

## Communication from Public

**Name:**

**Date Submitted:** 03/26/2020 05:45 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** Please see attached



March 26, 2020

The Honorable Nury Martinez  
Los Angeles City Council President  
200 N Spring Street, Suite 470  
Los Angeles, CA 90012

**SUBJECT: Right to Recall Workers Ordinance; (Council File: 20-0147-s15)  
– OPPOSE**

Dear Council President Martinez,

TriStar Realty Group, LLC commends the work and dedication by the Los Angeles City Council to slow the spread of COVID-19 and the efforts to provide relief for residents and businesses.

While we appreciate the City Council withdrawing its efforts to impose a policy in which workers would be discharged in order of seniority, we still have concerns with the proposed Right to Recall Workers ordinance, especially at a time when many businesses are struggling to survive.

The Right to Recall Workers Ordinance would:

- Require businesses that have discharged employees to recall employees based on seniority rather than skills, competence, specific employer needs or legitimate pay scale considerations.
- Require a 10-day waiting period after a business has recalled an employee in which the employee would need to accept or decline the offer.
- Create a rebuttable presumption that any termination which occurred on or after March 4, 2020, was due to a non-disciplinary action.
- Not provide exemptions for first responders, creating a disastrous effect on Los Angeles' ability to combat COVID-19.
- Provide an exemption for Collective Bargaining Agreement.
- Make businesses responsible for damages suffered by the discharged employee.
- Be in effect until March 4, 2022.

The proposed Right to Recall ordinance would present additional challenges for businesses during this economic crisis, eliminating flexibility that businesses need to survive, preserve jobs and remain in their communities over the long term.

Requiring businesses to recall employees based on seniority would make operating a business impossible during this public health and economic crisis. This requirement would undoubtedly worsen staffing needs, as businesses would be required to wait 10 days after a recall offer has been made to an employee before being able to offer the position to another worker. Requiring a recall based on seniority also hurts newer skilled workers who were hired for moderate to high-level jobs prior to the COVID-19 crisis as they would remain without a job. Several young workers who are just starting their careers would continue to find themselves unable to afford rent, food and other essentials.

Some business owners have already made tough business decisions due to the financial crisis caused by COVID-19. Creating a rebuttable presumption for any termination which occurred on or after March 4, 2020 would mean any business that has already made an economic decision would be subject to lawsuits. This is clearly a just cause termination ordinance as business owners would need to go to court to prove a worker was terminated for cause, which means high legal expenses for employers.

At a time when many businesses are facing financial hardships, opening the door to lawsuits would contradict efforts to provide relief for businesses. Moreover, this ordinance has a no waiver section, which means that no settlements can be met, no separation agreements for consideration can be entered into and all disciplinary terminations will end in litigation. This will cost local businesses millions of dollars as most Employment Practice Liability Insurance have a \$25,000 deductible per claim.

The two-year effective date of this ordinance is excessive and could go well beyond this crisis. We would recommend the ordinance be effective until December 31, 2020 to be consistent with the other urgency clauses being considered by the City Council. Existing laws prevent discrimination of all types and with a wide myriad of classes, which are protected. So long as companies comply with those important societal laws there should be no reason to dispense with the time-honored doctrine of “at-will employment” and permitting employment decisions to be based on the legitimate business judgment of a business owner.

Furthermore, there are numerous businesses that are deemed essential during this crisis that should be exempted. The 10-day wait to fill a position in hospitals could mean the difference between life and death for many Angelenos. There is also no public policy

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argument for including a collective bargaining exemption for non-essential businesses. This is not required by law and should be removed.

Consequently, including punitive damages for violation of this ordinance is just overkill and will overburden businesses in their recovery. As businesses throughout Los Angeles are suffering during this crisis, some of which have already shuttered permanently, the City must act to ensure their survival.

We urge you to oppose the proposed Right to Recall Workers ordinance; and oppose any policy that seeks to preempt a company's own business judgment, and simultaneously binds the hands of employers during this most troubling and unprecedented crisis.

Thank you for your consideration on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua Kashani', with a stylized flourish at the end.

