



BILL SYNOPSIS

Committee: Labor

Bill 20-0543

COVID-19 Employee Retention

Sponsor: *Councilmember Kris Burnett*

Introduced: *June 15, 2020*

Purpose:

For the purpose of requiring certain successor business employers taking control over certain businesses from incumbent business employers to retain certain employees; requiring the incumbent business employer to provide the successor business employer with a list of certain employees; permitting a successor business employer from not retaining certain employees under certain circumstances; requiring the posting of notice when certain business undergo a change in control; prohibiting retaliation against employees for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; establishing certain procedures for the administration of complaints by the Wage Commission; requiring certain reports; defining certain terms; establishing certain penalties; and providing for a special effective date.

Effective: Date of Enactment

Bill 20-0544

COVID-19 Laid-Off Employees Right of Recall

Sponsor: *Councilmember Kris Burnett*

Introduced: *June 15, 2020*

Purpose:

For the purpose of requiring certain employers to recall certain employees who have been laid off after the imposition of the COVID-19 state of emergency; specifying the procedures by which the recall would operate; prohibiting retaliation against employees for seeking assistance from, or cooperating with, the Wage Commission; empowering the Wage Commission to issue subpoenas and administer oaths; establishing certain procedures for the administration of complaints by the Wage Commission; requiring certain reports; defining certain terms; establishing certain penalties; and providing for a special effective date.

Effective: Date of Enactment

Agency Reports

	Bill 20-0543	Bill 20-0544
City Solicitor	Favorable	
Office of Civil Rights		
Office of the Mayor		
Dept. of Human Resources		
Sheriff's Office		

Baltimore City Code:

1. Article 11 – Labor and Employment; Section(s) 19A-1 through 19A-13, to be under the new subtitle, “Subtitle 19A. COVID-19 Laid-Off Employees Right of Recall”; Baltimore City Code (Edition 2000)
2. Article 11 – Labor and Employment; Section(s) 19-1 through 19-15, to be under the new subtitle, “Subtitle 19. COVID-19 Employee Retention”, Baltimore City Code (Edition 2000)

Analysis

Background

Since the State of Emergency was declared in Maryland due to Covid-19, approximately 716,437 unemployment claims have been filed, representing approximately 21.8% of the state’s workforce. In Baltimore City, many of our service industry workers have been the victims of this unfortunate tragedy having lost love ones, jobs, and other possessions. If enacted, Bill 20-0543 and 20-0544 would mandate that certain service industry employers allow eligible employees who were laid-off as a result of Covid-19 to return to their former position, or a job comparable to their former position provided they are qualified to perform the task of that job with training being provided by the employer.

Industries

These employers would include Commercial Property Employers, Event Center Employers, and Hotel Employers.

- **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 employees.
- **Event Center Employer** is an individual who is the owner, operator, or manager of a publicly or privately owned structure within the city that:
 - Is used for public performances, sporting events, business meetings, or similar events; and
 - Either:
 - (a) Is 50,000 square feet or more in total area; or
 - (b) Has a seating capacity of 1,000 seats or more.
- **Hotel Employer** means the owner, operator, or manager of a publicly or privately owned structure that:

- Is used for public lodging or other related service for the public; and
- Either:
 - (a) Contains 50 or more guest rooms; or
 - (b) Has earned gross receipts in the 2019 Tax Year exceeding \$5 million.

20-0543 – Employee Retention

This legislation would require a Successor Business Employer who takes possession of a business after a *change of control* to provide employees from the groups listed above with the opportunity to retain their current jobs with the new employer. It mandates that within 15 days after the execution of a transfer the former business owner provide the new owner with the contact information of these employees. Once this occurs, from the execution of the transfer through 6 months after the business is opened to the public the new business must maintain a preferential hiring list of employees from the previous business. And during the 90-day transition employment period, the successor business employer may not discharge an employee retained without just cause.

20-0544 - Right of Recall

This legislation requires that any employer listed above offer a laid-off employee any position that becomes available that they are qualified to perform. The position must be the same one held prior to the layoff or a similar position at the same location. In the event that more than one laid-off employee is entitled to preference for a specific position the employer shall use seniority as a means to determine who receives the job. Once an offer is made

Additional Information

Fiscal Note: Not Available

Information Source(s):

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Analysis Date: July 14, 2020

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