

## Communication from Public

**Name:**

**Date Submitted:** 06/01/2022 08:52 AM

**Council File No:** 19-0229

**Comments for Public Posting:** Councilmembers, Please accept the attached letters regarding amendments to the "Fair Work Week" ordinance. Thank you for your consideration. Tim James

June 1, 2022

The Honorable Nury Martinez  
President, Los Angeles City Council  
200 N. Spring St., Ste 470  
Los Angeles, CA 90012



RE: "Fair Work Week" Ordinance Amendments

Dear President Martinez,

As you consider the "Fair Work Week" ordinance it is important to recognize both the entirety of the ordinance and the circumstances under which it will be applied. We believe all involved recognize the value grocery stores bring to neighborhoods by offering food, medicine and essential household goods in good times and bad.

We are now seeing comments regarding this ordinance which do not recognize the opportunities it bestows upon employees to control their own schedule. The most notable of these is "an employee has a right to decline any hours, shifts, or work location changes not included in the Work Schedule." In essence, this means within a 14-day window before a shift starts an employee can refuse changes to their schedule. In most cases, if a change is accepted the employer then provides penalty pay.

After establishing this opportunity for workers, the ordinance continues to discuss exceptions under which an employee may voluntarily accept a schedule change where the employer is not required to provide the penalty pay. These exceptions are necessary to avoid inadvertently creating a disincentive for the employer to offer employees additional hours or to maintain appropriate store operations. Unfortunately, "unanticipated customer need" was removed from 185.06.B.2.

The inclusion of "unanticipated customer need" is clearly meant to allow stores to maintain operational status when faced with unusual circumstances, which includes remaining open when other surrounding stores may be closed.

It is important to share with you that it has been suggested that 185.06.B.5 which references force majeure is sufficient to handle our concerns, but "force majeure" is a highly limited term. The term is essentially tied to the notion of the impossibility of performance at a specific location. Force majeure would not apply to the challenge experienced by a store location inundated by customers due to challenges nearby.

It is important to understand the real issue of concern in both localized or neighborhood emergencies or disasters. We know from experience stores surrounding, but outside of the impacted area, will be taking on additional consumers and will need to ramp up operations and bring in additional employees in order to respond.

Without nearby stores ramping up availability, capacity, and, most importantly, additional employees then consumers would face negative impacts that have rippled towards the stores which are not directly impacted. Force Majeure in any of its definitions would not be able to be invoked at these additional stores that would be required to continue support for the community.

**To be very clear, continuing to include "unanticipated customer need" in 185.06.B.2 in no way impacts an employee's ability to decline any hours, shifts, or work location changes. However, it does allow a grocer to offer additional hours to employees in support of maintaining store operations, especially in critical times, when circumstances arise within the 14-day scheduling window without penalty.**

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We believe it is vitally important, and that the Council can provide both employee predictability and the ability for grocers to maintain operations and service levels necessary to serve its consumers without penalty in the event of emergencies. Our request to retain the exceptions as originally written in the draft ordinance in no way infringes upon an employee's ability to retain their predictability inside the 14-day scheduling window.

Thank you for your time and consideration. We are directly asking this issue be addressed before final passage of the ordinance as it is important to include a remedy before becoming law.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim James", is written over the typed name and title.

Tim James

Director, Local Government Relations  
California Grocers Association

cc: Members, Los Angeles City Council  
Holly L. Wolcott, City Clerk, City of Los Angeles

## Communication from Public

**Name:** Jane Wishon

**Date Submitted:** 06/01/2022 12:48 PM

**Council File No:** 19-0229

**Comments for Public Posting:** On behalf of the Stonewall Democratic Club, I would like to submit the attached letter in support of the Fair Work Week Ordinance. We are in strong favor of this policy.



