

June 26, 2019

#### Update on Work Scheduling Ordinance – Contact Your Alderman

IHA is continuing to aggressively advocate for hospitals to be entirely exempt from the “Fair Workweek” ordinance proposal ([Q2019-3928](#)). However, our latest conversations with the Mayor’s Office as well as the Mayor’s public comments strongly suggest that hospitals will not be exempt from the ordinance that is expected to be acted on by the full City Council at its July 24 meeting. Also, several Aldermen have asked if hospitals have offered compromise language. In the likely event that Chicago officials will not fully exempt hospitals from the ordinance, we are in a much better position to mitigate the negative impact if we have presented an alternative proposal.

Consequently, on Monday evening, IHA submitted recommendations to the Mayor’s Office to mitigate the harm to healthcare from the proposed scheduling mandate. The three most significant changes we are suggesting include: 1) having the ordinance only apply to those employees making \$15/hour or less; 2) authorizing the use of a voluntary list of employees who can add or reduce hours without penalty; and 3) adding an exception for hospitals for “unforeseen circumstances.” While a total hospital exemption is still preferred, based on input from several hospitals, we believe these recommended changes will substantially mitigate the harm to hospitals and access to care from this ordinance.

With the Mayor’s Office now working to revise the ordinance proposal, it is critical that hospital leaders reach out to their Aldermen over the next few weeks.

**ACTION REQUESTED:** Call or meet with your Alderman and urge him/her to exempt hospitals from the work scheduling ordinance proposal. When asked if hospitals are willing to compromise, let your Alderman know that IHA has offered to the Mayor’s Office several changes that should be made to the ordinance to mitigate the harm to access to healthcare for Chicagoans and to hospitals.

As background and leave behind documents for your Alderman, here are two key IHA documents:

- [Fact Sheet](#) on why hospitals should be exempted from the ordinance proposal;
- [Recommended Changes](#) to the ordinance.

#### **Suggested Talking Points**

- I urge you to exempt hospitals from the “Fair Workweek” ordinance proposal.
- Elsewhere around the country, hospitals have been exempted from work scheduling ordinances in New York City, Philadelphia, San Francisco, Seattle and Washington DC and the state of Oregon.
- The ordinance’s very restrictive requirements are unworkable and impractical for hospitals given unpredictable shifts in patient volumes and acuity – and the requisite staffing needs.
- The ordinance would undermine the timely and efficient delivery of healthcare to patients, which it recognizes and acknowledges by exempting Cook County Health and the University of Illinois Hospital and Health Sciences System.
- For example, if there were a major disaster or incident in Chicago – e.g., a chemical spill, fire, car wreck, active shooter, unexpected violence – many hospitals would receive an influx of patients needing critical life-saving care.
- To ensure that the hospitals are fully staffed to meet this unplanned demand, additional nurses, technicians and support staff would be called in on very short notice.
- But under the proposed ordinance, hospitals would be forced to pay a penalty for every employee who is called in – or they would be forced to go short-staffed and risk the health and safety of their patients or go on emergency bypass and

force sick or injured patients to be transported to another hospital, wasting precious time they may not have.

- Our hospital is strongly committed to supporting our healthcare workers in providing them a good, stable, professional work environment -- with flexibility in their schedules and good benefits. We also help train and advance our employees from entry-level or part-time jobs to higher-level, higher-paying, full-time jobs throughout their careers in healthcare.
- Hospitals across Chicago have unique needs and demands and must have the flexibility to align and deploy their employees to provide timely, quality healthcare to patients, but this proposal would unnecessarily jeopardize the ability of hospitals to meet those needs. And it would have the negative impact on hospital employees of imposing rigid work schedules.
- For all of these reasons, I urge you to exempt hospitals from the "Fair Workweek" ordinance proposal.

When asked if hospitals are willing to compromise:

- Hospitals, through the Illinois Health and Hospital Association, have offered the Mayor's Office several suggested changes to the ordinance to mitigate the harms to access to healthcare for Chicagoans and to hospitals.
- The most significant changes that hospitals believe need to be made include:
  - Having the ordinance only apply to those employees making \$15 an hour or less;
  - Authorizing the use of a voluntary list of employees who can add or reduce hours without penalty; and
  - Adding an exception for hospitals for "unforeseen emergent circumstances," such as any declared national, state or local disaster or catastrophic event, severe weather, large public events, unexpected violence, or other circumstances beyond a hospital's control.

Background – Requirements of the Chicago Fair Workweek Ordinance Proposal

- The ordinance applies to Chicago employers and all hourly employees – as well as salaried employees earning less than \$50,000 a year.
  - Chicago employers must post work schedules for their employees at least 10 days in advance from April 1, 2020 to March 31, 2022; and at least 14 days in advance beginning April 1, 2022.
  - Employers must pay their employees for at least one additional hour of "predictability pay" if the work schedule changes or if work hours are added or subtracted.
  - If work hours are canceled or reduced with less than 24 hours' notice, the employer must pay the employee no less than one-half times the employee's regular hourly pay rate for any scheduled hours that the employee does not work.
  - Employees have the right to decline unscheduled hours that an employer adds if the employee has received less than 10 days' notice of the additional hours from April 1, 2020 to March 31, 2022; and less than 14 days' notice beginning April 1, 2022.
  - An employee has the right to decline shifts that occur during the 10 hours following the end of a shift.
  - Before hiring new employees or contract employees, including the use of a temporary or staffing agency, an employer must first offer additional hours to existing employees.
  - Employers must provide newly hired employees, in writing prior to or on the commencement of employment, an estimate of the median number of hours they are expected to work and their work schedule.
  - Employers face fines of \$300 for each affected employee in each pay period for each day that the employer failed to comply with the ordinance, plus administrative enforcement costs and attorney fees.
  - In addition to enforcement by the City, an employee may file a civil lawsuit to enforce the ordinance and may recover the payment of required predictability pay, the fine, punitive damages, injunctive relief, and costs and attorney's fees.
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