



Legislation Text

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Int. No. 1387-A

By Council Members Johnson, Rosenthal, Reynoso, Torres, Richards, Lander, Levin, Cohen, Levine, Rose, Salamanca, Van Bramer, Koslowitz, Lancman, Menchaca, Chin, Ferreras-Copeland, Cabrera, Espinal, Maisel, Cornegy, Dromm, Cumbo, Williams, Miller, Kallos, King, Palma, Constantinides, Treyger, Rodriguez, Perkins, Vacca, Grodenchik, Wills, Barron and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 5 to read as follows:

Subchapter 5

On-Call Scheduling

§ 20-1251 On-call scheduling prohibited. a. Except as otherwise provided by law, a retail employer shall not:

1. Schedule a retail employee for any on-call shift;
2. Cancel any regular shift for a retail employee within 72 hours of the scheduled start of such shift;
3. Require a retail employee to work with fewer than 72 hours' notice, unless the employee consents in

writing; or

4. Require a retail employee to contact a retail employer to confirm whether or not the employee should report for a regular shift fewer than 72 hours before the start of such shift.

b. Notwithstanding subdivision a of this section, a retail employer may:

1. Grant a retail employee time off pursuant to an employee's request;

2. Allow a retail employee to trade shifts with another retail employee; and

3. Make changes to retail employees' work schedules with less than 72 hours' notice if the employer's operations cannot begin or continue due to:

(a) Threats to the retail employees or the retail employer's property;

(b) The failure of public utilities or the shutdown of public transportation;

(c) A fire, flood or other natural disaster; or

(d) A state of emergency declared by the president of the United States, governor of the state of New York or mayor of the city.

§ 20-1252 Work schedules. a. A retail employer shall provide a retail employee with a written work schedule no later than 72 hours before the first shift on the work schedule.

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The office may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

c. Upon request by a retail employee, a retail employer shall provide the employee with such employee's work schedule in writing for any week worked within the prior three years and the most current version of the work schedule for all retail employees at that work location, whether or not changes to the work schedule have been posted.

§ 20-1253 Collective bargaining agreements. The provisions of this subchapter do not apply to any retail employee covered by a valid collective bargaining agreement, including an agreement that is open for negotiation, if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) the

agreement addresses employee scheduling.

§ 2. a. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in introduction number 1396-A for the year 2016, takes effect, except that the director of the office of labor standards shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

b. Notwithstanding the preceding subdivision a, in the case of employees covered by a valid collective bargaining agreement in effect on the effective date prescribed by such preceding subdivision, this local law takes effect on the stated date of the expiration of such agreement.

MWC/ADW
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