

CB 10-2022



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, James "Ward" Morrow, have been duly authorized by
(name of individual)

MD Catholic Labor Network to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 10-2022 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: James "Ward" Morrow

Signature: _____

Date: 1/18/2022

Organization: Md Catholic Labor Network

Organization Address: 2848 Leaf Shade Drive, Ellicott City, Md 21042

2848 Leaf Shade Drive, Ellicott City, Md 21042

Number of Members: _____

Name of Chair/President: Nancy Conrad

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.

MHLA
Maryland Hotel
Lodging Association

January 18, 2022

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Re: Letter of Opposition to Bill 10-2022

Dear Council Chair Jones and Honorable Members of the Council:

I am writing as President & CEO of the Maryland Hotel Lodging Association (MHLA) regarding Bill 10-2022. As the statewide trade association representing Maryland's lodging industry, and specifically our member hotels in Howard County, **we oppose this legislation**. Our industry continues to struggle with a long road ahead to full recovery. This is a time when we need support from the Howard County Council as opposed to the targeting of a single industry that was forced to lay off employees in the midst of a pandemic. Pushing these policies forward will be counterproductive to the rebound of hotels in Howard County.

Bringing back meaningful employment for our staff is paramount to the economic recovery we all desire. As a sector, the lodging industry provides employment for a range of talents, education and abilities. It is one of our greatest strengths and allows for a person to rise from a kitchen worker or valet to management within the span of their career. Working in a hotel can truly be an upper pathway to a better life.

When the pandemic hit, some lodging establishments made difficult decisions to lay off employees, at significant disruption to their operations. This was a regrettable situation. Our members are eager to rehire experienced and committed workers, but the bill before you is not the right solution.

As you consider this measure, we want to highlight a few issues with the language in this bill.

- This bill only addresses hotel, event center and limited commercial property employers. When the pandemic hit the United States in 2020, many industries and employers were forced to make difficult staffing decisions that adversely affected their workers. Universities, cultural institutions, hospitals, food services, private employers and non-profits all laid off workers as result of reduced demand and lack of revenue to pay these workers. Many of these employers are trying to hire staff at the present moment. However, this bill does not affect any of those businesses – nor are there similar measures proposed as such - and is unfairly targeted directly at hotel employers in an entirely unbalanced and draconian fashion.
- This bill lays out a rigid and specific rehiring practice at a time when most small to mid-sized hotels have not only recalled employees but have also hired new employees in the midst of extreme labor shortages. As the hotel industry continues its road to recovery, there was a brief point during the summer of 2021 when pent-up demand for leisure travel, along with eased restrictions, created an environment in which hotels experienced a “spike” in occupancy. For a few months during this time, the overwhelming majority of hotels

MH^{LA}

Maryland Hotel Lodging Association

attempted to recall the majority of their staff. Some staff opted not to return while others had moved on to different jobs. However, during this time, there were more positions available to be filled than laid-off employees willing to return to fill them. Therefore, new staff members had to be hired or temporary employment agencies had to be retained. Our industry has since experienced a decline in occupancy related in most part to the severe lag in business travel due to the pandemic. Through organic attrition, staffing levels have been reduced. However, during the spike experienced during the summer of 2021 and the subsequent recalling of the majority of our staff members, the need and/or timing of this bill has long since passed.

- Upon offering to rehire an individual, Bill 10-2022 specifies that hotels must make the offer based on seniority according to those who worked 90 days or more in the year preceding their layoff, followed by those who worked fewer than 90 days but an average of at least two hours each week. An employer must allow 5 days for an eligible employee to accept or decline an offer. This would slow down the recall process and leave the “next in line” employee(s) in limbo as simultaneous, conditional offers may be made. This creates an unnecessary administrative burden for hotels.
- This bill pre-empts an employee’s ability to work in their chosen job or situation, because their seniority status becomes more important than their skills or interest.
- In some cases, the preference for seniority among former workers might also pre-empt a candidate who has been working in that hotel during the pandemic and would be in line for a promotion or correlating job when it opens. The bill does not address how “greatest length of service” shall be calculated among former and current employees and gives preference to workers who were laid off. By giving seniority preference to former workers, this bill creates unnecessary legal and operational challenges in a time when the goal should be to reinvigorate the hotel industry.
- Bill 10-2022 requires recalling employees into any position for which they could become qualified for upon receiving new hire training. This broad, overreaching language does not take into account the background checks required for certain positions or an employee’s desire to move into an entirely different department (i.e. a dishwasher may not desire work as a housekeeper or as front desk agent) but does create a liability for employers.
- Further, Maryland is an at-will employment state, which means employment contracts in the state are of indefinite duration, unless otherwise specified, and may be terminated legally by either party at any time. A law that forces an employer to rehire a previously laid-off worker is an unconstitutional impairment of the employer/employee freedom of contract. In short, if the employee was at-will before being let go, this law would change that pre-existing arrangement and make rehiring now a condition of that previously agreed upon employment arrangement.

