



City of Seattle

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Final Administrative Rules posted for City of Seattle Secure Scheduling Ordinance

Secure Scheduling Ordinance to go into effect on July 1, 2017; soft launch until December 31

Seattle – The Seattle Office of Labor Standards (OLS) has posted the final Administrative Rules for Seattle’s Secure Scheduling Ordinance ([SMC 14.22](#)). The full text of the final rules is available at <http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>.

OLS will conduct an outreach roll-out campaign leading up to the law’s July 1, 2017 effective date. OLS plans a “Soft Launch” for the Secure Scheduling Ordinance from July 1 through December 31, with a focus on education and support for employers. During this initial six-month period, OLS will investigate all complaints and obtain full remedies for employees, but will not impose penalties or fines on employers for violations that occur in 2017, unless a violation is egregious.

To develop these rules, OLS held nine stakeholder meetings representing worker advocates and business representatives. In addition, the Labor Standards Advisory Commission played an important advisory role in the development of the rules. OLS received numerous comments prior to the official comment period. After the proposed rules were posted on March 10, OLS received seven formal comments from the public.

“I want to express my appreciation again to all the employers, worker advocates and other stakeholders, as well as the Labor Standards Advisory Commission for their work to review the Secure Scheduling legislation and propose workable rules,” said Dylan Orr, Director of the Seattle Office of Labor Standards, which is responsible for enforcing the ordinance. “This is a groundbreaking new law, and it was no easy task to develop a set of rules that reflects the many complexities of Seattle workplaces. I deeply appreciate all the collaboration and compromise that went into this process.”

The final Administrative Rules clarify numerous issues raised by stakeholders about the Secure Scheduling Ordinance. Specifically, the Rules clarify the following ordinance provisions:

- Bona fide business reason for declining an employee's request for a work schedule preference.
- Employee's other job or jobs.
- Employee coverage.
- Fixed, point of sale location.
- Joint employment.
- Good faith estimate.
- Interactive process.
- Scope of the right to request input into the work schedule.
- Scope of notice of work schedule changes.
- Granting or denying employee-requested work schedule changes.
- Exceptions to compensation for work schedule changes.
- Grace period for compensation for work schedule changes.
- Exceptions to access to hours for designated hiring programs.
- Individual notice of rights (i.e. workplace poster).
- Translations.
- Retaliation and discipline.

Secure Scheduling Ordinance: increased stability for hourly employees in large food services and retail establishments

Seattle's Secure Scheduling Ordinance applies to retail and food service establishments with 500+ employees worldwide, as well as full service restaurants with 500+ employees and 40+ full-service restaurant locations worldwide.

The ordinance aims to increase the stability and predictability of work for hourly employees who work in large food service and retail establishments. Further, the ordinance intends to help workers balance their other commitments, like caring for a family member, or working another job or attending school, by providing employees the right to request input into their written work schedule. Finally, the ordinance creates opportunities for existing part-time employees to take on additional hours.

Key provisions of the Secure Scheduling Ordinance include:

- **Good Faith Estimate:** Upon hire, employers must provide a written good faith estimate of the median hours an employee can expect to work, including on-call shifts.
- **Right to Request:** Employees may request schedule preferences to balance their other commitments, like caring for a family member, working another job and attending school. Employers must engage in an interactive process with employees to discuss these requests, and must grant a request related to a major life event unless there is a bona fide business reason.
- **Advance Notice:** Employers must post employees' work schedules 14 days in advance.

- **Compensation for Work Schedule Changes:** If an employer adds hours to or subtracts hours from the employee's schedule after it is posted, the employer must pay the employee additional compensation (i.e. premium pay) – one hour of premium pay if an employer adds hours to an employee's schedule and one-half times the employee's hourly wage for each hour subtracted from the employee's schedule – with some exceptions.
- **Right to Rest:** If the rest period between a closing and opening shift (i.e. clopening) is less than 10 hours, the employer must pay the employee time-and-a-half for the difference.
- **Access to Hours:** Employers must offer additional hours of work to qualified existing employees before hiring external employees.
- **Record-Keeping Requirements:** Employers must keep records for three years to show compliance.
- **Protection from Retaliation:** Employees have the right to decline any hours not on the originally posted schedule.

For more information about Secure Scheduling, call 206-684-4500 or visit <http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>.

- **Help for employers:** For free individual assistance with the Secure Scheduling Ordinance or any other City of Seattle labor standards laws, call 206-684-4500 or email laborstandards@seattle.gov.
- **Help for workers:** To ask a question or file a complaint, call 206-684-4500, visit the Office of Labor Standards in downtown Seattle at 810 Third Ave. Suite 350, or [click here to fill out a web form](#).
- **To schedule training:** Contact Karina Bull at 206-684-4536 or karina.bull@seattle.gov.

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