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REPORT NO. R 20-0114
APR 27 2020

REPORT RE:

**REVISED DRAFT ORDINANCES ADDING ARTICLES 4-72J-A AND 4-72J-B
TO CHAPTER XX OF THE LOS ANGELES MUNICIPAL CODE TO PROVIDE A
RIGHT OF RECALL AND JOB RETENTION PROTECTIONS TO WORKERS
LAID OFF DURING THE COVID-19 PANDEMIC**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File Nos. 20-0147-S15, 20-0147-S35, and 20-0147-S42

Honorable Members:

Pursuant to your request on April 22, 2020, this Office has prepared and now transmits for your consideration, approved as to form and legality, revised drafts of two previously transmitted draft ordinances. One ordinance would add Article 4-72J-A to Chapter XX of the Los Angeles Municipal Code (Right of Recall Ordinance) to provide a right of recall to workers laid off when a business reopens in Hotels, Event Centers, the Airport, and for workers that provide property services to Commercial Buildings. The other ordinance would add Article 4-72J-B (Worker Retention) to create a worker retention requirement for workers in the same industries.

On March 17, 2020, the City Council adopted Motion 72J, a multi-pronged motion which requested, in part, an ordinance providing a worker in the City who is laid off as a result of the COVID-19 pandemic, a right of recall to their pre-pandemic worksite in order of seniority when the work site reopens. Another prong of Motion 72J, requested an ordinance extending Citywide protections and preferences afforded to a worker when a business changes control or ownership.

On March 27, 2020, the City Council continued the matter and requested a report back from the Chief Legislative Analyst to outline the several amendments introduced at the meeting. On April 22, 2020, the Council adopted several amending motions requesting revised draft ordinances for worker retention and worker recall for workers at the Airport and in hospitality. Further, the Council requested these rights be extended to janitorial, maintenance, and security service workers in commercial buildings.

On April 22, 2020, Council discussed the need to protect workers in specific industries especially impacted by lay-offs. Travel has been severely halted and businesses in this industry cannot easily adjust to the lack of patronage during the crisis. Similarly, commercial building service workers have seen a decline in work because many businesses in commercial buildings are closed due to the Mayor's Safer at Home Orders. These workers face significant economic uncertainty, including many employee lay-offs and company closures, resulting in reduced or eliminated paychecks for working families. Both ordinances extend job protections to these workers at this critical time and in the pandemic's aftermath.

The Worker Retention Ordinance provides protections by seniority after a change in ownership, requiring business to rehire and retain workers employed by the incumbent business, after a successor business reopens following a change in ownership. The Right of Recall Ordinance similarly ensures that workers laid off due to the pandemic receive priority re-hiring by seniority, when a shuttered business reopens, with no change of ownership. Both ordinances apply to workers in hotels, event centers and the airport as well as to janitorial, maintenance, and security workers in commercial buildings to address the unprecedented threats to these workers caused by this pandemic.

If you have any questions regarding this matter, please contact Deputy City Attorney Dania Minassian at (213) 978-8130. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittals