STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Justice Just for Girls/ Ascena Retail Group, Inc.
8323 Walton Parkway,
New Albany, OH 43054

Justice Just for Girls/ Ascena Retail Group, Inc.
933 MacArthur Boulevard,
Mahwah, New Jersey

Attn: Duane Holloway

Re: Request for Information Regarding "on call shifts"

Dear Mr. Holloway,

Our offices together write to you regarding "on call shifts," which we believe that Justice Just for Girls/ Ascena Retail Group, Inc. may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Justice Just for Girls/ Ascena Retail Group, Inc. has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Justice Just for Girls/ Ascena Retail Group, Inc. may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Justice Just for Girls/ Ascena Retail Group, Inc. provide the following information and documents.

Request for Information

1. What is the process by which Justice Just for Girls/ Ascena Retail Group, Inc. schedules employees for work? Does Justice Just for Girls/ Ascena Retail Group, Inc. use a computerized system for scheduling? If so, which system does Justice Just for Girls/ Ascena Retail Group, Inc. use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Justice Just for Girls/ Ascena Retail Group, Inc. utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for

failure to follow Justice Just for Girls/ Ascena Retail Group, Inc.'s policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Justice Just for Girls/ Ascena Retail Group, Inc. studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Justice Just for Girls/ Ascena Retail Group, Inc. studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Justice Just for Girls/ Ascena Retail Group, Inc. in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Justice Just for Girls/ Ascena Retail Group, Inc. prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Justice Just for Girls/ Ascena Retail Group, Inc. enables Justice Just for Girls/ Ascena Retail Group, Inc. to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Justice Just for Girls/ Ascena Retail Group, Inc. employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Justice Just for Girls/ Ascena Retail Group, Inc. within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Justice Just for Girls/ Ascena Retail Group, Inc. schedules shifts in stores located in

California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

If you are unable to provide responses electronically, please provide hard copies of responses to Terri Gerstein at the New York State Attorney General's Office, 120 Broadway, New York, NY 10271 no later than April 25, 2016.

Thank you in advance for your prompt attention,

Sincerely,

Terri Gerstein
Labor Bureau Chief
New York State Attorney General's Office
120 Broadway
New York, NY 10271
(212) 416-6132

Angela Sierra
Senior Assistant Attorney General
Civil Rights Enforcement Section
California Department of Justice
Office of the Attorney General
300 S. Spring St., Ste. 1702
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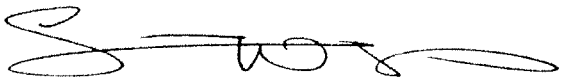

Elizabeth Wilkins
Senior Counsel to the Attorney General*
Office of the Attorney General for the District of Columbia
441 4th Street N.W. Suite 1100S
Washington, D.C. 20001
(202) 724-5568

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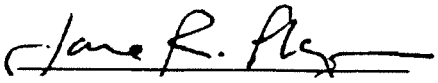
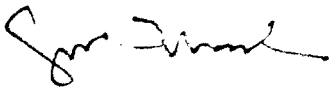


Jane R. Flanagan
Chief, Workplace Rights Bureau
Office of the Illinois Attorney General
100 W. Randolph Street, 11th floor
Chicago, IL 60601
(312) 814-4720



Cynthia Mark
Chief, Fair Labor Division
Office of Massachusetts Attorney General Maura Healey
One Ashburton Place
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Special Assistant & Senior Litigation Counsel
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Manager, Solicitor General Division
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Rebecca T. Partington
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Rhode Island Attorney General's Office
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(401)274-4400, ext. 2303

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DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Aeropostale Inc.
112 West 34th Street, 22nd floor
New York, NY 10120

Attn: Marc G. Schuback

Re: Request for Information Regarding "on call shifts"

Dear Mr. Schuback,

Our offices together write to you regarding "on call shifts," which we believe that Aeropostale Inc. ("Aeropostale") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Aeropostale has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Aeropostale may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Aeropostale provide the following information and documents.

