San Diego Regional Chamber
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May 5, 2021

The Honorable Councilmember Campillo
202 C Street, 10th Floor
San Diego, CA 92101

Re: Predictive Scheduling in the City of San Diego

Dear Councilmember Campillo,

On behalf of the coalition of businesses, trade associations and major employers in San Diego, we write to share our significant concerns with a possible predictive scheduling policy at the City of San Diego. Collectively, we represent hundreds of thousands of employees in the San Diego region, and some of the industries that were hardest hit by the COVID-19 pandemic.

Given the disproportionate impact the pandemic has caused on businesses in the region, a predictive scheduling ordinance would magnify the negative impacts absorbed by local businesses. According to a recently published SANDAG study, restaurants, department stores, and small retailers are suffering losses between 30 and upwards of 50%. The retail sector alone accounts for 15% of regional employment in San Diego and lost 36,100 jobs due to COVID-19. Restaurants experienced a 56% decline in business activity level after the stay-at-home order was introduced, and the tourism industry employment declined by 37% compared to 2020 levels. The compounded effect of a predictive scheduling ordinance with CalOSHA regulations, supplementary sick leave and ongoing, unanticipated adjustments to state regulations create an intense regulatory environment that businesses are struggling to operate in. Our local economy is only slowly beginning to recover, and our businesses need help navigating the uncertainty of today's economic environment.

While predictive scheduling has been offered as the solution to income volatility, difficulties in implementation and punitive enforcement mechanisms often create unintended consequences. Increased administrative burdens and predictability pay requirements leave employers with less flexibility to accommodate employees changing scheduling needs, and increased employment costs reduce profitability margins, leading to a potential reduction in staffing altogether.

The attached white paper discusses gaps in the existing literature as it pertains to the applied effects of local predictive scheduling ordinances and offers considerations for the city to help local businesses meet the needs of their workforce.

Should you have any questions, please do not hesitate to contact Summer Bales, Policy Coordinator, at sbales@sdchamber.org.

Sincerely,

Jerry Sanders
President & CEO
San Diego Regional Chamber of Commerce

Review of Predictive Scheduling Policies and Implications for San Diego

Overview

Predictive scheduling, or “Fair Workweek” laws have been developed as a mechanism to ensure stability in part time employees' income and improve overall quality of life. Research has considered the relationship between inconsistent scheduling practices, income volatility and negative worker wellbeing. The goal of these policies is to ensure consistent hours and income for low-wage workers and support greater work-life balance for employees to manage multiple priorities, such as family responsibilities, school and second jobs. However, less research considers the effects of implementing predictive scheduling ordinances and their potential adverse effects. Most recently, ordinances have been implemented in the following jurisdictions:

- San Francisco, CA: Retail Employee Rights Ordinance (July 2015)[1]
- San Jose, CA: Opportunity to Work Ordinance (March 2017)[2]
- Seattle, WA: Secure Scheduling Ordinance (July 2017)[3]
- Emeryville, CA: Fair Workweek Ordinance (July 2017)[4]
- New York City, NY: Fair Workweek Package (November 2017)[5]
- State of Oregon: Fair Workweek Act (July 2018)[6]
- Philadelphia, PA: Fair Workweek Law (April 2020)[7]
- Chicago, IL: Fair Workweek Ordinance (July 2020)[8]

In California, the most recent attempts to pass a form of predictive scheduling were through AB 5 (Gonzalez - 2017) and SB 850 (Levya - 2020).[9]

Although predictive scheduling ordinances vary by jurisdiction, several characteristics encompass most policies:[10]

