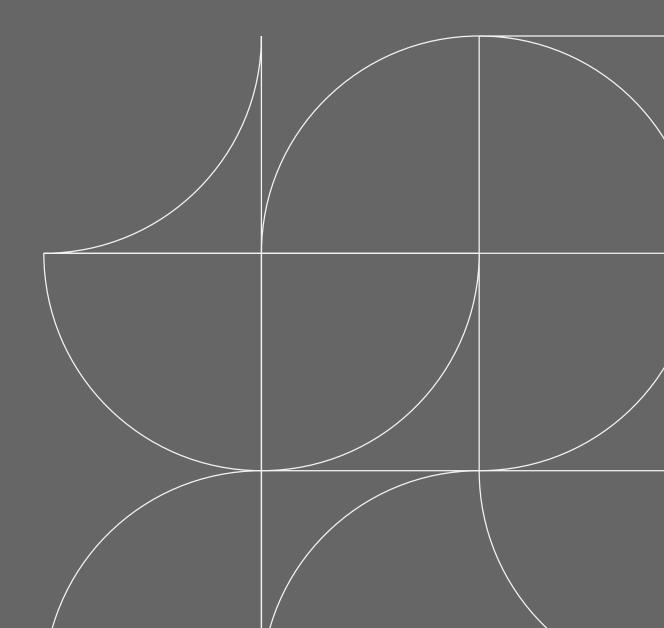


### Chicago's Predictive Scheduling Law in an Unpredictable Time

June 24, 2020

Seyfarth Shaw LLP

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### **Speakers**









Kevin Young Partner Seyfarth Shaw

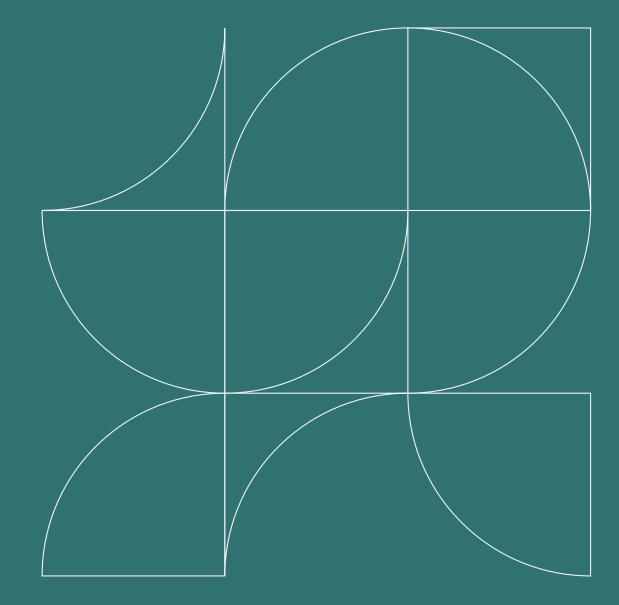
Kyle Petersen Partner Seyfarth Shaw

Sara Fowler Senior Associate Seyfarth Shaw Krista Hardwick Legal Counsel Deputy

### Agenda

- **01** Details on The Chicago Fair Workweek Law
- **02** Rule Pertaining to COVID-19
- **03** Best Practices
- **04** Deputy Solution for Chicago Fair Workweek
- **05** Q&A

# Details on The Chicago Fair Workweek Law



### **Predictable Scheduling: The Big Picture**

- Bringing predictability stability to employee's work schedules
  - a.k.a., "Fair Workweek" laws
- Typically impacting large employers in retail, restaurant, and hospitality (but, Chicago!)
- Generally requires posting work schedules with a specified amount of notice (*e.g.*, 10-14 days) and paying employees *extra* for changes to the schedule.



### **Chicago's Fair Workweek Ordinance – The Basics**

Initial estimate of work schedule	
Advance notice of schedule	
Premium pay for schedule changes	
Offer additional hours to existing employees	
Right to rest	
Right to request flexible work arrangements	
No retaliation	
Notice & Posting requirements	
Enforcement	

## Are You An Employer?

- Requirements:
  - -100+ employees, globally (250 for non-profits)
  - -50 must be "Covered Employees"
  - -Must be "primarily engaged in a Covered Industry"



### **Covered Industries**

Restau	rante
neslau	Ianto

### Building Services

### Warehouse Services

- Any business licensed to serve food in the City
- 30+ locations, globally
- 250+ employees, total
- Does <u>not</u> include businesses with 3 or less locations in the City

- Care & maintenance of property
- Janitorial services
- Building maintenance
- Security services

- Storage of goods, wares, or commodities for hire or compensation
- May include, in connection with such services:
  - Loading
  - Packing
  - Distribution
  - Delivery

 Production of tangible goods for

use

Manufacturing

- From raw or prepared materials into new forms, properties, qualities
- By hand labor or machines

### Who Are Covered Employees?

Must meet all of the requirements:

(1) Work as an employee (not IC)

Includes day/temporary laborers for 420+ hours in 18 months

(2) Spend majority of work time physically in Chicago

(3) Perform majority of work in a Covered Industry

(4) Earn less than or equal to \$50,000/year or \$26 per hour

"Nothing in this Chapter shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements *in force on the effective date* of this Chapter. After the effective date of this Chapter, the requirements of this Chapter *may be waived* in a bona fide collective bargaining agreement, if explicitly set forth in clear and unambiguous terms."

### **Initial Estimate of Work Schedule**

- Before or upon beginning employment
- Good faith, <u>written</u> estimate of projected days and hours of work for *first 90* days of employment
- No requirement to update estimate
- Must include:
  - Average weekly hours expected to work
  - Whether any on-call shifts are expected
  - Subset of days and times, or shifts, that employees can expect to work or not to work
- Employees have right to request modification
  - Must respond in writing within 3 days

### **Advance Notice of Work Schedules**

- Post schedule 10 days before first day of new schedule
  - July 1, 2022: <u>14 days</u>
- Conspicuous place accessible/visible to all Employees
  - Electronic transmittal upon written request
- Does not apply to employees who self-schedule, or venues that regularly host Ticketed Events

### If it's not posted with enough advance notice, employees don't have to work!

### **Predictability Pay**

Unless an exception applies, for schedule changes made after the 10-day (14day) advance notice period, employers **must** compensate employees:

- Adding hours to the schedule 1 hour of pay
- Changing the date or time of shift (no change in # of hours) 1 hour of pay
  - <u>But</u>, no predictability pay for changes of 15 minutes or less! (Rule FWW 1.04(a))
- Cancelling or subtracting hours with <u>more</u> than 24 hours' notice 1 hour of pay
- Cancelling or subtracting hours with <u>less</u> than 24 hours' notice <sup>1</sup>/<sub>2</sub> of reg. pay rate for all hours subtracted or cancelled

• *Note:* Schedule changes require revising the posted work schedule and transmitting to the employee within 24 hours of the change!

### **Exceptions to Predictability Pay**

Work can't continue (e.g., blizzards, pandemic, threats, strikes, utilities failure, recommendations from public officials)	A schedule change mutually agreed upon between <u>Covered</u> <u>Employees</u>	A schedule change mutually agreed upon between Employee and Employer, confirmed in writing	An employee- requested schedule change, <u>confirmed in</u> <u>writing</u> (e.g., sick time, vacation)	Hours subtracted because of discipline for just cause, reflected <u>in</u> writing (e.g., suspension)
Banquet event scheduled/re- scheduled for reasons outside employer's control	Manufacturing – events out of employer's control changes need for employees (e.g., delay in materials or production)	Healthcare – schedule changes due to certain disaster/catastrophic events; specialized skills needed through procedure completion; unexpected increase in demand beyond employer's control	Ticketed event is cancelled, rescheduled, postponed, etc., out of employer's control.	When covered employees self- schedule.