Request for Information

1. What is the process by which Aeropostale schedules employees for work? Does Aeropostale use a computerized system for scheduling? If so, which system does Aeropostale use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Aeropostale utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Aeropostale's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Aeropostale studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of

"on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Aeropostale studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Aeropostale in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Aeropostale prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Aeropostale enables Aeropostale to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Aeropostale employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Aeropostale within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Aeropostale schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

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Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

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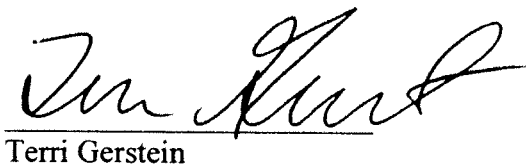
Thank you in advance for your prompt attention,

Sincerely,



Terri Gerstein
Labor Bureau Chief
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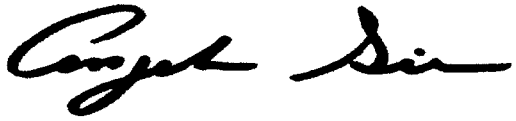

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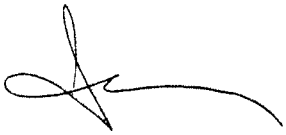

Alethea M. Huyser
Assistant Solicitor General
Manager, Solicitor General Division
Minnesota Attorney General's Office
Bremer Tower, Suite 1100
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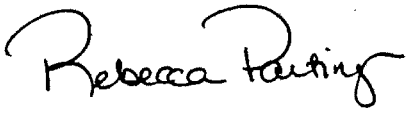
(651) 757-1243



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(401)274-4400, ext. 2303

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

American Eagle Outfitters, Inc.
77 Hot Metal Street
Pittsburgh, PA 15203

Attn: Charles P. Sandel

Re: Request for Information Regarding "on call shifts"

Dear Mr. Sandel,

Our offices together write to you regarding "on call shifts," which we believe that American Eagle Outfitters, Inc. ("American Eagle") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. American Eagle has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that American Eagle may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that American Eagle provide the following information and documents.

Request for Information

1. What is the process by which American Eagle schedules employees for work? Does American Eagle use a computerized system for scheduling? If so, which system does American Eagle use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does American Eagle utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow American Eagle's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has American Eagle studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on

call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has American Eagle studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by American Eagle in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of American Eagle prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by American Eagle enables American Eagle to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all American Eagle employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for American Eagle within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which American Eagle schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

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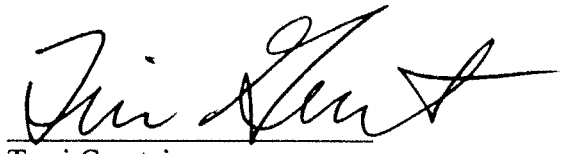

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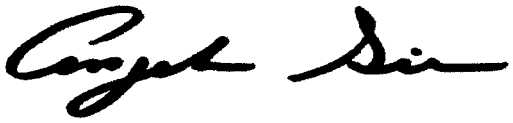

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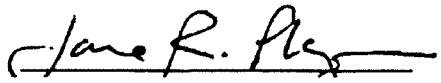

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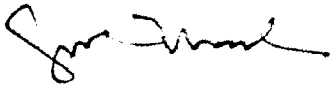

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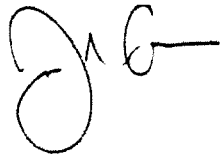

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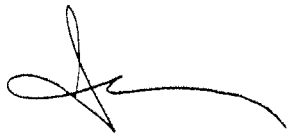

Alethea M. Huyser
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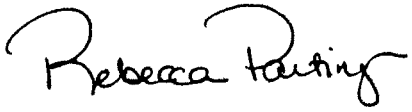


Rebecca T. Partington
Assistant Attorney General
Chief, Civil Division
Rhode Island Attorney General's Office
150 South Main Street
Providence, RI 02903
(401)274-4400, ext. 2303

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

BCBG Max Azria Group LLC
2761 Fruitland Ave.
Vernon, CA 90058
Attn: Erica Alterwitz

Re: Request for Information Regarding "on call shifts"

Dear Ms. Alterwitz,

Our offices together write to you regarding "on call shifts," which we believe that BCBG Max Azria Group LLC ("BCBG Max Azria") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. BCBG Max Azria has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that BCBG Max Azria may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that BCBG Max Azria provide the following information and documents.

