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# Seattle's Secure Scheduling Ordinance 2022 Employer Implementation Report

December 2022

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## Executive Summary

This report is the third installment of the employer-side evaluation of the implementation of the Seattle's Secure Scheduling Ordinance (SSO). It incorporates two waves of data collection (78 online surveys and in-depth phone interviews) with retail and food service managers in the Seattle area since the rise of the COVID-19 pandemic: Peak Pandemic (October 2020 through April 2021) and Summer 2022 (May through August 2022). The SSO remained in effect throughout the coronavirus pandemic, with limited exceptions. The report details managers' staffing and scheduling practices and implementation of SSO requirements as the pandemic unfolded.

### *Summary Issues Related to SSO Implementation*

- **14-day advance notice provision:** This requirement has become "standard operating procedure" for many of the managers we interviewed. However, some reported that writing the schedule has become more complicated due to increased employee turnover and difficulties hiring – and because they were too overworked to spare time to make the schedule.
- **Good faith estimate provision:** Almost all managers provided employees an estimate of work hours at the point of hiring, but rarely in writing as required by the SSO. Many also failed to deliver on or update the initial estimate. Managers with high turnover found it especially difficult to deliver on the estimate as current staff were frequently asked to work more than estimated. When difficult, some managers prioritized honoring the estimates provided to full-time or permanent employees over those of part-time or temporary staff. Some managers saw sticking to estimates as a key strategy for retaining employees.
- **Access to hours provision:** Some managers engaged in formal and group-communicated processes for distributing new batches of hours among existing staff. Others, however, acknowledged offering hours to specific employees, in some cases to help employees with financial difficulties. Notably, the understaffing at some worksites meant that staff were often already working at full capacity and unable to add hours.

- Mandated pay premium for schedule changes: The premium pay requirement appears to be shaping manager scheduling practices in a few ways now. Extending shifts was rarer in Summer 2022 than in the past; several managers indicated they avoid extending shifts to avoid the premium pay due. Others said they still extend shifts but either use mass communication to do so or limit shift extensions to less than 15 minutes to avoid paying the premium. However, rather than avoiding paying the premium, other managers viewed it as an incentive to entice employees to work beyond their scheduled end time or to accept new shifts, a theme we did not hear in Year 1.
- “Volunteering” for schedule changes: There continues to be confusion with defining “voluntary” schedule adjustments that do not require payment of the schedule change premium. For example, some managers reported shortening shifts after posting schedules but not paying workers for half of the remaining hours, as is required by the SSO, believing that if the employee agrees to go home when a manager asks for “volunteers,” then no additional pay is owed.

***Key factors that challenged managers’ ability to implement the SSO***

- Staffing shortages: Increased employee turnover and hiring difficulties stand out as major barriers to implementing multiple SSO provisions.
- Volatile customer demand: Although variation in customer demand had eased by Summer 2022, customer traffic was still much lower than pre-pandemic at several workplaces, resulting in fewer hours that could be assigned to employees than before.
- Uneven manager knowledge of the SSO: Five years after enactment of the SSO, some managers responsible for scheduling employees in worksites covered by the SSO are unaware of the law and others do not understand its requirements. Managers who knew the law well and reported practices in alignment with the SSO indicated they received valuable supports for implementation from their companies (e.g., webpages, trainings, designated personnel with whom to consult, scheduling software, a budget for predictability pay) as well as from the City of Seattle (e.g., website and trainings).

***Recommendations***

This evaluation suggests three key directions for improving SSO implementation:

- (1) Corporations and franchises should proactively ensure that their managers are thoroughly knowledgeable about the SSO and understand how to implement the specific scheduling practices required for compliance.
- (2) Corporations and franchises with locations covered by the SSO that already use scheduling software should consider having it tailored to facilitate managers’ SSO compliance; those businesses not currently utilizing scheduling software should ideally invest in it, and customize it. It may be in the City’s interest to explore options for incentivizing such investments.
- (3) The City should continue supports for SSO implementation including providing training, consultation on the pragmatics of implementation, websites with extensive FAQs, and other troubleshooting guides.

NOTE:

1 As mandated in the Secure Scheduling Ordinance, the Seattle Office of City Auditor engaged a team of researchers with expertise in working conditions to conduct an evaluation of the law’s impacts in the first and second years of its implementation. The current report is the employer-side implementation evaluation for Year 2. We are grateful for the investment of the City of Seattle in understanding the complex process of bringing this pioneering regulation to fruition, as well as staff from the Seattle Office of Labor Standards and Office of City Auditor for their continued support in completing this evaluation.

2 We are very appreciative of the managers who took the time to share their insights and experiences with us. The project could not have been completed without the dedication of our talented research team who interviewed managers in one or both waves of the study reported here: Melanie Nadon, Courtney Marsh, Jamie Koenig, Hannah Gregor, Ellen Sauter, Grace DeHorn, Louisa Silverman, Morgana Warner-Evans, Caroline Koclanes, Claire Schmitt, Daisy Okoye, Miranda Santillo, Hannah Bonner, Isabella Hurtado, and Liz Smith.

## Implementing Seattle's Security Scheduling Ordinance During COVID-19

*It's really tough. And no one is hearing from us, which is why I really wanted to do this interview...Everyone is making a decision on a broad situation...But they aren't looking at the middlemen. The middlemen are being crushed. It's literally killing us.*

- Manager [full-service restaurant, Seattle area, May 2021]

This report is based on interviews with frontline managers in Seattle-area retail and food service workplaces conducted at two time points – during the peak of the coronavirus pandemic (October 2020 through April 2021, 45 interviews) and in the summer of 2022 (May through August, 33 interviews).<sup>3</sup> The SSO remained in effect throughout the coronavirus pandemic, including these two waves of data collection. As in our prior evaluation efforts in Seattle, our overarching goal is to provide insight into the factors that impede and facilitate managers' ability to implement Seattle's Secure Scheduling Ordinance (SSO). For this round, such an assessment requires that we consider the ramifications of COVID-19 for managers' scheduling practices. The pandemic transformed the service sector in fundamental ways, from the nature of customer service to the availability of workers, providing a crucial foundation for understanding managers' implementation of the SSO during the pandemic as well as moving forward.

Drawing on managers' experiences at these two time points during the pandemic's trajectory, we offer insight into the legacy of COVID-19 for the implementation of the SSO. We are struck by the commonalities in the challenges managers have faced throughout the pandemic and some of the staffing strategies they have used. As in our prior research in Seattle, however, our interviews also reveal a great deal of variation in frontline managers' scheduling and staffing practices over the course of the pandemic and both within and across the covered sub-sectors of retail, limited-service restaurants, and full-service restaurants. In both interview waves, and in all sub-sectors, managers reported a range of scheduling practices that vary in how closely they match requirements of the SSO.

This report:  
Fall 2022

1. details the changing business and public health context in which Seattle-area managers scheduled workers at the peak of the pandemic and heading into fall 2022;
2. examines business, employee, and community factors shaping scheduling practices and implementation of the SSO by Seattle managers;

<sup>3</sup> The only modifications made by the City of Seattle to the SSO during COVID-19 eased requirements for advance notice and payment of the 'schedule change premium' during the time period immediately preceding and following a business closure or reopening. The closing/reopening had to be due explicitly to compliance with COVID-19 public health directives. See Appendix 1 or [https://www.seattle.gov/documents/Departments/LaborStandards/SSOQACOVIDEdition\\_04152021.pdf](https://www.seattle.gov/documents/Departments/LaborStandards/SSOQACOVIDEdition_04152021.pdf).

3. provides in-depth examples of variation in the approaches Seattle managers are adopting in implementing different provisions of the SSO; and
4. gives voice to the experiences of frontline managers who continue to be under enormous pressure from corporations, customers, employees, and in their own lives.

### Background

Seattle's Secure Scheduling Ordinance (SSO) was passed in September 2016 and went into effect on July 1, 2017. The SSO was one of the nation's first laws attempting to promote schedule predictability for hourly workers. The SSO covers hourly workers in retail and food service establishments with 500 or more employees worldwide, and at full-service restaurants with at least 500 employees worldwide and at least 40 locations. Its major provisions include mandates for employers to provide covered workers with a good-faith estimate of their work hours and schedules; 14-day advance notice of work schedules; premium pay for certain changes to the posted schedule; and access to hours for current employees before hiring new employees.

This "employer side" evaluation views policy implementation and legal compliance as a process rather than an event, and frontline managers whose businesses are covered by the SSO as key actors in realizing the promise of the ordinance. Managers day-to-day scheduling practices ultimately make the SSO real - or not. Our goal is to unpack the process of implementing the different provisions in the SSO and the strategies that managers - in a set of diverse retail and food service worksites regulated by the SSO - are using to bring their scheduling practices into alignment with legal requirements, as they understand them. A particular emphasis of our prior reports, and this one, is to provide detailed examples of what weak and strong alignment with SSO provisions looks like in everyday business practice and to identify promising strategies and needed supports to strengthen implementation. In this report, we also honor the experiences and sacrifices of frontline managers who continued working during the pandemic to provide essential services and goods to Seattle residents.

### Methods

Our methods for the two COVID-19 pandemic-era waves of data collection used for this report are comparable to those used in our Baseline and Year 1 waves. Participating managers completed brief online surveys about general workforce characteristics and workplace policies and then completed a semi-structured interview about their staffing and scheduling practices, knowledge of the SSO, and their experiences implementing it.<sup>4</sup> All participating managers were responsible for scheduling workers at their worksite. We provided a \$100 incentive to each.

For these pandemic-era waves, we returned to worksites from which we had obtained manager participation in the Baseline or Year 1 rounds or both, rounding out those inter-

<sup>4</sup> The survey data were analyzed using quantitative data analysis programs, i.e., SPSS and Stata. Transcriptions of the interview recordings were uploaded to a qualitative data analysis program, Dedoose, for coding and analysis by our research team.

views by adding other covered sites from the same retail and food service chains. Participating worksites were selected to provide variation on (1) SSO-covered business type (retail and food service); (2) business subsector (e.g., apparel, specialty, grocery, fast food); and (3) market niche (price point). We then selected individual worksites (particular stores or restaurants) by (4) number of employees per site and (5) geographic location within Seattle. To capture diversity in customer and workforce bases, we have targeted data collection to the neighborhoods of Northgate, Lake City, Ballard, Downtown, Columbia City, Rainier Valley, and Southwest Seattle near White Center.

A major change from our Baseline and Year 1 waves is that, because of COVID-19, we transitioned our study protocol from in-person to phone recruitment and interviewing. We telephoned selected worksites to first identify the manager(s) responsible for scheduling workers and to then invite one to participate. Another change from prior waves is that we received additional outside funding to interview managers in matched worksites just outside Seattle city limits.<sup>5</sup> This expanded sample enables us to place managers' experiences and scheduling practices within a broader context of changing economic, social, and public health challenges affecting businesses in the larger Seattle area.<sup>6</sup> In the two waves of data collection included in this report, we conducted a total of 78 interviews with managers in Seattle-area retail and food service establishments (50 interviews within Seattle and 28 in adjacent areas).

**Table 1. Business Type: Seattle Only**

Business Type	Peak Pandemic (Oct. '20-Apr. '21)		Summer 2022 (May '– Aug. '22)		% sites included in both waves	Same manager in both waves	
	<i>n</i>	%	<i>n</i>	%		<i>n</i>	%*
Fast Food & Coffee Shops	8	27.6	6	28.6	75.0	5	62.5
Full-service Restaurant	5	17.2	2	9.5	40.0	0	0.0
Gas & Convenience	3	10.3	3	14.3	100.0	2	66.7
Grocery, Hardware, Pharmacy	7	24.1	6	28.6	85.7	5	71.4
Retail Specialty	6	20.7	4	19.0	66.7	3	50.0
Total	29	100.0	21	100.0	72.4	15	51.7

\*Among those interviewed in the Peak Pandemic wave.

<sup>5</sup> Interviews with managers covered by the SSO were funded by the City of Seattle. Interviews with managers at matched worksites outside city limits were funded by a grant from the Russell Sage Foundation.

<sup>6</sup> We do not compare scheduling practices between worksites within and outside the City of Seattle in this report; we will do so in future work. Here, we incorporate interviews from all Seattle-area managers to demonstrate the broader context affecting Seattle-area businesses and managers during the course of COVID-19 and emerging challenges, such as employee safety, that have implications for the implementation of the SSO going forward.

**Table 2. Business Type: Seattle and Adjacent Areas Combined**

Business Type	Peak Pandemic (Oct. '20-Apr. '21)		Summer 2022 (May– Aug. '22)		% sites included in both waves	Same manager in both waves	
	<i>n</i>	%	<i>n</i>	%		<i>n</i>	%*
Fast Food & Coffee Shops	13	28.9	9	27.3	69.2	8	61.5
Full-service Restaurant	7	15.6	4	12.1	57.1	2	28.6
Gas & Convenience	4	8.9	3	9.1	75.0	2	50.0
Grocery, Hardware, Pharmacy	11	24.4	10	30.3	90.9	8	72.3
Retail Specialty	10	22.2	7	21.2	70.0	5	50.0
Total	45	100.0	33	100.0	73.0	25	55.6

\*Among those interviewed in the Peak Pandemic wave.

### Participating Businesses

**Peak Pandemic wave.** Between October 2020 and June 2021, we interviewed 45 managers in retail and food service worksites in the Seattle area; 29 were covered by the SSO and 16 were at sites of the same chains in neighborhoods adjacent to but outside of Seattle, and thus not covered by the SSO. Several of the workplaces we initially selected for inclusion were closed during our recruitment period ( $n=30$ ). Even though recruiting managers via telephone was more difficult than in person, our response rate among open businesses is comparable to our prior waves. We secured interviews with scheduling managers at 38 percent of the 118 worksites our research team contacted for recruitment. To facilitate participation and not add to managers' workloads, we shortened our 1-hour interview to around 30 minutes. The interview questions for this wave focused on COVID-19 pandemic-related business changes and managers' staffing and scheduling practices in this intense time of uncertainty.

**Summer 2022 wave.** Between May and August 2022, we interviewed 33 managers at the same worksites included in our Peak Pandemic wave (21 within Seattle and 12 outside).<sup>7</sup> Our interview questions in this round centered on changes in the business and the community since the 2021 interview. We also gathered detailed information on the implementation of multiple SSO provisions in the City of Seattle sites.

