



## **Evanston Fair Workweek Rules Regulations**

### Rule FWW 1.0: General Information and Definitions

- (a) Calendar week is a period of seven consecutive days.
- (b) Covered employer: A person (including a natural person, corporation, nonprofit corporation, general partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign), who directly or indirectly (including through the services of a temporary services or staffing agency or similar entity) employs or exercises control over one hundred (100) or more employees in Covered Industries, as defined in this Section. “Covered Employer” shall include franchisees with fewer than one hundred (100) employees but are associated with a franchisor or a network of franchises with franchisees with more than 30 locations globally.
- (c) Employee means any person who: (1) In a Calendar Week performs at least two hours of work within the geographic boundaries of the City of Evanston; and (2) Qualifies as an Employee entitled to payment of a minimum wage from any Employer under the Illinois minimum wage law, as provide under Illinois Labor Law.
- (d) Employer means anyone who employs 100 or more employees, globally, in the hospitality, retail, warehouse, manufacturing, or building services industries; OR anyone who employs 200 or more employees and has at least 30 locations globally in the food service and restaurant industry.
- (e) “Regular rate” of pay is based on an employee’s regular rate of pay, not FLSA base pay.
- (f) Immigration status does not affect an individual’s status as a Covered Employee.
- (g) “Notice” may be electronic, including texts and emails.
- (h) Predictability pay means wages paid to an employee, calculated on an hourly basis at the employee’s regular rate as compensation for schedule changes made by an employer, in addition to any wages earned for work performed by the employee.
- (i) The City of Evanston will consider the first four months of the ordinance in effect to be a grace period, where penalties for noncompliance will not be in effect.
- (j) Employees and Employers are encouraged to keep detailed records and to call Evanston’s 311 with any questions pertaining to the adherence of this Ordinance and the following Rules.

- (k) Work Schedule means all of an Employee's shifts, including specific start and end times for each shift, during a Calendar Week.

#### Rule FWW 1.1: Advance Notice of Work Schedule

- (a) A posted or transmitted Work Schedule shall span a Calendar Week, or seven consecutive days. An Employer may post Work Schedules that list the work shifts for multiple weeks.
- (b) Employers must post the Work Schedule 14 days in advance, not simply just a 14-day schedule. The intent is to help Employees know their schedules two weeks in advance, not just to give them a schedule for two weeks.
  - (i) Example: Employer posts a schedule for September 1 through September 14 on August 18: compliant. Employer posts a schedule for September 1 through September 14 on August 20: not compliant.
- (c) When changes to a Covered Employee's Work Schedule are made after it is posted or transmitted, the Employer shall repost the updated Work Schedule.
- (d) Employers shall maintain the confidentiality of those Employees covered in 3-34-4 (B)(4) (victims of violence who may require additional safety considerations).

#### Rule FWW 1.2: Schedule Changes

- (a) An Employer is not required to provide Covered Employees with a good faith estimate of the Employee's projected days and hours of work beyond the initial good faith estimate required prior to or on commencement of employment, per 3-34-4(A)(1) of Ordinance 24-O-23.
- (b) An Employer may change a previously scheduled regular shift as posted by 15 minutes or less without being obligated to pay Covered Employees Predictability Pay. If the total changes made to the shift exceed 15 minutes, then the Employer shall pay the Covered Employee Predictability Pay.
- (c) A Covered Employee who clocks in early or clocks out late by a total of 20 minutes per shift is not owed Predictability Pay. If a Covered Employee works more than 20 minutes than their scheduled shift due to logging in early or logging out late due to the Employee's actions and not at the request of the Employer, they are owed Predictability Pay.
- (d) When a Covered Employee's written consent is required for a Work Schedule change, such written consent must be provided for each schedule change; general or ongoing consent is insufficient to meet such requirements.

- (e) If an Employer adds hours of work to a Covered Employee's Work Schedule after the 14-days prior to the shift, the Covered Employee shall be paid one hour of Predictability Pay for every shift to which hours are added.
- (f) If an Employer changes the date or time of a work shift with no loss of hours after the 14 days prior to the shift, the Covered Employee shall be paid one hour of Predictability Pay for every impacted shift.
- (g) When an Employer cancels or subtracts hours from a regular or on-call shift after the 14-day deadline with:
  - (i) More than 24 hours' notice from the start of the impacted shift, the Employer must pay one hour of Predictability Pay for each impacted shift
  - (ii) Less than 24 hours' notice from the start of the impacted shift, the Employer must pay
    - (1) Predictability Pay for four hours or the number of hours in the Employee's scheduled Shift, whichever is less
    - (2) A Covered Employee may not be paid for more hours than their original shift was scheduled
- (h) The payment of Predictability Pay does not exempt the Employer from any overtime pay due to the Covered Employee.
- (i) Any on-call Covered Employee who is compensated during their on-call shift at a regular hourly rate is not owed Predictability Pay if they are called in for a shift.
- (j) If an on-call Covered Employee is not compensated or compensated at a rate below their hourly working rate:
  - (i) They are owed predictability pay if they are called in for a shift
  - (ii) They are owed predictability pay for four hours or the number of hours in the Employee's scheduled Shift, whichever is less, if they are not called in for that shift

#### Rule FFW 1.3: Offer of Additional Work Hours to Existing Employees

- (a) Employers may offer additional hours to Covered Employees from any location, not just the location where additional hours are made available.
- (b) Employers must offer interested Covered Employees at least 35 hours of work in a Calendar Week before hiring new employees.

#### Rule FWW 1.4: Right to Rest

- (a) Covered Employee's voluntary consent to work a shift within 11 hours of their last shift, as described in Section 3-34-7, must be in writing. Written consent can include email or text message.

(b) A Covered Employee is owed at least 1.5 times their regular rate of pay for every hour that is worked less than 11 hours after the end of their previous day's shift.

Example:

(i) A Covered Employee works on Monday from 4pm to 12am Tuesday. On Tuesday, they work from 7am to 3pm. Four of their hours (7am to 11am) are 1.5 times their regular rate of pay because they are working less than 11 hours since the end of their last shift.

(c) For the purposes of Right to Rest, a shift takes place on the calendar day on which it starts.

(d) Split shifts are allowed without additional pay and are not to be confused with the Right to Rest provision of this ordinance. A Covered Employee shall receive at least 1.5 times their regular rate of pay for a shift that begins less than 11 hours after the end of the previous day's shift. Example:

(i) Monday: 6am-11am, then 4pm-8pm: does not count as a "clopening" shift.

(ii) Monday: 11am-4pm, then 10pm-1am (Tuesday): does not count as a "clopening" shift.

(iii) Monday: 10pm-1am (Tuesday), then Tuesday 7am-2pm: counts as a "clopening" shift and requires 1.5 x pay for hours worked less than 11 hours after the end of the shift that began on Monday (i.e., 1.5x pay for 7am to 12pm on Tuesday).