Request for Information

1. What is the process by which BCBG Max Azria schedules employees for work? Does BCBG Max Azria use a computerized system for scheduling? If so, which system does BCBG Max Azria use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does BCBG Max Azria utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, or New York? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow BCBG Max Azria's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has BCBG Max Azria studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has BCBG Max Azria studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1 Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by BCBG Max Azria in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of BCBG Max Azria prior to physically presenting himself or herself in the workplace for work on a given day.

2 For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3 To the extent that any computerized system used by BCBG Max Azria enables BCBG Max Azria to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all BCBG Max Azria employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York during 2014 and 2015.

4 Please provide any and all time and payroll records showing dates on which any employee performed work for BCBG Max Azria within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts and was paid for a time period of fewer than three hours on any given day.

5 Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which BCBG Max Azria schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York.

6 Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

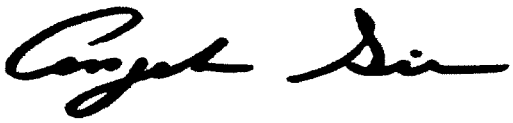
Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

If you are unable to provide responses electronically, please provide hard copies of responses to Terri Gerstein at the New York State Attorney General's Office, 120 Broadway, New York, NY 10271 no later than April 25, 2016.

Thank you in advance for your prompt attention,

Sincerely,

Terri Gerstein
Labor Bureau Chief
New York State Attorney General's Office
120 Broadway
New York, NY 10271
(212) 416-6132



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*Admitted to practice only in Maryland. Practicing in the District of Columbia under the direct supervision of Natalie O. Ludaway, a member of the D.C. Bar pursuant to D.C. Court of Appeals Rule 49(c).

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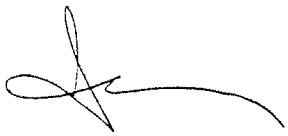

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Carters, Inc.
The Proscenium
1170 Peachtree Street NE
Suite 900
Atlanta, GA 30309

Attn: Michael C. Wu

Re: Request for Information Regarding "on call shifts"

Dear Mr. Wu,

Our offices together write to you regarding "on call shifts," which we believe that Carters, Inc. ("Carters") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Carters has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Carters may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Carters provide the following information and documents.

Request for Information

1. What is the process by which Carters schedules employees for work? Does Carters use a computerized system for scheduling? If so, which system does Carters use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Carters utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Carters' policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Carters studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Carters studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Carters in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Carters prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Carters enables Carters to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Carters employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Carters within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Carters schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

If you are unable to provide responses electronically, please provide hard copies of responses to Terri Gerstein at the New York State Attorney General's Office, 120 Broadway, New York, NY 10271 no later than April 25, 2016.

Thank you in advance for your prompt attention,

Sincerely,

Terri Gerstein
Labor Bureau Chief
New York State Attorney General's Office
120 Broadway
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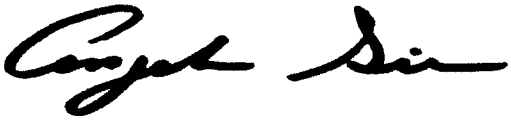
(212) 416-6132



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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Coach Inc.
516 West 34th Street
New York, NY 10001

Attn: Todd Kahn

Re: Request for Information Regarding "on call shifts"

Dear Mr. Kahn,

Our offices together write to you regarding "on call shifts," which we believe that Coach Inc. ("Coach") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Coach has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters

sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Coach may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Coach provide the following information and documents.

Request for Information

1. What is the process by which Coach schedules employees for work? Does Coach use a computerized system for scheduling? If so, which system does Coach use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Coach utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Coach's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Coach studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Coach studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Coach in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Coach prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Coach enables Coach to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Coach employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Coach within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Coach schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

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Thank you in advance for your prompt attention,

Sincerely,

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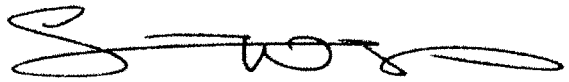

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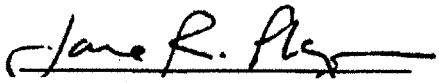

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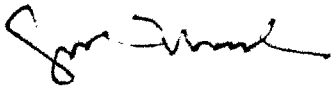

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ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

The Walt Disney Company
500 S. Buena Vista St.
Burbank, CA 91521-0001

Attn: Alan Braverman

Re: Request for Information Regarding "on call shifts" at Disney Stores

Dear Mr. Braverman,

Our offices together write to you regarding "on call shifts," which we believe that The Walt Disney Company may be using at Disney Stores ("Disney"). Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Disney has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Disney may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Disney provide the following information and documents.