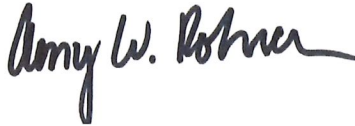
We remain committed to our workers, and to welcoming guests, meetings and conventions back to Howard County as soon as possible with adequate and responsible staffing. However, the bill before you does not aid that process and may in fact hinder recovery in a way that is harmful to our industry

MHFLA
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and to Howard County. We urge you to give this bill an unfavorable report, and look for a solution that does not create more obstacles to our return to economic viability.

We look forward to working with you to better encourage growth in Howard County's travel and tourism industry in the months and years ahead. Please do not hesitate to contact me if you have any questions or concerns.

Thank you,



Amy W. Rohrer, President & CEO
Maryland Hotel Lodging Association



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Tracy Lingo, have been duly authorized by
(name of individual)

UNITE HERE Local 7 to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-10 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Tracy Lingo

Signature: [Handwritten Signature]

Date: 1/17/22

Organization: UNITE HERE Local 7

Organization Address: 1800 N. Charles St, Suite 500
Baltimore, MD 21201

Number of Members: 3,000

Name of Chair/President: _____

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.

Testimony presented to the Howard County Council

By Tracy Lingo, Staff Director UNITE HERE Local 7

In Favor of CB 10-2022

Good Evening Council Chair Jones and members of the Council. My name is Tracy Lingo. I am the Staff Director of UNITE HERE Local 7. We represent over 3,000 hotel, casino, food service, airport and event center workers in Baltimore and throughout the state of Maryland. The US Bureau of Labor Statistics reports that pre-COVID there were nearly 17,000 people employed in the hospitality industry in Howard County. Our industry has been extremely hard hit by the COVID -19 pandemic and has not yet recovered. In May of 2020, hotel employment was down 50% from what it had been in 2019. **Currently down 23% Industry has recovered, but not sufficiently. Amy R testimony**

While all of us are dealing with uncertainty during this pandemic crisis, in addition to the uncertainties of keeping ourselves and our families healthy, workers in our industry face enormous uncertainty about whether they will even have a job to come back to when business does return to the hospitality industry.

- **Long careers in hospitality industry mean that workers do not necessarily have transferable skills**

What we are hearing repeatedly from our members in Howard County and around the region is that the jobs they are able to find do not replace the income they counted on from their hotel careers. When I talk to our members they tell me that they are having to combine multiple jobs or pick up jobs in the informal economy to try to make ends meet.

- Disproportionately affect women and people of color
- In past mass lay off we have seen how crucial it is for workers to have a clear and established path to get back to their former jobs with workers' whose ties to their former employers are completely severed facing longer periods of time on unemployment.

What this bill does and doesn't do. Bill only requires recall of workers who employers themselves have previously chosen to hire. Bills like this one have passed in Washington, DC, Baltimore City, thirteen other localities and three states. Workers in hotels, event centers and commercial properties have stood by these employers for years. Allowing these industries to be successful and serving the public. During this pandemic, workers in these industries have been among the many front line workers we as a community have depended upon. We should not need a law to ensure that employers will protect the jobs of workers who they have hired, trained and depended on for years. This bill does not require employers to rehire more workers than they have a business need for. Employers are required to recall employees only if and to the extent that work is available.

Carole's story.

Angela Carrillo
Testimony for the Howard County Council in Favor of CB-10- Right to Recall
January 12, 2022

Good evening Council Members. My name is Angela Carrillo. I live in the Stevens Forrest Village of Columbia. I started working at the former Sheraton Columbia in 1997. For 23 years, until the pandemic, I worked there as a banquet server. I enjoyed working with all the different groups that came to the hotel and took pride in my work.

In April of 2020, we were all laid off from our jobs due to the pandemic. At first we were told that we were being laid off, not fired and we would be called back when the hotel reopened.

The past two years have been so hard for all of us. For many months I could not pay rent and was constantly afraid that I would lose my apartment. I was able to find some part time jobs and did some work for friends, but not enough to make up for my banquet job at the Sheraton.

My co-workers and I stuck by each other and tried to help each other when we could. Through all that time, thinking about going back to our newly renovated hotel, to my job, when the hotel reopened kept me going. Last spring I got a letter saying I was no longer considered a worker at the hotel and would have to reapply if I wanted to come back. It was heart breaking. Since then, my coworkers and I have sent letters to the hotel management asking to be notified about jobs. We have gone to the hotel on several occasions to ask how to apply. We check the website for openings, but nothing is posted and no one has called us.

In November the hotel had a grand reopening. My coworkers and I went with our union, again asking why we had not been hired, I cannot describe to you how it felt to see other workers in uniform working in the hotel where I worked for over 20 years. Since then my coworkers and I keep hearing about groups having banquet events at our hotel, but we still have not been given the opportunity to apply.

