

SB 828 B STAFF MEASURE SUMMARY**Carrier:** Rep. Lininger**House Committee On Rules****Action Date:** 06/27/17**Action:** Do Pass the B-Eng bill.**Vote:** 7-1-1-0**Yeas:** 7 - Hack, Holvey, Kennemer, McLane, Nosse, Rayfield, Williamson**Nays:** 1 - Barreto**Exc:** 1 - Smith Warner**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Erin Seiler, LPRO Analyst**WHAT THE MEASURE DOES:**

Establishes employee work scheduling standards for employers in certain retail, hospitality and food service industries with at least 500 employees worldwide. Beginning July 1, 2018, retail, hospitality and food service employers with 500 or more employees worldwide must provide good faith estimates of employees' work schedules at the time of hire and provide current employee with seven days' notice of work schedule. Beginning July 1, 2020, extends advance notice requirements to 14 days. Employer is required to compensate employees for schedule changes without seven-days advanced notice. Provides exceptions. Stipulates that employee may decline work hours not included in schedule; request not to be scheduled during specific times or at certain locations; and request additional work shifts. Exempts requested shifts from notice requirements. Prohibits scheduling work shifts that do not allow 10 hours break time in between shifts unless employee earns 1.5 times scheduled rate of pay. Permits employers to maintain standby list of employees who have agreed to work additional hours; provides criteria for use of standby list and penalties for violation of criteria.

Employer is required to maintain records relating to compliance for three years. Makes it unlawful employment practice to interfere with employee rights or retaliate against employee for exercising rights granted to employee in Act. Provides private right of action and administrative remedies for violations. Repeals sunset of preemption of local government regulation of work schedules. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Predictability in schedule for working parents
- Employers and employee types covered by notice requirements
- Circumstances that exempt employer from requirements
- Work group that reached consensus measure
- Implementation period
- Impact on employers

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2015, San Francisco implemented the nation's first set of work scheduling protections. In 2016, Seattle, Washington and Emeryville, California followed suit by adopting scheduling policies for retail and food service workers and fair workweek regulations. During the 2015 legislative session, the Oregon Legislative Assembly's House Committee on Business and Labor heard measures related to predictable work scheduling. Although no measure passed out of committee, a work group was formed, holding meetings throughout the 2016 interim to discuss predictable scheduling, and receive input from San Francisco and Seattle city officials and an academic researcher.

SB 828 B STAFF MEASURE SUMMARY

Senate Bill 828-B establishes scheduling standards for retail, food service and hospitality employers who have 500 or more employees worldwide to provide good faith estimates of employees' work schedules, seven-days advanced written notice of work schedules, predictability pay when schedules change, a right to rest between shifts, and extra compensation for hours worked when fewer than 10 hours separate shifts. In addition, the measure allows employers to maintain a standby list that includes employees who have agreed to work additional hours, provides criteria for employer use of the standby list, and prescribes penalties for violations of standby list requirements.

The measure provides the following exceptions to requirements for predictability pay:

- Employee mutually agrees with another employee to employee-initiated work shift swaps or coverage;
- Employer changes start or end time of an employee's work shift by less than 30 minutes;
- Employee on voluntary standby list consents to work additional hours;
- Employer has contacted all employees on the standby list and still requires additional employee coverage;
- Employer requests that employee work additional hours to address unanticipated customer needs or unexpected employee absence;
- Employee consents in writing to work additional hours;
- Employee requests changes to their work schedule and documents the request in writing;
- Employer subtracts hours from an employee's work schedule for disciplinary reasons with just cause;
- Employee's work shift or on-call shift cannot continue due to threats to employees or property or due to recommendation of a public official;
- Employer requests employees to work additional hours through group communication;
- Operations cannot begin or continue due to problems with public utilities or sewer system;
- Operations cannot begin or continue due to natural disaster or similar cause not within employer's control; and
- Hours of operation change because of cancellation, rescheduling or change in duration of a ticketed event due to conditions outside employer's control.