

House Business Affairs & Labor

02/16/2023 01:30 PM

HB23-1118 Fair Workweek Employment Standards

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Alexander Armatas Against Sam's No.3, Inc	SAM'S No. 3 Restaurants 435 S. Cherry St Glendale, CO 80246 303-333-4403 To: House Business Affairs & Labor From: Alexander Armatas and Sam's No.3 Restaurants RE: House Bill 23-1118 Date: 2-13-2023 I am deeply concerned over the language of HB 23-1118. Please consider a NO vote Here are some of my initial questions: How did this bill come about? Is there research on an industry wide problem of treating employees unfairly? Are the current labor laws not strong enough to prosecute bad actors? Is the very nature of being a flexible industry offensive to some lawmakers? It feels as though the root is to assume that all restaurants or retailers do not value nor know how to treat their staff families fairly. It is also a very specific language aimed at industries that thrive on flexibility. Furthermore,

	<p>it is confusing why our current labor laws need more language. If there are bad actors out there treating their staff families unlawfully, they should be prosecuted. Adding labor intensive schedule plans (Anticipated Work Plans) in an industry that employs students, for example, who schedule changes regularly seems unneeded and unfair. Why is it assumed that employers are focused on treating their workers unfairly, would this not be to their detriment?</p> <p>Our restaurant has been in business in Colorado for over 96 years and it has done so with the guidance and help of a great work family. This bill is aiming to break up this family with labor intensive rules that are unneeded.</p> <p>Alexander Armatas, Sam's No. 3 Owner and Operator</p>
<p>Drew Riley Against Los Amigos</p>	<p>Hi,</p> <p>As a business owner and trying to have someone fill in for someone else in a restaurant environment would limit our ability to perform normal operations. A bill like this would completely limit our ability to conduct operations as we would not be able to schedule like we have as we live in a very seasonal environment and there are busy times that we don't see coming and have to call other people into work the next day which would not be outlawed.</p> <p>Please do not pass this bill.</p>
<p>Tiffany Khattivong Against themselves</p>	<p>My name is Tiffany khattivong, i am 32 years old. I have 3 kids, ages 14, 12 and 8. I am against this because it is not right. I have to have the flexibility with my job to tend to my kids when they need me. There are days when i can't come in cause the kids are sick or cause the school needs me to get them. The hours that i work now will not work with this new law coming out and it's not fair to others as well.</p>
<p>Stephen Shaw Against Black-eyed Pea Restaurants</p>	<p>I am a local restaurant owner of what was Nine now is Eight Black-eyed Pea Restaurants and am extremely concerned about House Bill 23-1118, which will cause significant harm to Colorado workers, consumers, and restaurants. I have worked in the restaurant industry for years and know from experience that my staff needs and loves the flexibility restaurants</p>

	<p>provide them. This bill stands to strip them of that flexibility and penalize my business for situations beyond my control.</p> <p>I ask you to PLEASE VOTE NO on House Bill 23-1118.</p> <p>My business is nothing without my employees; my leadership team and I care about our servers, cooks, hosts, bussers, and bartenders and work hard every day to treat them well. After years of an industry-wide labor shortage and in an extremely competitive labor landscape, we have learned that if we don't accommodate the scheduling flexibility that our staff asks for, they will leave us for a restaurant that will. Predictability and retention pay damage our relationship with our staff and penalize us for accommodating flexibility – the flexibility our staff requests on a daily basis.</p> <p>I have already had to close our Denver Black-eyed Pea on Colorado Blvd because of the Over-the-top Costs associated with being in Denver Proper.</p> <p>I'm terrified by how challenging it will be to manage, budget for, and stay in compliance with this bill. If I'm required to post work schedules 14 days in advance, that means employees have to submit any change requests at least 28 days ahead, stripping them of the flexibility they need to accommodate other areas of their lives.</p> <p>Managers will be so busy doing paperwork, they won't have time to lead and service will be impacted, hurting our guests. The administrative and accounting costs will further crush our bottom line, at a time when food and fuel cost more than ever, menu prices are rising, and our margins are shot.</p> <p>This bill also crushes any hopes of expanding our business if the definition of "chain" is just two locations and 250 employees. Why would we want to make Colorado an unattractive place to do business? After years of</p>
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	<p>pandemic-related operational disruptions and setbacks, this bill feels particularly harsh for our industry, which is still struggling to recover.</p> <p>House Bill 23-1118 will hurt my employees, our customers, and Colorado businesses of all sizes. PLEASE VOTE NO!"</p>
<p>Lisa Steven Against Hope House Colorado</p>	<p>I am writing to express my concern that HB23-1118, Fair Workweek Employment Standards, may have unintended consequences for nonprofits such as Hope House Colorado who operate residential programs that require continual staffing. Hope House serves parenting teen mothers and one of our programs is a residential home that is staffed 24-7. The requirement to follow a "Anticipated Work Plan" places undue duress on Hope House Colorado and frankly, it adversely affects our hourly residential employees. Our Residential Advisors work exceedingly closely as a team and often provide coverage for one another. Residential staffing is exceedingly fluid in nature. Our Residential Advisors have regularly scheduled shifts, but these shifts can change with little notice based on the number of teen mothers who are staying in the home at any given time. It also appears that the bill makes it illegal for an employer to pursue any disciplinary action for an employee who has requested a schedule change that includes reasons such as sexual harassment, drunk on the job, not showing up for work or calling in. The bill seems to incentivize lawsuits, which would of course be detrimental to our culture at Hope House. Additionally, the proposed penalties for a scheduling violation are very harsh and would be extremely difficult for a nonprofit to absorb. Hope House Colorado would like to see major improvements to this bill or to simply see it go away. If this bill becomes law it will make it much harder to attract and retain nonprofit employees, and in our case, it will hinder our ability to empower teen moms to break the cycle of poverty for themselves and their children.</p>
<p>Alexander Schuler Against Tangerine Restaurants x 3 in Boulder County</p>	<p>HB23-1118 will be another unfair hinderance on full service restaurants and many other small businesses and food service. Our business level is very unpredictable and we need to be "ready" to serve at all times and slightly overstaffing IS the best tool we have to combat that. Plus protection for an employee that does not show up for their shifts (which happens FAR TOO often in this business).</p> <p>I own three full service restaurants in Boulder County. Small businesses, and full service restaurants in particular, are and have been getting crushed for years by state labor laws. It's hard to turn any profit as it is, and each one of these "small employee benefits" that are added, the less likely I</p>

	<p>want to and will operate a business. You are making it so that big employers (with money and recourses to deal with these laws) benefit as can they can deal with all these burdens. It's a shame this state is going this direction.</p> <p>Example of one of the biggest past and current issue for full service restaurants: Tipped minimum wage increased dramatically over the past 6 or 7 years has REALLY been crushing full service restaurants. This year it went up 11.5% ! My service staff is, was and has always been the highest paid staff (\$30 to \$40 per hour). And now this law just gave them ALL an additional \$1.09 hour, and not a single one has ever even acknowledged (or thanked me) about their raise the past 7 years. While my kitchen staff makes \$18-\$20 and hour, and the LAW forbids me to share tips with them. I could change my payroll system and pay everyone the full minimum wage and then share tips, but that costs me thousands of dollars extra a month. Now you want more controls and laws one me! So messed up.</p> <p>Please help us to survive.</p>
<p>Shelly Cox Against Schnox Corporation dba Riff Raff Brewing Company</p>	<p>I am writing in regard to HB23-1118: Fair Workweek Employment Standards Bill and voice my opinion against this bill. I own two restaurants in Pagosa Springs and this Bill will destroy employee and employer relations, and ultimately force small businesses to shut their doors</p> <p>HB23-1118 harms the employee and they lose flexibility to take care of their family and enjoy activities. To give you an example, We recently had a huge snowstorm hit Wolf Creek Ski area which set-up nicely for a great powder day. I had three employees offer up or trade shifts, so they could enjoy the winter activity that they live here for. If this bill was currently in place, they would not have been able to do this as it wasn't a 14-day advance notice. This would cause them to either not show up or miss out; either way it is a situation they shouldn't be forced to be in; they should be able to change a schedule to fit their needs that arise.</p> <p>Another example of how if HB23-1118 was in place currently would harm employees is the 12 hours between shifts mandate. I have an employee who can only work Monday nights and Tuesday mornings due to her baby sitting situation. As a restaurant we operate on small margins, and we cannot afford to pay 1.5 times the rate to allow a clopen shift. My employee would lose half her income, and I could lose a valuable employee. How is that Fair Scheduling?</p> <p>I am not only the owner, but I actively work in my restaurants as a manager. The last two weeks my business partner and one of my managers have been out, so I have had to cover their duties and still maintain my duties. I am not complaining as I love what I do and I chose to be in this</p>

	<p>business, but I am not choosing more legislation on my business. The amount of paperwork for HB23-1118 is excessive, and quite frankly ridiculous. I would be forced to spend more time doing paperwork instead of taking care of my employees and helping them succeed.</p> <p>I am proud to say majority of my employees have worked with me over three years and several almost 10 years. My employees are my family. By taking away the flexibility of scheduling, you are harming these long-term relationships. HB23-1118 is taking away the personal touch of businesses and forcing the employers to look at employees as a number and no longer as family. Please vote no on HB23-1118; don't take away the fun, flexibility and family of retail and restaurants.</p>
<p>Cassidee Shull Against Colorado Association for Viticulture & Enology</p>	<p>CAVE represents Colorado wineries and grape growers across the state and we feel that this bill harms Colorado workers, consumers, and businesses of all sizes, including our Colorado wineries throughout the state. We urge a 'no' vote on this bill for the following reasons:</p> <p>Employees need and love the flexibility of our incredibly diverse industry.</p> <p>Employees are the heart of our businesses and what makes it thrive; Our employers care about their team and work hard to treat them well.</p> <p>If all employees' schedules need to be posted 14 days ahead and employees need to make schedule change requests 14 days ahead, managers need to start the scheduling process at least 21 days ahead and employees actually need to submit schedule requests at least 28 days ahead. That's unfair to them and utterly inflexible. This cannot be accommodated in seasonal, agricultural industries such as ours.</p> <p>The pandemic wreaked havoc on minority-owned businesses who are still struggling to recover and manage labor shortages. Costs are skyrocketing for our businesses and all Colorado families. The legislature should be supporting an inclusive economic recovery and a more inclusive economy overall for Colorado instead of discriminating against a business model that has been vital to economic independence for minority entrepreneurs, their families, and our communities.</p>

	<p>Regulating independent and minority-owned businesses will irreparably harm operators and their families, as well as the very employees we all seek to support.</p> <p>Finally, this bill will harm our customers. Our industry is already having a difficult enough time hiring and managing staffing levels to ensure adequate service for guests. If our managers are buried in scheduling paperwork, they aren't leading their team, growing grapes, making wine and their service will suffer, and hospitality decreases for their guests.</p> <p>Again, we urge a 'no" vote on this bill and appreciate your time and consideration.</p>
<p>Stephen Gould Against Colorado Distiller Guild</p>	<p>1. The presumption that all Colorado business is out to abuse employees is frustrating at best. Our employees in the distilling industry are our most valuable assets. As such our members tend to treat our employees very well.</p> <p>2. While parts of the bill are for qualified companies/employees only ... other parts apply to all Colorado companies. This means that all Colorado companies will be saddled with additional administrative burdens that will increase operational costs.</p> <p>3. The language of the bill is poorly structured and confusing ... possibly leading to unintended consequences, especially for smaller companies.</p> <p>4. The Bill's structure means that smaller companies will be hit harder making it decidedly ant-small businesses. Considering the vast majority of employers in Colorado are small businesses that is extremely problematic.</p> <p>Bottom line, this legislation will harm Colorado's economy by making it substantially more expensive for employers to operate and ultimately costing jobs.</p>
<p>Jeffrey Osaka Against Osaka Ramen and Sushi-Rama Restaurants</p>	<p>Please note for the record my opposition for HB23-1118, This bill should have never made it to the table without thoughtful consideration from all parties. It's a one-sided bill that never seeked experts on both sides.</p> <p>Please vote no on HB23-1118, Thank you!</p>

<p>Mark Kaiser For themselves</p>	<p>When an person goes to work for an employer they make a commitment to that employer. Therefore the employer should make the same commitment to the employee.</p>
<p>Lillian Lu Against themselves</p>	<p>As a new business owner, I am struggling to make ends meet as it is while paying both the front of the house and back of the house equitably and provide them with a living wage as per Denver wage requirements. Below is a letter put together by peers of mine, and I fully support this letter to VOTE NO on House bill 23-1118. The passing of this bill could put my business in a very dangerous position to shut down when we just opened six months ago. My dream was realized with the opening of this restaurant, but I have fears of not being able to make ends meet especially with the rising cost of not just labor but goods as well as America struggles with inflation and shortages. Thank you for your time.</p>
<p>Colleen DePasquale Against Estes Chamber of Commerce</p>	<p>Estes Park is a seasonal town supported by a diverse group of entrepreneurs and small businesses that would be negatively impacted by HB23-1118. The Estes Chamber of Commerce joins the Colorado Chamber and the Colorado Restaurant Association in the opposition of HB23-1118.</p>



Statement of Position
Rocky Mountain National Association of Theatre Owners (RMNATO)

In Opposition to HB 1118: Fair Workweek Employment Standard

House Committee on Business Affairs and Labor

February 16, 2023

On behalf of the membership of Rocky Mountain National Association of Theatre Owners (RMNATO) operating in Colorado, we respectfully submit these written comments in opposition to HB 1118: Fair Workweek Employment Standard.

RMNATO represents 75 theatres operating 766 screens throughout the state. The exhibition industry employs over 3,000 Coloradans, from large multiplexes to single-screen operations.

Running a movie theatre is a complicated business. Each week, managers need to schedule a full slate of movies based on expected audience attendance, a given film's availability, and the size of their theatre. Finding, training, and scheduling employees to run the box office, concession stands, in-theatre kitchens, and the myriad other tasks that ensure a smooth operation is a constant problem for theatre operators.

The exhibition industry relies on flexibility in its operations because of the unique business model in which it operates. Theatre operators do not control the release dates of films, nor do they know which movies will be a hit week-to-week. Effectively staffing a theatre depends on several factors and each weekly schedule is created according to each individual market's need. HB 1118 would severely hamper theatre operations and put an undue burden on managers who are already tasked with navigating an increasingly complicated labor market.

Our industry is proud to be one of the first employers for many Coloradans, offering a jumping-off point for future careers inside and outside of the entertainment industry. One of the major draws for prospective employees is the flexibility in scheduling that theatre operations offer.

Furthermore, HB 1118 in its current form is unclear on which businesses would be impacted. While the "covered employer" definition is limited to certain industries who fall under the listed NAICS codes – there are provisions within the bill that apply broadly across industries in Colorado.

Theatre owners strive to provide the best out-of-home entertainment for families throughout Colorado, and a key part of the theatrical experience depends on adequate staffing and service. This bill would have a detrimental effect on the moviegoing experience, and for this reason we respectfully request that you vote "No" on HB 1118.



February 16, 2023

Dear Madam Chair,

My name is Lisa Hough, President and CEO of Adams County Regional Economic Partnership (AC-REP). I am submitting written testimony on behalf of our organization today to let you know we **OPPOSE** the passage of HB23-1118, Fair Workweek Employment Standards.

The Adams County Regional Economic Partnership (AC-REP) is a public/private, nonprofit economic development organization serving the Greater Adams County region. We empower our over 110 member companies to promote and expand economic opportunities in Adams County. The proposed legislation goes against the ultimate goal of our organization – to create a healthy and thriving economic environment for the benefit of all our community members.

AC-REP's Business Advocacy and Public Policy (BAPP) committee acts as our collective voice in reviewing policies and proposals and ensures they align with our principles and priorities for the economic vitality of the Greater Adams County region — it is the source of all formal legislative policy recommendations from AC-REP.

Many of our members in both the private and public sectors have developed processes specific to their organizations to meet the needs of their employees. The passage of HB23-1118 would undo much of the progress employers have made to support their employees and continue building back their workforce after worker shortages ensued because of the COVID-19 pandemic. This legislation will ultimately hurt those it is meant to protect through its punitive proposals that disregard the basic operational needs of businesses throughout our communities.

The impacts of this bill will limit job opportunities and the ability to hire new talent, limit flexibility that both employers and employees rely on, and open the door to costly litigation. Ultimately the workers we are seeking to protect will suffer the most significant loss if this legislation should pass as businesses struggle to meet the unnecessary mandates this legislation requires.

Please consider our grave concerns surrounding this legislation and vote no on HB23-1118.

Sincerely,

A handwritten signature in black ink that reads "Lisa Hough".

Lisa Hough



Invested in Greater Adams County

1870 W. 122nd Ave, Suite 300 // Westminster, CO 80234 // info@ac-rep.org

AC-REP.org

February 16, 2023

Re: NWLC Supports HB23-1118, Fair Workweek Employment Standards

Dear Chair Amabile, Vice Chair Ricks, and Members of the House Committee on Business Affairs & Labor:

On behalf of the National Women's Law Center (NWLC), **I write in strong support of HB23-1118**, a bill that would provide hourly workers in Colorado's vital service sector with more input, stability, and predictability in their work schedules. NWLC is part of a national coalition helping to lead the movement to secure a fair workweek for working people—because unpredictable and inadequate work hours disproportionately harm women, who are often concentrated in the service sector jobs in which such hours are prevalent and still shoulder the bulk of family caregiving responsibilities.¹ Unpredictable schedules can also exacerbate the gender pay gap, due in part to conflicts with women's caregiving responsibilities outside of work.²

Across the state of Colorado, hundreds of thousands of people work in essential but low-paying service sector jobs in which employers use “just-in-time” scheduling practices.

These practices, enabled by modern workforce management systems, frequently use algorithms to base workers' schedules on perceived consumer demand and maximize flexibility for the employer at the expense of the employee—making it extremely challenging for working people to meet their responsibilities outside of their jobs. Black women and Latinas are especially likely to be both breadwinners and caregivers for their families,³ and also are more likely to experience scheduling instability than their white counterparts, even within the same company.⁴

Just-in-time scheduling practices pre-dated the COVID-19 pandemic but have persisted throughout it,⁵ and remain commonplace in hourly retail and food service jobs in Colorado:

- More than half (57%) of Coloradans working in these jobs receive their schedules with less than two weeks' notice, including 32% who have less than one week's notice.⁶
- Nearly half (47%) of hourly service sector workers in Colorado have no input into their work schedules, which are decided unilaterally by their employers, and 64% have to keep their schedules open and available in case their employer wants them to work.
- More than four in 10 hourly service sector workers in Colorado (44%) report working a late closing shift followed by an early opening shift (known as “clopening”) at least once in the prior month.
- 71% of Colorado's hourly service sector workers want a more stable and predictable schedule.

Companies that rely on just-in-time scheduling also often spread work among many part-time employees so that they can “flex up” during times of increased demand.⁷ Nearly two-thirds (64%) of Colorado's hourly service sector workers are part-time, working fewer than 40 hours per week. But part-time workers—who are mostly women—frequently make less per hour than full-time employees for the same work and lack access to workplace benefits like health insurance, retirement benefits, and paid (or even unpaid) time off.⁸ And this pervasive part-timing undermines families' economic security. Among hourly service sector workers in Colorado who typically work less than 35 hours a week, 60% are underemployed and want to work more hours.

Unstable work schedules hurt working people, their families, and their communities.

Volatile and inadequate work hours—and the volatile and adequate incomes that result—undercut workers' efforts to budget for expenses and increase economic hardship, including hunger and housing insecurity.⁹ The stress that unstable and unpredictable work schedules produce can harm both workers and their families, undermining well-being for children and adults alike by disrupting routines and straining relationships.¹⁰ Half of Colorado's hourly service sector workers report that their work schedule does not provide enough flexibility for them to handle their family's needs, and 68% report that they find it challenging to get time off when they need it.¹¹

These same workplace conditions can make maintaining stable, high-quality child care nearly impossible. When schedules and incomes fluctuate week to week—or even day to day—parents often must cobble together child care from friends, family, or other informal care providers with little notice.¹² And children pay a price, too, when their families can't secure the high-quality child care that would provide needed stability and help prepare them for school.¹³

Just-in-time work schedules also make it more difficult for workers to get the health care they need for themselves and their families, since doctor's visits often need to be scheduled long before workers receive their schedules. For workers with disabilities, unstable work schedules may exacerbate underlying medical conditions or make treating or managing a disability or related medical condition more difficult. Abortion can be particularly hard to access, since workers living in states with bans may need to plan travel—and even in states where abortion is legal, waiting periods and other restrictive laws can still force people to schedule multiple clinic visits.

HB23-1118 will benefit employers, workers, and families in Colorado.

Employer scheduling practices that ignore workers' needs produce ongoing conflicts between people's jobs and their lives,¹⁴ increasing absenteeism and turnover costs.¹⁵ But more predictable and adequate hours make it easier for employees to secure child care and arrange transportation so that they can consistently be and stay at work—in turn creating stability, predictability, and cost-savings for businesses. For example, when some Gap stores piloted strategies to improve consistency and worker-driven flexibility in shift scheduling, they saw higher productivity as well as a notable increase in sales.¹⁶

Fair workweek legislation like HB23-1118 is a common-sense solution that preserves employers' flexibility and management discretion while establishing basic standards that support working families. The companies that would be covered by HB23-1118 are already complying with similar laws in jurisdictions across the country.¹⁷ Workforce management company Deputy, which provides technology that supports compliance with these laws, reports positive impacts of compliance among their clients, including more hours for workers and reduced rates of absences and tardiness, benefiting employers.¹⁸

A study in Emeryville, California, found that after the city's fair workweek policy went into effect, covered workers reported a significant decrease in work schedule instability, along with improvements in family well-being.¹⁹ In Seattle, researchers similarly found that workers covered by the Secure Scheduling Ordinance experienced more predictable schedules, improved sleep and well-being, and increased financial security.²⁰ Children fare better, too, when their caregivers have fair work schedules. They are less likely to experience behavioral problems,²¹ for example, and their parents are more likely to be able to engage in school activities.²²

When working people have schedules they can plan around, enough hours and income to pay their bills, a voice in when they'll work, and healthy hours with time to rest, their families and communities—as well as employers and the state's economy—benefit.

* * *

Colorado's leadership on the minimum wage, earned sick leave, and paid family and medical leave demonstrate a commitment to building an economy where working women and families can thrive. For the many families across the state who are still struggling to make ends meet with unstable and inadequate work hours, that vision will only be realized when this legislature enacts fair workweek legislation. **We respectfully request your support for HB23-1118.**

Sincerely,



Julie Vogtman
Director of Job Quality & Senior Counsel

¹ See generally, e.g., *Collateral Damage: Scheduling Challenges for Workers in Low-Paid Jobs and Their Consequences*, NWLC (Dec. 2020), <https://nwlc.org/wp-content/uploads/2017/04/Collateral-Damage-2020-12.18.20.pdf>.

