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LA County's Right of Recall Ordinance

Not long after the City of Los Angeles enacted its [“Right of Recall” ordinance](#), the County of Los Angeles shortly followed suit. The County Board of Supervisors recently adopted [similar measures](#) to establish a right of recall for hospitality workers and others throughout [unincorporated areas of Los Angeles County](#) that were laid off due to the COVID-19 pandemic.

Under both [Los Angeles City](#) and [Los Angeles County](#) Right of Recall Ordinances, priority must be given to laid-off workers whose most recent separation from active employment occurred on or after March 4, 2020, as a result of lack of business, reduction in force, or other economic, non-disciplinary reason. Both ordinances create a rebuttable presumption that any termination on or after March 4, 2020, was due to a non-disciplinary reason. Unlike the city, the county ordinance does not carve out managers, supervisors, or confidential employees.

Recall notices must be made in writing and provided by mail to the worker's last known address, email, or text message. Workers have five business days to accept or decline the offer.

Positions must be offered to laid-off workers in the following order of priority:

If the laid-off worker:

- [1] Held the same or similar position at the same site of employment at the time of the laid-off worker's most recent separation from active service with the employer; or
- [2] Is or can be qualified for the position with the same training provided to a new worker hired into that position.

If more than one laid-off worker is entitled to preference for a position, the offer must go to the laid-off worker with the greatest length of service in the position, and then to the laid off-worker with the greatest length of service at the employment site.

Questions? Contact Stokes Wagner.

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Employers with collective bargaining agreements in place are exempt, as long as they contain a right of recall provision. But the county's ordinance also allows ordinance provisions to be expressly waived by a collective bargaining agreement if the waiver is explicitly outlined in the agreement in clear and unambiguous terms.

These ordinances create a private right of action for laid-off workers in state court for violations. But employers must first be given notice of the alleged violation and allowed 15 days from receipt of the notice to cure. Potential relief may include hiring and reinstatement rights, lost pay and benefits, statutory damages, reasonable attorneys' fees, and costs.

Neither ordinance has an official end date.

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