Joshua Kashani

## Communication from Public

**Name:** G. Juan Johnson

**Date Submitted:** 03/26/2020 10:50 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** SUBJECT: COMMUNICATION FROM THE CITY ATTORNEY and ORDINANCE FIRST CONSIDERATION relative to adding Article 14.6 to the Los Angeles Municipal Code (LAMC) affording tenant protections during Coronavirus COVID-19 Emergency Declaration. ITEM NO. 20-0147-S15, 20-0147-S35, 20-0147-S42 I support the passage of the ordinance with the following reservations:

1. Prohibition on residential eviction. This passage needs to be stronger. Rather than a bottom up approach, the council needs to take a top down approach; landlords of residential apartment properties must be prohibited from serving 3-day notices during the length of the local covid-19 emergency. In order to serve a three day notice during the emergency, further, it has to be served by the HCID after they have determined the notice to be not in violation of the local emergency period; the owner must request the HCID to serve the notice.
2. Code enforcement inspectors some making over \$200,000 per year, must to every extent possible during the crises, assure the diligent enforcement of HEALTH AND SAFETY CODE - HSC 17920.3. "Any building or portion thereof including any dwelling unit, guestroom or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be a substandard building: (a) Inadequate sanitation shall include, but not be limited to, the following: (14) General dilapidation or improper maintenance. (c) Any nuisance. (d) All wiring, except that which conformed with all applicable laws in effect at the time of installation if it is currently in good and safe condition and working properly", will be enforced in that such enforcement is for the Public Welfare and in the interest of Public Safety. If construction is an exception from the stay at home order, or as long as construction continues, the Public's health and safety as regards health and safety regulations must be adhered to including the provisions of all housing services as the state, county, and city has determined those housing services and benefits to be, including rent reimbursements, intercom maintenance, and parking services.
3. That "circumstances" of "loss of income due to the COVID-19 epidemic" and "expenditures that stem from government-ordered emergency measures" shall be interpreted to apply to those persons, including those over the age of 65, who have not been able to find gainful employment because they were by the government ordered or advised to stay at home or because places of employment due to the pandemic, are closed and not hiring workers.
4. The California legislature declares: "It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general."
5. Renter/tenant household necessities may include rent, food, utilities, parking, auto expense, phone and internet, medical, insurance, plus other bills like credit cards. The city must provide cash to each residential tenant in the amount of \$1500. The city can afford it and that the money can be paid back thru the increase of city taxes, or other taxpayer supplied revenue sources. The city has provided \$11 million to small businesses affected by this crises; let the city provide \$11 million in loans to residential tenants in the form of the \$1500 per household.

G. Juan Johnson 1522 Hi Point St 9 Los Angeles CA 90035 Phone 323-807-3099 ref. city agenda link at

[https://ens.lacity.org/clk/councilagendas/clkcouncilagendas3139754\\_03272020.html](https://ens.lacity.org/clk/councilagendas/clkcouncilagendas3139754_03272020.html)  
ref. county board of supervisors damage file number 20-1158110\*001 ref. city  
damage claim dated Jan 22, 2020 from GJ Johnson at 2:32 p.m. ref. that denial of  
equal opportunity by city funded neighborhood councils (city department of  
neighborhood empowerment) to ballot qualified write-in candidates violates the city  
code of ethics and is against Public Welfare and does discriminate i.e. foments social  
unrest

## Communication from Public

**Name:** MIRANDA LEIBIG

**Date Submitted:** 03/27/2020 02:46 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** ITEM #2 Hi my name is Miranda and I am a USC student. I'm here to ensure that all workers in Los Angeles can return to their jobs when this terrible crisis ends without fear of retaliation or favoritism by their boss. As you have heard, workers at Mr. C and Chateau Marmont were terminated with no commitment to recall when business recovers. This is outrageous. And it is being replicated in workplaces all around Los Angeles. We cannot let this crisis be exploited to get rid of long time and loyal workers. Do what is right and protect workers!!!

## Communication from Public

**Name:** Miranda Leibig

**Date Submitted:** 03/27/2020 02:48 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** Curren Price ITEM #2 Hi my name is Miranda and I am a USC student. I'm here to ensure that all workers in Los Angeles can return to their jobs when this terrible crisis ends without fear of retaliation or favoritism by their boss. As you have heard, workers at Mr. C and Chateau Marmont were terminated with no commitment to recall when business recovers. This is outrageous. And it is being replicated in workplaces all around Los Angeles. We cannot let this crisis be exploited to get rid of long time and loyal workers.



