, with racial and ethnic minorities comprising approximately 55% of the City's population; and

WHEREAS, women comprise approximately 55% of the City's population; and

WHEREAS, 12.4% of the working age population of the City of Philadelphia and 40% of residents age sixteen to nineteen years old are unemployed, a condition having direct impact on increased criminal activities and recidivism; and

WHEREAS, it is anticipated that the public and private sectors will undertake several billion dollars in construction projects in the City of Philadelphia over the next five years that will revitalize and benefit the regional economy; and

WHEREAS, it is the policy of the Commonwealth of Pennsylvania and the City of Philadelphia to provide an equal opportunity for minority persons and women to participate in and benefit from all publicly-funded and supported construction projects in the City; and

WHEREAS, the Mayor and the City Council are fully committed to increasing, in a meaningful way, the participation of minority persons and women in all construction projects in the City; and

WHEREAS, history, available statistics, testimony and observation suggest that minority persons and women are currently underrepresented and underemployed in the trades union membership and in the workforce deployed in the construction industry in the City; and

WHEREAS, minority persons and women should be deployed at various levels (*e.g.*, journeyman, apprentice) in the workforce in all construction projects in the City of Philadelphia; and

WHEREAS, all contractors, subcontractors, vendors, consultants and suppliers on all construction projects in the City of Philadelphia should commit to policies of non-discrimination, equal opportunity and employment of minority persons and women in the workforce; and

WHEREAS, all labor unions participating in construction projects in the City of Philadelphia should commit to policies of non-discrimination, equal opportunity and fair inclusion of minority persons and women in its membership ranks and in the retention and hourly deployment of minority and women members in the workforce; and

WHEREAS, the City has a compelling interest in prohibiting discrimination in all aspects of City contracting; and

WHEREAS, the City has a compelling interest in promoting the employment of its residents; and

WHEREAS, the Mayor desires to establish an Advisory Commission on Construction Industry Diversity to respond to these compelling interests and to promote the policy commitments described herein,

NOW, THEREFORE, by the power vested in me as Mayor of the City of Philadelphia, it is hereby ordered:

SECTION 1. ESTABLISHMENT AND PURPOSE OF THE COMMISSION

A. The Mayor's Advisory Commission on Construction Industry Diversity (hereinafter the "Advisory Commission") is hereby established in the Mayor's Office.

B. The Advisory Commission shall conduct a comprehensive analysis and review of the construction industry in Philadelphia and the extent to which Philadelphia County minority persons and women are utilized in the workforce on previous and ongoing construction projects in the City. The term "minority persons" or "minorities" shall mean African-Americans, Hispanic Americans, Asian Americans and Native Americans. The Advisory Commission's research should include, among other methodologies, workforce utilization disparity studies as well as construction industry diversity "best practices" from other jurisdictions with similar population trends and demographics.

C. The Advisory Commission shall develop and provide a foundation for a comprehensive program to substantially increase the membership and hourly deployment of minority and female Philadelphia residents in the building and construction trades and trades unions in the City of Philadelphia in order to work toward achieving the goal of a workforce that reflects the demographics of the City.

D. The Advisory Commission shall submit its initial findings and recommendations to the Mayor and Philadelphia City Council for approval no later than September 1, 2008. Such report shall include, among other components, detailed statistical information on minority and female Philadelphia residents in the building and construction trades; a five-year strategic plan for the full inclusion of minorities and women in employment opportunities in construction projects; an effective structure for implementing, monitoring and enforcing the recommendations of the Advisory Commission which may include recommendations regarding the duties of City

departments and agencies; and any other legal and practical strategies for the successful accomplishment of these important and compelling objectives.

SECTION 2. MEMBERSHIP

A. The Advisory Commission shall consist of 15 (fifteen) members appointed by the Mayor. The Mayor shall also designate a chairperson. The members shall possess the commitment, experience, and expertise necessary to accomplish the objectives and purposes of the Advisory Commission, and shall be selected by the Mayor from a broad base of interested partners and stakeholders.

B. The members of the Advisory Commission shall serve at the pleasure of the Mayor.

C. The members of the Advisory Commission shall serve without compensation.

SECTION 3. OTHER PROVISIONS

A. All employees, officers, officials, departments and agencies of the City of Philadelphia are hereby directed to cooperate with the Advisory Commission in accomplishing its objectives and purposes.

B. All agencies, authorities, boards and commissions, whether public, quasi-public or private which receive City of Philadelphia funding or other public support and are engaged in or contemplating any construction project in the City are hereby directed to cooperate with the Advisory Commission in accomplishing its objectives and purposes.

C. The City Law Department shall provide legal advice and counsel to the Advisory Commission.

SECTION 4. EFFECTIVE DATE

This Order shall take effect immediately.

Date: 2/4/08



Michael A. Nutter, Mayor
City of Philadelphia

City of Philadelphia

RESOLUTION NO. 080121 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the fourth of February, 2008.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Miller

Sponsored by: Councilmembers Miller, Tasco, Sanchez, Green, Rizzo, Clarke, Greenlee, Blackwell, Reynolds Brown, Jones and Council President Verna