



VAL HOYLE
Labor Commissioner

Predictive Employee Scheduling & Coronavirus Pandemic

The Bureau of Labor and Industries is hearing concerns from employers and workers about potential changes in demand at businesses due to the spread of coronavirus, and what that will mean for work schedules and jobs.

This pandemic may result in decreases to business' staffing needs (or unpredictable staffing needs and worker availability), and there are questions relating to the predictive scheduling law, SB 828, affecting employers with more than 500+ employees.

The law provides for employer relief from penalties and obligations for providing additional compensation under extenuating circumstances such as natural disasters or declarations of public officials.

- Commissioner Hoyle believes that a declaration of public officials clearly includes emergency declarations by the Governor of Oregon and local elected officials.
- Commissioner Hoyle's interpretation and application of the law's requirements and its penalties will account for these realities and common sense.
- The Commissioner and BOLI encourages and appreciates good faith efforts of employers to balance scheduling predictability with pandemic driven public health concerns and federal, state, and local emergency declarations.

Proactive communication is at the heart of the predictive scheduling law. Employers should be proactive in communicating with employees about their operations and schedules. This virus situation changes every day, and it is a good practice for employers to communicate every day.

Now is the time for employers to engage in the proactive activities suggested in predictive scheduling statutes to prepare for the lack of certainty in demand and scheduling to best support employees and business operations (i.e. establishing group communications, list of workers who are available to work on demand, voluntary stand-by list, frequent scheduling updates, etc.).

We are happy to provide the best guidance we can for specific circumstances in this uncharted territory. Workers with questions can call 971-673-0761 or email mailb@boli.state.or.us. Employers can call Technical Assistance for Employers line at 971-673-0824 or email bolita@state.or.us.

Employers are encouraged to check into Work Share Oregon, which can support businesses and workers to avoid mass layoffs and lost wages and benefits in times like these. Work Share can be reached at 800-436-6191 or email: OED_workshare@oegon.gov.

You can find additional information on the BOLI website at:

<https://www.oregon.gov/boli/TA/Pages/Predictive-Employee-Scheduling.aspx>

