



MEMORANDUM IN OPPOSITION

S.5102 (Cleare) / A.3040 (Fahy)

AN ACT to amend the labor law, in relation to the schedules that work act

The Capital Region Chamber, representing 2,600 businesses and organizations from throughout the Capital Region that employ more than 150,000 area residents, opposes S.5102/A.3040, which would require that an employer, employing fifty or more employees in the state of New York in retail, food service or cleaning adhere to the Schedules That Work Act. It also provides for an employee to voluntarily be called in to work beyond their scheduled hours.

Specifically, this bill would add a new Article 5-A to the Labor Law entitled the “Schedules That Work” Act which would require employers with fifty or more employees in New York State to adhere to the provisions of this Act. The Chamber has long opposed the Department of Labor’s proposed regulations on this matter, and we strongly oppose any attempt by the Legislature to do the same.

The provisions of this bill would strictly regulate the scheduling practices of business within New York State to a point that it would limit business growth and increase the costs for both businesses and consumers. The bill if enacted, would impose a tremendous burden on employers and sends the wrong message to our region’s employers. It is yet another example of state government attempting to regulate an area of the private sector for which it is ill suited. It should be noted, that if enacted, some employers will be forced into having less flexibility in scheduling which will negatively impact their employees, which would be in direct conflict of the intent of the bill sponsors.

Growing private sector jobs is key to the Capital Region’s economic future. Imposing regulations and mandates, such as this proposed “schedules that work act”, have a significant negative impact on attracting and retaining businesses. The Chamber’s position is that employers are best suited for determining the terms and conditions of employment, including work schedules, based on their financial condition, business sector and competitive position.

The Chamber strongly encourages the state to pursue policies that make the Capital Region more competitive and lead to job creation. This proposal would move the state’s economy in exactly the wrong direction. If New York wishes to be business friendly, its policies must encourage not hinder business.

For these reasons, the Capital Region Chamber opposes this legislation.

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