² Valentin Bolotnyy & Natalia Emanuel, *How Unpredictable Schedules Widen the Gender Pay Gap*, HARV. BUS. REV. (July 1, 2022), <https://hbr.org/2022/07/how-unpredictable-schedules-widen-the-gender-pay-gap>.

³ See Sarah Jane Glynn, *Breadwinning Mothers Are Critical to Families' Economic Security*, CTR. FOR AM. PROGRESS (March 29, 2021), <https://www.americanprogress.org/article/breadwinning-mothers-critical-families-economic-security>.

⁴ See Adam Storer, Daniel Schneider & Kristen Harknett, *What Explains Race/Ethnic Inequality in Job Quality in the Service Sector?*, 85 AM. SOC. REV. 537 (2020), <https://journals.sagepub.com/doi/pdf/10.1177/0003122420930018>.

⁵ See Daniel Schneider, Kristen Harknett & Evelyn Bellew, *Working in the Service Sector in Colorado [Updated]*, SHIFT PROJECT (Jan. 2023), https://shift.hks.harvard.edu/wp-content/uploads/2023/02/CO_Brief_02_2023.pdf (confirming Colorado service sector workers who have worked during the months of the pandemic experience similarly high levels of on-call shifts, last minute timing changes, and clopenings as before the pandemic).

⁶ All Colorado data is from Schneider, Harknett & Bellew, *supra* note 5.

⁷ See, e.g., Susan J. Lambert, *Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers*, 61 J. Human Relations 1203, 1207 (2008).

⁸ See generally Brooke Le Page, *Part-Time Workers Are Facing Heightened Uncertainty During COVID—And Most Are Women*, NWLC (Feb. 2022), <https://nwlc.org/wp-content/uploads/2020/02/Part-time-workers-factsheet-v2-2.1.22.pdf>.

⁹ See Schneider, Harknett & Bellew, *supra* note 5, and Daniel Schneider & Kristen Harknett, *Hard Times: Routine Schedule Unpredictability and Material Hardship among Service Sector Workers* (Oct. 2019), <https://equitablegrowth.org/working-papers/hard-times-routine-schedule-unpredictability-and-material-hardship-among-service-sector-workers/> (finding six in ten hourly retail and food service workers experienced at least one material hardship—such as hunger, trouble paying bills or securing housing, or foregoing needed medical treatment—over the prior year). See also *Responses to and Repercussions from Income Volatility in Low- and Moderate-Income Households: Results from a National Survey*, ASPEN INST., (Dec. 2017), <http://www.aspenepic.org/responses-repercussions-income-volatility-low-moderate-income-households-results-national-survey/>:

¹⁰ See generally, e.g., Julie Vogtman & Karen Schulman, NWLC, *Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success*, NWLC (Jan. 2016), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>; Daniel Schneider & Kristen Harknett, *Parental Exposure to Routine Work Schedule Uncertainty and Child Behavior*, WASH CTR. FOR EQUITABLE GROWTH (Oct. 2019), <https://equitablegrowth.org/working-papers/parental-exposure-to-routine-work-schedule-uncertainty-and-child-behavior/>.

¹¹ Schneider, Harknett & Bellew, *supra* note 5.

¹² See, e.g., Vogtman & Schulman, *supra* note 10, and Kristen Harknett, Daniel Schneider & Sigrid Luhr, *Who Cares if Parents Have Unpredictable Work Schedules? Just-in -Time Work Schedules and Child Care Arrangements*, 69 SOC. PROBLEMS 164 (2022), <https://doi.org/10.1093/socpro/spaa020>.

¹³ See, e.g., Vogtman & Schulman, *supra* note 10.

¹⁴ Sigrid Luhr, Daniel Schneider & Kristen Harknett, *Parenting Without Predictability: Precarious Schedules, Parental Strain, and Work-Life Conflict*, 8 RUSSELL SAGE FOUND. J. SOC. SCIENCES 24 (2022), <https://doi.org/10.7758/RSF.2022.8.5.02>.

¹⁵ See Joshua Choper, Daniel Schneider & Kristen Harknett, *Uncertain Time: Precarious Schedules and Job Turnover in the U.S. Service Sector*, 75 ILR Rev. (2021), <https://doi.org/10.1177/00197939211048484>. See also David Fuller et al., *How Retailers Can Attract and Retain Frontline Talent Amid the Great Attrition*, McKinsey & Co. (Aug. 17, 2022), <https://www.mckinsey.com/industries/retail/our-insights/how-retailers-can-attract-and-retain-frontline-talent-amid-the-great-attrition> (in a 2022 survey, front-line retail employees most frequently named a lack of control over their workplace schedules—including unpredictable hours—as the reason for leaving their jobs).

¹⁶ Joan C. Williams et al., *The Stable Scheduling Study: Stable Scheduling Increases Productivity and Sales*, CTR. FOR WORKLIFE LAW 38 (Mar. 2018), <https://worklifelaw.org/wp-content/uploads/2019/02/Stable-Scheduling-Health-Outcomes-Report.pdf>.

¹⁷ See *State & Local Laws Advancing Fair Work Schedules*, NWLC (Oct. 2019), <https://nwlc.org/resource/state-and-local-laws-advancing-fair-work-schedules>. In 2022, Los Angeles and Berkeley, California also enacted fair workweek ordinances.

¹⁸ Communication from Krista Hardwick, legal counsel, Deputy (Jan. 28, 2020) (observing fair workweek laws have resulted in a 14% increase in hours for workers; absences and tardiness have gone down by over 30 %; and covered employers in fair workweek jurisdictions have seen a 3% decrease in labor costs).

¹⁹ Elizabeth O. Ananat, Anna Gassman-Pines & John A. Fitz-Henley II, *The Effects of the Emeryville Fair Workweek Ordinance on the Daily Lives of Low-Wage Workers and Their Families*, 8 RUSSELL SAGE FOUND. J. SOC. SCIENCES 45 (2022), <https://doi.org/10.7758/RSF.2022.8.5.03>.

²⁰ Kristen Harknett, Daniel Schneider & Veronique Irwin, *Seattle's Secure Scheduling Ordinance: Year 2 Impact Report*, SHIFT PROJECT (Feb. 2021), <https://shift.hks.harvard.edu/seattles-secure-scheduling-ordinance-year-2-worker-impact-report/>.

²¹ Daniel Schneider & Kristen Harknett, *Maternal Exposure to Work Schedule Unpredictability and Child Behavior*, 84 J. Marriage & Family 187 (2022), <https://doi.org/10.1111/jomf.12800>.

²² See Anna Haley-Lock & L. Posey-Maddox, *Fitting It All In: How Mothers' Employment Shapes Their School Engagement*, 19 COMMUNITY, WORK & FAMILY 302 (2016), <https://doi.org/10.1080/13668803.2015.1023699>.



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GRAND VALLEY

6885 South Santa Fe Drive
Littleton, CO 80120

February 16th, 2023

HB 23-1118

Dear Senators,

I am writing to you to request that you please oppose the current version of this bill.

This bill shows a dire misunderstanding of the way the restaurant/hospitality industry operates and disregards a fundamental pillar of restaurant employment: flexibility. It harms Colorado workers, consumers, and businesses of all sizes in a number ways.

Employees need and love the flexibility of our incredibly diverse industry.

The food and beverage industry employs about 8% of Colorado's workforce – 260,000+ workers – and many of those workers are part-time and specifically chose the industry *because* of its flexibility.

