

# Secure Scheduling

**Legislative Process &**

**Initial Policy Directions** - policy directions proposed by City staff , not endorsed by elected officials

Oregon presentation  
07-21-16

# 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

# Legislative and Stakeholder Process

- **March through August 2016**
- **Legislative Process** – Mayor’s Office and City Council
- **Staffing** - Collaborative team with staff from Mayor’s Office, City Council and Office of Labor Standards
- **National and local research**
  - Susan Lambert, Lonnie Golden, CLASP, and others
  - Seattle scheduling study by Vigdor Measurement & Evaluation, LLC
- **Stakeholder Input** – Worker Advocates & Business
  - 8 separate meetings; 1 combined meeting
  - Additional meetings with business & workers
- **City Council Meetings**
  - Reports from stakeholder meetings
  - Discussion of national and local research

# Employer Coverage

- Large food services and drinking places and retail establishments

## Good Faith Estimate of Hours

- Written good faith estimate
- Provided upon hire and may revise on quarterly basis or when employee has exercised right to request a predictable, stable or flexible schedule
- Requirement for English and primary language spoken by employees

## Right to Request (i.e. worker input into schedule)

- **Timing** - At-hire, quarterly and at a major life event
- **Request** - Employees can request preferences/needs for a range of scheduling options
- **Employer Response**
  - Timely, Good faith consideration
  - Interactive dialogue
  - Heightened standard for requests caregiving, second job, or educational purposes. Request must be granted 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.

# Predictability Pay

- Compensation for employees who have hours added or subtracted from the established schedule.
- Exceptions

# Predictability Pay - Additions

- Options
  - Any change to established schedule that results in additional hours
  - Additional pay at regular rate
  - One hour of pay for any additions, **or**
  - Employers must use “availability list” for additions
    - No predictability pay for additions using availability list
    - One hour of pay for additions not using availability list

# Predictability Pay - Subtractions

- Options
  - Cancellation, change to dates or times that result in a loss of hours, phasing (i.e. employees leave before end of shift)
  - Additional pay at regular rate
  - .5x length of the shift or remainder of shift, **or**
  - .5x length of the shift, unless .5x the length of the shift was already worked, **or**
  - 4 hours of pay or hours already worked, whichever is less

## On-Call Shifts

- Compensation for employees who are scheduled on-call hours and are not asked to report to work
- Additional pay at regular rate
- Options
  - .5x the length of the scheduled, on-call shift, **or**
  - 4 hours of pay for shifts scheduled for 4 or more hours and 2 hours of pay for shifts scheduled for less than 4 hours

# 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:
  - Participation in Diversity and Young Adult Hiring Program (bona-fide, written or partnership with government entity or non-profit organization)