



October 9, 2017

New York State Department of Labor
State Office Campus Building 12
Albany, NY 12240

RE: Hearings on Employee Scheduling

The Buffalo Niagara Partnership is the area's regional chamber of commerce and privately-funded economic development organization. On behalf of our members who employ more than a quarter of a million people in the Buffalo Niagara region, thank you for this opportunity to submit comments regarding employee scheduling practices in New York State.

The Partnership is opposed to new employer mandates that would place rigid and inefficient scheduling requirements, as well as onerous and punitive fines for compliance errors, on employers of every type and size across New York. Our state has earned a reputation as one of the most difficult places to own and operate a business anywhere in the United States. Imposing new employer mandates, despite their intentions, is not the way to make New York more welcoming to employers, business owners and entrepreneurs.

The Partnership is concerned about the various 'predictive scheduling' proposals being discussed in New York. Forcing the hand of employers when it comes to scheduling employees through a one-size-fits-all mandate without regard to industry, weather patterns, seasonal demand or market conditions is short-sighted and unproductive given our shared goal of growing the state's economy. Certain types of employers already face very real scheduling challenges and placing stringent scheduling mandates on them would be impractical.

Significant changes to the way employers manage their operations should be openly debated by the New York State Legislature. Such decisions should not rest with state agencies, but with the people elected to represent their constituents. However, should the Department of Labor and the Administration move forward with additional scheduling mandates despite valid concerns, there should be an exemption for businesses and organizations with less than 50 employees. This exemption would correspond with the one provided to small employers on a whole host of federal and state regulations. As you know, these 'small business exemptions' exist because there is a universal recognition that these mandates and their cost of compliance has an acute impact on small employers. Our regional economy is built on the success of our small, independent employers who in many cases do not have formal human resource or administrative departments dedicated to navigating and complying with the growing litany of employer mandates.

Given escalating minimum wage rates, the imminent Paid Family Leave policy, historically high workers' compensation costs and an oppressive tax environment, the Partnership remains hopeful the Department of Labor will not see this moment as a time to promulgate a new mandate targeting New York's employers.

Again, thank you for the opportunity to provide comments as the Department of Labor examines scheduling practices in New York State.

Sincerely,



Dottie Gallagher-Cohen
President & CEO

CC: WNY State Delegation