It feels so wrong. Especially knowing that if we worked in Baltimore or Washington, DC, our employer would not be able to do this to us.

I urge you to approve this bill as emergency legislation so that my coworkers and I can get back to the jobs that we love.

Thank you.

Testimony of Eliana Antonsen
Presented to the Howard County Council January 18, 2022
In Support of CB 10-2022

My name Elaina Antonsen. First I want to say thank you for letting me speak And tell my story. I have lived in Howard County for most of my life. I worked at the Columbia Sheraton which is now called the Merriweather Lakehouse for 24 years as a banquet server.

I love working there. I love taking care of people. I love decorating for the functions. I love it all.

I got laid off due to the pandemic. I didn't think I would have to fight for my job back when the hotel reopened. Since this past spring we have been asking the hotel management and owners to commit to bringing us back. We asked them to let us know when they had job openings. I check the website regularly to see if there are openings for my position. I have yet to be contacted or see any openings for banquet servers posted.

We were surprised when the hotel announced they were having a reopening function for invited guests that would include banquet servers. I was there with my union protesting to let the people know what the owner is doing by not calling us back. I could see that they had other banquet servers doing my job. Going up to the doors and seeing that they had hired temps for the banquet function when me and my other coworkers could've been working was so difficult. To see how beautiful the hotel looks now and feeling that I won't be a part of it really upsets me.

The owner has said that he doesn't need banquet servers because he isn't having many functions but, I keep seeing them advertise banquet events on their Facebook page. As banquet servers we are used to working when there are events and not working when there are not. We would be happy to work these events, but we are not being offered the work. I don't understand why he wouldn't want former workers that have been there for 24 years and more with all that experience to come back.

I don't think it's fair. I urge you to pass this bill so that all hotel workers in Howard County have recall rights.

Testimony Of Alex Garza
Presented to the Howard County Council in Support of CB 10-2022
January 18,2022

Thank you for taking the time to listen to a Howard County worker this evening. I live in Ellicott City and worked as a cook at the Sheraton Columbia until I was laid off in April of 2020. I urge you to pass this important legislation to ensure that all hotel workers in Howard County are recalled to the jobs they had before COVID.

Jobs are available for us but these jobs we are applying for and interviewing at are truly not sustainable. For example, I had quickly found a job at Costco during the start of the of COVID 2020 pandemic which is still sweeping through this country. While performing exemplary professional work at Costco. I was never hired for a full-time position at Costco. I worked there for six months. The first time I worked there from March 2020-July 2020 and then was laid off because they did not need as much staff. I reapplied was hired again the second time from November 2020-April 2021 but was again laid off. Hired twice and laid off twice through no fault of my own. Current seasonal employees at Costco are being laid off and must find new work. Those who are interested in staying at Costco and apply for full time positions are not retained and are laid off. Most of this new work that these laid off workers find are seasonal and part time. While I have earned a job after my time at Costco, the pay and benefits are not even close to what I had prior to COVID and at the Sheraton. I fear getting a second job will lead to burnout and decline of my health.

Me and my coworkers want to return to the Merriweather Lakehouse Hotel in Columbia MD now rebranded from its former name Sheraton Columbia Hotel. The hotel is up and running according to its social media and its most recent grand opening but we former workers have not been able to return because there are no recall rights in Howard County. Events are happening right now. Someone is cooking food for the restaurant and for banquets, but it is not me or my coworkers. Months before Merriweather Lakehouse's grand opening, we asked to be notified about opening positions for the banquet and kitchen. There was no link given on the site and no way to be hired for these positions that are currently filled and for the events that are advertised on Merriweather Lakehouse social media as happening right now.

This detailed situation is happening all over the state of Maryland and spread throughout the US. This detailed situation of irregular hours and batches of unknowns is happening to your constituents. I'm urging that you make sure that this does not happen again to Maryland workers by passing this recall rights act.

I'm urging you to make a commitment to protect all workers. This is a stand to ensure the health and livelihood of your workers and to protect the votes you count on in the future.

**Testimony of Glenard Middleton, President Metropolitan Baltimore AFL-CIO and Executive
Director of AFSCME Maryland Council 67
Given to the Howard County Council January 18, 2022
In Support of CB 10-2022**

Good evening, my name is Glen Middleton. I am the President of the Metropolitan Baltimore AFL-CIO, which represents about 70,000 Union members in Baltimore City and surrounding counties including teachers, firefighters, building trades, state and county government employees, food and commercial workers and hospitality workers. I am also Executive Director of AFSCME Maryland Council 67 which represents city and county employees throughout the state of Maryland including Howard County employees.

