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President David Chiu Proposes Predictable Scheduling and Fair Treatment Ordinance for San Francisco's Hourly Retail Workers

Proposal would make San Francisco the first jurisdiction in the nation to address the issue of unpredictable scheduling and harsh on-call practices for approximately 35,000 retail workers

San Francisco, CA – Board of Supervisors President David Chiu today announced legislation that would provide more predictable and fair schedules for hourly workers employed at San Francisco's formula retail establishments. As a part of Supervisor Chiu and Supervisor Eric Mar's San Francisco Retail Worker's Bill of Rights, the ordinance would require employers to provide their workers with advance notice of work schedules, compensation – known as "predictability pay" – for last-minute schedule changes, and equal treatment for part-time workers. The proposal comes after almost a year of task force meetings with worker advocates, labor representatives, and business groups.

The task force learned that hourly, part-time work is on the rise across the country, especially in the retail industry. A [recent study](#) showed that in 2014, 62 percent of all retail sector nationwide were women and 21 percent were people of color. Since 2003, the number of involuntary part-time workers has more than tripled. Many of these workers receive their schedules from their employers just a few days in advance, which can come with a last-minute notice of reduced or cancelled hours.

The same study also found that large employers are increasingly utilizing "just-in-time" scheduling technology that auto-generates employees' schedules based on customer flow projections for optimal efficiency. However, such technology rarely allows for employee input and results in erratic schedules and minimal predictability.

"In the midst of our City's affordability crisis, we have too many residents and families juggling multiple jobs," said Supervisor Chiu. "Many grapple with erratic schedules, unstable income, misused scheduling technology and last-minute on-call limbo. Our proposed legislation would help these workers plan their child care, school schedules, other jobs -- it would help them plan their lives."

The taskforce found that unpredictable scheduling practices are detrimental to employees and families because they:

1. Lead to income instability, making it hard for employees to plan their finances and obtain economic security;
2. Create work-family conflicts that make it difficult for employees to plan their child care, other care giving duties and transportation; and

3. Prevent part-time employees from pursuing educational opportunities or holding a second or third job to make ends meet.

“Without advance notice of a work schedule, it is impossible to plan for family obligations, from childcare, to accompanying an elderly relative to medical appointments, or attending classes,” said Julia Parish, an attorney with the Legal Aid Society – Employment Law Center. “Workers often worry about whether they will be able to meet their families’ basic needs. Providing predictable schedules is a simple way to ensure that families can be there for one another.”

“A parent’s unpredictable schedule impacts not only the workers’ ability to financially provide for their families, but also to ensure that their children are well cared for when they are at work and know when their parents will be there for them,” said Ann O’Leary, Vice President and Director of the Children & Families program at Next Generation. “Children need the stability brought about by a regular child care or after school setting, meals with their parents, a consistent bedtime, and their parents’ involvement in school activities. Scheduling practices that prevent workers from knowing when they’ll work next rob them of important opportunities to be dependable.”

The Predictable Scheduling and Fair Treatment for Retail Workers Ordinance would apply to all formula retail establishments in San Francisco with over 20 employees in the City. Currently, there are over 1,250 such establishments in San Francisco, making up about 5% of the City’s workforce.

Key provisions of the ordinance include:

- A good-faith estimate of hours and shifts for all new employees;
- A 14-day advance schedule posting requirement for all existing employees;
- Predictability pay to employees for last-minute schedule changes, as well as for unused on-call shifts; and
- Equal access to pay, hours and time-off for part-time workers as provided to full-time workers.

“With introduction of Supervisor Chiu's predictable work schedule ordinance, workers that work in large retail establishments will have the possibility of having a little bit more control of their lives,” said Jim Araby, Executive Director for UFCW Western States Council, “This will give retail workers a better chance to take that college class or if necessary they may be able to find that second job to work. This will help put retail workers on a path to securing a better life. We commend supervisor Chiu for working towards this first in the nation policy.”

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