

Sample for Employers

Secure Scheduling Ordinance Model Policy

The Seattle Office of Labor Standards (OLS) created this model policy as an example of the information that could be in a Secure Scheduling policy. Seattle Municipal Code Chapter 14.22.

Section I – Purpose of the Secure Scheduling Ordinance

Seattle's Secure Scheduling Ordinance (SSO), [Seattle Municipal Code 14.22](#), grants scheduling protections for Seattle employees at large retail and food service employers including the right to receive a work schedule 14 days in advance, the right to request a particular schedule, and the right to receive additional pay for schedule changes with less than 14 days' notice.

_____ (Employer) complies with all aspects of the SSO, which provides hourly employees predictable schedules and access to hours, among other work schedule-related rights. All managers are responsible for enforcing this policy, including maintaining certain records. Contact _____ (Employer's contact) for more information.

Section II – Eligible Employees

Which employees are covered?

Employees are eligible when they are covered under Seattle's Minimum Wage Ordinance, work or report to work at a location where sales activity takes place, and work at a Seattle location for at least 50% of their work time.

Section III – Advance Notice of Work Schedule

In general, for existing employees who are not returning from a leave of absence,

_____ (Employer) will provide employees with a written work schedule at least 14 calendar days before the first day of the work schedule.

_____ (Employer) will post the schedule _____ (insert the location where employees will be able to find the advance schedule).

Section IV – Good Faith Estimate of Work Schedule

_____ (Employer) will provide a good faith estimate (GFE) stating the median hours of hours per work week that the employee can expect to work over the course of a year, and whether the employee can expect to work on call shifts. _____ (Employer) will provide a GFE to employees at time of hire, at least once a year thereafter, and when an employee's median hours changes by 30% or more for the quarter by _____ (insert description of how GFEs will be provided).

_____ (Employer) _____ (does/does not) schedule employees for on-call shifts.

Good Faith Estimate Example

1. Median number of hours per work week (over the course of a year):

Year begins: _____ 1st Quarter: _____ 2nd Quarter: _____ 3rd
Quarter: _____ 4th Quarter: _____

2. On-Call Shifts: YES NO

Section V – Right to Request Input

Employees can make schedule requests for the times (e.g., hours of the day, length of work shifts, etc.) and location of work before the advanced schedule comes out.

_____ (Employer) will discuss the schedule request with the employee (this is called an interactive process). If the employee's request is based on a "major life event" (this term is defined by the law and explained below), _____ (Employer) must grant the request unless there is a bona fide business reason for denial, in which case _____ (Employer) will provide a written explanation of the reason for denial. If the request is not based on a major life event, _____ (Employer) can grant or deny the request depending on business needs.

Employees should make schedule requests by _____ (insert the mechanism by which employees can make these requests, including whether the request must be in writing).

_____ (Employer) will make a good faith effort to begin the interactive process within one week of receiving a schedule request and conclude the process within three weeks.

A "major life event" is a major event related to the employee's access to the workplace due to changes in the employee's transportation or housing, the employee's own serious health condition, the employee's responsibilities as a caregiver, the employee's enrollment in a career-related educational or training program, or the employee's other job(s).

Verification

(Note to employers: Only include a section on verification if it is part of your policy or practice. Verification requirements are allowed by the ordinance, but not required.)

Employees can provide any of the following as verification of their major life event:

- Written statement signed by the employee;
- Third-party documentation including but not limited to a notice from a landlord, notice from a child's school, a class syllabus, and/or pay stub or documentation from another job; and
- Documentation from a healthcare provider.

Section VI – Compensation for Work Schedule Changes

If _____ (Employer) changes an employee's schedule less than 14 days before the start of the shift, _____ (Employer) will pay the employee additional compensation as shown in the table below unless an exception exists.

Employees have a protected right to decline additional work hours scheduled with less than 14 days advance notice. _____ (Employer) will not discipline or penalize an employee for declining additional work hours. Even if the employee agrees to work additional hours, the employer may have to pay additional compensation. Employees do not have a right to decline a reduction in hours.

Changes to the schedule that total less than 15 minutes do not require additional compensation.

