

Predictable Scheduling and Fair Treatment for Formula Retail Employees Ordinance

San Francisco Board of Supervisors President David Chiu

–Legislative Overview–

Summary

The Predictable Scheduling and Fair Treatment for Formula Retail Workers Ordinance, if enacted, will for the first time in the United States provide thousands of hourly workers with the predictable schedules—and the stable pay—they need to plan child care, school, other employment and their lives. The legislation will also give part-time workers in San Francisco equal access to the same rate of hourly pay, time off and eligibility for promotions as granted to full-time workers.

Background

Since early last year, Supervisor Chiu convened a broad task force of business, labor and worker advocates to better understand the impact of unpredictable schedules on San Francisco's hourly, part-time and low-income workers to make appropriate recommendations for addressing the problem.

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 get their schedules from their employers just a few days in advance, and sometimes that comes with a last-minute notice of reduced hours.

A recent [article](#) in the *New York Times* described how workers in retail and restaurant jobs often find out at the last minute what their schedules will be, or if they will even work at all. For many hourly workers already struggling to get by on minimum wage, the number of hours their employer gives them each week determines whether or not they can make each month's rent.

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 childcare, 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.

Proposed Legislation

The Predictable Scheduling and Fair Treatment for Formula Retail Workers Ordinance, to be introduced by Supervisor David Chiu on Tuesday, September 30, 2014, would apply to all formula retail employees in San Francisco with 20 or more employees within the City. Formula retail establishments account for 12 percent of all business and employ more than 35,000 workers, or 5-6 percent of the City's workforce.

Major provisions include:

- A 14-day advance posting of the work schedule;
- Additional pay, referred to as 'predictability pay,' for last minute cancellations or changes to the schedule;
- Predictability pay for unused on-call shifts (shifts where employees were required to wait to be called-in to work, but are not ultimately not needed/called-in to work that day); and
- Providing part-time workers the same access to pay, hours and time-off as full-time workers.

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