

From: Jay Harland
To: [SWF Exhibits](#)
Subject: comments on SB 828
Date: Tuesday, March 14, 2017 10:10:44 AM

Dear Senators,

The nature and type of my current business is not directly affected by the proposed predictive scheduling legislation to any meaningful extent.

I understand the motivation for this legislation. As a teen and in my early 20's, I worked in service industry jobs and I understand the desire protect workers in certain types of jobs.

However, I find two situations particularly alarming that are not captured by the proposed legislation as introduced:

1. There is no provision for *Force Majeure* (acts of God). In particular, this relates to weather and natural disasters. In periods of bad weather or a natural disaster, the employer can choose to do what is safest for the employees by calling off work. The business already pays a penalty when making this decision in the form of lost revenue. This legislation will add an additional penalty of essentially paying an additional half day of vacation pay for every employee who was scheduled to work. Moreover, the 24-hour restriction on timing encourages employers to make this decision well in advance of actual bad weather. This is bad for business and bad for the employees. It is possible to imagine circumstances where an employee could be in a life-ending automobile crash because of altered decision-making that this legislation incentivizes. This issue could be addressed with a provision that eliminates the predictive scheduling requirements where the National Weather Service has issued a weather advisory or warning for the forecast zone where the employer is located.
2. The other issue concerns weather dependent outdoor jobs- such as ski instruction, windsurf instruction, commercial fishing, or various types of agriculture and forestry and construction. Quite simply...there are times when last minute changes in the weather necessitate work cancellations. This is just part of the deal for these types of jobs and they are already priced into the labor market. Applying these types of regulations to these types of jobs is silly. I have commercial fished in Alaska, I have coached ski racing, I have instructed and managed a windsurf school in the Gorge, I have worked concrete construction and worked as a landscaper. The best part about these jobs is that they are outside and not in front of a computer. There are plenty of days I was all too happy not to get paid, even after coming into work, because no amount of money would have made endurance of the bad weather worth my hourly rate. This is the best case. In the worst case, creating an additional big penalty for the employer to proceed with work on days when they shouldn't will put employees and client lives in danger. Failure to put exemptions into any enacted legislation for outdoor jobs that are weather dependent is irresponsible and represents a complete failure of the legislative process for the rest of Oregon where lots of jobs are not in some new sky scraper in the Pearl District.

Please enter this email into the legislative record for this SB 828.

Sincerely,

Jay Harland
President
CSA Planning Lt.