## **Offer Work to Existing Employees**

- Must first offer additional shifts of work to existing Covered Employees
  - Who are qualified to do the work
  - Need not offer if doing so would require payment of overtime
  - When "practicable," offer shifts first to existing part-time employees
- If hours are not accepted by existing Covered Employees, must offer to temporary and seasonal workers with 2+ weeks of service



## **Right to Rest**

- Covered Employees can refuse to work hours scheduled within 10 hours of the end of a prior day's shift.
- If they agree to work, they must receive pay at 1.25x their regular rate for <u>all hours</u> worked during that shift.
- Must get consent <u>in writing</u>. (Rule FWW 1.06(a))
- If the shift would entitle employee to OT, they get paid at OT (higher) rate.

#### Example 1:

Shawn works the closing shift on Monday, which ends at 10:30 p.m. Shawn is also scheduled to work Tuesday's morning shift, starting at 8 a.m. If Shawn agrees to work Tuesday's shift, Shawn must be paid at 1.25x hourly rate for the entire Tuesday morning shift.

#### Example 2:

Debbie is scheduled to work from 6am to 10am, and then 5pm to 10pm on Wednesday. Debbie is not entitled to premium pay, because she is not scheduled to work within 10 hours of a <u>prior day's</u> shift.

### **Right to Request Flexible Work Arrangement**

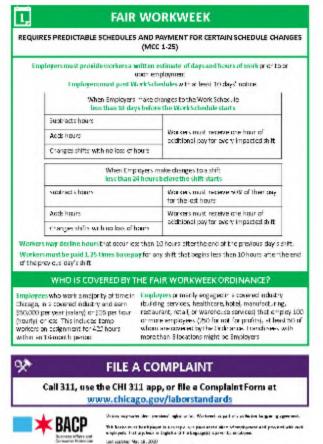
- Employees have the <u>right</u> to request modifications to their work schedule
  - Additional shifts
  - Changes in days/times of work
  - Limitations on availability
  - Part-time work

Does not mean you have to grant the request, but no retaliation!

*Remember* – requests to modify **initial scheduling estimate** must be responded to, in writing, within 3 days!

### **Notice and Posting**

- Poster
  - Conspicuous place 11x17
  - Electronic is ok, if that is part of usual practices
- Notice with first paycheck after July 1 (and annually thereafter)
  - For direct deposit usual electronic communication channels are ok
  - 8.5x11 paper for hard-copy notices



In English and any other language spoken by employees who are not proficient in English, for which a poster has been published.

https://www.chicago.gov/city/en/depts/bacp/supp\_info/fairworkweek.html

### **Record Retention**

- Maintain applicable records for three years
- Applicable records include:
  - Anything you will need to prove you're compliant!
  - Good faith estimates
  - Schedule changes (all versions of schedules)
  - Employee consent to work, schedule change requests
  - Offers of hours to existing employees
  - Payroll records

Employees have the right to request records relating to themselves, "upon reasonable request."

### **Don't Forget: No Retaliation!**

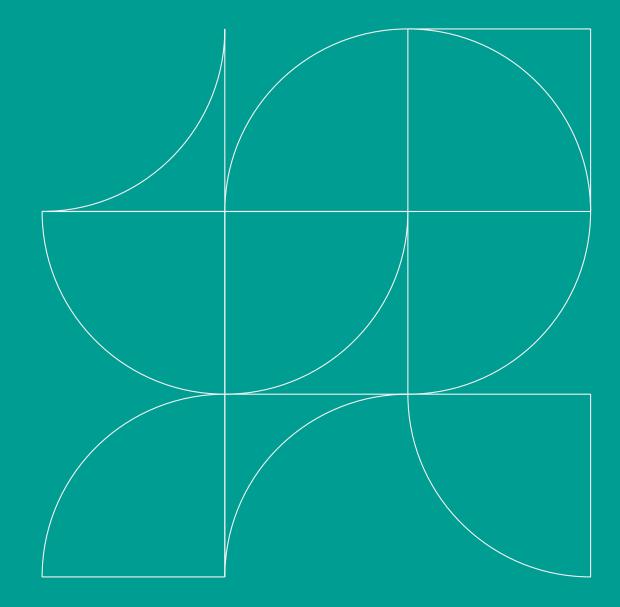
- Applies to any right included in Ordinance
- Be mindful of schedule change requests!
- \$1,000 fine



### Enforcement

- Enforced by City's Office of Labor Standards (Business Affairs/Consumer Protection)
  - Power to investigate; issue penalties (\$300-\$500 each)
    - Offenses are per employee, per day of violation.
- Private Right of Action available after:
  - Written complaint to OLS; and
  - Employer has opportunity to respond to complaint / cure violation; and
  - Department closes complaint
- Prevailing party entitled to attorneys' fees, costs, compensation for damages sustained.

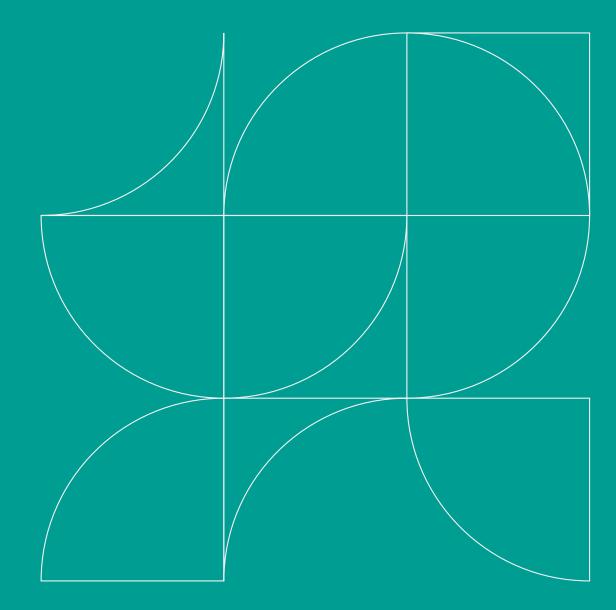
# The Rule on COVID-19



## Impact of COVID-19

- Implementation of the Fair Workweek Ordinance <u>not</u> delayed due to pandemic
- COVID-19 Rule provides exemption for certain provisions
  - Right to decline
  - Predictability pay
  - Pay for cancelled hours and shifts
- Not a blanket exemption
  - Only applies when COVID-19 causes a material change to the employer's operations that, in turn, causes a change to the scheduling needs
  - Exemption applies to Work Schedule during which the change occurs + the following Work Schedule

## **Best Practices**



### **Policy and Practice Updates**

- Employee Scheduling Policies
  - Time frame for posting schedules
  - Process and required documentation for schedule changes
  - Permissibility and process for employee shift swapping
- Onboarding process and documents
  - Incorporate initial estimate of work schedule into offer letter, wage notice, or other onboarding documents provided to new hires
  - Ensure new hires aware of and trained on how to make schedule swaps
- Document Retention Policies
- Update Employee Availability

### The Mechanics: Train, Train, and Train Some More

- Train Scheduling Managers on Mechanics of the Ordinance and New Company Policies and Procedures
  - Timing for posting schedules & advance notice requirements for changes
  - How to request for volunteers for schedule changes and obtain employee consent
    - No coercion!
  - Employee Rights
    - Right to decline unscheduled hours
    - No retaliation
  - Permissibility and process for employee shift swapping
  - Consequences of noncompliance
    - Predictability pay: impact on labor budget and performance assessment for manager
  - Documentation Requirements
  - Process to ensure proper payment of penalties when incurred

### The Mechanics: Train, Train, and Train Some More

- Train the Payroll Team
  - When and how to calculate and pay penalties
  - Base Rate
    - Not OT, tips, or bonuses
    - For hotels, does include set service fees earned by employees
  - Penalties included in the regular rate?

