

Fair Work Week Ordinance

Module 4 – Complaints and Investigations

Office of Wage Standards
Bureau of Contract Administration
September 2023



Fair Work Week Ordinance

Module 4 – Complaints and Investigations

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



The Complaint Process: Notice to Cure

STEP 1: NOTICE TO CURE PROCESS

- A **Notice to Cure** is a written notice from an Employee given to an Employer that alleges the Employer has violated the Fair Work Week Ordinance (FWWO).
- It names the provisions of the Ordinance alleged to have been violated and provides facts to support the alleged violations.
- The Employer must take action to cure the named violations within **15** calendar days from receipt of the notice.
- After 15 days, if no action to cure is taken by the Employer, the Employee may file a formal complaint with the OWS or file a civil action.



The Complaint Process: Notice to Cure

Notice to Cure

The following is a sample Notice to Cure that may be provided to Employers. To use this form, please fill out both pages and submit to the Employer. Remember to keep a copy of the Notice for yourself. The Employer has 15 calendar days from the receipt of this Notice to take action to cure the alleged violations. If the Employer fails to cure a violation or is not in the process of curing the violation by the end of the cure period, Employees may submit a complaint to the Office of Wage Standards or file a private civil action.

I, _____, an Employee of the Employer, _____, allege that the Employer has violated the following provisions of the City of Los Angeles' Fair Work Week Ordinance (FWWO). Attached to this Notice is a Statement of Facts to support my allegations. This Notice was provided to the Employer on _____ (Date)

(Check all that apply)

- Good Faith Estimate.** The Employer did not provide the new Employee a written Good Faith Estimate of the Employee's Work Schedule before hiring, or the Employer did not provide a current Employee an estimate within ten (10) days of the Employee's request.
- Rest Between Shifts.** The Employer required the Employee to work a Shift that starts less than ten (10) hours from their last Shift without their written consent and/or the Employee did not receive premium pay of time and a half for the Shift not separated by at least ten (10) hours.
- Coverage for Missing Shifts.** The Employer required the Employee find coverage for missing a Shift or partial Shift for reasons protected by law.
- Advance Notice of Work Schedule.** The Employee did not receive written notice of their Work Schedule at least 14 calendar days before the start of the Work Period, and/or the Employee was unable to decline any hours, Shifts, or work location changes made after the advance notice deadline.
- Scheduling Preferences.** The Employer did not provide Employee with written notification of the reason for the denial of requested preference for hours, times, or work locations.
- Additional Work Hours.** The Employer did not offer additional work hours to current Employees before hiring new workers.
- Predictability Pay.** The Employer did not provide Predictability Pay for Employer-initiated changes to Work Schedules made less than 14 days before the start of the Work Period. Subject to certain exceptions, Employees do not give up their right to Predictability Pay when they voluntarily agree to such changes.
- Retaliation.** The Employer retaliated against the Employee for exercising their rights under the FWWO.
- Other**

This is a summary of certain provisions of the Fair Work Week Ordinance. For complete requirements of the FWWO, please refer to LAMC Ch. XVIII Art. 5 Sec. 185 and Art. 8 Sec. 188 or visit <http://wagesla.lacity.org> for more information.

Statement of Facts

Please answer the following questions and submit this form along with the Notice to Cure to your Employer.

These are the facts which will support the alleged violations of the FWWO by your Employer.

What is your job title and what are your job duties?	
Who is in charge of your work schedule?	
Describe what your Employer did that violated the provisions of the Fair Work Week Ordinance.	
What date(s) did these incident(s) occur?	
Where did these incident(s) occur? If you work at multiple locations for the Employer, please list all the locations at which the violations occurred.	

I hereby declare that the above made statements are true and correct to the best of my knowledge and belief.

Print Name: _____

Signature: _____ Date: _____



The Complaint Process: Formal Complaint

STEP 2: FILING A FORMAL COMPLAINT

- Complaint forms are available in English and Spanish on the WagesLA website (wagesla.lacity.org)
- Questions will ask for both Employee and Employer information
- Forms may be submitted electronically via email to wagesla@lacity.org
- If you require assistance filling out the form, you may call or email our office



Investigations

- If a complaint is sustained, the OWS will conduct an investigation.
- During an investigation, the Employer must allow the OWS access to all records pursuant to LAMC Sec. 185.09 *Retention and Inspection of Records*

"The [OWS] shall have access to all business sites and places of labor subject to the Minimum Wage and Fair Work Week Ordinances during business hours to inspect and request copies of books, papers, records, interview employees and any other relevant witnesses..."

(LAMC Sec. 188.05.C)



Record Retention

- An Employer must retain all records for both current and former Employees for a period of 3 years, such as:
 - Work Schedules
 - Written correspondence between Employers and Employees regarding Work Schedules (i.e. changes, requests, consents, approvals, denials)
 - Good Faith Estimates
 - Copies of written offers to Employees for additional work hours and the written responses from Employees
 - Payroll records
 - Any other records that may demonstrate compliance



Remedies

- Employers who are found to have violated the FWWO may have to pay restitution and penalties to each Employee whose rights have been violated.
- Employers may also liable to the City for a administrative fines and penalties of up to \$50 per day that Predictability Pay is unlawfully withheld from an Employee.



Penalties Payable to Employees

Violation	Los Angeles Municipal Code	Penalty
Failure to provide a good faith estimate of Work Schedule	185.02	Up to \$500
Failure to provide an Employee with at least 14 calendar days' notice of Work Schedule	185.04.A	Up to \$500
Failure to provide written notice of Work Schedule changes	185.04.B	Up to \$500
Failure to offer additional hours of work to current Employees before hiring new workers	185.05	Up to \$500
Failure to comply with prohibitions against requiring an Employee to find coverage for scheduled hours if the Employee is unable to work for a reason covered by other laws	185.07	Up to \$500
Failure to compensate Employee at one and one-half times pay for working a shift that begins less than 10 hours from the previous shift	185.08	Up to \$500

Source: LAMC Sec. 188.07.B.2



Administrative Fines Payable to the City of Los Angeles

Violation	Los Angeles Municipal Code	Penalty
Failure to post notice of Fair Work Week Benefits	185.11; 188.03.A	Up to \$500
Failure to allow access to records required by the Fair Work Week Ordinance	185.09.B; 188.03.C	Up to \$500
Failure to maintain records required by the Fair Work Week Ordinance for three years	185.09.A	Up to \$500
Failure to allow access for inspection of records or to interview employees	185.09.B; 188.03.C	Up to \$500
Retaliation for exercising rights under the Fair Work Week Ordinance or this article	185.12; 188.04	Up to \$1000
Failure to provide the employer's name, address, and telephone number in writing	188.03.A; 188.05	Up to \$500
Failure to cooperate with the Division's investigation	188.03.C; 188.05	Up to \$500
Failure to submit documents or information to the Division within 30 days of the request	188.05	Up to \$500
Failure to post Notice of Correction to employees	188.06.D	Up to \$500

Source: LAMC Sec. 188.08.B



Retaliation

RETALIATORY ACTION IS PROHIBITED!

- No Employer shall discharge, reduce in compensation or otherwise discriminate against any Employee for:
 - Opposing any practice proscribed by the FWWO
 - Participating in proceedings related to the FWWO
 - Seeking to enforce their rights under the FWWO by any lawful means
 - Asserting their rights under the FWWO



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



1-844-WAGESLA (924-3752)



wagesla@lacity.org



<https://wagesla.lacity.org>



@WageStandardsLA