



**Testimony of Ron Tabaczynski before the City Council Committee
on Workforce Development Hearing on Fair Workweek Ordinance
O2019-3928**

June 10, 2019

Thank you Madam Chairman and members of the Committee. I am Ron Tabaczynski, Director of Government Affairs for the Building Owners and Managers Association of Chicago (BOMA/Chicago). We represent 238 commercial office, institutional and government buildings in the City of Chicago.

BOMA/Chicago does agree with many of the concerns raised by other organizations that the growing wave of mandates imposed on employers is threatening to become a difficult obstacle for attracting and retaining business in Chicago and we ask that the Committee remains aware of the collective impact of individual mandates. I would however like to focus my comments today on one specific aspect of the proposal of the Fair Workweek proposal that is problematic for our members.

Since our inception as a trade association in 1902, BOMA/Chicago has served as a collective bargaining agent for its members. We currently negotiate agreements with SEIU Local 1 for security and janitorial professionals, and with IUOE Local 399 for building engineers.

As you know the National Labor Relations Act and the National Labor Relations Board have provided a framework for collective bargaining between employees and employers and it is within that framework that BOMA/Chicago has bargained in good faith with organized labor. Each successfully negotiated agreement has helped to advance the relationship between building owners and those engaged in the building services industry. Each has helped to establish Chicago as a global leader in commercial real estate and we would like to see this continue.

As written, the proposed ordinance appears to want to exempt employees and employers that are covered under a bona fide collective bargaining agreement. We are very supportive of that. However, the language in the proposed ordinance requires that to be exempt the agreement must specifically include a written waiver of the ordinance.

In effect, that requirement then makes the inclusion of waiver itself an item of negotiation in the negotiation process. It becomes even more problematic because the language in the proposal also fails to provide the collective bargaining exemption and waiver mandate uniformly.

On the one hand, it provides clear and unencumbered exemption for some professions, (namely construction workers, public utilities and telecommunications workers, and certain employees that compete directly with the United States Postal Service) while mandating provisions to be included in collective bargaining agreements for all other professions.

We cannot see a legitimate basis for excluding certain professions covered by collective bargaining agreements from other similarly covered professions. BOMA/Chicago would argue that in order to maintain the good faith nature of collective bargaining and to ensure that, if eventually passed, this ordinance does not contravene, violate or preempt national labor policy, the exemption for employers and employees covered under bona fide collective bargaining agreements should be the existence of the agreement itself and not attributable to the nature of the profession or the inclusion of mandated waivers.

In the interest of time, I have provided the Committee members with a letter outlining and explaining the concerns that I have discussed and in that letter you will also find some suggested language regarding the collective bargaining provisions. As you continue to deliberate on this ordinance, we would ask you to consider adopting our proposed language.

Thank you.

For More Information Contact:

Ron Tabaczynski

Director of Government Affairs

Building Owners and Managers Association of Chicago

115 S. LaSalle, Suite 2300

Chicago, IL 60603

(312) 870-9611

rtabaczynski@bomachicago.org

www.bomachicago.org

