

**DATE: JANUARY 17, 2019**

**FROM: LABOR RELATIONS & WORKFORCE DEVELOPMENT**

**SUBJECT: RESOLUTION NO. \_\_\_\_\_ - ADOPTION OF RESOLUTION  
ADHERING TO CITY OF LOS ANGELES ORDINANCE NO. 185356**

**SUMMARY:**

Staff requests adoption of a resolution that would require the Harbor Department to adhere to City of Los Angeles (City) Ordinance No. 185356, which amended Ordinance No. 171004 (the Service Contractor Worker Retention Ordinance).

In 1999, the Board of Harbor Commissioners (Board) adopted Resolution No. 5771 where it agreed to adopt City of Los Angeles Ordinance No. 171004, the Service Contractor Worker Retention Ordinance, as a policy of the Harbor Department. On December 5, 2017, the Los Angeles City Council adopted Ordinance No. 185356, which amended the Service Contractor Worker Retention Ordinance. The proposed resolution adopts Ordinance No. 185356 as a policy of the Harbor Department to ensure that the Harbor Department follows the most current provisions of the Service Contractor Worker Retention Ordinance as its policy.

**RECOMMENDATION:**

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II Section 2(m) of the Los Angeles City CEQA Guidelines;
2. Approve the proposed resolution whereby the Harbor Department would adopt City of Los Angeles Ordinance No. 185356 as a policy of the Harbor Department;
3. Authorize the Board Secretary to certify the adoption of the Resolution; and
4. Adopt Resolution No. \_\_\_\_\_

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**DISCUSSION:**

Background: At the January 13, 1999, Board Meeting, the Board adopted Resolution No. 5771, where the Board adopted as a policy of the Harbor Department the provisions of the, then recently adopted, City of Los Angeles Service Contractor Worker Retention Ordinance (Ordinance No. 171004). The ordinance required that when a City contract is terminated and will be replaced by a new contractor for the same services, the outgoing contractor must provide the successor contractor with a list of employees who meet certain requirements. The successor contractor has obligations regarding the hiring of these listed employees during a 90-day transition period.

The requirements of this ordinance were then incorporated into appropriate Harbor Department agreements, including contracts for the provision of personal services and container terminal permits.

Need for Resolution: Since adoption of Board Resolution No. 5771, the Harbor Department's policy is to adhere to the Service Contract Worker Retention Ordinance. On December 5, 2017, the Los Angeles City Council passed Ordinance No. 185356, which amended the Service Contractor Worker Retention Ordinance. The Los Angeles City Council amended the ordinance to clarify certain terms and confirm the ordinance's application to public leases or licenses. On January 26, 2018, Ordinance No. 185356 went into effect.

As the Board previously adopted a resolution for the Harbor Department to comply with the original Service Contractor Worker Retention Ordinance, staff seeks adoption of the proposed Resolution so that the Harbor Department will have adopted the most current version of the Service Contractor Worker Retention Ordinance adopted into law in January 2018.

**ENVIRONMENTAL ASSESSMENT:**

The proposed action is the approval of a resolution to adopt Ordinance No. 185356, which is the adoption of an ordinance that does not result in impacts on the physical environment. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(m) of the Los Angeles City CEQA Guidelines.

**FINANCIAL IMPACT:**

The proposed resolution is not anticipated to have a financial impact on the Harbor Department.

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**CITY ATTORNEY:**

The proposed resolution has been prepared and approved as to form and legality by the City Attorney's office.

**TRANSMITTALS:**

1. Proposed Resolution adopting City of Los Angeles Ordinance No. 185356.

FIS Approval: MB  
CA Approval: CSG



AVIN SHARMA  
Director of Labor Relations &  
Workforce Development



DAVID J. LIBATIQUE  
Deputy Executive Director  
Stakeholder Engagement

Approved:

  
FOR

EUGENE D. SEROKA  
Executive Director