

# Secure Scheduling Employer Implementation

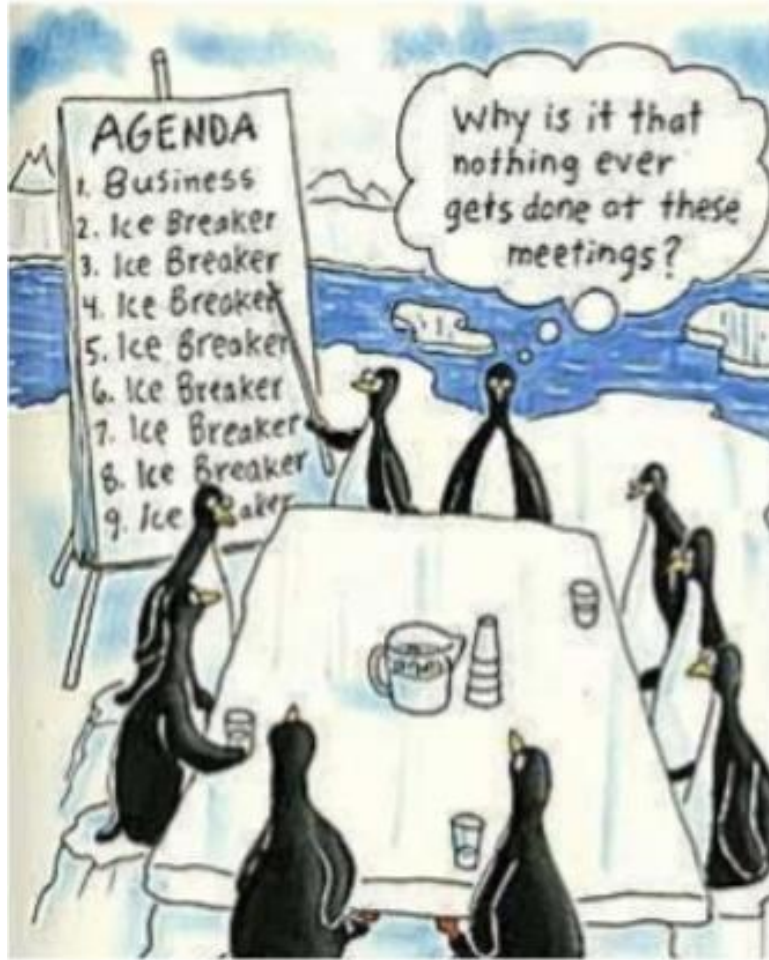
10/4/2018

Office of Labor Standards



City of Seattle

# Ice-Breaker



- What agency or organization do you represent?
- One thing you know about scheduling legislation/ employer implementation?
- One thing you want to know?



# Path to Employer Success



# Agency-Employer Relationship

- Isolate technical advice from enforcement function
- Create feedback loop
  - ❖ Stakeholder groups for law and rule development
  - ❖ Stakeholder feedback on outreach and training material
  - ❖ Agency tailored training at employer's business



# Agency Tools

<http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>

[illegible]

- ✓ Live and recorded webinars
- ✓ What to expect in a scheduling investigation
- ✓ Workplace Poster
- ✓ Questions & Answers
- ✓ Forms that drive compliance & translations

# Agency Tools—Forms that Drive Compliance

<http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>

Press to clear form  
(Form will retain employers information)

Date: \_\_\_\_\_



## Seattle Office of Labor Standards Notice of Employment Information

Employers are required to provide written notice of employment information to every employee working in Seattle, (1) at time of hire and (2) before any change to such employment information (except for manager or supervisor contact information). The notice must be provided in English and the primary language of the employee receiving the information. For more information contact Seattle Office of Labor Standards at (206) 684-4500 or see [www.seattle.gov/laborstandards](http://www.seattle.gov/laborstandards)

### Employee

Effective Date of this notice \_\_\_\_\_

☐ At hire ☐ Existing Employee

☐ Change to Employment Information - What change to employment information?

