

Communication from Public

Name: Los Angeles County Business Federation (BizFed)
Date Submitted: 01/29/2020 11:08 AM
Council File No: 19-0229
Comments for Public Posting: Please find the attached letter in response to the predictive scheduling ordinance as proposed by the Economic Development Committee and the Bureau of Contract Administration. Thank you for your consideration of our comments to help make this ordinance as best as it can be.

January 29, 2020

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Dear Councilmembers,

We are contacting you on behalf of BizFed, the Los Angeles County Business Federation. We are an alliance of 180 business associations who represent over 400,000 employers with 3.5 million employees in Los Angeles County. We are writing in response to the recent action by the Economic Development Committee to adopt the Bureau of Contract Administrations recommendations for a Fair Work Week policy. We appreciate the amendments made Councilmembers Lee, Buscaino, Wesson and Price and agree with their inclusion. These amendments are helpful, and we believe that additional amendments are necessary to make sure that this policy is as best as it can be not only for the businesses involved, but for the workers this will be impacting.

Below are our suggested amendments.

Phased-in Implementation. Oregon, Chicago and Philadelphia have passed policies that phased in the fourteen-day notice over a one (1) to two (2) year process to ensure a smooth implementation of the new process. We believe it is important to give companies and their human resource workers ample time to be able to comply with the new law. Employers will need time to implement new operating procedures, balance state, federal and local law, train staff, and bring on new technological operating systems in order to adjust. This is especially important for Los Angeles as it is the largest market to implement a predictive scheduling law.

Good Faith Estimate. The current proposal suggests employers calculate an employee's schedule on a median basis, which is not clear nor is it practical. Employers currently calculate hours on an average basis, and we suggest the ordinance be updated to reflect this. Since this is only an estimate, we do not believe this needs to be overly regulated or changed.

Offer of Hours Before New Hires. While well-intentioned, this practice overcomplicates the process for workers to receive additional hours. In Seattle, this practice has caused delays in workers to be able to pick up hours instead of providing additional for their needs.

If the City of Los Angeles does choose this route, we suggest using the Oregon model. This model uses a voluntary "standby list" of employees who wish to be contacted in the instance a shift becomes available. This model also exempts the employer from predictability pay. We further ask that any posted (or accessible) schedules should not be required to identify associates by name. There are serious privacy concerns with this and several reasons as to why an employee may not want to disclose when they will be or will not be working a shift.

Predictability Pay. After reviewing the requirements of the predictability pay, we request the following amendments/clarifications to help make this more feasible.

- **Addition or subtraction is less than fifteen (15) minutes.** Most time clocks are in thirty-minute (30) increments, not fifteen (15).
- **Mass communication about additional shifts.** As this is currently written, employers do not have to provide predictability pay if an employee voluntarily accepts a shift change due to another employee not showing up or calling-in sick. This should include open shifts as well.
- **Operations issues like weather, public emergency, utilities, natural disaster.** This should also include transportation breakdowns and other issues reasonably outside the employer's control.

Private Right of Action. We strongly oppose this recommendation. As stated by the Bureau of Contract Administration and the Office of Wage Standards these are complex and time-consuming investigations and can be best done through the administrative process.

Thank you for your consideration of our letter. We hope that you will keep business included in the process as the council moves forward in implementing a predictive scheduling ordinance and consider us a resource as the City moves forward.

Sincerely,



Sandy Sanchez
BizFed Chair
FivePoint



David Fleming
BizFed Founding Chair



Tracy Hernandez
BizFed Founding CEO
IMPOWER, Inc.

BizFed Association Members

Action Apartment Association
Alhambra Chamber of Commerce
American Beverage Association
American Hotel & Lodging Association
American Institute of Architects – Los Angeles
Angeles Emeralds
Apartment Association, California Southern Cities
Apartment Association of Greater Los Angeles
Arcadia Association of REALTORS
AREAA North Los Angeles SFV SCV
Asian Business Association
Association of Club Executives
Association of Independent Commercial Producers
Azusa Chamber of Commerce
Bell Gardens Chamber of Commerce
Beverly Hills Bar Association
Beverly Hills Chamber of Commerce
BNI4SUCCESS
Boyle Heights Chamber of Commerce
Building Industry Association, LA / Ventura
Building Industry Association, Baldyview
Building Owners & Managers Association, Greater LA
Burbank Association of REALTORS
Burbank Chamber of Commerce
Business & Industry Council for Emergency Planning & Preparedness
Business Resource Group
CalAsian Chamber
CalCFA
California Apartment Association, Los Angeles
California Asphalt Pavement Association
California Association of Food Banks
California Bankers Association
California Bus Association
California Business Roundtable
California Cannabis Industry Association
California Construction and Industry Materials Association
California Contract Cities Association
California Fashion Association
California Gaming Association
California Grocers Association
California Hispanic Chamber of Commerce
California Hotel & Lodging Association
California Independent Oil Marketers Association
California Independent Petroleum Association
California Life Sciences Association
California Manufacturers & Technology Association
California Metals Coalition
California Restaurant Association
California Retailers Association
California Small Business Alliance
California Society of CPAs -Los Angeles Chapter
California Sportfishing League
California Trucking Association
Carson Chamber of Commerce
Carson Dominguez Employers Alliance
CDC Small Business Finance
Central City Association
Century City Chamber of Commerce
Cerritos Regional Chamber of Commerce
Citrus Valley Association of REALTORS
Commercial Industrial Council/Chamber of Commerce
Construction Industry Air Quality Coalition
Construction Industry Coalition on Water Quality

