

Tukwila, WA - Additional Hours for Part-Time Employees

Frequently Asked Questions (FAQs)

Q. What is the Tukwila Additional Hours for Part-Time Employees?

A. The Tukwila, WA Labor Standards (TLS) provide rules and procedures to regulate the way that business performing work in the City of Tukwila schedules additional hours to part-time employees. The ordinance includes these requirements:

- Paying the required minimum wage
- Offering additional work hours to part-time employees before adding a new employee/temporary worker

Q. What is the definition of a "Covered Position"?

A. For the purposes of the Additional Hours Requirement, a "covered position" is an external position that a covered employer intends to fill by hiring an additional employee or subcontractor, including hiring through the use of temporary services or staffing agencies.

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

A. This legislation applies to only part-time employees who work in the boundaries of City of Tukwila for an employer and who is entitled to be paid at least the minimum wage as published by the Tukwila Labor Standards.

Q. Are all positions covered by the Ordinance's Additional Hours Requirement?

A. No, the additional hours requirement only applies to employees who are covered by the minimum wage laws (referred to as nonexempt/hourly employees). Exempt employees are not covered by the protections of the Additional Hours Requirements.

Q. What is the definition of a Qualified Part-Time Employee?

A. Is an existing part-time employee who, the employer's good faith and reasonable judgment has the skills and experience to perform the work.

Q. Are employers required to conduct employee reviews of part-time employees to determine if they are qualified for the additional hours of work?

A. No. The employer must establish a process for determining which existing part-time employees have the skills and experience to perform the work and should consult their HR Business Partner for assistance. Whatever process is used it must be reasonable, transparent and nondiscriminatory for assigning or distributing hours among existing qualified part-time employees.

Offering Additional Hours to Existing Employees

Q. Does the rule impact how and when I hire new employees?

A. Yes. Managers must now offer additional hours to existing qualified part-time employees before hiring a new employee or subcontractor, including hiring through the use of temporary services or staffing agencies (e.g., hours are available because an employee leaves the company or hours are increased for holiday selling).

Q. If an employer creates a new position but only post the position internally, is the new position a covered position?

A. No, the employer is not hiring additional employees or subcontractors (including staffing agencies or temporary services workers), the position does not qualify under the Ordinance.

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Q. When would I offer additional hours or job offers to existing employees instead of hiring a new employee?

A. You must offer hours to existing part-time employees if they are qualified and we can accommodate their availability with any and/or all of the hours available.

Examples:

- 1) Company A has 2 full-time employees and 2 part-time employees. When an 8-hour shift becomes available, those hours are offered to the qualified part-time employees who indicates that she is able to work only the two hours. Company A locates another qualified part-time employee who is able to work the remaining six hours.
- 2) Company B has additional hours available to work as a cashier in the hardware section of the store, which requires no specialized knowledge about hardware. Instead of offering the additional hours to Mr. Johnston (a part-time cashier in the electronics department), the manager hires a new employee. Company B has violated the Ordinances because Mr. Johnston was qualified to work as a cashier in the hardware section as no specialized knowledge was required and the work is similar to his work as a cashier in the electronics section.
- 3) Company C has 20 hours of additional work available. Part-time employees Ms. Jones and Mr. Wicket are each scheduled to work 10 hours and they are both qualified to perform the additional work available. Company C may offer all of the hours to Ms. Jones, and none to Mr. Wicket, or vice versa; or Company C may offer some hours to Ms. Jones and some to Mr. Wicket in whatever order and proportion Company C chooses as long the process is reasonable, transparent and nondiscriminatory.

Q. How long do I have to post the offers?

A. You must post the offers for the following timeframes:

- Employers must post written information about additional hours for **three days** in a noticeable place, for all employees. The posting can be by paper (e.g., store bulletin board) or electronically (e.g., email from store email address to all store employees).

Q. What does the posting need to say?

A. The notice must contain the following information:

- Description and title of the position;
- Required qualifications for the position;
- Total hours of work being offered;
- Schedule of available work shifts; and
- Length of time the employer anticipates requiring coverage of the additional hours
- Note: If you do not have specific shift information, an acceptable general statement would be "hours and schedule dependent upon the employee's availability."

The "Offer of Additional Hours" form is available on HR Solutions.

Q. Where can employees access written notices of available work shifts?

A. Employees can access written notices of available work shifts next to/near posted work schedules and/or other location(s) where work schedules are accessed, such as electronically.

Q. How should an employee provide notice of his/her desire to accept available work shifts?

A. Employees must notify their manager of their desire to accept available work shifts in writing. This documentation should be retained in a store file in a secure location.

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Q. What criteria are used for distributing work shifts among qualified and interested employees?

A. Work shifts will be distributed among qualified and interested employees based on employees' availability and the order notice was received.

Q. Do I have to offer additional hours to existing employees if it means I will have to pay them daily or weekly overtime?

A. No.

Q. When can I hire a new employee?

A. If no employee accepts the offer of available work shifts:

- By the end of the three-day posting period;
- You receive confirmation from all qualified employees that they are not interested in accepting the available work shifts; or
- Existing employees have accepted only a subset of the available shifts
- The position the employer seeks to fill is not a covered position under the Ordinance (e.g., outside of the city, or exempt position)

Q: How long do I have to retain written documentation of compliance with the ordinance?

A: Three years. This includes:

1. Copies of written offers to employee for additional work hour and written responses from employees; Written correspondence between the manager and employee regarding Additional Work Hours including, but not limited to request, approvals, and denials;
2. And any other record or document demonstrating compliance with City of Tukwila Additional Hours Ordinance

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

Documents can be found on **HR Solutions>Attendance& Scheduling Guidelines>Scheduling & Best Practices** (via [My Personal Desk](#)). For all other questions, please contact your HR Business Partner.