**Administrative Rules proposed for City of Seattle Secure Scheduling Ordinance**

**Office of Labor Standards invites public comments until March 28**

The Seattle Office of Labor Standards (OLS) has proposed Administrative Rules for Seattle’s Secure Scheduling Ordinance ([SMC 14.22](https://www.municode.com/library/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_14.22SESC)). Members of the public have until Tuesday, March 28 to comment on these proposed rules. The full text of the rules is available at <http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>.

Please send comments by email to [karina.bull@seattle.gov](mailto:OCR_minwagequestions@seattle.gov) or by regular mail to:

Seattle Office of Labor Standards

810 Third Ave., Suite 750

Seattle, WA 98104-1627

Attn: Karina Bull, Senior Policy Analyst / Secure Scheduling Rule Comment

You can also comment by calling 206-684-4536.

The proposed Administrative Rules clarify several issues raised by the Secure Scheduling Ordinance, including:

* **Bona Fide Business Reason**: Clarifies that a bona fide business reason for declining an employee’s request for work schedule preferences includes a work schedule change that would require an employer to pay additional compensation under the Secured Scheduling Ordinance, the Fair Labor Standards Act, the Minimum Wage Act, or the employer’s own written policy.
* **Employee Coverage:** Clarifies that the ordinance does not cover employees who work in hourly administrative or professional, non-customer facing positions (e.g. human resources, payroll, and receptionist positions).
* **Good Faith Estimate**: Clarifies that a “significant change” to the work schedule occurs when “there is a difference of at least 30% between the good faith estimate and the median number of hours in the written work schedules.”
* **Interactive Process:** Clarifies the timeline and documentation requirements, and suggests content for the interactive process following (1) a significant change to the good faith estimate; or (2) a request for input into the work schedule.
* **Compensation for work schedule changes—Grace period**: Clarifies that employers have a 15-minute grace period before additional compensation (i.e. premium pay) is due for employer-requested work schedule changes. Under this rule, an employer-requested work schedule change that adds or subtracts 15 minutes or less would not result in a requirement for the employer to pay additional compensation (i.e. premium pay).
* **Compensation for work schedule changes—Exceptions**: Clarifies that an employer’s use of the mass communications and in-person group communications exceptions to additional compensation requirements must convey that:

(1) Accepting the additional hours is voluntary and the employee has the right to decline; and

(2) By accepting the hours, the employee will not be entitled to additional compensation (i.e. premium pay) for a work schedule change.

In addition, mass communications must include language conveying that the message is a “mass communication.”

* **Temporary services, staffing agencies, contractors, and subcontractors:** Clarifies that:

(1) Joint employers are individually and jointly responsible for the provision of a good faith estimate;

(2) Employees of temporary services, staffing agencies, contractors and subcontractors may be considered “new employees” upon assignment to a covered employer and may be immediately added to the currently posted schedule; and

(3) Employers are not required to place employees provided by temporary services, staffing agencies, contractors and subcontractors on any access-to-hours list.

To develop the proposed rules, OLS held eight meetings with stakeholders representing worker advocates and business representatives. In addition, the Labor Standards Advisory Commission played an important advisory role in the development of the rules.

“I want to thank our committed stakeholders and the Labor Standards Advisory Commission for the hours they spent reviewing the legislation and pinpointing the areas that need clarification,” said Dylan Orr, Director of the Seattle Office of Labor Standards, which is responsible for enforcing the ordinance. “Their experience and insights as employers and workers’ representatives made it possible to develop a comprehensive set of draft rules for this groundbreaking new law.”

Seattle’s Secure Scheduling Ordinance will go into effect on July 1, 2017. The law applies to retail and fast food businesses with 500+ employees worldwide, as well as full service restaurants with 500+ employees and 40+ full-service restaurant locations worldwide.

The Secure Scheduling Ordinance aims to increase stability and predictability to Seattle shift workers’ hourly incomes and schedules. Further, the ordinance intends to help workers balance their other commitments, like caring for a family member, working another job and attending school, by providing employees the right to request input into their written work schedule. Finally, the ordinance creates opportunities for existing part-time employees to take on additional hours.

Key provisions of the Secure Scheduling Ordinance include:

* **Good Faith Estimate:** Upon hire, employers must provide a written good faith estimate of the median hours an employee can expect to work, including on-call shifts.
* **Right to Request:** Employees may request schedule preferences to balance their other commitments, like caring for a family member, working another job and attending school. Employers must engage in an interactive process with employees to discuss these requests, and must grant a request related to a major life event unless there is a bona fide business reason.
* **Advance Notice:** Employers must post employees' work schedules 14 days in advance. If an employer adds hours to or subtracts hours from the employee’s schedule after it is posted, the employer must pay the employee additional compensation (i.e. premium pay) with some exceptions.
* **Right to Rest:** If the rest period between a closing and opening shift (i.e. clopening) is less than 10 hours, the employer must pay the employee time-and-a-half for the difference.
* **Access to Hours:** Employers must offer additional hours of work to qualified existing employees before hiring external employees.
* **Record-Keeping Requirements:** Employers must keep records for three years to show compliance.
* **Protection from Retaliation:** Employees have the right to decline any hours not on the originally posted schedule.

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

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