



## **Sampling of NYACS Member Comments to NYS Labor Dept. Concerning Proposed 'Predictive Scheduling' Regulations**

**“In a perfect world, we would gladly offer 2-week advance scheduling. In reality, in a high turnover entry level environment, we are generally satisfied if we still have the same staff members in 2 weeks. Additionally, in the fast paced environment of retail marketing with mostly entry level staff, we struggle every single day to cover call outs.”**

“Our employee scheduling is done a week in advance and must accommodate college students, employees who work two jobs, people with children, spouses or aging parents to care for, transportation restrictions and issues, retirees on social security with earning caps...the list of considerations goes on and on. Schedules are a collaborative effort and inevitably change. We are an industry of people, after all. And the labor laws by which we must abide are, at times, mechanical, complex, riddled with exceptions and interpretative. These proposed scheduling restrictions are more of the same.”

**“What about an employee who is on jury duty? They need to call the night before to see if they must report to court the following day. So as a business, we will now be faced with the option of calling in a different employee and pay an additional two hours if the first employee is called for jury duty, or have an employee on call and pay them for an extra four hours if they have a shift cancellation due to first employee not having to go in for jury duty on that day. That could be repeated for multiple days during the period the employee remains on jury duty.”**

“No one can predict what weather, traffic and other events that may happen in a few days but now we would be required to know what will be happening 14 days from now to schedule employees. This is impossible to do. Customer service will suffer, vendors may not be supplying stores properly, out of stocks and lost sales and lost margins will increase. Add on the rules for canceled shifts, on call shifts, unscheduled shifts, etc in addition to the hefty yearly minimum wages increases and the only thing this will accomplish is businesses closing their doors or moving out of state. In the interest of all businesses in this state, this regulation should not be passed.”

**“NYS is forcing employers like me to get rid of employees. The NYS employer regulations are hurting small businesses like the ones I am trying to operate. They are also**

**hurting the young workers trying to find a job - there won't be any if NYS keeps implementing new employment taxes and regulations.”**

“We would not be able to offer the flexible scheduling desired by our current employees. Our store operations would be under financial pressure to make staffing decisions detrimental to our current employees. We would have to consider changing our hiring practices so as to avoid people with personal obligations that might interfere with the advance 14 day work schedule required by the proposed rules. In addition, the proposed rules would encourage us to deny employee time-off requests received on short notice.”

**“I do my scheduling one week before the start of the next work week. I also have a calendar for all employees to block off days that they cannot work. I am very consistent with hours that I pay from week to week so my employees can count on a consistent paycheck. My location supports a rural community with a population that is not increasing. At the same time my costs have escalated with the new minimum wage scale. As a result, I have had to reduce payroll hours and find other places to cut costs. I believe I am a very fair employer and if I do not recognize my employees’ needs, they will go elsewhere for jobs. Scheduling has always been a give and take in my business.”**

“One of our employees and his wife are expecting their first child sometime in late February or March. He has already told us that he will be taking at least two weeks off for paid family leave (new in 2018) when the baby arrives in addition to his 2 weeks of Paid Vacation and 3 days of Paid Personal Leave. Since we don’t know when the baby will actually arrive, it will be virtually impossible to schedule 2 weeks in advance for the employee’s time off, as well as having the coverage scheduled for his replacement. So, by this new regulation, if appears that if the employee’s wife has the baby after the 2 week schedule has been made, and the employee takes leave to be with his baby, we will need to pay 2 extra hours to the employee who takes the vacant shifts for *every day of the current 2 week schedule*. Or if we try to be proactive, and schedule a different employee to cover the shifts ahead of time, and if the baby is late and doesn’t come on time, we will be forced to pay 4 hours *per day of the 2 week schedule* to the employee we cancel to allow the first employee to continue working until the baby arrives.”

**“I believe the statement coming from the Department that the proposed regulation “does not impose any mandatory costs on the regulated community, as employers may avoid call-in pay by providing sufficient notice to employees of work schedules” is far from reality. These proposals will only add costs to our business, which will be passed along to the consumer and will no doubt result in a reduction in service levels and consumer satisfaction.”**

“New York State seems very happy to go after the small businessman like me trying to earn an honest living, trying to support their community and paying taxes. New York State keeps dipping into my business bank account for sales tax, cigarette taxes, fuel taxes, employee taxes, insurance costs, etc. New York State is not friendly to small business owners. Once I sell my businesses, I look forward to leaving New York State for a state that does not tax its businesses and citizens so heavily. I wonder who will be left in NY to carry the heavy tax burden for New York State?!”