

EssilorLuxottica

Chicago Fair Workweek Ordinance

Frequently Asked Questions

Q. What is the Chicago Fair Workweek Ordinance?

A. The Chicago Fair Workweek Ordinance regulates the way that retail businesses schedule and retain its employees. The ordinance includes these requirements:

- New hire estimate of hours and work schedule
- Advance notice of schedule
- Right to rest between work shifts
- Right to decline unscheduled hours
- Compensation for schedule changes (Predictability Pay)
- Access to hours for existing employees

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

A. This legislation applies to all employees who work in Chicago who are paid less than \$59,161.50 salary or less than \$30.80 hourly (updated as of July 1, 2023).

Work Schedules and Scheduling Requirements

Q. What is the Initial Estimate of Minimum Hours?

A. We are now required to give new and existing employees a good faith estimate of hours that they will be expected to work throughout the year.

- **New Hires:** The written estimate should include an initial estimate of hours that includes 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. Please note you must list the hours of each shift, not just the total hours for the shift (ex. 8:00 am – 12:00 pm versus 4 hours).

B. When should I provide an Estimate of Minimum Hours?

A.

- **New Hires:** You must provide this estimate to all new employees prior to their first day of employment using the new **Initial Estimate of Minimum Hours Offer Letter Template**. The form is located within Talent EssilorLuxottica 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 offer letter job aid in Talent EssilorLuxottica and in the Scheduling section on HR Solutions.

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"/>

Employee Name: [[CANDIDATE_FIRST_NAME]] [[CANDIDATE_LAST_NAME]]
Date: [[TODAY]]
Brand: [[JOB_REQUISITION_CUSTOM2]]
Store #: [[JOB_REQUISITION_CUSTOM16]]
Expected DOH: [[JOB_APPLICATION_CUSTOM1]] [[JOB_APPLICATION_CUSTOM5]]

Employment Status (FT/PT/CPT/S): [[JOB_REQUISITION_CUSTOM21]]

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): _____ Q 4(Oct-Dec): _____

Expected Shifts:(ex 4 hours or 8am-12pm): **ADD IN SHIFT HOURS**

Expectation of on Call Shifts: __Yes __No

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 Luxottica, 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 currently posted schedule.

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

A: 14 days in a conspicuous location accessible by all employees, or electronically. If any changes are made to the work schedule after the initial 14 days, the revised schedule must be re-posted within 24 hours. (**UPDATED:** Requirement of 14 days in advance starts July 1, 2022).

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, unless the employee agrees in writing (text or email acceptable). **If this occurs, you will be required to pay the employee .25 hours of Predictability Pay for each hour worked on that shift, in addition to the straight time earned** (see example 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, with the exception of schedule changes due to COVID-19. Employees who voluntarily consent to work any hours not posted in the work schedule must do so in writing (text or email acceptable).

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. 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.

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 less than 10 days before the posted work schedule starts. 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, employers must provide additional compensation when they initiate schedule changes less than **14 days** before the posted work schedule starts.

When Employers make changes to the Work Schedule less than 14 days before the Work Schedule starts	
Subtracts hours	Workers must receive one hour of additional pay for every impacted shift
Adds hours	
Changes shifts with no loss of hours	

When Employers make changes to a shift less than 24 hours before the shift starts	
Subtracts hours	Workers must receive 50% of their pay for the lost hours
Adds hours	Workers must receive one hour of additional pay for every impacted shift
Changes shifts with no loss of hours	

- 1) An employee is scheduled to work an 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 x 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. 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 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 (0.5×4 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 .25 hours of Predictability Pay for each hour of the employee's shift on that next day in the timekeeping system. (Next day shift = 8 hours; $.25 \times 8$ hours = 2 hours of Predictability Pay).

Q. Are there any exceptions to owing Predictability Pay?

A. Yes. You would not owe an employee Predictability Pay if any of the following apply:

- Threats to Employers, Covered Employees, or property, or when civil authorities recommend that work not begin or continue;
- Public utilities fail to supply electricity, water, or gas, or the sewer system fails to serve the location of work;
- Acts of nature including flood, earthquake, tornado, or blizzard;
- War, civil unrest, strikes, threats to public safety, or pandemics;
- Mutually agreed shift trades or coverage arrangements between Covered Employees;
- Work Schedule changes of 15 minutes or less;
- Work Schedule changes that are mutually agreed to by the Covered Employee and Employer and confirmed in writing (occurs only when the Employer adds or subtracts hours or shifts in response to a request or offer by the Covered Employee);
- A Work Schedule change that is a result of a Covered Employee's request for a shift change, confirmed in writing;
- Subtraction of hours from a Work Schedule for a written, documented disciplinary reason;
- **COVID-19** causes a material change to an Employer's operations that creates the need for a schedule change, the Employer is exempt from Predictability Pay for the work schedule during which the change takes place, as well as the following work schedule.
- Self-scheduling.

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 Company 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 partners with Employee Relations to document this as a corrective action.

The Company would not owe the employee Predictability Pay because the employee was sent home for disciplinary reasons.

- 5) An employee tests positive for COVID-19 and the store needs to close for cleaning, cancelling all employee shifts for that period of time. The Company would not owe Predictability Pay to any employees whose shifts were cancelled during the cleaning period.
- 6) An employee tests positive for COVID-19 and is quarantined for 14 days. The manager needs to change employee schedules to cover the open shifts during the quarantine period. The Company would not owe Predictability Pay to any employees asked to cover shifts during the quarantine period, with the exception of the minimum time between shifts (10 hours).

Offering Additional Hours to Existing Employees

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

A. Yes. Managers must now offer additional hours to existing employees* before hiring a new employee (e.g., hours are available because an employee leaves the company or hours are increased for holiday selling). Additional hours must be posted and accepted within **3 days** (unless a shorter period is necessary to perform the work). An existing employee, however, is not required to accept our offer of additional work. The "Offer of Additional Hours" form is available on Hot Spot (Sunglass Hut only) and HR Solutions.

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 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 3 full-time employees and 1 part-time employee. When an 8 hour shift becomes available, those hours are offered to the part-time employee who indicates that she is able to work only two of those hours. Company A locates a new employee who is able to work the remaining six hours. Company A may not hire the new employee to work the entire eight-hour shift because it would not be burdensome to hire a new employee to work the remaining six hours of the shift.
- 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. Jones (a part-time cashier in the electronics department), the manager hires a new employee. Company B has violated the Ordinances because Mr. Jones 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 Mrs. Jones and Mr. Smith 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 Mrs. Jones, and none to Mr. Smith, or vice versa; or Company C may offer some hours to Mrs. Jones and some to Mr. Smith in whatever order and proportion Company C chooses.

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 Hot Spot (Sunglass Hut only) and 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.

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.

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

A: Three years. This includes Offers of Additional Hours to Existing Employees, Employee Consent to Work, Initial Estimate of Hours and Posted Work Schedules.

Q. How does the COVID-19 outbreak impact the Chicago Fair Workweek Ordinance?

A. If COVID-19 causes a material change to an Employer's operations that creates the need for a schedule change, the Employer is exempt from certain provisions of the Chicago Fair Workweek Ordinance (right to decline and predictability pay) for the work schedule during which the change takes place, as well as the following work schedule. See examples listed above.

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