



Retail Council of New York State

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Hearings on Employee Scheduling
New York State Department of Labor

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Albany, New York

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Good morning, Commissioner Reardon. Thank you for convening this series of public meetings to discuss employee scheduling.

My name is Ted Potrikus; I am president and chief executive officer for the Retail Council of New York State. We represent thousands of member stores and affiliates of all size and sort throughout New York State.

Before we address general retail industry priorities, I want to express on behalf of our member stores our appreciation to you and Governor Cuomo for taking such deliberative steps toward what I think is a shared goal: provide New Yorkers with job opportunities and schedule flexibility they want while helping New York retailers win and grow in a challenging and competitive international marketplace.

We've seen jurisdictions throughout the country rush headlong into hastily-drafted laws and proposals that, in the end, discourage employers from providing the schedule flexibility that employees today want and need. We started the conversation on employee scheduling some 18 months ago through the Governor's Task Force to Combat Worker Exploitation – a panel I'm proud to serve as a member of its advisory committee. This is a complex issue that demands the careful tack your Department has taken to date.

Existing best practices throughout the retail industry have as cornerstones these fundamentals that we believe should form a consistent and uniform policy for the entirety of New York State, enforced statewide by the Department of Labor:

- Discourage employers – not just retail businesses – from requiring workers to put their lives on hold and be available for work regardless of whether they will be called in or paid;
- Encourage employers to provide workers who seek flexibility in their work schedules an opportunity to find it;
- Encourage transparency in the scheduling process;

- Encourage employers to give their workers ownership of their schedules, and encourage workers to take ownership of their schedules, so the employer's available hours can be matched with the workers' schedules;
- Promote the ability for workers to pick up, swap, trade, or post their assigned hours with minimal managerial intervention and without requiring their employer to make premium or penalty payments;

These are, of course, broad-stroke concepts, the specifics for which demand deeper discussion. We look forward to submitting more specific comments on any regulations you may promulgate in the future and discussing any concerns with you.

The key here is that New York's retailers have a good story to tell with regard to employee scheduling. You've already listened carefully as we have talked about the myriad factors that retail employers must consider when creating schedules that meet their needs, the needs and wants of their workforce, and the ever-evolving needs, wants, and demands of the customers who keep our stores open and thriving in communities throughout the state.

It's all very complicated; you and Governor Cuomo have recognized that reality and, as a result, we look forward to continued discussions with you to achieve our shared goals and priorities.