I wanted to speak with you tonight because the issue of recall faced by our brothers and sisters in the hospitality and entertainment industries is a key issue for all organized labor in Maryland. These workers, like AFSCME members, have been on the front lines of this pandemic. Most were laid off in the beginning days of the pandemic through no fault of their own, and many remain laid off today. Many have served our community for decades and their work enabled our local hospitality industry to be prosper. The hospitality industry nationally and locally has benefitted from billions of dollars in loans and aide through the PPP loan program and American Rescue Plan money. We should not allow any employer to use the pandemic as an excuse to discard workers who otherwise would still be working today.

Although there has been much talk of recovery and labor shortage, this is not true for our local hospitality industry. The American Hotel and Lodging Association projects that the total 2021 business travel revenues in the Washington D.C.. and Baltimore markets will be approximately 85% below 2019 levels.¹

In testimony before you regarding the recent minimum wage increase, Amy Rohrer of the Maryland Hotel Lodging Association, said that 2021 Howard County room revenue will be 37% below its 2019 level. This means that many hospitality workers remain laid off and the need for this bill remains urgent.² With many projecting a recovery in the industry this spring, passing this bill now as emergency legislation will ensure that workers are protected as rehiring begins.

We know that due to systemic racism and bias, black and brown workers are the most adversely affected when forced to reapply for jobs. This bill will prevent implicit discrimination of workers due to their age, race, or gender by requiring that employer offers the jobs to laid-off employees first. Not only is this the morally correct thing to do, it will also provide economic security to Howard County workers and ensure that the benefits of recovery are shared across race and class lines.

We also know that recall bills work and are good public policy. Bills like this one are already law in Washington, DC and Baltimore and across the country and have given workers the security of knowing they can return to careers they have invested in once this pandemic subsides.

Labor urges you to pass CB 10 as emergency legislation to ensure that workers share in economic recovery as it comes to our region and to hold employers accountable to the workers who have made them so profitable in the past.

Thank you.

¹ Kalibri Labs, "Analysis: Hotel Business Travel Revenue by Market," (August 2021): <https://www.ahla.com/sites/default/files/Business%20Travel%20Market%20Data%20One%20Pager%209-13.pdf>.

² Testimony at Howard County Council Legislative Public Hearing (November 15, 2021): <https://cc.howardcountymd.gov/Online-Tools/Watch-Us>.



**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Sharon Sykes, have been duly authorized by
(name of individual)

American Hotel & Lodging Association (AHLA) to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB10-2022 to express the organization's
(bill or resolution number)

support for opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Sharon Sykes

Signature: Sharon I Sykes

Date: January 18, 2022

Organization: AHLA

Organization Address: AHLA, 1250 Eye Street, N.W., Suite #1100, Washington, D.C. 20005

AHLA, 1250 Eye Street, N.W., Suite #1100, Washington, D.C. 20005

Number of Members: 30,000

Name of Chair/President: Chip Rogers, CEO

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.



American Hotel & Lodging Association – Testimony
To: Council Chair Jones and Honorable Members of the Council
Date: January 18, 2022
RE: Bill No. 10-2022

On behalf of the American Hotel & Lodging Association (AHLA), which represents every segment of the hotel industry including major chains, independent hotels, management companies, REIT's, bed and breakfasts, industry partners and more, we ask that you oppose Bill No. 10, relating to the recall of hotel employees.

As you know, hotels continue to face extreme hardships and are working diligently to reopen properties impacted by the pandemic in a responsible manner. Bills like this unfairly target one of the hardest hit industries. While our association appreciates the intent of the legislation—to get hospitality workers back to work and to provide greater job certainty for these individuals—we strongly believe such a prescriptive approach will prove counterproductive.

A partial recovery in 2022 will not generate enough revenue to allow hotels to pay back lenders, rehire staff, and invest in delayed property improvements. The severity of the short-term effects of Omicron on the hotel industry are still unclear, but this new variant is delaying returns to business travel, which accounted for 53% of hotel revenue pre-pandemic, and causing uncertainty for leisure guests. This stark reality is leading many hoteliers to declare bankruptcy or transition into long-term housing, which will cause the loss of good paying jobs and impact the tax revenue on the state. Additional prescriptive requirements will only complicate hiring procedures and delay the recovery of our industry and those communities dependent upon travel.

Howard County's hoteliers are highly motivated to bring back employees, but hoteliers must have flexibility for an efficient recovery to occur. The provisions in this bill impede that flexibility and shift attention and limited resources away from rehiring efforts.

We hope you consider the unintended impacts that this legislation would have on hotels and their abilities to recover in the long term. AHLA appreciates the opportunity to provide these comments and welcomes the opportunity to participate in additional dialogue on this important legislation.

Thank you.

Sharon T. Sykes

Sharon Sykes
Director of State and Local Government Affairs
American Hotel & Lodging Association (AHLA)

Sayers, Margery

From: Christine Lemyze <clemyze@hotmail.com>
Sent: Monday, January 17, 2022 2:52 PM
To: CouncilMail; Ball, Calvin
Subject: CB10-2022

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

I am writing to **urge you to vote for CB10-2022**

It is well known that the COVID-19 pandemic has affected the hospitality industry with particular severity and resulted in large numbers of hospitality workers being laid off. In Howard County, the majority of these workers are women and people of color.

