

GUBANC'S, INC. | THE BABICA HEN, LLC | HARVEST HEN, LLC

Joseph M. Buck | President & Managing Member

Mailing: PO BOX 1461 | LAKE OSWEGO | OR 97035

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March 4, 2017

Honorable members of the House Committee on Business & Labor,

I own Babica Hen Cafe in Lake Oswego and Dundee and Gubanc's Restaurant in Lake Oswego. While I appreciate the general intent of HB 2193 (SB 828) and believe that certain egregious scheduling and employment practices should be unlawful to protect against unscrupulous employers, I write to express serious concern over specific aspects of this proposal that do not reflect the way a restaurant actually functions and the complex nature of scheduling restaurants face to meet a variety of business and employee needs.

I have never had an employee unable to attend school, hold a second job, care for a family and, most importantly, care for themselves so they are healthy people both in and out of the workplace. My managers and I care a great deal for the needs of our employees and communicate with our team members to construct schedules that meet a variety of needs. We re-write work schedules when school schedules change to ensure that employees seeking higher education are always able to do so. We also manage a constant switching of shifts to further accommodate many last minute personal requests. When the employee and employer are willing to work together most everything can be accomplished while meeting the needs of both. These common sense scheduling practices provide us with well-trained employees who are more likely to remain with the company long term. It is a win-win situation.

That said, attempting to provide stringent and uniform regulations for a multitude of situations and business environments takes away much of the flexibility that employees in restaurants seek. Our ability to accommodate a variety of unique schedules and the atypical hours of a restaurant are the reasons why students and others come to us for work. The 9:00am to 5:00pm employer work model simply does not provide the flexibility many of our employees need to meet other obligations or lifestyle choices. Employers and employees both enjoy the reciprocal benefits this flexibility provides. Some workers appreciate less flexibility and we accommodate those schedules just the same. There is no "one size fits all" for a restaurant worker nor for any one restaurant yet this bill attempts to legislate just that. The State could make unlawful certain egregious practices (sending workers home upon arrival, requiring workers to wait to clock in) while still allowing employers and their employees to work together on the variety of life situations those of us on the ground already deal with on a day-to-day basis that this or any legislation cannot possibly work to contemplate uniformly across the board.

Another concern is the strict shift scheduling this bill requires. The restaurant business is not an assembly line factory that stops production at the blowing of a whistle. Shift end times are provided within a reasonable range since a busy night may require a slightly longer shift than a slow night just in clean up time and service to customers, and we cannot predict the flow of business. Many restaurants post "until close" hours for this reason. It is completely impractical to abide by a firm end time for any shift in a restaurant yet this bill would require large employers to pay a penalty for exercising prudent business practice. These time variations, however, are not so extreme that folks cannot schedule other aspects of their lives or rely on a certain number of hours week-to-week.

We provide our employees with advanced notice of a mutually agreed upon set schedule so other aspects of their lives can be planned appropriately. That schedule is adjusted with notice to accommodate changes to school schedules and other personal needs. Sometimes, however, employees depart without notice due to no fault of the employer and shifts need to be covered last minute. Changes in weather and to customer parties can also necessitate small but necessary changes to the schedule. Like mentioned above, these changes are not so frequent

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or extreme as to provide complete unpredictability, but they serve to demonstrate that restaurants are not a predictable environment 100% of the time.

I appreciate the intent of this bill to protect against serious scheduling abuses, but this bill takes the regulation too far and will be detrimental to employees and businesses. Please do not approve this bill and instead bring industry professionals and employees to the table, listen to how we describe the unique features of our work environment and craft legislation that is protective without ruining what makes the restaurant and hospitality industries successful for employers and employees alike. Thank you for your legislative assessment and attention in crafting a better bill than this draft.

Sincerely,

A handwritten signature in black ink, appearing to be 'JB', written over a horizontal line.

Joe Buck