

# Secure Scheduling

## Preliminary Policy Directions

06-22-16

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- Developed by Office of Labor Standards, Mayor's Office of Policy and Innovation, CM Gonzalez and CM Herbold staff members and Council Central Staff.
  - **Elected officials have not endorsed or made any final decisions regarding any of these proposals**
- Proposals subject to revision after review of survey results and stakeholder input.

# What is the problem?

- Businesses don't need the same amount of workers on a consistent basis.
- Workers bear the cost of the impact of resulting irregular scheduling practices
  - Impacts include erratic schedules, unreliable incomes, involuntary part-time status, not enough time to rest between opening and closing shifts and coercion from employers to take shifts.

## Overall Goal for Policy

- Balancing the need for predictability and flexibility for both workers and businesses

## Employer Coverage

- Large food services and drinking places and retail establishments
- UNDECIDED on setting size by number of employees (250+ - 500+) or number of establishments (20-40) worldwide
- *Survey results and additional information from Dunn & Bradstreet to inform final decision*

## Good Faith Estimate of Hours

- Written commitment provided upon offer
- Requirement for English and primary language spoken by employees
- Length of good faith estimate (quarterly)

## Right to Request Flexible Work Arrangement

- Coverage: Hourly employees
- Timing: At-hire, quarterly and at a significant life change
- Employer Response
  - Good faith consideration
  - Interactive dialogue
  - Grant request for caregiving, second job, or educational purposes unless bona fide reason/interferes with business operation
  - Written response

# Advance Notice of Schedule

- Two weeks (14 calendar days)

# Right to Rest

- Minimum 10 hours between closing and opening shift
- Written employee consent for shifts separated by less than 10 hours
- Employee gets 1.5x hourly wage for hours that make shift separated by less than 10 hours.
- UNDECIDED
  - No 1.5x hourly wage if employee voluntarily agrees or requests shifts separated by less than 10 hours
  - Maximum number of consecutive clopenings
  - Required minimum hours between closing and opening

## Availability List

- Employer required to create and use written availability list for schedule changes after schedule is posted
- Employer may only ask employee to be on list after offer and acceptance
- Employee may voluntarily opt-in or opt-out at any time without retaliation
- Right to Decline Additional Shifts with strong anti-retaliation language

# Predictability Pay

- Employee to employee shift swaps/shift coverage do not incur predictability pay
- Employer facilitated shift swaps or shift coverage through mass communication permitted.
- UNDECIDED
  - **Subtraction of Hours**
    - Options for any subtraction after schedule is posted = .5x , 1 hour, 4 hours or length of shift.
    - Options for subtractions with less than 24 hours = .5x or up to 4 hours.
  - **Addition of Hours**
    - Options for addition after schedule is posted at any time (if on availability list) = 0, 1
    - Additions within 24 hours (whether or not on availability list) = 1 hour
    - Additions within 24 hours (if not on availability list) = 1 hour

NOTE: Time measurements will be aligned in final proposal for consistency and ease of understanding.

# On-Call Shifts

- Worker earns for schedule on-call hours when not called in:
  - .5x pay; or
  - 4 hours or rest of shift (whichever is less)

# Access to Hours

- Employer must offer additional hours to existing employees before hiring externally
- Ability to post internally and externally concurrently
- Minimum 3 days for posting (physical and electronic distribution)
- Employee has 2 days to accept offer
- Only whole shifts can be distributed; no requirement to parcel hours
- Must offer hours to qualified candidate
- Exceptions:
  - Written Corporate Diversity Hiring Program (including but not limited to opportunities for youth, criminal records, age, LGBTQ, race, ethnicity and gender)
  - Participation in Diversity and Young Adult Hiring Program (bona-fide, written or partnership with government entity or non-profit organization)