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## State Dropping Proposed Call-in Scheduling Rules that Could have Cost Employers

By Liz Young - Reporter, Albany Business Review

The state Department of Labor is no longer planning to pursue a proposal that would have required employers to pay workers for scheduling changes made with less than two weeks' notice.

Some business owners had expressed concerns about the potential costs of the change, especially at companies like car washes that see business fluctuate based on unpredictable weather conditions.

Department officials said they realized their intention to support workers was being viewed as a one-size-fits-all approach that didn't work for every industry after holding hearings and taking public comments. When they revised the rules in December, the results were "praised by opponents and criticized by supporters," said Jill Aurora, a spokeswoman for the state labor department.

That's why officials are dropping the proposal for now, she said.

"At this time, due to the constraints of the regulatory process, the best course of action is to let this process expire and re-evaluate in the future, likely in concert with the Legislature, which would have a broader authority and better legal standing than Department of Labor regulations alone to balance the various needs of workers, businesses and industries," Aurora said in a statement.

The proposed state rule would have required employers to notify workers of their schedules 14 days in advance. If a shift is canceled within 72 hours of its scheduled start, the employer would have had to pay workers four hours of call-in pay. There was an exception for "an act of God or other cause not within the employer's control," which would have allowed the employer to notify workers 24 hours in advance instead.

Tom Hoffman Jr., who runs the Hoffman Car Wash chain, had estimated the change could have cost him an additional \$1.5 million a year. He would have needed to pay workers extra if they were called in on a sunny, busy day, or if they were sent home on a snowy, slow day.

He said he's glad the labor department isn't going to pursue the rules for now.

"Especially on a day like today when it's snowing out and we have dangerous roads and we're sending people home so they can get home safely, we're not burdened to our business having to pay extra wages on snow days," Hoffman said. "It would've caused us to increase prices, increase costs."

His business has 21 locations, from Kingston up to Queensbury, as well as car washes in Amsterdam and Binghamton. It also runs nine Jiffy Lube franchises. Hoffman's brings in about \$42 million a year. About 60 percent of its 725 employees are part-time.

Capital Region Chamber vice president Tom O'Connor agreed. He said it's important that businesses looking to locate operations in the state see government trying to help, not hinder.

"I think everyone, including the governor, agrees we really need to focus on the business climate, especially with the Amazon deal," O'Connor said. "These kinds of policies that DOL was considering like scheduling set the wrong tone and send the wrong message to the business community. So if they're in fact deciding not to pursue that regulation I think the business community and small businesses are glad that they listened to our concerns."

NYSTA, PO Box 612, 4 Youngs Place, Latham, NY 12110

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