

By Glidden

**Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration by adding a new Chapter 39 relating to Displaced Contract Service Workers.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 39 to read as follows:

**CHAPTER 39. Displaced Contract Service Workers.**

**39.10. Title.** This chapter shall be known as "The Protection of Displaced Contract Service Workers Ordinance."

**39.20. Purpose.** The purpose of this chapter is to require that contractors awarded service contracts with the City of Minneapolis retain certain non-supervisory employees of the previous contractor for a ninety (90) day transition employment period during which period retained employees may not be terminated except for cause, and to require that such employees be provided with various other job security protections.

**39.30. Definitions.** Whenever used in this article, the following words shall mean:

*Contractor:* Any person that enters into a service contract with the City of Minneapolis and whose contract requires the services of fifteen (15) or more employees and includes a subcontractor.

*Employee:* Any person employed by a contractor to provide service pursuant to a service contract. "Employee" does not include a person who is:

- (a) Managerial or supervisory or confidential, including those employees who would so be defined under the Fair Labor Standards Act; or is
- (b) Employed for less than six (6) consecutive months; or is
- (c) Employed for less than twenty (20) hours a week; or is
- (d) An at-will employee.

*Person:* Any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, nonprofit organization or other entity that may employ individuals or enter into contracts, including the City of Minneapolis and any of its boards or agencies, but shall not include any other governmental entity.

*Service contract:* A contract let by the City of Minneapolis to a contractor for the furnishing of janitorial or security service work.

*Successor contractor.* Any contractor that is awarded a service contract to provide, in whole or in part, services that are substantially similar to those provided under a janitorial or security service contract that within the last six (6) months has been terminated or has ended.

**39.40. Transition Employment Period.** For all service contracts to be performed for the City of Minneapolis, the following provisions shall apply: (a) The City of Minneapolis shall give advance notice to a service contractor, and to any collective bargaining representative of any of the service contractor's employees performing work under the contract, that the service contractor's contract will be terminated or will end and shall further provide the identity, address and telephone number of the successor contractor or contractors. Notice by the city shall be given as much as reasonably practicable under the circumstances and in no event less than thirty (30) calendar days prior to the termination or end of the service contract.

(b) Where the City of Minneapolis has given notice to a service contractor that a service contract has been terminated or ended, the terminated or ending contractor shall, within seven (7) calendar days after receipt of such notice, provide to the successor contractor, the name, date of hire, and employment occupation classification of each employee employed at the site or sites covered by the predecessor contractor at the time of receiving said notice.

(c) On that date said contract terminates or ends, the terminated or ending contractor shall update the information previously provided to make it current to the actual termination date.

(d) If the terminated or ending contractor has not learned the identity of the successor contractor, the terminated or ending contractor shall provide such information to the City of Minneapolis and the City shall be responsible for providing such information to the successor contractor as soon as that contractor has been selected.

(e) A successor contractor who is awarded a service contract to provide services provided by a contractor shall retain, for a ninety (90) calendar day transition employment period, covered employees who have been employed by the previous contractor at the site or sites covered by the contract. Retained employees shall be required to pass the successor contractor's normal selection and hiring processes, including but not limited to background checks and drug screening, before becoming employed by the successor contractor. Any employee who does not pass such processes shall not be hired by the successor contractor.

(f) If at any time, the successor contractor determines that fewer employees are required to perform the new service contract than were required by the previous contractor, the successor contractor shall retain employees by seniority within job classification.

(g) During the ninety (90) calendar day transition employment period, the successor contractor shall maintain a preferential hiring list of eligible covered

employees not retained by the successor contractor from which the successor contractor shall hire additional qualified employees.

(h) Except as provided in subsection (f) in this section, the successor contractor shall not discharge an employee retained pursuant to this chapter during the ninety (90) calendar day transition period without cause.

(i) At the end of the 90 calendar day transition employment period, an employee retained pursuant to this chapter may be removed from the position at the discretion of the successor contractor. If the employee's performance during the ninety (90) calendar day transition employment period is satisfactory, the successor contractor shall offer the employee continued employment under the terms and conditions established by the successor contractor.

**39.50. Enforcement.** (a) A contractor or successor contractor that violates any of the provisions of this chapter is subject to any legal or equitable remedy available to the city for code violations.

(b) This chapter shall not be construed to limit an employee's right to bring a cause of action for an adverse employment action that otherwise violates state or federal law.

(c) This chapter shall not be construed to interfere with or diminish any employee protections provided under a collective bargaining agreement.

**39.60. Failure To Comply Bars Future Contracts.** Upon the request of the appropriate contract monitoring officer, all contractors and successor contractors shall comply with any reasonable request by the City to ensure compliance with this article. The city shall prepare and maintain a list of all contractors or successor contractors who are in default under any of the provisions of this article and no further contracts shall be awarded or entered into with such contractor or successor contractor.