☐ Employer name ☐ Employer address ☐ Employer phone number/email address ☐ Employer tip policy

☐ Employee rate of pay or overtime eligibility ☐ Employee pay basis ☐ Employee pay day

1. Employee name \_\_\_\_\_

2. Employee position(s) \_\_\_\_\_

### Employer

1. Name \_\_\_\_\_

Other name of employer, including "doing business as" name  
\_\_\_\_\_

2. Physical address

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mailing address ☐ Same as physical address

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

3. General phone number \_\_\_\_\_ Email \_\_\_\_\_

4. Manager or supervisor name \_\_\_\_\_ Phone number \_\_\_\_\_

5. Manager or supervisor email \_\_\_\_\_

Published: 3/30/16 Revised: 5/25/17

### Employee Payment Information

1. Rate or rates of pay (e.g. hourly wage or annual salary) \_\_\_\_\_

2. Overtime eligibility – "Overtime eligible" means employers must pay 1.5x the regular rate of pay for hours worked in excess of 40 hours in a workweek.

☐ Overtime eligible ☐ Not overtime eligible

3. Pay basis - check box

☐ Hour

☐ Day

☐ Piece rate

☐ Non-discretionary Bonus

☐ Discretionary Bonus

☐ Shift

☐ Week

☐ Commission (overtime eligible)

☐ Commission (overtime exempt)

☐ Salary (overtime eligible)

☐ Salary (overtime exempt)

☐ Other (please explain below)

Explanation: \_\_\_\_\_

4. Regular Pay day \_\_\_\_\_

5. Tip policy

☐ All tips are paid to the specific employee serving the customer

☐ Tip pooling

☐ Other tip policy

☐ None (not a tipped position)

Explanation - Employers must provide explanation of any tip sharing, pooling or allocation policies:  
\_\_\_\_\_

### Good Faith Estimate - Seattle's Secure Schedule Ordinance SMC 14.22

\*Only required for hourly (i.e. overtime eligible) employees at large retail and food services establishments with 500+ employees worldwide (additional requirement for full service restaurants to have 40+ full-service restaurant locations worldwide).

1. Median number of hours over the course of a year:

Year begins: \_\_\_\_\_ 1<sup>st</sup> Quarter: \_\_\_\_\_ 2<sup>nd</sup> Quarter: \_\_\_\_\_ 3<sup>rd</sup> Quarter: \_\_\_\_\_ 4<sup>th</sup> Quarter: \_\_\_\_\_

2. On-Call Shifts: YES NO

### Protections against Retaliation

Employers are prohibited from taking adverse action (e.g. firing, demoting, and making threats to report immigration status) against any person for exercising rights protected by Seattle Labor Standards.



Seattle  
Office of Labor Standards

For more information contact Seattle Office of Labor Standards at (206) 684-4500  
or see [www.seattle.gov/laborstandards](http://www.seattle.gov/laborstandards)



# Agency Tools—Forms that Drive Compliance

<http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>

## Good Faith Estimate - Seattle's Secure Schedule Ordinance SMC 14.22

\*Only required for hourly (i.e. overtime eligible) employees at large retail and food services establishments with 500+ employees worldwide (additional requirement for full service restaurants to have 40+ full-service restaurant locations worldwide).

### 1. Median number of hours over the course of a year:

Year begins:  1<sup>st</sup> Quarter:  2<sup>nd</sup> Quarter:  3<sup>rd</sup> Quarter:  4<sup>th</sup> Quarter:

### 2. On-Call Shifts: ☐ YES ☐ NO

## Protections against Retaliation

Employers are prohibited from taking adverse action (e.g. firing, demoting, and making threats to report immigration status) against any person for exercising rights protected by Seattle Labor Standards.