1. Good faith estimates of employee’s hours
2. Prohibition of on call scheduling

[1] *Office of Labor Standards Enforcement*. Formula Retail Employee Rights Ordinances. Office of Labor Standards Enforcement. San Francisco (2015).
[2] Opportunity to Work Ordinance. San Jose Code of Ordinances, § 4.101 (2017).
[3] Secure Scheduling Ordinance. Seattle Municipal Code § 14.22 (2017).
[4] Fair Workweek Ordinance (17-013). Emeryville Municipal Code § 39 (2017).
[5] Fair Workweek Package. New York City Administrative Code § 20-1201 (2017).
[6] SB 828-B. 79 Oregon Legislative Assembly § 591.1-18 (2017).
[7] Fair Workweek Law. Philadelphia Code § 9-4601 (2018 & rev. 2020).
[8] Chicago Fair Workweek Ordinance. Municipal Code of Chicago § 1-25-010-1-25-170 (2020).
[9] AB 5, 2017. California Legislature 2017-2018 Regular Session (CA, 2017). ; SB 850, 2020. California Legislature 2019-2020 Regular Session (CA, 2020).
[10] Enemark, Daniel. “The Need for Stable Scheduling in San Diego’s Service Sectors.” San Diego Workforce Partnership. Nd.

3. Schedules provided between seven to fourteen days in advance, and predictability pay requirements for employer-initiated short term scheduling changes.
4. “Right to rest”, or restrictions on scheduling employees for closing and opening shifts less than ten to twelve hours apart.
5. Additional hours offered to existing workers before hiring new employees or using contractors.

The Problem

While predictive scheduling ordinances have been passed in several jurisdictions around the country, there is no one-size-fits-all solution as each ordinance has specific working definitions, targeted industries, company size, predictability pay valuations and formulas, enforcement and implementation measures. It is worth noting that no such policies have been seriously pursued during the pandemic, making it harder to compare possible outcomes. Further, the long-term trajectory of recovery for specific sectors remains unclear. These details are critical in understanding potential effects of a scheduling policy in a locality such as San Diego. Limited data makes it difficult to conclusively understand the effects of implementing predictive scheduling policies.

Out of nine cases reviewed, three evaluations are available to consider the impacts of a local predictive scheduling ordinance in San Diego. The impact analyses find modest improvements in notice of advance scheduling compared to other elements of predictive scheduling ordinances, but little evidence is available or able to be substantiated to reach the goals originally outlined in the report titled “The Need for Stable Scheduling in San Diego’s Service Sectors.”[11]

However, increased administrative burdens and predictability pay regulations did provide clear themes: implementation is at best difficult, and increased employment costs reduced profitability margins, leading to potential reduction in staffing altogether.

Literature Review

Schedule instability has been identified as a potential workforce issue among part time and hourly workers. Labor researchers have focused on the relationship between standardized labor schedules, income stability and employee wellbeing indicators such as job performance, mental health and family life.[12]

Research on predictive scheduling expanded as flexibilization of labor has increased in globalized cities, leading to overrepresentation of women and minorities in part-time service jobs. Many businesses in the retail, restaurants, and hospitality sectors rely on demand forecasting to optimize scheduling. This type of model is referred to as “lean labor strategies”, where variation in demand can be adjusted close

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[11] Enemark, Daniel. “The Need for Stable Scheduling in San Diego’s Service Sectors.” San Diego Workforce Partnership. Nd.
[12] Lambert, Fugiel, and Henly. “Precarious Work Schedules among Early Career Workers in the US Labor Market: A National Snapshot,” 2014. University of Chicago.

to real time to contain labor costs.[13] This often refers to algorithm-based scheduling practices, but can include any form of demand-based scheduling. This is particularly practical for employers that can be severely impacted by sudden weather changes, tourism peaks or valleys, and other "Acts of God."

Empirical research has analyzed broad trends in flexible scheduling practices, often using national survey data to establish the relationship between scheduling instability, income volatility and employee wellbeing.[14] Nationally, the data on the prevalence of unstable scheduling is mixed. Boushey et al. (2016) cites empirical evidence that flexible scheduling practices are common nationally, but acknowledges that the US Bureau of Labor Statistics does not maintain data on scheduling practices. Sectors of analysis are varied and research methods range within qualitative to quantitative methods, which makes it difficult to establish consensus on the scope of the issue.

