

CALIFORNIA

Rehire Rules for Workers Displaced by COVID-19

As of Apr. 16, 2021, certain employers are required to give preference to rehiring and retaining employees displaced by COVID-19 when filling new positions. This [new law](#) applies to hotels, private clubs, event centers, airport hospitality operations, airport service providers and enterprises that provide building service to office, retail or other commercial buildings. The law expires **Dec. 31, 2024**.

Preference System

Employers must notify qualified, laid-off employees **within five business days** of all new job positions. If more than one qualified, laid-off employee applies, the position must be offered to the individual with the greatest length of service based on the date of hire.

Laid-off employees who receive an offer must be given at least five business days to accept or decline the offer. Employers can make simultaneous, conditional offers to laid-off employees, as long as preference parameters are observed. Employers must keep a record of these offers and related communications for three years.

Employers that decline to recall laid-off employees on the grounds of qualifications must provide laid-off employees a notice including the reasons for the decision within 30 days. Finally, employers cannot refuse to employ, terminate, reduce compensation or take other adverse action against any laid-off employee for seeking to enforce their rights under this law.

Employee Eligibility

Laid-off employees would qualify for a recall position if they held the same or similar position at the enterprise at the time of the employee's most recent layoff with the employer.

Laid-off Employee

Any employee who was:

- Employed for six months or more during the 12 months preceding Jan. 1, 2020; and
- Separated from employment due to a reason related to the COVID-19 pandemic, including a public health directive, government shutdown order, lack of business, a reduction in force or other economic, non-disciplinary reason related to the COVID-19 pandemic.

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