**Seattle**

**Office of Labor Standards**

For more information contact Seattle Office of Labor Standards at **(206) 684-4500**

or see [www.seattle.gov/laborstandards](http://www.seattle.gov/laborstandards)



# Agency Tools—Forms that Drive Compliance

<http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>

<b>Notice of Additional Hours</b>							
<b>Secure Scheduling Requirements:</b> Under Seattle's Secure Scheduling ordinance (SMC 14.22), employers must offer additional hours of work to current, qualified employees before hiring new employees. Employers must follow these requirements: <ul style="list-style-type: none"> <li>Post notice of additional hours at the workplace for three days.               <ul style="list-style-type: none"> <li>Provide all information that is on this form.</li> <li>Provide all information in English and the primary language(s) of all employees at the workplace.</li> </ul> </li> <li>Offer the additional hours to current, qualified employees.</li> <li>Provide qualified employees with two days to accept the offer.</li> </ul>							
<b>Date of Notice:</b>				<b>Due Date for Responding:</b>			
___ / ___ / 20__				___ / ___ / 20__			
<b>Position Title:</b>							
<b>Position Description/Duties:</b>							
<b>Required Qualifications:</b>							
<b>Expected Duration of Position:</b>							
<input type="checkbox"/> Temporary: Start Date: _____ End Date: _____ <input type="checkbox"/> Ongoing: Start Date: _____							
<b>Total Number of Hours Offered:</b>				<b>Hours Occur at the Same Time Each Week:</b>			
_____ Hours per Week				<input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Schedule:</b>							
<input type="checkbox"/> Schedule depends on employee availability; or <input type="checkbox"/> Schedule is listed below:							
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Start time:							
End time:							

EMPLOYERS MUST KEEP RECORD OF THIS NOTICE FOR THREE YEARS





# Corporate HR & Legal



- Don't want individual stores/branches implementing in a vacuum
- Drive fact-finding to local stores
- Isolate compliance & implementation to corporate HR or legal

# *Case Study:* *Predictability Pay at National Retailer*

Schedule  
change > 7  
min. requires  
manager  
comment

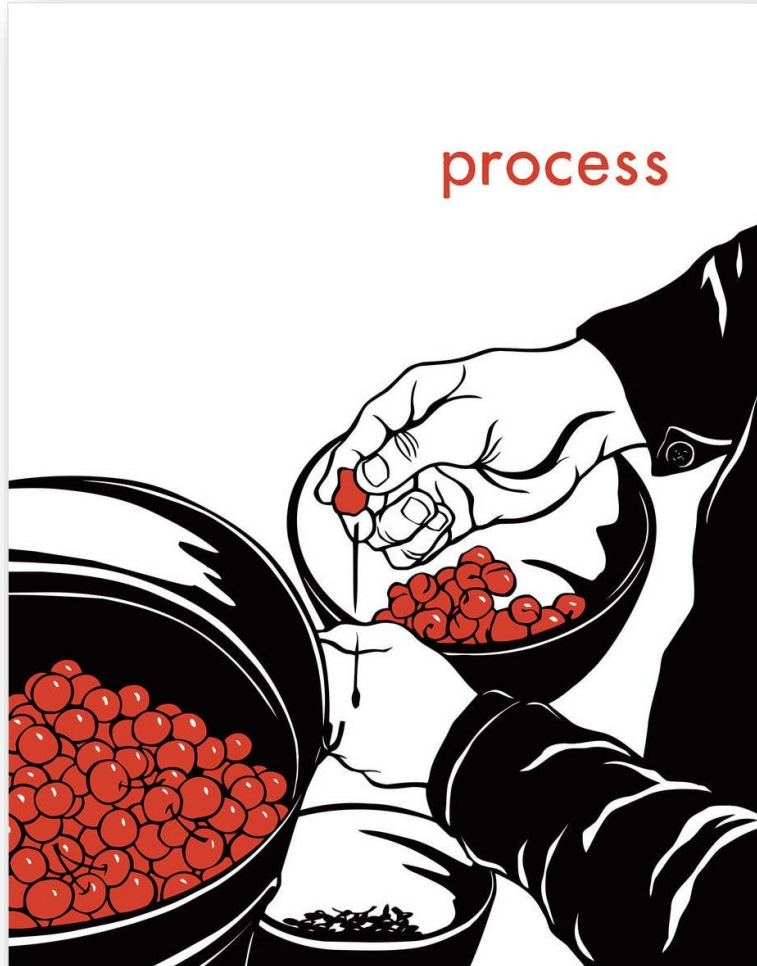
Corporate  
HR generates  
schedule  
change  
report

