

SAN FRANCISCO MODEL

Businesses Covered

“Formula Retail Establishments” (FRE) with at least 40 establishments worldwide *and* 20+ employees in San Francisco (includes janitorial and security contractors). In general, a FRE is a business with standardized array of merchandise, façade, signage, décor and color scheme, trademark or servicemark.

Major Component Parts

Two Weeks Notice: Employees must receive their schedule two weeks in advance.

Predictability Pay: If an employer makes changes to the posted schedules, the employee receives a certain amount of pay in addition to the hours worked, referred to as “predictability pay.” Schedule changes include modifications to the date or time of the scheduled shift, and shift cancellations.

Work Schedule Changes	Predictability Pay
Less than seven days notice but 24 hours or more	One hour of pay in addition to hours worked
Less than 24 hours notice	Two hours of pay for each shift of <i>four hours or less</i> , in addition to the hours worked Four hours of pay for each shift of <i>four hours or more</i> , in addition to the hours worked
On-call shifts cancelled with less than 24 hours notice	Two hours of pay for each shift of <i>four hours or less</i> , in addition to the hours worked Four hours of pay for each shift of more than <i>four hours</i> , in addition to the hours worked

Exceptions: Employers are not required to provide predictability pay in the case of natural disasters, public utilities failures, voluntary employee shift-trading, and the unexpected unavailability of another employee when the employer did not receive advance notice.

Offering Additional Hours to Part-time Employees: An employer must first offer additional work to existing part-time employees before hiring new employees or using contractors/temporary staffing, if the additional work is the same or similar to work the employee has performed for the establishment. Employees have 72 hours to accept any additional hours offered. An employer is not required to offer the employee a shift which would entitle the employee to overtime.

Part Time Employee Wage and Benefits: Employers shall provide part-time employees with the same starting hourly wage provided full-time employees who hold jobs requiring equal skill, effort, and responsibility. Hourly pay differential is permissible if based on reasons other than the part-time status, such as a seniority. Employers must also provide part-time employees with the same access to employer-provided paid time off as afforded to full-time employees.

Employee Retention During Change in Control: A successor employer must retain eligible employees for at least 90 days. If the successor employer determines it requires fewer eligible employees, it must retain eligible employees based on seniority.

Retention of Records: Employers shall retain employment and payroll records pertaining to current and former employees for no less than three years.