Council on Trade and Investment for

Filipino Americans
Covina Chamber of Commerce
Culver City Chamber of Commerce
Downey Association of REALTORS
Downey Chamber of Commerce
Downtown Long Beach Alliance
El Monte/South El Monte Chamber
El Segundo Chamber of Commerce
Employers Group
Engineering Contractor's Association
EXP
F.A.S.T. - Fixing Angelenos Stuck In Traffic
FilmLA
Friends of Hollywood Central Park
Fur Information Council of America
FuturePorts
Gardena Valley Chamber of Commerce
Gateway to LA
Glendale Association of REALTORS
Glendale Chamber of Commerce
Glendora Chamber of Commerce
Greater Antelope Valley Association of REALTORS
Greater Lakewood Chamber of Commerce
Greater Los Angeles African American Chamber
Greater Los Angeles Association of REALTORS
Greater Los Angeles New Car Dealers Association
Harbor Trucking Association
Historic Core Business Improvement District
Hollywood Chamber of Commerce
Hollywood Property Owners Alliance
Hong Kong Trade Development Council
Hospital Association of Southern California
Hotel Association of Los Angeles
Huntington Park Area Chamber of Commerce
Independent Cities Association
Industry Manufacturers Council
Inglewood Airport Area Chamber of Commerce
Inland Empire Economic Partnership
International Warehouse Logistics Association
Irwindale Chamber of Commerce
La Cañada Flintridge Chamber of Commerce
L.A. County Medical Association
L.A. Fashion District BID
L.A. South Chamber of Commerce
Larchmont Boulevard Association
Latino Food Industry Association
LAX Coastal Area Chamber of Commerce
League of California Cities
Long Beach Area Chamber of Commerce
Los Angeles Area Chamber of Commerce
Los Angeles County Board of Real Estate
Los Angeles County Waste Management Association
Los Angeles Gateway Chamber of Commerce
Los Angeles Gay and Lesbian Chamber of Commerce
Los Angeles Latino Chamber of Commerce
Los Angeles Parking Association
Maple Business Council
Motion Picture Association of America
MoveLA a Project of Community
NAIOP Southern California Chapter
National Association of Royalty Owners
National Association of Tobacco Outlets
National Association of Women Business Owners
National Association of Women Business Owners – Los Angeles

National Hispanic Medical Association
National Latina Business Women
Orange County Business Council
Pacific Merchant Shipping Association
Pacific Palisades Chamber of Commerce
Panorama City Chamber of Commerce
Paramount Chamber of Commerce
Pasadena Chamber of Commerce
Pasadena-Foothills Association of Realtors
PhRMA
Planned Parenthood Southern Affiliates of California
Pomona Chamber of Commerce
Propel L.A.
Rancho Southeast Association of REALTORS
Recording Industry Association of America
Regional Black Chamber - San Fernando Valley
Regional Chamber of Commerce-San Gabriel Valley
Rosemead Chamber of Commerce
San Dimas Chamber of Commerce
San Gabriel Chamber of Commerce
San Gabriel Valley Economic Partnership
San Pedro Peninsula Chamber of Commerce
Santa Clarita Valley Chamber of Commerce
Santa Clarita Valley Economic Development Corp.
Santa Monica Chamber of Commerce
Sherman Oaks Chamber of Commerce
South Bay Association of Chambers
South Bay Association of REALTORS
South Gate Chamber of Commerce
Southern California Contractors Association
Southern California Golf Association
Southern California Grant Makers
Southern California Leadership Council
Southern California Minority Suppliers Development Council Inc. +
Southern California Water Coalition
Southland Regional Association of REALTORS
Sunland-Tujunga Chamber of Commerce
The Young Professionals at the Petroleum Club
Torrance Area Chamber
Town Hall Los Angeles
Tri-Counties Association of REALTORS
United Chambers San Fernando Valley & Region
United States-Mexico Chamber
Unmanned Autonomous Vehicle Systems Association
US Resiliency Council
Valley Economic Alliance
Valley Industry & Commerce Association
Vernon Chamber of Commerce
Vietnamese American Chamber of Commerce
Warner Center Association
West Hollywood Chamber of Commerce
West Los Angeles Chamber of Commerce
West San Gabriel Valley Association of REALTORS
West Valley/Warner Center Association Chamber
Western Manufactured Housing Association
Western States Petroleum Association
Westside Council of Chambers
Westwood Community Council
Westwood Village Rotary Club
Whittier Chamber of Commerce
Wilmington Chamber of Commerce
World Trade Center Los Angeles
Young Professionals in Energy - LA Chapter