Our employees are the heart and soul of our company. We care deeply about our team and not only treat them well but invest in their personal and professional development while they are employed with us, treating them more as long-term partners rather than just employees. Whether full-time or part-time we realize that many of our employees choose to work with us for a number of reasons centered around a flexible schedule tailored to their individual needs, such as child care, continued education, second jobs, etc.. This flexible schedule allows us to retain top talent while accommodating their unique situations. *For Example:* We had a woman working at our Littleton winery tasting room for 2 years. She was getting her masters degree in architectural design during the day and chose to work with us because of the flexible scheduling, and in return we had a great employee for a long time. The system benefited both her and the company.

Even before the pandemic our industry was already encountering challenges. Now, it is even more of a competitive labor landscape, if we don't accommodate the scheduling flexibility that our staff asks for, they will leave for another restaurant or business that will. Further, If all employees' schedules need to be posted 14 days ahead and they need to make schedule change requests 14 days ahead, managers need to start the scheduling process at least 21 days ahead and employees actually need to submit schedule requests at least 28 days ahead. That's unfair to them and utterly inflexible. This also makes it near impossible to accommodate last minute requests for switch changes between employees and likely we could lose those employees due to this stringent protocol.

This is not something our employees want. Our schedules come out roughly 14 days in advance. 95% of the changes that get made are initiated by the employees to better suit their own needs. The last thing they want is to be forced into a schedule.

Our industry already operates on thin margins, where the average restaurant has an annual profit margin of somewhere between 0 and 15% which does not leave much room for error. What will need to happen to accommodate these scheduling-related costs? Raising menu prices? Contributing to an already very difficult cost of living. Decreased Health care contributions, or the ability to offer it at all? As much as we care about our employees, our customers, and our community, we simply cannot absorb higher compliance costs and higher wage levels without reducing jobs, benefits, and other expenses for our employees.

The financial and administrative burdens on ALL business owners are severe and unreasonable.

This bill would expose us to financial and administrative penalties if we allow our staff to change their schedule after it's posted or if our managers make any accounting or paperwork mistakes. No business in this industry currently has software that would accommodate what is potentially required. The cost of whatever this will be and or the time it would take to manage could very possibly be a full-time job on its own. Something no restaurant has room in the budget for.

Two major variables constantly affect our industry; Our unpredictable Colorado weather, and serving the needs of our community. Both make the restaurant industry vastly unpredictable. Whether we're serving more people when the Avs are in the Stanley Cup or closing the kitchen early because of a slow night or because of a snowstorm which can make it almost impossible to run a profitable business. This bill penalizes me for staffing up or down due to things outside my control. Pointing to that example, during that cyclone bomb blizzard on March 13th, 2019, we were forced to close our businesses to prioritize the safety of our employees and customers. If this were in place we would have had to pay all of our employees though we didn't take any sales.

ALL employers are prohibited from retaliating against an employee who requests a modified or flexible work schedule. If an employer faces an accusation of retaliation, it is assumed they are guilty unless they are able to prove otherwise. Why are employers presumed guilty of willing incomppliance when we're already so understaffed? This feels particularly harsh after the past three years of hardship our industry has faced.

ALL employers that fail to rehire a former seasonal employee at the next opportunity to hire in the same position are assumed to have retaliated if the employee complains about their lack of scheduling. Again, why are we being penalized and presumed guilty if I hire a new employee before a former seasonal employee? This bill ties our hands when hiring is already enough of a challenge!

Small business growth will be crushed.

This bill creates a strong disincentive to expand if two locations or 250 employees equals a chain! Further, There's no guarantee that the legislature won't come back in a few years to apply the rules to restaurants of all sizes. Think about the number of family owned businesses that would be now considered a chain if they expanded to even one more location. Carboy for example has expanded to four locations in the past six years and we are proud to employ many great people and create opportunities for many of them to develop careers in the industry. This bill would potentially affect our decision to grow any further in our state if passed and thus eliminate the possibility of hiring more people, creating more jobs and opportunities. This bill would likely mean we would have to look out-of-state to more business-friendly states to expand should that be something we want to do in the future. If other businesses think similarly this impacts all of Colorado and its economic growth.

This bill will harm our customers.

The restaurant/hospitality industry has been hit harder than most since the onset of the covid-19 pandemic. We're already having a difficult time hiring and managing staffing levels to ensure adequate service for our guests. If our managers are buried in scheduling paperwork, they aren't leading our team, service will suffer, and hospitality decreases for our guests. When hospitality slips, the customer stops coming.

As much as it takes good growing conditions to grow great grapes, it takes a good business climate to grow an industry. This bill is just one in a long line of recent legislation that is making Colorado no longer a great business climate for any industry, let alone the restaurant/hospitality industry. We strongly urge you to reject the current version of HB 23-1118 as written.

Thank you for your time and consideration to this incredibly important matter,

Sincerely,

Kevin Webber

Chief Executive Officer – Carboy Winery
kevin@carboywinery.com
(303) 589-6848



2-15-2023

Representative Hartsook,
200 E Colfax Rm 307
Denver, CO 80203

Dear Representative Hartsook,

We the Downtown Business Alliance of Parker would encourage you to vote no on HB 1118. The Downtown Business Alliance of Parker represents 65 small businesses in Parker.

The bill creates new restrictions on scheduling practices, removes much needed flexibility in the workplace, and ultimately hamstring those it is intended to help. Creating an employee schedule takes time, elaborate coordination, labor demand management, and often negotiating between an employer and an employee about availability and preference. The bill demonstrates a dire misunderstanding of the way retail, food and beverage, and related industries operate. In its current form, the proposed bill is entirely unworkable for Colorado businesses.

We feel this bill would have significant and widespread impact on thousands of public and private sector employers and employees across Colorado. Restaurants like those in the DbA have been massively understaffed for years, but they are penalized by this bill for bringing in a worker if someone calls in sick at the last minute or is a no call/no show. Without bringing on that help, the employees working on the floor must take on more duties, wait times are longer, hospitality goes down, and workers get burned out. This helps no one.

House Bill 23-1118 will hurt employees, our customers, and Colorado businesses of all sizes.

PLEASE VOTE NO!

Thank you for your time and consideration.

Yours Sincerely,

Downtown Business Alliance of Parker
19501 E. Mainstreet Avenue
Suite 200
Parker, CO 80134

I am a local restaurant owner (Jax Fish House) and operator (West End Tavern, Centro Mexican Kitchen) and Senior Director of People Development (a.k.a HR) for all Big Red F restaurants and have worked in Hospitality in Colorado for over two decades. I am extremely concerned about House Bill 23-1118, which will cause significant harm to Colorado workers, consumers, and restaurants. I know from experience that my staff needs and loves the flexibility restaurants provide them. This bill stands to strip them of that flexibility and penalize my business for situations beyond my control.

I ask you to PLEASE VOTE NO on House Bill 23-1118.

My business is nothing without my employees; my leadership team and I care about our servers, cooks, hosts, bussers, and bartenders and work hard every day to treat them well. Our teams have repeatedly shown us that last minute flexibility in their scheduling has been a major factor in choosing a career in hospitality - and the speed/fluidity in changing schedules is a benefit they love. *Predictability and retention pay will damage our relationship with our staff and penalize us for accommodating flexibility – the flexibility our staff requests on a daily basis.*

The language is ambiguous and includes the potential for restaurants to have to count some, if not all, of their vendors' employees towards their 250-employee count, including employees of janitorial, security, and other "integral" vendors. What does "integral" include? We do not have any scheduling, coaching, hiring/firing control over anyone beyond those on our payroll. Our teams are our top priority – and while we are always offering spectacular hospitality to our vendors – they are NOT our employees, therefore should not be counted among our 'staff' for the purposes of establishing a threshold for this legislation.

