## Int. No. 1395

By Council Members Lander, Johnson, Kallos, Rodriguez, Richards and Ferreras-Copeland

A Local Law to amend the administrative code of the city of New York, in relation to requiring fast food employers to offer work shifts to current employees before hiring additional employees

## Be it enacted by the Council as follows:

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Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

3 Subchapter 4

4 Access to Hours

§ 20-1241 Offering additional shifts to current fast food employees. a. Whenever a fast food employer has additional work shifts to provide in any fast food job position, such employer shall offer such shifts first to its current fast food employees employed at the location where the additional shifts are needed before hiring additional fast food employees or subcontractors, including hiring through the use of temporary services or staffing agencies, to work such shifts.

b. When additional shifts become available, a fast food employer shall post the total number of shifts being offered, the schedule of available shifts, whether those shifts will occur at the same time each week, and the length of time the employer anticipates requiring coverage of the additional shifts, the process by which fast food employees may notify the employer of their desire to work the offered shifts, and the criteria the employer will use for distribution of shifts. The fast food employer must post such notice in a conspicuous and accessible location where fast food employee notices are customarily posted for three consecutive calendar days. If the fast food employer posts the notice in electronic format, all fast food employees in the workplace must have access to it on site.

c. A fast food employer shall assign additional shifts to a fast food employee who has
responded to the offer of work. If more than one such employee has responded to the offer of
work, the employer shall distribute the work among interested employees according to the
criteria contained within the notice required by subdivision b of this section, provided that an
employer's system for distribution of shifts must not discriminate on the basis of age, race, creed,
color, national origin, gender, disability, marital status, partnership status, caregiver status,
sexual orientation, alienage or citizenship status, or any other class protected by federal, state or
<u>local law.</u>

- d. A fast food employee's response to the offer of work shall serve as written consent to the addition of shifts, if such consent is required by subdivision d of section 20-1221.
- e. A fast food employer shall make reasonable efforts to offer fast food employees training opportunities to gain the skills and experience to perform work for which the employer typically has additional needs.
- f. This subchapter shall not be construed to require any fast food employer to offer any fast food employee shifts paid at a premium rate under subsection (a) of section 207 of title 29 of the United States code or the overtime requirements of the labor law or any minimum wage order promulgated by the New York commissioner of labor pursuant to labor law article 19 or 19-A, nor to prohibit any employer from offering such shifts.
- § 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

- 1 notices, as proposed in an introduction for the year 2016, takes effect, except that the
- 2 commissioner of consumer affairs shall take such measures as are necessary for the
- 3 implementation of this local law, including promulgating rules and conducting outreach and
- 4 education, before such date.

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