



## Hotel Employees Job Retention Ordinance Fact Sheet

Translated version of this document is available upon request at: (206) 256-5297.

**Seattle's Hotel Employees Job Retention Ordinance** aims to address job insecurity caused by changes in ownership in the hospitality industry. The law went into effect for most covered employers on July 1, 2020.

### Which employees are protected by this law?

This law applies to hourly employees, regardless of immigration status, who have worked for a covered employer for at least 30 days prior to the execution of a transfer document, a document) that creates an agreement to effect a change in control of a business (like a purchase agreement).

### Which employers must follow this law?

Two types of employers are covered: *a hotel employer*, an employer that owns, controls, or operates a Seattle hotel or motel with 60 or more guest rooms, or an *ancillary hotel business* with 50 or more employees worldwide.

When a change of ownership happens, both the new and old employer have different obligations under this law. "Ancillary hotel businesses" are those that have one of these relationships with a covered hotel:

- Routinely contract with a hotel or lease/sublet space at the hotel to provide services like food or beverage, recreational services, conference rooms, convention services, laundry, or parking;
- Provides food and beverages to hotel guests and to the public and their business has an entrance within the hotel premises.

### Right to advanced notice of changes in ownership

Within five days after the execution of a transfer document, an outgoing employer must give written notice to employees that the business is changing ownership.

The outgoing employer must post the notice in a place that can be readily viewed by employees and job applicants. It must include: the name and contact information of the outgoing employer, the name and contact information of the incoming employer, and the effective date of the change in ownership.

### SEATTLE OFFICE OF LABOR STANDARDS

Our mission is to advance labor standards through thoughtful community and business engagement, strategic enforcement, and innovative policy development, with a commitment to race and social justice.

### Our private and free services include:

- Investigation of complaints
- Outreach to workers
- Technical assistance for business
- Resources and referrals

The incoming employer must keep the notice posted for at least 180 days after the business opens to the public under its control.

### **Right to retain a job for 90 days after the change in ownership**

The outgoing employer must provide the incoming employer with a list of names, addresses, dates of hire, and job classifications of all covered employees.

The incoming employer must exclusively hire from this list for 180 calendar days after the business is open to the public under the incoming employer. The incoming employer must hire in order of seniority within each job classification to the extent that comparable job classifications exist. The incoming employer must make job offers in writing and hold the position open for at least ten business days.

If an employee accepts the job offer, the incoming employer must retain the employee for 90 calendar days, counting from the day the employee starts working for the incoming employer. During this period, the incoming employer may fire an employee; but only when the employer has just cause to do so. The incoming employer must provide a written performance evaluation to each employee at the end of the 90-day period.

### **An incoming employer has just cause to fire someone if:**

- A fair and objective investigation produced evidence that the employee violated a reasonable and consistently applied workplace standard;
- The employee knew or reasonably should have known of this workplace standard; and
- Termination was reasonably related to the seriousness of the employee's conduct and was the consistently applied punishment for a violation of that workplace standard.

### **May an incoming employer lay off employees during the 90-day period?**

An incoming employer may lay off an employee only if it requires fewer employees than did the outgoing employer. The incoming employer must retain employees by seniority within each job classification.

### **Notice And Posting Requirements of This Law**

Employers must display one of two notices of rights posters containing the information that employers must post to comply with the notice and posting requirements of all [four hotel employee protection laws](#). [The Notice of Rights for Hotel Employees](#) posters is for employees of hotels and the [Notice of Rights for Employees of Ancillary Hotel Businesses](#) is for employees of ancillary hotel businesses. Both posters are available electronically on the Office of Labor Standards "[Resource and Language Access Page](#)".

**The Seattle Office of Labor Standards is here to help:**

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