**Participating worksites.** Tables 1 and 2 summarize the types of businesses included in the two waves of data collection for this report. Table 1 provides information on worksites within the City of Seattle and Table 2 adds in the matched worksites in the broader Seattle area. As shown in Table 1, about a quarter of managers interviewed in both waves are in the category Fast Food or Coffee Shops and about a quarter in Grocery, Hardware, or Pharmacy, all businesses deemed "essential" by Washington State. We had good success securing the participation of managers in these types of businesses in the Summer 2022 wave, with over 60 percent of the same managers participating in both waves. Full-service restaurants were the most challenging to recruit to participate in both waves. We are grateful that seven scheduling managers (five in Seattle) took time to talk with us, as their businesses were particularly hard hit by changing customer demand and public health guidelines, an issue we highlight in subsequent sections.

<sup>7</sup> One worksite included in our Peak Pandemic wave had permanently closed.

As noted, we draw on the more inclusive Seattle and Seattle-adjacent sample in the first part of this report to provide the business and community context for managers' staffing and scheduling; Seattle and near-Seattle worksites faced the same or similar external-driven business, economic and other operating challenges during the pandemic. We then narrow our focus to worksites within Seattle city limits, covered by the SSO, to examine the implementation of the Ordinance during Summer 2022. When quoting managers, we indicate the type of business followed by the month/year of the interview (e.g., Coffee shop, Feb21). A "Seattle-adjacent" attached to the business type (e.g., Specialty retail- Seattle adjacent) indicates a worksite in a neighborhood adjacent to, but outside the bounds of, the City of Seattle. In any sequence of quotes, even if the same type (e.g., Coffee shop) is listed twice and the interview date is the same month/year (e.g., Jun22), the worksites are different.<sup>8</sup>

## The Changing Context For SSO Implementation (2020-2022)

COVID-19 turned on its head the circumstances under which managers schedule workers from both the demand (employer) and supply (employee) side. In this section, we draw on interviews with managers at the peak of the pandemic (October 2020 to April 2021) to offer insight into the challenges they faced, the strategies they used to meet those challenges, and how circumstances shaped their staffing and scheduling practices. We then update these circumstances with our Summer 2022 interviews to provide insight into which pandemic-driven changes were continuing and which dissipating, highlighting implications for implementation of the SSO. The majority of managers we interviewed were in businesses deemed "essential" under Seattle's public health guidelines and had not closed, except when temporarily shut down for COVID-19 related reasons, such as deep cleaning. Retailers and fast-food restaurants that did close faced enormous uncertainty about when they could reopen and how much demand there would be when they did. We include observations from managers within Seattle and in workplaces in adjacent neighborhoods to demonstrate that many of the factors affecting SSO implementation within the City were more broadly felt.

## The Broader Policy Context

The changing policy and community context in Seattle, and in the rest of the United States, is more than background when it comes to understanding managers' scheduling challenges and practices during COVID-19. Figure 1 (in Appendix 2) provides a timeline of major COVID-19 related events, government orders, and public health recommendations affecting the Seattle area between 2020 and 2022, the time span of our two waves of data collection for this report. We include events that directly, or in our estimation sub-

<sup>8</sup> We selected quotes to reflect the full range of managers' experiences and practices. Some managers had more to say, though, and are quoted more than others in the report. We do not include information identifying specific worksites to protect the confidentiality of the managers, as required by our Human Subjects Internal Review Boards.

stantially indirectly, shaped retail and food service employer scheduling practices, worker experiences, and customer demand. Examples include federal passage of expanded Unemployment Insurance benefits; federal and local level adoptions of restrictions on public gatherings and mandated business closures; and public health recommendations for mask wearing and the approval of COVID-19 vaccinations. In some cases, these events transformed practices in SSO-covered businesses, interactions with customers, and relationships with employees in ways that complicated employee scheduling.

## Ramifications for Key Business Functions - and in Turn, Scheduling

### *Evolving Customer Demand*

The level, variability, and predictability of customer demand are all core to managers' scheduling practices and thus, important considerations when examining SSO implementation. Although the majority of the managers we interviewed reported that the level of customer demand changed enormously during the pandemic, some reported surges but others reported shortfalls. When asked to compare the level of business during our Peak Pandemic wave (2020-2021) to pre-pandemic demand, only 19 percent (n=8) of the Seattle area managers reported in the survey that demand was about the same, about a quarter said it was less than half (n=10), a quarter said demand was greater (n=11), and the rest fell in-between (n=13).<sup>9</sup>

Some managers talked about how the decline in customer demand at the very beginning of the pandemic was continuing into 2021:

Hardware store, Feb21: *My customer count has dropped down about a third.*

Fast-food (Seattle-adjacent), Feb21: *[W]e're probably at about 75% of what our sales were before, pre-COVID.*

Convenience store, Feb21: *We are down about 500 customers which is about 35% to 40% of our customer stat down...We are really struggling...We've been using our savings and equity from our home. That's how we survive and PPP loan [helped out a lot].*

Even with changes to the level of demand, variability in customer demand tapered off as early as 2021 in most of our study worksites, making it easier for managers to predict labor needs and publish their schedule. These managers described scrambling to deal with the extreme volatility in customer traffic at the start of the pandemic but observed that demand had become less volatile at the time we interviewed them in 2020/2021:

<sup>9</sup> Numbers do not always add up to the full samples for the Peak Pandemic (n=45) or Summer 2022 (N=33) Seattle-area samples because of missing responses on survey items.

**“I mean, the thing is, it’s hard to predict over the last two years of craziness...You can make a best guess, but something else could happen...”  
– Grocery, Jun22**

Pharmacy, Dec20: *Back in March and April [2020], when our Governor made the decisions that he made, we were certainly much busier than normal. So, our traffic was probably 25% higher than it normally would be, because people were in that panic mode, where they were stockpiling and everything like that. After that initial surge things kind of got back to normal.*

Grocery, Jan21: *Traffic was crazy for a while. Every time a new scare came up, it would get crazy again for a little bit, but nothing like it was at the very beginning, but yeah, I think it settled back down now.*

Grocery, Mar21: *Things are getting back to normal. The panic buying isn’t really happening. It’s more predictable. We know what we’re going to do now. It’s easy to forecast our sales versus before it was just like, well, I don’t know.*

When asked during our Summer 2022 interviews to compare current levels of customer demand to pre-pandemic levels, about a third of the managers (n=11) said business was more than before the pandemic, but more than a quarter (n=8) said business was still down, as reflected in these managers’ comments:

Hardware, May22: *Well, the thing is, pre-pandemic we would see about 320-350 customers a day. During the pandemic we find ourselves around 200. So, we’re missing about a third or more of our customer count.*

Fast-food, Jun22: *[T]he thing is that we don’t get enough customers right now coming in, so that we can afford to pay all our bills...Right now, we’re not even breaking even.*

Even when the level of demand was different than before the pandemic, managers generally observed that customer demand was even more predictable in 2022 than at the time of our Peak Pandemic wave. Whereas 45 percent of the managers we interviewed in 2020/2021 rated unpredictability of customer demand a 7 out of 10 or higher, only 22 percent of managers at those same worksites rated unpredictability this high in 2022.<sup>10</sup>

Still, about a third (n=8) of the managers reported in 2022 that unpredictable customer demand was making it very or somewhat difficult to construct the work schedule. This was especially true among businesses with office workers as their customer base:

Apparel retail, Jun22: *[I]t’s hard sometimes to know actually how busy we’re going to be.... People going back to other offices and what not...[C]ustomer predictability and traffic patterns sometimes make it hard to project how we should be staffed, [including] what days people are coming into the offices...*

Fast food (Seattle-adjacent), Jul22: *[W]e have a lot of [local company name] customers. And right now, they’re working three days from home, two days in office. And then [another local company] said, “Hey, you guys all have*

*to come back.” But they didn’t bring back any of the engineering jobs yet. They’re only coming in like once a month or three times a month. [I]t’s not like we can go to them for answers, like, “Oh, when are you guys going to change it?” Like with the State, we can call up like the health board and be like, “Hey, are you planning changes any time soon? Let us know what’s going on.” But private corporations, we really can’t call them and tell them, “Hey, we need to make our schedule.”*

The improved predictability in customer demand over the course of the pandemic reported by many of the Seattle managers we interviewed bodes well for implementation of the SSO going forward. We caution, though, that economic uncertainty continues to be a major concern of Seattle managers that could pose an ongoing challenge in implementing the SSO:

Grocery, Jun22: *I mean, the thing is, it’s hard to predict over the last two years of craziness.... You can make a best guess, but something else could happen.... What’s monkeypox going to do to us now? .... So, you just never know, there’s always something.*

Fast food, Jun22: *Are we going to get something from nowhere that will slow business? Are we going to start seeing people talking more about recession...? “Maybe I shouldn’t spend money?” .... And then that means the business will again slow down. Or if we have another epidemic from COVID that may shut you down or that may slow you down. So – the unpredictability thing, that worr[ies] us. What’s coming next?*

### **Public Health Guidelines and Changed Customer Service**

From the very beginning of the pandemic, a large part of the job of frontline manager became the implementation of an array of ever-evolving public health directives. Some of the requirements necessitated changes in basic business practices, which in turn affected the demand for and in some cases the supply of labor and thus, managers’ scheduling of workers. In this section, we first review the public health-driven operating practices that managers reported were and were not being continued in Seattle area workplaces as of Summer 2022. We then present managers’ descriptions of continuing transformations in business practices that have implications for employee scheduling and SSO implementation.

Most of the managers interviewed in Summer 2022 reported that implementing public health directives was “not too problematic” (37 percent) or “not problematic at all” (40 percent) at that point in the pandemic. Most had given up requiring social distancing and masking by customers, but there was a great deal of variation in the practices that businesses were continuing:

Specialty retail, Jun22: *[T]he plexi dividers are still in place. The social distancing floor markers are no longer in place. Once that was no longer [required] – I guess it’s highly prioritized by the health department, [but] they ... became trip hazards more than anything -- we removed those.*

<sup>10</sup> We narrow the 45 worksites that participated in the Peak Pandemic wave to the same 33 worksites that we gathered data from in 2022 so that the same worksites are being compared at these two time points.

Fast Food, Jul2022: *I have a "Masks Recommended" [sign], but people come in with or without, and we have a lot more people coming in to sit down now than we used to.... But the condiment bar is still not there. There's not a self-serving bar out in the dining room anymore. We couldn't put that back out.*

Although masking and plexiglass may not change overall labor needs, enhanced cleaning has implications for labor scheduling as it takes labor hours. When asked which changes they thought would be continued longer term, the most common response was frequent cleaning:

Big box/department store, June22: *[W]e still do cleanings, and wiping carts, and spraying stuff after every use...I see that ... happening long term. To me, I think it's just common sense to always keep it clean anyway, even with pandemic or not because that just was health issues, safety issues.*

Fast food, Aug22: *[W]e still sanitize. We sanitize every, pretty much, 30 minutes...It is pretty much a routine now, so I think we're going to keep it.*

### **Shifts in Business Strategy**

The COVID-19 pandemic required retail stores and restaurants to change many of their core business practices, from adding curbside and delivery services, shifting exclusively to take-out from former sit-down service, to limiting the number of customers allowed inside and reconfiguring how spaces are laid out for dining or browsing. All of the changes hold important implications for staffing and scheduling employees, particularly the number of employees needed at any one time. Frontline managers were responsible for implementing these changes, often with limited corporate support. Making these changes required ingenuity and tenacity, which comes through in the reports of these managers during the height of the pandemic:

Full-service restaurant, Feb21: *[I]t all seems a little just haphazard or like, okay, well, we're just going to do this then and run with it. It's just been a lot of, I think, changing on a dime. And we've gone through that numerous times already.*

Coffee shop, Feb21: *The biggest challenge from the pandemic? [T]he ever-changing business models and new things being implemented in the stores and across the business.*

Grocery, Mar21: *We have a whole department that's pretty new where people can go shop online and then this e-commerce department will do the shopping for them and they can come just pick up their groceries. And so that is becoming very popular.*

Full-service restaurant (Seattle-adjacent), May21: *We closed physically to any dine-in, and we started [curb service and delivery]. It was just learning how to be better at to-go orders.... On every Friday, Saturday and Sunday, I had to have three cooks, and I had to have five people out front, somebody just to monitor the lobby that we had blocked with tables, somebody to answer the phone - we put in a to-go window, somebody to hand out bags, and two of us packing orders.*

Later in Summer 2022, managers talked about the new business practices being continued and those that had been discontinued or that they hoped would be discontinued soon. When asked about practices they were continuing, most managers said they were continuing with online orders and some said curbside pickup, and that customers expect these services now:

Hardware, Jun22: *[W]e're still doing the online orders and they pick them up at the back of the building, yes. It hasn't changed.... It just is easier. That's where the stuff is. It's easier.*

Pharmacy (Seattle-adjacent), Jul22: *Yes, we [still] do curbside pickup and we do a "bop," which is buy online pickup....Very popular.*

Grocery, Jul22: *I think curbside and delivery service are here to stay. Yeah. I mean, the plexiglass are probably there to stay at check out for the barrier between the cashier and the customer. But everything else has kind of gone away.*

Fast food, Aug22: *Yeah, we've continued and added to the changes actually. It's all technology, ... Now you don't order up front at the register, you order at one of the machines in this kiosk in the restaurant.*

Although good for business, some restaurant managers are finding all the new forms of customer service overwhelming:

Full-service restaurant (Seattle-adjacent), Jul22: *Just like, different situations like with food delivery, you know, new vendors and employees, customers trying to get back into it.... It's just a lot of different issues right now.*

Fast-food (Seattle-adjacent), Jul22: *[T]oo many changes in the [company] world. Because from being only front counter and drive-through, now they have mobile order, curbside, delivery. It's too much.*

Full-service restaurant, Aug22: *The deliveries have become outrageous. It's nothing like it was pre-pandemic. Oh, my God. Curbside pickups, all that stuff.*

### Corporate Support During the Pandemic

Managers reported wide variation in how much support they received from the larger corporation when pivots to business operations were needed. Some managers received very little support, at least early in the pandemic:

Fast food, Oct20: *[Describing the little or no support corporate offered] Stickers for the floor. But I'm pretty sure I paid for them... Before, when there was a mask shortage and you couldn't get any at all, I actually made about 80 masks or something like that.*

Apparel retail, Nov20: *[W]e've always been a tight-knit company, meaning it felt like an open-door policy. But it definitely felt, when COVID hit, pretty divided.... We were being asked to be on the front lines. And when we first opened, it was a bit scary and a lot of unanswered questions.... The company does have an employee relations team, but their response time ... was not where it should have been.*

Fast food, Nov20: *Right now, they [corporate] are putting more and more burden, more expenses on us.*

Pharmacy, Dec20: *I've personally been challenged with trying to understand corporate's lack of compassion at times.*

