



Assembly Member Cristina Garcia
California State Assembly
1021 O Street, Suite 8140
Sacramento, CA 95814

Assembly Member Evan Low
California State Assembly
1021 O Street, Suite 6110
Sacramento, CA 95814

April 12, 2022

RE: AB 2932 (Garcia/Low)--OPPOSE

Dear Assembly Members Garcia and Low:

On behalf of the over 25,000 members of SHRM (the Society for Human Resource Management) in California, I am writing to express our **opposition** to **AB 2932**, as amended on March 24, 2022. This bill will reduce the workweek in California from 40 to 32 hours for employers with 500 or more workers. Work in excess of 32 hours in a workweek will be compensated at the rate of no less than 1 1/2 times the employee's regular rate of pay, and an employer will be prohibited from reducing an employee's regular rate of pay as a result of this reduced hourly workweek requirement.

SHRM creates better workplaces where employers and employees thrive together. As the voice of all things work, workers and the workplace, SHRM is the foremost expert, convener and thought leader on issues impacting today's evolving workplaces. With 300,000+ HR and business executive members in 165 countries, SHRM impacts the lives of more than 115 million workers and families globally.

SHRM understands that in this post-pandemic environment employees are seeking increased flexibility in their work arrangements to maximize time spent with family, minimize time spent commuting and balance work-life needs. SHRM's members serve as the vital interface between employee and employer, applying employment laws in a real-world context and developing workplace policies that strike a balance between the needs of workers and employers. We support workplace flexibility that works for both employees and employers. However, the mandates required in AB 2932 are onerous and will increase burdens on HR professionals.

There Are More Reasonable Workplace Flexibility Solutions Available

Numerous bills have been introduced this session that would increase flexibility for workers in California, yet these bills have either not been set for hearing or were drastically amended. One such bill is AB 1761 (Voepel) that would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek. It would also allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday. Even though AB 1761 contains a solid approach that is fair to both employees and employers, the Assembly Committee on Labor & Employment has not scheduled it for a hearing.

Another bill, SB 657, was introduced last year and would have allowed remote employees to receive required postings electronically and sign off on employment-related documents electronically. The bill would have provided HR professionals clarity that electronic transmission complies with the law, yet because it was drastically amended to pass out of committee, the final version did not positively facilitate flexibility.

Many Employers Already Offer a Four Day Workweek: A Mandate is Unnecessary

According to SHRM [research](#), in 2020 32% of organizations offer a compressed workweek (allowing full-time employees to work longer days for part of the week or pay period in exchange for shorter days or a day off each week or pay period). These workers still work 40 hours per week, but on a compressed schedule. AB 2932's one-size fits all approach does not consider diverse work environments and the wide variety of industries and organization sizes. In addition to compressed workweeks, businesses are implementing other types of schedule flexibility, including flextime, shift work, part-time schedules and job-sharing.

AB 2932 Will Create a Significant Logistical Burden for HR Professionals

Often when organizations move to a compressed workweek, it will go through several iterations before a final model is adopted. HR professionals need to seek feedback from leadership and employees, and many times training may need to take place because this type of schedule impacts work culture. It's not as simple as just picking one day for workers to not work.

Even though AB 2932 only applies to businesses with more than 500 employees, it will have negative affects at the local level. For instance, a company may have 550 employees in California, but those employees are spread throughout the state in much smaller offices or working units. If a local office only has five total employees, the 32-hour workweek mandate could force an HR professional into an untenable situation since they would see staffing shortages that could affect output and/or the customer experience. Additionally, AB 2932 does not limit the mandate to businesses with more than 500 employees in California. Therefore, an East Coast company that has one satellite office in California with four employees would be forced to create a four-day schedule solely for the California office. This new schedule could drastically affect East Coast employees' ability to collaborate with their California counterparts.

This is already difficult with the three-hour time difference. AB 2932 would also create disparate work schedules within the company, straining workplace culture.

AB 2932 Will Negatively Impact Local Economies

By reducing the workweek to 32 hours, AB 2932 will have a negative impact on local economies. If employees will only be physically present at their workplaces four days per week, instead of five, businesses that they typically frequent will continue to lose revenue. Coffee shops, restaurants, parking garages and other businesses that have already been severely hit by the COVID-19 shutdown will be hurt financially and continue to struggle to bounce back. A shorter workweek will increase customer dissatisfaction, with fewer employees available to provide seamless customer service. In the retail, restaurant and hospitality industries, where many workers are paid by the hour and interact with customers, a shorter workweek would cause significant staffing issues.

For the reasons stated above, we **oppose** AB 2932. For more information about SHRM's position, please contact me at Emily.Dickens@shrm.org.

Sincerely,



Emily M. Dickens
*Chief of Staff, Head of Government Affairs
& Corporate Secretary*

cc: Assembly Member Ash Kalra, Chair, Assembly Committee on Labor & Employment
Members, Assembly Committee on Labor & Employment
Megan Lane, Chief Consultant, Assembly Committee on Labor & Employment
Lauren Prichard, Consultant, Assembly Republican Caucus
Che Salinas, Office of the Governor