As the hospitality sector recovers this spring and employers rehire, it is imperative that we protect the right of these workers against implicit discrimination due to their age, race, health status, and other characteristics as Washington, DC and Baltimore City, as well as fourteen other cities and three states have done. CB10-2022 will ensure Howard County workers are also able to return to the jobs they held before the pandemic and continue to serve our community.

I expect you to vote for CB10-2022. Thank you for your leadership.

Christine Lemyze, 3861 Woodville Lane, Ellicott City, MD 21042

Sayers, Margery

From: Leif Powers <lep@leifpowers.com>
Sent: Monday, January 17, 2022 1:27 PM
To: CouncilMail
Subject: Testimony for County Council Meeting January 18, 2022 regarding CB10-2022

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Hi County Council Staff,

I would like to enter the following written testimony regarding CB10-2022 (AN ACT requiring certain employers to recall certain employees who have been laid-off...)

If it matters, my contact information is in my signature, my position on the legislation is Undeclared, and I live in District 4 (Deb Jung).

Thanks for your assistance in accommodating my schedule.

My testimony is as follows:

I reviewed the legislative text, and I am not sure that the text best addresses the stated concerns. My foremost thoughts are:

- This act is not necessary to the extent that "implicit discrimination of workers due to their age, race, and health status" is not happening (also "staffed by experienced personnel", etc.). That is, whether I am a laid-off employee of the same employer, or a laid-off employee of a different employer, or an employee that was not laid off but is changing jobs, would not matter if the employer applied the years of experience/time in service hiring decision rule. If I may be blunter regarding the likely motives in question here, if the proprietors are trying to prevent the resurrection of the hospitality workers' union with a staff drop, they're not going to have much success if they have to hire the most qualified and experienced hospitality professionals.

- Therefore if the point is to get county employers to hire the most experienced employees as a check against unwanted discrimination, the better answer would be to build a personnel roster, similar to what I believe occurs in some union locals. The act specifies any janitorial, maintenance, or security services position for which the employee is qualified; which, practically speaking, only means credentialed maintenance workers might not be interchangeable according to the rules laid down in the act. (Most event center and hotel employees similarly would be fungible)

- The primary distinction is that likely, not all employers will recover at the same rate. Therefore, you will see some employers hiring their very young people back before the more senior staff in other organizations, which is not optimally accomplishing the stated purposes of the act (nor an implicit agenda of union support). A personnel roster avoids this.

- The other thought I have regards the relationship of the staffing situation described in this act with the overall labor shortage/mismatch/labor force situation in Howard County. For example, there has been a lot of concern about school-related staffing. Why are we trying to direct qualified blue-collar staff into high class hotels, Merriweather Post Pavilion, etc. when we don't have enough staff to service even the public schools? Moreover, why are we trying to do so in a time limited way (270 days after expiration of emergency)? Moreover, if we know the hotel staffing particularly, is unlikely fully to recover before 2023, we still have to get any remaining unemployed staff into jobs until then - which raises the question, why are we getting them into another job for a year that pays about the same (because Howard County minimum wage is not low) and then having them drop it to go work low-value seasonal and hospitality? I don't see how, if the legislation achieves its objectives, that outcome is consistent with other Howard County government/county council objectives, or the zeitgeist of upskilling.

--
Leif Powers
11301 Little Patuxent Pkwy Apt 127
Columbia, MD 21044-3931
816-885-1287



HOWARD COUNTY COUNCIL
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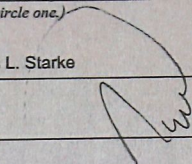
I, James L. Starke, CHA, have been duly authorized by
(name of individual)

Maryland Hotel Lodging Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Bill 10-2022 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: James L. Starke

Signature: 

Date: 1/17/2022

Organization: Maryland Hotel Lodging Association

Organization Address: 20 Ridgely Ave; Suite 309; Annapolis, MD 21401

20 Ridgely Ave; Suite 309; Annapolis, MD 21401

Number of Members: 205

Name of Chair/President: Amy W. Rohrer, CAE

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**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Leonardo McClarty, have been duly authorized by
(name of individual)

Howard County Chamber of Commerce to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB10-22 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Leonardo McClarty

Signature: Leonardo McClarty Digitally signed by Leonardo McClarty
Date: 2022.01.17 10:30:48 -05'00'

Date: January 17, 2022

Organization: Howard County Chamber

Organization Address: 6240 Old Dobbin Road, Suite 110, Columbia, MD 21045

6240 Old Dobbin Road, Suite 110, Columbia, MD 21045

Number of Members: 635

Name of Chair/President: Charles Phillips, Jr. - Board Chair

*This form can be submitted electronically via email to
councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

January 17, 2022

Dr. Opel Jones
County Council Chair, Howard County Council
3430 Courthouse Drive
Ellicott City, MD 21043

RE: CB 10- 2022 OPPOSE

Dear Chairperson Jones:

Undoubtedly the past two years have tested the resolve of us all as we have dealt with the remnants of Covid-19. From a business perspective, there have been numerous policies and initiatives aimed at assisting employers and employees. While the intentions of all policies are commendable, not all lead to positive outcomes for business owners. It is in that vein that the Howard County Chamber (Chamber) expresses our opposition to CB 10-2022.

