



FAQs

Who will benefit from Opportunity to Work (OTW)?

OTW will benefit the entire community. It will help part-time workers, who are disproportionately people of color and women, earn enough to afford to live and stay in this community. By helping to alleviate the poverty of these workers, OTW will improve the local economy and reduce dependency on government services and charity.

Why is OTW necessary?

Silicon Valley is experiencing a crisis of underemployment. Tens of thousands of people in San Jose work part-time and additional hours at work would help them earn enough to afford basic necessities like food, rent, and medical costs.

Is OTW a job killer?

NO. There is no reason to believe that OTW will decrease overall employment levels. It is designed to induce a shift in employment from part-time to full-time work.

Will OTW reduce the number of people employed?

NO. OTW will encourage hiring practices that produce the kinds of jobs workers need. Our economy is producing large numbers of part-time jobs. OTW will provide trained, part-time workers with the opportunity to work additional hours at their current job.

Will OTW require employers to hire workers for periods of time when the employers do not need those workers?

NO. Under OTW employers will continue to determine the duration and time periods of work shifts. OTW only requires that employers offer newly available work shifts to current parttime employees before hiring additional part time employees.

Paid for by Yes on Measure E, the Opportunity to Work Initiative, sponsored by the South Bay Labor Council, a coalition of a progressive popular democracy non-profit and labor unions, with major funding by Center for Popular Democracy Action Fund and California State Council of Service Employees Issues Committee. 2102 Almaden Road #114 San Jose, CA 95125.

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Will OTW require employers to hire unqualified workers?

NO. Under OTW employers will continue to determine whether workers are qualified to be hired for additional work hours.

Under OTW how are employers supposed to offer their current employees additional hours?

The offer must be transparent and nondiscriminatory. Those are the only requirements. The offer may be made through emails to employees, posted on an electronic or physical bulletin board or transmitted in any number of other ways. To be a legitimate offer, the opportunity to work additional hours must be communicated to qualified employees in a manner that gives them the opportunity to accept the offer.

Does OTW require that the offer of additional work hours be left open for some minimum period of time before an employer can hire from outside the company?

NO. Under OTW the offer of additional hours to current employees must be communicated in a manner that gives them the opportunity to accept the offer. However, employers could leave the offer of additional hours open for a short period of time, if for instance they needed to hire on short notice.

Does OTW burden businesses with heavy record keeping or other major administrative expenses?

NO. Under OWT employers simply must keep records showing that they offered additional work hours to current, qualified employees before hiring from outside their companies. Employers generally keep records of job offers already.

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Does OTW expose employers to a significant risk of litigation?

NO. Once it becomes law, employers can be sued for violating OTW, just as they can be sued for violating the City's minimum wage ordinance. The ordinance states, however, "... that no fines, fees or civil penalties shall be assessed for an Employer's first violation," in order to give substantial time for employers to comply appropriately.

Why do some employers hire more part-time workers instead of giving current employees more work hours?

Far too many large and medium sized corporations keep workers under a certain number of hours to avoid paying for health insurance and other benefits like paid sick days.

Does OTW interfere with businesses' ability to be flexible in operations?

NO. OTW says that when a business decides they have additional work shifts, they must first offer the additional hours to qualified employees already on their payroll before hiring new part-time or temporary workers. OTW does not interfere with businesses' delivery of products or services, the number or length of work shifts, or the qualifications desired from workers.

After OTW goes into effect, will there still be a lot of part-time jobs?

YES. Because of technological advances and just in-time production our economy will continue to produce a large number of part-time jobs. Many workers also prefer to work part-time, and OTW will not affect their ability to remain part-time workers if they choose.

Is there a risk of unintended consequences?

To minimize the risk of unintended consequences, OTW does three things: first, it exempts small businesses; second, it provides for a 'hardship exemption' for businesses that have reasonable difficulty complying; and third, it allows the City Council to amend the ordinance in order to clarify it.

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