ANALYSIS

This ordinance amends Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, Section 8.102.080 – Predictability Pay for Work Schedule Changes, to clarify the conditions that trigger a retail employer's obligation to provide predictability pay when adjusting a retail employee's work schedule.

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MSB:bl

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ORDINANCE NO.______________

An ordinance amending Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, Section 8.102.080 – Predictability Pay for Work Schedule Changes, relating to the circumstances when a retail employer is required to provide predictability pay to a retail employee when making a change to the employee's work schedule.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.102.080 is hereby amended to read as follows:

8.102.080 Predictability Pay for Work Schedule Changes.

A. A Retail Employer must provide the Retail Employee with Predictability Pay under the following conditions:

1. A Retail Employer must compensate the consenting Retail Employee with one additional hour of pay at the Retail Employee's regular rate for each change in their Work Schedule made pursuant to Section 8.102.060.B to a scheduled date, time, or location that:

a. Results in no loss of time to the Retail Employee; or

b. Results in additional work time that exceeds fifteen (15) minutes.

2. A Retail Employer must compensate a Retail Employee at one-half (½) of the Retail Employee's regular rate of pay for the time the Retail Employee does not work ~~for the following reasons if occurring after the advanced notice required in Section 8.102.060.A~~if the Retail Employer:

a. ~~Subtracting hours~~Reduces the Retail Employee's work time stated in the Work Schedule ~~from a Shift before or after the Retail Employee reports for duty;~~

~~b. Changing the start or end time of a Shift~~ resulting in a loss of more than fifteen (15) minutes; or

~~c. Changing the date of a Shift;~~

~~d. Cancelling a Shift; or~~

~~e~~b. Schedul~~ing~~es the Retail Employee for an On-Call Shift for which the Retail Employee is not called in.

B. Predictability Pay is not required if any of the following occur:

1. A Retail Employee initiates the requested Work Schedule change

2. A Retail Employee accepts a schedule change initiated by a Retail Employer due to an absence of another scheduled Retail Employee. The Retail Employer must communicate to the Retail Employee that acceptance of the hours is voluntary and the Retail Employee has a right to decline and must document the specific nature of the request and the Retail Employee's consent.

3. A Retail Employee accepts additional hours pursuant to Section 8.102.070.

4. A Retail Employee's hours are reduced due to the Retail Employee's violation of any existing law or of the Retail Employer's lawful policies and procedures.

5. The Retail Employer's operations are compromised pursuant to law.

6. Extra hours worked require the payment of an overtime premium under California Labor Code section 510.

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