By Summer 2022, some managers expressed increasing disappointment with support from the larger corporation they worked for:

Hardware, July22: *I do apologize that it sounds like I've been complaining, but this is just how my experience has been. I'm not in a good place with my current employer. I just feel like they don't care about anybody. Like I've spent the time to carry this team that in my opinion, excuse my language, kicks so much ass on a daily basis that they're so expendable that one wrong move is enough to condemn them?... I feel every single person on my team is a valuable associate. Just they don't see it that way.*

But other managers reported that they had strong corporate support from the beginning:

Fast food, Dec20: *[The corporation has] been extremely supportive of all of our employees and team members in placing them on leave and then offering them national emergency leave if they have a family member or loved one who is at risk and they opted not coming to work because they don't want to risk a family member's life.... [W]e hold positions for every employee who's placed on leave unless we hear from them that ... they would not come back.*

Grocery, Jan21: *Our corporate office is great. They've had our back on a lot of things. They give us a full set of guidelines for all the COVID cleaning and all that stuff. At the very beginning, they would do a weekly Zoom meeting with all the operators and give them updates on product availability, [and] their plans on moving forward. They communicated very well with us and had a set plan ready to go.*

Pharmacy-A, Apr21: *[L]uckily, [employees] were able to read and get the protocol [about COVID-19, from corporate] and feel more comfortable with their position.*

### Changing Emphasis on Performance Metrics, Including Use of Labor

Because corporate pressures on managers to keep a tight link between sales and staffing levels are key drivers of managers' scheduling practices – often taking the form of a target labor percentage for the worksite – pressures around the use of labor are central to understanding the extent to which managers implemented the SSO during the pandemic. Most of the managers we interviewed at the peak of the pandemic were given little relief from the larger company in terms of meeting performance goals. Almost half rated the pressure on them to do so as high (seven or above on a ten-point scale), and a majority (73 percent) reported that pressure to meet performance goals was either the same as or higher than before the pandemic. Managers explained that in the peak of the pandemic, ever-changing corporate requirements exacerbated difficulties with staffing and scheduling workers:

Apparel retail (Seattle-adjacent), Mar21: *Last week on Wednesday, we got a call [from corporate] that said, "Hey, starting on Monday, you guys are going to be open until 9pm instead of 6pm." And I not exaggerating. Every change that has happened has been that type of turnaround within a few days. But just difficult to know how to staff or when to staff. And if [an employee] leaves, should you replace them?*

Grocery, Mar21: *We get a lot of traffic but [because of COVID-19, sales are] still not great, so the payroll is tighter than before.*

Coffee shop (Seattle-adjacent), Apr21: *I would say the emphasis around labor is higher now than what it was before. I would say pre-pandemic, there wasn't a whole lot of conversation there. I mean, if you went over, you went over in labor.*

One of the common changes affecting scheduling during the peak of the pandemic was the reduction in business operating hours, which resulted in managers being allotted fewer labor hours and employees being scheduled for fewer hours as a result:

Fast food, Nov20: *[We] cut ... hours because we have to close down early. Open late, close early. Before we used to open at 6:30 and closed at 10 o'clock and now it is around 8:30 and closed at around 8:00....*

**“I feel like the most important thing we've learned, or one of the more important things, is just hygiene and general cleanliness.”**  
– Apparel retail, Jun22

**“I feel every single person on my team is a valuable associate.”**  
**– Hardware, July22**

Specialty retail, Dec20: *[R]educed shopping hours ... necessitated some decrease for employee hours.*

Fast food, Dec20: *[I]t's pretty difficult ... when you know that [employees are] not being scheduled enough hours to make their basic needs.*

Several managers reported that, early in the pandemic, their company changed the way their labor budget was formulated because of the volatility in customer traffic. Some managers explained how the adjustments they experienced eased pressures on them to meet their usual performance metrics:

Coffee shop, Nov20: *[Pre-pandemic] I was always held accountable to a labor percentage, so the percentage of sales, that's what my labor was. Now I'm held accountable to a number of hours, but we consider our minimum number of hours. So just to open the doors, we have to have the minimum number of people working, and held more to keeping that number of hours, rather than a labor percentage.*

As of Summer 2022, many managers continued to report “high” pressure to meet the company’s performance goals (about 50 percent in both 2020/2021 and 2022 waves) and to contain labor costs (around 40 percent in both waves). Several managers shared that their companies were trying to get back to pre-pandemic labor forecasting systems, but that continuing economic uncertainty made it hard to forecast labor, set realistic goals, and schedule workers. Their comments provide insight into the nature of these pressures and the complexities of complying:

Specialty retail, Jun22: *A year ago there was very little focus on labor. It wasn't until probably November, December, January that the company even really started talking about our labor budgets again. So, it was pretty easy a year ago to just kind of use what we felt we needed.... Now it's definitely more of a concern... For the most part I feel that our goals are reasonable, and we are able to operate well within those goals - giving the team the hours that they need to let my employees survive, and then also enough to run the store. But they are inconsistent. It'll be great for five or six weeks out of a couple of months. And then there's two weeks that are just for no apparent reason completely ridiculous goals that are impossible to make. So, that's a little disheartening.*

Full-service restaurant (Seattle-adjacent), Jul22: *[when asked if they cancel entire shifts] Yes. I try to cancel shifts, but ...I have to deal with the fact that [the employee is] going to be mad that I have to send them home early...I have to let them work some because I'm going to need these people the rest of the week, you know? I can't treat people like they're nothing because I don't need you today. So, I have to try to keep all that in mind, and at the same time, that makes my boss tell me I'm too nice... So, they're like, “Run the business. You got to schedule to your business case. It's unfortunate, but it's the case.” And that's what they want.*

**Staffing and Turnover Challenges**

There is a vicious cycle between schedule unpredictability and employee turnover: unstable, unpredictable work hours fuel turnover and turnover, in turn, makes it difficult to provide stable, predictable schedules to employees. Thus, employee retention and hiring when necessary are core to SSO implementation. Our 2022 interviews suggest that retail and food service managers in Seattle were having substantial difficulty hiring and retaining staff. Managers rated as “very” or “somewhat” problematic employee quits (58 percent, or 18 managers), maintaining adequate staffing levels (63 percent, or 19 managers), and hiring hourly workers (69 percent, or 20 managers). Staffing difficulties arose even though the majority of managers reported that their companies had increased both hiring wages (60 percent) and wages for existing employees (70 percent) during the prior year; all but two worksites were continuing wage boosts.

Several managers explained that the underlying issue was not so much about maintaining the total number of employees on payroll as achieving adequate staffing levels during hours of operation, in large part due to employees calling off of work shifts. Employee call-offs result in understaffing, with the remaining workers scheduled available to substitute for a given shift potentially lacking the skills needed to meet basic business requirements. The majority of managers reported that employee call-offs were “very” (50 percent) or “somewhat” (27 percent) problematic in the month or two before we interviewed them in 2022. Though COVID-19 rates and intensity were easing during this second wave of interviews, 66 percent of managers still reported then that absences from COVID-19 were very (23 percent) or somewhat (43 percent) problematic.

For those managers reporting staffing challenges, we note that these difficulties started during the height of the pandemic, before the phrase ‘The Great Resignation’ arose widely across media. During our Peak Pandemic wave, managers noted several staffing and hiring issues:

Full-service restaurant, Nov20: *I used to have a lot of teenagers who liked to work tons of hours and would beg for shifts and now I'm begging them to work shifts.*

Apparel retail, Mar21: *[Reduced hours of operation mean that] you're not giving people as many hours as they used to get. Yet somehow, I still don't have people available at certain times and weeks or days of the week. Yeah, so short staffed yet still don't have enough hours to give people.*

Full-service restaurant, May21: *I had a guy I just hired, he's like, “I really need a job.” Well, he worked one day and he didn't come back.*

Apparel retail, May21: *People will interview for a job and then fall off the face of the earth.*

Full-service restaurant, Jun21: *No one I have hired during the pandemic has stayed. No one. The only employees that I have now that are regularly getting paid and regularly on my payroll are ones that were here before the pandemic that decided to come back afterwards.*

When we then asked managers in Summer 2022 whether they had more difficulties hiring and staffing then than the year before, some explained that it was hard to judge because of evolutions over the entire period in worker availability, customer traffic, and also business operating hours:

Full-service restaurant-A, Jul22: *So, the problem is you can't really compare the two, right? And the reason that you can't really compare them is because the difference of my dining room [now] being open to maximum capacity... and to-go not slowing down, I need [more] servers and the hostesses. Now, I'm short-staffed because more things have opened that I have to cover.*

Hardware, Jun22: *If you remember with my old interview, we didn't answer the phone for the first year of the pandemic because we were short staffed and busy. We at least answer the phone now.... But we want to expand our hours back to pre-pandemic hours and so we need more staff to do that.... I don't know why I can't get anybody to apply. I mean there's rumors out that nobody wants to work or whatever. It's too expensive to live in Seattle, so they can't afford to work here at a hardware store. But I don't know.*

The majority of the managers stated in 2022 that understaffing and hiring difficulties were problems that affected the business, their workers, and themselves:

Grocery, Jun22: *[M]y biggest challenges are hiring. Probably my number one is to get people in the door that want a job.... And then the retention to keep them.*

Hardware, Jun22: *What always worries me the most is staffing. That's what I stand in the shower ruminating over... It's usually, how are we going to get more help?*

Fast food, Jun22: *We are definitely shorthanded. [It is] partly because of our location in general with the people that we have in as clientele.... Downtown Seattle is definitely a tourist attraction and we have a lot of people who come in for like cruise ship season. We have people who come in from all over the states. I've heard from my employees of how some of the people behave and treat the staff, and they don't want to be a part of that anymore.*

Grocery, Jun22: *I'd say that the staff that we do have, the tenured staff that have stayed, I mean, their jobs get to be a little bit more challenging because they're doing more ... [T]heir workload has increased because of the lack of staff or the call outs or the turnover or COVID cases. Any day, it's a different story.*

Big box/department store, Jun22: *My challenges, it's just getting people to come and work their scheduled shifts, and getting the store staffed. For my personal one, even if somebody is called out, or there's issues going on, and then we can't find any coverage, I have to drop everything I do in my personal life just to go cover shifts. So, that's my biggest challenge is technically I don't have a personal life.*

Not all managers reported staffing difficulties in Summer 2022, however. Some had found ways to minimize this problem with differing ramifications for workers' hours. One strategy to avoid being short-staffed was to "over-hire" and "over-schedule." This retail manager explained an over-hiring approach:

Specialty retail, Jun22: *I have adequate employees. We hired aggressively before the holiday season. So back in October and November we hired more people than we thought we would need for the holiday season. And we ended up needing all of them because it was very busy. And then I was able to retain a high percentage of them after the holiday and just keep them on as regular employees.*

Another retail manager described an over-scheduling strategy:

Apparel retail, Jun22: *[B]ecause we do know that we experience sometimes a spike of call-outs, we generally will go ahead and buff up those specific days that we generally can expect to see call-outs, so... the weekends, of course, and I would say maybe Mondays. So, generally, we go about ... over-scheduling on certain days just to compensate for the possibility of having call-outs.*

Other managers, in contrast, shared their sense that they do not have staffing challenges because they are good at engaging and supporting their employees:

Convenience store, Jun22: *I mean, try to take care of your employees, that's it. As much as I can, I try to take care of them. I give them incentive, I buy them (gift) cards. So, I try to be as fair as possible...*

Pharmacy (Seattle-adjacent), Jul22: *I don't mean to brag, but I think my management style has made my team very engaged and very willing to show up, especially on the pharmacy end of things. It's extremely difficult to get a reliable team of technicians right now. And I've had the exact same team as I did last year. So, I feel very privileged to be in this position, but I think it has to do with smart hiring and engaging the team, actively engaging.*

Apparel retail (Seattle-adjacent), Jul22: *It's just really being open and transparent. It's keeping a consistent relationship with the team, really understanding what they're looking to get out of what they're doing, listening to their concerns, really trying them in new areas if it's something they really want to do. If an opportunity comes up, then giving them a shot at it. If it's working, celebrating their wins. If it's not, pointing out some of the things, "Hey, this is what we can do differently." Just really having that open dialogue...*

Regardless of whether they faced difficulties with staffing, managers reported that retaining employees was a priority – and some observed that there has been a shift in power between employees and employers, as articulated by this retail manager:

Apparel retail (Seattle-adjacent), Jul22: *I think the biggest change [in my relationship with employees] is really during... the Great Resignation, everybody*

**“Because [employees] are real people that we work with every day and we know them. On a personal level, we spend 10, 11, 12 hours a day working side by side with these employees. We hear their stories about home life and children and pets and it's like family members.”**  
– Fast food, Dec20

**“They have to pay their own bills too. So, I don’t cut them any hour... If they want more hours, I give them extra hours, no problem...”**

**– Fast food, Jun22**

*definitely got a sense of their value and they definitely wanted to feel they were compensated more.... So, they definitely got better as negotiators, the employees, but the companies did not become better as negotiators, I would say. And that’s what caused it to really take a turn.*

## SSO Implementation During The Pandemic

In this section, we turn to providing insight into the state of implementation of several of the provisions in the SSO as of Summer 2022. We remind readers that the SSO was in effect throughout the pandemic and our study period. Requirements were eased for providing 14-days advance notice and the schedule change premium only when noncompliance was due to government issued public health guidelines pertaining to COVID-19. For example, covered businesses were still required to provide 14-day advance notice once a business had transitioned to providing curbside service and even when facing surges to demand as in grocery stores or drops in demand in other retail settings.

