

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AIRPORT LABOR POOL PROGRAM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 5.2 ("Agenda Report"), dated June 11, 2015 and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

WHEREAS, the Port has a financial, proprietary, safety, and security interest in business operations that have concessions in the Terminal Complex at the Airport because these operations base their concession payments to the Port in part on the revenue they generate, because the passenger experience at Airport concessions contributes to the decisions made by potential Airport passengers as to which San Francisco Bay Area airports to patronize, and because employees at concession operations are trained, badged, and important participants in the Airport's safety and security programs; and

WHEREAS, it is essential that these operations conduct business efficiently and retain workers who have relevant customer service and safety and security training and experience; now, therefore, be it

RESOLVED, that the Board hereby adopts as policy that, unless in violation of federal or state law, all Concessionaires shall offer employment to qualified displaced badged concession employees (not including managerial, supervisory, professional, paraprofessional, and confidential employees) prior to offering such employment opportunities to other potential employees. "Concessionaires" means all individuals and businesses that enter into a new or amended tenancy agreement after the effective date of this Resolution to operate food/beverage, retail, news/gifts and/or duty free concessions at the Airport, together with their tenants, lessees, subtenants, sublessees, successors and assigns. "Terminal Complex" means all buildings and structures located within the Airport open to the public for the purpose of flight ticket purchase, passenger enplanement and deplanement, and those other services related to public passenger air travel. "Qualified displaced badged concession employee" means a former employee of a food/beverage, retail,

news/gifts and/or duty free concession at the Airport who had been employed by such concession for ninety (90) days or longer who had received security training and had been issued an airport security badge if, and only if, (a) such employee's airport security badge was not revoked for cause, (b) such employee was not terminated for good cause, and (c) with respect to the open employment position, the job from which such employee was displaced involved similar duties and responsibilities. Offers of employment to qualified displaced badged concession employees shall be made in order of seniority by job classification based on original date of hire at the Airport. Such information shall be maintained in a preferential reinstatement list; and be it

FURTHER RESOLVED, that the Board hereby authorizes the Executive Director, or his designee, to draft and adopt guidance and implementation rules and/or guidelines to clarify and further the operational requirements and logistics of the Airport labor pool program contemplated herein, subject to approval as to form and legality by the Port Attorney; and be it

FURTHER RESOLVED, that this resolution shall become effective immediately upon adoption by the Board.