

# Employers seek more changes to predictive scheduling legislation

Employers opposed to advance notice

By **PARIS ACHEN**  
*Capital Bureau*

SALEM — Despite proposed revisions to a bill that would mandate two weeks’ notice for employee schedule changes and penalty pay for changes without the required notice, employers continued to voice opposition to the regulations during a hearing Monday.

The legislation is “an ill-conceived attempt to more formally systematize what is inherently a very fluid and dynamic process,” said Chris Girard of Plaid Pantry Inc.

Girard said the bill “would actually reduce flexibility in meeting employees’ scheduling needs.” Many employees request last-minute changes, and the two-week notice requirement makes it harder for employers to accommodate those requests, he said.

A proposed amendment to the bill, however, would give employers a big concession. The amendment removes a requirement for “on-call pay.” The provision would have required employers to pay for up to four hours of work if the employee is on call but works no hours. The agriculture community and other businesses cheered the change but are still concerned about meeting the requirements, especially in industries dependent on weather or deliveries such as construction or nurseries.

Employers said they’re also concerned with a provision that would give employees the right to request a schedule change and make retaliation against the employee an unlawful employment practice.

The language in the bill could open businesses up to frivolous lawsuits when bosses deny such requests, said Betsy Earls, a lobbyist for Associated Oregon Industries and the Oregon Retail Council.

Lobbyists with public employers urged lawmakers to give an exemption for collective bargaining agreements, as Seattle did in its similar ordinance, because the agreements spell out the process for schedule changes and could conflict with the law.

The requirements would apply only to retail, hospital-ity and food services establishments with 25 or more employees in Oregon.

If passed, the so-called “predictive scheduling” legislation would be the first statewide law of its kind in the nation. Only local jurisdictions, such as San Francisco and Seattle, have passed comparable policies. Similar legislation stalled in the Oregon Legislature in 2015.

Not all employers oppose the bill. A representative from the New Seasons grocery chain spoke in support of the proposed regulations.

“We know from firsthand experience that when workers have fair and predictable scheduling, families thrive and businesses succeed,” said Sarah Joannides, social responsibility director at New Seasons. Joannides said many customers shop at the chain because of the way the company treats its employees.

Several employees in the service industry also spoke about how they have struggled when they haven’t been able to know their schedule in advance. One man said he was given 15 minutes’ notice that he would be required to work a double shift.

State Sen. Michael Dem-brow, D-Portland, sponsored this year’s legislation after convening a work group on predictive scheduling last year.

Several members from the business community boycotted the work group meetings because they said they felt attempts to regulate and tax businesses in Oregon have become increasingly over-reaching and anti-business. At the time, they pointed to Measure 97, which sought to tax certain large corporations on sales. Voters defeated the

measure overwhelmingly in November.

Surveys, however, show that employers often schedule employees with less than 24 hours’ notice, Mary King, a labor economist and professor at Portland State University, testified in late February. King and two researchers from the University of Oregon completed a report on their research earlier this year. With such short notice, some employees cannot find child care, make doctor’s appointments, work second jobs or attend school, she said.

*The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.*



**LEFT:** State Sen. Kathleen Taylor, chairwoman of the Workforce Committee, and Legislative Analyst Debra Maryanov review paperwork before a hearing on predictive scheduling Monday at the Capitol in Salem. **RIGHT:** Members of the Working Families Party sit in a hearing on a predictive scheduling bill in the Senate Workforce Committee at the Capitol in Salem Monday. Left to right, in the front row are Ian Johnson, Mark Hehlen and Nicholas Phelan, all of Portland.



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