### The Mechanics: Train, Train, and Train Some More

- Train Covered Employees on key components of the Ordinance
  - Permissibility and process for swapping shifts
  - Shift change requests must be in writing
  - If consent to shift change, must do so in writing
  - Tardiness or leaving early without permission does not trigger penalties
  - Right to decline
  - Retaliation prohibited

### Then, Document, Document, Document

- How will you prove compliance
  - Create and Maintain Records
    - Good Faith Estimates
    - Schedules (all versions with time/date stamps)
    - Employee consents
    - Offer of hours to existing employees
    - Employees voluntarily swapped shifts
    - Payroll records
  - Ensure records are readily accessible to provide to City, employee, or plaintiff's lawyer in litigation



## **Beyond the Mechanics: Shifting Management's Mindset**

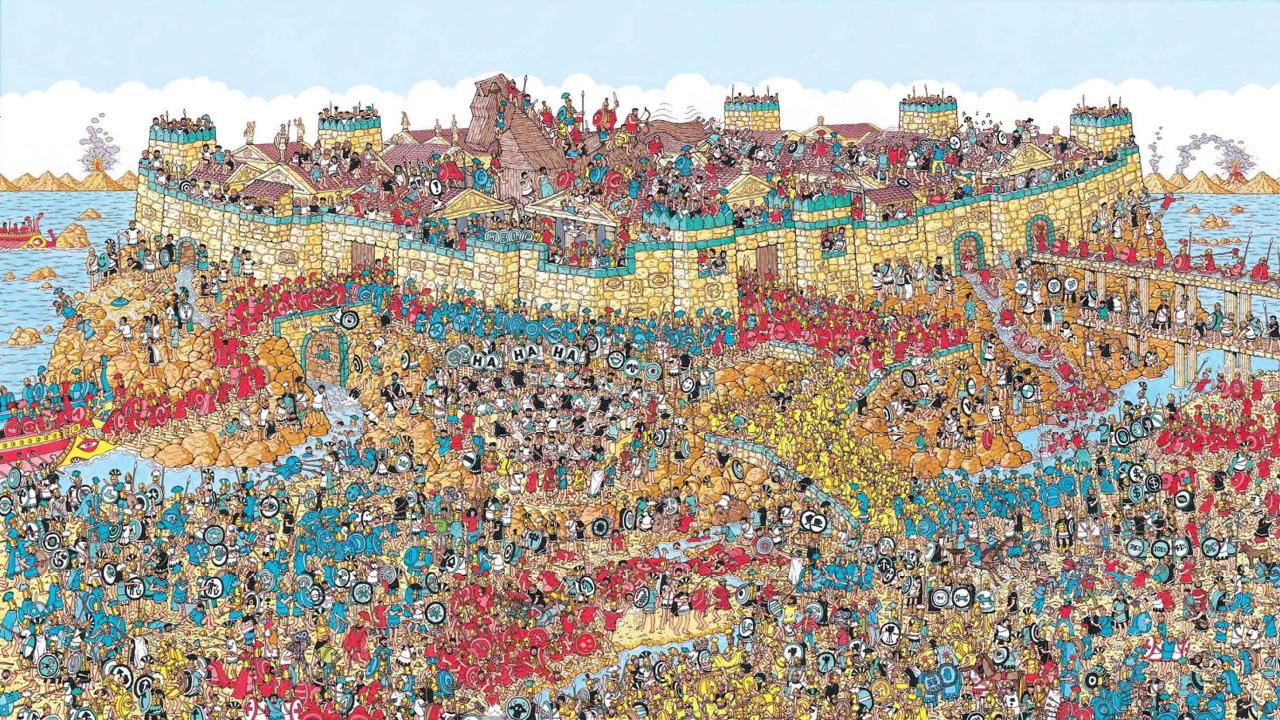
- What's the company philosophy
  - E.g., transition away from longstanding, on-call scheduling practices to minimize penalties or do what needs to be done and pay the price, if needed?
- Opportunity to rethink labor management and increase efficiencies
  - Requires managers must develop deeper understanding of labor needs
  - Understand what drives last minute changes and address root cause(s)
- There's an app for that!
  - Leverage technology to track and anticipate staffing needs, facilitate shift swaps or shift changes, track occurrences requiring penalty payment, and document compliance
- The Silver Lining
  - Studies show that predictability and rest between shifts has a positive impact on unplanned absences and may improve employee morale and retention

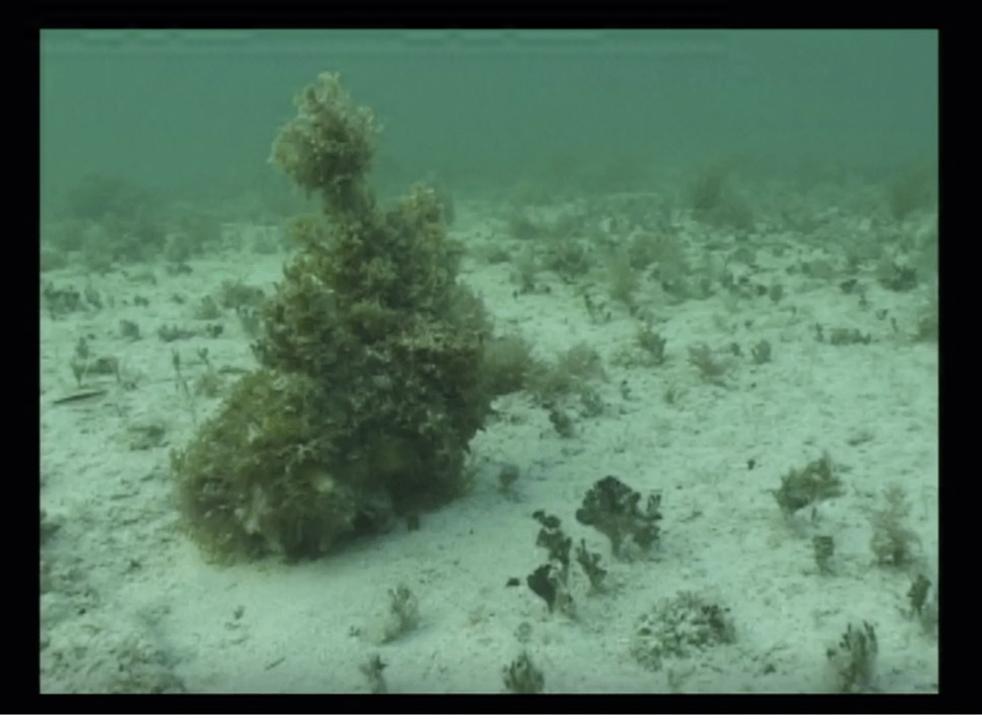
Chicago Fair Workweek Get on offense with a simple compliance framework











## The Good / Bad News

61%

of schedulers are hourly employees

6%-1%

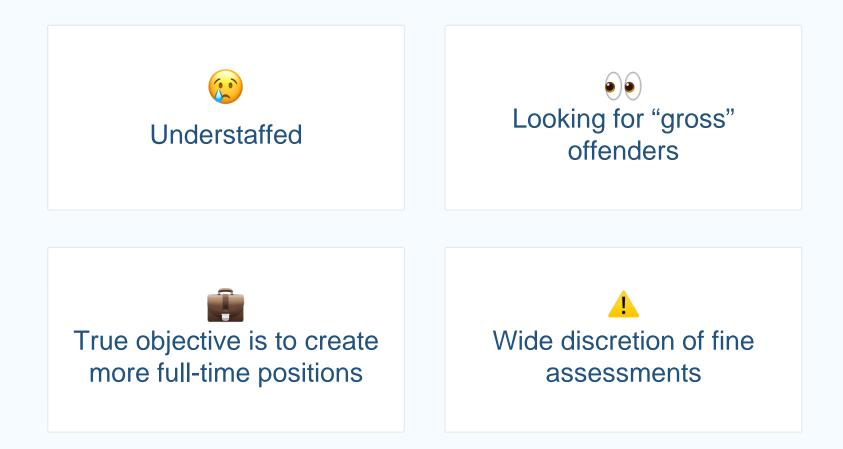
of schedulers have a penalty with/ without Deputy 96%

