

From: Daniel Hamby
To: [SWF Exhibits](#)
Cc: [Scott Bean](#); [Tigard Which Wich](#)
Subject: Predictive Scheduling SB 828
Date: Thursday, March 02, 2017 12:01:48 PM

Dear Chair Taylor & members of the Senate Workforce Committee,

As new small business owners in Oregon, we have been reading about Senate Bill 828. The two primary issues that are specifically concerning are Sections 3 and 8. Section 3 dictates that an employer is required to pay an employee for a minimum of four hours or the number of hours in the employee's scheduled work shift, whichever is less, at the employee's regular rate of pay, on any day that the employee: (a) is scheduled or called to work and reports for duty but, due to the employer, does not work the employee's scheduled shift in its entirety; or (b) is notified less than 24 hours before a shift that the employee does not need to report to work or that the hours in the shift have been reduced. Section 8 dictates that an employer shall provide an employee with a work schedule in writing at least 14 calendar days before the first day of the work schedule.

Given the unpredictability of the quick serve restaurant business, the Section 3 rules will be impossible to comply with on many occasions. We have to schedule enough people to handle possible busy times in the afternoon, but often the business will slow down to the point where all scheduled employees are not needed. When we encounter this situation, we have to let employees leave before the end of their scheduled shift or have the labor rate increase to an unsustainable level. Combining these possible new rules with the fact that the minimum wage will be increasing \$1.50 on July 1st, this would be extremely detrimental to our business and will put the future of our business in jeopardy. Also, for Section 8, many of our employees have second jobs or are still in High School and are unable to provide us with their availability more than a few days ahead of time. Even given the short notice some employees are able to provide availability, we often have crew calling out because something came up and we have to scramble to find someone else to fill in. Trying to provide a schedule two full weeks ahead of time would increase the number of short term schedule changes and call outs tremendously, which would defeat the purpose of Section 8's intention. Our manager would end up spending an inordinate amount of time trying to manage a schedule that is constantly in flux and employees on vacation would constantly be called in to cover for employees that can't fulfill their assigned schedules.

We are now looking at opening a second location for our Which Wich stores, but are having to delay getting too far along in that process because we need to determine whether or not the business will be able to have any profitability with the new wages and potential rule changes. We are hoping to open four or five stores over the next 10 years, and currently employ 20 people at our first store, but the many new rules and regulations may prevent that from occurring if the costs of business are too high. For many of those employees this is their first job, and most prefer the week to week flexibility our type of business is able to provide.

Please oppose SB 828.

Sincerely,

Daniel Hamby and Scott Bean

Franchise owners

Which Wich Superior Sandwiches

Tigard, OR 97224