

Communication from Public

Name: Anthony

Date Submitted: 05/31/2022 08:33 PM

Council File No: 19-0229

Comments for Public Posting: My name is Anthony and I'm a store manager with GAP, currently I'm working in Los Angeles, CA. I've been with the company for almost 3 years. While I'm very grateful to have a job I work hard at, I can't say I've had many positive experiences with the GAP brand. In my experience there is no work/life balance. I've actually had a manager tell me, "I'm not going to work harder so you can live your life." Aside from my position at GAP, I've always had another job and now I'm back in school as well. I can't say how many times I've had to remind upper management of that fact. Whenever I'm asked to switch a shift, come in early, or stay later and I can't due to my other obligations, my integrity and work ethic are immediately called into question. There have been numerous occasions where I've been scheduled to close the store only to come right back and open early the next morning (example: at my current store we are a management team of 7?? Off topic but I feel discriminated against). Due to every new work week starting on Sundays, there have been times where I'll work 7-10 days in a row without proper compensation or consideration. Due to upper management overscheduling at the wrong times, we are often understaffed to a laughable degree, the customer experience is horrible and the stress levels go through the roof. I was promised 40 hours a week when I started at this store, and had to fight to keep those hours when I was told we would all have to "do our part" in paying back the overspent hours. I had no control of, or played a role in that, and now my hours are being cut. That's taking money out of all our our pockets. Some of us can't afford to miss a day. In my old management position with the company I worked over 40hrs a week for 3 months classified as a part-timer so not to acrew PTO or collect benefits....I'm sure thats illegal. There is immense pressure to perform and hit metrics, that's hard to do when there's no staff on the floor. When I say how I truly feel, I'm just being "difficult" and am painted in a negative light in the store. A culture has been curated where you're made to feel like calling out is committing a crime, not a misdemeanor, a crime. Favoritism is at play, hours aren't guaranteed, and it's always your fault. Staff fears retaliation (also illegal). This week, a coworker told me she skipped an important class reviewing her final exam because her schedule was changed and she didn't want

to be “that person” calling out. Really sad that that’s the mentality. This past October my Brother passed away... I was working at GAP, felt unsupported. Over the Easter holiday my Uncle passed away, I was working at GAP...felt unsupported, told my boss my mental health was being damaged and I needed time off ASAP, I was told that I had to wait until people were done with vacation to take some mental health days....felt unsupported. All of this is not OK, staff shouldn’t live in fear at a retail job, not knowing if they’ll make enough to meet both their financial and familial obligations. Too afraid to say anything when they are witness to, or are victims of injustices because they’re afraid of losing their jobs if they complain, or are brave enough to call Human Resources (also a “crime”). I’ve dealt with this companies human resources dept. before and unfortunately, nothing was done in my particular situation(s). Once again...I felt unsupported. These are sadly only some of my experiences, but in this city, there are thousands of retails workers working for hundreds of companies that suffer a similar fate. Working retail in the Brick & Mortar locations is the equivalent of being in a abusive relationship, thats why I’m advocating for these workers rights. It is paramount, that these changes be implimentated in Los Angeles county. No matter how old you are, you deserve to work in a place that makes you feel happy, supported, valued, and heard. No retail job is worth your mental and sometimes physical well-being. This is why I am urging council members to pass the fair workweek policy. This will greatly impact so many workers lives in a positive way. Thank you for your leadership on this.

Communication from Public

Name: Amardeep Gill
Date Submitted: 05/31/2022 05:41 PM
Council File No: 19-0229
Comments for Public Posting: Please see attached letter from the Untied Food and Commercial Workers International Union Local 770, Los Angeles Alliance for a New Economy and Fair Workweek LA Coalition. Amardeep Gill Director Grocery & Retail Project LAANE

770

UFCW LOCAL 770

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(800) UFCW 770
8:00 a.m. – 5:00 p.m.
Monday – Friday

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May 31, 2022

Sent via E-Mail & USPS

Los Angeles City Council
Council President Nury Martinez
200 North Spring Street
Los Angeles, CA 90012

RE: Fair Workweek Fair Ordinance

Dear Honorable Council President Martinez and Honorable Councilmembers,

We are pleased that now, years since its introduction the Fair Workweek Fair Ordinance is before Council. This ordinance has been highly vetted, and compromises made to address the implementation of this historic law.

So, we are disheartened to learn that yesterday, May 30, 2022, two days before you hear this ordinance, the California Grocers Association (CGA) has tried to inject an exception that would undermine the law, seeking an exception for “unanticipated consumer need.” The City Council should reject the CGA’s request to create an enormous loophole which would effectively eliminate predictability pay protections from the Ordinance. The BCA after careful review recommended deletion of the language contained in Section 186.05.B.2 of the Ordinance. We urge you to honor their recommendation. Failure to do so will undermine a critical protection contained in the Ordinance.

The stated purpose of the Ordinance is “to promote the health, safety, and welfare of retail workers in the City by providing them with a more predictable work schedule.” One of the key ways in which the Ordinance achieves this goal is by providing employees with predictability pay where their employer modifies their set schedules on short notice.

The Ordinance, as originally drafted by the City Attorney, contained an expansive exception to the predictability pay requirement in Section 186.05.B.2 for cases where “An Employee accepts a schedule change initiated by an Employer due to an absence of another scheduled Employee or unanticipated customer need. [...]” Recognizing the overbroad and harmful nature of this exception, the BCA recommended that it be deleted in its letter to the City Council dated March 29, 2022. On May 24, the Economic Development and Jobs Committee amended Section 186.05.B.2 to eliminate the “unanticipated customer need” portion of the exception.