When considering the relationship between scheduling practices and employee health outcomes, Schneider and Harknet (2019) identified the limitations of empirical research due to insubstantial data to "understand the connection between low wages, unpredictable and unstable work schedules, and workers' health and well being outcomes."[15] Further, research methods on employee valuation of alternative work arrangements have been criticized as unstable, which makes it difficult to convert results into actionable policy recommendations.[16] Some studies have shown that around half of schedule changes are employee initiated, suggesting that employer initiated schedule changes are less frequent than represented in other research.[17]

When discussing scheduling practices, it is important to acknowledge variation in industry and firm size. Boushey and Ansel (2016) disaggregated the share of US workers with various shift types by industry, which provides helpful insight towards the scope of scheduling across different sectors.[18] The analysis found that industries with the highest share of variable work schedules were agriculture, personal services, business and repair services, retail trade and entertainment.[19] Sector specific research results

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[13] Boushey, Heather, and Bridget Ansel. 2016. "Working by the Hour: The Economic Consequences of Unpredictable Scheduling Practices." Washington, DC: Washington Center for Equitable Growth.

[14] Han, Wen Jui. 2004. "Nonstandard Work Schedules and Child Care Decisions: Evidence from the NICHD Study of Early Child Care.".; Presser, Harriet B. 2003. Working in a 24/7 Economy: Challenges for American Families.; Susan J. Lambert, Peter J. Fugiel, and Julia R. Henly, "Schedule Unpredictability among Early Career Workers in the US Labor Market: A National Snapshot" (Chicago, IL: Employment Instability, Family Well-being, and Social Policy Network, 2014)

[15] Schneider, Daniel, and Kristen Harknett. "Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being." American Sociological Review 84, no. 1 (February 2019): 82–114.

[16] Mas, A., & Pallais, A. (2017). Valuing alternative work arrangements. American Economic Review, 107(12), 3722-59.

[17] Susan Lambert and Julia R. Henly, "Managers' strategies for balancing business requirements with employee needs: Manager survey results," working paper of The University of Chicago Work Scheduling Study (Chicago: University of Chicago, May 2010).

[18] Boushey, Heather and Bridget Ansel. 2016. "Working by the hour: The economic consequences of unpredictable scheduling practices." Washington Center for Equitable Growth.

[19]Ibid.

also vary. For example, some research focusing on retail finds that the majority of employees face unstable scheduling, while other research finds just-in-time schedules in the retail sector were consistent.[20] In a retail sector study, Lambert and Henley (2010) found that 80% of hours were stable over the course of the year. [21] This research suggests that just in time scheduling is not inherently volatile, and voluntary management strategies can be utilized to optimize employee schedule stability.

While research has focused on identifying the relationship between scheduling, income and employee wellbeing, little research demonstrates the effects of a local predictive scheduling ordinance in practice. In our San Diego region, we require a thorough understanding of how such a measure may affect our local economy and anticipate adverse effects from a well-intentioned policy.

For this reason, we highlight some recent case studies to evaluate the effect of implementing a local level ordinance and highlight key concerns. The cases are Seattle, Washington; San Francisco, California; and the statewide Oregon law, SB 828. These were selected due to the availability of impact analyses specific to predictive scheduling ordinances. A summary table of predictive scheduling ordinances in other jurisdictions are available in the appendix.

Seattle, Washington

A first-year impact study evaluated the effects of Seattle's Secure Scheduling Ordinance (SSO) on both workers and employers.[22] The SSO was implemented in July 2017 and covered "hourly workers at retail and food service establishments with 500 or more employees worldwide and at least 40 locations." The ordinance requires employers to provide a good faith estimate of the **median** hours an employee can expect to work, post schedules 14 days in advance, pay time and a half for shifts separated by less than 10 hours, provide predictability pay for certain employer initiated scheduling changes, and maintain records for three years. Full requirements are available here.

