

**AN INITIATIVE PETITION FOR A LAW RELATING TO FAIRER
SCHEDULING FOR WORKERS**

Be it enacted by the People, and by their authority, as follows:

SECTION 1. Chapter 149 of the General Laws, as appearing in the 2014 Official Edition, is hereby further amended by inserting after section 148D the following section:-

Section 148E. (a) The following words, as used in this section, unless the context otherwise requires, shall have the following meanings:—

“Employee”, any individual employed by an employer, excluding those employees contained in chapter 151, section 1A, subsection 3, and including employees employed through the services of a temporary services or staffing agency, or a cleaning or security services contractor.

“Employer”, shall include any person acting directly or indirectly in the interest of an employer in relation to an employee and includes a public employer.

“Franchisee”, an individual, corporation, partnership or other entity, or group of individuals or entities, that operates one or more fast food restaurants or retail stores in the commonwealth under a franchise agreement with another individual, corporation, partnership or other entity, or group of individuals or entities.

“Franchisor”, an individual, corporation, partnership or other entity, or group of individuals or entities, that grants a franchisee the right to operate one or more fast food restaurants or retail stores in the commonwealth under its trademark or trade name.

“Fast food restaurant”, a restaurant where patrons generally order or select items and pay before eating, which has a limited menu, items prepared in advance or prepared or heated quickly, and food served in disposable wrapping or containers.

“Retail store”, a retail business where merchandise is sold on the premises.

“Shift”, the consecutive hours an employer requires an employee to work or to be on-call to work, provided that a break of one hour or less shall not be considered an interruption of consecutive hours.

“Work schedule”, all of an employee’s regular and on-call shifts during a consecutive 7-day period.

(b) Any fast food restaurant or retail store as defined in this section making changes, cancellations additions or reductions to the schedule of an employee within 14 days of a scheduled shift shall pay not less than one additional hour and no more than four additional hours in addition to wages earned for hours worked. Violations for non-payment of wages defined in this section shall be subject to section 27C, and 148A and 150 of this chapter.

The Executive Office of Labor and Workforce Development shall establish rules and regulations for the scheduling of workers in fast food restaurants and retail stores that individually or through franchisor or franchisee relationships, employ more than 75 people. Such rules shall establish a notification table that employers must use to notify employees of changes, cancellations, additions, and reductions in hours worked or days scheduled and shall define reporting requirements for shift schedules. Said notification table shall include a scale of additional hours to be paid for violations of schedule modifications as described in the preceding paragraph.

Pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended, the undersigned qualified voters of the Commonwealth hereby subscribe to the foregoing initiative petition for a law and submit it for approval of the People.
