



# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: July 27, 2020

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA ADDING PASADENA MUNICIPAL CODE TITLE 5, CHAPTERS 5.80 AND 5.82 ENTITLED "COVID-19 RIGHT OF RECALL" AND "COVID-19 WORKER RETENTION ORDINANCE."

**TITLE OF PROPOSED ORDINANCE:**

AN ORDINANCE OF THE CITY OF PASADENA ADDING TITLE 5, CHAPTERS 5.80 AND 5.82 TO THE PASADENA MUNICIPAL CODE REGARDING RECALL PROVISIONS FOR CERTAIN WORKERS LAID OFF DURING THE COVID-19 PANDEMIC AND RECALL PROVISIONS FOR CERTAIN WORKERS WHEN A CHANGE OF OWNERSHIP OR CONTROL OCCURS RESULTING FROM THE COVID-19 PANDEMIC

**PURPOSE OF PROPOSED ORDINANCE:**

This ordinance establishes recall provisions for certain hotel workers who have been laid off and when there is a change of ownership or control resulting from the COVID-19 pandemic. The ordinance applies to hotels and public lodging facilities that have 50 or more guest rooms or had more than \$5 million in gross receipts in 2019. Certain hotel workers who are laid off will have a private right to bring a civil action in Superior Court with respect to recall protections and change of ownership or control resulting from the COVID-19 pandemic. To ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand for government-funded social services, the ordinance will provide legal protections for certain laid off workers.

Staff will provide the City Council with a report as to the efficacy of the ordinance within 11 months of the lifting of the City Manager's declaration of emergency related to the COVID-19 pandemic. The ordinance will sunset 12 months after the expiration of the City Manager's declaration of emergency related to the COVID-19 pandemic.

**BACKGROUND:**

On June 29, 2020, the City Council directed the City Attorney to return with amendments to the Pasadena Municipal Code to create new regulations requiring the recall of certain hotel workers that have been laid off and when there is a change of ownership or control of a hotel resulting from the COVID-19 pandemic.

**REASON WHY LEGISLATION IS NEEDED:**

The new regulations regarding the recall of certain hotel workers are proposed to be included within Title 5 of the Pasadena Municipal Code and an ordinance is required to amend Title 5.

**PROGRAM, DEPARTMENT, OR GROUPS AFFECTED:**

The Economic Development Division of the City Manager's Department oversees all aspects of the COVID-19 Right of Recall and Worker Retention Ordinance.

**ENVIRONMENTAL:**

The proposed ordinance provides for recall provisions for certain hotel workers that have been laid off and when there is a change of ownership or control resulting from the COVID-19 pandemic.

This action has been determined to be exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, such as imposing recall provisions, may have a significant effect on the environment, the activity is not subject to CEQA.

**FISCAL IMPACT:**

The proposed ordinance amendment will likely result in a cost to the City of an indeterminate amount. There will likely be some staff costs to administer the ordinance though it is anticipated hotel workers will rely primarily upon a private right of action, which limits the need for additional staff to monitor and enforce.

Respectfully submitted,

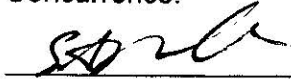
  
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Concurrence:



STEVE MERMELL  
City Manager