

DRAFT

WORKER RETENTION

SEATTLE-TACOMA INTERNATIONAL AIRPORT CONCESSIONS PROGRAM

In light of the expected release of Request for Proposals (RFP) for various concessions opportunities between 2013 and 2017, the Commission wishes to discuss and take public comment on a proposed Concessions Worker Retention Commission directive. Under this planned directive, the Commission will direct the Chief Executive Officer, when recruiting for and procuring new concessions operators to replace existing concessions operators at the Seattle-Tacoma International Airport (Sea-Tac), to incorporate worker retention language into the new procurements to the maximum degree possible consistent with the following principles:

- When replacing the concessions operators whose leases expire in 2015-2017, the Port will utilize a combination of prime concessionaires and direct leases. A prime concessionaire is a company that operates four or more units at Sea-Tac under a single contract awarded as a result of a competitive Request for Proposal process.
- When evaluating responses to the Port's Requests for Proposal to choose a new prime concessionaire(s), as well as responses from non-prime concessionaires who choose to offer similar terms and conditions in their bids, the Port will give a scoring preference to responders that (1) commit to hiring current concessions workers as long as doing so is not incompatible with the skill base and training required of workers under the company's business model; (2) include in their proposal a commitment to retain current workers for up to 180 days (unless there is demonstrated cause to terminate an employee); and (3) stipulate their agreement to hire workers from the Concession Worker Pool (see next bullet).
- The Port will, on behalf of the prime concessionaires whose lease terms start in 2015-2017 ("incoming prime concessionaires"), compile a database of all non-management employees of the concessionaires whose leases are set to expire, who wish to continue working in the concession program at Sea-Tac (the Concession Worker Pool or "Pool"). The incoming prime concessionaires will recruit their new employees from this employee Pool.
- The Commission will delegate the responsibility of developing appropriate administrative policies and procedures for such things as the database to the Chief Executive Officer.
- Should an incoming prime concessionaire believe that, for one or more of its concession units, the members of the Pool are not qualified to work in that unit(s), it must provide the Port a written explanation of why such workers are incompatible with serving the market in which the company competes and therefore requires hiring employees not in the Pool.
- The Port will make available to the non-prime concessions operators (generally a company that operates three or fewer units at Sea-Tac) and Disadvantaged Business Enterprises subcontractors of prime concessionaires the names of the members of the Concession Workers Pool and encourage these companies to hire employees from the Pool to the maximum extent that such employees can successfully work in the company's concession units.

- When any new concessionaire hires an employee from the Pool, it will commit to retaining such employee for up to 180 days (unless it has grounds to terminate such employee for cause pursuant to the new concessionaire's employment policies).
- Nothing in this policy shall be construed to imply that any Airport Concession Lessee is required by the Port to recognize any labor organization as the representative of its employees or to enter into a collective bargaining agreement with any labor organization.
- This policy shall be construed consistent with all local, state and federal laws and regulations, including all applicable judgments and administrative findings applicable to the Port of Seattle. If any provision of this policy or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this policy which can be given effect without the invalid provisions or applications, and to this end the provisions of this policy are declared to be severable.

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