

LEGISLATIVE DIGEST

[Police Code - Hospitality Industry Worker Retention]

Ordinance amending the Police Code to require large hospitality industry employers to retain employees for up to 90 days upon a change in control of the hospitality establishment; and to provide judicial remedies for violation of the ordinance.

Existing Law

Existing City law establishes worker retention requirements for grocery store workers (Police Code Article 33D), certain service employees (Police Code Article 33C), and certain City contractors (Administrative Code Chapter 21C). There is no existing City law pertaining to retention of hospitality industry workers.

Amendments to Current Law

This ordinance covers large hospitality establishments located in the City, which are defined as: (1) large tourist hotels with 100 or more guest rooms; (2) large food service operations consisting of a food and/or beverage concession within or on the grounds of a stadium, arena, theater, auditorium, convention center, or similar facility located in the City with a seating capacity of 5,000 or more at which 100 or more persons are employed at food and/or beverage concession(s); and (3) large restaurants with 200 or more employees.

The ordinance requires successor hospitality employers, following their assuming control of the hospitality establishment, to provide a transitional 90-day employment period for the former employer's workers. During that period, the employees may not be terminated without cause. If the successor employer requires fewer hospitality workers than the former employer, hiring of the former employer's workers will be based on seniority. The ordinance does not apply to supervisory, managerial, and confidential employees.

The ordinance provides judicial remedies for violation of the ordinance, including an order to hire or reinstate the aggrieved employee(s) and an award of back pay. A successful plaintiff shall be awarded reasonable attorneys' fees.

Background Information

Large hospitality establishments, such as large hotels, large restaurants, and food service facilities in stadiums and arenas, are a major employment base for San Francisco. Changes in control of large hospitality establishments can result in displacement of this workforce. A transitional retention period upon change in control of large hospitality establishments promotes stabilization of this vital workforce and helps ensure that visitors and residents continue to benefit from an experienced and professional hospitality industry workforce.

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