



Worker Retention for Potentially Displaced Essential Service Workers

July 2021



Why a Worker Retention Policy is Important



When large contracts for services on city property turn over, a potentially vulnerable workforce faces the risk of:

- **Being displaced from their employment.**

Such turnover can also result in:

- **Unnecessary loss of institutional knowledge and skills**
- **Inefficiency or gaps in service**
- **Additional training costs for new employers**
- **Screening burdens and risks in providing new employees security-sensitive access.**

City/Entities/Airlines



Decide How Many Workers Needed



Whether to Perform In-House



Or to Outsource



Who They Want to Outsource To

Proposed ordinance simply ensures that front-line, essential service workers get a chance to retain their employment during a transition period if outsourcing or a change in contractor occurs.



Which workers would have the opportunity to retain their jobs?

All City Property (including airport)

Child-care workers*

Janitors, custodian, window cleaner*

Parking lot cashiers, clerks, and attendants *

Security guards*



Airport-specific

Airport lounge services (cleaning and food/beverage in these restricted spaces)**

Airline catering for in-flight consumption

Baggage handlers whether serving the terminal, below the wing, or for cargo

Cabin and lavatory cleaning and readiness

Exterior underwing aircraft cleaning and readiness, including ramp, cargo, fuelers, waste extractors but excluding mechanics

Passenger assistance including queue direction and skycaps

Personal assistance for airport passengers, including wheelchair assistance

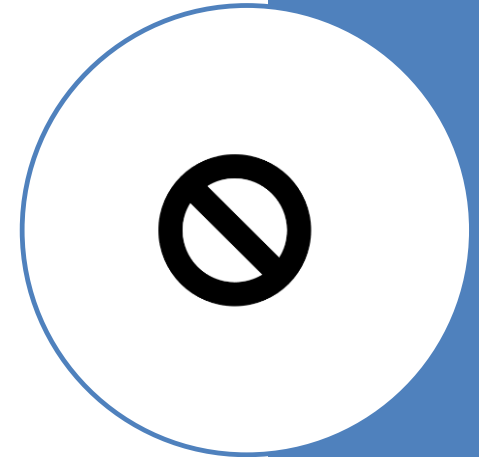


* Already covered by Executive Order

** Does not include concessions workers.

Which workers are exempt?

- Managers
- Administrative personnel
- Professionals (e.g. attorneys)
- Workers who are terminated for-cause
- Those who perform one-time, special event services



What do departing contractors have to do?

60 days before successor begins providing services (30 days if in 2021)

1. Provide list of employees (contact info, seniority & job classifications)

To:

- Successor contractor(s)
- Relevant city agency

2. Provide workers with notice of potential eligibility to be hired by successor



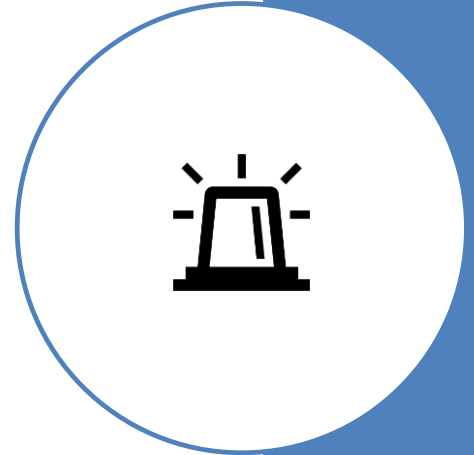
What do incoming successor contractors have to do?

1. Offer employment 20 days in advance, worker has 10 days to respond
2. Employ workers by seniority during 90-day transition period
3. Can only terminate for-cause during 90-days
4. If fewer workers needed, maintain seniority list and hire from it if first workers decline offer or openings come up during the 90 days.



Enforcement

- Workers can file private cause of action
 - civil penalties of \$50/day (limited to 90 days)
 - legal fees
- Workers can make a complaint to the agency administering any contract or other legal relationship
 - Agency can work to problem solve
 - Agency can consider any applicable remedies under City legal agreements/contracts/leases requiring “compliance with the law”



At least 25 cities/counties have worker retention laws

- Baltimore, MD*
- Berkeley, CA
- Emeryville, CA
- Gardena, CA
- Long Beach, CA*
- Los Angeles, CA*
- New Haven, CT
- Newark, NJ
- New York, NY
- Philadelphia, PA*
- Providence, RI
- Oakland, CA
- San Diego, CA*
- San Francisco, CA
- San Jose, CA
- San Leandro, CA
- Santa Cruz, CA
- Santa Monica, CA
- SeaTac, WA
- Washington, D.C.*
- Westchester County, NY
- Montgomery County, MD
- Los Angeles County, CA*
- California – Statewide law
- Minneapolis-Saint Paul Airport*



*Cities that expanded worker retention laws due to the pandemic's impact on specific industries.





Questions?