I'm financially and administratively punished by this bill for bringing in a worker when someone else calls in sick or is a no call/no show. If my business can't afford to bring on that help, the employees working on the floor have to take on more duties, wait times are longer, hospitality diminishes, and workers get burned out. *This helps no one.*

I'm terrified by how challenging it will be to manage, budget for, and stay in compliance with this bill. If I'm required to post work schedules 14 days in advance, (we currently post 11 days in advance and could happily comply with 14) that means employees have to submit any change requests at least 28 days ahead, *stripping them of the flexibility they need to accommodate other areas of their lives.* Currently, we ask for schedule requests 14 days in advance, and should an employee need a shift off within that timeline, we always make every effort to accommodate their request. This bill would strip them of that opportunity and flexibility. Often our teams are making schedule changes days in advance – and denying them this flexibility will force us to balloon the size of our staff, and generally reduce the hours available to each team member.

The Overtime mandate for a 'second shift' in a 12 hour time frame will prevent restaurant workers from maximizing their hours available to work. Meal periods are relatively short, and sales are compact for specific time frames in a hospitality setting. We typically do not have 7-8 continuous hours to offer work, shifts can be 3-4 hrs each, 2 times a day. This is a fact of how meal periods fall. If a staff member works a lunch, they cannot work the dinner shift on the same day without us paying them overtime. This means we will have to double our staff, so we can cover these shifts and deny hours to employees we would otherwise love to schedule. Paying overtime for these second-shifts in a 12 hr period is not viable financially. Restaurants HOPE too have a profit line of 7-10% - industry wide, that percentage is dwindling – with the increase in cost for fuel, food, to-go containers, etc., many operators will not be able to remain profitable – and their closure will eliminate jobs.

Many hospitality workers have a restaurant job as a second form of income. They work weekends, and they like to work 3-4 shifts (lunch/dinner between Friday night and Sunday nights), maximizing their weekend wages. We cannot afford to pay Overtime for these shifts, so under this bill, NO restaurant employee will be able to get the hours they want – instead they will have to have multiple employers in order to get the hours they want. They'll have greater transportation costs, the nuisance of multiple w-2's and a more laborious employment search, not to mention more difficult scheduling as they juggle multiple positions in multiple locations. Our teams work hard, they get the shifts they want, when they want them. Why would we create any roadblocks to helping our employees achieve their financial goals?

Why does this bill presume we're guilty of willful non-compliance? This isn't realistic or fair.

This bill also crushes any hopes of expanding our business, if the definition of "chain" is just two locations and 250 employees. We have two concepts with 5 (Jax) and 7 (The Post) locations each. They are all locally owned, are supporters of causes in their immediate communities, and 100% of the revenue generated and wages paid, STAY right here in Colorado. The restaurants are individual LLC's, built upon the hard work and passion of our local teams.

Our responsible, proactive, employee-focused approach has made us a leader in the hospitality industry for nearly three decades. Employees have a choice as to where they work. Our employees choose us, and we are grateful. Why not let the marketplace determine which workplaces are successful with staffing? If an employee does not get the schedule / hours they prefer, they have the ability to find the right job. Employee focused workplaces will thrive and sub-par operators will have to improve to keep their teams.

House Bill 23-1118 will hurt my employees, our customers, and Colorado businesses of all sizes. PLEASE VOTE NO!"

Thank you for making a good decision here!

Adam Reed

HB23-1118: Fair Workweek Employment Standards Bill

My restaurant group wants to be the employer of choice- deliver the best experience we can for our employees. The only way our restaurants survive and thrive is if we have great teams that love what they do and take care of our customers, each other, and our communities. Creating and maintaining a great work environment is our # 1 priority. That is how our company has battled up from depths of covid. A great work environment is a huge competitive advantage, and quite frankly nothing in this bill helps us do that, it misses the mark and causes hardship for us all.

My employees tell me the best part of working in our industry is flexible scheduling. The best part of working for our restaurant group is the sense of belonging and teamwork they enjoy, and the ability to have fun at work, learn new things and serve a delicious product. The magic of our industry isn't even referenced in a bill that is directed squarely at our industry! A miss.

Flexibility allows our employees and managers to pursue their outside interests- including education, travel, recreation, family time, and of course outdoor time in our beautiful state. Some ski, some like summer in the high country, some go camping or fishing, ride mountain bikes, take classes, coach sports, play in bands. Some of our team members choose to work steady schedules and we provide that for them. Others prefer flexibility; they are students, parents, caregivers, aspiring artists, teachers. They have outside interests and need variable schedules. Their class loads change, their kid's activities change, their childcare arrangements change. They prefer nontraditional hours and we provide that too.

We are happy to accommodate these needs because they are happy to accommodate ours. Unlike office life- we service the public- nights, weekends, breakfast, late night cocktails... in small, several hour chunks- "mealtimes." They want fair schedules- and we give them that. We pay well, we post schedules 2 weeks in advance and allow people to take time off as they desire.

Ours is not a rich industry, nor it is a flush time for our already lean businesses. But restaurants are a huge employer. Bills like the one proposed will encourage us to employ technology instead of humans- make no mistake. Ordered from a kiosk lately? That kiosk doesn't call out sick, change schedules or take the day off to go skiing. And in my restaurants, it isn't my first choice- but it is something we are now considering from a list of solutions that we never thought we'd ever consider or need.

After reading your proposal a few times- it strikes me that the main miss between how we want to run our businesses and what this bill has outlined is this:

This bill asks us to predict the unpredictable. We don't know, trust me we wish we did, but we don't know when we'll be busy or slow. We can't see the trends reliably- we'd be so glad if we could. Trust us, all of us- there are too many variables to lock down scheduling to a flow of business that sometimes comes and sometimes doesn't.

The scheduling bill tells us that we can't adjust one of the levers of our business. When more customers come, we need more people to come and cook and wait on our guests. When less customers come, we need less people to do that. That's how full service restaurants work. Labor hours, just like food

purchases and turning the thermostat up and down have to be evaluated and adjusted every day, every shift, sometimes in 30 minute increments.

This bill assumes a stability and predictability that doesn't match our industry, and quite frankly, doesn't match the needs of our employees.

Every week we are adjusting all aspects of our business based on so many factors- and if you run through this list, it will ring true to you- maybe the "most Colorado thing" you've read today-

Killer snow and slopes are calling, conventions, local school gets into the March Madness bracket, Nuggets winning, Avs in the Stanley Cup, Parade! Broncos Hot, Broncos Not, Coach Prime, smokey days and air quality that keeps people in, afternoon rains, glorious afternoons with perfect weather, bluebird days in the winter, covid exclusions, other restaurants opening and closing, red rocks concerts, red rocks concert cancellations. Interest rates, school cancellations, snow days, road constructions... You get it- you live her too. This is Colorado- it's never boring. Every one of these things and the hundreds just like it that you can easily add to this list affect dining choices by our customers. We don't have the ability to predict some of these, not a month out certainly. Not when hiring or writing schedules. Our casual dining restaurants require more variability.

The bill outlines some penalties that assume negative intent on our end; I am unsure why. We support the sick pay initiatives that Colorado has in place, and we love that our teams don't feel compelled to "work sick." We have paid sick pay for our teams for years; before it was required by law because it was the right thing to do. When the bartender calls out sick, we pay them to stay home. We also need someone else to come in and "cover" the bar shift- so we are already paying twice, one to the sick employee and one to the healthy one who "picked up the shift." Your bill suggests we should be further penalized for that on base pay and potentially other factors- if they had another shift with us in the previous 12 hours or the next 12. Penalized for trying to do the right thing.

Another part that jumped out to me: our college students like the split shifts, they can work a busy lunch and then study or go to class and work a busy dinner. This bill would eliminate that or punish the restaurant somehow for allowing this preference.

