



City of Chicago



SO2020-5778

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 11/23/2020

Sponsor(s): Burke (14)
Lopez (15)
Moore (17)
Reboyas (30)
Gardiner (45)
Cardona, Jr. (31)
Tabares (23)
Rodriguez (22)

Type: Ordinance

Title: Amendment of Municipal Code Titles 2 and 4 by modifying Section 2-25-200 and amending Section 4-6-180 regarding hotel business duties toward laid-off employees as to rehiring and hiring practices, with self-expiring date of December 31, 2023

Committee(s) Assignment: Committee on Workforce Development

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-25-200 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-25-200 Office of Labor Standards.

(Omitted text is unaffected by this ordinance)

(b) Office of Labor Standards – Establishment – Powers and duties. There is hereby established within the Department of Business Affairs and Consumer Protection an office of the municipal government, which shall be known as the Office of Labor Standards. Such Office shall include a Director, who shall be appointed by the Commissioner, and such other assistants and employees as provided for in the annual appropriation ordinance. The duties of the Office of Labor Standards, and of its Director, shall be to:

(Omitted text is unaffected by this ordinance)

(6) Administer and enforce Chapters ~~4-24~~ 6-105 and ~~4-25~~ 6-110, and administer Section ~~4-6-180(e)(6)~~, of this Code;

(7) Receive and assemble information identifying: (i) license applicants and licensees under Title 4 of this Code who, within the last five years, have admitted guilt or liability, or who have been found guilty or liable in judicial or administrative proceedings, of willful or repeated violations of the Illinois Wage Payment and Collection Act or of Chapter ~~4-24~~ 6-105, for referral to the Commissioner for appropriate action under Section ~~4-4-320(a)(1)~~, (a)(3) or (b)(1), as applicable; or (ii) persons or business entities that are ineligible to participate in ~~city~~ City transactions under Section ~~2-92-320(a)(6)~~ due to repeated violations of Chapter ~~4-24~~ 6-105, for referral to the Chief Procurement Officer or other applicable department head for appropriate action under Section ~~2-92-320~~; and

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-180 Hotel.

(a) Definitions. As used in this section:

“Anti-sexual harassment policy” means the written policy required under subsection (e)(2) of this section.

“Business day” means those days in which municipal offices are open for conducting City business. A “business day” does not include Saturday, Sunday or the holidays listed in Section 2-152-090.

(Omitted text is unaffected by this ordinance)

“Hotel” means any building or structure kept, used, maintained as, advertised or held out to the public to be an inn, hotel, motel, family hotel, apartment hotel, lodging house, dormitory or other place, where sleeping or rooming accommodations are furnished for hire or rent, and in which seven or more sleeping rooms are used or maintained for the accommodation of guests, lodgers or roomers. The term “hotel” shall not include “single-room occupancy buildings”, “bed-and-breakfast establishments”, “vacation rentals” or “shared housing units” licensed or registered, or required to be licensed or registered, by the city.

“Laid-off employee” means an employee: (1) who had a length of service with a licensee of six months or more in the twelve months preceding their most recent separation from active service; (2) who performed, in a particular workweek, at least two hours of work within the city for that licensee; and (3) whose most recent separation from active service from that licensee occurred on or after January 31, 2020, as a result of a nondisciplinary reason.

(Omitted text is unaffected by this ordinance)

(e) Legal duties. Each licensee engaged in the business of hotel shall have a duty to:

(Omitted text is unaffected by this ordinance)

(6) follow the following procedures when engaging in hiring after laying off employees:

(A) A licensee shall offer its Laid-Off Employees all job positions for which the Laid-Off Employees are qualified prior to offering those job positions to others.

(i) The offer shall be in writing by registered mail to the Laid-Off Employee's last known physical address, and by email and text message to the extent the licensee possesses such information.

(ii) A Laid-Off Employee is qualified for a position if the Laid-Off Employee: (I) held the same or similar position at the hotel at the time of the Laid-Off Employee's most recent separation from active service with the licensee; or (II) is within the same division or department of the hotel and can meet the job requirements for the position with the same training that would be provided to a new employee hired into that position.