Unless an exception applies, when _____ (Employer) initiates a schedule change, _____ (Employer) will pay as follows:

Type of Schedule Change	Additional Compensation Owed	Example
Addition of hours (any amount)	1 hour of pay at scheduled rate (can be pro-rated for additions of less than 1 hour, e.g., 30 minutes of extra work = 30 minutes extra pay + payment for time worked)	Original shift = 12-4pm New shift = 12-8pm (4-hour addition) Pay for change: 1 hour extra (on top of pay for working 4 more hours)
Change of start/end time or day with no loss of hours	1 hour of pay at scheduled rate	Original shift = 6-10am New shift = 10am-2pm Pay for change: 1 hour extra

Subtraction of hours	Half of the hours not worked at the scheduled rate of pay	Original shift = 12-8pm New shift = 12-4pm Pay for change: 2 hours extra (½ the 4 hours not worked)
On-call hours & employee is not called in	Half of the hours not worked at the scheduled rate of pay	On-call shift = 12-6pm Pay for change: 3 hours extra (½ the 6 hours not worked)

_____ (Employer) does not have to pay employees extra for schedule changes when:

- An employee requests the change and documents the request in writing;
- An employee agrees to swap shifts or coverage – (insert shift swap policy if applicable);
- An employee voluntarily accepts a schedule change in response to a written “mass communication” (sent to two or more employees) about additional hours that are available *because another employee cannot work those scheduled hours*;
 - A mass communication must advise employees: (1) that it is a mass communication; (2) that accepting the offer for additional hours is voluntary; (3) that employees have the right to decline to work the additional hours; and (4) that accepting the additional hours does not require additional compensation under the Secure Scheduling Ordinance.
- An employee voluntarily accepts a schedule change in response to an “in person group communication” with two or more currently working employees about additional hours caused by unanticipated customer needs;
 - The communication must include that (1) the agreement to stay longer is voluntary; and (2) that accepting the additional hours does not require additional compensation under the Secure Scheduling Ordinance.
- An employee accepts an offer of hours under the Access to Hours requirements (see below);
- _____ (Employer) reduces an employee’s hours due to discipline that is documented in writing;
OR
- _____ (Employer) is unable to begin or continue operations due to (1) threats to employees or property; (2) recommendation of public official; (3) public utilities failure; (4) natural disaster; (5) weather event; or (6) an event that would cause _____ (Employer) to violate a law.

Section VII – Access to Hours (Hiring)

_____ (Employer) will offer additional hours to current employees before hiring externally.

_____ (Employer) will post notice of additional hours in _____ (e.g., system, break room etc.) for at least three days. _____ (Employer) will offer the hours to any existing, qualified employees who responds to the notice. If a current employee expresses an interest, they have two days to decide if they want to accept the hours.

Section VIII – Right to Rest

(Note to employers: If it is your policy to never schedule “clopening” shifts, insert that policy here.)

_____ (Employer) will not schedule, or require employees to work, a closing and opening shift that are separated by less than 10 hours unless an employee requests or consents to work those hours. Even if the employee requests or consents to work those hours,

_____ (Employer) will pay time and a half for hours worked that are separated by less than a 10-hour rest period.

Not all shifts separated by less than a 10-hour rest period qualify for these protections. To qualify for these protections, the opening shift must occur less than 10 hours after the end of (1) the previous day’s shift; or (2) a shift that spanned two calendar days (e.g., a shift that starts at 10 PM on Monday and ends at 2 AM on Tuesday must be followed by at least 10 hours of rest before the employee returns to work).

Split shifts do not qualify for these protections.

Section IX – Postings

_____ (Employer) will display the OLS Secure Scheduling poster in a conspicuous and accessible place at the worksite in English and in the primary language(s) of the employee(s) at the workplace. The Secure Scheduling poster can be found in _____ (location) and in these languages: _____.

Section X – Retaliation Prohibited

Any discrimination or retaliation against an employee for good faith assertion of Secure Scheduling rights is against the law. These rights include, but are not limited to inquiring about

benefits or rights protected by the Secure Scheduling Ordinance (e.g., Informing _____ (Employer) about deviation from GFE, requesting a schedule change, requesting to work hours posted under Access to Hours provisions); declining to work a shift not scheduled with 14 days' advance notice; informing _____ (Employer) or legal counsel about alleged Secure Scheduling violations, and more.

The Seattle Office of Labor Standards (OLS) is responsible for enforcing the Secure Scheduling Ordinance and ensuring that employees are not retaliated against for asserting their rights. An employee who experiences a violation of Secure Scheduling rights may file a complaint with OLS or file a lawsuit. OLS also provides free technical assistance, brochures, posters, and other resources. For more information from OLS, call 206-256-5297 or visit <http://www.seattle.gov/laborstandards/ordinances/secure-scheduling>.