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New York City Predictive Scheduling Law Effective November 26, 2017 Impacts Retail & Fast Food Employers

New York City's new Predictive Scheduling Law, effective November 26, 2017, imposes significant constraints on retail and fast food employers. The law is complex, and the penalties for non-compliance are severe.

Retail Employers

Among other requirements, the new law mandates that covered employers:

- Provide employees with written schedules and post schedules at least 72 hours before the beginning of the scheduled hours of work
- Provide 72 hours' written notice of schedule changes
- Post and provide employees with notice of changed schedules

The law prohibits:

- Cancelling a regular shift within 72 hours of the start of such shift
- Requiring an employee to work with less than 72 hours' notice without an employee's written consent
- Requiring an employee to call in fewer than 72 hours before a shift begins
- Scheduling an employee for an on-call shift

Fast Food Establishment Employers

The law imposes new scheduling requirements on fast food establishments, including the following:

- Provision of written work schedules to employees
- Posting of work schedules
- Provision of schedule changes to employees and reposting of changed schedules within 24 hours of employer's knowledge of change
- Written consent of employee to work hours not scheduled
- Payment of premiums, ranging from \$10 to \$75, where an employee's schedule varies from the original work schedule

Enforcement

Covered employers are subject to (1) compliance investigations by the newly created Labor Standards Division, (2) lawsuits by the New York City Corporation Counsel, and (3) private actions commenced by individuals. The new law authorizes the imposition of penalties for violations of its provisions ranging from \$200 to \$2,500 per violation depending on the specific provision violated by the employer.

Retail and fast food employers operating in New York City should review their scheduling policies now and develop procedures to ensure compliance with the requirements of the new predictive scheduling law.

For more information on Meyer Suozzi's Employment Law practice, [click here](#).

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