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California Lawmakers Impose “Right of Recall” Provisions on Hotel Employers

Yesterday, California lawmakers passed Assembly Bill 3216, which establishes “Recall Rights” and a “Right of Retention” for laid-off employees. California employers must offer laid-off employees in writing by mail, email, and text message all job positions that become available after the bill’s effective date for which the laid-off employees are qualified. AB 3216 now heads to the Governor’s desk for signature. AB 3216 now heads to Governor Newsom’s desk for signature, where he has until September 30, 2020 to sign it.

AB 3216 applies to employers who operate hotels, private clubs, event centers, airport hospitality operations, airport service providers, janitorial services, building maintenance, or security services to recall employees laid-off. It will also require successor employers in these industries to maintain a preferential hiring list of eligible employees identified by the incumbent employer and hire from that list for a period of six months after the change of control and retain eligible employees for a 90-day transition employment period, and offer continued employment.

The [Los Angeles and Pasadena city councils and Los Angeles Board of County Supervisors](#) have passed similar ordinances in response to COVID-19 layoffs. Unlike the local ordinances, AB 3216 does not establish a private right of action. The Division of Labor Standards Enforcement will enforce the right of recall and retention. Employees may be awarded hiring and reinstatement rights, lost wages and benefits, for violations.

AB 3216 also specifically authorizes an employer to make simultaneous and conditional offers of employment to employees, with a final offer of employment conditioned on the application of the seniority system.

Because the main provisions are not tied to the current pandemic, it will remain in place indefinitely unless repealed. The full text of AB 3216 is available [here](#).

Questions? Contact Stokes Wagner.

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Employers are advised to continue to monitor updates as available. If you have any questions about the rapidly changing laws and regulations regarding COVID-19, contact your Stokes Wagner representative.

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