

**Fair Workweek Ordinance
Emeryville Municipal Code, Chapter 39 of Title 5**

Covered Employers:

**Retail Firms with 56 or more employees globally.
Fast Food Firms with 56 or more employees globally and 20 or more employees in Emeryville.**

Effective July 1, 2017

Advance Notice of Work Schedule



Employer must provide at least two weeks advance notice of schedules.

Before a new employee starts their employment, the employer provides good faith estimate of work schedule in writing.

Right to Rest/"Clopenings"



Employers must pay time-and-a-half for any hours worked between closing and opening (clopening) shifts that are separated by less than 11 hours.

Employee has right to decline work if less than 11 hours after end of previous day's shift.

Notice, Right to Decline & Compensation for Schedule Changes



Employer must provide notice of any changes to schedules which are employer initiated.

Employee has right to decline any previously unscheduled hours if given less than 14 days' notice.

Employer must give Predictability Pay for changes made to the schedule:

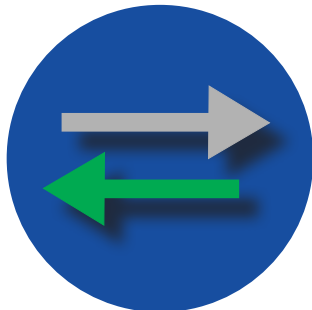
- Notice given less than 14 days but 24 hours or more = 1 hour pay
- Notice given less than 24 hours = 4 hours pay or number of hours in the scheduled shift, whichever is less.
- All other changes in less than 24 hours = 1 hour of pay

Offer of Work to Existing Employees



Employer shall first offer additional hours to existing qualified part-time employees until they reach 35 hours of work in a calendar week, in at least 4 hour increments.

Right to Request a Flexible Working Arrangement



Employee has a right to request additional shifts or hours, changes in start or end times, shift swaps, part time employment, etc.

Exceptions

Grace period for additions or subtractions of 10 minutes or less before and after shift starts and ends.

Employee initiated employee to employee shift swaps.

Employee works past scheduled shift end in order to complete a transaction.

Notice, Right to Decline, and Compensation for Schedule Changes exceptions are made for civil threats, utility failures, acts of nature or other causes out of employer's control.

This law applies to employees regardless of immigration status. Employers must comply with this law. Retaliation is illegal. The City of Emeryville provides language translations and interpretations upon request.

Contact Us

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