

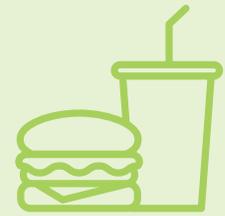
Important Information for  
Fast Food Employers/Workers:

# NYC'S FAIR WORKWEEK & FAST FOOD DEDUCTIONS LAWS

The Department of Consumer Affairs (DCA) Office of Labor Policy & Standards (OLPS) enforces NYC's Fair Workweek and Fast Food Deductions laws, which took effect on November 26, 2017. DCA created this overview for employers and employees. Visit [nyc.gov/dca](http://nyc.gov/dca) 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 back of booklet.
- The law covers workers regardless of immigration status.



## About the Laws

Under the **Fair Workweek Law**, fast food employers in NYC must give workers predictable work schedules and the opportunity to work newly available shifts before hiring new workers.

Under the **Fast Food Deductions Law**, fast food employers must honor employee requests to deduct voluntary payments from their paychecks to send to nonprofits that have a registration letter from DCA. The law covers nonprofits, as well. The law does not allow contributions to labor organizations.

## Covered Employers

Employers—including subcontractors and temporary help firms—whose workers perform certain tasks at a fast food establishment in NYC. See *Covered Employees section*.

A fast food establishment:

- Primarily serves food and beverages.
- Is where customers pay before eating on or off premises.
- Offers limited service.
- Is part of a chain. AND
- Is one of 30 or more establishments nationally, including as part of an integrated enterprise or as separately owned franchises.

Fast food establishments located inside other types of establishments, such as malls, are covered by the law.

## Covered Employees

Employees who perform at least one of the following tasks at a fast food establishment in NYC:

- customer service
- cooking
- food or drink preparation
- delivery
- security
- stocking supplies or equipment
- cleaning
- routine maintenance

## Notice of Rights

Employers must post the notices described below where employees can easily see them at each NYC workplace.

- YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE\*
- YOU HAVE A RIGHT TO MAKE CONTRIBUTIONS TO NONPROFITS THROUGH YOUR EMPLOYER

\*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 DCA website [nyc.gov/dca](http://nyc.gov/dca).

## Overview of Employee Rights

### Fair Workweek Law



Good Faith Estimate and first work schedules in writing on or before first day of work



14 days' (2 weeks') advance notice of work schedule

Written worker consent for any additions to a written schedule within 14 days of the start of the shift



Premium pay for all schedule changes with less than 14 days' notice – SEE TABLE BELOW



Written worker consent plus \$100 premium to work *clopening*\* shifts



Priority to existing workers to work newly available shifts before employer hires new employees

\*A *clopening* involves working 2 shifts over 2 days when the first shift ends a day and there are less than 11 hours between shifts.

Premium Pay Rates for Last-Minute Schedule Changes:

Amount of notice before the change is effective	Additional work time or shifts	Change to shifts but no change to total work time	Reduced work time or shifts
Less than 14 days' notice	\$10 per change	\$10 per change	\$20 per change
Less than 7 days' notice	\$15 per change	\$15 per change	\$45 per change
Less than 24 hours' notice	\$15 per change	\$15 per change	\$75 per change

### Deductions Law



Receive disclosures from nonprofit



Authorize employer to deduct voluntary payments from paycheck to send to a nonprofit

Automatic deduction and payment to nonprofit after DCA registers nonprofit



Revoke authorization to deduct voluntary payments

#### Premium pay is not required when:

1. Employer closes due to: threats to worker safety or employer property; public utility failure; shutdown of public transportation; fire, flood, or other natural disaster; government-declared state of emergency.
2. Worker requests a schedule change to a specific shift.
3. Worker trades shifts with another employee.
4. Employer must pay overtime for changed shift.

## Recordkeeping

Employers must retain the electronic compliance records described below for the noted period of time. 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.

### Fair Workweek Law

Employer must retain records of:

- Worker **hours each week**
- Each worker's **shifts worked**, including date, time, and location
- **Good Faith Estimates** of work hours provided to workers
- Workers' **written consent** to work *clopenings* and to schedule changes when required
- **Each written schedule** provided to workers
- **All premium payments** to workers, including dates and amounts

Retain records for three (3) years.

### Deductions Law

Employer must retain records of:

- All authorizations, revocations, deductions, and contributions to nonprofits
- Proof of distribution of required notice of rights

Retain records for two (2) years.

## Complaints

**File a complaint with OLPS.** Go to [nyc.gov/dca](http://nyc.gov/dca) or **contact 311** (212-NEW-YORK outside NYC) and ask for “Fair Workweek Law” or “Deductions 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/dca](http://nyc.gov/dca), email [FWW@dca.nyc.gov](mailto:FWW@dca.nyc.gov), or **contact 311** and ask for “Fair Workweek Law” or “Deductions Law.”