

# Retail Detail



## San Francisco Board of Supervisors Tentatively Passes “Retail Workers Bill Of Rights”

By Duwayne A. Carr and Laura J. Maechtlen

We previously [blogged](#) about pending legislation in San Francisco titled the “Retail Workers Bill of Rights,” a comprehensive set of policies introduced as two separate pieces of legislation ([here](#) and [here](#)) by San Francisco Supervisors [Eric Mar](#) and [David Chiu](#).

We learned that the Board of Supervisors tentatively—and unanimously—passed both pieces of proposed legislation this week. A confirmation vote is scheduled to occur on November 25, 2014, and, if the legislation passes at that time, the ordinances will become law in San Francisco 180 days after the effective date.

While amendments might be considered prior to the final confirmation vote, we summarize the notable aspects of the two pieces of legislation here, in anticipation of that vote. Of particular note to employers, the legislation provides a private right of action. Any person aggrieved by a violation of the ordinance, any entity a member of which is aggrieved by a violation, or any other person or entity acting on behalf of the public, may bring a civil action in court against an employer for violating the ordinance.

### Board of Supervisors File No. [140880](#): Hours and Retention Protections for Formula Retail Employees

This proposed ordinance would apply to Formula Retail employers with 20 or more employees in the City. Based on a concession negotiated by a coalition of employer groups, “Formula Retail” establishments are defined for purposes of the new legislation as businesses with at least 20 retail sales establishments located worldwide (instead of more than 10 as originally proposed).

The proposed ordinance would and require employers to:

- Offer additional hours of work to current part-time employees before hiring new employees or using subcontractors; and,
- Retain employees for 90 days upon sale or other transfer of a retail establishment subject to the ordinance, and then make a written offer of employment to individuals on a retention list under the same terms of employment with respect to job classification, compensation and number of work hours.

## Board of Supervisors File No. 141024: Fair Scheduling and Treatment of Formula Retail Employees

The ordinance would require Formula Retail employers to provide their employees in the City with the following:

- An initial estimate of the employee's expected minimum number of scheduled shifts per month, and the days and hours of those shifts, prior to the start of employment;
- Two weeks' advance notice of work schedules;
- Advance notice of any changes to the employee's bi-weekly schedule;
- Additional compensation (called "Predictability Pay") for each schedule change the employer makes on less than seven days' notice; and,
- Between two and four hours of pay, depending on the duration of the shift, for each on-call shift for which the employee is required to be available but is not in fact called in to work.

Both ordinances would require employers to give employees notice regarding certain employee rights under the ordinances, and keep records demonstrating compliance with the ordinance for three years. Also, both ordinances contain anti-retaliation provisions.

The San Francisco Office of Labor Standards Enforcement ("OLSE") is responsible for implementing and enforcing the ordinances. The OLSE can require compliance and impose administrative fines of differing amounts.

Stay tuned for updates regarding the final confirmation vote.

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