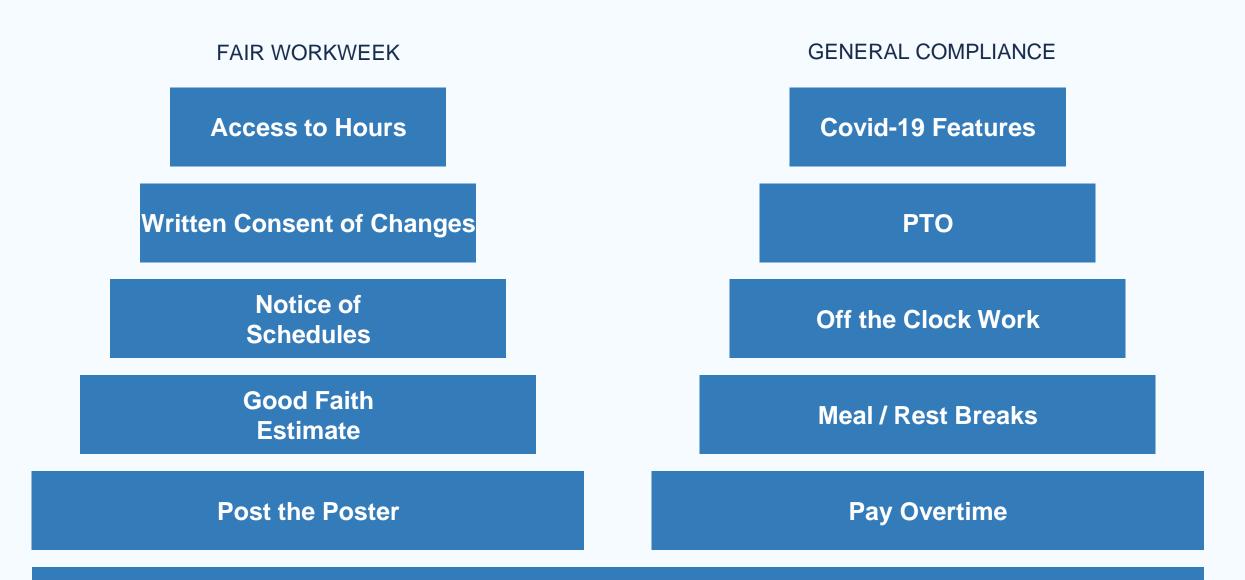
of time punches align with the schedule

# The Deputy all-in-one platform

MANAGE LABOR	OPTIMIZE OPERATIONS	REDUCE THE BACK OFFICE
<b>Forecast labour</b>	Communication	PTO & Leave Management
Employee Scheduling	Tasking	A Labour Compliance
Biometric Time Clock	Field Data Capture	kisk Management
A Performance journaling	Alerts	\$ Payroll Sync
Certification Tracking	Reporting & analytics	Integrations

### In the mind of an investigator





Have an Employment Manual + Share + Signatures

### Post the posters

Experied | Spanish

**TIENE DERECHO A UN** 

De conformidad con la Fair Workweek Law (Lev de Semana Laboral Justa) de NYC, los empleadores de come

HORARIO LAB®RAL

PREDECIBLE

#### **YOU HAVE A RIGHT TO A PREDICTABLE** W @ RK SCHEDULE

Under NYC's Fair Workweek Law, certain retail employers must give their employees predictable work schedules. Todes ins empleados que histolajes en un convercio minorials. Los empleados cubertos por ciurtos tipos de contento y que emplee a versos a 26 trategidados en en VYC. Se agênce la lay independientemente de la condición regretoria. All employees who work at a retail business that primarily sells consumer goods and employe at least 20 workers in NYC. The law applies regardless of immigration statu 15 Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below. Los empleadores no pueden castigar, penalizar, tomar represalias ni medidas en contra de los empleados que puedan mpedirles o disuadirlos de ejercer sus derechos de prediatamente a la Oficina de Normas y Asuntos I. midad con la lev. Los tr emperantes o usualerros de opercer sus derechos de contormidad con la ley, Los trabajadores deben contactar inmediatamente a la Oficina de Normas y Asuntos Laborales (Office of Labor Policy & Standards, OLPS) en caso de recibir represalias. Ver a continuación. Your Rights Sus derechos 72 Hours' Advance Notice of Work Schedule (72) Your employer must: Notificación del horario laboral con 72 horas No se pueden añadir turnos con menos de (72) Notificación de antelación Su empleador debe: If your employer wants to add time or shifts to your · Give you your written work schedule at least 2 hours before the start of the schedule in the schedule less than 72 hours before the change, you have the right to accept or decline the change. If you accept an additional shift, you must do so in writing. 12 Inortas de ovisión 25 su empleador quiere añadr horas o turnos a su horario en menos de 72 horas antes del cambio, susted sene denocho a acoptar o renhazar el cambio. Si usted acopta un turno adicional, debe hacerlo por escrito. way your employer usually contacts you, which may include text and email. Queira su horario laboral por escrito al menos 72 horas antes de comercizar su primer turno del horario y de la manera en la que su empleador suela contactario, la cual puede inclar mensajas de texto y come electrónico.
 Publique el horario en su lugar de trabajo de manera que fordos per trabajadores nuesten verto. · Post the schedule at your workplace where all workers can see it. Include dates, shift start and end times, and No Shift Cancellations with Less than location(s) of all shifts in the work schedule 72 Hours' Notice todos los trabajadones puedian verlo. Incluya las fectarias, las norias de inicio y finalización de cada turno y las ubicaciones de todos los turnos. Actualice y vestiva a publicar el incrario y contacte a todos los trabajadones afectados si el noranio cambia. Update and repost the schedule and contact all affected workers if the schedule changes. Your employer cannot cancel a shift less than 72 hours before the start of the shift. Su empleiador no puede cancelar un turno en menos de 72 horas antes del ínicio de este. Your employer may change your schedule with less than 72 hours' notice due to a closing under the Your employer cannot require you to: No se permiten los turnos de guardía Su empleador no puede exigite: Su empleador podrá cambiar su horario con menos de 72 horas de netificación previa si se vio obligado a cemar por alguna de las siguientes circuretancias: Be ready and available to work at any time the employer demands, regardless of whether you actually work or report to work.
 "Check in" within 72 hours of a scheduled shift following circumstances: zu empleador no pueble elegibili: • Que esté listo y disponible en cualquier momento en al que se lo segla el empleador, independienternente de si usted realmente atabaja o se presenta a trabajar. • Reportante" en el transcourdo de 72 horas antes de un fumo programado para suber si tiene que presentanse para el turno. Threats to worker safety or employer property
 Public utility failure
 Shutdown of public transportation por aguna de las siguentes circuretancias: • Amenizas la is esparidad de los empleados o a su propiedad • Fallas en los servicios públicos • Paro de transporte público • Incendo, inundación u cirto desastre natural • Estado de emergencia declarado por el gobierno to find out if you should report for the shift Snutdown of public transportation
 Fire, flood, or other natural disaster
 Government-declared state of emergency Your employer may also grant you time off at your request or allow you to trade shifts with another Su empleador también puede concederie tiempo libre a su solicitud o permitirie intercambiar turnos con otro empleado retail employee of Consumer Attains (DCA) Office of Labor Policy & Standards (OLPIS) enforces the Fair Workweek Law and other To the a complaint with OLPS, go to ryo, govidea or contact 311 (212.NEW YC/IX outside NYC) and ask for "Fair Westweek Law. OLPS will conduct an investigation and by to reacke your complaint. OLPS will keep your identity confidential unless disclosure to necessary to complete an investigation or in equired by two. esentiar un reclamo en la OLPS, viola nyo.gov/doa o liame al 311 (212 NEW YOFK funca de NYG) y propulsi por la "Yar Murkanek Law". La OL L'abo una reclamo en la OLPS, viola nyo.gov/doa o liame al 311 (212 NEW YOFK funca de NYG) y propulsi por la "Yar You can also file an action in court. However, you cannot have a complaint with OLPS and a claim in court at the same time. Contact OLPS Visit mit gev/dea, email PWW0dea,myc.gov, or contact 311 and ask for "Fait Workwesk Law." NYC Attain Affairs "Your employer must also post this notice in any language that is the primary language of at least 5 percent of the workers at your workplace if available on the DCA website. "Su empleador también debe publicar este eviso en cualquier otro idiorna que sea la lengua materna de al menos 5% de los trabajedones del lugar de trabajo, en caso de estar disponible en el sito web del DCA. Long Sale

