



812 SW Washington, Suite 1100, Portland, Oregon 97205 • (503) 525-8454 • www.nwjp.org

**Testimony of D. Michael Dale
Before the Senate Manpower Committee
February 27, 2017
SB 828 – Fair Scheduling**

I am the Executive Director of the Northwest Workers' Justice Project. I have been a lawyer since 1975, and have spent most of that time representing migrant and seasonal workers. The Northwest Workers' Justice Project provides legal representation to low wage contingent workers throughout the economy in sectors such as construction, building maintenance, landscaping, hotel and restaurant industry, food processing, agriculture and reforestation.

I testify in support of SB 828, and especially the provision of Section 3 for on-call pay. We have encountered a practice in the restaurant industry where wait staff is required to report to the work site, dressed appropriately for work, and then required to stand by to see whether their services would be needed for that day. On occasion the employee was required to wait for up to several hours, and then put to work. Sometimes, after such a wait, the employee was sent home. The restaurant contended that it was only required to pay the employee for any time he or she spent on the floor assisting customers.

While this is dubious under existing law—we believe that the employee is entitled to pay from the time of arrival at the restaurant--current law would not require compensation for the time a worker prepares for work, travels to work or arranges for child care, etc. A clear statement in the law requiring that an employee who is called to work must be paid for a minimal number of hours is sound policy.

We recommend this bill be adopted with a do pass recommendation.