Int. No. 1387

By Council Members Johnson, Rosenthal, Reynoso, Torres and Richards

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting on-call scheduling for retail employees

Be it enacted by the Council as follows:

1	Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is
2	amended by adding a new subchapter 6 to read as follows:
3	Subchapter 6
4	On-Call Scheduling
5	§ 20-1261 On-call scheduling prohibited. a. Except as otherwise provided by law, an
6	employer shall not:
7	1. Schedule a retail employee for any on-call hours;
8	2. Cancel any scheduled hours of work for a retail employee within 72 hours of the start
9	of such hours;
10	3. Require a retail employee to work with fewer than 72 hours' notice, unless the
11	employee consents in writing; or
12	4. Require a retail employee to contact an employer to confirm whether or not the
13	employee should report for scheduled hours fewer than 72 hours before the start of such hours.
14	5. Provide a retail employee less than 20 hours of work during any 14-day period, offset
15	by any hours an employee elects to take as leave, paid or unpaid, with the employer's consent,
16	during that 14-day period.
17	b. This subchapter does not prevent an employer from allowing a retail employee to
18	request time off or prevent a retail employee from working in place of another employee who has

been scheduled to work a particular scheduled work period as long as the retail employees
mutually agree upon the change.

§ 20-1262 Notice of schedule. a. An employer shall post in a location that is accessible and visible to all employees at the work location a physical copy of the work schedule of all the employees at that work location at least 72 hours prior to the beginning of the scheduled hours of work and shall update the schedule and directly notify affected employees as soon as practicable after changes are made to the work schedule.

b. Upon request by a retail employee, an employer shall provide the employee with such retail employee's work schedule in writing for any previous week worked and the most current version of all retail employees' work schedules at that work location, whether or not changes to the work schedule have been posted.

§ 20-1263 Worker initiated agreement. The provisions of this subchapter do not apply to any employee covered by a valid collective bargaining agreement, or in an addendum to an existing agreement, including an agreement that is open for negotiation, if both (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable or superior benefit for the employees covered by such agreement.

§ 2. This local law takes effect on the later of 180 days after it becomes law or the date that a local law amending the New York city charter and the administrative code of the city of New York in relation to establishing general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide schedule change premium compensation when hours are changed after required notices, as proposed in an introduction for the year 2016, takes effect, except that the

- 1 commissioner of the department shall take such measures as are necessary for the
- 2 implementation of this local law, including the promulgation of rules, before such date.

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MWC LS #4632 12/2/16