161.30.1 REQUIRING CONTRACTORS AND EMPLOYERS OF EMPLOYEES HIRED TO STAFF HOSPITALITY OPERATIONS TO BE SIGNATORY TO COLLECTIVE BARGAINING AGREEMENTS WHERE THE CITY OF PITTSBURGH HAS A FINANCIAL OR PROPRIETARY INTEREST.

(a) *Union contracts: no work stoppage: arbitration.* Each and every contractor and employer of employees hired to staff hospitality operations shall be or become signatory to valid collective bargaining agreements or other contracts under 29 U.S.C. Section 185 with any labor organization seeking to represent hospitality workers employed in the contractor's and/or employer's hospitality operations in a capital project as a condition precedent to its contract with the City of Pittsburgh. Each collective bargaining agreement or contract must contain a provision prohibiting the labor organization and its members, and in the case of a collective bargaining agreement, all employees covered by the agreement, from engaging from any picketing, work stoppages, boycotts or any other economic interference with the hospitality operations of contractor or any persons under contract to it for the duration of the time required for the repayment of public indebtedness incurred to finance the acquisition or development of such capital project, or for the duration of contractor's contract or contracts with the City for the operation of such capital project, whichever period of time is more extensive (the "no-strike pledge"). Each agreement must provide that during this time period, all disputes relating to employment conditions or the negotiation thereof shall be submitted to final and binding arbitration. Each and every contractor and employer of employees hired to staff hospitality operations shall require that any work under its contract or contracts with the City to be done by the contractor's or employer's contractors, subcontractors, tenants or subtenants shall be done under collective bargaining agreements or other contracts under 29 U.S.C. Section 185 containing the same provisions as specified above. A contractor or employer shall be relieved of the obligations of this section with respect to a labor organization if the labor organization places conditions upon its No-strike pledge that the City Council finds, after notice and hearing, to be arbitrary or capricious.

(b) *Definitions.*

"*Contractor* " as used herein means any person party to a contract.

"*Person* " means and includes a sole proprietorship, partnership, corporation, joint venture or business organization of any kind.

"*Employer* " means an employer of employees hired to staff or work at a hospitality operation.

"*Contract* " means any contract, lease or license from the City to use any City property for the conduct of hospitality operations, or under any contract, lease or license pursuant to which the City is entitled to receive as rents, royalties or other income a percentage of the revenues of an enterprise, or any payments in connection with financing providing by or through the City, or any subcontract, sublease, sublicense or other transfer or assignment of any right, title or interest received from the City pursuant to any such contract, lease or license.

"*Hospitality operations* " means hotels or motels, providing lodging and other guest accommodations and restaurants, bars, clubs, cafeterias and food and beverage operations and does not include sport stadium operations.

"*Valid collective bargaining agreement* " as used herein means a collective bargaining agreement entered into between the person contracting or subcontracting to provide services and a labor organization lawfully serving as the exclusive collective bargaining representative for the employees who provide or will provide services pursuant to such a contract.

Submitted at Redevelopment Agency

Date 12/2/2009 Item #4

"*Contract under 29 U.S.C. Section 185* " as used h erein means a contract to which 29 U.S.C. Section 185 (a) applies, as that provision has been interpreted by the United States Supreme Court.
"*City* " means the City of Pittsburgh, Pennsylvania.
"*City Council* " means the City Council of the City.
"*Capital Project* " has the same meaning as in Pennsylvania Senate Bill 10 P.N. 313.
"*Hospitality workers* " means all full-time or part-time employees in a hospitality operation, except supervisors, managers and guards.
(c) *Severability.* If any section or portion of a section of this agreement is declared illegal, invalid or inoperative, in whole or in part, by any court of competent jurisdiction, the remaining sections and all portions not declared illegal, invalid or inoperative shall remain in full force or effect, and no such determination shall invalidate the remaining sections or portions of the sections of this ordinance.
(Ord. 22-1999)