This presentation is a summary of certain provisions of the Fair Work Week Ordinance created for your convenience. For complete requirements, please refer to LAMC Ch. XVIII Art. 5 Sec. 185 & Art. 8 Sec. 188.
Fair Work Week
Eligibility

Covered Employer

✓ Identified as a retail business
✓ Exercises control over wages, hours or working conditions of Employees; and
✓ Has 300 or more employees globally.

▪ Additional criteria for franchisees and subsidiaries.

Covered Employee

✓ Performs at least 2 hours of work within the City in a work week
✓ Qualifies for minimum wage under State law; and
✓ Works at a location that supports retail operations.
Key Responsibilities

1. Posting Workplace Poster of Employee Rights
2. Providing Advance Notice of Work Schedules
3. Predictability Pay for Schedule Changes
4. Scheduling Adequate Rest Between Shifts
5. Good Faith Estimate of Work Schedules
6. Offering Hours Before Hiring
7. Shift Protections
Employer Responsibility 1: Workplace Poster

- Employers must post the Fair Work Week poster in a conspicuous place at any workplace or job site.
- English and any other language spoken by at least 5% of the Employees at the workplace or job site.

Available at wagesla.lacity.org
Employer Responsibility 2: Advance Notice

- Employee Work Schedules must be available **in writing** at least **14 days in advance** of the start of the schedule.
  - Posted in an accessible location, visible to all Employees, or transmitted electronically
  - Must cover at least 7 consecutive days
Employer Responsibility 2: Advance Notice

Employer-initiated schedule changes:

- You must provide **written notice** to the Employee for changes made less than 14 days before the start of the schedule.
- If the Employee consents to additional work hours or shift changes not already in the schedule, then the consent **must be in writing**.

- Employees have the **right to decline** changes to their Shifts (except cancellations) that are made with less than 14 days notice.
If Employees accept certain Employer-initiated changes made with less than 14 days’ notice, they may be owed compensation in addition to pay for hours worked. This is known as **Predictability Pay**.

<table>
<thead>
<tr>
<th>Employer-initiated Change</th>
<th>Predictability Pay</th>
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<tbody>
<tr>
<td>Increase in hours that exceed 15 minutes</td>
<td>One (1) hour at the Employee’s regular rate of pay</td>
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<tr>
<td>Change to the date, time, or location</td>
<td>One (1) hour at the Employee’s regular rate of pay for each change</td>
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<tr>
<td>Reduction of hours by at least 15 minutes</td>
<td>Hours not worked at one-half the Employee’s regular rate of pay</td>
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<tr>
<td>On-call shift, when the employer does not call the Employee</td>
<td>Hours not worked at one-half the Employee’s regular rate of pay</td>
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<td>to perform work</td>
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Scenario 1: Changes to Shift
One week before a covered Employee’s schedule begins, the Employer reschedules their shift from Monday at 8:00 AM to Tuesday at 12:00 PM. The number of hours and the location of the shift do not change.

Q: If the Employee consents to this change, how many hours of Predictability Pay should they be compensated?
The Employee should be compensated with 2 hours of Predictability Pay at the Employee’s rate of pay
• 1 hour for the change to the day of the shift (Monday to Tuesday), and
• 1 hour for the change to the time of the shift (8:00 AM to 12:00 PM).
Scenario 2: Addition of Hours

An Employee is working a shift scheduled for 12:00 PM – 5:00 PM (5 hours). In the middle of the shift, the Employee is asked to stay one (1) additional hour, extending their shift from 12:00 PM – 6:00 PM (6 hours).

Q: If the Employee consents to this change, how many hours of Predictability Pay should they be compensated?

The Employee should be compensated with 1 hour of Predictability Pay at the Employee’s regular rate of pay

• 1 hour for the increase in hours exceeding 15 minutes (The Shift changes from 5 hours to 6 hours)
Scenario 3: Cancellation of Shift
An Employee is scheduled for an “On-Call” Shift for Monday from 12:00 PM – 5:00 PM (5 hours). The Employee is told the day before that they no longer need to come to work that day.

Q: How many hours of Predictability Pay is the Employee entitled to?
The Employee is entitled to 5 hours of Predictability Pay paid at half (½) the Employee’s regular rate of pay.
Exemptions:

- Employee initiates the requested schedule change
- Employee accepts a change due to an absence of another scheduled Employee.
  - Employer must communicate that accepting this change is voluntary, the Employee has the right to decline, and no Predictability Pay would be paid for this change.
- Employee accepts additional hours offered by the Employer before hiring a new Employee
- Employer’s operations are compromised pursuant to law or force majeure
- Employee’s hours are reduced due to an Employee violation of a law or the Employer’s lawful policies
- All additional hours worked are paid at an overtime premium
For a Work Schedule that begins on Jan 24, when do changes trigger Predictability Pay?