The “unanticipated customer need” exception, which the CGA now seeks to revive, is so open-ended and subjective that it would nullify the predictability pay requirement in its entirety. Indeed, how would a worker be able to verify such a customer need which would deny them predictability pay. We cannot open the door to allow a grocery or retail employer to rely on such a broad exception to argue that the volume of business was “unanticipated,” and employees’ schedules had to be modified at the last minute such that the burden shifts to the employee.

The CGA's argument that eliminating the exception would prevent grocery stores from remaining open in emergency or disaster situations is misleading. The current draft of the Ordinance already contains a predictability pay exception where "The Employer's operations are compromised pursuant to law or force majeure" (Section 186.05.B.5), so their stated concern is already addressed. The Coalition has opined that this exception could be clarified to specifically address natural disasters, failures of public utilities, and states of emergency, though we believe those circumstances fall within "force majeure". Moreover, there is nothing to prevent the employer from asking employees to work outside of their set schedule, or the employees from voluntarily agreeing to do so, as long as they receive predictability pay.

Lastly, it should be noted that similar fair scheduling ordinances enacted by other cities such as Seattle, Philadelphia, and New York do not contain this broad exception to predictability pay.

As you are aware this matter will return to Committee after your vote. We, therefore, urge you to approve these amendments as they were voted on in Committee and direct the City Attorney to forward a final draft to the Committee. At that time Councilmembers and City staff will have an opportunity to look at this again with fresh eyes before returning an ordinance to you for a final vote.

Thank you for your attention, consideration, and continued support for LA retail workers.

In solidarity,



UFCW LOCAL 770
John M. Grant, President



LAANE
Executive Director



JMG:jc



FAIR WORKWEEK ENDORSEMENTS

Los Angeles Alliance for a New Economy
United Food and Commercial Workers International Union- Local 770 9to5
ACLU SoCal
Arroyo Seco Neighborhood Council
California Latinas for Reproductive Justice
California Work and Family Coalition
Canoga Park Neighborhood Council
Center for Law and Social Policy
Center for Popular Democracy
Coalition for Economic Survival
Coalition for Humane Immigrant Rights
Democratic Socialists of America- Los Angeles
Empowerment Congress North Area NDC
Food Chain Workers Alliance
Greater Wilshire Neighborhood council
Human Impact Partners
Instituto de Educación Popular del Sur de California
International Longshore and Warehouse Union- Southern CA District Council
Koreatown Immigrant Workers Alliance
LAX Area Democratic Club
Legal Aid at Work
League of Women Voters
Los Angeles Black Worker Center
Los Angeles Coalition for Reproductive Justice
Los Angeles County Democratic Party Labor Committee
Los Angeles County Federation of Labor

Los Angeles Food Policy Council
Los Angeles Forward Action
National Council of Jewish Women- Los Angeles
National Organization for Women- Hollywood
National Women's Law Center
NoHo Neighborhood Council
North Valley Democratic Club
Northeast LA Democratic Club
Northwest San Pedro Neighborhood Council
Pacoima Beautiful
Para Los Niños
Party for Socialism and Liberation
Pico Union Neighborhood Council
Pilipino American LA Democrats
Pilipino Worker Center
Prevention Institute
Raising California Together
Rampart Village Neighborhood Council
Restaurant Opportunities Centers United
Santa Monica Democratic Club
Southern California Coalition for Occupational Safety and Health
St. John's Well Child and Family Center
Strategic Actions for a Just Economy
The Wall Las Memorias
UCLA Labor Center
UCLA Labor Occupational Safety and Health Program
United for Respect
United Neighborhoods Neighborhood Council
Valley Grassroots Democratic Club
Wage Justice Center
Westside Neighborhood Council



HOUR CRISIS

Unstable Schedules in the Los Angeles Retail Sector



The retail industry is the **second largest employer** in Los Angeles. In addition to struggling with scheduling and other issues, retail and grocery workers were forced to choose between their health and their paychecks, as a result of becoming frontline workers during the COVID-19 pandemic.

KEY STATS

80%

of retail workers do not have a set schedule week to week.

77%

get less than one weeks' notice of their schedules.

52%

of retail workers are women. One in three are heads of households and one in three support children.

44%

have had to work "clopening", often with less than 10 hours of rest between shifts.

2/3

of all retail workers report that their managers have changed their schedules after posting.

45%

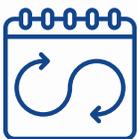
of retail workers who need childcare can't use existing childcare centers because of their schedules.

[1] Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector. UCLA Institute for Research on Labor and Employment, 2018

A FAIR WORKWEEK IN LOS ANGELES MEANS:

PREDICTABLE WORKWEEKS

- Sharing work schedules at least 2 weeks in advance.
- Fair compensation for on-call or cancelled shifts.
- Predictability pay for scheduling changes.



FLEXIBILITY

- Adjust availability without fear of termination, reduction in hours, or other retaliation.

OPPORTUNITY TO WORK

- Part-time employees have a chance to pick up newly available hours before employer hires additional staff.



HEALTHY WORKWEEKS

- Ensures 11 hours of rest between shifts.
- The right to decline or overtime pay for working shifts with less rest.

For more information or to get involved, contact ncastro@laane.org | [@fairworkweekLA](https://twitter.com/fairworkweekLA)