



WORKPLACE JUSTICE

## THE SCHEDULES THAT WORK ACT: GIVING WORKERS THE TOOLS THEY NEED TO SUCCEED

The demographics and needs of the American workforce have changed. Working mothers are primary breadwinners in 42 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 49 percent of family earnings—in another 22 percent of these families.<sup>1</sup> Sixteen percent of the population provides unpaid elder care to a relative or friend, and more than half of these caregivers are in the labor force.<sup>2</sup> Nearly one in two people in the United States has a chronic medical condition that requires regular care.<sup>3</sup> But workplaces have not caught up with these realities—indeed, many are moving in the wrong direction, providing work schedules with less and less stability, predictability, and employee input.

Workers across the income spectrum report very little ability to make even minor adjustments to their schedules in order to meet their responsibilities outside of work. And for the more than 21.6 million workers in low-wage jobs (typically paying \$10.50 per hour or less),<sup>4</sup> scheduling challenges are especially acute. Unpredictable and unstable work schedules have been particularly well documented in retail sales, food preparation and serving, and building cleaning occupations, with increasing evidence that this problem is widespread across the hourly workforce.<sup>5</sup>

The fallout from scheduling practices that do not take working people's needs into account can be devastating.<sup>6</sup> Difficult work scheduling practices undermine individuals' efforts to fulfill their caregiving responsibilities, while low wages and other work conditions that increase parents' stress—including unstable and unpredictable work hours—can also undermine children's well-being. At the same time, these scheduling practices make it especially hard for

parents to afford and access the high-quality child care that would provide needed stability for their children and help prepare them for school. They also make it tougher to pursue education or training while holding down a job, as many want to do to make a better life for themselves and their families. For those who need a second part-time job to make ends meet because they cannot get enough hours at their primary job, unpredictable scheduling practices can make juggling two jobs very difficult. And individuals managing serious medical conditions are often denied the control over their schedules that they need to both manage their conditions and hold down their jobs. The Schedules That Work Act would promote the fair work schedules that working families need.

### Challenging Scheduling Practices Are Common

#### Little Say in Work Schedules

Many working people—especially those in low-wage jobs—have few opportunities for meaningful input into the timing of the hours that they work, and are unable to make even minor adjustments to their work schedules without suffering a penalty.<sup>7</sup> In multiple surveys of low-wage and/or hourly workers, roughly half report having little or no control over the timing of their work hours.<sup>8</sup> Early-career hourly employees of color report less control over their work hours than do their white counterparts.<sup>9</sup> And more than a third of parents believe they've been “passed over” for a promotion, raise, or a new job due to a need for a flexible work schedule.<sup>10</sup>

Some employers have policies requiring employees to have completely open availability to work—on any day of the week and at any time of day or night—in order to receive full-time work. This can make it extremely difficult for workers with significant responsibilities outside of work to get full-time hours.<sup>11</sup> And individuals who request a schedule that allows



them to attend school, take a child to a regular medical appointment, or address their own health needs too often find that their employers retaliate by cutting their hours sharply.<sup>12</sup>

### Unpredictable Schedules

Some employers adopt “just-in-time scheduling,” which adjusts work schedules on perceived and predicted fluctuations in consumer demand and often results in individuals being given very little advance notice of their work schedules.<sup>13</sup> A recent survey of nearly 3,000 hourly retail workers (the “Retail Work and Family Life Survey”) found that 60 percent received less than two weeks’ notice of their schedules.<sup>14</sup> Additional studies have found that those in retail, restaurant, and hospitality jobs commonly receive just a few days’ notice of a scheduled shift.<sup>15</sup>

Sometimes notice is even shorter: an employee scheduled for a “call-in” or “on-call” shift must be available to work, but will find out just hours before the shift whether she must actually report to work.<sup>16</sup> Last-minute changes to scheduled shifts are also common in some jobs,<sup>17</sup> and shift length can be highly unpredictable as well; on a busy day, an employee may be told to extend her shift<sup>18</sup>—and if business is slow, she might be sent home soon after she arrives, with transportation and child care costs amounting to more than that day’s pay.<sup>19</sup>