Jan 1
Employer voluntarily provides Work Schedule that begins Jan 24

- If the Employer makes changes to the Work Schedule at this time, Predictability Pay would NOT be owed

Jan 10
Work Schedule must be provided by this date

- After this day, if the Employer makes certain changes to the Work Schedule, Predictability Pay would be owed (excluding exempt changes)

Jan 24
First Day of Work Schedule

- Employees work the schedule. Any changes made after the schedule begins would also be subject to Predictability Pay
Employer Responsibility 4: Rest Between Shifts

- Employers must provide a rest period of 10 hours if the Employee is scheduled for a shift that ends on one day and then starts another shift the next day.

- Employers must obtain an Employee’s **written consent** and pay the Employee **time and a half** (1.5x) for the Shift not separated by 10 hours.

- Split shifts are not qualified for the rest break premium under the FWWO.
Employer Responsibility 4: Rest Between Shifts Example

Example:
An Employee’s Shift on the previous day ended at 9:00 PM and their next day’s Shift begins at 6:00 AM. The Shifts are separated by a rest period of less than 10 hours. Therefore, the Employer must provide premium pay of 1.5 times the Employee’s regular rate of pay for the entire Shift that begins at 6:00 AM the next day (excluding any hours that must be paid an overtime premium).
Employer Responsibility 5: Good Faith Estimate

• The **Good Faith Estimate** is a prediction of the number of hours and Shifts that could be included on an Employee’s Work Schedule.

• Employers must provide all Employees with a **written Good Faith Estimate**
  - *New Employees*: Before hiring
  - *Current Employees*: Provided within 10 days of an Employee’s request

• The Good Faith Estimate must also outline the FWWO rights. The easiest way is to provide a copy of the poster.
Employer Responsibility 5: Good Faith Estimate

- **Substantial deviation**
  - Although, the Good Faith Estimate is not an exact prediction of the Employee’s future schedule, if an Employee’s *actual* work hours substantially deviate from the estimate, Employers must have a *documented*, legitimate, business reason that was unknown at the time of the estimate, to substantiate the deviation.
  
  - See the Rules and Regulations for the definition of “substantially deviate.”
Employer Responsibility 6: Shift Priority

- Before hiring new Employees, Employers must offer additional work hours (the hours the new Employees would work) to eligible Employees.
  - Employers do not need to make an offer of additional hours to an Employee, if the hours would result in overtime.
  - The offer must be given in writing 72-hours prior to hiring a new Employee.
  - Employees have 48 hours to accept the offer in writing.
  - Employees who accept additional work hours from this offer are not entitled to Predictability Pay if it results in a schedule change from the Work Schedule.
A drugstore in the City of Los Angeles notices an increase in traffic due to the opening of a new building next door. The store decides it needs coverage for an additional 30 hours per week and wants to hire new Employees to take on those hours.

Q: What are the steps the store must take before hiring new Employees?
The Employer wants to hire a new Employee to cover additional hours

If current Employees are qualified to work these hours and working these hours would not result in overtime, they must be given priority to work these additional hours.

At least 72 hours before hiring a new employee:

- Hours must be offered in writing to current Employees.
- Employees have 48 hours to accept some or all of the hours.

48 hours after offer:

(A) If no Employees respond, proceed with hiring, OR
(B) If there are unclaimed hours, then distribute accepted hours and proceed with hiring for the remainder.
Employer Responsibility 7: Shift Protections

SHIFT PREFERENCES

• If an Employee requests a preference for certain hours, times, or locations of work, you may accept or decline the request. However, you must notify the Employee, of the reason for any denial in writing.

SHIFT COVERAGE

• An Employer cannot require an Employee to find coverage for a Shift if they are unable to work for reasons protected by the law.
Additional Resources

• Visit us at WAGESLA.LACITY.ORG for:
  ✓ Fair Work Week Ordinance text
  ✓ Rules and Regulations
  ✓ Frequently Asked Questions (FAQs)
  ✓ How to file a complaint

• Follow us @WageStandardsLA on Instagram and Twitter for important announcements and weekly education posts on Fair Work Week, Minimum Wage, and other worker protection laws.
Contact Us

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