



OFFICE OF THE GOVERNOR

SEP 30 2020

To the Members of the California State Assembly:

I am returning Assembly Bill 3216 without my signature.

This bill would provide a right of recall and retention for specified employees previously laid-off due to a local, state, or federal declaration of a public health-related state of emergency. It would require specified employers to offer the same or similar jobs to laid off employees or those which the laid off employee could be trained to do, based on seniority. The bill additionally would require employers who hire an individual other than a laid-off employee to provide that laid-off employee with the name of the individual who was hired and all the reasons for that decision.

It would also require successor employers in these specified industries, regardless of the existence of a state of emergency, to give preference in hiring to employees of the incumbent employer by seniority.

I recognize the real problem this bill is trying to fix—to ensure that workers who have been laid off due to the COVID19 pandemic have certainty about their rehiring and job security. But, as drafted, its prescriptive provisions would take effect during any state of emergency for all layoffs, including those that may be unrelated to such emergency. Tying the bill's provisions to a state of emergency will create a confusing patchwork of requirements in different counties at different times.

The bill also risks the sharing of too much personal information of hired employees. There must be more reasonable tools to effectively enforce the recall provisions.



Finally, the hospitality industry and its employees have been hit hard by the economic impacts of the pandemic. I believe the requirements of this bill place too onerous a burden on employers navigating these tough challenges, and I would encourage the legislature to consider other approaches to ensure workers are not left behind.

Sincerely,



Gavin Newsom