



**AN ORDINANCE BY  
COUNCILMEMBER CARLA SMITH  
AS SUBSTITUTED BY  
FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE III - HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT, DIVISION 1 – GENERALLY, OF THE CITY OF ATLANTA CODE OF ORDINANCES, AND CREATING A NEW SECTION 22-72 ESTABLISHING AN AIRPORT SERVICE CONTRACTOR WORKER RETENTION PROGRAM; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”) owns and operates Hartsfield-Jackson Atlanta International Airport (“Airport”) through the Department of Aviation (“DOA”); and

**WHEREAS**, the City, through DOA, procures goods and services for the Airport pursuant the City of Atlanta Code of Ordinances, (the “Code”); and

**WHEREAS**, the City competitively solicits and awards contracts to private firms for the purpose of providing goods and services to and on behalf of the City at the Airport pursuant to the Code; and

**WHEREAS**, after contract expires the services are resolicited and oftentimes a different firm is awarded a new contract to perform the same or similar services; and

**WHEREAS**, when a new firm is awarded a contract, the workers of the old firm are often unnecessarily displaced from employment at the Airport; and

**WHEREAS**, when previous workers are displaced, the City loses the benefit of workers with useful skills, knowledge, and experience, and it causes undue hardship to the displaced workers, decreases workplace efficiency, and ultimately results in a disservice to the City, the Airport, and to the public; and

**WHEREAS**, the City has an interest in having new contractors retain existing workers when a new contract is awarded at the Airport; and

**WHEREAS**, the City desires to amend the Code by adding a Section 22-72 to the Aviation Chapter in City Code establishing a service contractor worker retention program for the benefit of the City, the Airport, the workers to be retained, and to the public.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:**

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**SECTION 1:** That Chapter 22, Article III, Division 1 of the City of Atlanta Code of Ordinances, is hereby amended to add the following section (additions shown in bold type):

**Section 22-72. Airport Service Contractor Worker Retention Program.**

(a) This Section shall be known as the "Airport Service Contractor Worker Retention Program."

(b) The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

*Winning Offeror* is defined as an actual offeror who has been awarded a contract as defined in Atlanta City Code Section 2-1102.

*Service Contract* means a City contract of the Department of Aviation in excess of \$100,000, or generating any amount of revenue for the City, including but not limited to providing food, beverage, retail or lounge services for airport passengers and with a contract term of at least one year where the services to be performed are substantially similar to the service contract recently terminated or expired (as opposed to the purchase of goods or other property).

*Service Employee* means any person employed as a service employee of a Department of Aviation contractor or subcontractor.

*Subcontractor* means any business that is not a service employee who enters into a contract with a contractor to assist the contractor in performing a service contract and who employs its own service employees.

*Terminated or Expired Contract* includes but is not limited to: (1) the completion of the service contract at the end of the contract term; (2) early termination of the service contract in whole or in part for any reason; (3) an amendment that reduces services provided under the service contract, in whole or in part, that subsequently requires the City to competitively procure for those reduced services.

(c) **Service Contract Transition and Retention Requirements**

Winning offerors who receive a service contract solicited by the City's Department of Aviation to replace an expired contract will be required to enter into an agreement with the City which will, among other things, require the following:

- (1) To retain, for a 90-day trial employment period, service employees of the former employer with a service contract with the City that have been employed for at least the immediately preceding six months with that former employer, provided the service employee meets the following requirements:





- a. passes the selected winning offeror's established requirements for background checks and drug and alcohol testing in addition to any applicable Department of Aviation security requirements; and
  - b. the employee desires to work for the winning offeror for the 90-day trial employment period.
- (2) To evaluate each service employee retained from a former employer during the 90-day trial period.
  - (3) To offer the service employee continued employment under terms and conditions established by the selected winning offeror, subject to applicable City requirements, if in the sole discretion of the winning offeror the service employee's performance during the 90-day trial period is satisfactory.
  - (4) To refrain from releasing from employment the service employee during the 90-day trial period unless such release from employment is for cause as determined by the winning offeror.
  - (5) This Section will not apply to managerial employees or executives, including those who would be so defined under the Fair Labor Standards Act.
  - (6) If at any time a selected winning offeror determines that fewer employees are required than were required by the former employer, the winning offeror will retain the service employees applicable in this Code Section by seniority, which should be based on original date of hire within the job classification.
  - (7) During the 90-day trial employment period, the winning offeror will be required to maintain a preferential hiring list of eligible service employees not retained by the winning offeror from which the winning offeror will hire additional employees if necessary.

**Secs. 22-73 – 22-80. Reserved.**

**SECTION 2:** That the amendments in this ordinance shall become effective immediately upon adoption and approval.

**SECTION 3:** That if any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

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A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

DEC 04, 2017  
DEC 13, 2017