

## Philadelphia Proposes New Bill Addressing Workers' Schedules

In June, Councilwoman Helen Gym for the City of Philadelphia proposed passing legislation identified as the "Fair Workweek Law." The bill requires that certain employees working in the City of Philadelphia be provided their work schedules two weeks in advance. Any last minute changes in this schedule would oblige the employer to provide additional compensation. A copy of this proposed regulation can be found at: <https://phila.legistar.com/LegislationDetail.aspx?ID=3529951&GUID=18AD5BAB-1BFE-4D7D-B1B2-53F0C06A7648&Options=ID%7CText%7C&Search=fair+workweek>

The rationale behind passing this law is to allow employees to adequately predict their monthly income so they can budget properly. It also intends to offer employees the opportunity to plan for other necessary obligations, such as child care, other jobs, or schooling, without fear of being called into work last minute. The bill is limited to employers of retail, hospitality, and food service establishments that employ 250 or more employees and have 20 or more locations. If implemented, this bill would require these employers to:

- Give at least two weeks' notice of schedules;
- Offer hours to existing employees when they become available instead of hiring new employees at a lower rate; and
- Compensate employees when shifts are cancelled.

The proposed ordinance indicates that employees will be paid at a rate of one-half ( $1\frac{1}{2}$ ) times the employee's regular hourly rate if the employer either: (a) subtracts hours from a regular or on-call shift; or, (b) cancels a regular or on-call shift. Employees also retain the ability to decline any work hours not specifically stated on their work schedules, and must consent in writing if they voluntarily choose to work hours requested by the employer that were not previously identified within their work schedule.

These rights are specifically protected under the proposed bill. If an employee fails to provide the necessary payments or retaliates against an employee for exercising their right to deny unscheduled work hours, an employee may file a claim with the Agency within two (2) years. A claim may also be brought by the City Solicitor on behalf of an employee or a group of employees if a violation is suspected.

After filing with the Agency, the aggrieved party is then permitted to file a civil claim. If an employer is found in violation of the Fair Workweek Law, an aggrieved person can be entitled to:

- The full amount of any unpaid compensation - including the additional pay identified under the Fair Workweek Law;
- Any wages and benefits lost or other damages suffered;
- An equal amount, up to a maximum of \$2,000, as liquidated damages;
- Reasonable attorney's fees and costs;
- Reinstatement in employment;
- Back pay; and
- Injunctive relief.

**Comment:** It is believed that determination on the enactment of this legislation will be made within the upcoming weeks. If the law is passed, it will have a drastic impact on policies and procedures that certain employers will need to enact to ensure compliance. If you are an employer eligible under the Fair Workweek Law, you should contemplate the necessary steps you will need to take if this bill is approved.

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