

## **SANTA CLARA WORKER RETENTION ORDINANCE QUESTIONS & ANSWERS**

### **What is the purpose of this ordinance?**

The purpose of the Ordinance is to require certain businesses in the City of Santa Clara that change contractors to have the new contractor continue the employment of the previous contractor's workers.

### **What companies and entities are covered by the ordinance?**

The Ordinance covers Santa Clara businesses (commercial, industrial and institutional with more than 25 employees in the state of California) and large entertainment venues (with a capacity of 8,000 or more) who hire contractors that provide food services and building maintenance services. In addition, the City of Santa Clara and its Stadium Authority, Sports and Open Space Authority and Housing Authority are covered. Other governmental entities such as the school district, county, community college, state and federal government are **not** subject to the provisions of this ordinance.

### **What employees are covered?**

The Ordinance protects food service employees, security guards, and janitors who work for a contractor more than 8 hours per week during the 90 day period prior to contract change.

### **How does the ordinance work?**

The Ordinance requires that when a business changes food service or building service contracts it must hire the workers that had worked for the previous contractor within the 90 days prior to the change. The new contractor must keep the workers for a period of 90 days and must keep them unless it has done a performance evaluation and found a reason for discharge.

### **What if there is a collective bargaining agreement?**

The employer and the workers can waive the provisions of the Ordinance by entering into a collective bargaining agreement that specifically waives the worker retention provisions.

### **How is the Ordinance enforced?**

A violation of the Ordinance can be enforced as a civil action in court. The remedies include: back pay, treble damages for intentional violations, injunctive relief and costs and attorneys' fees.