

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 475
Economic Matters

(Montgomery County Delegation)

Montgomery County - Displaced Building Service Workers Protection Act
MC 515-05

This bill establishes specified worker protections when a contract for building services is awarded to a successor contractor in Montgomery County.

Fiscal Summary

State Effect: None. The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill applies to all contracts for building services performed in connection with the care, maintenance, or security of an existing building or series of buildings under common management, control, or ownership equal to 75,000 square feet or more. It applies only to contractors with 15 or more employees. A building service employee includes a janitor, security officer, groundskeeper, watchman, door staff, maintenance technician, handyman, elevator operator, window cleaner, or building engineer. It does not include a managerial, supervisory, or confidential employee; an employee working in an executive, administrative, or professional capacity; an employee earning more than \$25 per hour; or an employee regularly scheduled to work less than 15 hours per week.

Within 10 days of notice that a contract is being awarded to a successor contractor, the current contractor must provide the successor contractor a list of employee names, addresses, dates of hire, and employment classifications and ensure that notice to employees is conspicuously posted at the affected site which sets forth employee rights provided by the bill.

The successor contractor is required to retain for a 90-day transition employment period the predecessor contractor's building service employees. The successor contractor must provide a written offer of employment to each employee stating the time within which the employee must accept the offer, no less than 10 days from the date of notice and no longer than five days prior to commencement of the new contract.

If the successor contractor determines that fewer employees are required for the new contract, it must retain employees by seniority within job classification and maintain, during the 90-day transition period, a preferential hiring list of employees not retained. The successor contractor must hire any additional site employees from the list until all the employees have been offered employment by the successor contractor.

Other than noted above, the successor contractor may not discharge a retained employee during the 90-day transition period without cause based on performance. At the end of the 90-day transition period, the contractor must provide a written employee performance evaluation and if the performance was satisfactory, the contractor must offer the employee continued employment.

An employee not offered employment or discharged in violation of the bill may bring action against the successor contractor and be awarded specified compensation and costs of benefits the employee would have been provided. An employee may not bring an action solely for the failure of an employer to provide a written performance evaluation.

Background: Several states and localities have laws providing protections for building service workers including the District of Columbia, Philadelphia, San Francisco, California, New York, and Illinois. This legislation is modeled after the Illinois law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery County; Judiciary (Administrative Office of the Courts); Washington Suburban Sanitary Commission; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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