### Unstable Schedules

Many in low-wage jobs experience unstable schedules with hours that vary from week to week or month to month, or periodic reductions in work hours when work is slow. Among early-career adults, nearly three-quarters of those in hourly jobs report at least some fluctuations in the number of hours they worked in the previous month, with hours fluctuating, on average, by 50 percent.<sup>20</sup> Among those in retail and food service jobs, close to nine in ten report variable hours.<sup>21</sup> The vast majority—86 percent—of retail workers in the Retail Work and Family Life Survey reported a desire for more regular hours.<sup>22</sup>

Unpredictable and unstable work schedules yield unpredictable and unstable income, making it difficult for families to budget and to pay the bills. In the Retail Work and Family Life Survey, nearly half of the retail workers surveyed reported that their household incomes vary from week to week, and one-third reported that it is hard for them to pay their bills in a typical month.<sup>23</sup> Individuals with more variable schedules experienced greater income volatility and difficulty paying their bills, as well as higher stress; similarly, those who receive less than two weeks’ notice of their schedules experienced more income volatility and higher stress than those who receive at least two weeks’ notice.<sup>24</sup> Researchers

also found that variable schedules in particular are associated with higher stress for parents, as well as less time spent with their children.<sup>25</sup>

### Involuntary Part-Time Work

More than one in six part-time employees (5.9 million people) work part time involuntarily and would prefer to find full-time work.<sup>26</sup> All too often, individuals are hired expecting full-time hours only to find that they are not put on the schedule at all for weeks and months at a time—a practice that is especially well-documented in the retail industry.<sup>27</sup> In the Retail Work and Family Life Survey, 70 percent of the retail workers surveyed reported that they would like to work more hours.<sup>28</sup>

## The Schedules That Work Act Provides Stability and Predictability for Working People and Their Families—and For Employers, Too

### The Schedules That Work Act Would Provide:

**Employee voice in work schedules.** The Schedules That Work Act would give all employees the right to make scheduling requests without employer retaliation, giving employees a say in their work schedules. Employers would be required to consider scheduling requests from all employees and provide a response. For an employee who needs a schedule change to fulfill caregiving responsibilities, to work a second job (for part-time workers), to pursue education and workforce training, or to address his or her own serious health condition, the employer would be required to grant the requested schedule change, unless there is a bona fide business reason not to do so—e.g., an inability to reorganize work among existing staff or the insufficiency of work during the periods the employee proposes to work. Requests made for these reasons would be prioritized because fulfilling these obligations is especially critical to the financial, emotional and physical well-being of working people and their families. The right to request provision in the Schedules That Work Act is based on similar laws recently enacted in Vermont;<sup>29</sup> New Hampshire;<sup>30</sup> Seattle, Washington;<sup>31</sup> and San Francisco and Emeryville, California,<sup>32</sup> and which have been in place for more than a decade in the United Kingdom and elsewhere.

**More predictable and stable schedules.** For hourly workers in certain jobs where abusive scheduling practices are especially well-documented—restaurant, retail, and building cleaning—the bill would provide additional baseline workplace protections. Close to one in six workers—nearly 24 million—hold jobs in these sectors, and many of these jobs are among the lowest paid in the economy.<sup>33</sup> To address the problems of unpredictable and unstable schedules that are



characteristic of these jobs, the Schedules That Work Act would require employers to provide nonexempt restaurant, retail, and building cleaning employees with reporting time pay, split shift pay and advance notice of work schedules.

