



Commission on Labor

**Commission on Labor
Subcommittee on
Establishing Fair Work Week
Requirements**

MLK, Jr. Civic Center (City Hall)
2180 Milvia St., 1st Floor
Chinquapin Conference Room
Berkeley, CA 94704

Wednesday September 11, 2019
6:30pm-8:00pm

Agenda

1. Roll Call
2. Public Comments
The public may comment about any item not on the agenda. Public comments regarding agenda items will be heard while the Subcommittee is discussing the item.
3. Election of Subcommittee chairperson
4. Council Referral: Referral to the Commission on Labor to draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley (*Attachment-May 15, 2018 Council referral*).

Adjournment

Subcommittee members: W. Bloom, M. Jones, M. Wilkinson

Please refrain from wearing scented products to this meeting.

COMMUNICATION ACCESS INFORMATION

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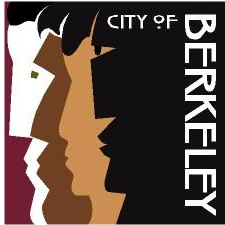
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Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL

Meeting Date: May 15, 2018

Item Number: 41

Item Description: Referral to Labor Commission to Establish Fair Workweek Requirements in Berkeley

Submitted by: Councilmember Harrison

Leaves to be determined what number of employees shall delineate small and large businesses, and clarifies which provisions should apply to the City and Rent Board,



Kate Harrison
Councilmember District 4

ACTION CALENDAR
May 15, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Harrison
Subject: Referral to Labor Commission to Establish Fair Workweek Requirements in Berkeley

RECOMMENDATION

Refer to the Labor Commission to draft an Ordinance to establish regulations governing the scheduling and hiring practices of qualifying businesses in Berkeley.

BACKGROUND

Even with sick pay and strong minimum wage laws, workers in Berkeley, particularly shift workers, still face unfair and exploitative work practices. Since the passage of the Affordable Care Act, a frequent issue that has arisen is the practice of businesses keeping their employees below 30 hours a week to avoid having to provide them health care. Workers may be forced to take “clopening” shifts, where an employee covers the closing shift one day and the opening shift the next day, giving them little time for rest. Shift workers frequently have shifts added or removed hours before they are set to begin, making scheduling impossible and creating financial difficulties for those with children who need child care.

Multiple jurisdictions have introduced measures to address these inequitable conditions, including the cities of Emeryville, San Jose, San Francisco, and New York and the state of Oregon. The strongest so far has been Emeryville’s ordinance (attached). The ordinance drafted by Labor Commission should be based on that law, strengthened with the following principles:

- The right to refuse “clopening” shifts, the right to request a flexible work arrangement, and a prohibition on refusing hours to prevent the application of benefits should apply to all employers and employees.
- The right to at least two week notice of work schedule, to decline additional hours, and to “predictability pay” if changes are made to the schedule after the 2 two week deadline should apply to all businesses of at least 25 employees with above a given number of employees, consistent with other Berkeley labor provisions.

- The requirement that new shifts first be offered to all qualified existing employees until they have at least 35 hours of work per week on average should apply to all Retail, Hotel, and Restaurant firms with at least 25 employees with above a given number of employees, consistent with other Berkeley labor provisions, as well as the City of Berkeley and the Berkeley Rent Stabilization Board.
- ~~All requirements of the ordinance apply to the City of Berkeley and the Berkeley Rent Stabilization Board.~~

FISCAL IMPACTS OF RECOMMENDATION

Staff time to implement and enforce. Possible revenue from fines paid by noncompliant businesses.

ENVIRONMENTAL SUSTAINABILITY

None.

CONTACT PERSON

Councilmember Kate Harrison, (510) 981-7140

Attachments:

1: Emeryville Ordinance