

**OFFICIAL NOTICE
CITY OF EMERYVILLE
FAIR WORK WEEK ORDINANCE**

Emeryville Municipal Code, Chapter 39 of Title 5
Effective: July 1, 2017

COVERED EMPLOYERS:

**Retail Firms with 56 or more employees globally.
Fast Food Firms with 56 or more globally and 20 or more employees in Emeryville.**

Beginning July 1, 2017, employers, within the geographic boundaries of the City of Emeryville, must abide by the following conditions in regard to employee work schedules, compensation for employer-initiated schedule changes, access to hours of work for part-time employees, rest between shifts, and a protected right to have input into schedules. They are:

Requirements

Advance Notice of Work Schedule

- Before a new employee starts their employment, the employer provides good faith estimate of work schedule in writing.
- Employer must provide work schedules at least two weeks in advance by posting in conspicuous place or transmitting by electronic means

Notice, Right to Decline, and Compensation for Schedule Changes

- Employer must provide notice of any changes to schedules which are employer initiated.
- Employee has right to decline any previously unscheduled hours if given less than 14 days' notice.
- Employers must give Predictability Pay for changes made to the schedule:
 - Notice given less than 14 days but 24 hours or more = 1 hour pay
 - Notice less than 24 hours = 4 hours pay or number of hours in the scheduled shift, whichever is less
 - All other changes in less than 24 hours = 1 hour of pay

Offer of Work to Existing Employees

- Employer shall first offer additional hours to existing qualified Part-time employees until they reach 35 hours of work in a Calendar Week in at least 4 hour increments.

Right to Rest/ "Clopening"

- Employers must pay time-and-a-half for any hours worked between closing and opening ("clopening") shifts that are separated by less than 11 hours.
- Employee has right to decline work hours if less than 11 hours after end of previous day's shift.

Right to Rest a Flexible Working Arrangement

- Employee has a right to request additional shifts or hours, changes in start or end times, shift swaps, part time employment, etc.

Exceptions (No Predictability Pay Due)

- Grace Period for additions or subtractions of 10 minutes or less before and after shift starts and ends.
- Employee initiated employee to employee Shift Swaps
- Employee works past scheduled shift end in order to complete a transaction
- Notice, Right to Decline and Compensation for Schedule Changes exceptions are made for civil threats, utility failures, acts of nature or other causes out of Employer's control

This law applies to employees regardless of immigration status. Employers must comply with this law. Employers are not allowed to engage in practice or pattern of under scheduling. Retaliation is illegal.

If you have any questions, need additional information, or your employer is in breach of compliance, please contact the City of Emeryville at:

City of Emeryville
1333 Park Avenue
Emeryville, CA
Telephone: (510) 596-4351
Email: fairworkweek@emeryville.org

“By signing this official notice, I have read and been properly informed of the City of Emeryville Fair Workweek Ordinance.”

Employee Signature

Employee Printed Name

Date