- **Reporting time pay.** When an employee is sent home from work early without being permitted to work his or her scheduled shift, the bill would require the employee to be paid for a minimum of four hours of work or the number of hours in the scheduled shift, whichever is fewer. In addition, if an employee is required to call in less than 24 hours before the start of a potential shift to learn whether he or she is scheduled to work, the bill would require the employee be paid a premium, equivalent to one hour of pay. This provision is modeled on reporting time pay requirements in eight states and the District of Columbia.<sup>34</sup>
- **Split shift pay.** If an employee is required to work a shift with nonconsecutive hours with a break of more than one hour between work periods, the bill would require the employer to pay a premium for that shift, equivalent to one hour of pay. This provision is modeled on similar split shift requirements in the District of Columbia and California.<sup>35</sup>
- **Advance notice of schedules.** When an employee is hired, the bill would require an employer to disclose the minimum

number of hours an employee will be scheduled to work. If that minimum number changes, the bill would require the employer to give two weeks' notice of the new minimum hours before the change goes into effect. In addition, the bill would require an employer to provide an employee with his or her work schedule two weeks in advance. If an employer makes changes to this work schedule with notice of only 24 hours or less, the bill would require the employee to be paid a premium, equivalent to one hour of pay. San Francisco, Seattle, New York City, and Emeryville (CA) have enacted ordinances to require that employers provide two weeks' advance notice of schedules to employees in certain large retail and/or food service establishments.<sup>36</sup>

The Schedules That Work Act includes a provision authorizing the Department of Labor to evaluate the extent of unpredictable and unstable scheduling practices in other low-wage jobs, and designate additional occupations to be covered by the reporting time pay, split shift pay, and advance notice provisions. It also has a pay stub transparency provision, which requires an employer to specify in an employee's pay stub whether any pay is required under the reporting time pay, split shift pay, and advance notice provisions, and to identify the total number of hours of each type of additional pay provided.

## Why Women Need Schedules That Work

Women are disproportionately affected by unstable, unpredictable work schedules because women not only hold the majority of low-wage jobs but also still shoulder the majority of caregiving responsibilities.<sup>37</sup> Women of color especially bear the brunt of challenging scheduling practices, as they are overrepresented both in the low-wage workforce<sup>38</sup> and among single mothers working to support their families.<sup>39</sup> For single mothers, scheduling challenges can pose particularly acute problems that are often compounded by inadequate pay: in 2015, families with children that were headed by a working single mother had a median income of less than \$28,400.<sup>40</sup> Low wages make it much harder to pay for things like back-up child care and transportation—costs that are frequently imposed by challenging work schedules. And women make up more than half of cashiers, restaurant and fast food workers, and cleaning workers, to whom the baseline labor protections of advance notice, reporting time, and split shift pay in the Schedules That Work Act apply.<sup>41</sup>

When women have schedules that allow them to meet their family responsibilities, they are less likely to be absent due to caregiving responsibilities, and more likely to stay in their jobs.<sup>42</sup> Fair work schedules also make it possible for women to stay in degree or certificate programs that provide opportunities for advancement. And education is critically important for women—since women must be more educated than men to receive the same pay that men do.<sup>43</sup>

Scheduling practices that fail to take working people's needs into account result in higher rates of turnover and absenteeism, and lower employee engagement.<sup>44</sup> In contrast, schedules that work for individuals and their families lead to more productive and committed employees and lower workforce turnover.<sup>45</sup> More consistent hours and advance notice of schedules also make it easier for employees to

secure stable child care and arrange transportation so that they can consistently be and stay at work—which can minimize the damaging stress that so many working parents face while creating stability, predictability, and cost savings for businesses. The Schedules That Work Act will promote the health and well-being of America's working families and help build a sustainable economy.



