

# Fair Work Week Ordinance

## Module 3 – Employee Rights

Office of Wage Standards  
Bureau of Contract Administration  
September 2023



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**Office of Wage Standards  
Bureau of Contract Administration  
September 2023**

*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**  
LA



# 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.



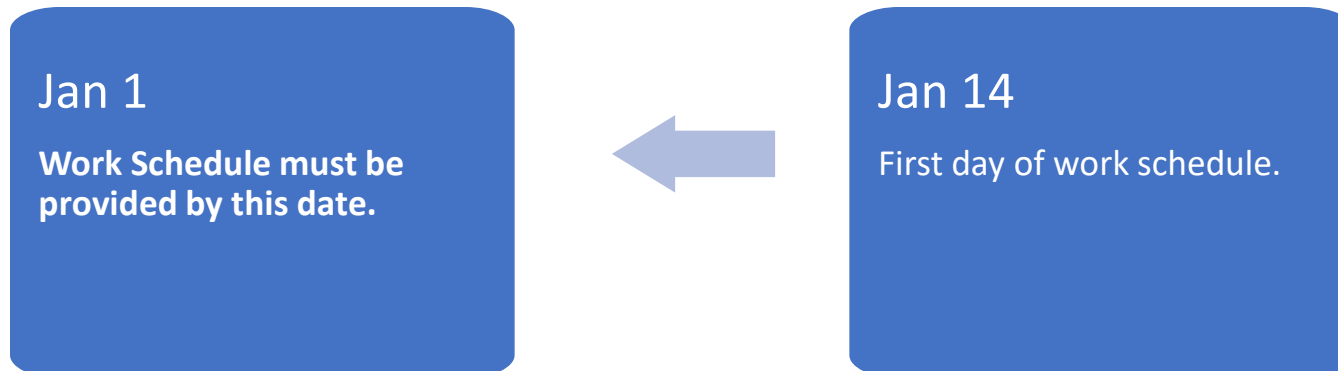
## Key Rights

1. Work Schedules Two Weeks in Advance
2. Right to Decline Schedule Changes
3. Predictability Pay for Schedule Changes
4. 10 Hours of Rest Between Shifts
5. Good Faith Estimate of Work Schedules
6. Priority for Additional Hours
7. Shift Protections



# Employee Right 1: Work Schedules Two Weeks in Advance

- Work Schedules must be available to you at least 14 calendar days in advance of the start of the schedule.
  - ✓ Posted in an accessible location, visible to all Employees, or
  - ✓ Transmitted electronically
  - ✓ Cover a period of at least one week





## Employee Right 2: Right to Decline Additional Shifts

- If your Employer adds or changes a shift on your schedule less than 14 days before the start of the schedule, then
  - ✓ You must receive notice of changes **in writing**,
  - ✓ You must provide your consent **in writing**,
  - ✓ You may be due Predictability Pay, and
  - ✓ You have the right to decline!





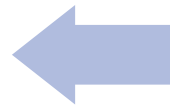
## Employee Right 2: Right to Decline Additional Shifts

- If your Employer cancels a shift less than 14 days before the start of the schedule, then
  - ✓ You may be due Predictability Pay!

Jan 1

Changes made after this date:

1. The Employee has the right to decline additions to schedule
2. Employee may be due Predictability Pay



Jan 14

First day of work schedule.



## Employee Right 3: Predictability Pay

- **Predictability Pay** is compensation in addition to hours worked. You may be owed this if you accept changes to your schedule made by your Employer less than 14 days before the start of the schedule.

Employer-initiated Change	Predictability Pay
Increase in hours that exceed 15 minutes	One (1) hour at the Employee's regular rate of pay
Change to the date, time, or location	One (1) hour at the Employee's regular rate of pay for each change
Reduction of hours by at least 15 minutes	Hours not worked at one-half the Employee's regular rate of pay
On-call shift, when the employer does not call the Employee to perform work	Hours not worked at one-half the Employee's regular rate of pay





## Employee Right 3: Predictability Pay Scenarios

### Scenario 1: Change in Your Schedule

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 much in 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*).



