

**BIZfact**

**\$63,000**

Annual median wage of Long Island's 470 insurance appraisers (auto damage)

SOURCE: New York State Labor Department

**A MIXED PICTURE OF ON-TIME FLIGHTS**

U.S. airlines started the year showing a slight improvement in keeping flights on time. The Transportation Department said last week 79.6 percent of flights in January arrived within 14 minutes of schedule, compared with 76 percent in the same month last year.

But January's performance was worse than December's 80.3 percent on time.

Alaska Airlines posted the best rating, 88.9 percent; JetBlue Airways was last at 65.8 percent.

Twelve domestic flights sat on the ground at least three hours, long enough to risk fines by the government. Delta and JetBlue had three each.

Airlines canceled 3 percent of domestic flights in January, up from 2 percent a year earlier and 1.2 percent in December.

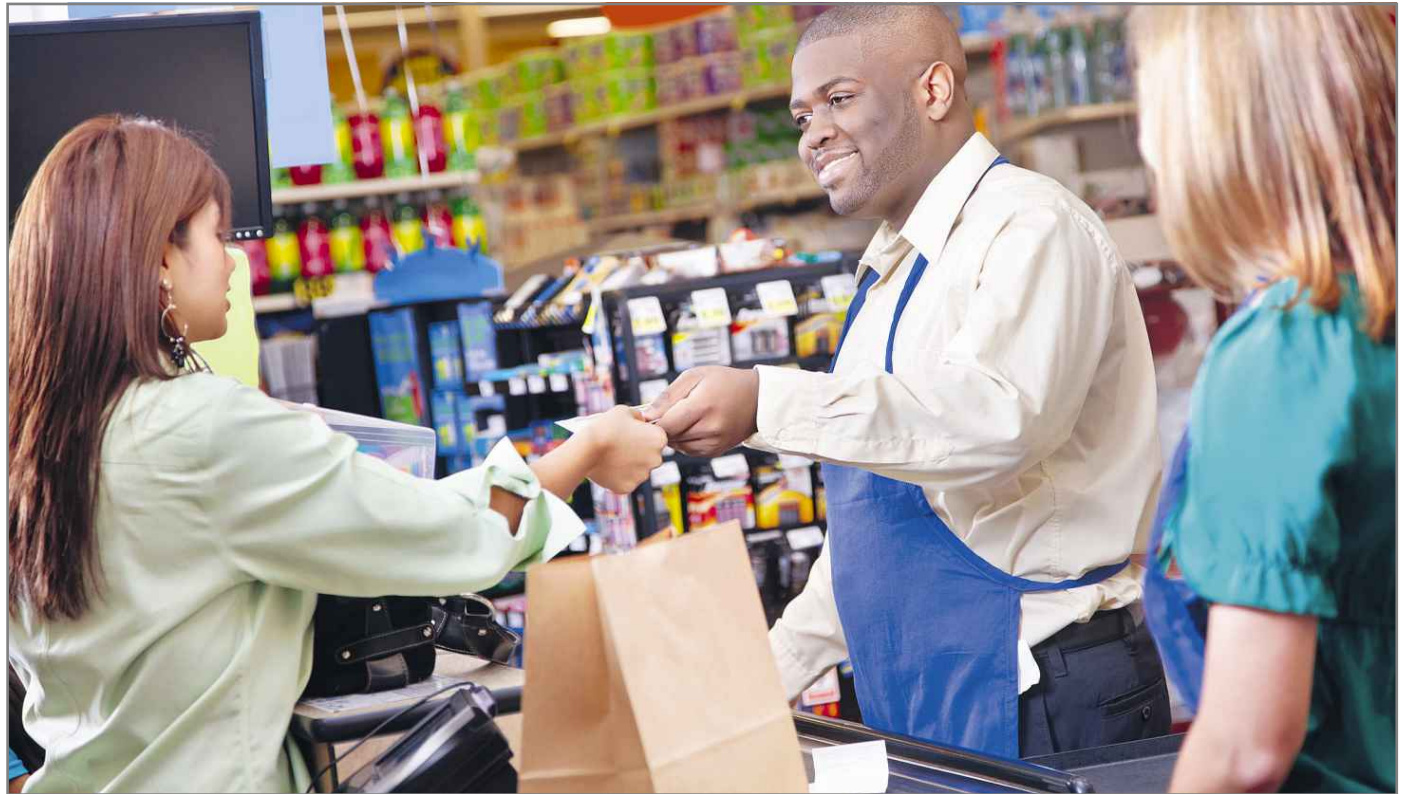
The highest cancellation rates were on regional carriers operating smaller planes for the major carriers. PSA Airlines, a subsidiary of American Airlines, canceled 7 percent of its flights, while Delta subsidiary Endeavor Air scrapped 6.1 percent. JetBlue canceled 5.9 percent of its flights.

