

October 29, 2019



The Honorable Herb Wesson
President, Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: "Fair Work Week" Ordinance

Dear Councilmember Wesson,

On behalf of Los Angeles Grocers, I write to urge the Council to include that preference is given to creating consistency with similar existing ordinances in California in the "Fair Work Week" ordinance recommendation. The Bureau of Contract Administration (BCA) Implementation Recommendations are a sampling of policy pieces from a variety of jurisdictions. These pieces of various policies will likely not, when taken in whole, result in the intended outcomes for workers and will be unwieldy to implement for retailers. We believe that existing California ordinances should serve as an additional guide when drafting policy as they are proven solutions that have been tested.

It is important to recognize that existing California scheduling ordinances include many similarities with the BCA recommendations, including providing schedules 14 days in advance, predictability pay for schedule changes, and estimation of hours to be worked. Including a preference for consistency with existing California ordinances does not deter from the stated goals by Council, it instead broadens the scope of specific policy options in order to create a better ordinance overall.

Based on our industry's experience in other California jurisdictions we believe there are several policy options that would be of value to both employers and employees. An example of these policy options includes a period of time after schedules are provided to employees for employers to make schedule adjustments without penalty in order to create a flexible environment for employers to make necessary changes, which is to the benefit of employees.

Other California jurisdictions have also created comprehensive exceptions to when predictability pay is provided to not create disincentive to schedule employees when needed, keeping in mind some employees want additional hours even if offered late, and to avoid being short staffed. There are numerous other specific and important policy details included in other California ordinances not considered or included by the BCA recommendations which have shown to be effective and respectful to both employees and employers.

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We believe the city must be cautious when considering both its policy direction and specific ordinance language. Over regulating the scheduling process could lead to an unnecessarily burdensome process for employees and employers alike. The unintended effect of an overregulated scheduling process could mean decision-making being moved away from the store level likely decreasing scheduling reliability and flexibility. Including existing California ordinances in the options for developing language allows an opportunity to avoid unintended consequences based on tested policy.

We remain committed to engaging with the city to ensure that if employee scheduling regulation is adopted it does not adversely impact the employee-employer relationship. You have the advantage of drawing from the experience with existing ordinances in other California cities. It is a valuable resource and should be formally included in your policy consideration process.

We greatly appreciate the interaction and understanding of retailer concerns in recent conversations. Thank you for your consideration and we look forward continuing collaboration on this issue.

Sincerely,



TIMOTHY M. JAMES
Sr. Manager, Local Government Relations

cc: Members, Los Angeles City Council
The Honorable Eric Garcetti, Mayor, City of Los Angeles
Ms. Holly L. Wolcott, City Clerk, City of Los Angeles