Request for Information

1. What is the process by which Disney schedules employees for work? Does Disney use a computerized system for scheduling? If so, which system does Disney use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Disney utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, or New York? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Disney's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Disney studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on

call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Disney studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Disney in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Disney prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Disney enables Disney to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Disney employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Disney within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Disney schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York.

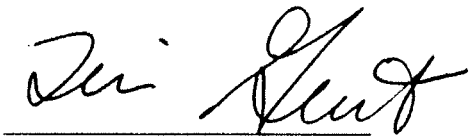
6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

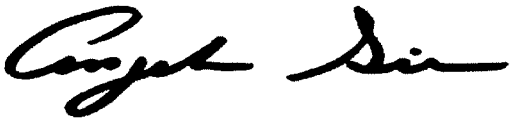
If you are unable to provide responses electronically, please provide hard copies of responses to Terri Gerstein at the New York State Attorney General's Office, 120 Broadway, New York, NY 10271 no later than April 25, 2016.

Thank you in advance for your prompt attention,

Sincerely,



Terri Gerstein
Labor Bureau Chief
New York State Attorney General's Office
120 Broadway
New York, NY 10271
(212) 416-6132



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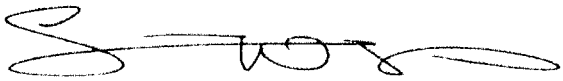

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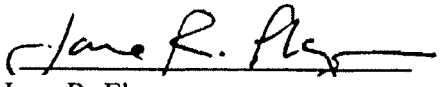
*Admitted to practice only in Maryland. Practicing in the District of Columbia under the direct supervision of Natalie O. Ludaway, a member of the D.C. Bar pursuant to D.C. Court of Appeals Rule 49(c).



Jane R. Flanagan
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Office of the Illinois Attorney General
100 W. Randolph Street, 11th floor
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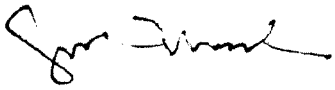

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Joshua N. Auerbach
Special Assistant & Senior Litigation Counsel
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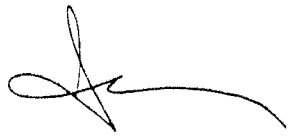

Alethea M. Huyser
Assistant Solicitor General
Manager, Solicitor General Division
Minnesota Attorney General's Office
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Forever 21
3880 N. Mission Rd.
Los Angeles, CA 90031
Attn: Young Kwon

Re: Request for Information Regarding "on call shifts"

Dear Mr. Kwon,

Our offices together write to you regarding "on call shifts," which we believe that Forever 21 may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Forever 21 has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters

sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Forever 21 may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Forever 21 provide the following information and documents.

Request for Information

1. What is the process by which Forever 21 schedules employees for work? Does Forever 21 use a computerized system for scheduling? If so, which system does Forever 21 use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Forever 21 utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Forever 21's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Forever 21 studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Forever 21 studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1 Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Forever 21 in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Forever 21 prior to physically presenting himself or herself in the workplace for work on a given day.

2 For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3 To the extent that any computerized system used by Forever 21 enables Forever 21 to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Forever 21 employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4 Please provide any and all time and payroll records showing dates on which any employee performed work for Forever 21 within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5 Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Forever 21 schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

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Thank you in advance for your prompt attention,

Sincerely,

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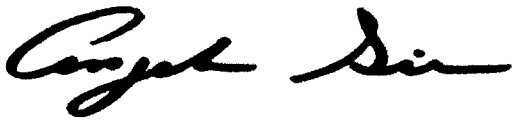

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Assistant Attorney General
Chief, Civil Division
Rhode Island Attorney General's Office
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(401)274-4400, ext. 2303

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Pacific Sunwear of California, Inc.
3450 E. Miraloma Ave.
Anaheim, CA 92806

Attn: Craig Gosselin

Re: Request for Information Regarding "on call shifts"

Dear Mr. Gosselin,

Our offices together write to you regarding "on call shifts," which we believe that Pacific Sunwear of California, Inc. ("PacSun") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. PacSun has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters

sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that PacSun may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that PacSun provide the following information and documents.

