



## General Government Committee

### Report on State Action Regarding Predictive Scheduling

**Agenda Date:** 6/19/2019  
**Agenda Item Number:** 6.A  
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**Title**

Report on State Action Regarding Predictive Scheduling

**Recommended Action**

**Committee Recommendation:**

Report/Briefing only.

**City Manager Recommendation:**

Briefing only; no action requested.

**Report**

**Issue:**

Report on State action regarding predictive scheduling.

**Staff Contact:**

Steve Hall, City Manager, 360.753.8447

**Presenter(s):**

Steve Hall, City Manager

**Background and Analysis:**

In the past the City Council has heard from members of the community about interest in legislating scheduling rules and requirements around employee work schedules.

In 2017 the City of Seattle passed an ordinance instituting secure scheduling for retail and food service establishments with 500 or more employees worldwide and restaurants with 500 or more employees and 40 more locations worldwide. Seattle has a Bureau of Labor Standards with a budget of \$6.6M and 28 FTEs to enforce this requirement and others.

Consequently, the City Council has expressed interest in statewide consideration of the issue. Currently there are no State level regulations regarding when and how workers are scheduled. Seattle is the only City in Washington that has such regulations and their experience emphasizes that this is a complicated and controversial consideration.

During 2019 Legislative Session, House Bill (HB) 1491 and Senate Bill (SB) 5717, *Concerning Employer and State Scheduling*, were introduced in January to their respective legislative bodies within several days of each other.

**HB 1491 Summary:**

- Requires food service, hospitality, and retail establishments with more than 100 employees worldwide to provide employees 14 days' notice of work schedules, compensate employees for schedule changes, grant employee requests for schedule changes under certain conditions, and meet other requirements.
- Requires employers to give access to additional hours to existing employees before hiring externally.
- Provides for administrative remedies and a civil cause of action.

**SB 5717 Summary:**

- Creates a comprehensive program for certain employees regarding their work schedules.
- Covers employers in food services, hospitality, or retail with 250 or more employees worldwide, except full service restaurants must have 40 or more locations worldwide.
- Covers chains and franchises with 250 or more employees in the aggregate, except for those employing less than 25 employees across locations operated by that franchisee.
- Provides exclusions for nonprofit service organizations, temporary service contractor, and roadside assistance services.
- Provides covered employees with 14 days' notice of work schedules, compensates employees for schedule changes, grants employee requests for schedule changes under certain conditions, and other protections.
- Provides a ten-hour rest period for employees working closing an store opening the next day.
- Exempts volunteers who offer to work in response a mass or in-person communication.
- Requires existing employees to be offered additional hours before an employer may hire new employees.
- Provides for administrative remedies and a civil cause of action.

HB 1491 and SB 5717 had hearings in the House Labor & Workplace Standards Committee and Senate Labor & Commerce Committee respectively.

In February, HB 1491 was referred to the House Appropriations Committee and SB 5717 was referred to the Senate Ways & Means Committee. Neither of the bills made any movement after they were referred. Because the bills were introduced in the first year of the biennium, at the start of the next legislative session the bills will be reintroduced.

Testimony and documentation received by the State points out how complex and controversial this can be. The possibility of unintended consequences and negative impacts on hourly wage employees requires careful legislative consideration. The City may direct its legislative liaison to continue to track this issue in the next session.

**Attachments:**

Seattle Secure Scheduling Ordinance Summary

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House Bill 1491 Report  
Senate Bill 5717 Report