

Labor Alert – Action Required!!!

Call-In/On-Call Scheduling

The New York State Department of Labor (DOL) released draft regulations on November 10 on employee scheduling (call-in/on-call pay). These proposed regulations appeared in the November 22 issue of the State Register. These new regulations are meant to provide protection for on-call workers who are asked to call in before working a shift to ensure they are needed. We have until January 5 to comment.

The proposed regulations would require that employers pay employees, who come to work for a shift not scheduled a minimum of 14 days in advance, an additional two hours of call-in-pay. Employers are also required to pay employees, who have a shift cancelled less than 72 hours prior to the start of their shift, an additional four hours of call-in pay. It also would require employers who ask workers to call within 72 hours of the beginning of the shift to confirm whether or not to report to work, to pay an additional four hours of call-in-pay. You can read the entire regulations at <http://nyscwa.com/wp-content/uploads/2017/11/Call-In-Pay-Changes.pdf>. These regulations are also listed on our website, www.nyscwa.com

The board is currently reaching out to key legislators, setting up meetings with the Governor's office and working with the Business Council of New York State to position ourselves to fight these regulations. Several of our members have also spoken to their Senators and received positive feedback and support. In fact, Senator

Rich Funke, representing the 55th District covering Monroe and Ontario counties in western New York, has drafted a letter in opposition to these regulations (see attached in this mailer). He would like to get additional support from fellow Senators, but we need your help!

Please take a moment and contact your Senator (<https://www.nysenate.gov/sites/default/files/pdfs/-senators2017-1update.pdf>), or visit our website, www.nyscwa.com for this link, and let him or her know how negatively these regulations will impact your business **AND** your part-time staff.

Your part-timers like the flexibility working at a carwash can offer. When a test comes up or a school project, working at a carwash affords them the flexibility to adjust their hours. And according to a recent Gallup poll, 67 percent of variable hour employees say the flexibility in their position does not cause hardship.

Let your Senator know that carwash businesses are weather-driven. As an operator you cannot control the weather and may have to bring in more staff or give some the option of fewer hours depending on Mother Nature, which is completely out of your control.

Also let your Senator know about Senator Funke's letter of opposition and ask him/her to reach out to the Senator and sign on!

Please find below some talking points when you reach out to your Senator. Please call their office **AND** send an email. **Do not send out our Position Paper, but use it as a guide, and also refer to the Position Paper with Expanded Comments for more indepth**

information. Legislators will want individual emails and notes speaking about your story and how these regulations will negatively impact your operation.

Talking Points

- Introduce yourself and state your wash name and the number of part-timers you employ. Tell them a little about your operation and how long you've been in business. Emphasize the fact that you are an employer who often gives someone their first job.
- Note that with the current hike in the minimum wage, the new Family Medical Leave Act regulations and now these new regulations you will be forced to raise prices, eliminate some jobs and move toward automating your site which will eliminate some critical entry-level positions with flexible schedules.
- If applicable, let them know that expanding your operation (building new washes, renovating, hiring more staff) will be impossible with the impact (financial and back office) these new regs will have on your business. (You can calculate this impact using the attached spreadsheet). Also note that out-of-state expansion may be an option as the small business climate in New York State becomes less friendly.

By teaming up with the Business Council and other state associations impacted by these regulations we can make our voices heard, but we need you to make calls and send emails today. The deadline for voicing our concerns in January 5!

Please do not hesitate to reach out to me, personally, at 518/527-4202 or the office at 518/280-4767 for any additional clarification.

Thank you for your help!

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