

POST WHERE EMPLOYEES CAN READ EASILY. VIOLATORS ARE SUBJECT TO PENALTIES.



OFFICIAL NOTICE

Hospitality and Travel Worker Right to Recall Ordinance

Effective Date: July 21, 2020

Employers subject to this Ordinance, set forth in Oakland Municipal Code (OMC) Chapter 5.95, must offer their laid-off employees all jobs that become available on or after July 21, 2020, for which they are qualified. "Laid-off employee" means an individual who was employed by an employer for at least six (6) months in the twelve (12) months preceding January 31, 2020, and whose most recent separation from employment occurred after January 31, 2020, and was due to an economic, non-disciplinary reason, such as a lack of business due to a government-issued stay-at-home order, bankruptcy, or reduction in force.

A laid-off employee is qualified if they held the same or substantially similar position at the time of their most recent separation from active service with the employer; or is or can be qualified for the position with the same training that would be provided to a new employee. Employers shall give preference to a laid-off employee who previously held the same or similar position; where multiple laid-off employees have preference, the individual with the greatest length of service is offered the job first. A laid-off employee who receives an offer of reemployment must respond within ten (10) days of the postmark date if the offer is mailed, or the date of email or text notification, whichever is earliest.

Employers Subject to the Ordinance

- **Airport Hospitality Operations:** Businesses that provide food and beverage, retail, or other consumer goods or services to the public at the Oakland International Airport ("Airport").
- **Airport Service Providers:** Businesses that contract with a passenger air carrier to perform food and beverage catering functions or functions at the Airport that are directly related to air transportation of persons, property, or mail, including but not limited to, loading and unloading property on aircraft; assisting passengers with disabilities who require assistance as required under applicable federal law; security; airport ticketing and check-in functions; ground-handling of aircraft; or aircraft cleaning and sanitization functions and waste removal.
- **Event Centers:** Structures within the City with more than 50,000 square feet or 5,000 seats used for public performances, sporting events, business meetings, or similar events, and includes concert halls, stadiums, sports arenas, racetracks, coliseums and convention centers. An event center includes contracted, leased, or sublet premises connected to or operated in conjunction with an event center's purpose (including food preparation facilities, concessions, retail stores, restaurants, bars, and parking facilities).
- **Hotels:** Public or private spaces or structures for living therein within the City, with 50 or more guest rooms or suites of rooms for sleeping or overnight accommodations in exchange for money, such as an inn, hostelry, tourist home or house, motel rooming house, mobile home or other living place within the City. Hotels also include contracted, leased, or sublet premises connected to or operated in conjunction with the building's purpose, or providing services at the building.
- **Restaurants:** Businesses conducting full-service commercial activities, limited-service restaurant and café commercial activities, fast-food restaurant commercial activities, or alcoholic beverage sales commercial activities with on-premises consumption from a structure within the City. The ordinance applies to such businesses that employ more than 500 employees, whether through franchisor/franchisee relationships or a network of franchises.

Employees who assert their rights under this Ordinance are protected from retaliation. For more information, or if you believe a violation has occurred, you may visit the DWES website at:

<https://www.oaklandca.gov/departments/workplace-employment-standards>, or contact us at Oakland Department of Workplace and Employment Standards at: 250 Frank H. Ogawa Plaza, Suite 3341, 3rd Floor, Oakland, CA 94612
Telephone: 510-238-6258 or E-Mail: minwageinfo@oaklandca.gov.