Cross-  
reference  
comments  
with  
exceptions

No  
comment/no  
exception →  
predictability  
pay



# Manual Processes vs. Automation



Source: Nikki McClure

- Clopening pay—automate through reports and payroll tie in
- Predictability pay with lots of exceptions
- Mass communication—possible to use texting platform with compliant template and document retention solution

# Cultural Change





# *Case Study:*

## *Cultural Change at National Retailer*

### **Predictability Pay**

- ✓ Eliminated flex hours for hourly managers
- ✓ Prohibited cutting employee hours when slow
- ✓ Required advanced planning:
  - Determine EE availability on front end
  - Know base hours per store

### **Cloping Pay**

- ✓ Stopped midnight launches of new products
- ✓ Required day off after late-night inventory shift



A silhouette of a person pushing a large sphere up a steep incline, set against a blue background.

# Employer Challenges

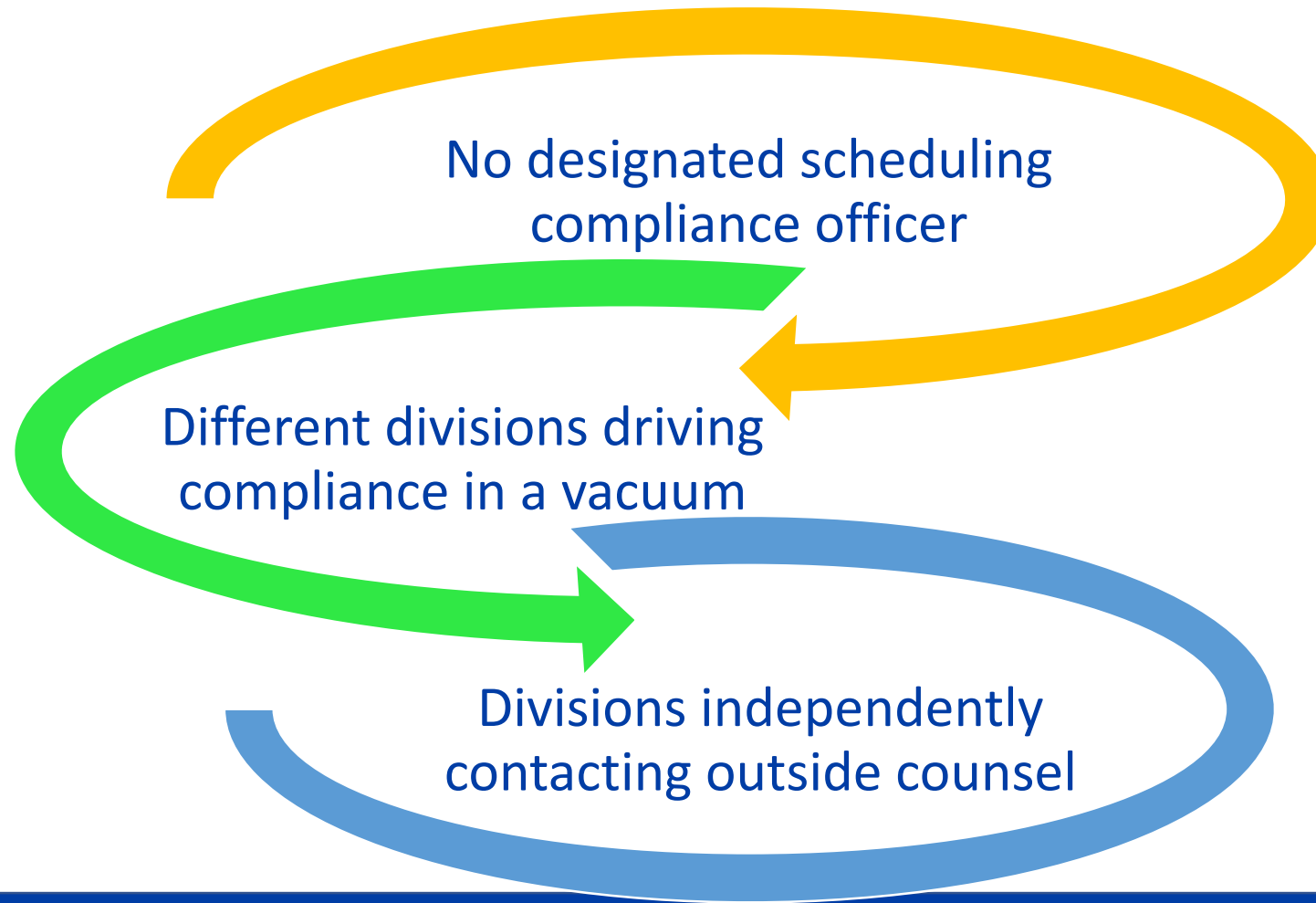


# Footprint

- Challenge of implementing complicated laws in single locations
- Cost of software solutions
- Corporate HR/Legal familiarity and willingness to invest resources