- 1 The share of mothers who are breadwinners or co-breadwinners has increased from 27.5 percent in 1967 to 63.3 percent in 2015. SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS ARE INCREASINGLY THE U.S. NORM (Dec. 2016), available at <https://www.americanprogress.org/issues/women/reports/2016/12/19/295203/breadwinning-mothers-are-increasingly-the-u-s-norm/>.
- 2 U.S. Dep't of Labor, Bureau of Labor Statistics (BLS), Unpaid ElderCare in the United States—2013-14 Data from the American Time Use Survey (Sept. 2015), available at <https://www.bls.gov/news.release/pdf/elcare.pdf>.
- 3 See NAT'L P'SHIP FOR WOMEN & FAMILIES, FACT SHEET: PAID SICK DAYS ARE NECESSARY TO MANAGE CHRONIC ILLNESS 1 (Aug. 2012), available at <http://www.nationalpartnership.org/research-library/work-family/psd/paid-sick-days-are-necessary-to-manage-chronic-illness.pdf>.
- 4 Nat'l Women's Law Center (NWLC) calculations based on the 2016 Current Population Survey (CPS) using Sarah Flood et al., IPUMS-CPS: Version 4.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2015); BLS, Occupational Employment Statistics (OES), May 2015 National Occupational Employment and Wage Estimates, [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm) (last visited Jan. 28, 2017). While this analysis defines "low-wage job" as one with median hourly wages of \$10.50 or less, "low-wage jobs" or "low-wage workers" may be defined in a variety of ways, and the definition of "low-wage" varies throughout this analysis because it draws on multiple data sources. Please reference the individual sources cited for specific details.
- 5 See, e.g., SUSAN J. LAMBERT, PETER J. FUGIEL, & JULIA R. HENLY, SCHEDULE UNPREDICTABILITY AMONG EARLY CAREER WORKERS IN THE US LABOR MARKET: A NATIONAL SNAPSHOT, EXECUTIVE SUMMARY, 1-4 (2014), available at [https://ssascholars.uchicago.edu/sites/default/files/einet/files/lambert.fugiel.henly\\_executive\\_summary.b\\_0.pdf](https://ssascholars.uchicago.edu/sites/default/files/einet/files/lambert.fugiel.henly_executive_summary.b_0.pdf).
- 6 See generally NWLC, COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES (Updated Apr. 2017), available at <https://nwlc.org/wp-content/uploads/2017/04/Collateral-Damage.pdf>; JULIE VOGTMAN & KAREN SCHULMAN, NWLC, SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (Jan. 2016), available at <https://nwlc.org/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>.
- 7 LIZ WATSON & JENNIFER E. SWANBERG, FLEXIBLE WORKPLACE SOLUTIONS FOR LOW-WAGE HOURLY WORKERS: A FRAMEWORK FOR A NATIONAL CONVERSATION 6 (May 2011), available at <http://workplaceflexibility2010.org/images/uploads/whatsnew/Flexible%20Workplace%20Solutions%20for%20Low-Wage%20Hourly%20Workers.pdf>.
- 8 See *id.* at 19-20; LONNIE GOLDEN, ECON. POLICY INST., IRREGULAR WORK SCHEDULING AND ITS CONSEQUENCES, BRIEFING PAPER # 394 9 (Apr. 2014), available at <http://s2.epi.org/files/pdf/82524.pdf> (finding in an analysis of General Social Survey Program data that 45 percent of workers surveyed said "their employer decides" their work schedule; only 15 percent reported they were "free to decide" their work schedule, while the remaining 40 percent felt they could "decide within limits"); SUSAN J. LAMBERT, PETER J. FUGIEL, & JULIA R. HENLY, PRECARIOUS WORK SCHEDULES AMONG EARLY-CAREER EMPLOYEES IN THE US: A NATIONAL SNAPSHOT 14 (Aug. 2014), available at [https://ssascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly\\_precarious\\_work\\_schedules.august2014\\_0.pdf](https://ssascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules.august2014_0.pdf) (finding in an analysis of NLSY data that among early career employees, "about 44 percent of workers overall and half of hourly workers say that they do not have any input into when they start and finish work").
- 9 58 percent of Latino hourly workers, 55 percent of Black hourly workers, and 47 percent of white hourly workers (age 26-32) report that their employer controls their work hours. LAMBERT, FUGIEL, & HENLY, *supra* note 8, at 17.
