

<b>F R O M</b>	Name & Title	<b>Quinton Herbert, Director and Chief Human Capital Officer</b>
	Agency Name & Address	<b>Department of Human Resources 7 East Redwood St., Baltimore, MD 21202</b>
	Subject	CITY COUNCIL BILL #20-0544

CITY OF  
BALTIMORE

**MEMO**



TO: The Honorable Bernard C. “Jack” Young and  
Members of the Baltimore City Council  
City Hall, 100 N. Holliday Street, Room 409

DATE: July 13, 2020

### Summary of the Bill

Council Bill 20-0544, the *COVID-19 Laid-Off Employees Right of Recall*, proposes that employers in the industries of: (1) Commercial property; (2) events; and (3) hospitality, including restaurants within hotels, will be required to make a written offer of employment to qualified, laid-off employees when new positions become available. Under the bill, a laid-off employee with respect to commercial property employers, is limited to janitorial, maintenance, and security services. Laid-off employee also excludes the positions of managers, supervisors, or confidential employees. The bill outlines the process for recall and creates a right of employees to file complaints if an employer is in violation. Any such matters will be heard by the Wage Commission who is granted the authority to issue subpoenas, administer oaths, and establish certain procedures for the administration of employee complaints. Lastly, the proposal prohibits retaliation and provides restitution, including backpay, for violations of the statute. The ordinance will take effect on the date it is enacted.

### DHR’s Recommendation

The Department of Human Resources (DHR) reviewed the above captioned legislation. DHR takes **no position** but offers the amendments below.

### Comments and Analysis

DHR recognizes the need for economic stability during this unprecedented public emergency. We are committed to working with the relevant agencies to adhere to the proposed law, should it pass. We defer to the Legal Department and Wage Commission on issues of enforcement, regulations, and reporting. DHR has the following recommendations, which will allow the proposal to reasonably align with current DHR practices and avoid any undue delay in City operations:

- See Section 19A-1. (G)(1)(I), page 3, line 19 - INSERT after “90 days or more” --

**“OR, IF EMPLOYED BY THE CITY OF BALTIMORE, HAD A  
LENGTH OF SERVICE OF 6 MONTHS OR MORE;”**

By including this language, the provision will reflect the correct number of days required for a City employee to establish permanent employment status, and thus accurately reflect the days required to meet the definition of laid-off.

- **See Section 19A-3. (B)(3), page 5, line 12** - STRIKING “5 business days” and INSERTING “2 business days” to read:

*“... GIVEN AT LEAST 2 **BUSINESS DAYS** IN WHICH TO ACCEPT OR DECLINE THE OFFER.”*

Due to the heavy load of staff transitions, this reasonable alternative will allow for greater efficiency in rehiring.