# Legislation Details (With Text)

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| **Title:** | AN ORDINANCE AMENDING TITLE X, FINANCE AND TAXATION, BY ADDING AND ESTABLISHING CHAPTER 31, ENTITLED LABOR PEACE AGREEMENTS FOR HOTELS WHERE THE CITY HAS A FINANCIAL INTEREST.<br>Tabled 8-a 020619 | | | | |
| **Sponsors:** | Eddie Osborne, Anibal Ramos, Jr. | | | | |
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| 2/6/2019 | 1 | Municipal Council | Tabled | Pass |

**AN ORDINANCE AMENDING TITLE X, FINANCE AND TAXATION, BY ADDING AND ESTABLISHING CHAPTER 31, ENTITLED LABOR PEACE AGREEMENTS FOR HOTELS WHERE THE CITY HAS A FINANCIAL INTEREST.**
**Tabled 8-a 020619**

**WHEREAS,** the City of Newark has a financial and proprietary interest in hotel operations which lease property from the City or are financed with City assistance when these operations base their payments to the City in part on the revenue they generate; and

**WHEREAS**, it is essential these operations conduct business efficiently and without interruption resulting from labor disputes; and

**WHEREAS**, the City has found that the efficient and uninterrupted operation of hospitality operations may be threatened by labor disputes; and

**WHEREAS,** the City's investment in these operations must be shielded from the impact that labor disputes may have on the revenue of these hospitality operations; and

**WHEREAS,** the City has found that it can only protect its investment by requiring as a precondition for a lease or other financial assistance that the hotel signs an agreement with the labor organizations which represent employees in the hospitality industry which prohibits the labor organization and its members from engaging in picketing, work stoppages, boycotts or other economic interference with the Hospitality Operations for the duration of the City's financial interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Section 1.** The Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended

and supplemented, are hereby amended to include a new chapter 31, in Title 10, Finance and Taxation, entitled Labor Peace Agreements for Hotels where the City has a financial interest.

## 10:31-1. Definitions.

The following definitions apply to this Chapter:

(1) "City" means the City of Bayonne and all City-Related Agencies.

(2) "City-Related Agencies" means all authorities and quasi-public corporations which either: receive appropriations from the City; have entered into continuing contractual or cooperative relationships with the City, including any agreement whereby the City funds an agency's debt service; or operate under legal authority granted to them by City
ordinance.

(3) "Contract under 29 U.S.C. § 185(a)" as used herein means a contract to which 29 U.S.C. § 185(a) applies, as that provision has been interpreted by the United States Supreme Court.

(4) "Hospitality Company" means any person or entity seeking a lease, management agreement or development agreement from the City for a Hotel, or seeking City financial assistance from the City for a Hotel project, including a developer which will later lease or sublease property to another Person to operate the Hotel.

(5) "Hotel" includes a hotel and any food or beverage operations which are part of a Hotel.

(6) "Hospitality Operations" means any operations at a Hotel staffed by Hospitality Workers.

(7) "Hospitality Workers" means all employees in a Hotel, except supervisors, managers, office clerical employees and guards.

(8) "Labor Organization" means an organization of any kind, or an agency or employer representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(9) "Hospitality Contract" means any contract, lease or license from the City to use any City property for Hospitality Operations, or 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 including loan guarantees provided 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.

(10) "No-Strike Pledge" means a provision in a labor peace agreement prohibiting the Labor Organization and its members, and in the case of a collective bargaining agreement, all employees covered by the agreement, from engaging in picketing, work stoppages, boycotts or any other economic interference with the Hospitality Operations for the duration of the City's Hospitality Contract.

(11) "Person" includes natural person, sole proprietorship, partnership, limited liability company, corporation, joint venture or business organization of any kind.

(12) "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.

**10:31-2. No-Strike Pledge Requirement for Hospitality Operations.**

(1) The City shall not enter into any Hospitality Contract with a Hospitality Company unless and until such Company has signed a valid collective bargaining agreement or other contract enforceable under 29 U.S.C. § 185(a) with any Labor Organization seeking to represent Hospitality Workers at the premises covered by the Hospitality Contract containing a No-Strike Pledge.

(2) Any contract, lease, grant or other agreement entered into by the City with any City-related Agency shall contain a provision requiring that the City-related Agency abide by the provisions of this Chapter in awarding any contracts pursuant to its City agreement.

**10:31-3. Limitations.**

(1) Nothing in this Chapter requires a Hospitality Company to recognize a particular Labor Organization nor requires employees to be union members.

(2) This Chapter is not intended to, and shall not be interpreted to, enact or express any generally applicable policy regarding labor management relations or to regulate those relations in any way.

(3) This Chapter is not intended to favor any particular outcome in the determination of employee preference regarding union representation.

(4) Nothing in this Chapter permits or requires the City or any Hospitality Company to enter into any agreement in violation of Federal labor laws.

**10:31-4. Severability.**

If any section or any portion of a section of this Chapter 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 Chapter.

**10:31-5. Effective Date.**

The Ordinance shall be effective upon final passage and publication in accordance with the laws of the State of New Jersey.

**Section 2.** If any provision of this Ordinance or application thereof to any persons or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or

applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

## STATEMENT

An Ordinance amending Title X, Finance and Taxation, by adding and establishing Chapter 31, entitled Labor Peace Agreements for Hotels where the City has a financial interest.