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# Abercrombie & Fitch

NEW YORK

August 5, 2015

Terri Gerstein  
Labor Bureau Chief  
Office of the Attorney General  
120 Broadway  
New York, N.Y. 10271

Dear Ms. Gerstein:

I am writing to memorialize our discussions regarding Abercrombie & Fitch's commitment to discontinue the use of call-in shift scheduling in New York.

We acknowledge your April 10, 2015 letter concerning call-in shift scheduling. Abercrombie has been and continues to be strongly committed to a culture of compliance, and believes that it has at all times been complying with the law relating to call-in shift scheduling in New York and throughout the United States, and has systems in place to ensure compliance with all relevant regulations.

Nonetheless, we understand -- and share -- the Attorney General's concerns about call-in shift scheduling. The Attorney General's letter helped focus our ongoing internal discussions about how to create as stable and predictable a work environment as possible for our employees.

We are pleased to confirm that as a result of those discussions Abercrombie has decided to discontinue the use of call-in shift scheduling. The company's long term goal is to discontinue the use of call-in shifts throughout the United States, and we will begin that process in New York this September.

What this means is that Abercrombie's hourly and shift workers will not be required to hold their schedules open for shifts for which they may or may not ultimately be asked to work. Instead, a week prior to the start of their workweek, employees will be provided with a schedule that lists all of the shifts that they are required to work during the coming week.

Abercrombie will replace call-in scheduling with a new program for addressing unanticipated scheduling needs. This new program will operate as follows: employees will be asked if they want to receive email alerts notifying them when an unexpected scheduling need arises. Those employees who affirmatively opt to receive such alerts will receive them when the company's unanticipated scheduling need matches their potential availability. Employees who choose to receive the alerts will not have any obligation to accept any of the shifts offered via the alerts.

As part of its training and processes, Abercrombie will ensure that there is no retaliation against (and in decisions about hiring will not disfavor): (1) employees who do not sign up for the email alerts; (2) employees who sign up for the alerts and are unable or choose not to accept any of the shifts offered by

email alert; and (3) employees who are unable or choose not to work beyond the end of their previously-scheduled work shift in order to cover unanticipated scheduling needs.

Abercrombie will not require any employee to opt to receive the email alerts as a condition of employment and, for employees who voluntarily choose to sign up to receive the emails, will permit those employees to opt out of receiving the email alerts at any time.

Abercrombie anticipates fully transitioning to this new shift scheduling in New York by the end of 2015, and will communicate fully with employees about all aspects of this transition. By that same time, Abercrombie will train its New York store managers in all aspects of the new program, including how to use the alerts and the prohibition against any retaliation as described above. Abercrombie will also instruct managers not to overschedule employees and then cancel shifts in order to compensate for no longer using "on call" shifts.

We appreciate the Attorney General's interest in fostering and protecting a stable and predictable work environment, and are pleased to have worked cooperatively with your office as we devised our new program.

Sincerely,



Robert E. Bostrom  
Senior Vice President, General Counsel and Secretary