As expressed in the previous paragraph, businesses have been hit with a continuous onslaught of mandated laws and regulations beginning with the response to the COVID-19 Virus. Thus, the timing of another bill dictating their internal operations could not come at a worse time. This is in on top of legislation that has been passed both locally or statewide that has added significant increase in employee compensation and administrative expenses. That legislation includes increased minimum wage, Maryland Healthy Working Families Act, Maryland Parental Leave Act, and the Maryland Flexible Leave Act. These policies have noteworthy intentions but when layered upon one another they have a debilitating on Maryland employers' ability to continue operations. These concerns are in addition to inflation, supply chain disruption, and worker shortage/demands for higher wages.

The hospitality, restaurant and entertainment industries have been hit disproportionately hard due to the COVID virus. The potential passage of CB10-22 will further disrupt the hiring process and subsequently recovery of these industries in the county. Employers operate in an "At Will Employment" environment which generally means that an employer can terminate an employee at any time for any reason, except an illegal one, or for no reason without incurring legal liability. Likewise, an employee is free to leave a job at any time for any or no reason with no adverse legal consequences. CB 10-2022 is a direct assault on the "At Will employment" doctrine and its potential implementation sends an unfavorable message to employers and prospective investors creating the perception that Howard County government will interfere in the routine management decisions of private sector employers.

Equally troubling is the fact that this legislation appears to come on the heels of a county employer – labor collective bargaining dispute. Such dispute should be resolved through the judicial process not the legislative. All the evidence would indicate that employers in Howard County are looking to hire or re-employ qualified workers when and if they are able to open. There is no justification for the Council to interfere in the relations between labor and employer. If there is a need for employees or unions to resolve an issue with any employer, there exist appropriate state and federal authorities who are experienced in addressing such concerns, not the County Council.

We know this proposed legislation is following in a lineage of recent legislation passed in select cities across the country. While the legislation may have passed, it is still not appropriate and does not allow employers to manage their own business and properly staff their operations as they navigate a tough economic recovery.

Operational and motive interests aside, we also have definitional concerns as well. As we consider the specific language of the bill, various definitions of “Employer, Length of Service, Person, Laid-Off Employee” lend themselves to broad, and likely misinterpretation. The bill’s “IMPLEMENTATION” indicates that the Howard County Human Rights Administration (HRA) will administer this statute. What is unclear is how will the initial determination be made in these situations? Will employers determine how to apply the statute or will the unemployed worker, the HRC, or the union as the case may be? Moreover, it appears that the HRA’s experience is related to the investigation and processing of complaints of unlawful discrimination in Employment, Housing, Public Accommodation, and Financing (Lending Institutions) as opposed to labor disputes. Note, we are not questioning the capabilities of HRA but we cannot help but question their capacity whether we want the HRA to become the final arbiter, a local Labor Relation Board, eventually required to resolve labor disputes involving recalls.

For the reasons outlined above, we hope the Council will reconsider the passage of this legislation and ultimately vote “no” and encourage disagreeing parties to follow the already legal remedies available in the County and as outlined by the collective bargaining process.

Respectfully,



Leonardo McClarty, CCE
President/CEO, Howard County Chamber

CC: Howard County Council
Howard Chamber Board of Directors
Cheryl Brown, Esq. – Davis, Agnor, Rappaport, & Skalny
Andrew Robinson, Esq. – Offit Kurman



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Kathleen Uy, have been duly authorized by
(name of individual)

Progressive Democrats of Howard County to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB10-2022 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Kathleen Uy

Signature: *Kathleen Uy*

Date: 1/16/2022

Organization: Progressive Democrats of Howard County

Organization Address: 6801 Oak Hall Lane #6573 Columbia, MD 21045

6801 Oak Hall Lane #6573 Columbia, MD 21045

Number of Members: 20

Name of Chair/President: Jake Burdett

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HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION


I, Clayton Sinyai, have been duly authorized by
(name of individual)

Catholic Labor Network to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding Council Bill 10-2022 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Clayton Sinyai

Signature: 

Date: 12 Jan 2002

Organization: Catholic Labor Network

Organization Address: Washington DC 20057

Washington DC 20057

Number of Members: 185

Name of Chair/President: Clayton Sinyai

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councilmail@howardcountymd.gov no later than 2 hours prior to the start of the
Public Hearing.*

Sayers, Margery

From: Tonya Tiffany <tntfitness@yahoo.com>
Sent: Tuesday, January 11, 2022 12:33 PM
To: CouncilMail
Subject: CB-10-2022 Support

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear County Council Members,

I would like to express my full support of CB 10-2022. Our county residents who were laid off were Mothers, Fathers, Sisters and Brothers, Daughters and Sons. Many are young couples who are just getting ready to start their families and did not want to risk potential adverse side effects. I know of at least 6 families where this is the case. They are not anti-vax people, they are young couples just getting started in life's journey together.