Major findings from the study included that the SSO increased the share of workers receiving scheduled 14 days in advance by 20%. The share of workers that received predictability pay increased by seven percentage points, a 100% increase from baseline analysis. However, the ordinance did not lead to a decrease in employer-initiated shift changes. In other words, while the SSO did not effectively change targeted employer behavior, it did increase employer costs. Additionally, information gaps between both managers and employees made it difficult to understand and implement the ordinance as

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[20] Susan J. Lambert, Peter J. Fugiel, and Julia R. Henly, "Schedule Unpredictability among Early Career Workers in the US Labor Market: A National Snapshot" (Chicago, IL: Employment Instability, Family Well-being, and Social Policy Network, 2014).

[21] Susan Lambert and Julia R. Henly, "Managers' strategies for balancing business requirements with employee needs: Manager survey results," working paper of The University of Chicago Work Scheduling Study (Chicago: University of Chicago, May 2010).

[22] University of Washington West Coast Poverty Center. *The Evaluation of Seattle's Secure Scheduling Ordinance: Year 1 Findings,* 2019.

intended, creating frustration and adding stress to the employer/employee dynamic. Managers surveyed in the study were aware of the SSO requirements but did not have sufficient information to effectively comply. For example, managers were confused as to when a schedule change required predictability pay or was eligible for exemption. Enforcement was driven by complaints, which requires employees to have an understanding of their rights under the ordinance and report the violation to the Office of Labor Standards. Survey results showed only 44% of employees were aware of the SSO, indicating that employee awareness of the ordinance may have prevented effective enforcement.

Employers found the easiest element of the ordinance was providing advance scheduling notice, however, maintaining extensive scheduling documentation processes proved difficult. Half of the employers participating in the study had substandard documentation processes and one quarter had little or no documentation of scheduling processes. This is indicative of the significant education needed for implementing policies, and when considering the resources and capacity of small employers to comply should be cause for concern.

San Francisco, California

An independent analysis retained by the California Retailers Association evaluated the impacts of the Predictive Scheduling and Fair Treatment for Formula Retail Employees (FRE) ordinance in the City and County of San Francisco.[23] The ordinance covered formula retail establishments, or retail chains, to provide 14 days advance notice of scheduling, predictability pay for changes with less than seven days notice and for unused on-call shifts. The report considers the impacts of *implementation*, a critical factor in understanding the effect of predictive scheduling policies.

The analysis uses a survey of a cross section of FRE employees and employers throughout San Francisco in December 2015. At the time, 1,250 FREs were covered by the ordinance, representing 12% of all retailers in the city and employing 35,000 people, representing 5-6% of San Francisco's workforce.[24]

The study found that the ordinance made it difficult for employees to change their schedules when needed, and restricted accommodation for employee requests for additional hours. Additionally, employees faced increased responsibility to find a schedule shift if their availability changed after the 14 day advance schedule was finalized.

For employers, a significant effect of the ordinance was the transition away from a culture of open dialogue between employers and employees. The penalties associated with employer initiated scheduling changes, and vague ordinance language increased understaffing: "rather than incur the potential for coercive action and thereby enforcement of penalties, FRE employers would choose to

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[23]Hatamiya, Lon. Hatamiya Group. *A Practical Analysis of San Francisco's Predictive Scheduling and Fair Treatment for Formula Retail Employees Ordinance: Difficult Challenges for both Employees and Employers in Implementation,* 2015.

[24] Ibid.

leave a work shift unfulfilled."[25] The reluctance to incur predictability pay forced employers to create schedules with unfulfilled work schedules, restricting their ability to manage workforces in accordance with predicted sales cycles. These effects were magnified for employers and employees in smaller businesses without the management capacity to handle staffing shortages and increased administrative burdens.

An additional study from the Employment Policy Institute found that as a result of the ordinance, fewer employees were scheduled per shift, part time job opportunities were reduced, and employees were provided less flexibility to change their schedules.[26]

Oregon

SB 828 was passed in Oregon in 2018, covering businesses with *over* 500 employees in retail, hospitality and food service.[27] Under the ordinance, covered employers are required to provide schedules 14 days in advance, good faith estimates of an employee's median hours upon hire and time and a half for less than ten hours between shifts.

