


10/13/2020

item 4




City Council Meeting

Item 4: Discussion and Direction on Worker Retention and Recall Protections During COVID-19 Pandemic
(RTC# 20-927)

October 13, 2020

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City of Santa Clara
The Center of What's Possible

Background

- Aug. 18, 2020 - City Council approved a written petition from Mayor Gillmor to place an item on Council agenda to discuss modifications to the City's Worker Retention Ordinance
- Request included:
 - adding hotels workers as a covered employee group
 - adding a recall provision for building service, food service and hotel employees laid off due to the COVID-19 pandemic

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Current Worker Retention Ordinance

Applicability

- Any entity in Santa Clara with more than 25 employees in the State of California that enter into contracts for building services and/or food service
- Entertainment/convention venues with a capacity of at least 8,000
- City of Santa Clara contracts and to contracts with the City's related entities such as SOSA, Stadium Authority etc.
- Other governmental entities are exempt

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Current Worker Retention Ordinance

Contracts Subject to Ordinance

- Contracts in excess of \$25,000 with a term three months or longer for regularly scheduled building services and/or food services

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Current Worker Retention Ordinance

Covered Employees

- Full or part time employees (8 hours a week or more) whose regular place of work is in Santa Clara during the 90 days prior to a contract transition
- Not included are managerial, supervisory, or confidential employees

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Current Worker Retention Ordinance

Notification and Retention Procedures

- No less than 15 calendar days before terminating a food service or building service contract, the terminated contractor must provide a list of each food service or building worker to the successor contractor
- Successor contractor must retain the employees of terminated contractor for a 90-day transition period

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Cities with Similar Ordinances

City of Oakland (Adopted July 21, 2020)

- Certain employees (airport hospitality/service, event center, hotel, restaurant) laid-off due to the COVID-19 pandemic must be **recalled by seniority in a classification**
- Protections for these same covered workers would also apply to applicable businesses that had a change of ownership

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Cities with Similar Ordinances

City of Los Angeles (Adopted April 29, 2020)

- Certain employers (hotel, airport, event center, & commercial property) must recall workers laid-off due to COVID-19 and rehire based upon seniority in a position classification
- Businesses that change ownership must offer to hire or rehire covered workers
- Los Angeles City Council will re-evaluate continuing the ordinance by March 1, 2022.

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Potential Parameters

Timing

- Emergency Ordinance
 - Becomes effective immediately
 - Other cities have done the same to address impacts of COVID-19
 - Current Worker Retention Ordinance include robust outreach to allow for feedback on a permanent ordinance

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Potential Parameters

Applicability

- Add additional class of covered employees, hotel workers
- Consistent with other cities, covered business would include hotels with 50 or more guest rooms.

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Potential Parameters

Protections

- Include **recall provisions** for building and food service workers at entities currently identified in the Worker Retention Ordinance and add hotel workers
- Eligibility of covered workers would be consistent with the existing Worker Retention Ordinance - full or part time employees (8 hours a week or more) whose regular place of work is in the City of Santa Clara during the 90 days prior to a contract transition or lay off.

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Potential Parameters

Protections continued

- The Mayor's request added hotel workers to the covered employees under the Worker Retention Ordinance provisions. This modification would provide that if there is a change of hotel ownership/operation during the COVID-19 pandemic, the new operator would be required to rehire covered employees at their same classification for a period of 90 days
- Workers covered by a collective bargaining agreement would continue to be exempt from the provisions of the ordinance

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Potential Parameters

Duration

- Provisions of the emergency ordinance would be in place for the duration of the emergency declaration
- If Council wants to direct staff to propose a similar ordinance on a longer-term basis (beyond the emergency period), staff recommends conducting an outreach process to potentially affected businesses/employers and employees to seek input and feedback

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Alternatives

1. Direct the City Attorney and City Manager to prepare an Emergency Ordinance for Worker Recall and Retention with the parameters discussed in this Report to Council and return to Council on October 27 for consideration
2. Note and file this report and take no further action
3. Any other alternative as approved by Council

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City Council Meeting

Item 4: Discussion and Direction on Mayor Gillmor's Request Regarding Worker Retention and Recall Protections During COVID-19 Pandemic

October 13, 2020

Item #4

WORKING PARTNERSHIPS USA

October 13, 2020

Honorable Mayor Gillmor and City Councilmembers,

On behalf of Working Partnerships USA, I want to thank the City Council for prioritizing a Right of Recall and expanded Worker Retention in support of hotel, event, and building service workers during this unprecedented public health and economic crisis. I urge the Council to move forward quickly with drafting and adopting this ordinance to help provide our most vulnerable workers with some hope.

When the Bay Area adopted the state's first "shelter in place" orders on March 17th, we hoped that these public health precautions would be needed for just a few weeks. Now, seven months later, we have learned that this will be a long, slow, and often painful recovery.

Yet there is light at the end of the tunnel: the knowledge that if we all pull together, we can protect one another, support our families and neighbors, and make it through to the other side.

But for many of our neighbors, the light is hard to see. 34% of Californians laid off due to COVID-19 now believe they will never be called back to their jobs¹ – not in a month, not in a year, not ever.

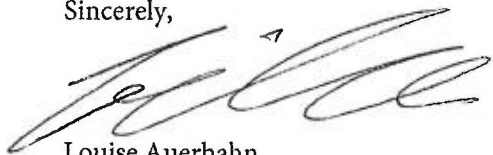
Hotel event and hospitality workers are among the hardest hit by COVID-related layoffs, and face many more months before they may be able to return to work. Hotel employment in Santa Clara County is down 41% since March, more than any other industry.²

Workers in these industries are overwhelmingly people of color, immigrants, and women, who are already hit hardest by COVID-19. Now, many of these workers fear that even when their employers re-open, workers who have committed decades of their life to those jobs may be excluded from returning to work.

In these industries, the Right of Recall and expanded Worker Retention policies that City Council is considering tonight will provide assurance to laid-off workers that once their employer begins re-hiring, the laid-off workers will have the opportunity to return to their jobs if those jobs become available.

Oakland and other cities across California have passed similar policies to help provide hope to those hardest hit workers. While cities cannot control the timing of the economic recovery, we can help put policies in place to ensure that as we do start to recover and re-open, we all recover together.

Sincerely,



Louise Auerhahn
Director of Economic and Workforce Policy

POST MEETING MATERIAL

¹ <https://www.capolicylab.org/california-unemployment-insurance-claims-during-the-covid-19-pandemic/>

² <https://data.edd.ca.gov/Industry-Information-/Current-Employment-Statistics-CES-San-Jose-Sunnyva/5yee-bw2e>