



Will California See Dueling “Fair Scheduling” Proposals in 2018?

Insights

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Popular legislative proposals sometimes generate competition among legislators for who will be the first to introduce a bill on a given subject, or who will get credit for a bill’s final passage and enactment into law.

In California, it appears the next topic to fall into this category could be “fair” or “predictable” scheduling proposals.

These proposals generally seek to regulate the scheduling practices of employers, sometimes focusing only on employers in certain industries. They generally require employers to provide advanced written work schedules and impose some type of financial penalty on employers that change work schedules after they have been posted.

Several cities (including Seattle, San Francisco and New York City) have adopted ordinances along these lines. Oregon became the first state to adopt a statewide law on this subject this year when it enacted a law that will go into effect in July 2018 (but not be enforced until January 2019).

Last week, Senator Connie Leyva (D-Chino) announced that she would be introducing a “Scheduling Bill of Rights” in January when the Legislature reconvenes. In her press release, she stated:

“I am pleased to announce that I will build upon my previous work to ensure reliable schedules for workers by introducing legislation this coming January to restore balance for hourly workers whose lives and paychecks are disrupted by constantly changing work schedules. As we approach the holidays, we are reminded that many hourly workers may not find out when they are working until an hour or two before they are required to show up—all for the convenience of the employer with little regard of the needs of workers. Our neighbor to the north, Oregon, already passed work schedule predictability earlier this year and California workers certainly deserve to know the same information from their employers.”

Not to be outdone, that same day, Assemblymember Lorena Gonzalez Fletcher (D-San Diego) issued a press release of her own, stating that she too would be authoring legislation in 2018 to “prevent erratic scheduling practices that have become too common in part-time workplaces.” According to her press release, her proposal will require employers to provide advance notice “so workers can better plan their responsibilities of family, other jobs and school.”

This isn't California's first foray into this issue. In 2015, Assemblyman David Chiu (D-San Francisco) introduced [AB 357](#), the "Fair Scheduling Act of 2015" that would have adopted a statewide law based on the San Francisco ordinance. That bill was heavily opposed by the employer community and was not taken up for a vote on the Assembly floor.

In 2016, Senator Leyva introduced [SB 878](#), to similarly enact a statewide "fair scheduling" proposal. That bill was held under submission in the Senate Appropriations Committee.

So California employers could see two competing "fair scheduling" proposals in 2018. Of course, the two authors could agree to join efforts and work collaboratively on a single legislative proposal, but that may be unlikely given some recent [politics](#) between the Assembly and the Senate. Another possibility is that Assemblymember Lorena Gonzalez Fletcher could add these provisions to a bill she currently has on the Assembly floor ([AB 5](#)) which seeks to require employers to offer hours to part-time workers before hiring new employees. This topic has been combined with the "fair scheduling" issue in some of the jurisdictions to legislate on this subject, so there is some precedent in combining these issues.

Only time will tell how this plays out. What is clear is that "fair scheduling" legislation will definitely be a hot topic in Sacramento in 2018. We will keep you updated on developments as the legislative year progresses.

Related People



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