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2024 NYC Fair Workweek CHECK UP

The New York City Fair Workweek laws aim to provide more predictable and stable work schedules for employees in the fast food and retail industries. These laws require employers to give advance notice of schedules, offer additional hours to existing employees before hiring new ones, and provide certain rights and protections to workers.

The specific fines and penalties associated with the New York City Fair Workweek laws can vary depending on the violation and the severity of the non-compliance.

However, here are some general examples of penalties that businesses may face:

- Failure to provide advance notice of schedules: Employers may be required to pay premiums to affected employees, which can range from $10 to $75 per shift.
- Failure to offer additional hours to existing employees: Employers who fail to offer additional hours to existing employees may be subject to fines and audit. .
- Failure to obtain written consent for schedule changes made within 14 days of the shift: Employers may not add hours to an employee's schedule during the advance notice period, nor schedule an employee to work a Right to Rest without first capturing the employee's consent.
- Retaliation against employees for exercising their rights under Fair Workweek laws: Employers may be required to pay fines ranging from $500 to $2,500 per violation. It's important to note that these are just examples, and the actual fines and penalties can vary based on the specific circumstances of each violation. It is recommended to consult the official Fair Workweek Ordinance and regulations and to seek legal advice for accurate and up-to-date information on fines and penalties.

We have created this diagnostic questionnaire to determine your level of compliance with NYC Fair Work Week.

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Assess your NYC Fair Workweek Health with this simple questionnaire.

Answer the following yes or no questions to test your organization's ability to comply with NY Fair Work Week regulations. Calculate the number of questions you answered Yes to and see how well you scored.

	Question	Yes	No
1	Are you familiar with the requirements of the New York City Fair Workweek Ordinance?	Yes	No
2	Have you determined if your business is covered by the Fair Workweek Ordinance?	Yes	No
3	Are you familiar with the specific provisions of the NYC Fair Workweek Ordinance?	Yes	No
4	Do your scheduling practices comply with the advance notice period requirements?	Yes	No
5	Do you provide employees with their work schedules at least 14 days in advance?	Yes	No
6	Do you obtain written consent from employees for any schedule changes made within 14 days of the shift?	Yes	No
7	Do you offer additional hours to existing employees before hiring new employees?	Yes	No
8	Do you keep records of all schedule changes and employee consent?	Yes	No
9	Do you calculate and update Regular Schedules for all hourly employees at least once per year?	Yes	No
10	Do you provide employees with Regular Schedules when hiring or promoting them?	Yes	No
11	Do you store required Fair Workweek records for at least three years?	Yes	No
12	Do you post required notices for employees to view in an easily visible location within your place of business?	Yes	No
13	Do you have an accessible policy and procedure which outlines that employees will not be retaliated against for exercising their rights under the Fair Workweek Ordinance?	Yes	No
14	Do you train managers and supervisors on Fair Workweek requirements?	Yes	No
15	Do you have a system in place to track and monitor employee and manager-driven scheduling changes?	Yes	No

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Question	Yes	No
16 Do you ensure that employees are scheduled with a compliant right-to-rest period as required by law?	Yes	No
17 Do you electronically monitor and report on premiums resulting from scheduling changes?	Yes	No
18 How do you provide evidence that available shifts are first offered to existing employees before posted externally?	Yes	No
19 Are you familiar with the penalties for non-compliance with Fair Workweek laws?	Yes	No
20 Do you regularly review and update your scheduling policies and procedures to ensure compliance with the Fair Workweek Ordinance?	Yes	No
21 Do you have a system in place to track and monitor compliance with the NYC Fair Workweek Ordinance?	Yes	No
22 Do you conduct regular audits of your scheduling practices to identify potential Fair Workweek violations?	Yes	No
23 Do you train employees on their rights and responsibilities under Fair Workweek laws?	Yes	No
24 Do you have a process in place for handling employee complaints related to scheduling?	Yes	No
25 Do you have a process in place to respond to complaints or violations reported by employees?	Yes	No
26 Do you know what to do if there is an investigation conducted by the DCWP?	Yes	No
27 Do you know what information and documentation you will need to provide during audits and/or investigations?	Yes	No
28 Do you maintain confidentiality of complainants unless identity disclosure is necessary for the investigation?	Yes	No
29 Does your current scheduling system support prompt scheduling and non-compliance alerts?	Yes	No
30 Can your scheduling system assist with scheduling ahead of the advanced notice period based on the unique requirements of each location, if operating out of multiple jurisdictions?	Yes	No

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Question	Yes	No
31 Do you have a system that can monitor and manage schedule change premiums to ensure compliance with Fair Workweek laws?	Yes	No
32 Do you have a process and procedure to report and pay premium pay resulting from schedule changes within the advance notice period?	Yes	No
33 Does your time clock provide an employee attestation flow of early clock-ins and late clock-outs?	Yes	No
34 Do your managers have a system to ensure that in the event you request an employee to stay late, you are able to obtain the employee's consent to work an extended shift within 15 minutes of the scheduled shift end time?	Yes	No

How did you do?

If you answered YES to...	0-19 Questions	20-33 Questions	All 34 Questions
	Compliance Zero	Risky Business	Compliance Hero
	You are likely subject to fines and premiums - you should act quickly to get systems in place to protect your business	You may or may not pass an audit. Look to better understand your risk and eliminate exposure - an integrated technology solution may help	You Must Have Harri

Harri is the solution most compliant with NY Fair Workweek on the market.
Let us check out your risk and provide you with a solution to reduce your exposure and stay ahead of compliance.

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