SPONSOR: Sen. Henry & Rep. Osienski
Sen. Marshall; Reps. Baumbach, Keeley, Wilson

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE CONCURRENT RESOLUTION NO. 73
AS AMENDED BY
HOUSE AMENDMENT NO. 1

CREATING A SHIFT WORKER PROTECTION STUDY GROUP.

WHEREAS, a shift worker is anyone who follows a work schedule that is outside of the typical "9 to 5" business day; and

WHEREAS, the United States has become increasingly dependent upon shift workers to meet the demands of a globalized 24-hour society; and

WHEREAS, shift workers often have unpredictable schedule changes and back-to-back shifts; and

WHEREAS, at least 17% of the U.S. workforce has unstable work shift schedules; and

WHEREAS, unpredictable schedules interfere with such basic daily activities as child care, grocery shopping, medical appointments, and looking for a better job; and

WHEREAS, workers with irregular schedules are more likely to experience work-family conflicts and have higher levels of work stress; and

WHEREAS, unstable work shift schedules are associated with irregular or inadequate sleeping and eating habits; and

WHEREAS, “on-call” scheduling in which employees are called in to work on short notice is a common practice used in fast food and retail industries that disproportionately affects lower-wage workers; and

WHEREAS, shift workers have the right to adequate rest and predictability in work scheduling; and

WHEREAS, Oregon was the first state in 2017 to require that employers provide their workers with their schedules at least a week in advance, and a 10-hour break between shifts; and

WHEREAS, New York City passed an ordinance in 2017, which established general provisions governing fair work practices and requiring certain fast food employers to provide advance notice of work schedules to employees and to provide a schedule change premium when hours are changed after required notices; and

WHEREAS, Seattle passed the Secure Scheduling ordinance in 2016 which established scheduling requirements for certain retail and food services establishments, and further stipulated that the city must contract with researchers to produce reports evaluating the ordinance’s impacts each year for 2 years, including baseline data.

LC : DIG : NMX : 5971490346
LC : HVW : NMX : 5081490258
Released: 06/28/2018 04:11 PM

NOW, THEREFORE:

BE IT RESOLVED by the Senate of the 149th General Assembly of the State of Delaware, the House of Representatives concurring therein, that a Shift Worker Protection Study Group ("Study Group") be created.

BE IT FURTHER RESOLVED that the Study Group be established to research and identify best practices to reduce unpredictability in shift worker schedules and the Study Group should review the baseline and 1 year evaluation reports on the impacts of Seattle's Secure Scheduling ordinance.

BE IT FURTHER RESOLVED that the Study Group is comprised of the following members, or a designee appointed by the member serving by virtue of position:

(1) A State Representative from the majority caucus, appointed by the Speaker of the House, who shall serve as Co-Chair of the Study Group.

(2) A State Senator from the majority caucus, appointed by the President Pro Tem of the Senate, who shall serve as Co-Chair of the Study Group.

(3) A State Senator from the minority caucus, appointed by the President Pro Tem.

(4) A State Representative from the minority caucus, appointed by the Speaker of the House.

(5) The Secretary of the Department of Labor.

(6) The President of the Delaware State Chamber of Commerce.

(7) The President of the Delaware Restaurant Association.

(8) The President of the Delaware Hotel and Lodging Association.

(9) The Chair of the Delaware Retail Council.

(10) Three representatives appointed by the United Food & Commercial Workers (UFCW) Local 27 as follows:

a. One employee representative from the food service or restaurant industry.

b. One employee representative from the retail industry.

c. One employee representative from the hospitality industry.

(11) The President of the Delaware Healthcare Association.

BE IT FURTHER RESOLVED that a quorum of the Study Group is a majority of its members.

BE IT FURTHER RESOLVED that:

(1) Official action by the Study Group, including making findings and recommendations, requires the approval of a quorum of the Study Group.

(2) The Study Group may adopt rules necessary for its operation.

BE IT FURTHER RESOLVED that the Co-Chairs of this Study Group are responsible for guiding the administration of the Study Group by doing, at a minimum, all of the following:

(1) Setting a date, time, and place for the initial organizational meeting.

(2) Notifying the individuals listed in lines 38 through 48 of the formation of the Study Group and the need to appoint a member, if applicable.

(3) Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports of the Study Group.

(4) Sending to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Director of the Division of Research of Legislative Council, after the first meeting of the Study Group, a list of the members of the Study Group and the person who appointed them.

(5) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

(6) Ensuring that the final report of the Study Group is submitted to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that the Study Group shall hold its first meeting no later than September 7, 2018.

BE IT FURTHER RESOLVED that the General Assembly is responsible for providing reasonable and necessary support staff and materials for the Study Group to carry out its mission.

BE IT FURTHER RESOLVED that the Co-Chairs of the Study Group shall compile a report containing a summary of the Study Group's work regarding the issues assigned to it in lines 27 through 29 of this Resolution, including any findings and recommendations, and submit the report to all members of the General Assembly and the Governor no later than January 31, 2019.

LC : DIG : NMX : 5971490346
LC : HVW : NMX : 5081490258
Released: 06/28/2018 04:11 PM