June 1, 2022 *Sent via email*

Los Angeles City Council  
200 North Spring Street  
Los Angeles, CA 90012

To: Council President Nury Martinez and Economic Development & Jobs Committee Chair Curren D. Price

CC: LA City Councilmembers

**RE: SUPPORT Los Angeles Fair Work Week Ordinance (Council File 19-0229)**

On behalf of the Stonewall Democratic Club, I want to express our strong support for the LA Fair Workweek Ordinance (FWW) and would like to thank you for your leadership in moving the ordinance forward. As you know, Stonewall is the oldest club of its kind and is dedicated to LGBTQ+ and feminist rights.

The retail industry is the second largest employer in Los Angeles, with over [140,000 retail workers](#) in the city, with a majority of the workers from communities of color and identifying as women and/or LGBTQ+. As you are aware, the pandemic rattled this industry as workers in this sector became frontline essential heroes responsible for connecting our communities with the food and resources needed during these uncertain times. Many workers have been forced to choose between their health and a paycheck—and they continue to meet the challenges of the pandemic while big corporations in this sector keep bringing in record profits.

As we move toward recovery from this unprecedented pandemic, a comprehensive FWW policy will make retail and grocery work more just for these thousands of workers, make jobs in this sector sustainable, and will help uplift our communities who have been most impacted by the pandemic. Unfair scheduling impacts a huge number of working families in our city, with unstable work hours upholding a system of income inequality that keeps communities in poverty: workers in this sector are the least well off in the LA economy.

The “Hour Crisis” report released by the UCLA Labor Center showed that 8 out of 10 retail workers in Los Angeles do not have a set weekly schedule, with 77 percent of workers receiving their schedules no more than one week in advance—even day-of and last-minute scheduling changes are common. This instability in scheduling has detrimental effects that also lead to poor health, stress, anxiety, lack of sleep, irregular meal times, missed medical appointments, no time off for emergencies or special events, and little chance to plan ahead for family, school, and additional work commitments. A recent study released by The Economic Round Table found that over 58% of Kroger workers have work schedules that change at least every week, and that 67% say they do not earn enough money to pay for basic expenses every month.

Our retail and grocery workers deserve access to high quality jobs and scheduling stability that affords them a good quality of life, positive work-life balance, dignity, and respect.

The heart of this policy will ensure that retail workers in the city:

- Receive two weeks’ notice of their schedules;
- Are not forced to work “clopening” shifts or to remain “on-call” for shifts;
- Will not be retaliated against for requesting a change in their shift;
- Will receive additional compensation for last-minute changes to their schedules; and

- Will be offered additional hours at their place of employment before employers hire additional part-time workers.

The policy will apply to employers with at least 300 employees globally in the retail and grocery sector, including chains and franchises, covering around 70,000 workers in the city.

We look forward to Los Angeles joining the growing chorus of cities that have passed fair scheduling policies, including New York City, San Francisco, Seattle, Philadelphia, and Chicago. Our essential workers in the retail and grocery industry should not have to keep facing the same challenges that they did prior to the pandemic.

Thank you for your leadership.

Jane Wishon  
Political Vice President  
Stonewall Democratic Club

## Communication from Public

**Name:** Cynthia B

**Date Submitted:** 06/01/2022 09:05 PM

**Council File No:** 19-0229

**Comments for Public Posting:** My name is Cynthia and I'm a retail worker at Target here in Los Angeles, CA. I want to express my strong support for the LA Fair Workweek Ordinance (FWW) and would like to thank you for your leadership on moving the ordinance forward. As you are aware during this pandemic retail and grocery industry workers like myself became frontline essential heroes responsible for connecting our communities with the food and resources needed during these uncertain times. As we move toward recovery from this pandemic, a strong FWW policy will make retail and grocery work more just for us. We deserve access to high quality jobs and scheduling stability that afford us a good quality of life, positive work-life balance, dignity, and respect. As a parent, having a fair schedule would allow me to have a stable income to support my family and it would also allow me to spend more time with my family. As essential workers in the retail and grocery industry, we should not have to keep facing the same challenges that we did prior to the pandemic. Thank you.