Board of Supervisors Passes Right to Re-Employment for Laid-Off Workers

Supervisor Mar’s Back to Work Ordinance requires businesses to re-hire rather than replace tens of thousands of laid off workers

San Francisco - The Board of Supervisors on Tuesday passed Supervisor Gordon Mar’s Back to Work Ordinance in a 10-1 vote.

Under the law, laid-off workers have the right of first refusal for their jobs if or when their former employer re-opens and re-hires, with hiring prioritized by seniority. It also requires employers to provide notice to the City of layoffs, maintain records of their laid-off workers, and provide them with information on available City resources to support them during unemployment.

“This is based on a clear, simple, and moral idea: businesses should rehire, not replace, their laid-off workers. The unemployment crisis created by this pandemic is not unique to San Francisco, but this is a labor town, and we are uniquely positioned to lead in addressing it. And with the Back to Work Ordinance, we are” said Supervisor Mar.

The groundbreaking law extends a right to reemployment policy first enacted by an emergency ordinance authored by Supervisor Mar last summer, and keeps the worker protection in place for an additional year. In a committee hearing last week, Supervisor Mar amended the ordinance to narrow the rehire requirements, and incorporated employer definitions from the City’s existing worker retention laws.

“These changes strike a careful balance between supporting unemployed workers and supporting businesses as they reopen,” said Supervisor Mar. “We can and must do both.”

Workers will be eligible for the reemployment right based on industry. The new law applies to restaurants with 200 or more employees, hotels with 100 or more guest rooms, grocery stores over 15,000 square feet in size, large event concessions, formula retail, and most custodial
contractors. It also applies to businesses in other industries with more than 100 employees who laid off 10 or more employees.

From July 2020 through January 27th 2021, the City was notified of nearly 10,000 layoffs and 1,652 workers were offered reemployment under the ordinance, according to the Office of Economic and Workforce Development. If approved by the Mayor, the ordinance will be in effect for up to a year, providing ongoing reemployment protections for laid-off workers as businesses continue to reopen.

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