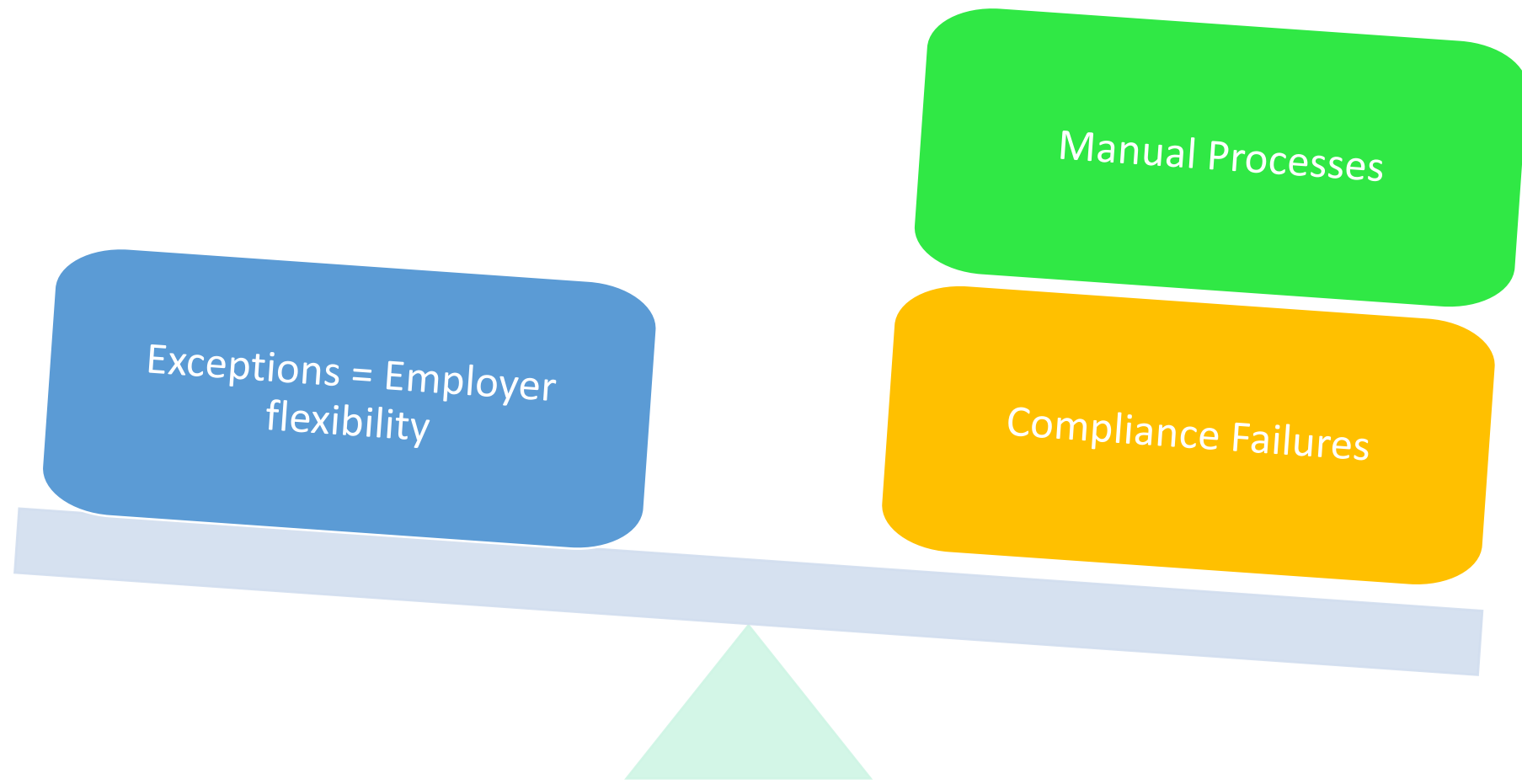


# Case Study: National Retailer

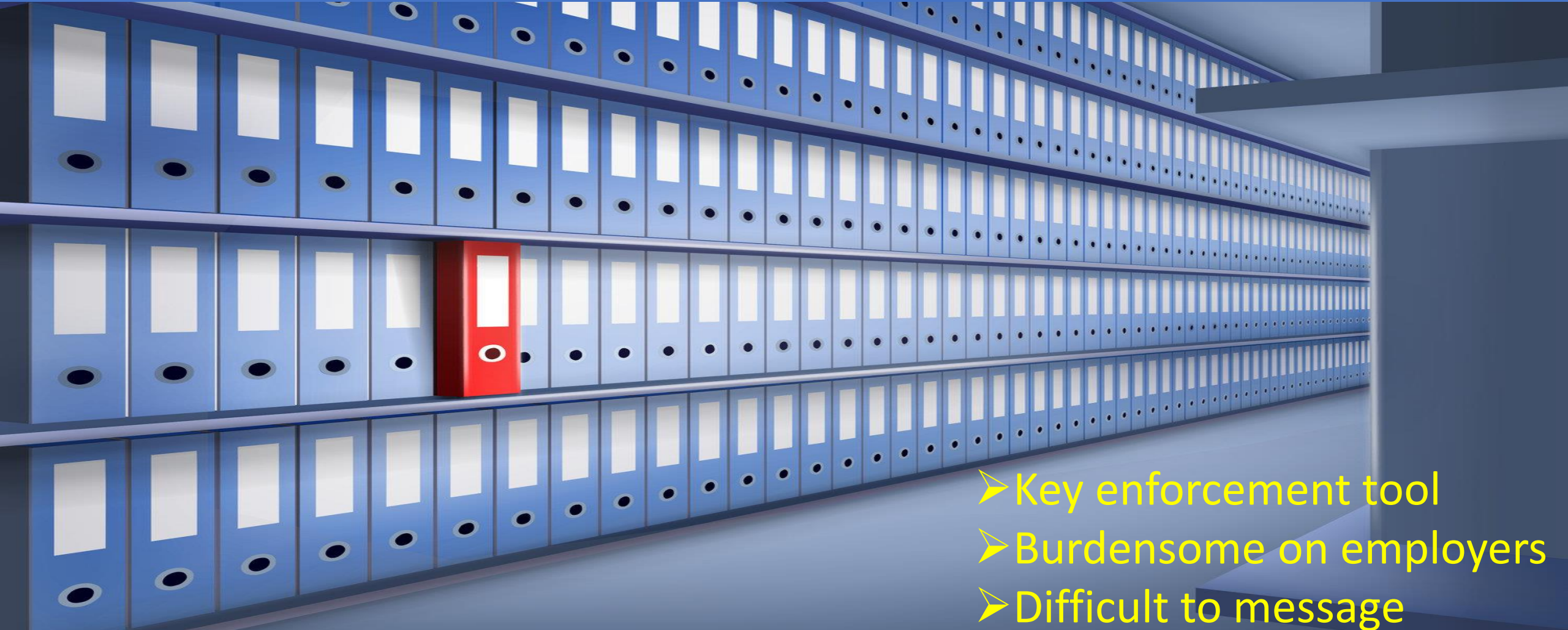




# Flexibility vs. Uniformity



# Record Retention



- Key enforcement tool
