

# Oregon Scheduling Law

## Frequently Asked Questions

### Q. What is the Oregon Scheduling Law?

A. The Oregon Scheduling Law regulates the way that retail businesses schedule and retain its employees. The Law includes these requirements:

- Good faith estimate of hours and work schedule
- Seven days advance notice of schedule
- Right to rest between work shifts
- Right to request work schedule preference and changes
- Compensation for schedule changes (Predictability Pay)

### Q. Do the Law requirements apply to all of my employees?

A. The regulations apply to all hourly employees working in Oregon.

## Work Schedules and Scheduling Requirements

### Q. What is the Good Faith Estimate of Hours?

A. We are now required to give new employees a good faith estimate of hours they will be expected to work throughout the year. The written estimate should include the expected minimum number of scheduled shifts per month, the days and hours of those shifts, the average number of hours per week for each quarter of the year, and if the employee will be required to work on-call shifts.

### Q. When should I provide a new hire with the Good Faith Estimate of Minimum Hours?

A. You must provide this estimate to all new employees prior to their first day of employment using the new **Initial Estimate of Minimum Hours Form**. The form will be located within Talent Essilor Luxottica Recruiting as a required offer letter template to be completed and sent via email (Select “email as text”) when extending the offer. Additional instructions can be found in the Initial Estimate of Minimum Hours job aid in Talent EssilorLuxottica.

Offer Letter	
Country:	<input type="text" value="United States"/>
Language:	<input type="text" value="English US (English US)"/>
Template:	<input type="text" value="Initial Estimate of Minimum Hours - Required for San Francisco, Seattle, Emeryville"/>
Subject:	<input type="text" value="Initial Estimate of Minimum Hours"/>

**Initial Estimate of Minimum Hours**  
Hiring Manager Must Provide to New Employee Prior to Date of Hire

Employee Name: [CANDIDATE\_FIRST\_NAME] [CANDIDATE\_LAST\_NAME]  
 Date: [TODAY]  
 Brand: [JOB\_REQUISITION\_CUSTOM2]  
 Store #: [JOB\_REQUISITION\_CUSTOM1]  
 Expected DOH: [JOB\_APPLICATION\_CUSTOM1]  
 Employment Status (FT/PT/CPT/S): [JOB\_REQUISITION\_CUSTOM2]

Shift Days (Mark with an X) \_\_SU\_\_M\_\_T\_\_W\_\_TH\_\_F\_\_SA

Minimum Number of shifts per month: **ADD IN NUMBER OF SCHEDULED SHIFTS**

Average number of hours per week over the course of a year:  
 Q1 (Jan-Mar) \_\_\_\_\_ Q2 (Apr-Jun) \_\_\_\_\_ Q3 (Jul-Sept) \_\_\_\_\_ Q4 (Oct-Dec) \_\_\_\_\_

Expected Shift Hours (ex 4 hours): **ADD IN SHIFT HOURS**

Expectation of on Call Shifts: \_\_Yes\_\_No

(Please Note: This is our current best estimate of the minimum number of shifts, days and hours that you will be expected to work each month. Your actual number of shifts, days or hours per month may vary due to business needs.)

Documents 0 attached

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**Q. Do I have to schedule my new employee the exact shifts and hours that I provided on the Initial Estimate of Minimum Hours Form?**

**A.** No. This is meant to be our best estimate of expected hours and you are not obligated to provide those specific shifts/hours if the business cannot accommodate.

**Q. Do I need to keep a copy of either form that I provide to my employees?**

**A.** No. As long as you complete and send this form to the employee via Talent EssilorLuxottica, you do not need to keep a copy of the form. It will be tracked within the Talent EssilorLuxottica system.

**Q. Is the Initial Estimate of Minimum Hours the only document I need to provide to a new employee?**

**A.** No. You must also provide each new employee with an initial work schedule that runs through the last date of the posted work schedule in effect at time of delivery.

**Q. Do employees have the right to request additional shifts?**

**A.** Yes. Employees can request in writing to be added to the schedule after it is posted. Any changes resulting from the employees request will not result in Predictability Pay to the employee.

**Q: How far in advance do I need to post a work schedule for existing employees?**

**A:** 7 days prior to the first day of the work schedule (14 days beginning July 1, 2020).

**Q: What is the minimum time between shifts that I can schedule an employee?**

**A:** 10 hours. A manager may not require an employee to work less than 10 hours after the end of the previous scheduled shift. If this occurs, you will be required to pay the employee Predictability Pay (see below).

**Q. Do employees have the right to decline employer requested schedule changes?**

**A.** Yes, an employee may decline to work any hours not included in the employee's posted work schedule.

**Q: Can I require the employee to find coverage for a shift they can no longer work?**

**A.** If the employee cannot work a shift due to a legally protected reason (FMLA, Paid Sick/Safe Time, Jury Duty, etc.) you cannot ask them to find a replacement. If the employee cannot work a shift due to an emergency of major life event, then you may ask, but not require, the employee to find coverage. But if the employee does not have a protected reason for not being able to work then you may require the employee to find coverage for the shift.