- 10 WHITE HOUSE COUNCIL OF ECONOMIC ADVISERS, NINE FACTS ABOUT AMERICAN FAMILIES AND WORK 14 (June 2014), available at [https://obamawhitehouse.archives.gov/sites/default/files/docs/nine\\_facts\\_about\\_family\\_and\\_work\\_real\\_final.pdf](https://obamawhitehouse.archives.gov/sites/default/files/docs/nine_facts_about_family_and_work_real_final.pdf).
- 11 See, e.g., VOGTMAN & SCHULMAN, *supra* note 6, at 8.
- 12 See OXFAM AM., HARD WORK, HARD LIVES: SURVEY EXPOSES HARSH REALITY FACED BY LOW-WAGE WORKERS 4 (Mar. 2013), available at <http://www.oxfamamerica.org/static/media/files/low-wage-worker-report-oxfam-america.pdf>.
- 13 See generally NANCY C. CAUTHEN, DEMOS, SCHEDULING HOURLY WORKERS: HOW LAST MINUTE, JUST-IN-TIME SCHEDULING PRACTICES ARE BAD FOR WORKERS, FAMILIES AND BUSINESS (Mar. 2011), available at [http://www.demos.org/sites/default/files/publications/Scheduling\\_Hourly\\_Workers\\_Demos.pdf](http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf).
- 14 Daniel Schneider & Kristen Harknett, *Schedule Instability and Unpredictability and Worker and Family Health and Wellbeing* 16 (Wash. Ctr. for Equitable Growth Working Paper 2016-09, 2016), <http://equitablegrowth.org/working-papers/schedule-instability-and-unpredictability/>.
- 15 For example, in a study of low-skilled, non-production jobs at 22 sites in the hospitality, retail, transportation, and financial services industries, all but one hotel studied posted schedules the Thursday or Friday before the workweek that began on Sunday, and all but one retail firm posted schedules the Wednesday or Thursday before. Susan J. Lambert, *Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers*, 61 J. HUMAN RELATIONS 1203, 1217 (2008). See also, e.g., STEPHANIE LUCE & NAOKI FUJITA, DISCOUNTED JOBS: HOW RETAILERS SELL WORKERS SHORT 8 (2012), available at [http://retailactionproject.org/wp-content/uploads/2012/03/7-75\\_RAP+cover\\_lowres.pdf](http://retailactionproject.org/wp-content/uploads/2012/03/7-75_RAP+cover_lowres.pdf) (observing that in a survey of retail industry workers in New York, about a fifth of respondents reported receiving their work schedules only three days in advance).
- 16 See, e.g., CTR. FOR LAW & SOCIAL POLICY, RETAIL ACTION PROJECT, & WOMEN EMPLOYED, TACKLING UNSTABLE AND UNPREDICTABLE WORK SCHEDULES 11 (2014), available at <http://www.clasp.org/resources-and-publications/publication-1/Tackling-Unstable-and-Unpredictable-Work-Schedules-3-7-2014-FINAL-1.pdf>; CTR. FOR POPULAR DEMOCRACY, HOUR BY HOUR: WOMEN IN TODAY'S WORKWEEK 5 (2015), available at [http://populardemocracy.org/sites/default/files/HourbyHour\\_final.pdf](http://populardemocracy.org/sites/default/files/HourbyHour_final.pdf). See also, e.g., LUCE & FUJITA, *supra* note 15, at 8 (finding that 44 percent of retail employees working at large New York City retailers surveyed reported that they must be available for call-in shifts at least some of the time, including one-fifth who reported that they "always or often" must be available for such shifts).
- 17 See, e.g., Julia R. Henly & Susan J. Lambert, *Unpredictable Work Timing in Retail Jobs*, 67 INDUS. & LAB. REL. REV. 986-1016, 1001 (2014) (finding in a study of retail employees that "the average employee experienced mismatch between scheduled and worked days equivalent to almost one-half day"); Lambert, *supra* note 15, at 1218 (finding in a study of low-skilled, non-production jobs in the hospitality, retail, transportation, and financial services industries that "[l]ast-minute adjustments to work schedules—adding or subtracting hours to the posted schedule a day or two in advance—were rampant in the jobs studied").
- 18 See, e.g., WATSON & SWANBERG, *supra* note 7, at 21 (stating that among low-wage workers overall, between 19 and 31 percent report that they are often asked to work extra hours with little or no notice; roughly 40 to 60 percent of full-time, low-wage workers who are asked to work extra



