

NYC FAST FOOD WORKERS' RIGHTS

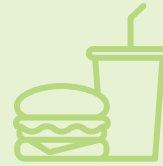
Under NYC's **Fair Workweek Law**, employers must give workers predictable schedules and the chance to work more hours. **The law now prohibits wrongful discharge.** Specifically, employers cannot fire or lay off workers or reduce their hours by more than 15% without just cause or a legitimate economic reason. Employers must post this notice where employees can easily see it at each NYC workplace.

Fast Food Workers Covered by the Law

Employees who perform at least one of the following tasks at a fast food establishment in NYC:

- cleaning
- cooking
- customer service
- food or drink preparation
- off-site delivery
- routine maintenance duties
- security
- stocking supplies or equipment

The law applies regardless of immigration status.



Your Rights



No firing or reduction of hours without just cause (Effective 7/4/2021)

Except for illegal or dangerous behavior, employers:

- Must give workers who passed their probation period retraining and an opportunity to improve.
- Can only fire underperforming workers after giving them multiple disciplinary warnings in a year.



No layoffs except for economic reasons (Effective 7/4/2021)

Layoffs must be in reverse order of seniority, with longest-serving workers laid off last.



Priority to laid-off or current workers to work newly available shifts

- Your employer must advertise open shifts on posters in the restaurant and by text or email.
- Your employer may only hire new workers if no laid-off or current NYC workers accept the shifts by the posted deadline.



Written explanation for firing, reduction of hours, or layoff (Effective 7/4/2021)



Written long-term regular schedule

Your regular schedule must be stable week to week so you know when you are expected to work. Your employer must give you an updated regular schedule if there are changes.



2 weeks' advance notice of work schedule

Work schedules must show all shifts for at least 7 calendar days and reflect your regular schedule, unless you requested or agreed to any changes.



\$100 premium to work "clopening" shifts and the right to say no

A clopening involves closing and opening a restaurant on back-to-back shifts. You can agree to work and get premium pay or you can refuse.



Premium pay for schedule changes by employer with less than 14 days' notice and the right to say no to additional hours

Amount of notice	Rate for additional hours	Rate if no impact on hours	Rate for reduced hours
Less than 14 days' notice	\$10 per change	\$10 per change	\$20 per change
Less than 7 days' notice	\$15 per change	\$15 per change	\$45 per change
Less than 24 hours' notice	\$15 per change	\$15 per change	\$75 per change

You do not give up your right to premium pay when you agree to a schedule change.

Premium pay is not required when:

1. Your employer closes due to: threats to worker safety or employer property; public utility failure; shutdown of public transportation; fire, flood, or other natural disaster; government-declared state of emergency.
2. You request a schedule change to a shift in writing.
3. You trade shifts with another employee.
4. Your employer must pay overtime for a changed shift.

No Retaliation

It is illegal to punish or fire employees for exercising their rights under the law. Workers should immediately contact DCWP about retaliation.

File a Complaint

The Department of Consumer and Worker Protection (DCWP) enforces the law. For more information or to file a complaint:

- Visit nyc.gov/workers
- Contact **311** (212-NEW-YORK outside NYC) and ask for "Fair Workweek Law"
- Email OLPS@dca.nyc.gov

DCWP will keep your identity confidential unless disclosure is required by law.

You can also file an action in court. However, you cannot have a complaint with DCWP and a claim in court at the same time.



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