### Advance Notice

The SSO requires that covered worksites provide workers with 14 days of advance notice. We asked managers how far in advance they posted schedules for employees to view in both the 2020-21 Peak Pandemic wave and the 2022 Summer wave. Early in the pandemic, several managers had a hard time posting schedules two weeks in advance, even though they had met this requirement before the pandemic:

Fast food, Oct20: *This week’s went out about yesterday. So, Tuesday for the week of the second. And before that, I got it out on Thursday, so that’s for this week. I’m working on getting them out sooner [than three to five days ahead].*

Interviewer: *Is that the same as before the pandemic?*

Manager: *No, no. Used to do 2 weeks before COVID.*

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Fast food, Oct20: *Well, Secure Scheduling has been almost impossible. So, we were on top of it. We were doing great. I don’t know if that’s something you’re familiar with. Yeah? So that’s been really, really hard. So, getting back to getting a schedule out way before has been tricky. [F]or example, I had a girl that called in sick three weeks ago and she usually works between, I’d say like 18 hours and upwards of 30, like 28. And she called in sick on a Friday and she was only working Friday, Saturday, Sunday, so I had to work her shifts all weekend because I also need her to have 72 hours of no symptoms before she comes back to work and then people in her household were sick after that. So then having to redo the schedule for things like that is a headache. It’s just really challenging. Again, I don’t know how to say that. It’s just really challenging.*

COVID-19 was still making it difficult to post schedules two weeks in advance in the above fast food restaurant when we interviewed the same manager a year later in 2022:

Fast food, Jul22: *We ran into this last time. Legally, I think I’m supposed to have it two weeks up, or at least a week and a half prior. [But] it’s usually within one to four days, about four days before the next week starts... People are still getting sick. So, I got COVID, but I knew it was coming which was actually really helpful. I found out on a Wednesday, so I was able to redo my entire schedule for the next week to leave me off of it, because I was suspicious I would get it. I was right. But that’s not usually the case. It’s usually somebody calls day-of and says, “I’m sick, or I have a positive test,” or whatever, and then they’re usually off the schedule up to two weeks. So, then we have to bring [the schedule] down and redo it to fill those shifts.*

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Managers’ capacity to post in advance eased in some cases, as at this fast food site. Here is a manager we interviewed at Peak Pandemic:

Fast food, Dec20: *We try to post two weeks in advance, but honestly, the reality is one week. And that’s just due to changes in business volume that are occurring and changes in demands for the company that we see almost daily and employees also affect those changes, too... Prior the pandemic, we were on Seattle Secure Scheduling, which means their schedule had to be posted two weeks in advance.*

And then at the same site about a year later, a new manager reported that they were regularly posting 14 days in advance:

Fast food, Jun22: *For schedules, we do have [them posted] in our back office... We try and have those out at least three weeks in advance. And if we do need to add any people to the schedule, we do write those in. We initial it saying that we do approve those schedules being put in there. Overall, I would say that we try and keep on top of the schedule. Sometimes we do fall a little bit behind, but we do try and keep the communications with the employees that things are running a little bit slow right now. We’re trying to [post the schedule] as quick as we can...[W]e do our best to try and post it at least three weeks in advance. Sometimes we have it about two weeks. [This week] 14 days.*

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Other managers reported that two-week advance notice was part of the worksite’s standard-operating-procedure before the pandemic hit and even during its peak. They explicitly referred to the law as the reason they were continuing to post two weeks in advance during the peak of the pandemic, although a couple of managers thought it was a Washington State law rather than a Seattle municipal law:

Fast food, Nov20: *Since the labor department said that we have to post two weeks, we had started since then.*

Full-service restaurant, Nov20: *We've always had to do two weeks, just because it's the law here, where we have to provide two weeks ahead.*

Coffee shop, Nov20: *We always post them three weeks ahead. Washington has laws where if an hourly person gets their schedule less than two weeks, they get extra pay of a different assortment, unpredictability pay... I love it. It's really good for hourly [employees].*

Full-service restaurant, Feb21: *It's actually state law that we do it two weeks out.*

Full-service restaurant, Feb21: *As far [in advance] as we can get them. Two weeks is our Washington state guideline.*

Department/big box store, Mar21: *Yeah, we are required to do two weeks ahead. So basically, we write out three weeks in advance. So that way it helps the employee to schedule their life around what we scheduled them. And then we do have a website where they could just login and see their schedule for the whole three weeks...That's not really any different [than before the pandemic].*

Some managers who were complying with the advance notice requirement in the throes of the pandemic expressed resentment for having to do so:

Pharmacy, Jan21: *It's like almost \$17 an hour minimum wage out here right now, and I have to post the schedule in advance. Two weeks in advance they have to know exactly what their shift is because if there are any changes, there's potential to be paid time and a half, all this stuff. So yeah, they have to know two weeks in advance what their schedule is. It has to be posted...*

Note that several managers replied “3 weeks” when we asked in the interview how far in advance they post the schedule. Our probes of the date the current week’s schedule was posted indicated that some companies do seem to be moving toward 17 to 21 days advance notice. But several managers who indicated they provide three-weeks’ notice were referring to the number of schedules available for their employees to view: this week, the following week, and the week after. They were providing two as opposed to 3 weeks of advance notice though. This manager explains how having three schedules for employees to view equates to 14-days advance notice, which still aligns with the SSO’s requirement:

Fast food, Feb21: *In my case, they will have the current schedule plus next week's schedule, and then I have to post the following week's schedule today. So, you have those three on the board. Two weeks total that they can view in advance...It's the same [as before the pandemic]. This was implemented three years, four years ago.*

Of the 19 managers who completed the survey in Summer 2022, 11 reported that their company required that employees receive their weekly schedule at least 14 days in advance of the workweek, four said seven to 10 days, and four said less than a week in advance. Of the 11 required to give at least two weeks advance notice, eight checked that they “always” publish the schedule on time, two checked ‘most weeks’, and one checked “some weeks.”

Among managers indicating in Summer 2022 that two weeks of advance schedule notice was standard-operating-procedure, there were still considerable challenges to posting on time. This stands in contrast to our pre-pandemic findings that this provision was one of the easiest for managers to implement. In surveys, managers shared a number of factors that made it difficult “to construct the work schedule in the past month or two,” most commonly staffing problems: at least half reported that employee turnover, limited employee availability, and/or hiring challenges were making it “very” or “somewhat” difficult to construct the work schedule:

Hardware, Jun22: *Well, we're trying to ...at least expand our hours a little bit... [But] as soon as we had determined a time ... and I was working on the schedule, I had two people give notice.*

Fast food, Jun22: *We've been finding it fairly difficult [to construct the schedule] just because we've had very high turnover rates. I would say, overall, with people wanting to either not show up for work, calling out, or quitting, it's making it more difficult because then we have to find coverage. Thinking of me this entire week, the person who was supposed to be opening our kitchens has not shown up...They have not contacted us through our proper procedures. And I have been the one to, not only be the manager, but to also open the kitchen. And I've also had to open the bar at least one of the days of this week so far.*

Convenience store, Jun22: *I mean, they give me a worksheet. I probably could do it two weeks in advance or whatnot, but I know, I know deep down inside if I do, three people are going to come to me and say they need, they can't work this day, that day, or another day and they need to swap it out. It's like I just had three people come to me about a vacation for the summer and they're all around the same time... It's to the point where I just have to let them know “you guys need to talk to each other so you can figure out who's going to cover you while you go”. ... I just can't do it unless I get another person.*

Several managers also volunteered (we did not explicitly ask) that the extent to which they are overworked also interferes with their ability to make the schedule, as articulated by this manager of a convenience store:

Convenience store, Jun22: *The thing with the schedule, I don't [have] the time to do it because I'd be ended up doing a lot of other stuff. Like today, I'm supposed to be off, but I'm here. I'm here at work. I had to come in because my morning person was running late and the overnight person, there was only one person there, so I knew he was going to need that help. I had to come in, and I'm up [at the counter] now about to do the schedule.*

**“I used to have a lot of teenagers who liked to work tons of hours and would beg for shifts and now I'm begging them to work shifts.”**

**– Full-service restaurant, Nov20**

**“The Great Resignation, everybody definitely got a sense of their value and they definitely wanted to feel they were compensated more.... So, they definitely got better as negotiators, the employees, but the companies did not become better as negotiators, I would say. And that’s what caused it to really take a turn.”**

**– Apparel retail-A, Jul22**

Finally, almost half (n=9) reported on the survey that supply chain and inventory problems made constructing the schedule at least somewhat difficult.

#### **Good Faith Estimate**

The “good faith estimate” provision mandates that employers provide their most educated guess, in writing, of the hours employees can expect to work each week, and to update it when significant changes are made to employees’ schedules. All of the Seattle managers who completed the survey in our Summer 2022 wave (n=19) said that they provide an estimate of the number of hours employees can expect to work each week, and most also said they provided information on the days and times (n=14), variation in hours (n=17), or requirements for when they need to be available for work (n=17). As in our interviews Year 1, many managers expressed their commitment to fulfilling the number of weekly hours employees wanted and managers had promised them, as expressed by this retail apparel manager:

Apparel retail, Jun22: *We generally will work together to ensure that they are, one, getting the hours that they’re looking for, and then ensuring that they aren’t being either over-scheduled [or] under-scheduled.*

Several managers emphasized that delivering on promised weekly work hours was an important strategy to hire and retain employees:

Fast food, Jun22: *I prefer to give them their hours and for them to be happy to stay with you, because it’s not cheap to hire [an] employee. It is hard to find an employee. At the same time, it’s very expensive to train them. And after you train them, you lose them. [...] I give them the hour that they want, not the hour that I can. If any hour that they cannot cover, I will cover it. [...] The only thing I prefer [is for] my employee to be happy and ... to keep them than to be not happy and go look for another job or to quit on me.*

Grocery, Jul22: *Well, we try to keep it [within the estimate given at hiring] because we know that if we overschedule somebody, and they can’t handle that load, then they’re not going to stay with us.*

However, our interviews suggest wide variation in how managers implement the “good faith estimate” provision. Whether managers schedule employees according to the hour estimates depends on various factors. Several managers we interviewed said they provide more accurate hours estimates (namely, more precise total hours and their timing on the schedule) to employees with open availability and who are full-time status. In contrast, employees with limited availability and those who work part-time tend to get less precise estimates. These grocery and coffee shop managers describe this divergence:

Grocery, Jun22: *To be completely honest, I don’t usually give people a super accurate estimate on that because it does come down to more about what they’re available for than it does what hours I can offer them. So, when somebody [interviews, and] can only work after five... it’s like, “Don’t know for sure*

*how many hours I can get for you. If you were open, I could tell you, yeah, I get you 28 hours a week. But because you were limited, it’s hard for me to say how many hours I would be able to give you.”*

Coffee shop, May22: *We tell all of them that if you have open availability, you’re guaranteed at least 30 hours a week, 30 hours for us is full-time. Generally, you will only be working that 30 hours a week during our slow season, which is January and February. And the rest of the year, you can expect to be scheduled for 37 and a half hours. That’s the maximum number of hours that I schedule people.... Other than that, if you do not have open availability, I will generally schedule you however many hours you want most of the year, but you are considered a part-time employee to us. And so, during our slow season, I look at the pool of hours that I have, I take out the full-time employees and then I give all of the other employees a percentage of those hours based on the number of our operating hours that they’re available.*

Some managers also relegate temporary – versus permanent or long-time – employees to similar forms of vague scheduling:

Grocery, Jun22: *So, the staff that I hire seasonally, they’re part-time, so I try to at least give them 16 hours. And when they were hired, they were told between 16 and 30. Because they’re not my top priority. The top priority is my permanent people. And so, I try to take care of my permanent people first.*

Convenience store, Jun22: *Yeah, they all know their schedules and they all work them, so they know how many hours they’re getting. Everybody gets about 40, except for the one [girl] who’s temporary.*

Managers noted that employee call-outs, turnover, and employee-driven schedule change requests complicated their capacity to schedule employees in alignment with the hours they had promised:

Hardware, May22: *Vacation and sick time [make it hard for me to schedule]. That’s the only thing that makes it a little bit difficult.*

Specialty retail, Jun22: *Certainly, as different factors arise, like maybe the employee changes their availability, that may affect how many hours they can work. Or people will suddenly say that they could only work three days a week and that’s going to change it. But we try to let people know when they’re hired that they’re going to work between 18 and 22 hours a week. And that’s consistently where they are. Maybe some weeks they’ll be at 16 and some weeks they’ll be at 26, but usually it’s within that 18 to 22.*

Specialty retail, Jun22: *Now, it’s very easy [to stick to the estimate]. Before, it was difficult. With not as many workers as I got now.*

Managers also mentioned business needs and seasonal customer traffic as factors that complicate delivering on hour estimates:

Apparel retail, Jun22: *I would say it's pretty easy to ... now, just given the season that we're in. We definitely will have a little more - sometimes, depending on the month during summer -- more flexibility when it comes to ensuring that everyone gets the amount of hours they have been estimated. If there's ever any changes, usually holiday, beginning of the year, it's a little more difficult to ensure that everyone gets the estimated amount of hours that they are used to.*

This full-service restaurant manager additionally emphasized that estimating total hours and schedules is difficult as a matter of the nature of being a tipped server and so the restaurant does not feel compelled to give estimates:

Full-service restaurant, Aug22: *We don't really estimate it. When you're a server, you can't guarantee your day's going to get done at a certain time. It's never exact. We don't ever really be like, "Oh, well, you'll get" ... We can give an average. You might be scheduled off at 6:00, but guess what? You want to stick around for your table that is probably going to tip you. Now they're not leaving because they're sitting down there talking, and next thing you know it's almost 7:00 and you're still at work. It's not to fault us or you necessarily, it's just sometimes how it happens.*

In contrast, managers who use set schedules and have a small staff reported having an easier time creating and sticking to hours estimates:

Hardware, Jun22: *[What helps with adhering to hours estimates is having] set schedule, and I could always use more help. They want to work four days, you bet they're going to get four days.*

Grocery, Jun22: *[W]hen we're hiring for a position we usually know what the schedule is, depending on what position it is. Or let's say a cashier leaves, it's like, okay, that was a 30 hours-a-week schedule. We have a pretty good idea going into hiring what's needed.*

Fast food, Jun22: *It's easy. I mean, for big stores or big supply restaurants or something, maybe it may be difficult for them. But, for me, I don't have that many employees to worry about...*

Although most of the managers we interviewed indicated that they provide hour estimates to employees, fewer put them in writing. According to the survey, only 8 out of 19 managers who reported they provide hour estimates conveyed the information in written form. More often, estimates were verbal:

Convenience store, Jun22: *No [not in writing], but you tell them, "This is what you expect, this is what you get." And that's it. It seems to be more satisfying...*

Our interviews also suggest variation in how regularly managers update estimates of work hours after the point of hire. Some reported that they do not update the hour estimates due to employee turnover and changing business needs, as reflected by this fast food manager:

Fast food, Aug22: *I just take it by ear, pretty much, now. Because as soon as I try to update it, something will happen to where I got to change it, so we just take it by ear now.*

But others take a more intentional and formal approach to updating estimates:

Hardware, May22: *Yes. I always provide what days you'll most likely be working. And if a change comes in the future, we'll give you several weeks of notice, and we'll always ask permission, too.*

### **Extending Shifts**

Under the SSO, extensions to an employee's work shift – working at least 15 minutes beyond the scheduled end time – must be voluntary. The SSO gives employees the right to decline an employer-requested shift extension and dictates that employees who are asked individually to extend their shift be compensated with a schedule change premium of an additional hour of pay; employees who accept a request that has been communicated to multiple employees do not gain the premium. Although managers in Baseline and Year 1 interviews across all three covered business sectors indicated that extending a shift was a common practice, there was more variation in Summer 2022. Several managers explained that they rarely asked employees to extend their work beyond their scheduled end time:

Hardware, May22: *Rarely. Like I said, it's happened four or five times this year alone. But that's about it.*

Gas station, Jun22: *I would say almost never.*

Specialty retail, Jun22: *Not terribly often.... I would say what happens frequently is, "Hey, can you stay five minutes longer until the person that's coming ... manages to get upstairs?" Like they're in the building, they're just grabbing their stuff and they're coming up.... But extending more than just a few minutes, only probably happens again a few times a month as a way to help cover those sick calls that we would ask someone to stay later if we haven't already sent it out to the chat to see if someone can extend or pick up the shift.*

Grocery, Jun22: *Very rarely... I mean, I probably have done it to one person over the last month.... The same guy, he always is offering to stay because we've been short-handed on cashiers. And so, he will usually stay an extra hour or two to help us out to get through the dinner rush.*

**“I feel like I don’t have too much time to spend with my child, or my family basically. Basically, I live at the store, and then my actual home is a place I’m visiting”  
– Big Box/department store, Jun22**

Some managers mentioned that the SSO premium pay requirement influenced their reluctance to extend shifts:

Apparel retail, Jun22: *Not often, unless there's like, we had a call out that day or we're super understaffed for some reason [like] sickness. I mean, which is happening, but usually we try to make it work and not try to ask people to extend because we'd still have to pay the predictive pay if you ask people.*

Specialty retail, Jun22: *Not terribly often. If it is within 15 minutes of their original end time, [we don't pay the premium]. If it is outside of their original end time and they volunteered for it, [we don't pay the premium]. If we ask them to stay later, [we pay the premium]. Which is why we try to do it all via the chat wherever we can.*

Other managers said they extended shifts at least sometimes and did not view having to pay premium pay when required by the SSO as a deterrent but rather as an incentive:

Apparel retail, Jun22: *Yeah [we extend shifts] .... And generally, whenever we are asking someone to extend their shift, that is always just an extra perk that we let them know, like, "Hey, if you do stay, you can get predictability pay," and that's almost their, in a way, incentive if they're willing to stay longer.*

Fast food, Jul22: [How often do you extend shifts?] Sometimes. They get the premium pay for those.

Coffee shop, May22: *I would say that it's usually individual[s that we ask to stay]. When it's a group, we don't have to offer predictability pay, which is the extra hour of pay. I would say most of the time we do offer that extra pay, even when we're asking a group. But I think most of the time it's individuals, if I think about it.*

As alluded to by the manager above, the SSO exempts employers from paying the schedule change premium for a shift extension if they ask for a volunteer from among multiple employees, such as an in-person huddle at the worksite or over a group chat.<sup>11</sup> Despite this rule, in Summer 2022 numerous managers indicated that they mostly communicated with employees individually about extending their shift, as did this manager of a convenience store:

Convenience store, Jun22: *[How often do you extend shifts?] This comes up a few times a week because I'll get my 2:00 will hit me at 1:00, 1:20. She'll tell me, "Well, I got to go pick my daughter up from school. I'm going to be there by 2:30." Then I turn around and whoever is there on the register, I'll ask them, "Can you stay until 2:30 until she gets here? If not, it's okay because I'm here until 4:00." I'll give them that choice to stay until they get there or I'll let them leave still at 2:00 and I'll pick up.*

The above quote reflects the challenge managers face in adequately staffing shifts when

employees call-off, something that became more common during the pandemic due to illness, seeking health care, or having child care problems. When asked on the survey how often they or another manager adjusted posted schedules due to employee call-offs, 37 percent (n=7) of Seattle managers in the 2022 wave responded that they made adjustments at least several times a week and an additional 19 percent (n=4) said about once a week. And many managers who extended shifts by asking individual employees also stated that they did not pay the schedule change premium when they did so. There remains, then, inaccurate understanding about when premium pay is due, as well as when a shift extension is employer versus employee driven and when an employee's acceptance of one is voluntary:

Grocery, Jun22: *Most of the time it would be individual [we ask], and yeah, if this person doesn't want to [stay] then they'll ask somebody else, most of the time.... Just additional hours, but no additional pay.... Not an extra 50 cents that hour, or anything like that, no.*

Fast food, Aug22: *Unless they've worked over 40 hours that week, no [they don't receive extra pay for staying].*

### **Adding Shifts**

The SSO also establishes the terms under which shifts can be added to an employee's posted work schedule. First, employees have the right to refuse additional hours. Second, employers are exempt from paying a schedule change premium for an extra shift only if it was offered to a group of employees and the extra hours are available as a result of an employee-driven reason, such as an employee calling off due to illness or quitting. Additional hours for purely business reasons (e.g., surge in demand, inventory to shelve) require payment of the premium regardless of how many employees are contacted. Our Summer 2022 interviews suggest progress in managers' understanding that they can avoid payment of the premium by offering newly available shifts to multiple workers, but few grasp the distinction between employee versus employer reasons in determining when premium pay is required.

One way to comply with the SSO and also avoid premium pay is to limit schedule changes. More than in Year 1 before the pandemic, several managers took steps to severely limit or avoid the addition of new shifts to the schedule, while others indicated that they only added shifts once in a while. Some managers reported that rather than adding shifts to the posted schedule, they preferred to cover the hours themselves or have another manager work the extra shift:

Convenience store, Jun22: *We usually try to cover it between me [the owner] and the manager..*

Fast Food, Jun22: *No. No [employees are not asked to come in extra]. I would go in.*

<sup>11</sup> See Seattle Office of Labor Standards Secure Scheduling Ordinance SMC 14.22 Poster.

**“We’ve always had to do two weeks, just because it’s the law here, where we have to provide two weeks ahead.”**

**– Full-service restaurant, Nov20**

Apparel retail, Jun22: *I would say for associates, that doesn’t really ever happen [asked to come in on a day scheduled off]. That may happen for a manager if we had one manager call-out and now there’s only a [supervisor] all day, we might call another manager to come in, in place of that manager that called out...*

For some managers, the requirement to pay the schedule change premium when asking individual employees to pick up shifts propelled them toward using group chats, scheduling apps, or emails to communicate available shifts instead:

Coffee Shop, May22: *Yeah, [we contact] all employees at the same time. [I]f the manager is asking an individual employee, [that employee] automatically get[s] [extra pay] because the manager is asking, but the manager could choose to ask in a mass communication. And if they do that instead, then the [employee] would not get predictability pay.*

Specialty retail, Jun22: *[W]e almost always try to send a message out in the chat first. The exception would be if we have, again, one of those specialty department shifts and we know that everyone that works in that department is already working that day or is on vacation. Or we know that we have no other options except one specific person. That’s when we would call them directly and ask them, just to make sure that they see the message, they get the message and we can have that conversation directly... They do [receive predictability pay] if it was a shift that a [supervisor] asks them directly to pick up. If they volunteer to pick up a shift, they do not receive extra pay. But if we contact someone one-on-one and ask them to change their schedule, they do receive extra pay.*

Apparel retail, Jun22: *Yeah, so we have predictive scheduling in Seattle, which means that... if you ask an employee to pick up a shift or if that we need to cut their shift, then we do need to pay them the predictive scheduling pay. If you ask in a group email thread the whole store and offer that and people volunteer for shifts or volunteer to trim their shifts, then ...it wouldn’t be predictive pay.*

Frontline managers who individually contacted employees to fill extra shifts varied in whether or not they provided premium pay. Sixty-five percent (n=11) of managers who answered our online survey indicated that they kept a list of employees who would like to be called in when extra shifts became available.

Full-service restaurant, Jun22: *We usually just tell each employee individually (about changes to their schedule). We try and keep a list of contacts in case we need to have someone come in if there is emergency. ... If their hours end up going into overtime, then that is a different thing. But normally if we ask someone to come in, they don’t get extra pay. They get paid at the normal rate, until they go into overtime.*

Department/big box store, Jun22: *I’d say pretty often [we call in individual employees to work]...[T]hey always [receive predictability pay].*

Notably, some managers provided their own choice of incentives to employees accepting extra shifts beyond those for which they were originally scheduled. Some of these managers reported little or no knowledge of the SSO and the required schedule change premium, and were therefore not trying to comply with a provision of the SSO. Others were aware of premium pay but preferred to pursue their own approach to supplementing their employees’ wages. We suspect these incentives were motivated by a combination of managers’ empathy for their employees, a desire to incentivize extra work to avoid understaffing, and as retention strategies:

Hardware, May22: *Honestly, that depends. If they’re doing me a huge favor... or it’s an inconvenience for them, and they’re not working the full day, I’ll pay them for a full day’s worth of work, even though they’re just coming in for a couple hours maybe... I’ve also arranged transportation or buy lunch. I try to make it up in any way.*

Convenience store, Jun22: *I mean, when one of my managers had someone [do extra] and gave her extra, he gave her, like, extra \$50 in cash a day. He had her go to this other store and work for three days and he gave her \$50 cash extra besides what she made hourly. He cashed her out.*

Grocery, Jul22: *So, if the associate was off, let’s say, on Sunday and Thursday, and we call them in Thursday, that Thursday should be a complete overtime once it was over 40 hours for the week. So yeah, they don’t get [predictability pay in addition to overtime pay]. Well, we have these cards that we give them that they can buy stuff with. So, we’ll throw those in when I have folks that come on their day off, “Hey, can I buy you lunch?” And I’ll give them \$15 to go buy lunch to just show appreciation for changing their plans for that day. But there isn’t nothing like, “Oh look, on my paycheck I get a \$25 bonus for coming in.” Nothing like that.*

Fast food, Jun22: *No. No. Nothing like that [predictability pay]. I just pay them extra \$1.00 or \$1.50 just for vacation pay or, like a bonus. Extra. Just like that.*

### **Shortening/Canceling Shifts**

Employers are free to shorten or cancel an employee’s shifts on the posted schedule, but under the SSO, they have to compensate employees for doing so. The SSO regulates retail and food service managers’ practices of reducing and canceling employees’ shifts by requiring employers to pay employees for half of any (remaining) hours the employee was scheduled to work but did not. As with shift additions, managers can take two paths toward alignment with this feature of the law: they can avoid shift reductions or cancellations, or they can compensate employees with the schedule change premium required by the SSO for canceled or shortened shifts. As in our prior waves in Seattle, the former is the more common route among the managers we interviewed in 2022. Most reported that they never or only rarely cancel scheduled shifts. Although reducing shifts by sending employees home early appeared to be more commonly practiced by managers than canceling shifts, it was viewed as a last resort when the business was extremely slow or there were no extra tasks to assign.

Managers who reported that they sometimes shorten employees' shifts emphasized that such reductions were not forced on employees, though we observed variation in how they established employee voluntariness in these cases. Only a few managers indicated that their worksite had paid the schedule change premium for shift cancellations or reductions. This coffee shop manager specifically noted premium pay as a deterrent to shift reductions:

Coffee shop, May22: *In the moment, we do not ask [employees] to go home. If you show up to work, we will find something for you to do. Our labor laws here are if we send somebody home early, we pay them for at least half the time that they would've worked with the minimum of one hour. And that's for a change that's greater than 15 minutes.*

Some managers emphasized that they do not reduce or cancel employees' shifts because they are concerned that their employees are not getting enough hours to make ends meet, as explained by these managers:

Fast food, Jun22: *No. You cannot change, like I said, because you only have one employee. It's not like you have two, three standing doing nothing. And I prefer for them to have their hours before anything else. They have responsibility. That's why they're working. They need the money to pay their rent and things like that. So, you cannot cut that hour because your business is low or there's no business. That's the main thing you have to give them enough hour to keep them.*

Fast food, Jun22: *So, the last two weeks has been really slow; I don't tell them to go home. I let them stay. Sometimes they just keep doing nothing. Just sitting and doing nothing, and I still pay them. ... Because I hired them, and I told them I'll give them this hour, or they said they need extra money... Because I respect them too, because they have some other bills to pay too, right. So, I don't mind having them stay, even if it's not busy. I don't tell them, "Hey, listen, you need to go home because it's really dead."*

Whether or not attributed to the SSO, managers across all business types reported that rather than asking workers to leave early or canceling shifts, they regularly assign them to other tasks, noting that there is always work to be done such as cleaning, disinfecting, organizing, and stocking:

Full-service restaurant, Aug22: *Well, there's all kinds of special cleaning, and stuff like that, that generally takes up that time. Organizing, cleaning, disinfecting stuff, a lot of that. Dusting, lots and lots of disinfecting, again.*

Convenience store, Jun22: *We don't [send anyone home]. We have always stuff to do.*

Full-service restaurant, Jun22: *Usually we try and do a lot of prepping if it is slow, that way we are prepared for a time when we do have that huge rush.*

Specialty retail, Jun22: *We generally don't adjust our staffing levels if business is slow, unless it's really, really, really slow for many days in a row... [W]e just let it go and we use that time to catch up on other tasks that need to be done.*

Many managers also stressed that they do not force employees to leave early, but rather offer it as an option the employee can choose. As with shift additions, some managers appeared to believe that as long as employees agree to a shift reduction, the company does not have to pay the schedule change premium:

Hardware, Jul22: *I'll offer [the option of leaving a shift early] to them if it's super slow. I know certain employees that I could say, "If you want to go home, great, if you want to stay, fine." I will never tell somebody they have to go home.... If you want to go home, you're not going to get paid but I'm not going to force somebody to leave their schedule for that day. So, they're entitled to that shift as long as they work....*

Interviewer: *Then you mentioned that they wouldn't receive compensation for those hours if they did go home.*

Manager: *No, no they don't.*

Another manager of an apparel retail store, who similarly believes that the schedule change premium is not required when an employee accepts their invitation to leave, strategically asks individual employees who have other commitments and who might want to leave early:

Apparel retail, Jun22: *If it's a slow day and there aren't a lot of tasks to do, ..., sometimes we do just ask associates if anyone would like to go home early. We don't ever send anyone home. We just ask them, "Hey, if there's anyone who would like to go home early today..." [W]e do ask someone if we know that they have an exam coming up or if they have something that they had planned that day, they're going straight there from work. We might ask those people just because we know they might have a schedule constraint. Sometimes I will prioritize those who we know have commitments that they have to keep after work, and we figure a few extra hours will make it a little bit easier on them.*

Interviewer: *Would they receive compensation for the hours that they would've worked if they completed their full shift?*

Manager: *From my understanding, truly, I don't know. I haven't looked yet at that, but I think from my understanding, if they are sent home, then yes, they do get that compensation. But if it's something that we present to them as something that's a voluntary choice and no one's required to go home...[no].*

