

City of San José Opportunity to Work Ordinance
How to be Compliant - Suggested Steps for Employers

Step One

Employer identifies need for additional hours of work to be performed. Prior to hiring new Employee(s) including subcontractors or the use of temporary staffing services, Employer determines:

- Number of additional work hours needed to be performed and skills and experience needed to perform the additional work hours
- Reviews list of existing part-time Employees and determines which Employee(s), in the Employer's good faith and reasonable judgment, have the skills and experience to perform the work
- If Employee(s), in the Employer's good faith and reasonable judgment, do not have the skills and experience to perform the additional hours of work, Employer to document

Step Two

Employer determines how best to communicate offer of additional hours, timeline and process for response to qualified existing part-time Employees. Communication may include, but is not limited to the following methods:

- Post additional hours in a conspicuous place at worksite where any Employee can see. Employer to post additional hours in any languages spoken by at least five (5) percent of the Employees at the workplace. Post to include timeline for Employee(s) to respond to additional hours;
- Email offer of additional hours;
- Individually meet with Employee(s) and offer additional hours; and/or
- Have part-time Employees indicate their interest or lack of interest in additional hours

Employer shall document and retain process and records of offering additional hours to qualified existing part-time Employee(s).

Step Three

Based on Employee response(s) to offer of additional hours, Employer determines how best to disperse additional hours to qualified existing part-time Employees. If not all additional hours are able to be dispersed to qualified existing part-time Employee(s), Employer may hire a new Employee(s).