## Employee Right 3: Predictability Pay Scenarios

### Scenario 2: Addition of Hours to Your Schedule

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 much in 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*)



## Employee Right 3: Predictability Pay Scenarios

### Scenario 3: Cancellation of Your 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 much in Predictability Pay is the Employee entitled to?**

The Employee is entitled to 5 hours of Predictability Pay paid at half ( $\frac{1}{2}$ ) the Employee’s regular rate of pay.



## Employee Right 3: Predictability Pay

- If the change falls under one of the following scenarios, it is exempted from Predictability Pay:
  - ✓ Employee initiates the requested schedule change
  - ✓ The change is due to an absence of another scheduled Employee
    - Employer must communicate that accepting this change is voluntary, no Predictability pay, and the Employee has the right to decline
  - ✓ Hours are accepted from an offer made by the Employer before hiring a new Employee (*See Shift Priority*)
  - ✓ Employer's operations are compromised pursuant to law or force majeure
  - ✓ Hours are reduced due to an Employee violation
  - ✓ Hours worked are all paid at an overtime premium



## Employee Right 4: Rest Between Shifts

- You must be scheduled for **10 hours of rest** after working a closing shift.
- If you work without 10 hours of rest, then:
  - ✓ You must be asked to provide consent **in writing**, and
  - ✓ You must be paid time and a half (1.5x) for the entire shift that results in inadequate rest.
- Does not apply to split shifts or when an employee works two shifts on the same day.



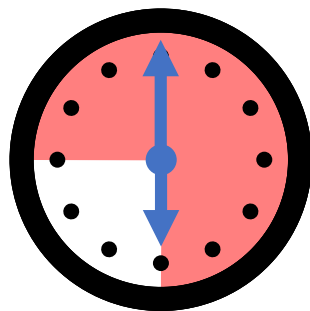


## Employee Right 4: Rest Between Shifts Example

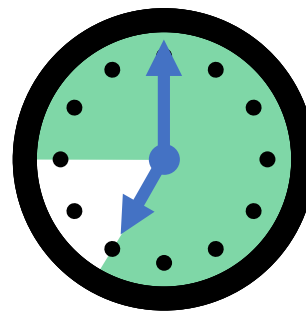
### Example:

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 are be paid an overtime premium).



9 hours of rest



10 hours of rest



## Employee Right 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.
  - This is **not** an exact prediction of your future schedule, but you should be able to reasonably determine the days and times you may be scheduled to work.
- You must be provided with a written Good Faith Estimate
  - ✓ *New Employees:* Before hiring
  - ✓ *Current Employees:* Within 10 days of your request
  - ✓ The Good Faith Estimate must also outline your rights under the FWWO. This may come in the form of the official FWW poster.



## Employee Right 5: Good Faith Estimate

- What if your actual work schedule is very different from the Good Faith Estimate that was provided?
  - ✓ If your actual work hours “substantially deviate” from the estimate, your Employer 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 a definition of “substantially deviate.”







## Employee Right 6: Shift Priority

- Before hiring new Employees, Employers must first offer those work hours (the hours the new Employees would work) to eligible Employees.
  - ✓ Employers do not need to offer 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



## Employee Right 6: Shift Priority Example



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?**



# Employee Right 6: Shift Priority Example

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.



# Employee Right 7: General Shift Protections

## SHIFT PREFERENCES

- ✓ You have a right to request a preference for certain hours, times, or locations of work.
- ✓ Your Employer does not have to accept the request, but must notify you, the Employee, of the reason for any denial **in writing**.

## SHIFT COVERAGE

- ✓ You are not required to find coverage for a Shift if you are unable to work for a protected reason.



# Things to Look Out For!

- ✓ Does your Employer have the Workplace Notice (*pictured*) posted in a common space?
- ✓ Does your Employer provide your schedule at least 2 weeks in advance?
- ✓ Are you working clopening shifts? Are they scheduled less than 10 hours apart?

