

LEGISLATIVE DIGEST

[Police Code –Rights of Formula Retail Employees in Hotels]

Ordinance amending the Police Code to allow collective bargaining agreements covering employees of Formula Retail Establishments in hotels to waive the protections of Articles 33F and 33G, which, among other things, require employers to offer additional hours of work, when available, to current part-time employees; require successor employers to retain employees for 90 days upon a change in control of the business; provide employees with certain rights regarding notice of and changes to their work schedules; and provide part-time employees with the same starting rate of hourly pay, access to time off, and eligibility for promotions, as provided to full-time employees.

Existing Law

The Board of Supervisors enacted two ordinances on November 25, 2014 that, collectively, have been referred to as the Formula Retail Workers' Bill of Rights (the "underlying ordinances").

One of the ordinances, No. 236-14, is entitled, "Predictable Scheduling and Fair Treatment for Formula Retail Employees Ordinance." It requires formula retail establishments to provide employees with two weeks' notice of work schedules, notice of changes to work schedules, and compensation for schedule changes made on less than seven days' notice and unused on-call shifts. The ordinance also provides part-time employees with the same starting rate of hourly pay, access to time off, and eligibility for promotions, as provided to full-time employees. The other ordinance, No. 241-14, requires formula retail establishments to offer additional hours of work, when available, to current part-time employees. The ordinance also requires successor employers to retain employees for 90 days upon a change in control of the business.

Neither ordinance allows employees to waive its protections as part of a collective bargaining agreement.

Amendments to Current Law

The proposed legislation would allow unions representing formula retail employees working inside hotels to waive the protections of the underlying ordinances as part of a collective bargaining agreement.

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