

New York City Council Passes Retention Bill for Cafeteria Workers

October 18, 2016

The New York City Council has overwhelmingly passed a bill that mandates a 90-day transition period for displaced food service workers when a new owner or operator takes over a city building.

Corporate cafeterias, arenas, and cultural institutions, among others, are covered by the bill. Restaurants, however, are excluded. Mayor Bill de Blasio is expected to sign [Int. 1011-A](#) into law and the law will take effect immediately after signing.

Under Int. 1011-A, a former food service contractor must provide the successor contractor a full list containing the name, address, date of hire, and job category of each food service worker. The successor contractor must retain all workers for no less than 90 days and evaluate their performances and potential for continued employment. If a contractor terminates an employee before 90 days, it may be liable for attorney's fees, along with back pay and the cost of benefits during the mandated retention period.

Passed by a vote of 47-3 on October 13, 2016, Int. 1011-A was sponsored by Council Member Ydanis Rodriguez (D – Manhattan). “Food service workers in buildings should have an opportunity to keep their jobs any time management changes, as they are most attuned to the needs of quality customer service,” Rodriguez said. Council Members Joseph Borelli (R – Staten Island), Steven Matteo (R – Staten Island), and David Greenfield (D – Brooklyn) voted against the bill.

The passage of Int. 1011-A is seen as another victory for unions in the labor-friendly New York City Council. In February 2016, Mayor de Blasio signed a similar City Council bill, protecting [grocery store workers](#) for 90 days after new management takes over an establishment. Int. 1011-A also builds on retention requirements passed in 2002 for other [building service workers](#), including guards, cleaners, and maintenance workers.

Large food service contractors already have agreements with New York City's food service workers union, UNITE HERE Local 100, and did not lobby against the bill.

Please contact Jackson Lewis with any questions about this and other legal developments.

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