Several managers reported that when business is slow, they ask employees to work different days or times instead of canceling their shifts. At most, workers receive one-hour of extra compensation for such changes, even when made at the last minute:

**“We generally will work together to ensure that they are, one, getting the hours that they’re looking for, and then ensuring that they aren’t being either over-scheduled [or] under-scheduled”**  
**– Apparel retail, Jun22**

Department/big box store, Jun22: *Yeah, we cannot cancel any shift... but we could ask them to work another day. But we still have to pay them the premium pay for working different than what their shift is.*

Fast food, Aug22: *We really don't cancel shifts. I mean, we'll just send somebody home for an hour, send them home early, or we'll have them come in later just because it's slow... If you come in later, we'll let you stay extra.*

### **Access to Hours**

The “access to hours” provision requires firms to offer newly available hours, such as when another employee quits or the establishment is entering a busier season, to current employees before covering them by hiring new employees. This is to be done through a process of announcing available shifts to all current, qualified employees. When managers were asked in the survey how often they offer available hours to qualified current employees before hiring new employees, 7 (out of 19) in 2022 responded “Always.” As in the Year 1 evaluation, our interviews suggest wide variation in how managers are implementing this provision. In interviews, several described specific procedures of offering shifts to current employees before hiring using mass communication:

Apparel retail, Jun22: *We will always post [available shifts] to the scheduling app, and it will notify [employees] of an open shift, and they are able to take it up within their availability. Outside of that, we will also just let them know on the floor beginning of the day, like, “Hey, everyone, we have this open shift available on Thursday. If you want to pick it up, just let a manager know.” And then, those hours just get added into their scheduling app.*

Specialty retail, Jun22: *[I]f we're getting to the point where there are consistently shifts or hours that we can't fill, then we would look at hiring, but only after we give kind of a, I want to say a formal notice, but we sort of let the current employees know that, “Hey, we have these extra hours.” And if nobody that's working here wants them, then we're going to hire outside. Because sometimes people will maybe not want to work this specific day or that specific day, but really, they do want to be working more. It gives them the opportunity to come forward and sort of claim those hours before we bring someone in from the outside.*

Fast food, Aug22: *We'll offer the shifts to everyone, post it so they can see or we'll also put out a post in the Facebook Group we have to the employees to see. If no one takes them and we need to hire new staff to fill the shifts, the new hires will need to take those shifts that were left open.*

Not all managers opt to fill available shifts, however. Some indicated that they instead first try to rearrange current employees' schedules based on their knowledge of employees' availability, as described by this fast-food restaurant manager:

Fast food, Aug22: *I just move people around. Me and my other manager, we sit down together and we move people around. We'll figure out who's able to work to cover the shifts, who's willing to come in early and stay little extra, who's willing to work that 10, 11-hour shift.*

Other managers highlighted that when trying to cover extra hours, they take into account employees' economic needs or specific skills. In such cases, managers communicated with specific individual employees before opening up the available shifts to everyone:

Coffee shop, May22: *I'll try to look for specific employees that I think will be extra helpful or that I know need some extra money. If they say no or if we aren't accepting overtime pay for that shift, I'll just post them as open shifts to all of the baristas. And then we also post it at our sister store to try to get help from there too.*

Specialty retail, Jun22: *We try to equally distribute [extra hours] wherever we can .... Everybody gets a little bit more, unless we have certain folks that have been, again, really asking for more hours and are able to work those, and we'll try to prioritize them first. Again, we just try to spread it around, I would say.*

As the above managers convey, offering available hours to current staff rather than hiring new employees to fill them is a means of increasing hours and earnings for current workers, consistent with the rationale for the ‘access to hours’ provision. But when asked about this distinction on our survey in Summer 2022, more than half of managers (11 out of 19) reported that they prefer to keep their staff size large so that they have a pool of workers to draw on when needed, a preference also found at Baseline and Year 1. This practice of hiring to maintain labor flexibility seems to make it all the more likely that the ‘access to hours’ provision will not be implemented in the way specified by the SSO, that is, posting shifts that become a regular part of current employees' work schedule and also provide additional hours. Managers preferring to keep headcount high are likely to absorb employee separations using the same practices they follow for filling one-off shifts that may occur when an employee is ill for a day, at least in the short term, as reflected in this apparel retail manager's remark:

Apparel retail, Jun22: *[I]f someone does quit, ... it's never too much of a worry. We are, like I said, fortunate enough to have, I would consider, a pretty large ..., reliable amount of team members. So, in the event that we do experience someone that doesn't come in, we just make changes to the schedule.*

High worker turnover and hiring difficulties in retail and food service sectors during the COVID-19 pandemic posed a further set of challenges to executing this provision: in some cases, existing employees were already working at their full availability. On the survey, 13 (out of 19) reported either none or only a few of their part-time employees wanted to work more hours per week. Several managers interviewed in 2022 stated that they did not ask current employees about extra hours because those employees had no more hours to give:

**“Yes. I always provide what days you’ll most likely be working. And if a change comes in the future, we’ll give you several weeks of notice, and we’ll always ask permission, too”**  
**– Hardware, May22**

Fast food, Jun22: *No [current employees were not asked if they wanted more hours before a new employee was hired]. They [are] all working up to their limit.*

Grocery, Jun22: *I hire people as needed because typically the people that I have here that have been here for, let’s say a year, they are working basically their maximum available hours, what they are available for. So, the people that I have here are the ones that have been here for more than a year, I should say, are only limited by their availability. So, I know that I’m not going to offer more hours to [employee name] because he needs those three days off for his kids track practice. You know what I mean?*

Convenience store, Jun22: *Yeah (if they want hours), but a lot of my employees are already getting overtime.*

Grocery, Jun22: *I don’t have staff that can pick them [available shifts] up because most of them are already full time.*

High turnover poses additional challenges to implementing “access to hours” in various ways. For example, frequent change in employees makes it difficult to announce the availability of new shifts via mass communication, as reported by this grocery manager when asked how they fill shifts that have become available due to employee quits:

Grocery, Jun22: *I usually go each person because of the [high] turnover. So, I mean, [I would have to update] the group chat over and over and over again.*

And when turnover is sudden or unforeseen, filling available shifts via mass communication is difficult too, as reported by this full-service restaurant manager:

Full-service restaurant, Jun22: *Normally, we’re able to find someone [to fill a newly available shift]. Luckily, we were able to do that today, but over the past three days, we haven’t been able to do that because it was unexpected. We didn’t know about it. So, we just made the assumption through a pattern process of the past three days, that this person may not show up today either.*

## Factors Shaping Variation in Implementation

Our study is designed to provide in-depth information on the nature and process of SSO implementation by frontline managers of covered businesses; it is not designed to offer causal knowledge. Even so, our interviews suggest factors that can help explain variation in managers’ implementation of the different SSO provisions, as detailed in each of the above sections. For example, managers of worksites that are understaffed and have high turnover are unlikely to consistently provide 14-day advance notice, and those with tight labor budgets try to avoid paying the schedule change premium by limiting changes to their staff’s schedule, in some cases preferring to work the hours themselves.

One factor that does not emerge from our interviews as key to explaining variation in the implementation of SSO provisions is the business subsector. As evidenced from the quotes we present, there is variation in implementation within retail settings, limited-service restaurants, and full-service restaurants. For example, in fast food, there are worksites that avoid tightly-spaced shifts and consistently provide predictability pay for schedule changes but other fast-food restaurants that regularly schedule closely-spaced shifts without paying additional compensation for those shifts or for schedule adjustments. Similar variation is also found among the grocery sites in this wave. Although only two managers in full-service restaurants participated in the Summer 2022 wave, there was variation in SSO implementation among the five restaurants participating in the Peak Pandemic wave, especially in their implementation of advance notice. Within subsector variation was also found in our Year 1 wave.

In addition to the factors we highlight in our sections on the implementation of specific provisions – turnover, understaffing, tight labor budget – two interrelated factors central to the implementation of all provisions are managers’ knowledge of the SSO and corporate supports for implementation. We emphasize that these factors are interrelated as it is the responsibility of employers to ensure compliance with prevailing employment laws, which necessitates knowledge and tools.

### **Managers’ Knowledge of the SSO and Supports for Implementation**

Five years following the enactment of the SSO, corporations, including national franchises, are falling short on informing managers of the ordinance and supporting its implementation in covered worksites. When we asked managers in our Summer 2022 interviews, “Do you know about Seattle’s Secure Scheduling Ordinance,” only 10 of the 21 participating managers said “yes.” (The ratio of managers who knew about the SSO was higher in our Year 1 research.)

On the positive side, of the 10 managers who indicated they knew about the SSO, seven had good practical knowledge of provisions, reciting details that managers did not recount in our Year 1 interviews. For example, they described detailed terms included in the SSO that dictate when and how much predictability pay is due for shift extensions and schedule changes:<sup>12</sup>

Coffee shop, May22: *So, we pay all of our employees extra if a manager’s asking them to change their schedule by at least 15 minutes. So, for instance, when I’m reaching out to that one employee to pick up a shift, we [pay an additional] hour because we’re changing his schedule by more than 15 minutes. And then if we ask an [employee] to stay late or come in early and it’s by more than 15 minutes, we pay them an extra hour of pay.*

<sup>12</sup> Some of the managers who stated that they do not know the law were scheduling in ways that aligned with at least some of its provisions: in particular, seven reported posting schedules two weeks in advance, and one said the company paid a premium for schedule changes. These managers reported that the company used scheduling and payroll software that incorporated these provisions, which we discuss in more detail below

Specialty retail, Jun22: *If it is within 15 minutes of their original end time, no. If it is outside of their original end time and they volunteered for it, no. If we ask them to stay later, yes.*

Apparel retail, Jun22: *[If they worked an extra shift] they'd get paid for the time of their actual hours work, plus one predictive pay penalty hour. So, they came in for a four-hour shift, they'd get paid for five hours.*

Specialty retail, Jun22: *They are paid one hour for every shift change. If their shift is cut short, they are paid for half the time that they would have worked.*

Moreover, most managers who indicated they know the ordinance reported that they provide employees with information about Seattle's Scheduling Ordinance. Although the most common way of providing information was putting up posters for employees to view, some managers described that they provide information to employees at hiring of their employment rights, including provisions of the SSO:

Specialty retail, Jun22: *[W]e do make sure to cover it in orientation, let them know what they're entitled to for all of the types of pay that they might be entitled to. Provide them with their number of hours estimate. Get them added to the store's Facebook chat so that they can receive notification of those additional shifts if they want to. Provide that written notice and then just make sure that they understand why we are doing that.*

Department/big box store, Jun22: *When they're hired, there's a paper that they have to sign we call, "Good faith." It's a set time hour that we set for them, "This is how much hours you could get," and then we have a poster of the scheduling law, and then we have a short poster that we put next to their schedules.... we let them aware of the policy.*

Fast food, Aug22: *When I hire people, I tell them about [the SSO]. I let them know, "If we have to send you home early, we do pay you for it. If we bring you in on your day off, you do get predictability pay." We do discuss it with them.*

### **Corporate Supports for Implementation**

As in past interviews, we asked those managers indicating familiarity with the SSO a set of additional questions, including about the supports they may have received for implementing it in their sites. This included corporate-provided training and designation of human resource representatives to whom managers could reach out with questions. This department store manager, who was one of the most knowledgeable about the SSO, described a range of such corporate supports:

Department/big box store, Jun22: *We have a conference call on it about how to do it [the SSO]. There's any question, how to determine when to put in the predictability pay, and when it's not... It's helpful because there's a lot of questions that you have because you can't really determine ... when to pay them or when not to pay them. So, there's a lot of bases they cover about it. And*

*any question that come up, we send in a question and they [send] back the answers... and I [ask] my district manager.*

These managers in limited-service restaurants reported access to similar resources:

Coffee shop, May22: *[The company] put it into a PowerPoint form that I can reference at any point in time that I need it; it's on our internet. And so that's actually been the most helpful because I can just go check it whenever I need to.*

Fast food, Jul22: *The people who do our payroll, they are in the south end. I think maybe this is the only business that they support that's ...within Seattle where this law applies. So, getting them on board, having them understand it, that was another resource. My accountant was helpful in answering some of the questions around secure scheduling as well. She's just a little bit well-versed in reading and interpreting what that means for labor, and then they were able to add a column [in the payroll system] where we can separate out like, "This is premium pay."*

Apart from training and other ongoing consultative supports, 15 (out of 21) managers reported that they use tools developed internally by their company (n=5) or purchased from a vendor (n=10); 6 reported using a spreadsheet. Managers whose companies use scheduling software reported that those programs were helpful in aligning their practices with the SSO, but only a few reported that the program had been customized to help them implement the complexities of the law. For those managers reporting customization, however, having scheduling software tailored to the SSO further facilitated their efforts to comply with the law:

Coffee shop, May22: *[The scheduling software] does look [for] closely spaced shifts automatically, which is helpful so I don't have to manually go through and do it. And then it won't allow me schedule closely space shifts as well.*

Apparel retail, Jun22: *[T]he software ...knows when the predictive scheduling penalty code should be applied, if you're changing a schedule past that two-week mark.*

Because most systems were not customized to implement SSO requirements, it is perhaps unsurprising that just eight managers reported on the survey that, per SSO requirements, reasons for changes to the schedule were documented "most of the time" or "always;" five said "never." Managers who did document schedule changes for predictability pay purposes described using informal systems, such as notebooks, to record reasons for changes and then updating the payroll system by hand:

Coffee shop, May22: *And then after [employees] work [extended shifts], then we have a log where they write down their schedule change in the log and then they put a reason code for it. So, the reason code could be, "I left early sick." Or the reason code could be, "A manager asked me to stay."*

**“Yeah, [we contact] all employees at the same time. [I]f the manager is asking an individual employee, [that employee] automatically get[s] [extra pay] because the manager is asking, but the manager could choose to ask in a mass communication. And if they do that instead, then the [employee] would not get predictability pay”**  
**– Coffee Shop, May22**

**“Usually we try and do a lot of prepping if it is slow, that way we are prepared for a time when we do have that huge rush.”**  
**– Full-service restaurant, Jun22**

Specialty retail, Jun22: *But we have a log that we keep that any time any [supervisor] has a direct conversation with an employee and asks them to change their shift or sends them home, we log that and that gets paid out... Someone manually adds it when we go to submit payroll on Sunday mornings.*

### **City of Seattle Supports to Seattle Businesses**

Although information and support from the larger corporation has proved useful to managers in effectively implementing the SSO, managers also reported the usefulness of information about the SSO that they have obtained from the City of Seattle. This retail manager described specific aspects that were informative, especially in implementing predictability pay:

Specialty retail, Jun22: *The clarification that split shifts did not qualify for premium pay was really important. Because again, at that time we were having people occasionally working split shifts. We don't do that anymore. But it was only from one day to the next and specifically sort of that [clopening], and then also understanding more about what did and did not qualify as a mass communication.*

Numerous managers additionally reported that the city website continues to be a great reference to check when they have questions about the ordinance:

Coffee shop, May22: *I also have the website bookmarked, the Department of Labor website.*

Apparel retail, Jun22: *I do also reference or try to reference the ... Seattle scheduling website as well, if I I'm unsure about something. Yeah, it's helpful to have as much information as possible, and it's sometimes hard to keep track of all the different rules for it. So, it's good to reference.*

## **Moving Forward: Emerging Issues for SSO Implementation**

In this section, we review a set of issues that managers newly raised in Summer 2022 interviews, concerns that hold implications for SSO implementation moving forward.

