



NYC’s Fair Workweek Law Protects Retail and Utility Safety Workers

The Department of Consumer and Worker Protection (DCWP) enforces NYC’s Fair Workweek Law. Rights for retail workers took effect November 26, 2017. New rights for utility safety workers take effect January 14, 2022. 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 DCWP about retaliation. See Page 2.
- The law covers workers regardless of immigration status.

About the Law

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

Covered Employers

<i>Retail</i>	<i>Utility Safety</i>
<p>The law covers employers—including subcontractors and temporary help firms—whose workers perform tasks at a retail business in NYC.</p> <p>A retail business is a store that primarily sells consumer goods and employs 20 or more workers in NYC.</p>	<p>The law covers employers—excluding government—whose workers locate and mark underground facilities or inspect gas pipe fusions and joints.</p> <p>Underground facilities include, but are not limited to, pipelines, conduits, ducts, cables, wires, manholes, and vaults that are underground to provide services such as electricity, gas, water, steam liquid petroleum products, telephone communications, cable television, sewage removal, traffic control systems.</p>

Covered/Not Covered Employees

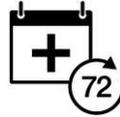
<i>Covered</i>		<i>Not Covered</i>
<i>Retail</i>	<i>Utility Safety</i>	
<p>The law covers all employees who work at a retail business store in NYC.</p>	<p>The law covers all employees who locate and mark underground facilities or inspect gas pipe fusions and joints.</p>	<p>The law does not cover retail or utility safety employees subject to certain collective bargaining agreements.</p>

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Overview of Employee Rights



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

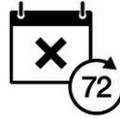


No shift additions with less than 72 hours' notice unless worker consents



No on-call shifts

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



No shift cancellations with less than 72 hours' notice

Notice of Rights

DCWP created notices that are applicable to the retail and utility safety industries. Employers must post the applicable "YOU HAVE A RIGHT TO A PREDICTABLE WORK SCHEDULE" notice where employees can easily see it at each NYC workplace.

Employers must post the 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 at nyc.gov/workers.

Recordkeeping

Employers must retain the electronic compliance records described below 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.

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
- Any **written request** by a worker for time off
- Any **agreement among workers** to trade schedules

Complaints

- ⇒ **File a complaint with DCWP.** Go to nyc.gov/workers or contact **311** (212-NEW-YORK outside NYC) and ask for "Fair Workweek Law."

DCWP will conduct an investigation and try to resolve a complaint. DCWP 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.**

Note: Employees cannot have a complaint with DCWP and a claim in court at the same time.

Contact DCWP

Visit nyc.gov/workers, email OLPS@dca.nyc.gov, or contact **311** and ask for "Fair Workweek Law."

The NYC Department of Consumer and Worker Protection (DCWP) protects and enhances the daily economic lives of New Yorkers to create thriving communities.

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