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Retail Employers Must Comply with the Los Angeles County Fair Workweek Law Starting July 1, 2025

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Starting July 1, 2025, covered retail employers operating in the unincorporated areas of Los Angeles County will be required to comply with a new Fair Workweek Ordinance. The Ordinance imposes significant scheduling, notice, and recordkeeping obligations on employers that are intended to provide greater predictability and work-life balance for hourly retail workers. The more substantial requirements of the Ordinance are outlined below.

Who is Covered?

The Ordinance applies to retail employers with 300 or more employees globally. This includes full-time, part-time, and temporary employees, as well as workers employed through staffing agencies or franchises (if the franchise location is over 15,000 square feet).

The Ordinance covers employees who qualify for California's minimum wage and perform at least two hours of work in a workweek within the unincorporated areas of Los Angeles County. Employers operating within incorporated cities—such as Pasadena or Santa Monica—are not covered.

What are the Key Requirements for Covered Employers?

Advance Scheduling & Good Faith Estimates

Employers must provide new hires with a written good faith estimate of their expected work schedule, including projected hours, shifts, and locations. Existing employees may also request such estimates at any time, and employers must respond within 10 days. If actual schedules “substantially deviate” from these estimates, employers must document a legitimate, unforeseeable business reason to justify the change.

“Substantially deviate” refers to any of the following occurring in six out of 12 consecutive workweeks, not due to employee-initiated or approved changes: (1) a 20% or more difference in actual hours worked

from the expected hours, (2) a difference in actual days worked from the expected days, (3) a change in actual work location from the expected location, or (4) at least one shift per week outside the potential shifts indicated in the good faith estimate of work schedule.

14-Day Advance Notice of Work Schedules

Work schedules must be provided at least 14 calendar days in advance. Schedules can be posted in a visible location or delivered electronically. If an employer changes the schedule after this period, affected employees may decline the change—and if they accept, their consent must be documented.

Predictability Pay

Schedule changes on short notice may trigger additional pay obligations. If a schedule is changed and the employee gains or loses more than 15 minutes of work time, they are entitled to an additional hour of pay at their regular rate. If hours are reduced, shifts canceled, or employees are placed on an on-call shift but not called in, employers must pay half the regular rate for the time lost. Some exceptions apply, such as employee-initiated changes, voluntary shift coverage for absent co-workers, and changes made to avoid overtime.

Rest Between Shifts

Employees must have at least 10 hours of rest between scheduled shifts. If an employee agrees to work a shift with less than 10 hours of rest, the employer must pay time and a half for each hour that falls within the rest period.

Offer of Additional Hours to Current Employees First

Before hiring new employees or bringing in temporary or contract workers, employers must offer available shifts to current employees who are qualified to perform the work. The offer must be made at least 72 hours in advance, and employees have 48 hours to respond.

Employee Right to Request Schedule Preferences

Employees have the right to request schedule preferences related to work hours, shifts, or locations. Employers must respond in writing with the reason for denying the request.

Notice & Recordkeeping Requirements

Employers must post a notice of employees' rights under the ordinance. Employers must also maintain detailed records for current and former employees—including schedules, schedule changes, predictability pay, and communications—for at least three years.

Penalties for Non-Compliance

Violations may result in penalties of up to \$500 per violation, per employee. Retaliation is also prohibited and may result in penalties of up to \$1,000. Fines may increase based on repeated offenses. Employees may also be entitled to restitution, reinstatement, and attorneys' fees in enforcement actions.

What are the Next Steps for Employers?

Retail employers with operations in unincorporated Los Angeles County should begin reviewing their scheduling practices. Some suggested steps include: (1) identifying whether locations fall within covered areas; (2) training managers on advance scheduling, written consent, and recordkeeping requirements; (3)

updating scheduling software and internal policies to ensure compliance; and (4) preparing template communications for good faith estimates, schedule changes, and offers of additional hours.

Contact your Vorys attorney for assistance in complying with the new Ordinance.