

Philadelphia City Council Passes Fair Workweek Bill

Last week, Philadelphia City Council passed legislation identified as the "Fair Workweek" bill, which will become effective on January 1, 2020, if signed into law by the Mayor. The bill requires that employees working in certain establishments in the City of Philadelphia be provided their work schedules two weeks in advance, among other things. A copy of this 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 bill is limited to employers of retail, hospitality, and food service establishments that employ 250 or more employees and have 30 or more locations. This bill requires these employers to:

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

Once in effect, the law requires that employees be paid at a rate of one and one-half (1 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.

This legislation was passed to allow employees to adequately predict their monthly income so they can budget properly. It also offers 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.

These rights are specifically protected under the 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 an agency that will be designated to enforce the provisions 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.

The Fair Workweek bill specifically requires that covered employers keep records demonstrating their compliance with the bill.

Comment: The Fair Workweek bill impacts policies and procedures certain employers will need to enact to ensure compliance. It also obligates covered employers to maintain records to verify that they are maintaining compliance. If you are an employer covered under the Fair Workweek Law, you should begin contemplating the necessary steps and modifications you will need to take on or before January 1, 2020.

For more information, please contact [Tracy A. Walsh](#), Chair of the Employment Group at

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