The study used extensive stakeholder and employee interviews to consider the effects of implementing SB 828.[28] The study found that despite enforcement mechanisms in SB 828, implementation was a central issue. Employers felt the law created new regulatory burdens and reduced staffing flexibility. Difficulty adjusting scheduling led to employees not getting enough hours, and employees agreeing to participate in voluntary "stand by" or on call lists to get additional shifts. Short notice scheduling changes were still common, and many employees did not receive predictability pay despite the law. The difficulty adjusting scheduling without penalties in Oregon may have increased the proportion of employees agreeing to be placed on on-call lists, defeating the initial purpose of stabilizing schedules altogether.

Local Considerations

The difficulty in implementing a city-wide predictive scheduling ordinance and adverse effects have created cause for concern among San Diego's employers, particularly in the restaurant, retail and hospitality sectors.

Scheduling and management of employees in San Diego today, is handled in a way that best suits each employer and their workforce. For businesses choosing to engage in longer-term schedules, such an

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[25] Ibid.

[26] Aaron Yelowitz and Lloyd Corder, "Weighing Priorities for Part-Time Workers: An Early Evaluation of San Francisco's Formula Retail Scheduling Ordinance," Employment Policies Institute, May 2016.

[27] SB 828-B. 79 Oregon Legislative Assembly § 591.1-18 (2017).

[28] Loustaunau, Lola, H. Elizabeth Peters, Laris Petrucci, Amelia Coffey, Ellen Scott, Lina Stepick, and Eleanor Lauderback. Urban Institute. *Combating Unstable Schedules for Low-Wage Workers in Oregon*, 2020.

approach may make sense. For others, particularly smaller and/or less-resourced businesses, that sort of rigidity can be severely restrictive. An ordinance that applies a one-size fits all approach, coupled with a punitive enforcement approach is unlikely to accomplish the stated goals of the ordinance. Rather than punish employers, they need help. While research highlights the relationship between schedule instability and income volatility, the scope of this problem in San Diego is not quantified, and likely does not warrant a legislative response.

Previous evaluations of predictive scheduling ordinances were conducted prior to the pandemic and do not consider the interacted effects of a predictive scheduling ordinance with industry impacts due to COVID-19. The compounded effect of a predictive scheduling ordinance with CalOSHA regulations, supplementary sick leave and ongoing, unanticipated, adjustments to the Blueprint for a Safer Economy create an intense regulatory environment that businesses, particularly small businesses, are struggling to operate in. The retail sector alone accounts for 15% of regional employment in San Diego, and experienced a 15% job loss, representing 36,100 jobs lost due to COVID-19.[29] Restaurants experienced a 56% decline in business activity level after the regional stay at home order was introduced and the industry is only slowly improving.[30] The tourism sector lost an estimated 77,700 jobs during the first six months of the pandemic, a 37% decrease from 2020.[31] Although the economy is anticipated to reopen in the coming months, economic recovery will not be instantaneous. Incorporating additional regulatory measures during a period where some small businesses are unable to pay their permit fees is likely to face significant challenges.[32]

Employers understand that employee wellbeing is central to their success and recognize the need to incorporate employee input in scheduling processes. San Diego's employers want to ensure that employees receive needed hours, and can manage family responsibilities, school, and second jobs. Voluntary stable scheduling processes have already been incorporated in major companies like Walmart, Gap and Starbucks.[33] In 2016, Walmart allowed some employees the ability to make their own fixed schedules to ensure consistent hours. In 2015, Gap implemented 14 days advance notice of schedules and elimination of on call scheduling, with positive results.[34] Starbucks has also created internal scheduling practices that promote stability and consistency, and maintains an internal support team for employees to voice scheduling concerns.[35] This is demonstrative of the capacity of larger employers with robust Human Resources departments and staff to implement policy changes of this nature. These employers had the additional flexibility to adopt the principles of predictive scheduling

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[29] SANDAG. "COVID-19 Impacts on the San Diego Regional Economy," October 2020.