Request for Information

1. What is the process by which PacSun schedules employees for work? Does PacSun use a computerized system for scheduling? If so, which system does PacSun use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does PacSun utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow PacSun's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has PacSun studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has PacSun studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by PacSun in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of PacSun prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by PacSun enables PacSun to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all PacSun employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for PacSun within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which PacSun schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

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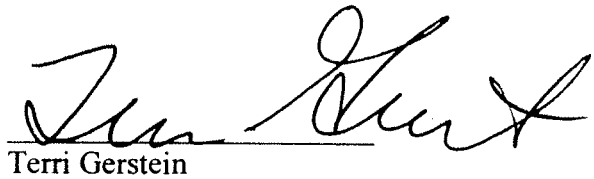
Sincerely,



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Labor Bureau Chief
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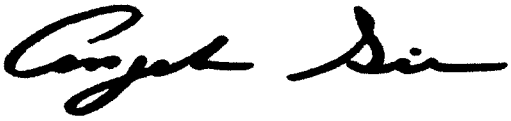

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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Payless ShoeSource, Inc.
3231 Southeast Sixth Ave
Topeka, KS 77707-2207

Attn: Robert Donohoo

Re: Request for Information Regarding "on call shifts"

Dear Mr. Donohoo,

Our offices together write to you regarding "on call shifts," which we believe that Payless ShoeSource, Inc. ("Payless") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Payless has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Payless may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Payless provide the following information and documents.

Request for Information

1. What is the process by which Payless schedules employees for work? Does Payless use a computerized system for scheduling? If so, which system does Payless use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Payless utilize "on call shifts" at any locations in Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Payless's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Payless studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Payless studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Payless in Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Payless prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Payless enables Payless to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Payless employees employed within Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Payless within Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Payless schedules shifts in stores located in Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

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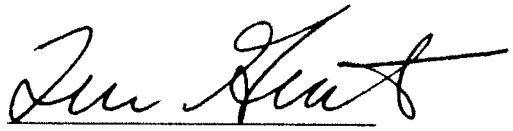
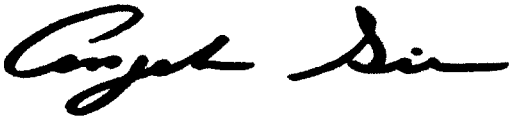
Thank you in advance for your prompt attention,

Sincerely,



Terri Gerstein
Labor Bureau Chief
New York State Attorney General's Office
120 Broadway
New York, NY 10271
(212) 416-6132



Angela Sierra
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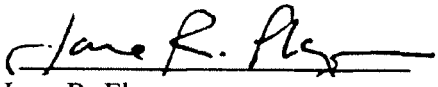
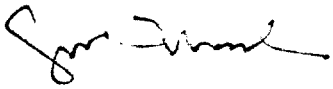
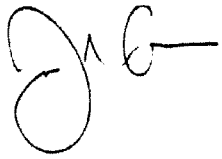


Jane R. Flanagan
Chief, Workplace Rights Bureau
Office of the Illinois Attorney General
100 W. Randolph Street, 11th floor
Chicago, IL 60601
(312) 814-4720



Cynthia Mark
Chief, Fair Labor Division
Office of Massachusetts Attorney General Maura Healey
One Ashburton Place
Boston, MA 02108
(617) 963-2626



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Alethea M. Huyser
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Manager, Solicitor General Division
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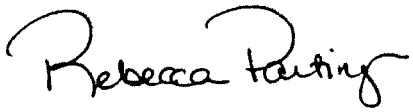
St. Paul, MN 55101-2128
(651) 757-1243



Rebecca T. Partington
Assistant Attorney General
Chief, Civil Division
Rhode Island Attorney General's Office
150 South Main Street
Providence, RI 02903
(401)274-4400, ext. 2303

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Tilly's, Inc.
10 Whatney
Irvine, CA 92618
Attn: Christopher M. Lal

Re: Request for Information Regarding "on call shifts"

Dear Mr. Lal,

Our offices together write to you regarding "on call shifts," which we believe that Tilly's, Inc. may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Tilly's, Inc. has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Tilly's, Inc. may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Tilly's, Inc. provide the following information and documents.

