

Secure Scheduling Ordinance, SMC 14.22

Secure Scheduling Ordinance and COVID-19 -- Frequently Asked Questions & Answers

This document provides answers to questions that you may have about [Seattle's Secure Scheduling](#) law as it relates to COVID-19. Please visit the [Office of Labor Standards](#) website for more detailed information.

Do you have a question that isn't covered by this Q&A? Visit our [Secure Scheduling Website](#), call 206-256-5297, or reach us electronically:

- Workers with questions and complaints—submit an [online inquiry](#) or send an email to workers.laborstandards@seattle.gov.
- Employers with requests for technical assistance—submit an [online inquiry form](#) or send an email to business.laborstandards@seattle.gov.

Seattle's Secure Scheduling ordinance establishes scheduling protections for overtime-eligible employees who work in Seattle at retail or food service employers with more than **500 employees**. The City of Seattle's Office of Labor Standards administers this ordinance, providing outreach, compliance assistance, and enforcement services to workers and employers.

Must an employer pay premium pay to its employees if it cancels shifts for reasons related to COVID-19?

It depends. In general, if an employer changes an employee's schedule with less than 14 days before the start of the shift, the employer must pay each worker additional compensation unless an exception applies. In the case of COVID-19, the exception for "operations cannot begin or continue" may apply.

When does the "operations cannot begin or continue" exception apply?

An employer is not required to pay additional compensation for a schedule change where the employer cannot open or must close the worksite early due to any of the following reasons:

- i. Threats to employees or property;
- ii. The recommendation of a public official;
- iii. Public utilities fail to supply electricity, water, or gas, or there is a failure in the public utilities, or sewer system;
- iv. Natural disaster;
- v. Weather events; or
- vi. Events that would cause the employer to violate a legal requirement.

What is a public official?

A public official is a government employee that is granted the authority to close a place of business or school. This can include local, state, or federal authorities and public health officials (e.g. Seattle - King County Public Health, the Center for Disease Control, or the State Department of Health) or the superintendent or principal of a public school.

What is a recommendation that operations not begin or continue?

There is not a hard and fast definition, but in general the recommendation must be specific to business operations or so closely linked to the nature of the business that it entails a recommendation for the business not to begin operations or to cease operations.



Is there currently a recommendation from a public official that operations not begin or continue?

Current recommendations for businesses and events can be found at the [Public Health Seattle King County website](#) and this informational sheet [here](#). These recommendations may change. Please check them frequently.

As of March 12, 2020, large gatherings of more than 250 people are prohibited, and smaller gatherings are prohibited unless the organizers can adhere to certain safety measures. If a business cannot begin operations or must close in order to comply with these recommendations, the business is not required to pay premium pay to employees.

Which businesses are impacted by that recommendation?

Any business that believes they cannot begin operations or must cease operations in order to comply with current recommendations of public officials.

What does “operations cannot begin or continue” mean?

It is impossible or dangerous to open or continue operations.

What other exceptions might apply in the COVID-19 context?

If a business does not begin or closes operations due to fears for employees' safety, the exception for threats to employees or property would apply. For example, if a business learns two hours before closing that an employee has tested positive for COVID-19, and it decides to close and send all employees home early to ensure their safety, this exception will apply.

Who can I contact if I have more questions about my rights or responsibilities under this law?

Please call the [Seattle Office of Labor Standards \(OLS\)](#) at [206-256-5297](tel:206-256-5297) or visit our website at <http://www.seattle.gov/laborstandards>. We can answer questions and provide resources!

Where can I find out more about COVID-19 (formerly called the novel coronavirus) and the steps I can take to prepare?

Click [here](#) and visit the [Public Health – Seattle & King County COVID-19](#) webpage where you can download [their information sheet](#) on COVID-19. This webpage includes an extensive FAQ as well as recommendations for preparedness for the general public, schools, workplaces and health care workers.