[30] SANDAG. "The San Diego Economy: COVID-19 Impacts, A Year in Review," March 2021.

[31] SANDAG."COVID-19 Impact on the San Diego Regional Economy: Consumer Spending," May 2020.

[32] The City of San Diego. "Emergency Ordinance to Defer Fees and Renew Permits Related to Police-regulated Occupations and Businesses," March 2021.

[33] Mas, A., & Pallais, A. (2017). Valuing alternative work arrangements. American Economic Review, 107(12), 3722-59.

[34] Williams, Joan et al. University of California Hastings College of the Law, University of Chicago, University of North Carolina. "Stable Scheduling Increases Productivity and Sales: The Stable Scheduling Study," 2016.

[35] Starbucks,https://stories.starbucks.com/press/2016/starbucks-approach-to-staffing-and-scheduling/.

that worked best for their business, such as focusing specifically on advanced scheduling. While these examples have been used as support to implement predictive scheduling ordinances, they were successful due to voluntary internal management practices and did not face additional regulatory burdens and punitive enforcement mechanisms.

Collaborative solutions could include promoting the use of scheduling software to make shift requests and adjustments administratively simple. App-based tools such as Facebook's Workplace, Shyft, and other scheduling mechanisms already allow employers to refrain from using on-call lists, manage employee's preferred schedules and shift changes. Particularly for small businesses, additional resources to manage scheduling flexibility and incorporate employee input is critical. The City of San Diego would be well positioned to facilitate collaboration among employers to promote scheduling best practices, and help small businesses meet the needs of their workforce while keeping their doors open.

Predictive scheduling ordinances have been proposed in the past, and will likely continue to be revisited in a variety of formats as many components of work change due to COVID, economic evolution and technology. However, as identified in this document, there are significant questions and areas of concern around such policies and their effectiveness. Implementing such ordinances require a deep understanding of a city's local economy, an analysis of how a scheduling policy might interact with existing employer regulations, and industry-specific economic forecasts as we begin to recover from the devastating impacts of COVID-19. Employers in San Diego wholeheartedly believe that employee wellbeing is the key to their success, but need the **agency and resources** to craft effective solutions that are appropriate for their business.

Appendix

Jurisdiction	Date Implemented	Industry	Key Provisions	Outcomes
Philadelphia, PA	Passed December 2018 Implemented April 2020 Enforcement begins June 2021	Retail, hospitality or food service industry with 250 or more employees and has 30 or more locations worldwide. Includes chains or franchises employing over 250 employees in aggregate. Covers full-time, part-time and temporary workers.	Employers are required to provide a good faith estimate of average hours an employee can expect to work at the time of hire. Employer initiated schedule changes less than ten days in advance are subject to predictability pay. For scheduling changes without reduction in hours, one hour wage is required as predictability pay. For changes that result in the reduction of hours or shift cancellation, time and a half for each scheduled hour the employee does not work is required. Employees are permitted to decline shifts less than nine hours apart, and are paid a $40 premium for "clopening" shifts worked.	Duke Center for Child and Family Policy: Evaluating the Philadelphia Fair Workweek Standard to Identify the Consequences of Scheduling Regulation on Workers and Families (Unpublished).
Oregon State	SB 828: Took effect July 2018 July 2020, 14 days advance notice requirement was phased in.	Businesses with 500 or more employees in retail, hospitality, and food service	Requires seven days advance notice of work schedules, phased into 14 days advance notice. Requires worker input on schedules. Predictability pay requirement for schedule change without seven days notice. Included "right to rest" with ten hours required between work shifts.	Urban Institute: Combatting Unstable Schedules for the Low-wage Workers in Oregon
New York State	November 2017: New York State Department of Labor issued a proposed predictive scheduling measure. December 2018: NYSDOL issued revisions after feedback from the business community Withdrawn March 1, 2019.	Miscellaneous industries and occupations not already covered by the Hospitality Wage Order (hospitality and restaurants).	Requires 14 days advance scheduling notice and eliminates on call scheduling. Requires predictability pay between 2 and 4 hours of minimum wage if shifts are not provided 14 days in advance or scheduled shifts are cancelled, and if employees report to work and are sent home.	NA
New York City, NY	November 26, 2017	Fast food and retail industries.	Requires fast food employers to provide a good faith estimate of employee schedules, provide schedules 14 days in advance, and give existing employees priority to work newly available shifts. Consent is required to work "clopening" shifts separated by less than 11 hours, and must pay employees a $100 premium. Retail employers must provide 72 hours advance notice of work schedule,	NA

