



Legislation Details (With Text)

File #: Int 1387-2016 **Version:** A **Name:** Prohibiting on-call scheduling for retail employees and providing advance notice of work schedules to retail employees.

Type: Introduction **Status:** Enacted

In control: Committee on Civil Service and Labor

On agenda: 12/6/2016

Enactment date: 5/30/2017 **Enactment #:** 2017/099

Title: 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

Sponsors: Corey D. Johnson, Helen K. Rosenthal, Antonio Reynoso, Ritchie J. Torres, Donovan J. Richards, Brad S. Lander, Stephen T. Levin, Andrew Cohen, Mark Levine, Deborah L. Rose, Rafael Salamanca, Jr., James G. Van Bramer, Karen Koslowitz, Rory I. Lancman, Carlos Menchaca, Margaret S. Chin, Julissa Ferreras-Copeland, Fernando Cabrera, Rafael L. Espinal, Jr., Alan N. Maisel, Robert E. Cornegy, Jr., Daniel Dromm, Laurie A. Cumbo, Jumaane D. Williams, I. Daneek Miller, Ben Kallos, Andy L. King, Annabel Palma, Costa G. Constantinides, Mark Treyger, Ydanis A. Rodriguez, Bill Perkins, James Vacca, Barry S. Grodenchik, Ruben Wills, Inez D. Barron, The Public Advocate (Ms. James)

Indexes:

Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1387-A, 3. Summary of Int. No. 1387, 4. December 6, 2016 - Stated Meeting Agenda with Links to Files, 5. Int. No. 1387, 6. Committee Report 3/3/17, 7. Hearing Testimony 3/3/17, 8. Hearing Transcript 3/3/17, 9. Proposed Int. No. 1387-A - 5/30/17, 10. Committee Report 5/22/17, 11. Hearing Transcript 5/22/17, 12. May 24, 2017 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Hearing Transcript - Stated Meeting 5-24-17, 15. Mayor's Letter, 16. Int. No. 1387-A (FINAL), 17. Minutes of the Recessed Stated Meeting of May 10, 2017 held on May 24, 2017, 18. Local Law 99, 19. Minutes of the Stated Meeting - May 24, 2017, 20. Minutes of the Recessed Stated Meeting of May 24, 2017 held on June 6, 2017

Date	Ver.	Action By	Action	Result
12/6/2016	*	City Council	Introduced by Council	
12/6/2016	*	City Council	Referred to Comm by Council	
3/3/2017	*	Committee on Civil Service and Labor	Hearing Held by Committee	
3/3/2017	*	Committee on Civil Service and Labor	Laid Over by Committee	
5/22/2017	*	Committee on Civil Service and Labor	Hearing Held by Committee	
5/22/2017	*	Committee on Civil Service and Labor	Amendment Proposed by Comm	
5/22/2017	*	Committee on Civil Service and Labor	Amended by Committee	
5/22/2017	A	Committee on Civil Service and Labor	Approved by Committee	Pass
5/24/2017	A	City Council	Approved by Council	Pass
5/30/2017	A	Mayor	Hearing Held by Mayor	
5/30/2017	A	Mayor	Signed Into Law by Mayor	

6/2/2017 A City Council

Recvd from Mayor by Council

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
LS #4632
05/16/17 6:02 p.m.