



# Secure Scheduling

## Seattle Office of Labor Standards

03-14-17

# Rules Process

Create rules that work for employers & employees, and further the policy goals of the ordinance.

- **Ordinance Passed - September 2016**
- **Rules Process - October 2016 through March 2017**
- **Stakeholder Input – Worker Advocates & Business**
  - 8 combined meetings
  - Additional meetings with business & worker advocates
- **Labor Standards Advisory Commission**
  - 5 meetings

# Ordinance Policy

- **Predictable scheduling practices** that advance
  - Race & social justice;
  - Employee health, safety and welfare;
  - Greater economic security;
  - Increased employee input into scheduling, and
  - Access to additional hours of work for existing employees before the employer hires external employees.

# Ordinance Coverage

- **Large Employers**
  - Food services and retail establishments with 500+ employees worldwide
  - Full-service restaurants with 500+ employees worldwide & 40+ locations worldwide
- **Hourly employees**

# Key Components

- Definitions
- Employer & Employee coverage
- Good faith estimate of work schedule
- Right to Request input into schedule
- Advance notice of work schedule
- Notice of work schedule changes
- Compensation for work schedule changes & Exceptions
- Access to hours for existing employees & Exceptions
- Notice and posting
- Prohibited retaliation



# Featured Rules

# Definitions

## Bona Fide Business Reason

- Bona fide business reason for declining an employee's request for work schedule preferences includes a work schedule change that would require an employer *to pay additional compensation* under
  - Secured Scheduling Ordinance,
  - Fair Labor Standards Act,
  - Minimum Wage Act, or
  - Employer's own written policy (e.g. holiday pay).

# Employee Coverage

## Employee Coverage

- Ordinance does not cover employees who work in *hourly administrative or professional, non-customer facing positions* (e.g. human resources, payroll, and receptionist positions).



# Good Faith Estimate of Work Schedule

## Significant change

- Employers shall revise the good faith estimate of work schedule once every year and when there is a “significant change.”
- A “significant change” to the work schedule occurs when there is a difference *of at least 30%* between the good faith estimate and the median number of hours in the written work schedule.

# Good Faith Estimate & Right to request input into schedule

## Interactive Process

- Employees may request particular times & locations of work; employers must engage in an Interactive process with the employee to discuss such requests
- The rules clarify the timeline, documentation requirements, and *suggested steps* for the interactive process following (1) a significant change to the good faith estimate; or (2) a request for input into the work schedule.

# Compensation for work schedule changes

## Grace Period

- Employers are required to pay additional compensation (i.e. premium pay) for employer-requested work schedule changes after the 14 day, advance notice of the schedule
- **15 minutes** = employers have a 15-minute grace period before additional compensation (i.e. premium pay) is due for hours that an employer adds or subtracts from an employee's work schedule.

# Exceptions

## - Compensation for work schedule changes

### Mass communications and in-person group communications

- Employers are not required to pay additional compensation for work schedule changes when they use mass communications and in-person group communications.
- **Requirements** – Mass communications & in-person group communications must convey
  - Accepting additional hours is voluntary and employee has the right to decline; and
  - Employee will not be entitled to additional compensation (i.e. premium pay) for a work schedule change.
  - ➡ In addition, mass communications must include language conveying that the message is a “mass communication.”

# Exceptions

- **Access to hours for existing employees**

## Exception for hiring programs

The 3 day notice & 2 day job offer “access to hours” requirements shall not apply to additional hours that the employer has designated for diversity, supported employment, and young adult hiring programs.

**Limits on designated hires** - When using hiring programs as an exception to “access to hours” requirements, employers shall limit the number of employees hired through the hiring program for the current calendar year to 15% or less of (1) all covered employees in Seattle; or (2) covered employees at the particular, fixed, point of sale location.

For employers who use combined hiring for more than one fixed, point of sale location, the employer may aggregate the number of employees hired through the hiring program for the fixed, point of sale locations which perform shared hiring.

## Temporary services, etc

### **Temporary services, staffing agencies, contractors, and subcontractors:**

- Joint employers are individually and jointly responsible for the provision of a good faith estimate;
- Employees of temporary services, staffing agencies, contractors and subcontractors may be considered “new employees” upon assignment to a covered employer and may be immediately added to the currently posted schedule; and
- Employers are not required to place employees provided by temporary services, staffing agencies, contractors and subcontractors on any access-to-hours list.