

Communication from Public

Name: Los Angeles Area Chamber of Commerce

Date Submitted: 05/23/2022 04:21 PM

Council File No: 19-0229

Comments for Public Posting: The Honorable Nury Martinez and Los Angeles City Council City of Los Angeles 200 North Spring Street Los Angeles, California 90012 SUBJECT: Council File 19-0229 – Retailing Scheduling Ordinance Dear Council President Martinez and Councilmembers, On behalf of the Los Angeles Area Chamber of Commerce (Chamber), one of the largest and most influential business organizations in Los Angeles with 1,400 member companies and a region that spans 500,000 businesses, I am writing to express opposition on the scheduling ordinance (Council File 19-0229). If the ordinance is implemented in current language, the law will be the most restrictive in the nation impacting employers. The Chamber represents the greater Los Angeles region which includes businesses from the retail industry including but limited to supermarkets and grocery stores, specialty retail, restaurants, and general merchandise. As this ordinance has not moved in two years and retailers and other businesses continue to grapple with COVID-related regulations, supply chain challenges, and worker shortages, we hope that the Council will take time for thorough consideration of this policy to factor in the implications this ordinance can have on the retail industry. Many businesses and small business owners remain in recovery mode as the challenges of the pandemic continue to linger. Some key concerns the Chamber has with the ordinance are as follows: Definition of Employee - The suggested definition of an employee in the ordinance is impractical because it applies to individuals who work for two or more hours a week within the City of Los Angeles' boundaries. This means that if an employee works elsewhere in the county or outside of the county, employers will have an extra layer of work in order to determine where and when the employee is working within the city of L.A. Written Work Schedule - With the advancement of technology, employers use various electronic platforms to communicate and share work schedule information. The city's ordinance does not include language specifying electronic communications and/or scheduling app platforms as applicable forms of work schedule sharing. Rather, the ordinance, states multiple times the need for written communication. Additionally, the penalty language in SEC. 188.07.B states the employers have to provide written notice of work schedule changes and by not doing so, is subject up to \$500

in penalties. Predictability Pay - Currently the ordinance states that the predictability pay needs to be compensated if additional work time exceeds more than 15 minutes. The ordinance does not provide evidence or details to how this timeframe is determined. Penalties to the Employee and the City - Amendments offered by Council Member Curren Price during the Economic Development and Jobs Committee hearing include language about franchisees to be included as part of the ordinance. This amendment will be detrimental for franchisees across the city because many of the employers are small business owners. An additional point to note is that the city's ordinance did not include language about situations out of the employer's control and what the protections are in place for such cases. Case studies for other cities include language where exceptions are taken into consideration where the schedule change is outside the employer's control such as failure of public utilities, an earthquake or other Act of God, or another employee not showing up to work. I hope the City Council will consider our concerns and oppose the ordinance. Thank you for your consideration. Please contact Senior Policy Manager, Cindy Lee, with any questions at clee@lachamber.com or 323-519-0855. Thank you for your consideration. Sincerely, Maria S. Salinas
President & CEO

May 23, 2022

The Honorable Nury Martinez and Los Angeles City Council
City of Los Angeles
200 North Spring Street
Los Angeles, California 90012

SUBJECT: Council File 19-0229 – Retailing Scheduling Ordinance

Dear Council President Martinez and Councilmembers,

On behalf of the Los Angeles Area Chamber of Commerce (Chamber), one of the largest and most influential business organizations in Los Angeles with 1,400 member companies and a region that spans 500,000 businesses, I am writing to express opposition on the scheduling ordinance (Council File 19-0229). If the ordinance is implemented in current language, the law will be the most restrictive in the nation impacting employers.

The Chamber represents the greater Los Angeles region which includes businesses from the retail industry including but limited to supermarkets and grocery stores, specialty retail, restaurants, and general merchandise. As this ordinance has not moved in two years and retailers and other businesses continue to grapple with COVID-related regulations, supply chain challenges, and worker shortages, we hope that the Council will take time for thorough consideration of this policy to factor in the implications this ordinance can have on the retail industry. Many businesses and small business owners remain in recovery mode as the challenges of the pandemic continue to linger.

Some key concerns the Chamber has with the ordinance are as follows:

Definition of Employee - The suggested definition of an employee in the ordinance is impractical because it applies to individuals who work for two or more hours a week within the City of Los Angeles' boundaries. This means that if an employee works elsewhere in the county or outside of the county, employers will have an extra layer of work in order to determine where and when the employee is working within the city of L.A.

Written Work Schedule - With the advancement of technology, employers use various electronic platforms to communicate and share work schedule information. The city's ordinance does not include language specifying electronic communications and/or scheduling app platforms as applicable forms of work schedule sharing. Rather, the ordinance, states multiple times the need for written communication. Additionally, the penalty language in SEC. 188.07.B states the employers have to provide written notice of work schedule changes and by not doing so, is subject up to \$500 in penalties.

Predictability Pay - Currently the ordinance states that the predictability pay needs to be compensated if additional work time exceeds more than 15 minutes. The ordinance does not provide evidence or details to how this timeframe is determined.

Penalties to the Employee and the City - Amendments offered by Council Member Curren Price during the Economic Development and Jobs Committee hearing include language about franchisees to be included as part of the ordinance. This amendment will be detrimental for franchisees across the city because many of the employers are small business owners.

An additional point to note is that the city's ordinance did not include language about situations out of the employer's control and what the protections are in place for such cases. Case studies for other cities include language where exceptions are taken into consideration where the schedule change is outside the employer's control such as failure of public utilities, an earthquake or other Act of God, or another employee not showing up to work.

I hope the City Council will consider our concerns and oppose the ordinance. Thank you for your consideration. Please contact Senior Policy Manager, Cindy Lee, with any questions at clee@lachamber.com or 323-519-0855.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Maria S. Salinas". The signature is written in a cursive, flowing style.

Maria S. Salinas
President & CEO