#### YOU HAVE A RIGHT TO A PREDICTABLE W © RK SCHEDULE

Under NYC's Fair Workweek Law, fast food employers must give their workers predictable work schedules. Employers must post this notice where employees can easily see it at each NYC workplace

#### Employees who perform at least one of the following tasks at a fast food establishment in NYC: customer service security stocking supplies or equipment cooking lood or drink preparation cleaning routine maintenance duties. off-site delivery The law applies regardless of immigration status. Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See below.

down Extinuated Schedule and First Work Schedule ierity to Work Open Shifts Before hiring a new employee when new shifts become On or before your first day of work, your employer must give you: available, your employer must use gree you: Written schedukes for first 2 weeks of work with hours, dates, start and end times, and locations of shifts. Written "Good Fath Estimate" (days, times, hours, locations you can expect to work during your employment). Your encloyer must provide an updated Estimate if the Estimato charges. Advertise shifts to existing workers in NYC first Advertises shifts to existing workers in NYC first by posting information at your workerise and directly providing information to you electronically, which may include test or email.
 Owe priority to work open shifts to workers at the worksite where shifts are wantable.
 Owe priority to work open characteristic and worksites only when no or not enough workers from the worksite accept. downly 2 Weeks' Advance Notice of Work Schedule Your employer may only hire new workers if no current NYC workers accept the shifts by the posted deadline. 14 Your employer must give you your written work schedule To the employer music give your written work school at least 14 days before your first shift in the schedule. Schedules must include at least 7 calendar days with dates, shift start and end times, and location(s) of all Consent Plus \$100 for "Clopening" Shifts () Your employer cannot achedule you to work 2 shifts over 2 days when the first shift ends a day and there are less than 11 hours between shifts (a "clopening") UNLESS you consent in writing AND you are paid a \$100 perturn to work the shift. shifts, if the schedule changes, your employer must contact all effected workers within 24 hours, or as soon as mesible Consent and Premium Pay for Last-Minute Schedule Char Your employer cannot make changes to your schedule less than 14 days before the change is effective without your written consent and without paying the following premiums: Amount of notice Additional work Change to shifts Reduced work time or shifts but no change to time or shifts Premium pay is not required when but no change to time or shifts total work time 1. Your employer closes due to threats to worker Loss than

#### safety or employer property; public utility failure; shutdown of public transportation; five, flood, or \$10 per change \$10 per change \$20 per change 14 days' notice shatadawn or public transportation, twe, nood, o' other natural disaater, government-declared state of emergency. 2. You request a schedule change to a specific shift. 3. You trade shifts with another employee. 4. Your employer must pay overtime for a changed shift. Less than \$15 per change \$15 per change \$45 per change 7 days' notice 24 hourn' notice \$15 per change \$15 per change \$75 per change

NYC Amairs

The Department of Consumer Alfairs (DCA) Office of Labor Policy & Standards (CLPR) enforces the Feet Workeweig Law and other NYC labor laws.

To file a completel with GCPS, go to type gravities or context 311 (212 NEW YOFK outside MYC) and salt for "The Vortiwees Law." CVPS will conduct an investigation and by to resolve your completer. OLPS will keep your identify confidential unless disclosure to necessary to complete an investigation or in regional by law.

You can also like an action in court. However, you cannot have a complaint with OLPS and a claim in court at the same time.

Wat nyc.gov/dos.email FWW8dos.nyc.gov.or contact 911 and ask for 'Fair Workweek Law."

"Your employer must also post this notice in any language that is the primary language of at least 5 percent of the workers at your workplace if available on the DCA website.

#### **TIENE DERECHO A UN HORARIO** LAB & RAL PREDECIBLE De conformidad con la Fair Workweek Law (Ley de Semana Laboral Justa) de NYC, los empleadores de las empresas de comida rapida deben dutiva a sus empleadors hominos butorias predictivas. Los empleadores deben publicar este aviso en un lugar en diçui los empleados puedas vento facilmente, en cada lugar de tatalado de NYC-?

Los empleados que malicen al menos una de las siguientes actividades en un establecimiento de comida rápida en NYC servicio al cliente
 cocina
 preparación de cornidas o beladas
 entrega fuera del sitio segundad
 almacenamiento de materiales o equipos
 Isrejeca
 tareas rutinarias de mantenimiento Se aplica la ley independientemente de la condición migratoria. Los empleadores no pueden castigar, penalizar, tomar represalias ni medidas en contra de los empleados que puedan impedirles o disuadirlos de ejercer sus derechos de conformidad con la ley. Los trabajadores deben contactar inmediatamente a la Oficina de Normas y Asuntos Laborales (Office el Labor Policy & Standards, OLPS) en caso de recibir represalias. Ver a continuación. Sus derectore Horario estimado y primer horario laboral ridad para trabalar on los turnos d En su primer dia de trabajo, o anles, su empleador delle darle:
 Los horarios por escrito de las primeras 2 semanas de Avies de contratar a un empleado nuevo, cuando heya turnis nuevos disponibles, su empleador debe: En su primer dia de trabajo, o anties, su empleador dele dater (.ce) homis por escho de las pormosa: a semana de Instajo con las homas, las fectas, las homas de enfinda y de salida, y la úbicación de los turnos. El "Presupuesto do centa fe" por escrito icon los días, las homas y las úbicaciones en las que espans fabajar durante su periodo de empleio. Su empleador debe proporcionaria eu neltimada actualizado de los caratilos Naved disposible, su emplandor delo:
 Anucciar primo los turtos a los toblejaciones entimentes en VPCC a publicar la información en a lugar de Instago y Información en lugar de Instago y Instago y Indejar vel las entechéricas; por como entechéricas;
 Dera protociar de Instago en lascona laborante disconate a las inalizacións: el lugar a lascona en documente a las inalizaciones el lugar a lascona en documente lugares de Instaga solamente cuanto es e consegui subconne intragaladores en el lugar dal trabales una ena Notificación del horario laboral con 2 semana Su empleador podrá contratar nuevos trabajadones solamente si ningún trabajador actual de NVC acepta el turno para la fecha livinte cublicada. 14 de una telencidor. 14 deis antes de vençar su pomer tuno en el hosaro. Los terrestas de la carte de energias resupere tuno en el hosaro. Los terrestas de inicio y finalización de los tunos y las alcalaciones una los tencos y finalización de los tunos y las alcalaciones de los tunos y las alcalaciones de los tunos y las alcalación de los tunos y las alcalacións de los tu ntimiento mia \$100 para los () Consentamiento mais a 100 parti los Jeansos «Clopaning» Su enpleador no puede programaria o tumos en 2 das en los dei dómencia uno respecto al alguiente tumo tum "otopenargo" A MERIOS OLE lado da lu consentimiente por electrito Y se le pegue una prima de \$100 para trabajar ese famo. Consentimiento y pago de primas por cambios de horario de último minuto. Para pode modifice su horario, su empleado dela vitormale del cambio al menos 14 das antes de que dichos cambios se hagan electivos y unter debe proporcionar su consentimiento por exoto. Advanta, debe a pagate las siguientes proma: Horas o turnos extras pero no en el total de horas trabaiadas . Su empleador se ve obligado a cor Aviso previo No se estipe el pago de als primos se la Su empleado se ve obligado a cerrar a cassa del envenistas a la segunidad de los empleados o a su propiedad; talas en los servicios polícios; puro de hamacorfe político; inondo, inundación u otro destante natural; estedo de envergencia declanado por el gobierno.

