

## **Rules for Implementation of Minimum Wage Policy for Non-Trade Labor Service Contracts – LaGuardia Airport, John F. Kennedy International Airport and Newark Liberty International Airport**

### **Summary:**

The Port Authority of New York and New Jersey has adopted a Minimum Wage Policy for workers performing under Non-Trade Labor Service Contracts (“Policy”) at all Port Authority facilities. The Policy furthers the Port Authority’s commitment to fair wages and benefits for service workers at Port Authority facilities and by these Rules is being implemented in the first instance at LaGuardia Airport, John F. Kennedy International Airport and Newark Liberty International Airport (“Airports”) to enhance safety, security and quality of service at those facilities. As set forth below, the Policy will apply to employees of all entities doing business at the Airports, in the defined “Covered Services”(see Addendum), including employees of lessees, permittees and contractors and will be required to flow down to the respective subcontractors and sublessees of those entities.

### **Compensation:**

Effective July 31, 2014, wages for workers performing Covered Services shall be increased \$1.00 per hour for all such workers earning \$9.00 per hour or less. Effective February 1, 2015, the wage for workers performing Covered Services shall be increased to \$10.10 per hour.

The wage levels established under these rules will be reviewed by the Port Authority on an annual basis and adjusted, as appropriate, by input from affected stakeholders/contractors.

Additionally, once the wage level of \$10.10 per hour is established, beginning February 1, 2016, for all Covered Services, such level shall be increased thereafter by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (United States city average, all items, not seasonally adjusted), or its successor publication, as determined by the Bureau of Labor Statistics and rounded to the nearest multiple of \$0.05.

### **Applicability:**

These rules shall apply to lessees, permittees, contractors, as well as the subcontractors and sublessees of those entities (“Contractors”), including, as of April 1, 2015, Concession Services, who provide the Covered Services at the Airports listed in the attached Addendum to these rules.

In all events, Covered Services shall include services provided by non-trade employees whose work requires that they obtain access to the Airfield Operations Area (AOA) whether such AOA access is obtained by the issuance of a badge or an escort.

**Exclusions:**

The Policy implemented by these rules will not apply in instances where other applicable laws or regulations provide minimum rates for employees falling within the Policy and rules, as demonstrated by the employer.

**Tipped Employees:**

A Contractor seeking to demonstrate compliance for employees, who receive tips, shall have the burden of proving that the employee received compensation (including tips) in amounts equal to the minimum wage levels set forth in these rules.

The federal government and certain states allow an employer to count all or part of an employee's tips towards its minimum wage obligations and some states set a maximum "tip credit" toward the minimum wage. For purposes of these rules, only if a Contractor/Employer takes advantage of the applicable "tip credit" for federal, state or local minimum wage compliance, will the Covered Service worker's receipt of tips be considered in determining whether the Contractor/employer is compliant with the Port Authority Minimum Wage Policy.

Contractors/Employers who seek to take advantage of the payment of "tips" or a "tip credit" towards compliance with the Minimum Wage Policy and these Rules, will be required to certify that they are in compliance with the applicable (federal, state or local) minimum wage requirements governing the receipt of a credit for tips for their Covered Service workers.

"Tipped Employees" are those who engage in occupations in which tips are customarily and regularly received from patrons.

**Martin Luther King, Jr. Day:**

All Contractors subject to the Policy and these rules shall provide its workers performing Covered Services a paid holiday for Martin Luther King, Jr. Day.

**Implementation:**

These rules are applicable to all existing employees of Contractors providing Covered Services at the Airports. Once these rules become effective, the Port Authority will take appropriate steps to implement these rules, including, but not limited to, the inclusion of appropriate provisions in new or amended agreements, permits contracts and consents, as a condition for such Contractors doing business at Port Authority facilities. In the future, all agreements entered into between the Port Authority and those Contractors, including leases, permits, contracts and consents shall contain a clause which states that the Contractor has reviewed the Policy and rules and that it will comply with the Policy and rules, as amended by the Port Authority from time to time. Additionally, Contractors shall be required to include such a clause in its subleases and subcontracts.

The Port Authority acknowledges that there may be circumstances, which warrant an exception to the rules, which exception may be granted by the Port Authority, for good cause, at its sole and absolute discretion.

**Wages and Benefits:**

In accordance with the Policy, the Port Authority is currently developing a plan for enhanced wages and benefits, including health benefits for workers performing Covered Services. The Port Authority's existing policy for wages and benefits for certain Port Authority non-trade labor service contracts, which, as implemented, provides benchmarks for the inclusion of affordable health care, is being examined as a point of reference for such plan.

**Certification:**

By April 30, 2015, and, at least, on an annual basis thereafter, a responsible officer of each Contractor providing Covered Services shall deliver to the Port Authority a statement certifying, in a form to be approved by the Port Authority, that it is in compliance with the Policy and rules. The Port Authority reserves the right to audit such compliance at any time.

**Amendments to Rules:**

The Port Authority reserves the right to amend these rules, from time to time, including amendments to extend the implementation of the Policy to other Port Authority facilities, as well as amendments for the inclusion of appropriate benefits, such as health benefits, for employees performing Covered Services.

## **ADDENDUM – COVERED SERVICES**

### **Passenger Related Security Services**

- Escorts
- Catering Security
- Passenger Aircraft Security
- Fireguards
- Terminal Security
- Traffic Security

### **Cargo Related and Ramp Services**

- Cargo Screening (including Guards) and Warehouse Security
- Baggage and Cargo Handling
- Load Control and Ramp Communication
- Aircraft Mechanics and Fueling of Aircraft
- Provision of water, cooling/heating, power
- Equipment and toilet services to Aircraft
- Passenger Aircraft Servicing
- Cabin Equipment Maintenance
- Guiding Aircraft in and out of Gates
- Gateside Aircraft Maintenance
- Ramp area cleaning

### **In-Terminal and Passenger Handling Services**

- Baggage handling
- Skycap
- Wheelchair attendant
- Ticketing agent
- Customer Service Representatives
- Queue Managers
- ID Checkers
- Porter Service for Baggage
- Passenger and Employee Shuttle Drivers

**Cleaning Services**

- Building Cleaning
- Aircraft and Cabin cleaning
- Plane washers

**Concession Services**

- Food Service (including, food and beverage service, wait service, busing, cashiers)
- Retail Service (including news/gifts and duty-free)
- Cleaning for concession services
- Security for concession services
- Airport Lounge Services (Food, Retail, Cleaning and Security Services)