Request for Information

1. What is the process by which Tilly's, Inc. schedules employees for work? Does Tilly's, Inc. use a computerized system for scheduling? If so, which system does Tilly's, Inc. use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Tilly's, Inc. utilize "on call shifts" at any locations in the California, District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, or New York? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Tilly's, Inc.'s policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Tilly's, Inc. studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Tilly's, Inc. studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Tilly's, Inc. in California, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Tilly's, Inc. prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Tilly's, Inc. enables Tilly's, Inc. to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Tilly's, Inc. employees employed within California, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Tilly's, Inc. within California, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Tilly's, Inc. schedules shifts in stores located in California, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and/or New York.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

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Thank you in advance for your prompt attention,

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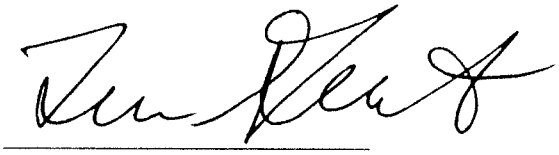

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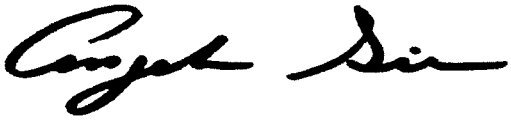

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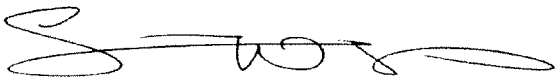

Elizabeth Wilkins
Senior Counsel to the Attorney General*
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Vans/VF Corporation
6550 Katella Ave
Cypress, CA 90630 (Vans)

Vans/VF Corporation
105 Corporate Center Blvd
Greensboro, NC 27408 (VF Corporation)

Attn: Laura Meagher

Re: Request for Information Regarding "on call shifts"

Dear Ms. Meagher,

Our offices together write to you regarding "on call shifts," which we believe that Vans/VF Corporation ("Vans/VF Corp") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide. Vans/VF Corp has store locations in many of our jurisdictions. In addition, certain of the signatory states have reporting pay or call-in pay laws which are applicable within those jurisdictions.

As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Vans/VF Corp may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Vans/VF Corp provide the following information and documents.

Request for Information

1. What is the process by which Vans/VF Corp schedules employees for work? Does Vans/VF Corp use a computerized system for scheduling? If so, which system does Vans/VF Corp use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Vans/VF Corp utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories

of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Vans/VF Corp's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Vans/VF Corp studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Vans/VF Corp studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Vans/VF Corp in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Vans/VF Corp prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Vans/VF Corp enables Vans/VF Corp to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Vans/VF Corp employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Vans/VF Corp within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Vans/VF Corp schedules shifts in stores located in

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Thank you in advance for your prompt attention,

Sincerely,

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Labor Bureau Chief
New York State Attorney General's Office
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(212) 416-6132

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Civil Rights Enforcement Section
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
LABOR BUREAU

April 12, 2016

Zumiez, Inc.
4001 204th Street SW
Lynnwood, WA 98036

Attn: Chris K. Visser

Re: Request for Information Regarding "on call shifts"

Dear Mr. Visser,

Our offices together write to you regarding "on call shifts," which we believe that Zumiez, Inc. ("Zumiez") may be using. Employees assigned to on-call shifts are typically required to contact their employer an hour or two before a scheduled shift to learn whether they must work the shift. If a worker learns that his or her services are not required, the worker is paid no compensation for the day, even though the employee was required to be available to work, to forgo other job and educational opportunities, and to make arrangements for child care or other personal responsibilities.

Such unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be "on call" have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance. "On-call shifts" also interfere with workers' ability to obtain supplemental employment to ensure financial security for themselves and their families.

