

EXECUTIVE ORDER NO. 5 - 08

MAYOR'S ADVISORY COMMISSION ON
CONSTRUCTION INDUSTRY DIVERSITY

BACKGROUND

WHEREAS, the United States Constitution, the Constitution of the Commonwealth of Pennsylvania, the Philadelphia Home Rule Charter, and various state and local legislative provisions prohibit discrimination against any person on the basis of race, color, ethnicity and gender; and

WHEREAS, the City of Philadelphia is a racially and ethnically diverse city of 1.5 million people, with racial and ethnic minorities comprising approximately 55% of the City's population; and

WHEREAS, women comprise approximately 55% of the City's population; and

WHEREAS, 12.4% of the working age population of the City of Philadelphia and 40% of residents age sixteen to nineteen years old are unemployed, a condition having direct impact on increased criminal activities and recidivism; and

WHEREAS, it is anticipated that the public and private sectors will undertake several billion dollars in construction projects in the City of Philadelphia over the next five years that will revitalize and benefit the regional economy; and

WHEREAS, it is the policy of the Commonwealth of Pennsylvania and the City of Philadelphia to provide an equal opportunity for minority persons and women to participate in and benefit from all publicly-funded and supported construction projects in the City; and

WHEREAS, the Mayor and the City Council are fully committed to increasing, in a meaningful way, the participation of minority persons and women in all construction projects in the City; and

WHEREAS, history, available statistics, testimony and observation suggest that minority persons and women are currently underrepresented and underemployed in the trades union membership and in the workforce deployed in the construction industry in the City; and

WHEREAS, minority persons and women should be deployed at various levels (*e.g.*, journeyman, apprentice) in the workforce in all construction projects in the City of Philadelphia; and

WHEREAS, all contractors, subcontractors, vendors, consultants and suppliers on all construction projects in the City of Philadelphia should commit to policies of non-discrimination, equal opportunity and employment of minority persons and women in the workforce; and

WHEREAS, all labor unions participating in construction projects in the City of Philadelphia should commit to policies of non-discrimination, equal opportunity and fair inclusion of minority persons and women in its membership ranks and in the retention and hourly deployment of minority and women members in the workforce; and

WHEREAS, the City has a compelling interest in prohibiting discrimination in all aspects of City contracting; and

WHEREAS, the City has a compelling interest in promoting the employment of its residents; and

WHEREAS, the Mayor desires to establish an Advisory Commission on Construction Industry Diversity to respond to these compelling interests and to promote the policy commitments described herein,

NOW, THEREFORE, by the power vested in me as Mayor of the City of Philadelphia, it is hereby ordered:

SECTION 1. ESTABLISHMENT AND PURPOSE OF THE COMMISSION

A. The Mayor's Advisory Commission on Construction Industry Diversity (hereinafter the "Advisory Commission") is hereby established in the Mayor's Office.

B. The Advisory Commission shall conduct a comprehensive analysis and review of the construction industry in Philadelphia and the extent to which Philadelphia County minority persons and women are utilized in the workforce on previous and ongoing construction projects in the City. The term "minority persons" or "minorities" shall mean African-Americans, Hispanic Americans, Asian Americans and Native Americans. The Advisory Commission's research should include, among other methodologies, workforce utilization disparity studies as well as construction industry diversity "best practices" from other jurisdictions with similar population trends and demographics.

C. The Advisory Commission shall develop and provide a foundation for a comprehensive program to substantially increase the membership and hourly deployment of minority and female Philadelphia residents in the building and construction trades and trades unions in the City of Philadelphia in order to work toward achieving the goal of a workforce that reflects the demographics of the City.

D. The Advisory Commission shall submit its initial findings and recommendations to the Mayor and Philadelphia City Council for approval no later than September 1, 2008. Such report shall include, among other components, detailed statistical information on minority and female Philadelphia residents in the building and construction trades; a five-year strategic plan for the full inclusion of minorities and women in employment opportunities in construction projects; an effective structure for implementing, monitoring and enforcing the recommendations of the Advisory Commission which may include recommendations regarding the duties of City

departments and agencies; and any other legal and practical strategies for the successful accomplishment of these important and compelling objectives.

SECTION 2. MEMBERSHIP

- A. The Advisory Commission shall consist of 15 (fifteen) members appointed by the Mayor. The Mayor shall also designate a chairperson. The members shall possess the commitment, experience, and expertise necessary to accomplish the objectives and purposes of the Advisory Commission, and shall be selected by the Mayor from a broad base of interested partners and stakeholders.
- B. The members of the Advisory Commission shall serve at the pleasure of the Mayor.
- C. The members of the Advisory Commission shall serve without compensation.

SECTION 3. OTHER PROVISIONS

- A. All employees, officers, officials, departments and agencies of the City of Philadelphia are hereby directed to cooperate with the Advisory Commission in accomplishing its objectives and purposes.
- B. All agencies, authorities, boards and commissions, whether public, quasi-public or private which receive City of Philadelphia funding or other public support and are engaged in or contemplating any construction project in the City are hereby directed to cooperate with the Advisory Commission in accomplishing its objectives and purposes.
- C. The City Law Department shall provide legal advice and counsel to the Advisory Commission.

SECTION 4. EFFECTIVE DATE

This Order shall take effect immediately.

Date: 2/4/08



Michael A. Nutter, Mayor
City of Philadelphia