


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
1350 Pennsylvania Avenue, NW
Washington, DC 20004

MEMORANDUM

TO: Nyasha Smith, Secretary to the Council

FROM: Phil Mendelson, Chairman 

DATE: December 10, 2020

RE: **Request to Place Emergency Measures on the Agenda for the December 15, 2020 Additional Legislative Meeting**

The following measures are placed on the agenda for the December 15, 2020 additional legislative meeting:

- **Displaced Workers Right to Reinstatement and Retention Emergency Declaration Resolution of 2020**
- **Displaced Workers Right to Reinstatement and Retention Emergency Amendment Act of 2020**

On March 11, 2020, Mayor Bowser issued Mayor's Orders 2020-45 and 2020-46, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the COVID-19 virus. In addition, the Mayor issued several other mayor's orders to restrict the number of individuals allowed to gather together, to place limitations on both indoor and outdoor dining, and to cease the operation of all non-essential businesses for a limited time. As a result of these necessary actions, the District's hospitality (i.e. hotels, restaurants, and entertainment and event venues) and retail industries came to a halt, which resulted in mass lay-offs.

The employees laid off due to the pandemic need reassurance that their jobs will be there when their businesses begin to rehire and are back to full strength. Although the District has a displaced workers law, D.C. Law 10-105, the "Displaced Workers Protection Act of 1994," it only provides protection to employees employed by a contractor in a limited set of circumstances – e.g. when a contractor at an establishment is replaced by another. It does not provide protections for contract workers when there is not a change in contractors, nor does it provide a right of return for the thousands of workers displaced because of the pandemic. Moreover, D.C. Law 10-105 does not extend to hospitality or retail workers if their employers sell, change the controlling interest in the employer, or the employer's identity. The emergency measure seeks to provide these protections.

Notably, the emergency act is identical to Bill 23-965, the Displaced Workers Right to Reinstatement and Retention Amendment Act of 2020," which was approved on first reading on December 1, 2020 and is up for second reading on December 15, 2020. Yet it will take months before Bill 23-965 will become law. To bridge the gap and so that the law is effective by February 1, 2021, which is when the affected employers will need to comply with the requirements set forth in Bill 23-965, an emergency is necessary.

The draft measures are attached. Please call me or Ms. Christina Setlow if you have any questions at (202) 724-4865.

cc: All Councilmembers
Council Officers