This bill, while I am sure is well intentioned- has an underlying assumption that our scheduling system is broken for our employees. Perhaps there are bad actors in our industry, but I urge you and the representatives to talk to our 800 employees on our team or the 260,000 restaurant works in our state. Ask them what they need. Written schedule plans that can't change isn't it. The more we pay in penalties the less we have to invest in our teams. Enter the kiosk.

Please don't press forward with this bill as is. Please talk to leaders and hourly workers in our industry. Together we can solve anything, and there is so much to focus on, so much we'd love to do in our communities and with our employees. HB 1118 misses the mark.

Thank you for your time,

Audrey Quistorff. CEO
Big Red F Restaurant Group
944 Pearl Street, Boulder CO 80302
audrey@bigredf.com

I am a local restaurant Director of Operations and am extremely concerned about House Bill 23-1118, which will cause significant harm to Colorado workers, consumers, and restaurants. I have worked in the restaurant industry for 23 years and know from experience that my staff needs and loves the flexibility restaurants provide them. This bill stands to strip them of that flexibility and penalize my business for situations beyond my control.

I ask you to PLEASE VOTE NO on House Bill 23-1118.

My business is nothing without my employees; my leadership team and I care about our servers, cooks, hosts, bussers, and bartenders and work hard every day to treat them like family. After years of an industrywide labor shortage and in an extremely competitive labor landscape, we have learned that if we don't accommodate the scheduling flexibility that our staff asks for, they will leave us for a restaurant that will. Predictability and retention pay damage our relationship with our staff and penalize us for accommodating flexibility – the flexibility our staff requests on a daily basis.

We are financially and administratively punished by this bill for bringing in a worker when someone else calls in sick or is a no call/no show. If my business can't afford to bring on that help, the employees working on the floor have to take on more duties, wait times are longer, hospitality diminishes, and workers get burned out. This helps no one.

We are extremely worried by how challenging it will be to manage, budget for, and stay in compliance with this bill. We already post schedules for our employees our 21 days (3 weeks in advance) to give them the opportunity to plan their lives. WE allow them to request time off and trade shifts within the hotschedules platform that we schedule in. If this bill passes, that means employees have to submit any change requests at least 35 days ahead, stripping them of the flexibility they need to accommodate other areas of their lives.

“Anticipated Work Plans” will overburden my already overworked management team, as they have to create, manage, and retain thousands of documents across hundreds of employees, and I'm risking fines and possible lawsuits if I or my managers make one accounting mistake. Why does this bill presume we're guilty of willful non-compliance? This isn't realistic or fair. We'll end up having to eliminate shift switching, which limits our employees' options for earning their living.

Managers will be so busy doing paperwork, they won't have time to lead and service will be impacted, hurting our guests. The administrative and accounting costs will further crush our bottom line, at a time when food and fuel cost more than ever, menu prices are rising, and our margins are shot.

This bill will cause to scrutinize the plans for expanding our business, if the definition of “chain” is just two locations and 250 employees. Why would we want to make Colorado an unattractive place to do business? After years of pandemic-related operational disruptions and setbacks, this bill feels particularly harsh for our industry, which is still struggling to recover.

House Bill 23-1118 will hurt my employees, our customers, and Colorado businesses of all sizes. PLEASE VOTE NO!

With purpose and intention

Erich

Erich Whisenhunt

Operations
Rio Grande Mexican Restaurants
RARE Italian

c. 970.481.8307
riograndemexican.com
rareitalian.com

Good Afternoon Madam Chair, members of the committee. My name is Shara Smith, I am the Executive Director of Interfaith Alliance of Colorado.

I am here to request your support of HB-1118, for Fair Work Week Employment Standards.

The Interfaith Alliance of Colorado has a statewide network of over 400 congregations, representing over two dozen faith traditions. Despite the differences in doctrine, there are themes that are common across various faith traditions. Those themes include concepts like fairness and strong families.

Individuals and families cannot establish stability in their personal, communal, civic, or spiritual lives without stability in their work life. As mentioned by Rep. Sirota, unpredictable hours means unpredictable income.

Is it fair to a parent to expect them to be there for their children, supportive and present in their lives, while also expecting them to accept a work schedule that can change momentarily? Is it fair to then subject that parent to potential job loss if they don't adhere to that unpredictability?

Is it fair to children, to expect them to succeed, without the stability of knowing their parents can be present when they need them, to pick them up from school, to attend their soccer game, or read to them at bedtime?

Enacting Fair Work Week Standards enables families to plan, to make time for their commitments, and to enjoy the fruits of their labor. Having *simple* protections in place will allow individuals and families to predict schedules, prepare for time-off with loved ones, schedule doctor's appointments, and be present in the lives of their children.

Fair Work Week Standards can also be good for businesses by reducing the costs associated with constant turnover due to scheduling issues. This predictability can help businesses attract *and keep* talent.

Inconsistent work schedules leave individuals and families in a constant state of unpredictability, unable to plan for their day-to-day, much less the future. With this in mind, I urge you to vote yes on HB-1118.

Thank you for your consideration.

Good Afternoon Madam Chair, members of the committee. My name is Shara Smith, I am the Executive Director of Interfaith Alliance of Colorado.

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Thank you for your consideration.



February 16, 2023

Dear Members of the House Business Affairs & Labor Committee,

On behalf of Mental Health Colorado, we are writing in support of HB23-1118 (Fair Workweek Employment Standards) and asking the committee to vote yes on this legislation.

Mental Health Colorado is a statewide, non-profit, non-partisan organization advocating for healthier minds across the lifespan for all Coloradans. We believe HB23-1118 will foster improved mental health and well-being by bringing much-needed stability and predictability to our service industry workforce.

The COVID-19 pandemic highlighted how much our society depends on our workforce to provide and deliver essential services. However, this workforce is frequently subject to unpredictable schedules, low wages, and the stressors associated with this instability. HB23-1118 takes a critical step to put mental health and economic security at the forefront for a workforce often left behind.

Many Americans never have to think twice about how a predictable schedule impacts our mental health. However, for [one in five workers](#) in the service sector, uncertainty occurs all too often, with shifts constantly being changed, workers being asked to leave shifts early or late, and personal appointments and commitments being repeatedly upended.

HB23-1118 will undoubtedly bring peace of mind to this workforce by ensuring employers provide a predictable schedule and pay. Workers will have the opportunity to plan ahead, keep appointments to take care of their health, spend time with friends and family, and maintain a work-life balance to reduce overall stress levels for themselves and their families.

Lastly, we believe this bill will level the playing field between employers and employees. This policy will allow employees to take back control of their schedules and encourage a healthier work environment.

Thank you for the opportunity to submit written testimony in support of HB23-1118. We believe HB23-1118 will promote strong families and wellness in aging in Colorado.

Vincent Atchity
Present and CEO
Mental Health Colorado

OPPOSITION TO HOUSE BILL 23-118

I am a local restaurant owner in Beaver Creek and I am Urging all members of the House to Oppose House Bill 23-118. This bill causes SIGNIFICANT harm to business owners, workers and consumers. I have worked in a restaurant for over 10 years as a server and now as an owner. I understand both sides of the spectrum.

The one benefit to working in a restaurant is flexibility, whether it's a second job or a primary job, it allows for you to work with your managers to come up with the best schedule that suits everyone. This bill is putting a handcuff on business owners and workers alike. For an employee looking to pick up a few extra shifts in a certain week because their car broke down, I will have to deny them the extra work because it might fall within 12 hours of their last shift, or I don't want to risk be liable for penalties or losing an email that shows they are the ones requesting the change, considering the clause in the bill states that Business owners are presumed Guilty upon any allegations from employees.

If all workers' schedules need to be posted 14 days ahead, managers need to start scheduling process at least 21 days ahead and employees need to submit schedule requests at least 28 days ahead of time. That would be totally unreasonable. People would be completely irritated if they could not request off for a concert or event. I don't know my perfect schedule 28 days in advance, do you?