- hours with little or no notice report that they must comply with the request to avoid negative consequences).
- 19 See, e.g., *CTR. FOR POPULAR DEMOCRACY*, *supra* note 16, at 5; *LUCE & FUJITA*, *supra* note 15, at 13. Eight states and the District of Columbia have enacted “reporting time pay” or “send-home pay” laws, which require employers to provide a minimum number of hours of pay to workers who appear for a scheduled shift but are sent home early. For more information, see NWLC, *REPORTING TIME PAY LAWS: A KEY SOLUTION TO CURB UNPREDICTABLE AND UNSTABLE SCHEDULING PRACTICES* (Oct. 2014), available at [http://www.nwlc.org/sites/default/files/pdfs/reporting\\_time\\_pay\\_fact\\_sheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/reporting_time_pay_fact_sheet.pdf).
  - 20 LAMBERT, FUGIEL, & HENLY, *supra* note 8, at 11. See also *GOLDEN*, *supra* note 8, at 7.
  - 21 LAMBERT, FUGIEL, & HENLY, *supra* note 8, at 17-18.
  - 22 Schneider & Harknett, *supra* note 14, at 17.
  - 23 *Id.* at 17.
  - 24 *Id.* at 19-21.
  - 25 *Id.* at 21.
  - 26 NWLC calculations based on U.S. Dep’t of Labor, BLS, CPS Table 20: Persons at work 1 to 34 hours in all and in nonagricultural industries by reason for working less than 35 hours and usual full- or part-time status, available at <https://www.bls.gov/cps/cpsaat20.pdf>. Involuntary part-time workers are defined as those at work part-time for any economic reason, such as slack work or business conditions. Figures are for 2016.
  - 27 See, e.g., *LUCE & FUJITA*, *supra* note 15, at 6, 13. See also Steven Greenhouse, *A Part-Time Life, as Hours Shrink and Shift*, *N.Y. TIMES* (Oct. 27, 2012), <http://www.nytimes.com/2012/10/28/business/a-part-time-life-as-hours-shrink-and-shift-for-american-workers.html?pagewanted=all&r=0>.
  - 28 Schneider & Harknett, *supra* note 14, at 17.
  - 29 21 V.S.A. § 309.
  - 30 S.B. 416, 165th Gen. Ct. Sess. (N.H. 2015) (adopted May 11, 2016) (to be codified at N.H. Rev. State. Ann. § 275:37-b).
  - 31 Seattle, Wa., Mun. Code § 14.22.030 (Sept. 29, 2016), available at [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeld=TIT14HURI\\_14.22SESC\\_14.22.030RIREININWOSC](https://library.municode.com/wa/seattle/codes/municipal_code?nodeld=TIT14HURI_14.22SESC_14.22.030RIREININWOSC).
  - 32 S.F., Cal., Police Code § 12Z.4 (Nov. 8, 2013), available at [http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter12zsanfranciscofamilyfriendlywork?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_Chapter12Z](http://library.amlegal.com/nxt/gateway.dll/California/administrative/chapter12zsanfranciscofamilyfriendlywork?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Chapter12Z); Emeryville, Cal., Ordinance No. 16-007, tit. 5 ch. 39.07 (Nov. 1, 2016), available at <http://www.ci.emeryville.ca.us/DocumentCenter/View/9401>.
  - 33 NWLC calculations based on BLS, OES, May 2016 National Occupational Employment and Wage Estimates, [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm) (last visited June 7, 2017). Share of women in occupation: U.S. Dep’t of Labor, BLS, CPS Table 11: Employed persons by detailed occupation, sex, race and Hispanic or Latino ethnicity, <http://www.bls.gov/cps/cpsaat11.htm> (last visited June 7, 2017). Figures are for 2016. Workers in the restaurant industry include those who are employed in food preparation and serving related occupations. Workers in the building cleaning industry include those who are employed as janitors and building cleaners or maids and housekeepers. Workers in the retail industry include those who are employed as retail salespeople, parts salespeople, cashiers, counter and rental clerks, or first-line supervisors of retail sales workers and non-retail sales workers.
