

# Workers' Accounts of the Fallout from Difficult Scheduling Practices

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This document was produced by the Schedules That Work Coalition, with contributions from: California Work & Family Coalition, 9to5, Center for Women and Work at Rutgers University, Family Values at Work, Jobs with Justice San Francisco, National Women's Law Center, Next Generation, OUR Walmart, Parent Voices, Restaurant Opportunities Centers United, Retail Action Project, San Francisco Legal Aid Society—Employment Law Center, United Food and Commercial Workers International Union, and Working America. For more information about any of the personal accounts contained in this document, please contact the person noted below each story.

## **Restaurant Worker on Split Shifts Had to Stay on Job Site and Wasn't Paid**

Our client, a monolingual Chinese-speaking, immigrant worker and resident of Alameda County worked for a small restaurant as a cook between 2010 and 2013. The client was picked up every morning at 10 a.m. along with a group of workers from downtown Oakland/Oakland Chinatown by their employer and driven to the restaurant in Pinole, which was difficult to access by public transportation. She was scheduled to work six days a week between 10:30 a.m. and 2:30 p.m. and between 4:00 p.m. to 9:00 p.m. During her hour and a half break, our client usually stayed at the restaurant – as she didn't have anywhere else to go. She often spent the break with her coworkers in her employer's car taking a nap. After the restaurant closed, the employer would drive our client and other workers back to their neighborhood. Based on the employer's own time records, we recently filed a wage claim with the California Labor Commissioner seeking the split shift premium for 461 days, as she was a minimum wage worker, being paid \$8.00 an hour (in addition to other claims, including reporting time pay). Before the administrative process got underway, and even before a preliminary Conference (usually for settlement purposes) got underway, the employer paid the entire claim amount, totaling \$3,896.00, presumably because their own records spoke for themselves. This amount, while modest for most, will make a tremendous difference in the life of our low-income client.

Contact: [cvigne@las-elc.org](mailto:cvigne@las-elc.org), Carol Vigne, Legal Aid Society-Employment Law Center San Francisco

## **Struggling with On-Call Shifts**

My name is Sonsira Espinal. When I was a sales and merchandising associate at Madewell in New York City, I was scheduled for more 'on-call' shifts than actual shifts each week, so I only knew two hours before if I have to work that day. It was impossible, both financially and logistically. When I started my job, I was told I would work at least 20 hours a week. Then, I started not even getting half of what a part-time job really is. It was like signing my life over to the devil. The company's strategy is to give little four-hour jobs to more people, rather than give stable 9-to-5, Monday-through-Friday jobs.

Contact: [sasha@retailactionproject.org](mailto:sasha@retailactionproject.org), Sasha Hammad, Retail Action Project

## **Unstable Schedule = Unstable Child Care**

I'm Akaisa O'Kieffe, a single mother who works as a stock associate for Uniqlo in New York City. The amount of hours and days I work changes on a weekly basis, so I never know how much my check will be. Without a set schedule, finding child care for my daughter can be incredibly stressful. And with fluctuating income, I can't afford to pay for consistent childcare. I live with my mother, sister, and my daughter, and my wages go toward supporting all of us. When I don't know how much money I'll be bringing home in a given week, that means I don't know how much I can contribute to rent and bills, how much food I can buy for my daughter, or whether I can even afford to do laundry that week. I want to have access to full-time work and be able to provide for my daughter. Major retailers like Uniqlo can afford better.

Contact: [sasha@retailactionproject.org](mailto:sasha@retailactionproject.org), Sasha Hammad, Retail Action Project

## **Unpredictable Hours Make It Hard to Make Ends Meet**

Sandy Kossangba is a restaurant worker in a Washington, D.C. restaurant. She is struggling to secure a schedule that allows her to work two jobs. She also routinely experiences cuts in hours when business is slow and has difficulty predicting her income in any given month. Being scheduled for call-in shifts and last-minute shift cancellations are also the norm. She is afraid to make any scheduling requests because she knows that may cause her to lose hours. She usually gets her schedule less than one week in advance. Although she's often scheduled from 12 to 8, she and her colleagues get sent home early when business is slow. Sometimes she's sent home as punishment for perceived infractions. For example, a guest asked to be seated at the back of the restaurant away from a crying baby. When the manager later moved the guest to the front, Sandy asked why, explaining the guest asked to sit in back. The manager responded by sending Sandy home. Sometimes Sandy is required to call her coworkers and tell them not to come in because the restaurant is slow. Many servers try to have two jobs to make ends meet, but it is hard to arrange with the scheduling.

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## **Unstable Hours Hard on Breadwinning Mom**

Vanessa Ramos supports her three children, ages 10, 12, and 13, with a job at a fast food restaurant in Orlando, Florida. Although she's been there nearly two years, her schedule is sporadic, often working only 21 to 28 hours a week at \$8.09 an hour. Not having a predictable schedule and having so little money makes it hard to do much with her kids. She does not receive paid sick days and has called off sick only twice. Once they told her she had to come in anyway. "I rode the bus one hour into work only to find out that they had found a replacement," Vanessa said. In May, Vanessa joined the first ever fast food worker strike in Orlando's history.

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## **First-hand Knowledge of the Advantages of a Predictable Schedule**

My name is Josh. I've been working in the restaurant industry for over ten years. Before coming to Zazie, I worked at Olive Garden in San Francisco for six years, during and after college. Scheduling was among the challenges I faced at Olive Garden. At that time, I was single and didn't recognize how important it was to have a set schedule. Now that I have a four-year-old daughter, my perspective is different; it's huge to have a predictable schedule.