 Used solucia un cambo de Invano pera un tuno específico. \$10 por cambio \$10 por cambio \$20 por cambio \$45 por cambio

#### Notificación de menos de 14 días \$10 por cambio \$10 por cambio Notificación de menos de 7 días \$15 por cambio \$15 por cambio Notificación de Notificación de \$15 por cambio \$15 po Usted intercantila turnos con otro empleallo. Su empleador debe pagat horas extra por el turno cambiado Notificación de menos de 24 horas \$15 por cambio \$15 por cambio \$75 por cambio

La Oficina de Nomen y Asurios Laborates ICLPE: del Departamento de Asurios del Consumitor Department of Consumer Aflans, OCA) ha la Protección Las y strus feves laborates del NYC.

Para presentar un reclamo en la GUPE, volte rajo genitos o famo el 211 212 NUM TORIC tars de la cuciad de Neves fotó y prepute por la Las "La CUPS hovers a cuto una resetipación e mentra recover su reclamo La CUPS mantenda la confidenciadade de su bientidad e menoro que se divelgación ses recentar para ferera e cuto diguna interestipación a los cutos la fuer de las identidad e menoro que se divelgación ses recentar para ferera e cuto diguna interestipación a los cutos la fuer. Tandates guarde presentar una demanda ante el bibunal. En endurgo, no punde tener un externo en la CCPE y una

a FWWDdoa, epsi, goy a Barne at 2011 y preparts per la 'Yar' Markeesh Las

NYC Attains "Su empleador famblin debe publicar este aviso en cualquier otro idiorna que sea la langua materna de al menos 3% de los trabajadonis del lugar de trabajo, en caso de estar disponible en el sitio web del DCA. Long Sales

## **The Deputy Solution**

Advance notice of work schedules Predictability pay Right to decline previously unscheduled hours

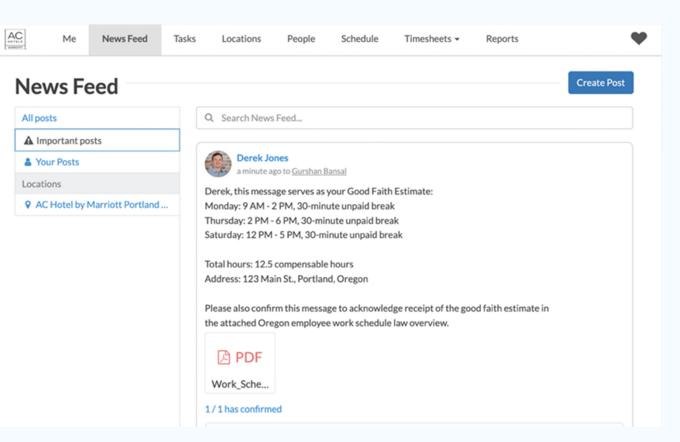
Good faith estimate





# Good Faith Estimate

- Sent via Newsfeed by manager
- Employee received on mobile
- Must *confirm* message
- Documents receipt of message



# **Good Faith** Estimate

- Employee receives notification on mobile and email
- Prompted to confirm
- Reviews the attached document

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your Good	nfirm "Derek, this message s I Faith Estimate: 9 AM - 2 PM, 30-minute unp	
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#### The employee 5:35 1 5:35 1 匬 All Posts All Posts

5/3/19, 5:34 PM

No Comments

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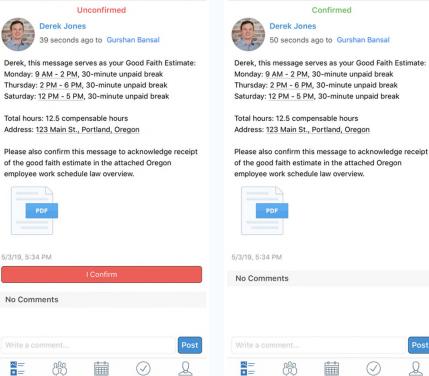
News Feed

People

Schedule

Tasks

Me



.... 🗢 🔳

Post

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 $(\checkmark)$ 

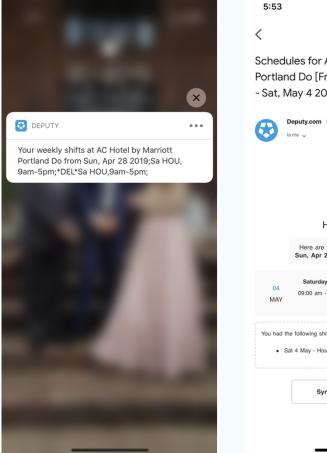
Tasks

People

Schedule

News Feed

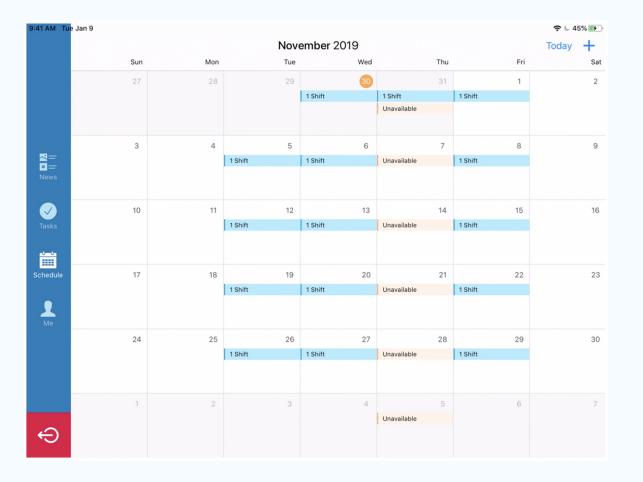
### Advanced Notice of Schedules + Shift Swap / Offer

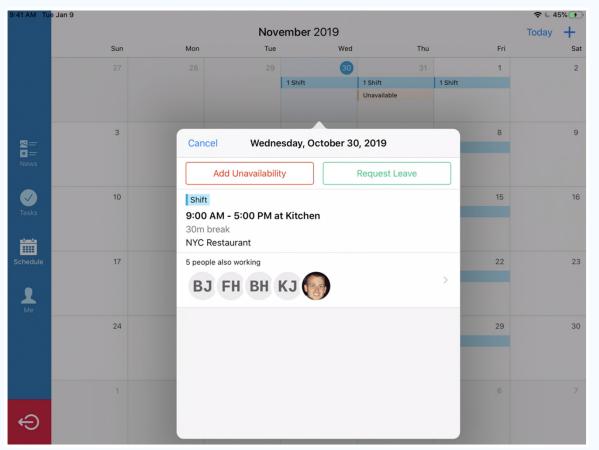


3 .11 ? 🗩	5:52 7	"II 🗢 🔲	5:52 7	.ul 🗢 🔲	5:5
v ii M	<b>K</b> Back Upcoming Shifts	Û	Kernel Back Shift Details	Û	< Ba
edules for AC Hotel by Marriott	SUN, APR 28 – SAT, MAY 4, 2019		Date Saturday, May 4, 2019		Date
and Do [From Sun, Apr 28 2019 🔥	Sat, May 04, 2019 9:00 AM - 5:00 PM at Housekeeping Pacific Daylight Time (GMT-07:00) AC Hotel by Marriott Portland Do	>	Location AC Hotel by Marriott Portland Do	2,170mi away	Locat AC H
to me 🗸	() Weekly total: 7hr 30min		Pacific Daylight Time (GMT-07:00)		Pacific
			Housekeeping		Hous
HOTELS			Start Time Finish Ti 9:00 AM 5:00 PM		Start 9:00
Hi Gurshan!			Breaks 0× Rest Break (total Omin)	>	Break 0× Re
Here are your shifts for the period: Sun, Apr 28 2019 - Sat, May 4 2019			1× Meal Break (total 30min)		1× Me
4 Saturday at [DA5] Housekeeping 09:00 am - 05:00 pm 1 x Meal Break VY (Unpaid)			Total Time 7:30		Total
ad the following shifts that have now been removed:			Can't Work		
Sat 4 May - Housekeeping					
Sync to my Calendar					
	Image: Second		News Feed People Schedule	Tasks Me	