- Burdensome on employers
- Difficult to message

# Lack of Built-in Compliance

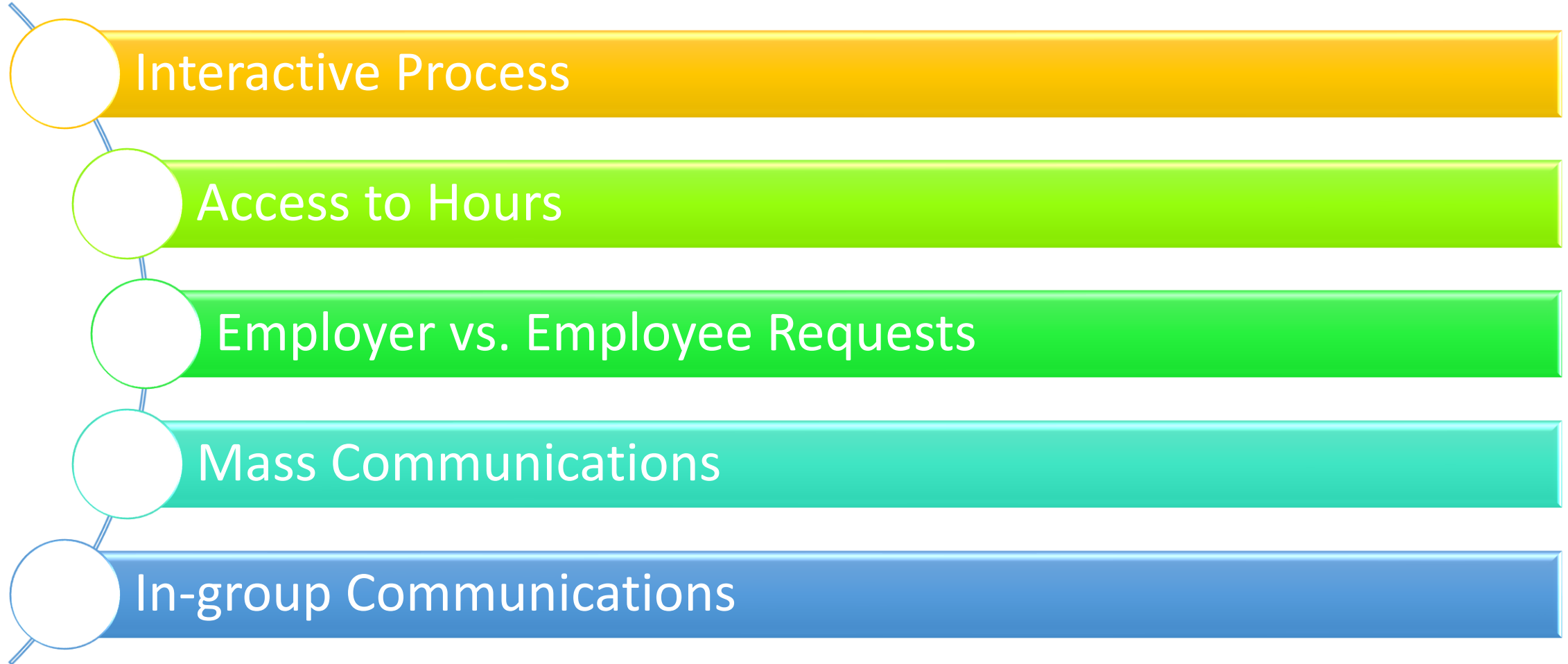


**Schedules**—No mechanism to retain original and changed schedules



**Payroll Systems**—Not built to track different scheduling premiums

# Policy Issues







# Thank you!

Kerem Levitas  
Office of Labor Standards  
[kerem.Levitas@seattle.gov](mailto:kerem.Levitas@seattle.gov)  
206-386-9758

