

July 16, 2019

#### Urge Aldermen to Oppose Restrictive Scheduling Ordinance as Drafted, Support IHA's Recommended Changes

IHA continues to work with the Mayor and the Chicago City Council in an effort to reach a balanced and workable compromise on the "Fair Workweek" ordinance proposal ([O2019-3928](#)) and has asked the Mayor's Office to make several critical changes to mitigate the harm to patients, hospitals and the timely delivery of healthcare to Chicagoans. However, those changes still have not been incorporated in the latest draft ordinance. The City Council's Workforce Development Committee is expected to vote on the ordinance on Monday, July 22, with the full City Council voting on the proposal Wednesday, July 24.

**ACTION REQUESTED:** Contact or meet with your Alderman now and urge him/her to: 1) oppose the ordinance as currently drafted; and 2) contact Samantha Fields in the Mayor's Office to include IHA's recommended revisions in the ordinance. To email or call your Alderman, [click here](#).

IHA's key recommended changes include:

*Permit Employee Flexibility - Allow Employees to Volunteer for Extra Shifts Through a "Voluntary Additional Hours List":*

Employees wishing to pick up additional shifts should be allowed to do so without having to fill out paperwork and without penalty. Oregon's scheduling law includes such a provision.

*Exclude Exempt Employees and Clarify the Definition of Low-Wage Healthcare Employees:* Exempt employees should be excluded from this ordinance. Healthcare employees covered under the ordinance should be those making an hourly wage of up to \$15 (not including the generous health insurance and other benefits hospitals provide to low-wage healthcare workers).

*Exception for Hospitals for Unforeseen Emergent Circumstances:* This ordinance should not apply to hospitals in an "unforeseen emergent circumstance" meaning (i) any declared national, State, or municipal disaster or other catastrophic event, or any implementation of a hospital's disaster plan, that will substantially affect or increase the need for healthcare services; (ii) any circumstance in which patient care needs require specialized skills through the completion of a procedure; or (iii) any substantial increase in demand for healthcare due to large public events, severe weather, unexpected violence, or other circumstances beyond the hospital's control.

As background and a leave behind document for your Alderman, see/download IHA's [Recommended Changes](#) to the ordinance.

#### Suggested Talking Points

- My hospital and hospitals across Chicago continue to strongly oppose the restrictive scheduling ordinance as currently drafted, which still does not include key changes recommended by the Illinois Health and Hospital Association.
- I urge you to oppose the "Fair Workweek" ordinance as currently drafted – and I ask that you contact Samantha Fields in the Mayor's Office to incorporate IHA's recommended changes in the ordinance.
- IHA and the hospital community have been negotiating in good faith to find a balanced and workable middle ground on key issues important to healthcare employees and hospitals – and ask that several key needed changes be made to the ordinance, including:
  - Allow for a voluntary standby list of employees who can add or reduce hours without penalty;
  - Define "low-wage employees"; and

- Provide exceptions for hospitals for unforeseen emergency circumstances such as declared disasters or catastrophic events, severe weather, large public events, unexpected violence or other circumstances beyond a hospital's control.
- Without these critical changes, the ordinance's very restrictive requirements will be unworkable and impractical for hospitals given unpredictable shifts in patient volumes and acuity – and the requisite staffing needs – and will undermine the timely and efficient delivery of healthcare to patients.
- For example, if there were a major disaster or incident in Chicago – e.g., a chemical spill, fire, car wreck, active shooter, unexpected mass violence – many hospitals would receive an influx of patients needing critical life-saving care.
- To ensure that the hospitals are fully staffed to meet this unplanned demand, additional nurses, technicians and support staff must be called in on very short notice.
- But under the proposed ordinance, hospitals would be forced to pay a penalty for every employee who is called in – or they would be forced to go short-staffed and risk the health and safety of their patients or go on emergency bypass and force sick or injured patients to be transported to another hospital, wasting precious time they may not have.
- Our hospital is strongly committed to supporting our healthcare workers in providing them a good, stable, professional work environment -- with flexibility in their schedules and good benefits. We also help train and advance our employees from entry-level or part-time jobs to higher-level, higher-paying, full-time jobs throughout their careers in healthcare.
- Hospitals across Chicago have unique needs and demands and must have the flexibility to align and deploy their employees to provide timely, quality healthcare to patients, but the restrictive scheduling proposal as currently drafted would unnecessarily jeopardize the ability of hospitals to meet those needs. And it would impose rigid work schedules on our healthcare employees.
- For all of these reasons, I urge you to oppose the "Fair Workweek" ordinance as currently drafted, and to contact Samantha Fields in the Mayor's Office to include IHA's recommended revisions to the ordinance.

#### Background – Requirements of the Chicago Fair Workweek Ordinance Proposal

- The ordinance applies to Chicago employers and all hourly employees – as well as salaried employees earning less than \$50,000 a year.
  - Chicago employers must post work schedules for their employees at least 10 days in advance from April 1, 2020 to March 31, 2022; and at least 14 days in advance beginning April 1, 2022.
  - Employers must pay their employees for at least one additional hour of "predictability pay" if the work schedule changes or if work hours are added or subtracted.
  - If work hours are canceled or reduced with less than 24 hours' notice, the employer must pay the employee no less than one-half times the employee's regular hourly pay rate for any scheduled hours that the employee does not work.
  - Employees have the right to decline unscheduled hours that an employer adds if the employee has received less than 10 days' notice of the additional hours from April 1, 2020 to March 31, 2022; and less than 14 days' notice beginning April 1, 2022.
  - An employee has the right to decline shifts that occur during the 10 hours following the end of a shift.
  - Before hiring new employees or contract employees, including the use of a temporary or staffing agency, an employer must first offer additional hours to existing employees.
  - Employers must provide newly hired employees, in writing prior to or on the commencement of employment, an estimate of the median number of hours they are expected to work and their work schedule.
  - Employers face fines of \$300 for each affected employee in each pay period for each day that the employer failed to comply with the ordinance, plus administrative enforcement costs and attorney fees.
  - In addition to enforcement by the City, an employee may file a civil lawsuit to enforce the ordinance and may recover the payment of required predictability pay, the fine, punitive damages, injunctive relief, and costs and attorney's fees.
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