Currently we post our schedules on Friday for a work week that runs Monday - Sunday. This has always worked well. Even with asking for Requests off the Monday before the schedule is posted, we are still adjusting things for life events. Last minute adjustments need to get made if someone gets hurt, or sick, or just has car trouble. People appreciate when their fellow staff members have their back if issues arise for them.

This bill is SO restrictive and cumbersome and essentially treats all business owners as tyrants. I don't understand why anyone would ever want to be a business owner in Colorado. We have one restaurant with hopes of opening a second, but if this law passes, I don't know if I want the headache of all this bureaucratic disaster that is House Bill 23-1118. You may find more businesses closing because of this bill and leaving employees without jobs. In a time when we should be stimulating job growth, this bill kills it.

When I worked as a server in Beaver Creek, which is a very seasonal area, I would try to work as many shifts as possible in the winter, knowing that there was a long dry spell with no business during mud season. All front of the house staff depends on tips (more than hourly wage), they are often eager to pick up busy shifts and reluctant to work slower shifts. With this new bill, we will not be able to Cut staff for slower shifts. This is detrimental to the business for using labor hours that are not necessary and it will aggravate servers. **NO server wants to share in the tip pool with more people than is necessary.** Ask any server, they would rather "Take the cut", than stand around or clean something for \$13.65 an hour when they are used to making close to \$50 an hour in tips. As someone who was a server for a long time and someone who has managed servers, when they know it will be a slow shift, they are begging management to cut staff. More staff working means less money in their paychecks. This new bill will force us to keep staff on thus diluting the tip pool and actually cause people to make less money as an average of hours worked.

The financial and Administrative burden on business owners are severe and unreasonable. This bill would expose me to financial and administrative penalties if I allow anyone on my staff to change their schedule after it's posted and my managers or I make any accounting or paperwork mistakes across all employees. That's unrealistic. As a small restaurant, we don't have a full time office manager that can just take of all the paperwork needs for all these regulations.

The Customer experience will eventually suffer. Working in a restaurant is always unpredictable. The Weather can influence how many people you need staffed. You don't know what the weather will be 28 days in Advance. In the summer, Patios open. When it is Beautiful out, patios are full and service levels also need to be full. But if it rains, no one sits outside, patios are closed and staffing is reduced. If we must unnecessarily overstaff, just in case, the restaurants will have higher labor costs thus driving up the prices in restaurants. OR we will air on the side of caution and understaff, thus not living up to service standards.

I am not sure if anyone on the committee has actually worked in a restaurant or not, but I can't fathom how they would support this bill if they have.

Please look at this bill and realize it benefits NO ONE! Restaurants will air on the side of caution and give employees less hours. Employees won't get the schedules they need with the 12 hours gap rule between shifts. No one will be Happy and everyone will suffer.

Thank you for your thoughtful consideration on this matter

Cat
Hulford

Please Support Fair Work Week HB23-1118

Thank you Madame Chair, and committee members for listening to all the stories of workers today. Hello, my name is Sarah Staron and I work with Young Invincibles. Our mission is to uplift young adult voices that are furthest from power and privilege in the political process. In Colorado, we pay and train young adults in community organizing, advocacy, and how to share their stories with our state's decision makers. Today I want to share one of those stories with you.

A young woman, we'll call her Anna, in our last cohort grew up in a family deeply impacted by unfair scheduling practices. Both of her parents, in addition to older siblings, were reliant on hourly jobs in retail and restaurants. Their workplaces were inflexible, and routinely penalized workers if they were unable to respond to last minute changes in schedule. Anna knew all too well that her family depended on these jobs to make ends meet, so she was accustomed to having to "figure things out on her own" if she needed to contact her family when they were at work. Her family struggled to plan for healthcare appointments, childcare, extracurriculars, and school pickups.

One day, Anna came home to find their family dog extremely sick. She was out of her mind with worry and didn't know what to do. Her family was working closing shift and couldn't risk employer retaliation by leaving early. Her mom found someone to cover her morning shift, but then the person canceled. Anna's family was not afforded the dignity of caring for the family pet. They were forced to make a choice between a beloved companion, and supporting their young daughter, or potentially risking unemployment. The next day, when 9 year old Anna came home from school, she held her dog as he died. He died because Anna's family couldn't get an hour off to take him to the vet. No one should have to sacrifice who they love for financial security, especially for the sole reason of inflexibility.

I have also heard similar stories from countless other young adults. I myself, spent years working in restaurants, living paycheck to paycheck, and relying on "getting the good shifts" to make ends meet. This does not need to be the reality for young people, and, today, with a YES vote, you all have the power to show your constituents that you care about workers more than business. Young adults need you. Thank you.

To whom it may concern,

Bill HB23-1118 will affect every person in the restaurant industry. From management to team members to guests, the industry will be changed. Managers rely on keeping labor at a minimum without overwhelming staff. Team members rely on flexible scheduling to have a home – work balance. Guests rely on reliable staff for an unforgettable experience.

Managers have a rough job when it comes to the restaurant industry. They balance the finances, happiness of the team members and guests, as well as make sure accuracy and speed are met all at the same time. Putting this bill in affect will cause high labor percentages. Managers rely on the ebs and flows of their restaurant to determine labor needs. These are constantly changing causing constant changes in the scheduling. Weather for instance in Colorado is a huge factor. If weather causes the restaurant to be slow or even shut down, we are forced to send people home to keep our costs down. If we no longer have this option, costs will be unnecessarily high. This could cause stressful situations. Managers are also expected to keep up with the needs of the team members and guests. If they are already stressed out, they no longer can give 100% to the people that need it. The people that are an integral part of the business. This in turn affects accuracy and speed. People are hungry and expect their food exactly how they want it. If managers and team members are stressed or unhappy causing them to be unfocused, this causes a decrease in speed and accuracy when order taking, building, and delivering. Without speed, accuracy, focus, and happiness; what even is the restaurant industry?

Team members thrive on a schedule that works for them. A flexible schedule. Things happen in life. Whether it be school, family, or some other circumstance, they expect accommodation. Often times things can change weekly if not daily. With this bill, flexibility is no longer an option. How are we to accommodate when we will be punished? We will be required to pay out with no benefit. Team members work for their money. Money makes the world go round. Restaurants already have an issue when keeping up with the rising economic times. Minimum wage is at an all time high. Paying for labor we aren't utilizing if a team member is unable to work a shift or paying extra if another team member would like the extra hours is ludicrous. Are you sending us funding to accommodate for this? How is a restaurant supposed to stay afloat with extra on top of extra costs? Let kids be kids and miss their shift. Let families be families and attend last minute trips together. Let employees in the industry make a living without killing the restaurant itself.

Guests will ultimately feel the brunt of this bill. Imagine you go out to dinner to find a restaurant short staffed. (Big imagination with what the world just went through.) You learn 2 people called out and 1 never showed. The managers have been scrambling to accommodate with the staff that did show up. Afraid to call in others for trying to keep the finances down, for with this bill they'll have to pay other team members extra for picking up a shift. The managers are trying to keep calm while organizing the staff that is training. Having to field complaints all night long from unsatisfied guests because the trainees didn't get an order correct, or the kitchen missed an ingredient from being overwhelmed, or an order ends up on the floor from trying to get it out quickly. How does your experience look? Unorganized? Burnt? Can you even find a manager to discuss that you've been waiting 30 minutes for a scoop of custard? Do you want your restaurant experience to look like this? Every time. I'm going to say your answer is no.

This bill will destroy the restaurant industry. Managers won't want to manage. Team members won't want to apply. Guests won't walk in the door after such an experience. Why are we penalizing

restaurants for the benefits they offer: flexible scheduling, labor control, and great experiences. Say "NO" to HB23-1118 for the sake of your community, your state, and your family and friends.