

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2021 Legislative Session

Bill No. CB-30-2021

Chapter No. _____

Proposed and Presented by Council Member Taveras

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 Displaced Service Workers Protection

3 For the purpose of protecting experienced service workers when a service contract changes
 4 hands; providing that a new contractor offer employment to incumbent employees for the first 90
 5 days of the new contract.

6 BY adding:

7 SUBTITLE 13A. LABOR CODE.

8 Sections 13A-119, 13A-120

9 The Prince George's County Code

10 (2019 Edition; 2020 Supplement).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 12 Maryland, that Sections 13A-119 and 13A-120 of the Prince George's County Code be and the
 13 same are hereby added:

14 SUBTITLE 13A. LABOR CODE.

15 **DIVISION 4. DISPLACED SERVICE WORKERS PROTECTION ACT.**

16 **Sec. 13A-119. Definitions.**

17 (a) As used in this Division:

18 (1) Awarding authority means any person that awards or enters into a service
 19 contract or subcontract with a contractor to be performed in the County. Awarding authority
 20 does not include the United States, any State or any political subdivision thereof, however it does
 21 include the County.

1 (2) **Contractor** means any person, including a subcontractor, which enters into a
 2 service contract to be performed in the County and employs more than 20 employees in the
 3 entire company.

4 (3) **Person** means any individual, proprietorship, partnership, joint venture,
 5 corporation, limited liability company, trust, association, or other entity that may employ persons
 6 or enter into a service contract.

7 (4) **Service contract** means a contract between an awarding authority and a
 8 contractor to provide security, janitorial, building maintenance, or food preparation in a facility
 9 located in the County which is used as a:

10 (A) private elementary or secondary school, or public or private college or
 11 university;

12 (B) multi-family residential building or complex with more than 30 units;

13 (C) commercial building or office building occupying more than 50,000 square
 14 feet.

15 (D) industrial facility, such as a pharmaceutical laboratory, research and
 16 development facility, or product fabrication; or

17 (E) distribution center.

18 (5) **Service employee** means an individual employed on a full or part-time basis as a:

19 (A) building service employee, including a janitor, security officer,
 20 groundskeeper, concierge, door staff, maintenance technician, handyman, superintendent,
 21 elevator operator, window cleaner, or building engineer; or

22 (B) food service worker, including a cafeteria attendant, line attendant, cook,
 23 butcher, baker, server, cashier, catering worker, dining attendant, dishwasher, or merchandise
 24 vendor.

25 (6) **Successor entity** means an entity that:

26 (A) is awarded a service contract to provide, in whole or in part, services that are
 27 substantially similar to those provided at any time during the previous 90 days;

28 (B) has purchased or acquired control of a property located in the County where
 29 service employees were employed at any time during the previous 90 days; or

30 (C) terminates a service contract and hires service employees as its direct
 31 employees to perform services that are substantially similar, within 90 days after a service

1 contract is terminated or cancelled.

2 (b) This Article does not limit the ability of an awarding authority to terminate a service
 3 contract or replace a contractor with another contractor.

4 **Sec. 13A-120. Transition employment period**

5 (a) Awarding authority. At least 15 days before a service contract is terminated, an
 6 awarding authority must:

7 (1) request the terminated contractor to give the successor entity and the awarding
 8 authority a complete list of the name, date of hire, and job classification of each service
 9 employee working on the service contract;

10 (2) give the successor entity a complete list of the name, date of hire, and job
 11 classification of each service employee of the terminated contractor working on the service
 12 contract;

13 (3) ensure that a written notice to all affected service employees describing the
 14 pending termination of the service contract and the employee rights provided by this Article is
 15 conspicuously posted at any affected work site, Except in the case of a service contract at a
 16 facility used as a public university, in which case the terminated contractor shall comply with
 17 subsections (a)(1) and (a)(2) of this section.

18 (b) Successor Entity.

19 (1) Subject to subsection (b)(3) below, each successor entity must retain each affected
 20 service employee at an affected site for 90 days or until the successor entity no longer provides
 21 services at the covered location, whichever is earlier.

22 (2) Each successor entity must give each affected service employee a written offer of
 23 employment and send a copy to the employee's collective bargaining representative, if any. Each
 24 offer must:

25 (A) state the date by which the service employee must accept the offer; and

26 (B) allow the employee at least 10 days after receiving the notice to accept the
 27 offer.

28 (3) Each successor entity may retain less than all of the affected service employees
 29 during the 90-day transition period if the successor entity:

30 (A) finds that fewer service employees are required to perform the work than the
 31 terminated contractor had employed;

1 (B) retains service employees by seniority within each job classification;
 2 (C) maintains a preferential hiring list of those employees not retained; and
 3 (D) hires any additional service employees from the list, in order of seniority,
 4 until all affected service employees have been offered employment;

5 (4) At the end of the 90-day transition employment period, the successor entity shall
 6 perform a written performance evaluation for each employee retained pursuant to this Subtitle. If
 7 the employee’s performance during the 90-day transition employment period is satisfactory, the
 8 successor entity shall offer the employee continued employment under the terms and conditions
 9 established by the successor entity.

10 (5) The successor entity shall not discharge a service employee retained under this
 11 Section without just cause during the transition period.

12 * * * * * * * * *

13 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 14 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
 15 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
 16 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
 17 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
 18 Act, since the same would have been enacted without the incorporation in this Act of any such
 19 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
 20 or section.

21 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 22 calendar days after it becomes law.

Adopted this ____ day of _____, 2021.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Calvin S. Hawkins, II
Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Angela D. Alsobrooks
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.