



Hardworking people deserve fair workweeks. With a basic standard of predictable hours at decent pay, workers can support their families, stay healthy, and build thriving communities.

Senate Bill 828 and House Bill 2193, the Fair Work Week Act, provides workers with a sense of security. No one can live their life on an hour's notice. This proposal provides freedom and flexibility for employees to balance their work and life, and will help workers:

- Maintain **dependable and safe child care** schedules,
- Attend school or higher education with **certainty regarding their work and class schedules**, and
- Plan and **budget their personal finances**.

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SB 828 and HB 2193



Fair Work Week Act: **SB 828** and **HB 2193**

The Fair Work Week proposal will add stability to workers' schedules and will help workers to:

- ✓ Maintain **dependable and safe child care** schedules,
- ✓ Attend school or higher education with **certainty regarding their work and class schedules**, and
- ✓ Plan and **budget their personal finances**.

Workers can't live life on a day's notice.

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3 in 5 American workers are paid hourly. Of all early career hourly workers (26-32 years old):

- 50% have no input into their work schedules;
- 41% receive their work schedule with a week or less notice;
- 75% report at least some fluctuations in their weekly hours.

Workers can't live on a few day's notice, can't make a budget without a predictable paycheck, and can't build a better future without the flexibility to go back to school, get a second job, or start their own business.

Proposed Solution

The Fair Work Week proposal helps workers by bringing stability to their schedules while still allowing businesses the flexibility they need to operate. The measure will:

- Establish scheduling standards for hourly workers at large retail, food service, and hospitality establishments.
- Preserve the flexibility employers and employees need in making work schedules, while promoting stability for hourly workers.
- Incentivize adequate notice of work schedules and compensating employees for being flexible for accommodating short-notice changes.
- Promote adequate hours and full-time work for people who want it.
- Advance healthy schedules with adequate rest.
- Protect workers' right to provide input into schedules.

CERTAIN UNCERTAINTY:

NO INPUT ON SCHEDULING:



hourly workers report that their employer schedules them without their input. Among workers of color, the percentage is even higher:

55% of Black workers & 58% of Hispanic workers have **no say in their work schedules**.

LAST-MINUTE SCHEDULES:



early career adults (and almost half of those working part-time) are given their work schedules **less than one week in advance**.

UNPREDICTABLE HOURS:



hourly part-time workers reported that their hours fluctuated by an average of **87%** when compared to usual hours.

This makes it impossible for workers to predict their schedule or their income.



Fair Work Week Act: SB 828-3/-4 Amendments

Measure Summary

The 828-3/-4 version of the Fair Work Week Act will establish various rules regarding scheduling, based on type of employer:

FOR SMALL EMPLOYERS:

("Employer" has the broad definition given in ORS 652.310, and includes public bodies.)

FOR LARGE EMPLOYERS:

Employers who:

- Have at least **25 employees** in Oregon) *and*,
- Are in **retail, hospitality, or food service** industries.

On-Call Pay (Section Removed)

Employers pay the lesser of 2 hrs or actually scheduled time when an employee reports to work for scheduled time that is then cut.

Good Faith Estimate (Sec. 4)

Employers will provide a good faith estimate of hours and on-call shifts at time of hire, and revisit annually.

Advance Notice of Schedule (Sec. 5)

Employers will provide written work schedules two weeks in advance, including regular and on-call shifts.

Right to Rest Between Shifts (Sec. 6)

Unless employee requests or consents, employer may not schedule shifts across 2 days without 10 hours between them.

Predictability Pay (Sec. 7)

Pay for unplanned schedule changes; half of hours not worked or +1 hour when hours added. Except for requests, emergencies, etc.

Access to Hours (Sec. 8)

Employer must offer additional (non-overtime) hours to existing qualified employees first. Employer may consider seniority, experience.

Right to Request (Sec. 9)

Workers may request a scheduling preference. (There is not an obligation that the employer honor the request.)

Employer Recordkeeping (Sec. 11)

Employers retain records related to compliance, including hours, payroll, etc. Retention for 3 years.

Posting & Administration (Sec. 10, 12-16)

Employers must post relevant BOLI notice. Enforcement through BOLI. Does not create contractual rights for at-will employees.





FREQUENTLY ASKED QUESTIONS

Will workers still be allowed the flexibility to swap shifts or have a say in working more or less hours?

Yes, of course! Voluntary shift swaps are already a common practice at a lot of businesses, and nothing in this measure would change that. The 828-3/-4 amendments further clarify this exception in Section 7(2) and also in Section 14(5). In addition, Section 7 won't be triggered if an employee voluntarily picks up hours due to an employer's mass communication about a shift that needs to be filled. However, a large employer may not single out a particular employee for additional unscheduled hours without including an additional hour of compensation as well.

Will workers still be able to work split shifts or double shifts?

Of course! Split shifts and doubles will not be affected by the policies which have been proposed. However, large employers in retail, food service, or hospitality who schedule a worker on two shifts on two different days without at least 10 hours of rest in between may be subject to paying overtime pay.

What if last-minute schedule changes are simply necessary for a business?

This measure provides for that! Nobody can predict the future (or the weather) with 100% accuracy. Section 7 of the 828-3/-4 amendments (Sec. 10 of the introduced version) provides allowances for employers to make changes in the event of disasters, weather events, utility problems, and other circumstances.

Would the "Access to Hours" section require employers to pay overtime to employees?

No. The "Access to Hours" section provides for hours to be offered to existing employees under certain circumstances, but Section 8(4) of the 828-3/-4 amendments (or Section 12(5) of the introduced version) clarifies that the section does not require offering overtime hours.

Who would be covered by these policies?

Workers at big national coffee, retail, and food chains have been calling for secure schedules for quite some time, which is why the measure proposes secure scheduling policies that apply to them. Workers in other industries and at smaller employers have raised scheduling concerns as well, but the issues are newer there, and more study may be needed to determine how best to improve practices in these other industries and at smaller companies.

Almost all provisions in the bill apply only to employers who are in the retail, food service, or hospitality industries **and** have more than 25 employees in Oregon. All employers are subject to Section 9 of the 828-3/-4 amendments, which allows employees to express schedule preferences without fear of retribution. (Employers are not required to honor the requests.)

Why should the State be involved in workers' schedules?

Oregonians can't live their lives on a few day's notice. A person can't make a household budget if they can't predict their paycheck, and can't build a better future when they don't have the flexibility needed to go back to school, get a second job, or start their own business.

Predictable schedules give parents the opportunity to plan time with their kids so they can eat dinner together, go the park, or help with homework. Predictability gives workers the opportunity to plan time to get a second job, go back to school, or start a business. And predictable schedules give neighbors the opportunity to plan the time to volunteer, live balanced lives, and participate in their communities. These are broad public interests.

What recordkeeping requirements are there?

In the 828-3/-4 amendments, only large employers in retail, food service, or hospitality industries will keep records pertaining to payroll and work schedules.

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