Post in a Conspicuous Place at any Workplace or Job Site. Violators Shall be Subject to Penalties.

**FAIR WORK WEEK**  
LA  
OFFICIAL NOTICE

Employers of retail businesses with 300+ employees globally are required to provide fair work week employment standards for workers according to the City of Los Angeles Fair Work Week Ordinance. These requirements apply to Employees who work at least two hours in a particular week for a covered Employer in the City of Los Angeles.

The Fair Work Week Ordinance is effective April 1, 2023. For complete requirements of the Fair Work Week Ordinance, please refer to Los Angeles Municipal Code Chapter XVIII Art. 5 Sec. 185 and Art. 8 Sec. 188.

### EMPLOYEE RIGHTS

- GOOD FAITH ESTIMATE**  
Employer shall provide each new Employee with a written Good Faith Estimate of Employee's Work Schedule before hiring. For existing Employees, the estimate must be provided within ten (10) days of an Employee's request.
- ADVANCE NOTICE**  
Employee must receive written notice of Work Schedule at least 14 calendar days before the start of the work period. Employee may decline any hours, Shifts or work location changes made after the advance notice deadline.
- REST BETWEEN SHIFTS**  
Employee is not required to work a Shift that starts less than 10 hours from their last Shift without their written consent. Employee receives premium pay of time and-a-half for the Shift following the insufficient rest period.
- REQUEST PREFERENCES**  
Employee may request a preference for hours, times, or work locations. Employer may accept or decline the request, with written notification of the reason for denial.
- SHIFT COVERAGE**  
Employee is not required to find coverage for missing a Shift or partial Shift for reasons protected by law.
- SHIFT PRIORITY**  
Additional work hours must be offered to current Employees before Employer can hire new workers.

PREDICTABILITY PAY	Employer-initiated Change	Predictability Pay
	Increase in hours that exceed 15 minutes	One (1) hour at the Employee's regular rate of pay
Change to the date, time, or location (but no change in hours)	One (1) hour at the Employee's regular rate of pay	
Reduction of hours by at least 15 minutes	Hours not worked at one-half the Employee's regular rate of pay	
On-call shift, when the employer does not call the employee to perform work	Hours not worked at one-half the Employee's regular rate of pay	

The Los Angeles Office of Wage Standards Ordinance grants authority to the Bureau of Contract Administration, Office of Wage Standards to conduct investigations and impose penalties and administrative fines for violations of the Fair Work Week Ordinance.

Los Angeles Municipal Code Ch. XVII Art. 5 Sec. 185.12 and Art. 8 Sec. 188.04 protect Employees from any discrimination or retaliation for exercising their rights to receive a fair work week.

For more information, please contact the Office of Wage Standards at 1-844-WAGESLA (924-3752) or email [wagesla@lacity.org](mailto:wagesla@lacity.org) or visit <http://wagesla.lacity.org/>.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodations to ensure equal access to its programs, services, and activities.

FWWO Workplace Poster



# Things to Look Out For!



- ✓ Is your schedule constantly changing? Are changes made without your consent?
- ✓ Do you feel like you're unable to say no to changes to your schedule?
- ✓ Are there new employees working when you didn't know your employer was hiring?
- ✓ Are you asked to find coverage for shifts when you call out sick?



# Resources

- **Visit us at [WAGESLA.LACITY.ORG](https://www.wagesla.lacity.org)** for:
  - ✓ Fair Work Week Ordinance text
  - ✓ Rules and Regulations
  - ✓ Frequently Asked Questions (FAQs)
  - ✓ How to file a complaint
- **Follow us [@WageStandardsLA](https://www.instagram.com/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



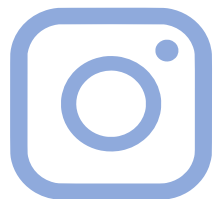
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