### **Shoplifting**

Over half of the managers we interviewed in 2022 (53 percent, n=17) reported on our survey that shoplifting was a “moderate” (22 percent, n=7) or “extreme” (31percent, n=10)

concern for them, mirroring international trends.<sup>13</sup> Fifty percent (n=16) of managers indicated on the survey in our Summer 2022 wave that the personal safety of their employees was “at least somewhat” of a concern; 22 percent (n=7) said it was an “extreme concern.” Suggesting a range of causes (including their worksite location and organized theft), managers shared the sense that the increased theft strained their capacity to staff and schedule their employees:

Hardware, Jun22: *Shoplifting has definitely increased in the last year... [W]e're more aware and we have to watch it. But there's also a safety issue because some of these shoplifters are pretty aggressive.*

Grocery, Jun22: *[T]he city of Seattle doesn't quite see theft as a crime, I'd say. So, in normal cases where you'd be like, “Oh, let me call the cops,” now it's like you know they're not coming, so you don't even call them. And so, theft, or weapons, or just interactions with thieves, that has all intensified dramatically and I worry... A few of our night staff, they even carry tasers just for the safety of themselves, because they feel that they need them. It's gotten really bad.*

Hardware-A, Jul22: *Shoplifting has definitely spiked. I would say it used to be... like once or twice a week. Now, it's like twice a day. So, our team, as thin as we are, also has to be gatekeeper to these things.*

Some managers reported that their company had made employee safety a top priority, adjusting their business model — including hours of operation, incentive structures, and policies on approaching shoplifters —to mitigate the risks of employees getting hurt while working or leaving the work site:

Coffee shop, May22: *[T]here's like some safety stuff as well. It's gotten a little bit better now that we offer a \$20 Lyft ride to baristas if they're leaving after 6:00 PM, and that's helped a little bit. But a lot of employees and a lot of potential employees are a little scared of going through downtown Seattle.*

Big box/department, Jun22: *[W]e're not ... allowed to question any thief... All we can do is just go up to them and provide customer service, ask them if they need help and stuff, but if they just grab something, whole stuff walking out the door, we couldn't really do anything about it... I think this is a company policy because I think in the past employee got hurt ...so, it's more safety issues now. Because people are getting violent.*

Convenience store, Jun22: *We get [what] I call ‘a beer run,’ because I'll get somebody in at like 4:00, 5:00 in the morning. We have these beer displays in the middle of our floor and they'll grab cases of beer, and they'll run out the door. By [corporate] policy, we're not allowed to say anything or chase them, so we have to let it go and then write it off. I did have one employee try to stop somebody. [The shoplifter took a stance and said]: “You don't want*

<sup>13</sup> For further reading on how retailers in the U.K. are responding to shoplifting, see the BRC Crime Survey 2022 Report.

*these problems. Just let me go." I'm like that's why they tell us not to chase [shoplifters], because you don't know if they're going to pull that knife out or something. Your life's not worth a case of beer.*

### **Housing and Homelessness Crises**

Both at the height of the pandemic and in 2022, managers were affected by Seattle's housing crisis and rising homeless population. Those based at worksites in Seattle's downtown area were especially vocal about the challenges they faced and their concerns for safety:

Apparel, Jun22: *[D]owntown Seattle is definitely very different .... not just within a year, but the past pre-pandemic versus now I think is a better comparison. So many businesses have closed in our area.... It doesn't feel always the most safe. There's a lot of mental health issues happening around the city and homelessness and just a lot of things happening for people...It's not uncommon that you'll walk into the store and there's like someone sitting on the sidewalk like smoking crack or doing drugs of some sort... Three feet away from the store.*

Full-service restaurant, Feb21: *The crime's gone up drastically, the homelessness downtown in Seattle, it's been steadily growing for a decade though.*

Grocery, Jul22: *I was working in a different city when [the pandemic] broke out, but I just moved to Seattle several months ago.... [I]t was a complete change of environment and external experiences with shoplifting, homelessness.... And so that was a shock at first. I'm always afraid when they call me up front. Like, oh my God, what's happening here? So, I'm vigilant. I keep safe. I'm aware of my surroundings.*

The effects of the homelessness crisis reverberated outside of Seattle's downtown area. Managers in our Peak Pandemic wave who were able to accommodate some of the needs of homeless individuals before the COVID-19 pandemic struggled with what to do when their business began to ramp back up:

Fast food, May21: *If I open the lobby, we're going to increase our employees just to handle the coming in of customers inside the dining area. And then the bathroom, which is why I'm really, really, really, really, really, really, really, really, really worried because I don't know if you know, in Seattle there's a problem of homelessness. As soon as we open, they stay in the corner and they just sleep there because it's cold outside. But my thing is, like, that's pre-pandemic. Now, if we open it up, I'm going to have a hard time with that. And how am I going to tell them that they're not allowed to come in?*

### **Manager Stress and Changed Relationships with Employees**

The confluence of extreme challenges during the pandemic has made the job of front-line manager all the more stressful. Comparing accounts shared in interviews between 2020/21 and 2022, manager strain at work does not seem to have dissipated and may

have increased. Specifically, in the Peak Pandemic wave, 68 percent of managers rated their stress while at work high (seven or higher on a 10-point scale), whereas in 2022, 75 percent of managers at the same worksites did.

At the peak of the pandemic, long work hours were a consistent complaint of the managers we interviewed. They were the ones who often worked when an employee fell ill from COVID-19, and they put in many extra hours to transition to new business practices. Managers also experienced the kinds of personal and family disruptions experienced by their workers. A high level of stress at home was reported by 42 percent of managers in the Peak Pandemic wave, as conveyed by this retail manager:

Retail, Mar21: *I think my biggest challenge right now is just my childcare and school issues. So, just finding childcare that's open and available and transportation for back and forth to childcare has been a challenge.*

By Summer 2022, 31 percent of managers indicated that they had a high level of stress while at home. Although this is a smaller proportion than in 2020/2021, some managers' comments suggest substantial spillover of work stress into home life: almost half (46 percent) of those reporting high work stress also rated their stress at home high. In addition to worrying about work while at home (e.g., the manager who shared, "That's what I stand in the shower ruminating over... how are we going to get more help?"), managers describe how work creates stress at home:

Hardware, May22: *A lot more vandalism has happened [at my store] lately. I've had my windows broken several times. It's at the point of getting very annoying. It's costly. And because of my [home's] close proximity to the store, I'm always on the watch out. I'll have my alarm system ring straight through to me. I've had to come down the store in the middle of the night. It's one of those you-always-feel-like-you're-at-work situations.*

Big Box/department store, Jun22: *I feel like I don't have too much time to spend with my child, or my family basically. Basically, I live at the store, and then my actual home is a place I'm visiting*

Fast food, Jul22: *One of my biggest challenges is getting really tired and having no energy for anything outside of work. That's been somewhat consistent. I used to work out a lot, I used to have more of a social life. Now, my work is sort of my life, and I'm often very tired after work and don't have energy to do anything else, or before, I'm sleeping.*

Hardware, Jul22: *I pretty much live at work. I mean, I've given up on that work life balance. I see my kids. I say goodbye to them in the morning. I get home after they're already in bed. I've kind of given up on that.*

For some managers, the challenges they experienced during the pandemic have generated greater empathy for their employees, which bodes well for the implementation of the SSO moving forward. In Summer 2022, we asked managers to reflect on how their relationships with staff have changed over the course of the pandemic. Below are examples of managers who thought that the pandemic brought them closer to their employees and that they continue to try to be very supportive:

Fast food, Jul22: *When I hear that they've gone through something really hard, my staff, it's hard for me not to feel really sad for them.... At times, I think I've made a lot of big accommodations in hopes of making somebody's life easier.*

Full-service restaurant, Aug22: *[B]ack in the day, it was more 'keep everything professional'. You just don't really talk to people about their personal life and stuff like that. That's become almost virtually impossible right now, because people are struggling. I don't know if you want to call it a cry for help, but the struggle is, I mean, for childcare for some of my servers, is extreme.... It's hard. It's really hard for them. You have to keep a delicate balance, right, of being open and available, and then at the same time, be able to engage without getting too involved.*

Grocery, Jul22: *[T]hat's been the biggest change is partnership with each and every one of my associates. Making sure they feel like they're being heard and they have everything they need to do their job.*

Specialty retail, Jun22: *I think my employees know that I'm human. And I think I have tried to sort of intentionally show my concern and my stress. Because I don't think that having a leader who appears to be impervious is a benefit, just like it is for a parent, or any other person that you respect. Sometimes being able to see their vulnerability makes you respect them more. And I think by allowing myself to share a little bit of that with my employees and let them know where I'm coming from, it's made them feel less alone and less isolated. And knowing that I'm in the same spot that they are. And we're all worried and we're all stressed and we all don't know what's coming next. And then also just kind of being the store mom as it were and making sure that they always know that their safety is my priority.*

In Summer 2022, some managers were already trying to return to a more professional-only relationship, which may not necessarily be a bad thing:

Coffee shop-A, Aug22: *More of a relationship of manage- leader versus friend, I guess. Whereas during that pandemic we were more focused on caring and empathy, and now we're getting back into more of leadership and helping people grow.*

## Conclusion

Even in the face of strong business pressures, economic uncertainty, staffing shortages, and personal challenges, several of the managers we interviewed indicated that the Seattle's Secure Scheduling Ordinance (SSO) had become standard operating procedure, as discussed earlier and reflected in these responses when asked whether and how the SSO was difficult to implement:

Specialty retail, Jun22: *Not really. I think at this point we've been doing it long enough. It's just sort of second nature to how we operate.*

Fast food, Aug22: *Oh, it's pretty easy, because we've always done it. Even before the pandemic, we had predictability pay.*

Fast food, Aug22: *I've gotten used to it so it's not difficult.... Nothing that I can think of is challenging. I'm used to it now.*

Other managers, though, provided examples of continuing difficulties with SSO implementation, especially in the context of short staffing:

Department/big box store, Jun22: *To me at this time, it's really difficult [to implement the SSO] because like I said, [I'm] shorthanded, people's not coming to work on time. People [are] not showing up for their shift. So, the one that's already on schedule have to stay late until we find somebody, or someone is willing to stay after the schedule, or on a day that they're not scheduled because of short staff.*

Fast food, Jul22: *It's a really hard law to understand.*

Yet even if challenging to implement, several managers volunteered that they appreciate the spirit of the Ordinance:

Specialty retail, Jun22: *I think by and large it's a law that is intended to protect and benefit the employee. And so, we as managers just have to remember that and try to recognize the spirit of the law, and do what's right by our employees to avoid that. And if we're doing what's right by our employees, then we're not going to have to pay the additional fees or the additional hours because they are having a living, working a schedule that is tenable for their lives.*

## Appendix 1

### Secure Scheduling Ordinance and COVID-19 -- Frequently Asked Questions & Answers UPDATED 4/15/2021

This document provides answers to questions that you may have about Seattle's Secure Scheduling law as it relates to COVID-19. Please visit the [Office of Labor Standards](#) website for more detailed information.

Do you have a question that isn't covered by this Q&A? Visit our [Secure Scheduling Website](#), call 206-256-5297, or reach us electronically:

- Workers with questions and complaints—submit an [online inquiry](#) or send an email to [workers.laborstandards@seattle.gov](mailto:workers.laborstandards@seattle.gov).
- Employers with requests for technical assistance—submit an [online inquiry](#) or send an email to [business.laborstandards@seattle.gov](mailto:business.laborstandards@seattle.gov).

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Seattle's Secure Scheduling Ordinance establishes scheduling protections for overtime-eligible employees who work in Seattle at retail or food service employers with 500 or more employees worldwide. To be covered, full-service restaurants must also have 40 or more full-service locations worldwide. The City of Seattle's Office of Labor Standards administers this ordinance, providing outreach, compliance assistance, and enforcement services to workers and employers.

Must an employer pay premium pay to its employees if it cancels shifts for reasons related to COVID-19?

It depends. In general, if an employer changes an employee's schedule with less than 14 days before the start of the shift, the employer must pay each worker additional compensation unless an exception applies. In the case of COVID-19, the exception for "operations cannot begin or continue" may apply.

When does the "operations cannot begin or continue" exception apply?

An employer is not required to pay additional compensation for a schedule change where the employer cannot open or must close the worksite early due to any of the following reasons:

- i. Threats to employees or property;
- ii. The recommendation of a public official.
- iii. Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system;
- iv. Natural disaster;
- v. Weather events; or
- vi. Events that would cause the employer to violate a legal requirement.

What is a public official?

A public official is a government employee that is granted the authority to close a place of business or school. This can include local, state, or federal authorities and public health officials (e.g. Seattle - King County Public Health, the Center for Disease Control, or the State Department of Health) or the superintendent or principal of a public school.

What is a recommendation that operations not begin or continue?

There is not a hard and fast definition, but in general the recommendation must be specific to business operations or so closely linked to the nature of the business that it entails a recommendation for the business not to begin operations or to cease operations.

Is there currently a recommendation or order from a public official that operations not begin or continue?

Governor Inslee outlined occupancy and operational requirements for different business entities during the pandemic. Retail and food establishment services must follow the governor's orders with respect to their operations. For information on requirements, please visit the [Governor's Reopening Guidance website](#).

Other government agencies and officials may also issue recommendations or orders related to business operations during this time. For instance, Seattle- King County Public Health recommendations and orders for businesses and events can be found at the [Public Health Seattle King County website](#). Recommendations and orders from this agency may change. Please check them frequently.

If a business cannot begin operations or must close to comply with these recommendations or to comply with an order, the business is not required to pay premium pay to employees for the schedule changes caused by the order and occurring with less than 14 days' advance notice.