(iii) Job positions shall be offered to Laid-Off Employees in an order of preference that corresponds to subsection (e)(6)(A)(ii) above, that is with preference to Laid-Off Employees who are qualified under (I) first, and then (II). Where more than one Laid-Off Employee is entitled to preference for a position, the licensee shall offer the position to the Laid-Off Employee with the greatest length of service to the Hotel.

(iv) A Laid-Off Employee who is offered a position pursuant to this Section shall be given no less than five business days from the date of receipt of the offer in which to accept or decline the offer. A licensee may make simultaneous, conditional offers of employment to Laid-Off Employees, with final offer of employment conditioned on application of the priority system set forth in subsection (e)(6)(A)(ii) above.

(B) A licensee that declines to offer a Laid-Off Employee a job position because of the Laid-Off Employee's lack of qualifications and instead hires someone other than a Laid-Off Employee shall provide the Laid-Off Employee a written notice within thirty days identifying all reasons for such decision.

(C) The requirements of this subsection (e)(6) also apply when:

(i) the licensee changed after the separation from employment of a Laid-Off Employee, but the hotel is conducting the same or similar operations as before January 31, 2020;

(ii) the form of organization of the licensee changed after January 31, 2020;

(iii) the licensee relocates the operations at which a Laid-Off Employee was employed before January 31, 2020, to a different location within the City; or

(iv) any combination of the circumstances described in parts (i) through (iii).

(D) It shall be unlawful for any licensee to discriminate in any manner or take any adverse action against any employee in retaliation for exercising any right under this subsection (e)(6), including, but not limited to, seeking to enforce rights under this subsection (e)(6), participating in proceedings related to this subsection (e)(6), opposing any practice proscribed by this chapter, disclosing, reporting, or testifying about any violation, or good faith belief of a violation, of this chapter or rules promulgated thereunder.

(E) Nothing in this subsection (e)(6) shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with licensees through representatives of their own choosing in order to establish employment arrangements in excess of the applicable minimum standards of this subsection (e)(6). The requirements of this subsection (e)(6) may be waived in a bona fide collective bargaining agreement, but only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

(g) Penalty—License revocation—One year wait for new license—Exceptions Penalties.

(1) Except as otherwise provided in subsection (f)(3)(C) of this section, and in addition to any other penalty provided by law, any person who violates this section or any rule promulgated thereunder shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(2) If a regulated business license to engage in the business of hotel is revoked for cause, no license shall be granted to any person for the operation of a hotel at the premises described in the revocation order for a period of one year from the date of revocation. Provided, however, that this subsection shall not apply to any hotel located within the City's ~~central business district~~ Central Business District, as defined in Section 9-4-010 of this Code; or within three miles of property used for airport purposes at the Chicago O'Hare International Airport; or within the McCormick Place complex.

(3) For violations of subsection (e)(6) of this section:

(A) Prior to initiating a civil action, a Laid-Off Employee who believes that the licensee is in violation of subsection (e)(6) must provide the licensee with

written notice of, and an opportunity to correct, that alleged violation. The Laid-Off Employee may provide such notice directly to the licensee. The licensee shall have fifteen days from the issuance of a written notice to correct any violation.

(B) If the licensee has not corrected an alleged violation within the above-referenced fifteen-day period, the Laid-off Employee may initiate a civil action to enforce this subsection. A Laid-off Employee shall be entitled to all remedies available under the law or in equity appropriate to remedy such violation. If the complainant prevails in a legal action against the licensee, the court may award reasonable attorney's fees, expert witness fees, and costs as part of the judgment.

(C) If it is established that a Laid-Off Employee exercised rights under subsection (e)(6), and the licensee thereafter refused to employ, terminated, demoted, or otherwise took adverse action against the employee, and that action took place within sixty days after such exercise, then a rebuttable presumption shall arise that the licensee's action was taken violation of subsection (e)(6). The licensee must prove that the reason for the adverse action was a legitimate business reason. The alleging party may rebut the licensee's asserted legitimate business reason by showing that it was, in fact, a pretext.

(h) ~~Rules. The commissioner~~ Commissioner shall have the authority to promulgate rules necessary or appropriate to implement this section.

(i) Subsection (e)(6) of this section shall self-repeal without further action of the City Council on December 31, 2023.

SECTION 2. This ordinance shall be in full force and effect upon passage and approval.

Raymond Lopez
Alderman, 15th Ward