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# Employment Law Advisory: New Predictive Scheduling Law – Effective November 26th

## FEATURED ATTORNEY

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**New York City Employers:**

**EFFECTIVE NOVEMBER 26, 2017**

## **New Predictive Scheduling Law**

**ON-CALL SHIFTS PROHIBITED**

**RETAIL Employers Must Give 72 Hours Notice to Workers**

**\*There are different rules for Fast Food establishments**

### **YOU MUST:**

- Post and provide schedules to employees no less than 72 hours before the first shift on the schedule.
- Provide 72 hours notice of schedule changes.

- Personally notify effected personnel.
  - If you communicate by email or other electronic means, you must notify all personnel through those as well.
  - A new schedule must also be posted.
  - This includes cancellations.
  - This includes adding shifts unless the employee consents in writing.

#### **YOU MAY NOT:**

- Require employees to call in fewer than 72 hours before a shift begins.

#### Violations

- Violations are payable to the employee and range from \$300-\$500 per employee, per violation.
- The New York City of Division of Labor Standards may impose additional civil penalties.
- Employees have a private right of action.

#### Specific Records Mandates

- Records of compliance must be maintained for 3 years.
- Employees are entitled to certain records upon request.

#### Notice Requirements

- Must be posted in English and any other language spoken by at least five percent of the employees at their location. The NYC Division of Labor Standards is supposed to be developing these posters.

Please contact [Sharon Stiller](#) at (585) 218-9999 or [Rachel Gold](#) at (718) 215-5300 if you have any questions or we can be of assistance.