This bill will allow those families to provide desperately needed support to the county and to their own families. Please give these families a chance to proceed on their journey together, how they see fit.

As we have seen this past month, Omicron does not care if a person is vaccinated or not. It will be just as contagious. The vaccination only helps how that individual person's body reacts to the virus, it did not help at all with containing the spread of the virus.

Thank you for your consideration of this bill,
Tonya Tiffany



CB10-2022: Right to Recall of Certain Laid-off Employees
01/18/2022

We support this legislation to provide some semblance of worker protections to those who have been adversely impacted by the pandemic. At a time when income inequality has reached a staggering level, the pandemic has revealed and exposed the level of income insecurity and lack of employment guarantee many face. Worker protections are increasingly nonexistent. Thank you to Councilmember Liz Walsh for introducing it and we urge the county council to pass this emergency bill without delay.

A few months ago, a hotel called Merriweather Lakehouse opened to the public boasting new facilities and branded as a so-called Autograph Collection of the Marriott Hotels portfolio.

In a Baltimore Business Journal article, the hotel's owner, Mr. Costello said "Covid sort of changed the dynamic" and once the hotel was empty, he realized "it was in so much worse condition than you could see with everyone being in there."

Mr. Costello said, "We replaced everything,"

They also replaced the employees, members of the Unite Here Local 7, who were laid off as part of the Hotel's replacement project. We note with sadness that many of the Hotel workers are black and brown women.

The hotel laid off its employees after receiving two PPP loans worth \$2.5 million with the stated purpose of preserving jobs. Instead of recalling the workers, the hotel has asked the workers to apply for their old jobs. If hired, they will likely receive less pay and even less protections. This is unacceptable.

This bill establishes a right of recall by an employer to those laid-off employees and prohibits retaliation by the employer against employees who file a complaint to the Human Rights Administrator alleging a violation of this law or participating in the Human Rights Administrator's proceeding regarding the alleged violation.

This is a common sense measure that those with economic power enjoy every day and we urge the county council to vote for this important worker protection and the county executive to sign it expeditiously.

Hiruy Hadgu

IndivisibleHoCoMD – Economic Equity Action Team

TESTIMONY IN FAVOR OF CB10-2022

by Paul J. Baicich, Chair, Our Revolution Howard County

18 January 2022

I'm here to express our enthusiastic support for CB10, the "right of recall" for employees in the hotel and event-center sector in the county, the proposal introduced by Council Member Liz Walsh.

You are surely aware that these hotel and hospitality workers (i.e., cleaning, maintenance, cooking, serving, and associated staff) across the country have been hit particularly hard by COVID layoffs. As this industry and service recovers, however, employers should *not* be able to use the pandemic as an excuse to refuse rehiring workers who were laid off *through no fault of their own*.

Overwhelmingly, these workers are also people of color and women. The last thing our county – one that often sees itself associated with "civility" - would want to do is perpetuate a "first-fired, last-hired" phenomenon.

We know that this industry has received generous public funds – especially federal Paycheck Protection Program (PPP) - to keep afloat during the pandemic. This is all well-and-good, but there should be *a level of fairness and reciprocity* involved, and CB10 is just one tool that should be engaged.

Our county doesn't even have to break new ground with a CB10 "right-of-recall" approach. Nearby Baltimore and Washington DC have had such laws enacted as hotels and event-centers reopen and restaff. Indeed, entire states – e.g., California and Nevada – now have such legal worker-protection.

And CB10 can give these workers in Howard County (many of whom are our neighbors) the same kind of job protection. CB10 would create a level playing-field, requiring *all* employers here in this industry to offer rehiring to previously laid off workers for open positions *before they consider new applicants*.

In the context of "the great resignation," some workers across the country have *chosen* new opportunities, new work. But those are options they *have made*

themselves. What we don't need in Howard County, is "a great hotel cashiering," where these workers were shown the door with the start of the pandemic and now realize that their employer has locked that door.

Let's face it, the Howard County Council can right that wrong, helping open that door.

Let's face it, it's simply fair!

Thankyou.

