



### **Predictive Scheduling Testimony**

Good morning Commissioner Reardon. My name is Michael Rosen. I am the President of the Food Industry Alliance of New York State, Inc. We are a statewide trade association comprised all sizes of grocery stores. Our members include multi-state chains, regional grocers, independent operators, convenience stores and chain drug stores.

I want to thank you and Governor Cuomo for convening these hearings and for providing us with an opportunity to be heard.

Let me say at the outset that our members do not engage in “just-in-time”, “call-in” or “on-call.” I think we share the common goal of wanting to protect employees from unfair scheduling practices while at the same time providing good employers with the flexibility to respond to unforeseen events and allow associates the flexibility to adjust their schedules.

It is commonplace in our industry to post employee schedules one week to three days in advance. Many of our members negotiate these terms through collective bargaining agreements.

Regarding flexibility in the workplace, our members value their associates and try to accommodate employee requests wherever possible. There are several instances where scheduling flexibility should be allowed.

When a severe weather event occurs, the general rule in industry is to try and accommodate employee requests to leave prior to the end of their shift. In these instances, the employee is only paid for hours actually worked.

With some associates leaving early due to severe weather, other associates are offered additional hours at their option.

In some instances, associates who were scheduled to work are notified not to come in due to storm conditions.

Regarding employee requests, it is also commonplace in food stores to allow employees to trade or swap shifts to attend family or personal events. Management will often assist associates in finding replacements, even with requests made at the last minute.

We believe our associates value this flexibility up to 2/3's of employees take advantage of it. We hope the state does not take this ability away in a one-size-fits-all punitive rule.

An instance where an operator may require an associate to come-in is in a small store setting where the one associate on duty does not report for work, is sick or quits unexpectedly. This can be a particular problem for those that employ young or entry level employees.

In closing, we hope the state will craft a fair rule that protects workers while still providing grocers with enough flexibility to accommodate their associates and still run the stores. We also request the state adopts a single rule that preempts local laws so there is consistency from county to county and region to region.

Thank you for allowing us to testify.

Michael Rosen  
President & CEO