

Recommendation from Hospitality Ad Hoc Committee
Supervisor Phillips and Supervisor Adams
April 2, 2021

The Monterey County Hospitality Ad hoc Committee has studied the proposed Hospitality Recall Ordinance referral and asks the full Board to consider the following reasons for not advancing the Hospitality Recall ordinance. We recommend that the Board of Supervisors not proceed with drafting or implementing such a policy for several reasons.

Instituting unnecessary hiring requirements on the sector of the economy hardest hit by the COVID-19 pandemic will overly burden the already hurting hospitality sector and could potentially result in costly legal challenges. The proposed referral unfairly targets only one sector of the economy, and further creates unfair advantages in that it would apply only to the unincorporated county area. We further oppose such an ordinance for these reasons:

- This proposed regulation would be inconsistent with existing union Collective Bargaining Agreements (CBAs) and would upend years of collaborative work between unions and employers.
- This proposed regulation of private businesses will put those businesses and their workers at a distinct competitive disadvantage compared to those, sometimes as close as down the street in local jurisdictions, not requiring these hiring practices and to others throughout the state.
- We question why the regulations as proposed would not be applicable to other sectors such as agriculture, construction, or retail.
- It is in the best interest of all workers in the hospitality sector for businesses to open quickly and successfully. By delaying businesses from opening due to employers satisfying costly and time-consuming mandates on who they can hire, workers will lose precious days of desperately needed income.
- The County ordinance would create practical and procedural problems bringing the workforce back quickly and efficiently to meet changing business levels.
- Employees will also benefit from employers hiring those who are the most qualified to successfully resume business operations and specific duties within the business, not those who would satisfy the proposed criteria of who they can hire imposed upon them.

Governor Newsom, who has a record of supporting workers, vetoed similar legislation based upon these same considerations. If Monterey County was to implement these hiring restrictions, it would put our county at a distinct competitive disadvantage over other counties – which is yet another burden we cannot bear in our local economy. Finally, other jurisdictions that have attempted similar policies are currently in litigation. There are serious concerns that this hospitality worker recall ordinance would result in severe financial implications for our county taxpayers and the services upon which we rely.