

Important Information for Retail Employers/Workers: NYC'S FAIR WORKWEEK LAW

The Department of Consumer and Worker Protection (DCWP) Office of Labor Policy & Standards (OLPS) enforces NYC's Fair Workweek Law, which took effect on November 26, 2017. DCWP created this overview for employers and employees. Visit nyc.gov/workers for more information, including Frequently Asked Questions.

NOTE:

- Employers cannot punish, penalize, retaliate, or take any action against employees that might stop or deter them from exercising their rights under the law. Workers should immediately contact OLPS about retaliation. See other side.
- The law covers workers regardless of immigration status.



About the Law

Under the **Fair Workweek Law**, retail employers in NYC must give workers predictable work schedules.

Covered Employers

Employers—including subcontractors and temporary help firms—whose workers perform tasks at a retail business in NYC. See *Covered/Not Covered Employees* section.

A retail business is a store that primarily sells consumer goods and employs 20 or more workers in NYC.

Covered/Not Covered Employees

Covered

All employees who work at a retail business store in NYC. See *Covered Employers* section.

Not Covered

Employees covered by certain collective bargaining agreements.

Overview of Employee Rights



72 hours' (3 days') advance notice of work schedule



No on-call shifts

No call-in shifts within 72 hours of the start of the shift



No shift additions with less than 72 hours' notice unless worker consents



No shift cancellations with less than 72 hours' notice

Notice of Rights

Employers must post the notice "YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE" where employees can easily see it at each NYC workplace.

Employers must post this notice in English and in any language that is the primary language of at least 5 percent of the workers at a workplace if available on the DCWP website nyc.gov/workers.

Recordkeeping

Employers must retain records of:

- Worker **hours each week**
- Each worker's **shifts worked**, including date, time, and location
- Workers' **written consent** to schedule changes when required
- **Each written schedule** provided to workers

Employers must retain electronic compliance records for three (3) years. If an employer fails to retain or produce records, employees receive a “rebuttable presumption” in their favor when they bring their complaint in court. This means that the burden will be on employers to show they did not violate the law.

Complaints

File a complaint with OLPS. Go to nyc.gov/workers or **contact 311** (212-NEW-YORK outside NYC) and ask for “Fair Workweek Law.” OLPS will conduct an investigation and try to resolve a complaint. **OLPS will keep a complainant’s identity confidential unless disclosure is necessary to complete an investigation or is required by law.**

File an action in court. However, employees cannot have a complaint with OLPS and a claim in court at the same time.

Contact OLPS

Visit nyc.gov/workers, email FWW@dcwp.nyc.gov, or **contact 311** and ask for “Fair Workweek Law.”