

Online Submissions:

It took the sum of 2 years from the inception of this law, to it's presentation, council meetings, public inputs, arguments, all the way to It's passing and implementation. This law went from an overly ambitious piece of legislation to what it is today. The proposed exceptions that the City Staff put in are unnecessary and frankly suspect. These exceptions, besides being an unsuspected addition, would gut most of the body of this legislation that seek to protect retail workers from unfair scheduling and retaliatory practices that businesses employ daily. Why would the City Staff even consider these additions in the first place? What were the motivations that led your office to be so kind to these mega conglomerates? Why did y'all feel this was part of your duty; to undermine a law that sees to it that the most vulnerable workers in your city are protected from greed and abuse? The time for argument and compromise on the provisions of this regulation has come and passed. This small but vibrant city has in it's hands one of the most progressive pieces of legislation in the nation. Remove these exceptions in the rules regarding Predictability Pay that provide giant corporations loopholes and let this law stand guard for the employees that live, work, travel in this city. The whole Bay and the country is watching...we all will be watching.

It seems that in writing up the regulations, exceptions have been added in that aren't in the original ordinance and in fact dilute its effectiveness for workers. in draft rule 3c and draft rule 5d, exceptions are made that cancel out the whole point of predictability pay. it could encourage employers to make a skeleton schedule and then 'offer hours' to bulk up the schedule. This still leaves employees with an unpredictable schedule and the possibility of looking 'uncooperative' if they can't pick up these offered shifts. Employers should make a solid workable schedule to begin with (that is the whole point of the fair workweek ordinance!) and pay that hour of predictability pay as needed if they have to add on shifts.

In draft rule 4 e iii, the 'disciplined employee leaving early' is also a loophole that could easily be exploited by an employer at employees' expense. The definition of discipline for good cause is incredibly vague and could extend to such things as not making sales quota or some minor offense that would allow an employer to cut hours as needed with no consequence.

To sum up, the regulations are intended to clarify the law, not make additional exceptions to the law. There are already exceptions written into the law that have been debated at city council meetings and put in. After the law has passed, it should be too late to add on exceptions that have not been debated before the public, and in fact dilute the intention of the original ordinance. It seems pretty shady that it's even being attempted.

- 1. Since our store has more than 56 employees nationwide, the Emeryville location would need to comply with Fair Workweek, correct?***
- 2. Do the premium pays for both the rest & scheduling apply to daily or weekly overtime?
 - a. For example, employee works 7pm – 12 am and starts 8 am next day. Does the 3 hours from 8 – 11 am paid at 1.5 count towards daily/weekly overtime?******
- 3. Does the 11 hour rest premium pay apply if the employee is already receiving 1.5 for the hours worked? For example, our policy is to pay 1.5 for hours worked on the holiday. So, if an employee works July 3rd from 7pm -12 am and starts work on July 4th at 8 am. We're already paying all hours, regardless of start time at 1.5 on July 4th.***
- 4. Is the premium pay for a scheduling change W2 earnings or 1099 income? It seems like a penalty, similar to the wages paid late after a termination.***
- 5. How does premium pay for a scheduling change impact Real Rate?***

I reviewed the proposed regulations and still a question. If an employer needed to change an employee's schedule to fix an administrative error, is predictability owed? For example:

- An employer inadvertently keys in an employee's schedule as 8:30 p.m. to 5 p.m. but meant 8:30 a.m. to 5 p.m. Employer notices the error within 14 days of the employee's workday and corrects it. Would predictability pay be owed?*

- An employee was inadvertently scheduled to work less than 11 hours since their previous shift, and the schedule needs to be adjusted to give the employee the right to rest. Employer notices the error within 14 days of the employee's workday and corrects it. Would predictability pay be owed?*