



August 2018

New York City Employers Must Post Notice of Rights Under New Temporary Schedule Change Law

By Carolyn D. Richmond and Glenn S. Grindlinger

The New York City Department of Consumer Affairs (DCA) recently issued regulations regarding implementation of the city's new Temporary Schedule Change Law that include a notice requirement for employers. Although not specifically referenced in the ordinance, the DCA is requiring all New York City employers to post a **You Have a Right to Temporary Changes to Your Work Schedule** notice in the workplace, effective immediately.

The notice must be printed on 11" x 17" paper. While the notice is currently available only in English, employers must post the notice in any other language that is the primary language of at least 5 percent of the workforce at that worksite once the DCA makes such translations available.

As noted in our **prior alert**, effective July 18, 2018, New York City employers are now required under the New York City Temporary Schedule Change Law to accommodate employee requests for temporary schedule changes under certain circumstances. These requirements are in addition to the leave employers must provide their employees under the New York City Earned Safe and Sick Time Act (ESSTA).

The DCA has also detailed the penalties for violations of the New York City Temporary Schedule Change Law. Employers may be subject to a \$500 fine for the first violation, a \$750 fine for the second violation and a \$1,000 fine for all subsequent violations within a two-year period. Additionally, the employer may be

liable to the employee in the amount of \$500 (or \$2,500 if the employer retaliates against an employee by terminating the employee's employment) plus any compensatory damages (including back pay) and other relief required of the employer.

We will continue to monitor any additional developments in the New York City Temporary Schedule Change Law. However, employers, particularly retailers and fast food restaurants, must carefully examine their attendance policies and staffing practices to ensure that they can meet staffing needs while complying with the Fair Work Week Act, ESSTA and the obligation to accommodate personal needs for temporary schedule changes.

For more information about this alert, please contact Carolyn D. Richmond at 212.878.7983 or crichmond@foxrothschild.com, Glenn S. Grindlinger at 212.905.2305 or orggrindlinger@foxrothschild.com, or any member of the firm's Labor & Employment Department.