Complaints to the government about U.S. airlines fell to 703 in January from 1,005 a year earlier. Spirit Airlines, Frontier Airlines and Allegiant Air had the highest complaint rates, while ExpressJet, Alaska and Republic had the lowest.

The monthly Transportation Department report has been expanded to cover 18 airlines. —AP

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The proposals would require businesses to pay workers under certain conditions. The goal is to have less disruptive work schedules.

**TAKING AIM at shift changes**

State proposals would require adequate notice to employees

BY CARRIE MASON-DRAFFEN  
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**S**cheduling for some employees could become a lot more predictable under proposed state regulations that would penalize employers who call workers in or cancel their shifts without adequate notice.

Proponents said the Labor Department rules would ensure a less disruptive work life for employees, especially those who work a second job or need child care. But some employers and their advocates criticized the proposed changes as too costly and restrictive.

The rules were drafted after the Labor Department held

hearings around the state last year. The comment period ended Jan. 22. The department hasn't yet issued the final rules.

The proposed changes have four key parts:

- If an employer fails to inform an employee of a schedule change at least 14 days in advance, the company would have to pay that worker an extra two hours at minimum wage, which is currently \$11 on Long Island and \$12 to \$13 in New York City, depending on the size of the company.

- If an employee's shift is canceled less than 72 hours before it begins, the employee would have to be paid for four hours at minimum wage, or fewer hours if the worker's shift was shorter.

- An employee required to be available to work for any shift must be paid four hours of on-call pay.

- An employee required to contact his or her employer less than 72 hours before the start of a shift to confirm whether to report also must be paid at least four hours at minimum wage.

The current call-in regulation requires employers to pay employees for at least four hours when they report to work but are sent home early. Now, the payment requirement has been extended to scheduling changes and on-call situations.

The rule would cover hourly employees in a variety of industries such as retail and

health care, who constantly face changing schedules, experts said.

"I think the law was designed to help someone who works a more sporadic-type schedule," said employment attorney Carmelo Grimaldi, a partner at Meltzer, Lippe, Goldstein & Breitstone in Mineola.

But the proposal would exempt workers who are covered by different wage orders, such as those in the hospitality industry, which includes restaurants and hotels, as well as those in building services and agriculture. And the proposal also exempts full-time workers it labels as "highly compensated,"

See SHIFT on A30

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# LI BUSINESS

## NEW SERVICES TO FOLLOW USERS ACROSS DEVICES

The Associated Press

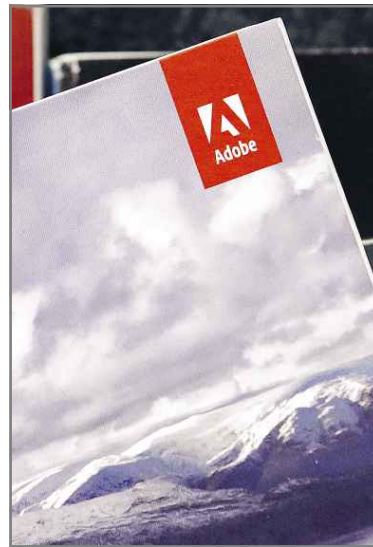
Some 60 companies including such leading brands as Subway, Sprint and the NFL are joining forces to help each other follow you around online.

Adobe, a company better known for Photoshop and PDF files, says the new Device Co-op initiative it is organizing will help companies offer more personalized experiences and make ads less annoying by filtering out products and services you have already bought or will never buy. Under the initiative, Adobe can tell you're the same person on a home PC, a work laptop, a phone and a tablet by analyzing past sign-ins with member companies.

