

Testimony of Jennifer White
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My name is Jennifer White. I am the Director of Training for a company that operates a group of Wendy's in Pennsylvania, New Jersey and New York. I am responsible for leading initiatives that motivate and develop our people on a company level. I spend the majority of my working time in Wendy's kitchens with team members and managers, identifying restaurant opportunities and coaching the teams on best practices. I have a very unique perspective because I attend meetings with directors and executives, while also working directly with our teams serving guests.

I work directly with 22 Wendy's restaurants in New York City that are required to comply with NYC Predictable Scheduling Laws. There are over one hundred other Wendy's restaurants which I work with that are not subject to these laws, today I wanted to share with you what I have learned from my experience there, because these experiences are why I support the state preemption bill HB 861.

Since these laws took effect in late November last year, my team has been tasked with managing the documentation required to stay compliant with the laws. Each day a full time manager and myself review each restaurant's schedule from the day before and compare it to the time clock records. We look for any inconsistencies that could possibly result in premium pay under NYC law. Among the 22 restaurants we find about 165 inconsistencies a day. Once this is done, we then collect documentation from every manager for each instance, as required by law. In a little over 6 months, since the laws were put into effect, we have processed over thirty thousand documents. Due to the high volume of documents, this process becomes incredibly time consuming. In addition to my assistance, we have a full time document manager- as well as two Human Resource managers who coach managers and perform monthly internal audits. We project that at the rate we are going year-to-date, we will spend over one hundred thousand dollars in processing documentation to remain compliant with these laws, and over fourteen hundred labor hours have been dedicated so far to managing documentation. This does not include the administrative labor that the restaurant teams will spend each day filling out, scanning and filing documentation. These processes have become a reality for the foreseeable future. Thus far, we have held 39 meetings on compliance as well as 9 conference calls, with bi-weekly calls scheduled every two weeks to review our practices, coach our teams, and discuss results. Despite our best efforts to enforce schedules as originally written we have spent over one hundred thousand dollars in premium payments.

From a people perspective, I have worked in the restaurant with the crews and I have found that these laws have put strain on the relationship between employee and manager. In cities, we often experience a higher rate of lateness, since many workers use mass transit to commute to work. Managers also use mass transit, so typically when an employee is running late due to train or bus delays, it is a non-issue. Now that these laws are a reality we must have each employee who is late sign documentation stating they were late so that we do not need to pay them a \$75 premium for working a shorter shift than originally scheduled. In this situation, we have had numerous employees complain that they feel it is

unfair they need to sign a document stating they were late and that doing so makes them fear for their jobs, some have even quit.

When a mother needed to leave abruptly to go pick up her child, we used to be able to let her leave at the drop of a hat to take care of her family, but now we are forced to run and print a form that we are legally required for her to fill out and sign before she leaves to confirm (in the event of an audit) that she decided to end her shift early voluntarily to explain the schedule discrepancy. These moments happen in each restaurant every day and it counteracts the trust and bond that our managers work so hard to build with our teams which, in my opinion is invaluable.

One of the most attractive features of our industry is the flexibility of our scheduling. Many young people seek employment in our industry for their first job, simply because the shifts are flexible and schedules are easily changed at a moment's notice when things like a soccer game, school assignments or school activities pop up at the last second. Predictable scheduling laws require that every day's schedule must be posted 14 days in advance. This means we have to have a minimum of 3 weeks of schedules up at any given time to ensure each day until the end of the schedule has a minimum 14 days ahead of it. Now employees must know and communicate their exact availability 4 weeks in advance, so the manager can coordinate everyone's requests and make the schedule to have it posted in a timely manner. Many interviewees are surprised and disappointed to hear this, some even turn the job down on the spot once they've learned about the predictable scheduling laws. There have also been a great deal of new hires that haven't felt comfortable signing the "Good Faith Estimate" form required by law that asks that the employer and employee agree upon a certain availability and number of hours of work each week. Most of them are surprised at how much commitment is now involved in a quick service position. We have also seen these laws cause turnover. The new scheduling practices have made it so that some employees who work more than one job are no longer able to coordinate the two jobs' schedules to work together, forcing them to choose between places of employment. One example was two nurses working at a restaurant on Utica Avenue in Brooklyn. Both were nurses working part-time for extra money at Wendy's. The entire time they worked with us, they had always called the manager each Thursday to give them their nursing schedules for the following week so that their hours could be coordinated between both jobs. They are unable to get their nursing schedules earlier. Unfortunately, due to this, they had to leave us to work in another industry. On the surface the laws sound helpful, but we have learned through these experiences that they are an obstacle and often feel like a penalty for our managers and our team members.

I wish I could say that with all of this time, money and effort that there has been any positive effect for the team members who this law was intended for, but unfortunately, every time I bring up these laws I am met with phrases such as "What are you going to do about it? When are they going to stop the laws?" and I am never sure how to answer my teams in New York City, but I am hoping that by supporting this bill I can have an impact for my teams in Pennsylvania.