If a restaurant must close its indoor operations under the Governor's or other public official's order for all restaurants to close but chooses to continue to provide takeout and delivery services, do premium pay requirements apply for changes to schedules made with less than 14 days' notice?

If a restaurant substantially changes its business model such that it is essentially not operating in the way it used to – for example, a restaurant that relies on table service but must switch to only providing takeout and delivery services in response to a public official's order– the "recommendation from a public official that operations not begin or continue" exception may apply. In this scenario, immediate changes to the schedules of covered employees that are reasonably necessary to comply with the order, such as shifts that are cut to comply with the Governor's order because the restaurant is not offering table service, fall within the exception and would not incur premium pay. Thereafter, any schedule changes made with less than 14 days' notice that are not related to the Governor's order, such as employees being asked to stay late to help out with increased delivery business demands, do not fall within the exception and would incur premium pay.

Do premium pay requirements still apply to grocery stores?

Yes. Under public officials' orders, as long as grocery stores can adhere to certain public health guidance, including social distancing and capacity restrictions, premium pay requirements still apply. If a business cannot begin operations or must close to comply with these recommendations, the business is not required to pay premium pay to employees.

What does "operations cannot begin or continue" mean?

It is impossible or dangerous to open or continue operations.

What other exceptions might apply in the COVID-19 context?

If a business does not begin or closes operations due to fears for employees' safety, the exception for threats to employees or property would apply. For example, if a business learns two hours before closing that an employee has tested positive for COVID-19, and it decides to close and send all employees home early to ensure their safety, this exception will apply.

What is a re-opening employer's obligation to provide employees with a "good faith estimate" of work hours?

An employer must issue a "good faith estimate" of hours for the returning employees and newly hired employees. A "good faith estimate" is an estimate of the median number of hours that the employee can expect to work each work week for each quarter and whether the employee can expect to work on-call shifts. The good faith estimate must be provided to new employees upon hire, to existing employees once yearly, and when there is a "significant change" to the employee's work schedule. OLS incorporated an example of the good faith estimate into the Notice of Employment

Information form that employers may use to provide required information to employees under Seattle’s Wage Theft ordinance. You can download this form [here](#) or in other languages [here](#). A sample is also excerpted below:

**1. Median number of hours per work week (over the course of a year):**  
 Year begins: \_\_\_\_\_ 1<sup>st</sup> Quarter: \_\_\_\_\_ 2<sup>nd</sup> Quarter: \_\_\_\_\_ 3<sup>rd</sup> Quarter: \_\_\_\_\_ 4<sup>th</sup> Quarter: \_\_\_\_\_

**2. On-Call Shifts:**     YES     NO

Must an employer give employees 14 days’ advance notice of work schedule prior to the re-opening of a covered business after the expiration of a public official’s order that closed the business?  
 Under most circumstances, an employer must provide employees with 14 days’ advance notice of their work schedule. For new employees and for existing employees who are returning to work after a leave of absence, including an absence due to the closure of a business by a public official’s order, the employer may provide the employee with a written work schedule that runs through the last date of the existing schedule. Thereafter, the employer must provide 14 days’ advance notice of work schedules.

Nonetheless, prior to re-opening, OLS encourages employers to provide its employees with 14 days’ advance notice to the extent feasible under the current circumstances.

Who can I contact if I have more questions about my rights or responsibilities under this law?  
 Please call the [Seattle Office of Labor Standards \(OLS\)](#) at 206-256-5297 or visit our website at <http://www.seattle.gov/laborstandards>. We can answer questions and provide resources!

Where can I find out more about COVID-19 (formerly called the novel coronavirus) and the steps I can take to prepare?  
 Visit the Public Health – Seattle & King County [website](#) for information on COVID-19, which includes an [extensive FAQ](#) and recommendations for preparedness for the general public, schools, workplaces, health care workers and more.

Visit this webpage to [discover resources for communities impacted by Covid-19](#).

Lambert, Haley, Cho, and Swanson 12.8.2022

**Appendix 2. Figure 1. U.S., Washington State, King County & Seattle COVID-19 (C19) Timeline**

Date	Federal	Washington State	King County & Seattle
2020			
February		<ul style="list-style-type: none"> <li>Feb. 29: Gov. Inslee issues C19 emergency proclamation to implement WA State Comprehensive Emergency Management Plan and use state resources to protect people’s safety and wellbeing.<sup>i,ii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Feb. 28: First confirmed US case of C19 is in King County.<sup>iii</sup></li> </ul>
March	<ul style="list-style-type: none"> <li>Mar. 6: Coronavirus Preparedness &amp; Response Supplemental Appropriations Act passed, distributing funding for federal agencies, vaccine research, and small business loans.<sup>iv</sup></li> <li>Mar. 13: White House bans gatherings &gt; 10 for rest of March.<sup>v</sup></li> <li>Mar. 18: Pres. Trump signs Families First Coronavirus Response Act, expanding SNAP benefits, UI benefits and eligibility, and business &amp; individual tax credits.<sup>vi</sup></li> <li>Mar. 27: CARES ACT provides expanded eligibility and extra \$600/week for UI.<sup>vii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Mar. 3: 7 of first 9 US C19 deaths from an outbreak at Life Care Center of Kirkland.<sup>viii</sup></li> <li>Mar. 10: Employment Security Dept and Inslee begin new unemployment and family leave rules, making it easier for C19-quarantined and laid-off workers to get benefits; businesses also get assistance paying UI benefits.<sup>ix</sup></li> <li>Mar. 11: Inslee bans gatherings of &gt; 250.<sup>x</sup></li> <li>Mar. 12: Inslee begins school closings in Washington.<sup>xi, xii</sup></li> <li>Mar. 15: Inslee bans in-person gatherings.<sup>xiii</sup></li> <li>Mar. 16: Inslee shuts down restaurants and bars.<sup>xiv</sup></li> <li>Mar. 18: Inslee waives UI waiting period.<sup>xv</sup></li> <li>Mar. 23: Inslee’s Stay Home, Stay Healthy Order prohibits “nonessential in-person activities and businesses.”<sup>xvi</sup></li> <li>Mar. 31: Inslee reforms public retirement pension system to encourage retired essential workers to return to work,<sup>xvii</sup> issues guidance on who is an “essential worker.”<sup>xviii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Mar. 3: Seattle Mayor Durkan declares civil emergency.<sup>ix</sup></li> <li>Mar. 4: The beginning of teleworking for many Seattle office workers, starting with Microsoft and Amazon, leading to “downtown empties out.”<sup>xx</sup></li> </ul>
April	<ul style="list-style-type: none"> <li>Apr. 3: CDC recommends masking outside of home.<sup>xxi</sup></li> <li>Apr. 28: Cumulative US C19 cases pass 1 million.<sup>xxii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Apr. 6: Schools to remain closed for rest of year.<sup>xxiii</sup></li> <li>Apr. 7: Inslee announces state grants and federal loans for small businesses.<sup>xxiv</sup></li> <li>Apr. 13: Inslee requires businesses to accommodate “high risk workers” by maintaining benefits during leave &amp; making accommodations.<sup>xxv</sup></li> <li>Apr. 27: Inslee announces WA cities and counties will get federal stimulus funding.<sup>xxvi</sup></li> </ul>	
May		<ul style="list-style-type: none"> <li>May 4: Inslee signs “safe start” order for phased economic reopening.<sup>xxvii</sup></li> <li>May 6: Bars and restaurants can mix to-go cocktails.<sup>xxviii</sup></li> </ul>	<ul style="list-style-type: none"> <li>May 18: King Co. adopts mask mandate for transit, indoors, crowded outdoor settings.<sup>xxix</sup></li> </ul>

		<ul style="list-style-type: none"> <li>May 12: Inslee says some areas can move to reopening phase 2, issues guidance for partial retail and additional manufacturing reopening.<sup>xxxix</sup></li> <li>May 19: Inslee announces small business grants.<sup>xxx</sup></li> <li>May 26: WA state of emergency extended.<sup>xxxi</sup></li> <li>Jun. 1: Expiration of “Stay Home, Stay Healthy” order.<sup>xxxv</sup></li> <li>Jun. 11: Inslee issues proclamation on K-12 reopening.<sup>xxxvi</sup></li> <li>Jun. 19: Phase 2 of economic recovery, “some restaurants reopen with limited capacity.”<sup>xxxvii</sup></li> <li>Jun. 23: Inslee issues statewide mask mandate, violations punishable as misdemeanor.<sup>xxxviii</sup></li> <li>Jul. 24: Inslee issues guidance for restaurant reopening.<sup>xliii</sup></li> <li>Jul. 31: Inslee clarifies guidance for restaurant reopening.<sup>xliiii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Jun. 18: Seattle City Council passes hazard pay for 3rd party delivery drivers/gig workers.<sup>xxxix</sup></li> <li>Jul. 23: Free street closure permits offered for Seattle outdoor dining; indoor dining restricted to family units.<sup>xliv</sup></li> </ul>
June	<ul style="list-style-type: none"> <li>Early Jun.: BLM protests; CDC finds C19 cases didn’t spike from protests because people socially distanced.<sup>xxxviii</sup></li> <li>Jun. 13: CDC announces new testing guidelines for high-risk settings and “high density critical infrastructure” settings (e.g., food production).<sup>xxxiv</sup></li> <li>Jul. 7: Cumulative US C19 cases pass 3 million.<sup>xi</sup></li> <li>Jul. 20: CDC asks people to wear cloth face covering.<sup>xii</sup></li> <li>CDC releases report that people who got C19 more than twice as likely to have dined out compared to general population.<sup>xiv</sup></li> <li>Nov. 9: Cumulative US C19 cases pass 10 million.<sup>xvi</sup></li> <li>Dec. 14: First US vaccine distribution.<sup>xviii</sup></li> <li>Dec. 27: Trump signs Consolidated Appropriations Act, includes C19 relief package and extends UI benefits from CARES act.<sup>xlix</sup></li> </ul>		
July			
September			
November		<ul style="list-style-type: none"> <li>Nov. 15: Inslee announces 4 weeks of new restrictions during C19 spike: businesses must pause indoor service, grocery stores can remain open with 25% capacity.<sup>xvii</sup></li> <li>Dec 8: Nov. 15 restrictions extended for 3 weeks as economic relief given to workers and small businesses.<sup>i</sup></li> <li>Dec. 13 - 20: Western States Scientific Safety Review WorkGroup approves Pfizer and Moderna vaccines.<sup>ii, iii</sup></li> </ul>	
December			
2021			
January	<ul style="list-style-type: none"> <li>Jan. 20: Pres. Biden signs executive order requiring masks in federal buildings and on public transit.<sup>iii</sup></li> </ul>	<ul style="list-style-type: none"> <li>Jan. 5: Inslee announces “Healthy WA, Roadmap to Recovery” timeline with guidance for regional reopening.<sup>liv</sup></li> <li>Jan. 18: Inslee announces WA vaccine distribution plan.<sup>lv</sup></li> </ul>	
February			<ul style="list-style-type: none"> <li>Feb. 3: Seattle passes hazard pay ordinance for grocery workers.<sup>lvi</sup></li> </ul>
March	<ul style="list-style-type: none"> <li>Mar. 11: Biden signs American Rescue Plan, including cash</li> </ul>	<ul style="list-style-type: none"> <li>Mar. 15: Inslee orders all schools to provide at least 2 days a week of in-person learning.<sup>lviii</sup></li> </ul>	

		<ul style="list-style-type: none"> <li>Mar. 17: WA state vaccine eligibility expanded to “critical workers in some congregate settings” (incl. restaurant, food production, and grocery workers).<sup>lix</sup></li> <li>May 13: Inslee lifts state mask mandate for vaccinated.<sup>lxi</sup></li> <li>May 18: All WA counties move to phase 3 of reopening.<sup>lxii</sup></li> <li>May 21: Inslee prohibits employers from retaliating against employees for taking time off for C19, quarantining, or vaccination side effects.<sup>lxiii</sup></li> <li>Jun. 21: End of UI work-search exemption; state senate passes Health Emergency Labor Standards Act superseding proclamation 20-46 (high-risk worker protections).<sup>lxiv</sup></li> </ul>	<ul style="list-style-type: none"> <li>End of King Co. mask mandate due to 70%+ vaccination rate; statewide mandate still applies.<sup>lxv</sup></li> </ul>
May	<ul style="list-style-type: none"> <li>assistance to individuals, expanded UI benefits, and extension of child tax credit.<sup>lvii</sup></li> <li>May 13: CDC says vaccinated people can be maskless indoors.<sup>lx</sup></li> </ul>		
June			
July	<ul style="list-style-type: none"> <li>Jul. 27: CDC recommends indoor masking in high spread areas due to breakthrough cases.<sup>lxvi</sup></li> </ul>		
August		<ul style="list-style-type: none"> <li>Aug. 18: State enacts another indoor mask mandate that includes vaccinated people.<sup>lxvii</sup></li> </ul>	
September	<ul style="list-style-type: none"> <li>Sep. 4: Workers no longer receive extra federal UI benefits from CARES Act.<sup>lxviii</sup></li> </ul>		
December	<ul style="list-style-type: none"> <li>Dec. 13: Cumulative US C19 cases pass 50 million.<sup>lxix</sup></li> </ul>		
2022			
January		<ul style="list-style-type: none"> <li>Jan. 5: Inslee responds to Omicron surge by expanding at home testing, vaccines, and free masks.<sup>lxx</sup></li> </ul>	
March		<ul style="list-style-type: none"> <li>Mar. 11: Inslee ends mask requirements in some settings.<sup>lxxi</sup></li> </ul>	
April	<ul style="list-style-type: none"> <li>Apr. 18: End of federal mask mandate on transportation<sup>lxxii</sup></li> </ul>		
September			<ul style="list-style-type: none"> <li>Sep. 2: End of grocery workers’ hazard pay in Seattle.<sup>lxxiii</sup></li> </ul>
October		<ul style="list-style-type: none"> <li>Oct. 31: End of state of emergency and all WA emergency measures.<sup>lxxiv</sup></li> </ul>	



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- <sup>lv</sup> Inslee, J. (2022). *COVID-19 Resources and Information*. Governor Jay Inslee. <https://www.governor.wa.gov/issues/issues/covid-19-resources>
- <sup>lvi</sup> Office of Labor Standards. (2022, September 2). *Grocery Employee Hazard Pay*. Seattle Office of Labor Standards. <https://www.seattle.gov/laborstandards/ordinances/grocery-employee-hazard-pay>
- <sup>lvii</sup> CDC. (2022, August 16). *CDC Museum COVID-19 Timeline*. Centers for Disease Control and Prevention. <https://www.cdc.gov/museum/timeline/covid19.html>
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