Paul J. Baicich
7237 Swan Point Way
Columbia, MD 21045
410-992-9736



Sayers, Margery

From: wardesq@aol.com
Sent: Tuesday, January 18, 2022 5:05 PM
To: CouncilMail
Subject: Catholic Labor Network support for CB 10-2022

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Testimony on CB 10-

2022

Maryland Catholic Labor

Network: In Support

Presented by J. Ward

Morrow, 1/18/2022

Good Evening Council Chair and Honorable Members of the Howard County Council,

My name is James Ward Morrow and today I am representing the Maryland Catholic Labor Network, a state affiliate of the national Catholic Labor Network. The Catholic Labor Network represents the coming together of union members of the Catholic faith and all of those of Catholic faith who seek to support workers and their unions, as outlined in Catholic Social Justice teachings.

Additionally, as some of you may know I am also a Howard County resident, Catholic parishioner at the Church of the Resurrection in Ellicott City, Member of the Parish Social Justice Committee, Executive Board member of Local 2-Office and Professional Employees International Union (OPEIU) that is the staff union at the American Federation of Government Employees (AFGE) where I work for the national union as Assistant General Counsel.

The Maryland Catholic Labor Network stands in complete solidarity with UniteHere Local 7 and all of the impacted workers in full support of this important and necessary legislation. As we celebrated the national holiday commemorating the life and accomplishments of Dr. King just yesterday, let us remember his having said the time is always right to do what is right. The impact of covid is felt the hardest by those who have the least, as they have little to no savings to fall back upon. As many small and large businesses have closed or reduced service, service sector employees have been subjected to layoffs and

terminations. While many businesses do the right thing and bring back their tenured employees, some others have used the health crisis to lower wages, cut benefits, eliminate seniority, and mis-treat the very same employees whose sweat and blood made those businesses profitable in the first place.

It is these businesses, who mistreat their most loyal of employees, that require the passage of this legislation. Passage of this legislation will be economically beneficial to the many other businesses in the area. Currently, many organizations, certainly unions and those that are union friendly, as well as those connected to Catholic (and many other faiths or no faith) social justice doctrine, are and will be boycotting any hotel or facility in Howard County that fails to treat long time workers appropriately. Passage of this legislation sends the clear message that Howard County is a great place to work, cares about workers, and the place where you want to spend your money for events, which of course also leads to increased jobs, increased tax revenues, and increased profits for local businesses.

The Maryland Catholic Labor Network, working with other faith and community leaders, held a listening session to hear directly from these workers. They are our neighbors, our parishioners, fellow taxpayers, and your constituents. They have worked long and hard in Howard County and want nothing more than to get back to their work just as it had been prior to Covid. If a business leader won't honor that, and at least one has not, then that is why we need to pass this legislation, as other jurisdictions have done. Dr. King got it right when he said, "The labor movement was the principal force that transformed misery and despair into hope and progress." It is time for the Howard County Council to do the right thing in this case and unanimously pass this legislation.

Thank you,

Ward Morrow
2848 Leaf Shade Drive
Ellicott City, Md 21042

On behalf of the Maryland Catholic Labor Network



HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Tom Ballentine, have been duly authorized by
(name of individual)

NAIOP Maryland to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 10-22 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Tom Ballentine

Signature: Tom Ballentine

Digitally signed by Tom Ballentine
Date: 2022.01.19 18:06:20 -05'00'

Date: 1-19-22

Organization: NAIOP Maryland

Organization Address: Elkridge, Md 21075

Elkridge, Md 21075

Number of Members: 700

Name of Chair/President: John Hermann

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**HOWARD COUNTY COUNCIL
AFFIDAVIT OF AUTHORIZATION
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Glenard Middleton, have been duly authorized by
(name of individual)

Unite HERE _____ to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding **CB10** _____ to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Glenard Middleton

Signature: _____
Glenard S. Middleton, Jr.

Date: 1-19-2021

Organization: Metro Baltimore Council AFL-CIO

Organization Address: Baltimore, Maryland 21230

Baltimore, Maryland 21230

Number of Members: approximately 70,000

Name of Chair/President: Glenard Middleton

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Group_Representative_Affidavit_Digital

Tuesday, January 18, 2022 3:14 PM



HOWARD COUNTY COUNCIL AFFIDAVIT OF AUTHORIZATION TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Shehlla Khan, have been duly authorized by
(name of individual)

PATH - People Acting Together In Howard County
(name of nonprofit organization or government board, commission, or task force) to deliver testimony to the

County Council regarding CB 10-2022 & CB 07/08 to express the organization's
(bill or resolution number)

support for / opposition to / request to amend this legislation.
(Please circle one.)

Printed Name: Shehlla Khan

Signature: 

Date: Jan 18, 2022

Organization: PATH - People Acting Together In Howard County

Organization Address: 5885 Robert Oliver Pl
Columbia, MD 21045

Number of Members: 11 Institutions Accounting approx 5000 members

Name of Chair/President: Mary Ka Karahan and Tyrone P. Jones III

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