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As you may know, in 2015, the New York State Attorney General's office sent letters to fourteen major retailers seeking information about their use of "on-call shifts." These letters sought to address the public policy concerns described above and to ensure compliance with New York's "call in pay" regulation, which provides, "An employee who by request or permission of the employer reports for work on any day shall be paid for at least four hours, or the number of hours in the regularly scheduled shift, whichever is less, at the basic minimum hourly wage." 12 NYCRR 142-2.3. Several recipients of the letter responded that they were not using such shifts and the office independently confirmed these representations. The other retailers, after conversations with the New York State Attorney General's office, agreed to stop using "on call shifts," typically nationwide. In order to provide a more predictable and stable work environment for their workforces, these companies also agreed to provide employees with their work schedules at least one week prior to the start of the workweek.

The results of this inquiry to date strongly indicate "on call shifts" are not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.

Because we have reason to believe that Zumiez may be using this methodology for scheduling, we would like to know about your use of "on call shifts." In connection with our review, we request that Zumiez provide the following information and documents.

Request for Information

1. What is the process by which Zumiez schedules employees for work? Does Zumiez use a computerized system for scheduling? If so, which system does Zumiez use and how does it function? How centralized is the scheduling process? How much autonomy do store managers have in the scheduling process? Are scheduling procedures the same for all stores or do they vary by location?

2. Does Zumiez utilize "on call shifts" at any locations in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, or Rhode Island? If so, specify the location(s) and, for each such location, provide the total number of employees, the number of employees at the location subject to "on call shift" requirements, the date on which "on call shifts" were instituted, and the specific policies and practices employees are required to follow in being available for work and determining the availability of work on a given day, including the categories of employees subject (and not subject) to "on call shift" requirements and the penalties to which employees are subject for failure to follow Zumiez's policies in this area as well as the number of employees who have been disciplined or terminated for failure to follow these policies.

3. Has Zumiez studied or analyzed the efficiencies or cost savings believed to be associated with the use of "on call shifts" or the potential or actual effect of "on call shifts" on the productivity or well-being of its employees? If so, describe the results of any such study or analysis.

4. Has Zumiez studied or analyzed alternative methods for addressing unscheduled absences or unanticipated shifts in business volume, other than use of on-call shifts?

Request for Documents

1. Please provide any and all policies, handbooks, documents, postings, or other written materials provided to any employee employed by Zumiez in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island regarding any and all requirements that such employee (a) must be available for work without having work time guaranteed, and/or (b) must call, send a text message, email, or otherwise contact his or her supervisor or any other agent or representative of Zumiez prior to physically presenting himself or herself in the workplace for work on a given day.

2. For each calendar quarter in 2014 and 2015, please provide three to four samples of schedules which include on-call shifts.

3. To the extent that any computerized system used by Zumiez enables Zumiez to produce a report showing the number of instances of on-call shifts assigned, please provide such reports for all Zumiez employees employed within California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island during 2014 and 2015.

4. Please provide any and all time and payroll records showing dates on which any employee performed work for Zumiez within California, Connecticut, the District of Columbia or New York, and was paid for a time period of fewer than four hours on any given day, or within Massachusetts or Rhode Island and was paid for a time period of fewer than three hours on any given day.

5. Please provide any and all documents, including IT guides, computer user manuals, manager guides or handbooks, or other materials explaining the process by which Zumiez schedules shifts in stores located in California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York, and/or Rhode Island.

6. Please provide any and all documents related to any study or analysis referred to in Requests for Information #3 and #4, above.

Please provide your responses electronically, no later than April 25, 2016, to the attention of Oncall.Inquiry@ag.ny.gov.

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Thank you in advance for your prompt attention,

Sincerely,

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New York State Attorney General's Office
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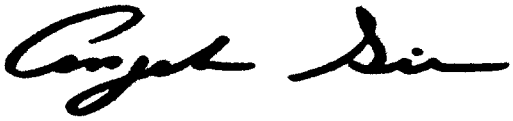

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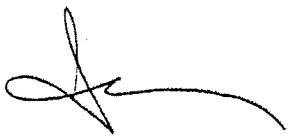

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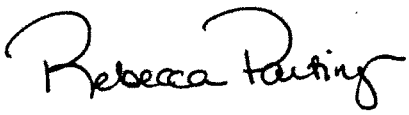

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