			eliminate on call shifts, and must not change shifts with less than 72 hours notice.	
Seattle, WA	Passed September 2016. Went into effect July 1, 2017	Hourly workers at retail and food service establishments with 500 or more employees worldwide. FUll service restaurants with at least 500 employees worldwide and at least 40 locations.	Employers are required to provide a good faith estimate of the median hours an employee can expect to work at the time of hire. Schedules must be posted 14 days in advance, employers must pay time and a half for "clopening" shifts separated by less than ten hours, and additional hours are required to be offered to existing employees before hiring new employees. The following compensation is required for employer initiated scheduling changes: one hour of pay for hours added to a shift or when shift date/time is changed, half the hours scheduled when an employee is sent home early, half the hours scheduled when an employee is on call and is not called into work. Employers are required to maintain three years of records to demonstrate compliance.	University of Washington, West Coast Poverty Center: Evaluation of Seattle's Secure Scheduling Ordinance.
San Francisco, CA	July 3, 2015	Formula Retail Establishment with 20 or more employees in the City of San Francisco with 40+ locations.	Offer hours to current employees over hiring new employees. Must retain employees for 90 days in the event the establishment is sold. Good faith estimates of min number of shifts per month and days/hours. Predictability pay for schedule changes/on call (exemptions apply) Equal treatment for part time and full time employees.	Hatamiya Group: A Practical Analysis of San Francisco's Predictive Scheduling and Fair Treatment for Formula Retail Employees Ordinance
Chicago, IL	July 1, 2020	Includes seven covered industries: Building services, Healthcare, Manufacturing, Restaurants, Retail and Warehouse services; make less than $26/50,000 per year, and the employer has at least 100 employees globally (For restaurants: 250 employees and 30 locations).	Requires employers to provide ten days advance notice of work schedules. Provides employees the right to decline previously unscheduled hours and the right to rest by declining shifts separated by less than ten hours. Employers are required to pay one hour of predictability pay for any shift change within ten days.	University of Illinois School of Labor and Employment Relation: Precarious Times at Work:Detrimental Hours and Scheduling in Illinois and How Fair Workweek Policies Will Improve Workers' Well-Being.
San Jose, CA	March 13, 2021	Employers with 36 or more employees, excluding exempt employees. Hardship exemptions are available if a business meets certain requirements.	Employers are required to offer additional work hours to existing qualified part-time employees before hiring new employees. This includes subcontractors or temporary staffing services.	NA
Emeryville, CA	July 1, 2017 Full enforcement including penalties began January 2018.	Retail firms with 56 or more employees globally and fast food firms with 56 or more globally and 20 or	Requires two weeks advance notice of work schedule and upholds employees rights to decline schedule changes. One hour of predictability pay is required for schedule changes with less than 14 days notice but	NA.

		more employees in Emeryville.	more than 24 hours notice. Schedule changes with less than 24 hours are subject to four hours of predictability pay. Additional work hours must be offered to existing employees before hiring new employees. Employees that work shifts separated by less than 11 hours are paid time and a half. Enforcement is a $ 1,000 citation for retaliation against employees and $500 for violations.	
Washington D.C.	June 2016. Died in chamber.	Food service establishment or retail establishment with 40 or more establishments nationwide.	Requires employers to provide schedules 21 days in advance, provide part time hourly employees the same wage as full time employees with similar roles and responsibilities, and offer additional hours to part time employees before hiring new employees. Predictability is required for employer initiated scheduling changes.	NA.

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