

Communication from Public

Name: Toby Malara

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Council File No: 20-0147-S42

Comments for Public Posting: To the Clerk's office: Please find attached suggested amendment language to item #29, Right of Recall proposed ordinance on the City Council's agenda tomorrow. I would also like to request time to testify on this proposed amendment. Can you please send instructions on how to dial into the meeting when it is time to testify? Thank you for your consideration, my contact information can be found below. Regards Toby Malara
Toby Malara, Esq.
Government Affairs Counsel American Staffing Association
277 S. Washington St., Suite 200 Alexandria, VA 22314-3675
703-253-2020 703-253-2027 direct 703-253-2053 fax
tmalara@americanstaffing.net americanstaffing.net
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MOTION

I HEREBY MOVE that Council AMEND the Communication from the City Attorney and Ordinances relative to providing a right of recall and job retention protections to workers laid off during the Coronavirus disease 2019 (COVID-19) pandemic as follows:

AMEND the Ordinance adding Article 4-72J-A via interlineation as follows:

SEC. 200.31. DEFINITIONS.

The following definitions shall apply to this article:

- A. "Airport" means the City of Los Angeles Department of Airports and each airport it operates in the City.
- B. "Airport Employer" means any employer that provides any service at the Airport or provides any service to any employer servicing the Airport, and is required to comply with the Los Angeles Living Wage Ordinance, Los Angeles Administrative Code Sections 10.37 et seq. An Airport Employer does not include:
 - 1. An airline; or
 - 2. An employer that is party to an agreement with the Airport that contains a worker rehire requirement.
- C. "City" means the City of Los Angeles.
- D. "Commercial Property Employer" means an owner, operator, manager or lessee, including a contractor, subcontractor or sublessee, of a non-residential property in the City that employs 25 or more janitorial, maintenance or security service workers. Only the janitorial, maintenance, and security service workers who perform work for a Commercial Property Employer are covered by this article.
- E. "Employer" means an Airport Employer, a Commercial Property Employer, an Event Center Employer, and a Hotel Employer. For purposes of this Article, an "Employer" does not include non-profit institutions of higher learning that operate medical centers in the City of Los Angeles.
- F. "Event Center Employer" means an owner, operator or manager of a publicly or privately owned structure in the City of more than 50,000 square feet or with a seating capacity of 1,000 seats or more that is used for public performances, sporting events, business meetings or similar events. An event center includes, but is not limited to, concert halls, stadiums, sports arenas, racetracks, coliseums, and convention centers.
- G. "Hotel Employer" means an owner, operator or manager of a residential building in the City designated or used for public lodging or other related service for the public and either contains 50 or more guestrooms or has earned gross receipts in 2019 exceeding \$5 million.

A Hotel Employer includes the owner, operator, manager or lessee of any restaurant physically located on hotel premises.

- H. "Laid Off Worker" means any person who, in a particular week, performs at least two hours of work within the geographical boundaries of the City for an Employer, has a Length of Service with the Employer of six months or more, and whose most recent separation from active employment by the Employer occurred on or after March 4, 2020, as a result of a lack of business, a reduction in work force or other economic, non-disciplinary reason. This ordinance creates a rebuttable presumption that any termination occurring on or after March 4, 2020, was due to a non-disciplinary reason. For purposes of this article, a Laid Off Worker does not include a manager, supervisor, confidential employee or a person who performs as their primary job responsibility sponsorship sales for an Event Center Employer.
- I. "Length of Service" means the total of all periods of time during which a Worker has been in active service to an Employer, including periods of time when the Worker was on leave or vacation.
- J. **"Temporary assignment" means an assignment in which an Employer uses a worker provided by a temporary services employer, as defined in California Labor Code section 201.3, to: (i) support or supplement the Employer's workforce; (ii) provide assistance to the Employer in special work situations including, but not limited to, employee absences, skill shortages or seasonal workloads; or (iii) perform special assignments or projects for the Employer.**

SEC. 200.32. RIGHT OF RECALL.

- A. Priority for Laid Off Workers. An Employer shall make the offer to a Laid Off Worker, in writing, to the last known mailing address, electronic mail, and text message phone number, of any position which is or becomes available after the effective date of this article for which the Laid Off Worker is qualified. A Laid Off Worker is qualified - and must be offered a position in the order of priority below - if the Laid Off Worker: (1) held the same or similar position at the same site of employment at the time of the Laid Off Worker's most recent separation from active service with the Employer; or (2) is or can be qualified for the position with the same training that would be provided to a new worker hired into that position. If more than one Laid Off Worker is entitled to preference for a position, the Employer shall offer the position to the Laid Off Worker with the greatest Length of Service in (1) and then (2) with the Employer at the employment site.
- B. Time Limit. A Laid Off Worker who is offered a position pursuant to this article shall be given no less than five (5) business days in which to accept or decline the offer.

C. Exemption. Section 200.32 shall not apply to temporary assignments.