

		Policy # 0004
Subject: Sacramento International Airport Concessionaire Employee Retention and Labor Peace		
Responsible Department: Department of Airports		
Effective Date: July 3, 2018		Revision Date: N/A
Robert B. Leonard Interim Director of Airports		Navdeep S. Gill County Executive

1. **Purpose:**

This Policy applies to County solicitations and contracts for Food Beverage Concessions, Retail Concessions, Parking Lot Management Operators and Shuttle Bus Operators at Sacramento International Airport. This Policy:

- a. Requires that the Department of Airports will include a Worker Retention requirement in all solicitations and contracts for Food & Beverage Concessions, Retail Concessions, Parking Lot Management Operators and Shuttle Bus Operators at Sacramento International Airport.
- b. Requires that the Department of Airports will include a Labor Peace Requirement in all solicitations and contracts for Food & Beverage Concessions, Retail Concessions, Parking Lot Management Operators and Shuttle Bus Operators at Sacramento International Airport.

2. **Authority:**

County Executive Policy – Not adopted by the Board.

3. **Definitions:**

- “Airport” means Sacramento International Airport owned by the County and operated by the County Department of Airports.

- "Concession Agreement" is that certain agreement entered into by the County for Food & Beverage Concessions and Retail Concessions at the Airport.
- "County Executive" means the County Executive or his designee(s) for County departments, agencies, boards and commissions, and elected officials.
- "County" shall mean and include the County of Sacramento, any other affiliated agency created by the County and governed by the Board of Supervisors, and any departments, boards and commissions thereof.
- "Food & Beverage Concessions" means those businesses operating under a Concession Agreement within the Airport terminals with at least 30 employees and providing food and beverage offerings for sale to airport passengers and customers at the Airport.
- "Management Agreement" means that certain agreement entered into by the County for the Parking Lot Management Operator and Shuttle Bus Operator at the Airport.
- "Retail Concessions" means those businesses operating under a Concession Agreement within the Airport terminals with at least 20 employees and providing retail offerings for sale to airport passengers and customers at the Airport.
- "Parking Lot Management Operator" means the management company responsible for staffing and managing the Airport parking lot and collecting parking fees on behalf of the County Department of Airports.
- "Shuttle Bus Operator" means the management company responsible for staffing and providing shuttle bus services for the transportation of the Airport rental car customers, parking lot customers and employees between the terminal buildings and the rental car building.
- "Labor Peace Requirement." Under federal law, airport operators cannot require union recognition as a condition of selection or otherwise exert influence on relations between labor and management. However, airport operators have a legitimate, legally permissible interest in assuring continuous operation of the concessions, which forms the basis for adopting labor peace or harmony provisions in RFPs. Accordingly, where labor unions are influential, or where the concession companies have been organized by labor unions, airport operators may require a "labor peace" or "labor

harmony” requirement to be included in RFPs. Labor peace provisions typically require proposers to reach prior agreement with relevant labor organizations so that, if selected, the proposer agrees that there will be no interruption of service during the term of the concession lease agreement. As a condition for this agreement, unions will ask the proposer to agree to official neutrality in any union ratification vote and obtain prior approval to use a simplified card-check election procedure in lieu of more formal rules provided for under the National Labor Relations Act. In a card-check election, employees sign a card to indicate their support for recognizing the union. Union officials can collect cards until they have a majority in favor of recognition. There is no secret ballot. By agreeing to remain neutral, the procurement employer concessionaire agrees not to campaign against the union and waives the right to demand a secret ballot as provided in the National Labor Relations Act.

- “Worker Retention” means the County policy applicable to current employees of Food & Beverage Concessions, Retail Concessions, Parking Lot Management Operators and Shuttle Bus Operators who are displaced as a result of the award of new agreements. The County policy requires a successor concessionaire to consider interviewing qualified employees in good standing of the outgoing concessionaire.