TACKLING UNSTABLE AND UNPREDICTABLE WORK SCHEDULES

A Policy Brief on
Guaranteed Minimum Hours
and Reporting Pay Policies

by Center for Law and Social Policy, Retail Action Project, and Women Employed

Following is an excerpt from this report that describes reporting time pay required in 8 states, DC, + Puerto Rico.

Appendix 1:

States with Reporting Time Pay Requirements

*Endnotes 62-66

State	Employees Covered	Pay Requirement	Exceptions	Citation & Notes
California	Non-exempt employees in specific industries, including the mercantile, public housekeeping, and amusement/ recreation industries.	If an employee reports to work when required, but is given less than half of the usual/scheduled day's work, the employee must be paid (at her regular rate of pay) for half of the usual/scheduled day's work, but not less than two hours nor more than four hours. Other provisions apply to situations where a worker is required to report for a second time in a single workday.	No pay is required when: (a) operations cannot begin or continue due to threats to employees or property or when recommended by civil authorities; (b) public utilities fail to supply electricity, water, or gas or there is a failure in public utilities or the sewer system; or (c) the interruption of work is due to an act of God or other cause not in the employer's control.	Cal. Code Regs. tit. 8, § 11010(5) - 11150(5) (2013) California has 17 separate wage orders covering a number of industries. Many of these orders contain requirements for "reporting time pay." The state agency publishes a 50-page booklet to help determine which order applies to a particular business or occupation. (Each wage order is approximately 10 pages long in small type and must be "posted where employees can read it easily.")
Connecticut	Non-exempt employees in specific industries, including the mercantile trade and restaurant industries.	An employee who reports for duty (by request or permission of the employer) must be paid a minimum of four hours of pay at her regular rate. For restaurant and hotel workers only two hours are required to be paid.	This requirement can be waived if an employee is regularly scheduled to work fewer than four hours, but specific requirements must be met.	Conn. Agencies Regs. §31-62-A2, B2, C2, D2, E1 (2013) In Connecticut, this "minimum daily earnings" requirement is set out in separate wage orders that apply to workers in certain industries. Some of the wage orders (covering laundry, dry cleaning, and beauty shop workers, for example) are not readily available online.

Appendix 1: States with Reporting Time Pay Requirements

State	Employees Covered	Pay Requirement	Exceptions	Citation & Notes
District of Columbia	Non-exempt employees.	If an employee reports for work under general or specific instructions but is given no work or is given less than four hours of work, the employee must be paid for at least four hours. The daily wage shall be calculated as follows: payment at the employee's regular rate for the hours worked, plus payment at minimum wage for the hours not worked.	If an employee is regularly scheduled for less than four hours a day, such employee shall be paid for the hours regularly scheduled.	D.C. Code Mun. Regs. tit. 7 § 907.1 (2013) This "minimum daily wage" requirement is a statutory obligation.
Massachusetts	Most non-exempt employees, except employees of charitable organizations.	If an employee is (a) scheduled to work three or more hours and (b) reports at the time set by the employer (and no work is provided), the worker must be paid for at least three hours at no less than the minimum wage.	An opinion letter issued by the state agency notes that, if a worker is, in good faith, scheduled to work fewer than three hours, she must only be paid for the time actually worked and the three-hour rule does not apply.	455 Mass. Code Regs. 2.03 (2013) This requirement (called the "three-hour rule" by the agency that administers it) is set out in regulations implementing the Massachusetts minimum fair wage law.
New Hampshire	Most non-exempt employees, except employees of counties or municipalities.	If an employee reports to work at the employer's request, she must be paid not less than two hours' pay at the regular rate of pay.	No pay is required if the employer makes a good faith effort to notify an employee not to report to work.	N.H. Rev. Stat. Ann. § 275:43-a (2013) This is a statutory requirement.
New Jersey	Non-exempt employees.	If an employee reports to work at the employer's request, she must be paid for at least one hour at the applicable wage rate.	No pay is required if the employer has made available to the employee the minimum hours of work agreed upon by the employer and the employee prior to the commencement of the workday involved.	N.J Admin. Code § 12:56-5.5 (2013) This is a statutory requirement.

State	Employees Covered	Pay Requirement	Exceptions	Citation & Notes
New York	Non-exempt employees in specific industries, including the restaurant and hotel industries.	The requirements vary under different wage orders. For example, in the restaurant and hotel industries, an employee who (by request or permission) reports for duty must be paid at least three hours for one shift or the number of hours in the regularly-scheduled shift, whichever is less. Other specific minimum payments are required when workers were scheduled to work two or three shifts. In the wage order that applies to "miscellaneous industries and occupations," an employee is entitled to a minimum of four hours of pay, or the number of hours in the regularly-scheduled shift, whichever is less. The rate of pay varies under the wage orders, but seems to be based on the minimum wage (with specific provisions for tipped employees).	None.	N.Y. Comp. Codes R. Regs. tit. 12, § 142-2.3 (2013) These "call-in" pay provisions are set out in separate wage orders that apply to specific industries. There is no call-in pay provision in the wage orders for the building services industry or for farm workers.
Oregon	Employees younger than 18 years old.	A minor who is required to report for work must be provided sufficient work to earn at least one-half of the amount earned during the minor's regularly scheduled shift or be paid reasonable compensation if the work is not provided. (continued on next page)	None.	Or. Admin R. 839-021-0087 (2013) This is a statutory requirement.

State	Employees Covered	Pay Requirement	Exceptions	Citation & Notes
Oregon (continued)		(continued from previous page) Reasonable compensation means the greater of: (a) the amount the minor receives for one hour of work at her regular rate of pay; or (b) the amount determined by multiplying the minor's regular rate of pay by one-half of the hours the minor was scheduled to work.		
Puerto Rico	Employees in the construction; quarrying; ice cream; lumber and wood products; metal furniture; doors and windows; straw, hair, and related products; laundry and dry cleaning; transportation; general agricultural activities; and stone, clay, glass, cement, and related products industries.	An employee is guaranteed at least four hours of pay at the regular rate.	The requirement does not apply when: (a) the employer notifies the employee before the end of her previous work shift not to report; or (b) acts of God prevent the performance of work.	Minimum Wage Board Reg. No. 7; Mandatory Decrees 7, 11, 15, 20, 22, 23, 24, 25, 37, 38, 41, 44, 50, 57, 67
Rhode Island	Non-exempt employees.	An employer who requests or permits an employee to report for duty at the beginning of a shift must either provide three hours of work or three hours of pay to that employee. A separate provision states that non-exempt retail employees must be guaranteed at least four hours' work on Sundays or holidays at time-and-a-half.	Administrative regulations confirm that no pay is required if an employee is prevented from working a normal shift by events beyond the employer's control or by acts of God.	R.I. Gen. Laws. § 28-12-3.2 (2012) This is a statutory requirement.