0.02			-
Back	Shift Details	Ć	Ê
Date Saturday, May 4, 20	110		
Saturday, May 4, 20	13		
ocation		2,170mi away	
AC Hotel by Marriot	tt Portland Do		>
Pacific Daylight Time (	GMT-07:00)		
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lousekeeping			
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B <mark>reaks</mark> )× Rest Break (tota	L()min)		>
× Meal Break (tota			/
fotal Time			
	7:30		
	Can't Work		
	Swap Shift		
	Offer Shift		
	ener onne		
	Cancel		

### Electronic Notice of Schedules at the workplace



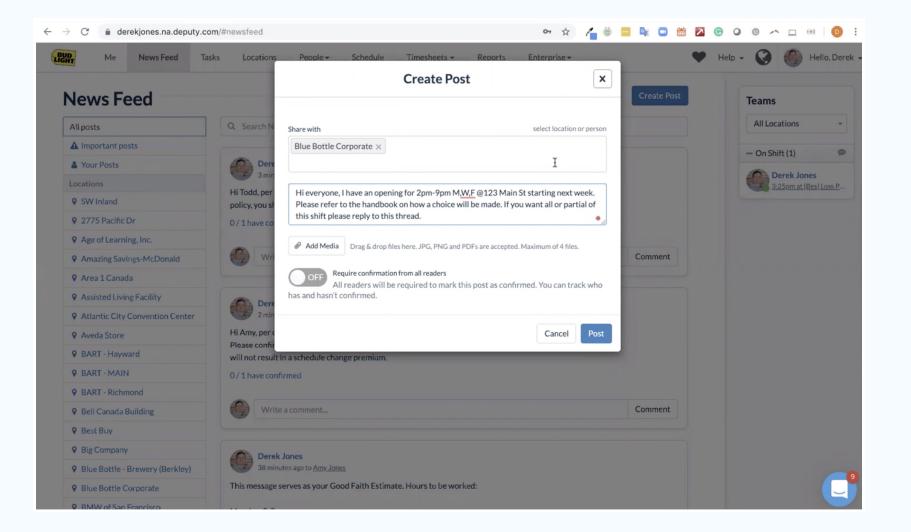


# Predictability Pay

- Auto-Detects high-volume schedule v punch variances
- Asks the correct attestation question
- Questions can be adjusted
- If answered "no" (manager initiated), GM is notified
  - Timecard is flagged for the appropriate premium

🕻 TestFlight 🗢	11:43 AM		20%
Cancel	End Shif	t	
Start Time 11:42 AM	End Time 11:42 AM	Meal Break O mins (Suggested)	
Total Time	00:00	)	
Comment			
DH			
			2
Coming in Late?			
then continue to End S	hift. If this change was manager or then continue to End Shift.	change was initiated and requested by you supervisor requested; tap HERE, select 'Yes	6
Leaving Early?			
You are clocking out be you then continue to E	nd Shift. If this change was manage sted' then continue to End Shift.	is change was initiated and requested by er or supervisor requested; tap HERE, select	
	End Shit	ft	

### Access to Hours

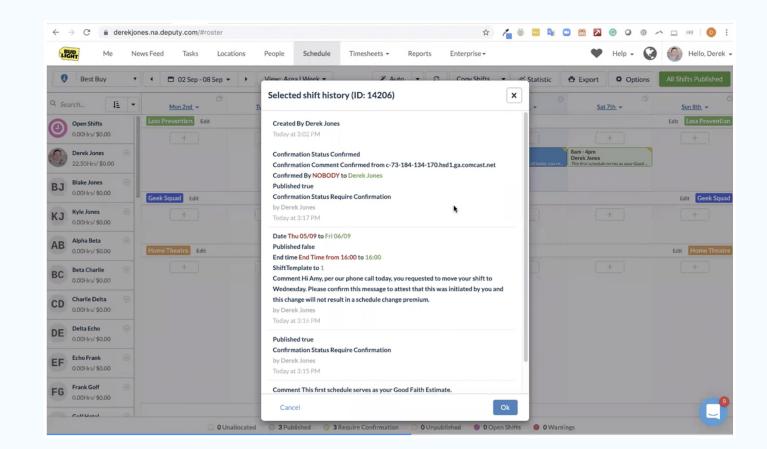


### Right to Rest

но	Me	٢	lews Feed Tasks	Locations	People	Schedule	Timesheets 👻	Reports				🖤 Hel	••
•	AC Hotel by Ma	. •	4 🛱 28 Apr - 04 Ma	ay 🕶 🕨	View: Area   V	Veek 🔻			🎽 Auto 🖃	C Refresh	Copy Shifts	👻 🛹 Statistic	
Q Se	arch	-	<u>Sun 28th</u> +		Mon 29th -		- <u> Tue 30th</u> →		් <u>1st</u> •		ď.	<u>Fri 3rd</u> 👻	
9	Open Shifts												
AB	Alfred Beta 0.00Hrs/ \$0.00		9am - 5pm Derek Jones	9am - 5pm Derek Jon		9am - 5p Derek Jo		9am - 5pm Derek Jones		9am - 5pm Derek Jones			
BD	Barrett Donahue 0.00Hrs/\$0.00		Manager Edit							×			
CR	Charlie Roger 0.00Hrs/ \$0.00				(+		t recommended to wor			( +			
DF	Denise Fulcrum 0.00Hrs/ \$0.00					10 for Fair	foo little time between Work Week						
	Derek Jones 37.50Hrs/\$375.00						ou want to roster Employees as recom		L?				
ES	Edward Su 0.00Hrs/ \$0.00								Cancel	<			
E1	Employee 1 0.00Hrs/\$0.00												
E2	Employee 2 0.00Hrs/ \$0.00												

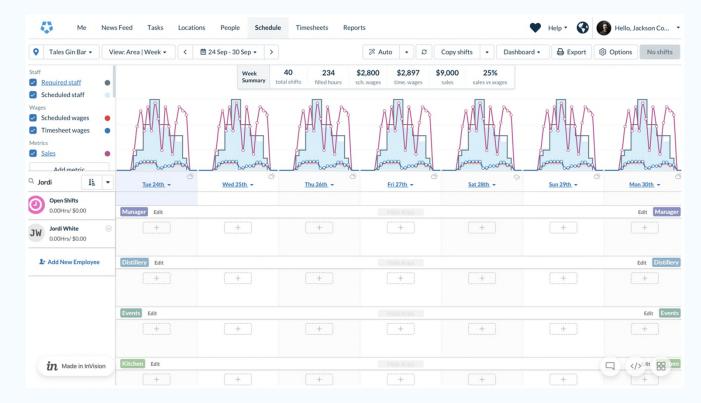
# **Record Keeping**

- Shift notes track all changes to a shift and can be captured in a report
- Standard FWW reports for Proof of Publish, Shift Swaps, etc. Additional reporting may be requested from the Deputy team in case of an audit



## **Demand Planning**

- Forecast future demand, create shifts, assign shifts
  - = right staff, right time
- Includes weather, local events, promotional calendar variables
- Customise your business rules



