

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

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New York City Expands Scheduling and Workplace Protections for Service and Delivery Workers

New York City continues to set the standard nationwide in expanding workplace protections for service industry employees. Recent legislative updates have strengthened scheduling rights for retail and fast-food workers under the City's Fair Workweek Law and introduced new safeguards for app based and grocery delivery workers. Employers operating in these sectors should carefully review their scheduling and pay practices, as noncompliance can result in substantial penalties and enforcement actions.

Fair Workweek Requirements

New York City's Fair Workweek Law—part of a growing national trend toward predictable scheduling—has a stated aim of providing service sector workers more stable and transparent work hours. The law applies separately to fast food and retail employers, each with specific obligations.

Fast Food Employers

Fast food employees must receive a regular schedule identifying their expected workdays and hours. Employers must:

- Provide schedules 14 days in advance, both posted at the workplace and distributed directly to employees (individual notification may take the form of a personal message such as email, text message or a push notification in a scheduling app).
- Communicate schedule changes in writing as soon as possible by posting the changed schedule conspicuously in the workplace and individually notifying the affected employees by personal message or push notification in a scheduling app.
- Pay premium compensation for last minute changes—ranging from \$10 to \$75 per change, depending on timing and impact.
- Pay a \$100 premium for “clopening” shifts (back-to-back closing and opening shifts).

Retail Employers

Retail employers must:

- Provide work schedules at least 72 hours in advance, both posted at the workplace and distributed to employees via personal message or push notification on a scheduling app.
- Obtain written employee consent to add or cancel shifts within 72 hours of a shift start.
- Avoid on call scheduling, which is prohibited under the law.
- Pay fines of up to \$300 per affected employee, with higher penalties for repeat violations.

Recordkeeping

All covered employers must retain for three years records of:

- Employee schedules and hours worked;
- Any written consent to schedule changes; and
- Copies of all schedules provided.

Failure to maintain these records creates a presumption in favor of the employee in any dispute or enforcement action. For wage and hour best practices, employers should maintain all time and schedule records for at least six (6) years.

Protections for App Based and Grocery Delivery Workers

New York City was the first city in the U.S. to establish minimum pay standards and working conditions for app based food delivery workers. The law sets a minimum pay rate of \$21.44 per hour and imposes additional requirements on third party delivery platforms.

In September 2025, the City Council overrode Mayor Adams' veto to extend these protections to grocery delivery workers, previously excluded from coverage. The updated law also requires:

- Apps to provide insulated delivery bags;
- Improved bathroom access at restaurants and delivery hubs; and
- Greater transparency about how tips and pay are calculated.

Compliance Takeaways

These developments underscore New York City's ongoing focus on scheduling and treatment of service and gig economy workers. Employers in the retail, fast food, and delivery sectors should take proactive steps to ensure compliance, including:

1. Reviewing scheduling policies to confirm adherence to notice and consent requirements.
2. Training managers on premium pay obligations and prohibited scheduling practices.
3. Verifying that recordkeeping procedures satisfy the City's three year retention standard (and six year for wage and hour best practices).

Failure to comply can expose employers to civil penalties, private litigation and reputational risk. Employers are encouraged to consult experienced counsel to ensure their scheduling and pay practices align with current city requirements and enforcement priorities.

If you have any questions or would like any additional information regarding best practices, policy updates, or other legal developments, please contact [Sam Dobre](#), [Jason Kaufman](#) or any attorney in Bond's labor and employment practice.

*Special thanks to associate trainee Lindsay McCarthy for her assistance in the preparation of this memo. Lindsay is not yet admitted to practice law.