  - 34 See, e.g., 7 D.C. Mun. Reg. Tit. 7 § 907; 8 C.C.R. § 11040; 455 C.M.R. 2.03; Conn. Regs. 31-62; N.H. Rev. Stat. § 275:43; 12 NYCRR 142-2.3; N.J.A.C. 12:56-5.5; R.I. Gen. Laws Ann. § 28-12-3.2; Or. Admin. Reg. 839-021-0087.
  - 35 See 8 C.C.R. § 11040; 7 D.C. Mun. Reg. Tit. 7 § 906.
  - 36 S.F., Cal., Police Code art.33G § 3300G.4 (Nov. 18, 2014), available at <http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances14/o0241-14.pdf>; Seattle, Wa., Mun. Code § 14.22.040 (Sept. 29, 2016), available at [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeld=TIT14HURI\\_14.22SESC\\_14.22.040ADNOWOSC](https://library.municode.com/wa/seattle/codes/municipal_code?nodeld=TIT14HURI_14.22SESC_14.22.040ADNOWOSC); N.Y.C., N.Y., Int. No. 1387-2016 (May 30, 2017), available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2900928&GUID=5A7DF104-0104-463E-96FC-A7FB1FDD9B8F&Options=ID%7cText%7c&Search=1387>; Emeryville, Cal., Ordinance No. 16-007, tit. 5 ch. 39.03(b) (Nov. 1, 2016), available at <http://www.ci.emeryville.ca.us/DocumentCenter/View/9401>. Note that the application of the New York City ordinance is limited to fast food workers.
  - 37 See U.S. Dep’t of Labor, BLS, American Time Use Survey, Table A-1. Time spent in detailed primary activities and percent of the civilian population engaging in each activity, averages per day by sex, 2015 annual averages (2016), available at <https://www.bls.gov/news.release/atus.t01.htm>.
  - 38 ANNE MORRISON & KATHERINE GALLAGHER ROBBINS, NWLC, *CHARTBOOK: THE WOMEN IN THE LOW-WAGE WORKFORCE MAY NOT BE WHO YOU THINK* (Sept. 2015), available at [http://nwlc.org/wp-content/uploads/2015/08/chartbook\\_women\\_in\\_the\\_low-wage\\_workforce\\_may\\_not\\_be\\_who\\_you\\_think.pdf](http://nwlc.org/wp-content/uploads/2015/08/chartbook_women_in_the_low-wage_workforce_may_not_be_who_you_think.pdf).
  - 39 See, e.g., *GLYNN*, *supra* note 1.
  - 40 NWLC calculations from the U.S. Census Bureau, CPS, Annual Social and Economic Supplement, 2016, <http://www.census.gov/data.html> (Table FINC-03. Presence of Related Children Under 18 Years Old-All Families by Total Money Income in 2015, Type of Family, Work Experience in 2015, Race and Hispanic Origin of Reference Person).
  - 41 NWLC calculations based on U.S. Dep’t of Labor, BLS, CPS Table 11, *supra* note 33.
  - 42 A BETTER BALANCE (ABB), *FACT SHEET: THE BUSINESS CASE FOR WORKPLACE FLEXIBILITY 2-3* (Nov. 2010), available at [http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/bc-2010-A\\_Better\\_Balance.pdf](http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/bc-2010-A_Better_Balance.pdf).
  - 43 See NWLC, *FIFTY YEARS AND COUNTING: THE UNFINISHED BUSINESS OF ACHIEVING FAIR PAY 2* (June 2013), available at [http://www.nwlc.org/sites/default/files/pdfs/final\\_nwlc\\_equal\\_pay\\_report.pdf](http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_equal_pay_report.pdf).
  - 44 ABB, *supra* note 42, at 2-4.
  - 45 *Id.*