**Q. Do employees have the right to request flexible schedules?**

**A.** Yes. Employees can request schedule preferences or changes at the time of hire and during employment due to limitations or changes in employee’s availability. The employee may also request not to be scheduled for work shifts during certain times or at certain locations.

**Q. Do we have to allow the request for a schedule preference or change?**

**A.** No, there is no obligation to grant the employee’s request.

**Compensation for Scheduling Changes**

**Q: What is Predictability Pay and how is it paid?**

**A:** Predictability Pay is additional compensation for schedule changes that occur after a schedule has been posted. Predictability Pay should be paid using the “**Predictability Pay**” pay code in your timekeeping system.

**Q. When would I owe an employee Predictability Pay?**

**A.** Unless an exception applies (see below), employers must provide additional compensation when they:

- Initiate schedule changes after the schedule has been posted; or
- Do not schedule at least 10 hours of rest between shifts.

Action Taken after schedule was posted	Hours of Predictability Pay (at the employee’s base hourly rate)
Hours <b>reduced</b> by > 30 minutes or shift cancelled	1/2 (0.5) of hours not worked
Any “on-call” shift that is cancelled	1/2 (0.5) of hours not worked
Hours or shift <b>added</b> (> 30 minutes)	1 Hour
<b>Any change in work time</b> with no change in number of hours worked	1 Hour
<b>&lt; 10 hours</b> of rest between shifts	1 ½ (1.5) times the number of hours worked that are less than 10 hours following the end of a previous shift

### **Predictability Pay Examples:**

- 1) An employee is scheduled to work an “on-call” 8 hour shift. A day before the shift, the manager cancels the shift. The manager should input 4 hours of Predictability Pay for the employee on that day in the timekeeping system ( $0.5 \times 8$  unworked hours = 4).
- 2) An employee is scheduled to work a 4 hour shift from 12:00 p.m. to 4:00 p.m. Less than 24 hours before the shift begins, the manager informs the employee that the shift will be extended from 12:00 p.m. to 5:00 p.m. The manager should input 1 hour of Predictability Pay for the employee on that day in the timekeeping system.
- 3) When business is slow, a manager sends his other employee home early. The employee has worked 4 hours of her regularly scheduled 8 hour shift. The manager should input 2 hours of Predictability Pay for the employee on that day in the timekeeping system ( $0.5 \times 4$  unworked hours = 2).
- 4) An employee received only 8 hours of rest between shifts (one shift ended at 12:00 a.m. and the next shift started at 8:00 a.m.). Because there was not 10 hours between shifts, the manager should input 3 hours of Predictability Pay for the employee on that day in the timekeeping system ( $1.5 \times 2$  hour gap = 3).

### **Q. Are there any exceptions to owing Predictability Pay?**

**A.** Yes. You would not owe an employee Predictability Pay if you notify of the schedule change more than 7 days (14 days as of July 1, 2020) in advance or if a schedule change is made for any of the following reasons:

- When the employee requests a change to the schedule;
- When the employee trades shifts with another employee;
- When the schedule change falls within the 30 minute grace period;
- When an employer provides notice of additional hours through group communication and an employee volunteers to cover hours due to unanticipated customer needs or employee absences;
- When an employer conducts an in-person group or individual conversation with employees currently on shift to cover new hours to address customer needs and an employee consents to take the hours;
- When an employee is sent home for disciplinary reasons;
- When operations cannot begin or continue due to reasons outside of employer’s control (threats to employees or property, public utilities fail, act of God).

### **Examples:**

- 1) An earthquake occurs, causing a store to lose water service and electrical power. As a result, the store closes for the day and sends all employees home. The Company is not obligated to pay the employees Predictability Pay.

- 2) A crime occurs next to a store. The police have shut down the block, prohibited businesses from opening, and required businesses that have already opened to shut down. The Company is not obligated to pay the employee Predictability Pay.
- 3) An employee gets last minute tickets to a concert tomorrow. The employee finds another employee to cover her shift through a shift swap. The manager would not owe Predictability Pay because the employee found replacement coverage through an employee-to-employee shift swap.
- 4) An employee is scheduled to work an 8 hour shift from 12:00 p.m. to 8:00 p.m. The employee starts an argument with a customer and is sent home by the manager at 7 p.m. The manager would not owe the employee Predictability Pay because the employee was sent home for disciplinary reasons.
- 5) A manager is notified that the store will hold a special one-day sale in three days. The manager posts a sign in the break room asking employees to volunteer to sign up to work additional shifts on that day. The manager would not owe one hour of Predictability Pay to any employees who volunteer because the schedule change was proposed via mass communication.
- 6) The employee is scheduled to work from 10:00 a.m. to 4:00 p.m. During the work shift, the employer requested that the employee end the work shift early. The employee agreed and clocked-out at 3:47 p.m. The employer does not owe Predictability Pay because the schedule change is within the 30-minute grace period.

**Q. What penalties may we see if we fail to comply with the Law?**

**A.** If we are found in violation of the Scheduling Law, we may be subject to legal action, including penalties (ranging from \$500 - \$1,000) for each violation.

**Please remember that retaliation against any employee that asserts his or her rights under this Law, or cooperates with the City in enforcement, is strictly prohibited.**