

New initiative would force San Jose employers to offer more hours to part-timers before hiring additional staff

Jan 25, 2016, 2:26pm PST **Updated** Jan 25, 2016, 3:28pm PST

San Jose employers who want to add to their staff might first have to offer additional hours to existing part-time workers if backers of a new initiative get their way.

Silicon Valley Rising filed formal paperwork on Monday for what they're calling the "opportunity to work" initiative, which could appear on the November ballot in San Jose. The initiative is designed to combat what advocates say is a growing trend of employers relying more and more on part-time workers, rather than more expensive full-timers.



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Advocates of a new "opportunity to work" initiative file paperwork on Monday at San Jose... [more](#)

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"What's been happening in the modern economy is a dramatic increase in the use of part time work," said [Bob Brownstein](#) of Working Partnerships USA, a labor-aligned think tank. "The economy is not generating those kind of jobs for people who want and need to be working full time."

The San Jose initiative is part of a growing number of grassroots "raise the floor" initiatives, often supported by labor groups, to combat what proponents say is growing income inequality and slow-moving government regulation as the nation's labor market experiences fundamental changes. Other examples include local minimum-wage increases, increased minimum requirements for paid sick leave and time off for caregiving, and standards for predictable work hours and scheduling.

"Employers in major industries, enabled by new workforce management technology, have come to rely on a large, part-time workforce," said [Carrie Gleason](#), who heads up the Fair Workweek Initiative at the Center for Popular Democracy, which provided policy assistance to Silicon Valley Rising for the San Jose initiative. "But there's a lot of people out there that really want to work full time."

The part-time-worker issue has come to the fore as more workers find themselves in the less-than-full-time bucket, and their travails have become national stories. Just witness the controversy around Starbucks workers schedules in 2014, which resulted in the coffee giant pledging to do away with "clopening" — [the practice of closing and then opening a store early the next morning](#).

But advocates say the growing use of part-time workers is one reason why many people haven't been able to share in the economy's recovery, even though the unemployment rate has declined to pre-Great Recession levels. An analysis of Census data by Working Partnerships estimates the percent of hourly workers with part-time or variable work schedules has increased from roughly 26 percent in 2005 to more than 40 percent this year.

"They don't have control over their work hours. It's hard to go to school, arrange for child care," said Gleason. The dynamic also hurts the broader economy, she said. "Then they become bad consumers."

Silicon Valley Rising is a new group backed by labor and faith-based organizations. Its goals are to raise wages and standards "for all workers so they can live and thrive here," according to its website. Its effort comes as other local groups push forward on similar issues focused on related economic issues. [This month saw the filing of an initiative](#) that would tax businesses in San Jose on their gross receipts to help replenish city coffers and boost services. Cities throughout the region are passing higher minimum wages, some of them with plans to reach \$15 an hour.

"We have this situation where the normal workings of the economy is not producing the kinds of middle income kind of jobs and incomes in relation to a standard of living we need to be able to function in this valley," Brownstein said.

The proposed San Jose initiative states: "Before hiring additional Employees or subcontractors, including hiring through the use of temporary services or staffing agencies, an Employer must offer additional hours of work to existing Employees who, in the Employer's good faith and reasonable judgment, have the skills and experience to perform the work, and shall use a transparent and nondiscriminatory process to distribute the hours of work among those existing Employees." The initiative would exempt small businesses — defined as having fewer than 35 workers — and would not penalize offenders on their first violation. There's also an exemption for economic hardship. And the penalty isn't very much: \$50 per violation per day.

"We don't want to be excessively burdensome on business, but we do want to dissuade low-road business tactics," said Ben Field, who heads up the South Bay Labor Council.

He said it's difficult to say just how many part-time workers could be affected by such a measure, but estimated it's in the tens of thousands. Advocates have until April to collect roughly 19,000 valid signatures in order to appear on the November ballot, Field said.

"There's a crisis of underemployment in Silicon Valley that's especially a problem for low-wage workers," he added. "What's happening with them is they're working part-time jobs and often forced to deal with scheduling that's not predictable, that prevents them from holding down another job. The combination of these business practices keeps many Silicon Valley workers from earning enough to cover bills and put food on the table. That's the basic problem we're trying to get at."

Gleason said that such provisions are common in union contract language, but they appear to be rare at the municipal-wide level. San Francisco has something similar for retail and food-service workers under its Retail Worker Bill of Rights, which went into effect last year. The city of Sea Tac, near Seattle, also has something similar. Santa Clara County has its own version affecting county workers and county contractors, but not private employers.

But Gleason said it's not a stretch considering that the Fair Labor Standards Act, passed in 1938, regulated things we now take for granted, like overtime and breaks.

"It's not a new concept at all," Gleason said. "And it's pretty simple: When an employer has the ability to provide more work to its workforce, it should give them the opportunity to work rather than hiring more and more part time workers."

San Jose Mayor Sam Liccardo said he was still studying the initiative and didn't know enough about it yet to comment. San Jose Silicon Valley Chamber of Commerce CEO Matt Mahood also said he had just learned about it.