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April 14, 2017

House Committee on Business and Labor re: HB 2193 – Employee Scheduling

Dear Chair Holvey, Vice-Chairs Barreto and Bynum, Committee Members:

Plaid Pantries, Inc. and the Oregon Neighborhood Store Association oppose HB 2193 because it would reduce flexibility for our employees, hurt employees who want to work extra overtime hours, and penalize employers for accommodating their employees' scheduling needs.

We currently produce a two week advance schedule with input from our employees. But it is difficult for our employees themselves to predict what will happen in their lives two weeks in advance, and quite often even a single day in advance. Most of our schedule changes occur on short notice, and are initiated by our employees. For example, employees frequently:

- Call in sick with little to no notice.
- Schedule a doctor visit with short notice.
- Quit with little to no notice.
- Request vacation with less than 2 weeks' notice.
- Have second jobs with changing schedules that require accommodation.
- Have short-notice changes in school schedules.
- Request time off for final exams with short notice.
- Request extra work hours during school breaks.
- Require bereavement leave on short notice.
- Encounter unexpected child care issues.
- Have a spouse, partner or child that is ill and requires care.
- Have a spouse or partner schedule vacation after the schedule is written.
- Have a child's school appointment or activity scheduled with short notice.
- Are sometimes late for work, which requires extending the shift of the employee on duty.

Most of our stores have only a single employee on duty, so replacement employees are often needed on short notice. An individual store does not have multiple people available to swap or fill in on similar job functions. Employee-initiated schedule changes usually require management coordination of employees from multiple stores.

It is unreasonable to expect an employee who is either sick, has a family care need, or other unplanned personal need to have the added burden of attempting to find a replacement worker for their scheduled shift. We currently accommodate virtually every request for time off for any reason, and our ability to do so is a valuable benefit for our employees.

The penalty pay for “employer-requested changes” is a catch-22. An employee-initiated change, of necessity, becomes an “employer-requested change”. An employer should not be punished for accommodating an employee’s need with a substitute employee who is willing and able to cover the shift. Employers will be forced to limit schedule change needs, creating problems for employees who need the change, and hurting the substitute employees who want the extra overtime earnings.

We propose an exception to the penalties in the bill for employee-initiated schedule changes because we don’t believe it is fair to penalize employers for accommodating their employees’ needs.

Another problem with this bill is the requirement to offer work to existing employees before hiring a new person. Virtually all new hires in our company and industry are for entry-level positions, and employees are promoted from within for positions of increased responsibilities and pay. Existing experienced employees would not be interested in stepping down to an entry-level position and pay.

We propose an exception to the additional work hours available notice to other employees in the case of entry-level new employee hiring.

Instead of providing more flexibility and predictability for employees’ schedules, this bill would force employers to minimize schedule changes to avoid penalties. We urge you not to enact a law that will severely limit our current ability to meet our employees’ scheduling needs.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "WC Girard".

William C. Girard, Jr.
CEO, Plaid Pantries, Inc.
Chair, Oregon Neighborhood Store Association