## Communication from Public

**Name:** Maria S. Salinas  
**Date Submitted:** 03/27/2020 01:42 PM  
**Council File No:** 20-0147-S15

**Comments for Public Posting:** Thank you Madame President and Councilmembers for this opportunity to submit written comments. I am Maria Salinas, President & CEO of LA Chamber, speaking on Item 2, Item 4 and General Comment, I represent the Los Angeles Area Chamber of Commerce, representing the region and over 1,500 members, including approximately 68% small businesses. We are in historic times dealing with a crisis that has crippled our city and the economy that is impacting the livelihood of so many. I commend you for your leadership. Today, you are considering ordinances that while admirable, they are also detrimental to the economy that we are trying to save. The ordinances that are being proposed create a burden to the businesses and ultimately to the employees that we are trying to protect during this crisis. The Chamber has been inundated with calls from our small business community and our largest employers who rely on the small businesses in their supply chains. Business owners are looking at their cash flow and making hard decisions just so they can weather this health and economic crisis. And, today, the \$2 trillion dollar federal stimulus package was approved. Provisions in that stimulus package address some of the areas that these ordinances aim to address.? With regard to Agenda item #2, the Right of Recall, we oppose this ordinance because it would severely limit a businesses' ability to hire based on their needs. Employers make good faith decisions and take action based upon state laws that are already in place. This requires employers to rehire, presumably, laid off works before they could hire anyone else. This would prohibit an employer the flexibility to hire the workforce that they will need in the future. For some businesses, this ordinance would interfere with their existing collective bargaining agreements and it does not exclude voluntary separations. Provisions for punitive damages are excessive and can easily lead to frivolous lawsuits. With regard to Agenda item #4, which addresses the supplemental paid family leave. The Los Angeles Area Chamber has been a proud participant of Governor Newsom's task force to expand the state policy. The federal government has already enacted a 2-week paid sick protected leave of absence as well as a 12- week emergency family medical leave. Los Angeles - based businesses are already mandated to provide enhanced sick pay benefits to employees. With significant federal aid to individuals that is now

rolling out, the pressure will be off of individual employees. The survival of LA based businesses who need to cover hard costs in order to preserve their ability to re-open, and that they can get employees back to work, must now be recognized. Your local businesses—who have been forced to close their doors by government mandate—now need support. ? Rushing through ordinances that place enormous burdens on Los Angeles employers at a time when impacted employers may not even be open to the public and given the safer at home orders, are barely financially making it for the immediate time being, devoting their resources to the essential services needed, is simply not prudent and unfair. Please consider postponing these items. Let's figure out the safety net that the federal stimulus bill brings to our region. Everyone is in crisis mode. Our workforce. Our businesses. Our nonprofits. Our economy will only be able to survive and come out of this with the least amount regulation for business. I implore you to take this into account. In order for Angelinos to have a livelihood, post-the crisis, we need to ensure that we are protecting our economy today, so that it can bounce back stronger than ever. These ordinances won't help build a resilient economy. The world will look very different in a couple of months, let's work together to create the new economy that will ensure that workers, small businesses and our largest employers are thriving in Los Angeles.

## Communication from Public

**Name:** Nichole Heil

**Date Submitted:** 03/27/2020 01:24 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** Hello, my name is Nichole Heil. I am a constituent in CD4 and a part of the HealthyLA coalition. I urge Los Angeles City Council to enact strong RIGHT OF RECALL and WORKER RETENTION policies to make sure workers can return to work when they are safely able to. Many workers have been at their jobs for their entire careers and they deserve to come back to work as soon as it is safe. Please use this opportunity to protect working-class families. Thank you for your time.

## Communication from Public

**Name:** Mindy Garland

**Date Submitted:** 03/27/2020 12:00 PM

**Council File No:** 20-0147-S15

**Comments for Public Posting:** My name is Mindy Garland and I am representing the Los Angeles, Black Worker Center. I am writing to urge City Council to enact stronger protections for Black community members and all vulnerable communities in response to COVID-19. I encourage you all to support motions to:

1. Enact a Strong Moratorium on Evictions related to both nonpayment of rent and the presence of unauthorized occupants and pets, as well as all “no cause” evictions. People should not have to go to court to prove the impact of coronavirus on them to counter an eviction filing. Nobody should be evicted during an emergency that requires people to shelter in place.
2. Have the City work with the State and financial institutions to Suspend Mortgage payments for homeowners and landlords, and Forgive Rent obligations for the duration of the crisis, including a recovery period after the state of emergency is lifted.
3. Implement an immediate Freeze on all residential and commercial Rent Increases and prohibit landlords from charging late fees.
4. Immediately Supply dumpsters, showers, hand washing stations, bathrooms, vermin abatement, soap, and water to every informal settlement in Los Angeles.
5. Prioritize workplace health and safety, including mandated Paid time for and access to hand-washing and sanitizing, provision of Protective gear, and appropriate Training for those still at work, especially grocery workers, food service workers, and delivery drivers.
6. Provide 14 days of Paid Sick Leave to all workers and prohibit retaliation against those who take it. Workers must feel safe to stay home through their illness for the public’s safety.
7. Protect workers’ livelihoods by enacting “just cause,” “right of recall,” and “worker retention” policies to stop unscrupulous employers from unjustly terminating workers during this crisis, and to ensure that when it is safe to return to work, they still have jobs to return to.

Again, I urge you all to act quickly to ensure protections for Black Angelenos and other vulnerable communities impacted by this pandemic.