

Secure Scheduling Proposal

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Office of Councilmember Gonzalez
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What is the problem?

- Reality:
 - Businesses don't need the same amount of workers on a consistent basis
- Problem:
 - Workers bear the cost and impact resulting from 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

1. Retail Establishments:
 - 500 Employees Worldwide
2. Quick/Limited Food Service Establishments (Fast Food, Coffee, Drinking Places):
 - 500 Employees Worldwide
3. Full Service Restaurants:
 - 500 Employees & 40+ Establishments Worldwide

Employee Coverage

- Hourly, non-exempt employees (i.e. same definition as Minimum Wage Ordinance).
- Employees must work at least 50% within city of Seattle boundaries (same as FCE ordinance).
- Worker Initiated Alternative: Workers of covered employers may ratify, through a collective bargaining agreement, an alternative structure for secure scheduling that meets the public policy goals of this ordinance

Good Faith Estimate of Hours

- Written good faith estimate = median number of hours that the employee is expected to work each week and whether they will be expected to work on-call shifts
- Provided upon hire, must be revised annually and when there is a significant change
- Provided as part of “notice of employment information” required by Wage Theft ordinance
- Not considered a contractual offer
- Requirement for English and primary language spoken by employees

Right to Request Input into Schedule

- Coverage: Hourly employees
- Timing: At-hire and during employment
- Right allows employees to state preferences on 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 required

Advance Notice of Schedule

- Two weeks (14 calendar days)

Right to Rest

- Minimum 10 hours between closing and opening shift
- Employee may 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
- Does not include split shifts

Predictability Pay

Additional Hours

- 1 hour of predictability pay for changes to schedule after original posting.
- Exceptions:
 - Employee to employee shift swaps or shift coverage (that manager may approve) do not incur predictability pay
 - Employer facilitated shift swaps or coverage using mass communications, such as text or email, will not incur predictability pay so long as coverage is for existing hours that need to be filled due to an employee's inability to work a scheduled shift.
- Loss of Hours
 - Workers entitled to .5x of hours cut from schedule

On-Call Shifts

- Worker earns .5x for scheduled on-call hours when not called in

Pattern or Practice

- A systemic pattern or practice of under-scheduling (comparing scheduled hours to actual hours worked) will constitute a violation of the ordinance.

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
- External hiring process can begin earlier if employer receives confirmation that all qualified internal candidates decline additional hours.
- Only whole shifts can be distributed; no requirement to parcel hours
- Must offer hours to qualified candidate
- Exceptions:
 - Seasonal Hiring
 - Participation in Diversity and Young Adult Hiring Program (bona-fide, written or partnership with government entity or non-profit organization)

Availability List

- Employer must offer additional hours of work to existing employees before hiring additional employees or subcontractors, or temps for that particular workplace
- Employer may use optional availability list to identify workers who would like to be available for access to hours
- Employees automatically included. Employer may only ask employee to opt-out of list after offer and acceptance
- Employee may voluntarily opt-in or opt-out at any time without retaliation
- Right to Decline Additional Shifts – Strong anti-retaliation language

Questions?

