

A large, stylized blue phoenix logo is centered on the page. The phoenix is depicted in profile, facing right, with its wings spread upwards and outwards. The logo is composed of various shades of blue, creating a sense of depth and movement. The background of the entire slide is a solid blue color.

**Proposed City of Phoenix  
Ordinances  
Phoenix Healthy Tourism and  
Hospitality**

**June 29, 2020**

**City of Phoenix**



# Phoenix Healthy Tourism and Hospitality

- On May 20<sup>th</sup> the City Council approved an 8 hour rule to review a Hospitality Ordinance.
- The Phoenix Healthy Tourism and Hospitality Ordinances were presented to staff by Vice Mayor Guardado.



# Phoenix Healthy Tourism and Hospitality

- The three Ordinances are applicable to hospitality workers in the following businesses in the Phoenix City limits:
  - hotel with over 150 guest rooms,
  - event center (convention center, stadium or arena) with capacity over 1,000, (excluding public elementary, middle and high school & places of worship),
  - airport service provider (Phoenix Sky Harbor),
  - airline food caterer business (Phoenix Sky Harbor), or
  - campus service provider with more than 1,000 enrolled students



# Phoenix Healthy Tourism and Hospitality Outline

The Ordinance is split into three distinct areas:

1. Right of Recall
  - Retention included
2. Supplemental Paid Sick Leave
3. Public Hygiene Training & Handwashing and Hygiene (15 Minute Breaks)
  - General Provisions and Civil Remedies apply to all three Ordinances



## Right of Recall

- An employer shall offer to a furloughed worker any available qualified position
- The offers must be in writing
- Employee shall be given no less than 10 days to accept or decline the offer.
- If employer determines worker is unqualified, must provide 20 days written notice and identifying those hired in lieu of recall, along with the reasons.
- Also applies to situations of a change in ownership, change in the assets, or change of job site within 25 mi.



# Supplemental Paid Sick Leave

- 80 hours of leave for employers not covered under the Families First Coronavirus Response Act (Families First Act)
  - no accrual required,
  - unless paid leave of over 104 paid leave hours.
- Covered Employers: The Families First Act applies to employers
  - with fewer than 500 employees, and
  - with under 50 employees whose absence would cause the small employer's expenses and financial obligations to exceed available business revenue, pose a substantial risk, or prevent the small employer from operating at minimum capacity.



# Public Hygiene Training

1. City to solicit and contract with a Public Hygiene Training Organization to develop and conduct a Public Hygiene Training Program for hospitality workers or immigrant low-wage workers to provide best practices for various cleaning and criminal activity identification.
2. Develop and administer an exam, and issue a certification to persons who successfully complete the program and pass the exam.
3. Use interactive teaching across multiple literacy levels and provides trainers who are culturally competent and fluent in languages the workers understand.



# Public Hygiene Training

4. Issue a certificate valid for five years.
5. No hospitality employer shall employ a hospitality worker for more than 120 days unless the worker presents a valid certificate from this training.



## Handwashing and Hygiene (15 Minute Breaks)

6. Every hospitality employer must permit all hospitality workers to take paid breaks of 15 minutes for every 4 hours worked (or major portion thereof).
7. Hotel employers must ensure that room attendants are able to wash their hands with soap after cleaning each hotel room or public area within a hotel.
8. Prohibits any adverse employment action for a worker who fails to clean more than 4,000 sq. ft. of floor space in an 8-hour day, or a prorated amount of space for working more or less than 8 hours in a day or working jointly with other workers.



## General Provisions & Civil Remedies Apply to all Three Ordinances

- Collective bargaining agreements may supersede provisions in the Ordinances.
- Enforcement is by
  - a civil action for damages filed by the City or an aggrieved person, or
  - by an injunction brought by the City attorney, an aggrieved person, or
  - any person or entity that will fairly and adequately represent the interests.
- In a civil action, the court shall award a prevailing plaintiff compensatory, punitive, and treble damages.



# General Provisions

## **No Waiver of Rights**

- The Ordinances cannot be waived except for a provision in a collective bargaining agreement and any request by an employer for a worker to waive any rights is a violation of the ordinance, including existing agreements.

## **Retaliatory Action Prohibited**

- No employer shall take any adverse action against a person for exercising or asserting any rights protected under this ordinance. Any adverse action requires 60 days prior written detailed notice to employee.

## **Supersession by Bona Fide Collective Bargaining Agreement**

- Ordinances may be waived pursuant to a bona fide collective bargaining agreement, if expressly set forth in clear and unambiguous terms, and no unilaterally imposed terms.



# Questions?