

Answers to Specific Member Questions:

1. If an employee cannot work a scheduled shift for a reason protected under PSST, and the employer applies the employee's paid leave (accrued PSST) to compensate the employee for the excused absence, is the employer obligated to remove PSST compensation if the employee declines the use of PSST for a shift they have been paid for?

No. In this scenario, the employer does not have to withdraw PSST compensation. The employer reasonably assumed the employee intended to use accrued PSST to cover the shift, the employer complied with law and provided paid leave for a protected reason.

2. Can an employee deny the use of PSST?

Yes. But if the employee chooses to not use PSST, the employee is not subject to PSST protections.

3. Can an employer ask why an employee is requesting PSST?

No. Employees do not have to disclose details of their situation that would violate the confidentiality provision of the ordinance. Employers may request documentation to support the reason for the absence after the employee has used PSST for more than three consecutive workdays.

4. Who is covered under Secure Scheduling?

Retail and food service establishments with 500+ employees worldwide; and Full-service restaurants with 500+ employees and 40+ full-service restaurant locations worldwide.

5. What is a food service establishment?

A fixed point of sale location for food services contractors; caterers; mobile food services; drinking places (alcoholic beverages); full-service restaurants; limited-service restaurants; cafeterias, grill buffets, and buffets; and snack and nonalcoholic beverage bar.

6. What are pre-tax election commuter benefits?

Under this Commuter Benefits Ordinance an employer must allow an employee to make a pre-tax deduction from their monthly paycheck to cover transit and vanpool expenses.

Covered employers can meet their obligation under the ordinance by doing one of the following:

1. Allowing employees to deduct up to the full amount allowed by federal law; or,
2. Subsidizing all or part of the purchase price of a transit pass.