

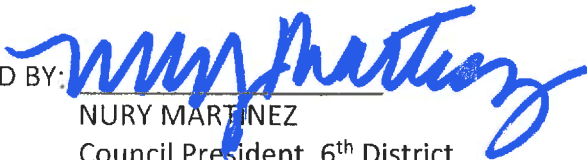
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Instruct City Attorney to amend the draft Right to Recall and Citywide Worker Retention ordinances with the following changes:

- Amend both ordinances to apply to employers of hospitality workers, property management service workers and airport workers. As defined below.
 - Hospitality to include hotels, defined as a residential building that is designated or used for lodging and/or other related services for the public and contains 50 or more guestrooms or earned gross receipts in 2019 exceeding \$5 million. For purposes of these ordinances hotel includes restaurants physically on hotel premises whether owned or operated by hotel or contracted, leased, or sublet by a restaurant operator. Event centers, defined as a publicly or privately owned structure of more than 50,000 square feet or 1000 seats that is used for the purposes of public performances, sporting events, business meetings, or similar events, and including, but not limited to, concert halls, stadiums, sports arenas, racetracks, coliseums, and convention centers.
 - Airport Employer defined as any Employer that is required to comply with the Living Wage Ordinance in LA Administrative Code Section 10.37, excluding airlines and employer that have entered into the concessionaire or non-concessionaire rental car services agreements.
 - A commercial property defined as a non-residential property, including but not limited to offices, retail spaces, shopping centers and industrial buildings. An owner or a contractor/subcontractor of an owner of a commercial building that employs 25 or more janitorial, maintenance and security services workers.
- Remove the Urgency Clause from both ordinance.
- Amend the Collective Bargaining Agreement language in both ordinances as follows – A collective bargaining agreement in place on the effective date of this article that contains a Right of Recall/Retention provision shall supersede the provisions of this article. When the collective bargaining agreement expires or is otherwise open for renegotiation, the provisions of this article may only be expressly waived if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. If a collective bargaining agreement is in place on the effective date of this article but the agreement does not include a Right of Recall/Retention provision, this article applies. A collective bargaining agreement may be amended at any time to explicitly waive with clear and unambiguous terms the provisions of this article.
- Amend the Right to Recall Ordinance to incorporate 4 and 5 in the CLA report.
- Amend the Right to Recall Ordinance to change the time limit in which a laid off worker must respond to the notice of recall opportunity from 10 days to 5 business days.
- Amend the Right to Recall Ordinance to add sales to the worker definition in Sec 200.31 E.

Instruct the Office of Wage Standards (OWS) of the Bureau of Contract Administration promulgate to Rules and Regulations that will be updated when necessary consistent with these ordinances and other worker related ordinances when applicable for further clarification. The Rules and Regulations to be posted on the WagesLA.lacity.org website.

PRESENTED BY:


NURY MARTINEZ
Council President, 6th District

APR 2 2020

ORIGINAL

PRESENTED BY:




BOB BLUMENFIELD
Councilmember, 3rd District

SECONDED BY:

MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

SECONDED BY:



CURREN PRICE
Councilmember, 9th District

SECONDED BY:

PAUL KORETZ
Councilmember, 5th District

seconded by:

Gilbert Cedillo
Councilmember, 1st District

MOTION

I MOVE that the matter of the COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) relative to providing Right of Recall and Worker Retention protections to workers laid off during the COVID-19 pandemic (Item #10 on today's Council agenda, Council file Nos. 20-0147-S15, 20-0147-S35, 20-0147-S42), BE AMENDED to:

Amend draft ordinances to include a provision that employees must provide written notice to the employer outlining alleged violation of the ordinance. Employer will have 15 days to cure violations before the employee has standing to bring cause of action.

PRESENTED BY _____
JOE BUSCAINO
Councilmember, 15th District

SECONDED BY _____
MONICA RODRIGUEZ
Councilmember, 7th District

SECONDED BY _____
PAUL KORETZ
Councilmember, 5th District

April 22, 2020

CF 20-0147-S15, 20-0147-S35, 20-0147-S42

MOTION

I MOVE that the matter of the COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) relative to providing Right of Recall and Worker Retention protections to workers laid off during the COVID-19 pandemic (Item #10 on today's Council agenda, Council file Nos. 20-0147-S15, 20-0147-S35, 20-0147-S42), BE AMENDED to:

Amend both ordinances attorney's fee provisions, Article 4-72-B Section 200.44.B and Article 4-72-A Section 200.33.A.4., to state that, consistent with LAAC 10.37.6 (b):

The court shall award reasonable attorneys' fees and costs to an Employee who prevails in any such enforcement action and to an Employer who prevails and obtains a court determination that the Employee's lawsuit was frivolous.

PRESENTED BY _____
PAUL KREKORIAN
Councilmember, 2nd District

SECONDED BY _____
PAUL KORETZ
Councilmember, 5th District

April 22, 2020

CF 20-0147-S15, 20-0147-S35, 20-0147-S42

MOTION

I MOVE that the matter of the COMMUNICATION FROM THE CHIEF LEGISLATIVE ANALYST (CLA) relative to providing Right of Recall and Worker Retention protections to workers laid off during the COVID-19 pandemic (Item #10 on today's Council agenda, Council file Nos. 20-0147-S15, 20-0147-S35, 20-0147-S42), BE AMENDED to:

That an economic impact study be conducted and completed to inform the Permanent Worker retention and Right to Recall Ordinances.

PRESENTED BY _____
JOE BUSCAINO
Councilmember, 15th District

SECONDED BY _____
MONICA RODRIGUEZ
Councilmember, 7th District

April 22, 2020

CF 20-0147-S15, 20-0147-S35, 20-0147-S42

Amending Motion (Koretz – Martinez):

SEC. 200.32.

RIGHT OF RECALL.

Priority for Laid Off Workers. An Employer shall offer in writing, to the last known address of every Laid Off Worker, 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.

April 22, 2020

CF 20-0147-S15, 20-0147-S35, 20-0147-S42

Amending Motion (O'Farrell - Martinez):

Amend the Right to Recall Ordinance to incorporate 5 of the Chief Legislative Analyst report with an addition to allow employees to notify laid off qualified workers of recall opportunities by text message as well. And add clarifying language that bars, nightclubs, cafes, coffee houses, and wine tasting bars are not subject to this ordinance.

April 22, 2020

CF 20-0147-S15, 20-0147-S35, 20-0147-S42