

SB 850 (LEYVA): FAIR SCHEDULING ACT OF 2020

POSITION: On January 30, 2020, the Small Business Roundtable voted to OPPOSE UNLESS AMENDED with an exemption for small businesses. The Public Policy Committee affirmed that position on February 11, 2020. The Chamber's Board of Directors voted to OPPOSE UNLESS AMENDED on February 27, 2020.

RATIONALE: While it is understood that predictable schedules allow employees to better plan for their day-to-day lives, this bill puts an undue burden on small retail businesses, which are already struggling due to increasing rents and new minimum wage floors.

STATUS: SB 850 was introduced by Senator Connie Leyva on January 13, 2020 and waits to be heard by Committee on Labor, Public Employment & Retirement and the Committee on Judiciary.

SUMMARY

SB 850 would require an employer (of hourly retail workers) to provide its employees with a work schedule (three weeks in length) at least seven calendar days prior to the first shift on that work schedule. The bill would require an employer to pay its employees "modification pay" for each previously scheduled shift that the employer cancels or moves to another date or time, for any previously unscheduled shift that the employer requires the employee to work, or for each on-call shift for which an employee is required to be available but is not called to work that shift. The bill would also require employers to post a poster containing specified information regarding an employee's right to receive modification pay.

INDUSTRY/IES IMPACTED

This bill would affect grocery store establishments, restaurants, and retail store establishments that pay their employees an hourly wage.

ADDITIONAL INFORMATION

Modification pay is defined as "compensation in addition to an employee's regular pay awarded for changes to an employee's work schedule with less than seven days' notice. An employer would be required to provide an employee with modification pay, per shift in addition to an employee's regular pay for working that shift, for each previously scheduled shift that the employer cancels or moves to another date or time as follows:

- If less than seven days' notice but more than 24 hours' notice is given to the employee, the employee shall receive modification pay equal to or greater than one hour of regular pay.
- If less than 24 hours' notice is given to the employee, the employee shall receive modification pay equal to or greater than half of that shift's scheduled hours at the employee's regular pay, but no less than two hours nor more than four hours.

SUPPORTERS

None known

OPPONENTS

None known

ARGUMENTS IN FAVOR

Predictable schedules allow employees to better plan for their day-to-day lives. Without reliable schedules, working families struggle to arrange

ARGUMENTS IN OPPOSITION

This bill will put an undue burden on small retail businesses, which are already struggling due to increasing rents and new minimum wage floors.

childcare, transportation, medical appointments
and higher education.