The initiative comes amid heightened privacy sensitivities after reports that Facebook allowed a political consulting firm, Cambridge Analytica, to harvest data on millions of Facebook users to influence elections. Facebook also has been criticized for collecting call and text logs from phones running Google's Android system.

Adobe's initiative underscores the role data play in helping companies make money. Many of the initial uses are for better ad targeting.

The company timed last week's announcement to a digital marketing conference it hosted in Las Vegas. Adobe executives said they believe their initiative offers strong



AP / ALAN DIAZ

**Software maker Adobe last week announced its new initiative to link discrete activities online.**

privacy safeguards and weren't worried about a backlash in light of the Facebook scandal.

"With this stuff coming out now around Cambridge Analytica and Facebook, the bar has to be so high in terms of privacy," Adobe executive Amit Ahuja said.

Adobe says no personal data are being exchanged among participating companies, which also include Allstate, Lenovo, Intel, Barnes & Noble, Subaru and the Food Net-

work. Adobe says the program links about 300 million consumers across nearly 2 billion devices in the United States and Canada.

The program would let Sprint, for instance, know that Bob is already a customer when he visits from a new device. Bob wouldn't get a promotion to switch from another carrier, but might get instead a phone upgrade offer. Or if Mary has declared herself a Giants fan on the NFL's app, she might see ads with Giants banners when visiting NFL.com from a laptop for the first time.

All this might feel creepy, but such cross-device tracking is already commonly done by matching attributes from devices that send signals from the same internet location, or IP address. Consumers typically have little control over it.

Adobe says it will give consumers a chance to opt out of such tracking. And it's breaking industry practices in a few ways. Adobe says it will honor opt-out requests for all participating companies and for all devices at once. It's more typical for such setups to require people to do so one by one. All companies in the initiative are listed on Adobe's website, a break from some companies' practice of referring only to unspecified partners.

"We're doing everything we can" to not let "brands hide themselves," Ahuja said.

## Proposals aim for less disruptive shifts

SHIFT from A29

defined as those earning weekly wages that are at least 40 times the minimum hourly wage. And the rule wouldn't cover workers whose contracts provide call-in pay.

Reaction to the proposed regulations has been mixed.

"The draft call-in pay regulations are an important effort to address widespread instability in hours of work and, therefore, income for low-wage workers," said Helen Schaub, state director of policy and legislation at Local 1199 SEIU United Health Care Workers East in Manhattan.

But state Sen. Phil Boyle (R-Bay Shore), chairman of the Senate Committee on Commerce, Economic Development and Small Business, who conducted a hearing on the proposed changes in January, said he wants the proposal withdrawn.

"It could have a devastating effect on jobs in New York State," he said. "I don't know what the Labor Department was thinking."

The Business Council of New

York State Inc. also has blasted the proposal.

"While we can appreciate the public policy concerns that this rule is attempting to address," the group said in a news release, "this rule would impose challenging administrative compliance burdens on many employers."

Lawyer Dawn Davidson Drantch, corporate counsel at Alcott HR, a Farmingdale human-resources services company, also predicted a financial burden for businesses.

"It's not insignificant when you are talking about two hours here, four hours there."

But Wayne Schaefer of Schaefer Law Group in Smithtown, which represents employees, said the proposed regulations are sorely needed.

"Employees are not given the option to not show up," he said. "They refuse at their own peril. Why should an employee have to bear the full brunt of that situation?"

Grimaldi, who represents employers, agreed the proposal makes sense.

"It's a lot easier to go to a second

job and say 'Listen, I would like to work this day 14 days from now,'" he said. "I understand the intent. Most of my clients have complied with a law like this because it is grounded in common sense."

The Long Island Association, the region's largest trade group, would like to see some changes to the proposal. They include halving the required notice for a schedule change to seven days.

"It is important to balance the shared goal of protecting our workforce from unfair practices while also ensuring that responsible employers maintain the flexibility to respond to unforeseen events," said Matthew Cohen, the group's vice president of government affairs and communications.

The comment period for the proposal was initially set to end Jan. 6 but was extended to Jan. 22.

Said Desiree Gargano, an associate in the labor and employment practice of the law firm Certilman Balin Adler & Hyman in East Meadow, "They were probably receiving a lot of comments."