## In summary



#### Learn more! Deputy / Seyfarth Webinar

Complying with Back to Work Guidelines: How to Keep Employers and Employees Safe

June 30th 10:00amPT / 1:00pmET https://info.deputy.com/amer\_return\_to\_work\_webinar2020

#### 

### Try Deputy for free

Get started in minutes, schedule your team!

www.deputy.com

#### Good Faith Estimate V2

- Easily create Good Faith
   Estimate with template
- Easily update as needed

CONNECTED

WITH DEPUTY

 Push to employee with click of a button

d Faith Estima	te						
Employee nar Adrian Abdip		ected hours per we	eek 🚯	Employee confirmation ( Draft •	0		
oyee work week (	0						
week	Work day 06:00 - 05:59	O				Save as template	Templates
Day	Shift time	Meal break	Total	Location	Area	Shift type	1
Monday	08:00 12:00	0 min	4 hrs	Lane Cove North •	Manager	• Regular	• 🛍 🤅
	17:00 21:00	0 min	4 hrs	Lane Cove North •	All	• Regular	• 🛍 🤅
Tuesday							
Vednesday	09:00 18:00	60 min	8hrs	Alexandria •	Barista	• Regular	• 🗈 🤅
Thursday							
Friday							
Saturday	09:00 18:00	60 min	8 hrs	Lane Cove North •	Barista	• Regular	• 🗎 🤆
Sunday	09:00 17:00	60 min	7hrs	Redfern •	Front desk	• On-call	• 🗈 🤅

The copy of Good Faith Estimate will be sent to an employee through News Feed post for review and confirmation request





중 84% ■

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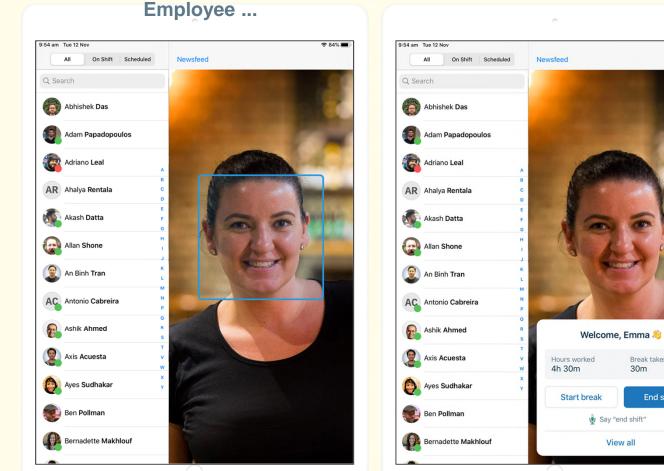
Break taken

End shift

30m

# Hygienic, Touchless, Clock-In

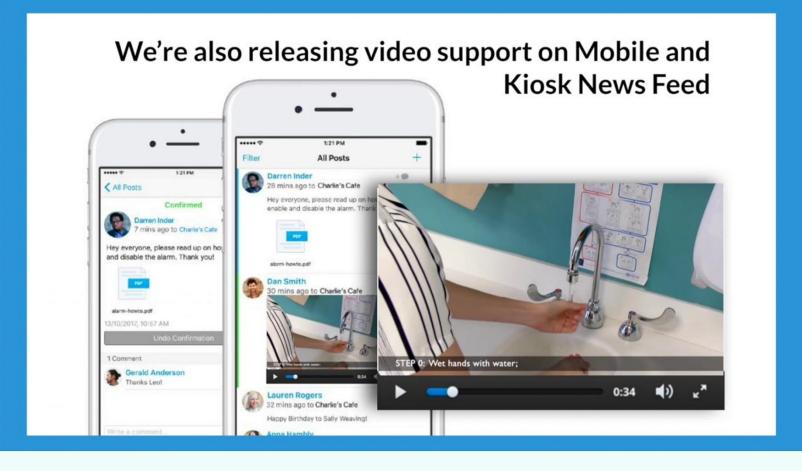
- Absolutely no fingers touch the screen
- **Completely hygienic**
- Drive more clock in and meal break adherence



**Facial Recognition Finds** 

#### Voice confirms the clock-in/out

## Video Communication to Staff



- Reassure staff with a personal touch in uncertain times
- Send training videos to keep up with hygiene
- Boost morale
- Works on ALL platforms web, ios, android, kiosk



# Communication is more important than ever

- Every business is trying to adapt to change daily
- Ensuring all team members are kept informed and have a consistent level of knowledge will keep operations running as smoothly as possible and boost morale
- Communication to staff is integral during this time:
  - Quick training on new procedure and policy
  - Business announcements
  - Motivate staff
  - Upcoming changes
  - Message from business leaders
  - Addressing common concerns/questions





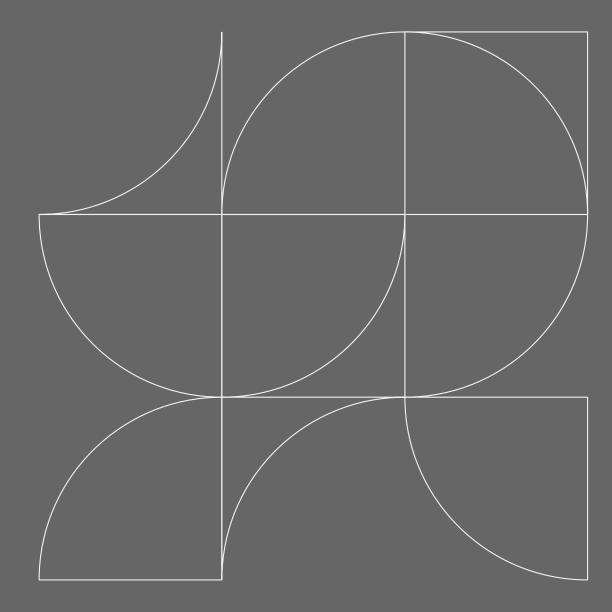
#### **Flexible Pay Rates**

eople		PAY RATES & LEAVE		Teams
eopie		Pay Rates		All Locations 👻
Search People	er Riva Moyne	[MA000153] AGIA - Part Time - Shiftwork - Trainees Technical - 1-July-2019	•	No-one is currently working
Ulaire Arents System Admin	General	AGIA - PT - SW - TRA - TEC - 1-July-2019 - M-F Ordinary	23 \$/hour	at any of your locations.
Hervey MacGillivrie Location Manager	Job Information	> View all rates & allowances		
Ekaterina Peddel	Profile Photo	Area group 1	×	
Supervisor		[CHL] BOH ×		
Riva Moyne	Contact	Pay Rates		
Supervisor	Pay Rates & Leave	[MA000002] CPSA 2010 - Casual - Shiftworker	•	
Rivkah Davidavidovics	Other	AGIA - PT - SW - TRA - TEC - 1-July-2019 - M-F Ordinary	23 \$/hour	
Maiga Dysart	HR Forms	> View all rates		
Employee		+ Add pay by area		
Pieter Hubber     Employee		LEAVE ENTITLEMENTS		
Porty Surplice Employee		Employees can only accrue or apply for the leave types they are entitled to, as l	isted below.	
		Entitled Leave Types*		
Employee		Unpaid Leave - Leave × Sick (Personal/Carer's) Leave × Annual Leave (	Vacation) $ imes$	
Mirabel Quinby     Employee		Bereavement (Compassionate) Leave ×		
Greta Wrixon		Add current leave entitlements		
Employee				
			Save Details	



- Offer different pay rates based on skills, capabilities, and roles
  - paying someone for higher duties
  - working in **hazardous** conditions
  - carrying out a **different job** than usual
- Overtime hours and pay will be calculated across all areas worked

## Questions



#### Thank You!









Kevin Young Partner Seyfarth Shaw

Kyle Petersen Partner Seyfarth Shaw Sara Fowler Senior Associate Seyfarth Shaw Krista Hardwick Legal Counsel Deputy