When I was at Olive Garden, I usually got my schedule just a few days before my shift: the schedule for next week was supposed to be up the Friday before, but it's usually posted late on Saturday or Sunday. This short notice was frustrating - even as a single, working adult, I couldn't plan things in advance outside of work. My schedule was also different every week, and I would have absolutely no idea what shifts I would work. There were a lot of parents I knew who worked at Olive Garden, and I didn't know at the time that this could be a huge problem for them; as a father now, if I didn't know my schedule at least a week in advance to plan for child care, that would bring a lot of stress on me.

I also noticed that sometimes we weren't scheduled for enough work. For instance, you would be scheduled for two days a week, and that's just not enough. Sometimes you're scheduled a certain shift, and your shift gets cut or cancelled - that's a big problem for your income. I would say that income instability for workers at Olive Garden was directly related to the fact that we didn't get our scheduled shifts, and this was at a place where pay was already not so good.

I work at Zazie now where I get a fixed work schedule. This lets me know what days I can watch my daughter, or what days I need to find someone else. As a working parent, this was an unforeseen and important advantage in my job. It also brings me comfort to know that no matter what, I'm going to get to work the amount I'm scheduled. I can plan for vacations, time off, and child care. My wife who is also in the restaurant industry is able to make her schedule around my predictable schedule so that we both balance taking care of our daughter. This is a big advantage for us as working parents. And compared to Olive Garden, my income at Zazie is more stable because the amount I make has more to do with how busy the restaurant is on a given day, and less so to do with whether or not I'll get my shift every week. I *always* know I'm going to get my shift; as a parent that's important and allows you to even plan your month on that.

Contact: [jenya.cassidy@thenextgeneration.org](mailto:jenya.cassidy@thenextgeneration.org). Jenya Cassidy, The Next Generation

## **My Schedule and Income Fluctuates, But My Bills Stay the Same**

My name is Efuru. I've been working in hospitality at a large hotel chain for the past 14 years. With hospitality, it's always open 24/7, meaning I work on weekends, nights, and holidays. When folks say they get Memorial Day off, that means nothing to me because

I'm going to be working. My work schedule varies: sometimes it's from 2 PM - 10 PM, or 12 PM to 8 PM.

I have two daughters, a six year old and a three year old. My three year old is in informal day care. With my work schedule, and without a car, it can be extremely difficult to arrange for child care, especially during the weekends or late nights. Child care is set up from 9 AM - 5 PM Mondays to Fridays, and not for parents with schedules like mine.

My income fluctuates based on the seasons. In my job, the busiest season is in the summer. During the summer, I'm basically guaranteed 40 hours a week, so I work longer hours to make more income. But the summer is also the time when my kids are out of school, which means I don't get to spend that time with them. During the winter time when my kids are back in school, I'm mostly out of work; I am on-call and work whenever my employer wants or needs me to work. Often times, I have to depend on the extra cash from the summer to make up for the loss in income during the winter.

As a working parent, child care is expensive. Even while my income fluctuates, I still have to pay for the same bills and the same amount of food. It's stressful not to have the stable income to afford those basic necessities. I've been meaning to go back to school for some time now, but with my work schedule and my kids, I don't know how I can do both. So I'm hoping that as my children get older, I can have more time and flexibility. A predictable schedule would mean a lot to my family and me: my kids would have more consistency, and I can be more involved in their schoolwork. It's hard to do those things when you're working from 2:30 PM to 10:30 PM. I want to be more involved with my kids and engage with them more. I know they're missing out on the parent involvement, and I know it's also essential for them to have that quality time and engagement from me when they're very young, like reading to them every night before bed. If I had a set schedule, I can make plans with my kids and be more involved as a parent.

Contact: [jenya.cassidy@thenextgeneration.org](mailto:jenya.cassidy@thenextgeneration.org). Jenya Cassidy, The Next Generation

### **Involuntary Part-time Work Doesn't Pay the Bills**

Tiffany Beroid worked at Walmart in Laurel, Maryland for almost 3 years as a customer service manager before she was fired after striking. She is the mother of two daughters. As a CSM at Walmart, Tiffany earned \$10.70 an hour, but she was only given an average of 20 hours per week. This is despite her classification as a full-time employee. She had to change her availability because she was not earning enough to pay for child care and it made more sense to take time off to care for her child. The national Walmart policy change allowing workers to access additional hours after the schedule is posted started at Tiffany's store with a series of petitions and delegations to the store manager.

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## **Unpredictable Schedules and Short-notice Cancellations Made It Impossible to Plan**

Brian Quick worked in retail for 4 years at Banana Republic, Marshall's, and most recently at Old Navy at the flagship store in San Francisco. At Old Navy, his schedule would come out on Thursday night for the week starting Sunday and would constantly fluctuate. "It's hard to plan anything such as doctor appointments when you aren't even sure when you work," Brian said. "Some weeks I would work 35 hours and the next I'd get 15 hours. How am I supposed to pay bills?" They would often cut his hours, sometimes calling him the night before he was scheduled to tell him he no longer had a shift. "One day I came into work and they cut my hours right then and there. Seems like everything is based on sales and not the well-being of the people who make the sales happen."

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## **Short Shifts and Insufficient Hours Made It Impossible to Plan**

Jessy Lancaster worked at Ross in San Francisco as a part-time cashier. She made minimum wage. Living in one of the most expensive cities in the country, she wanted to work as many hours as possible. She made herself available six days out of the week, including Saturday and Sunday—but she was still only scheduled 10 or 12 hours a week despite repeatedly making her availability known to management. She would work shifts as short as four hours and never knew whether she would have to be at work early in the morning or late at night, or any time in between.

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## **Sent Home Early in the Restaurant Business**

Working as a server in Colorado, Bridget would drive 15+ miles to get to work and would sometimes be told to go back home after only working an hour because the night was slow. As she worked mostly for tips, these nights cost her more to get to work than what she would earn in her shift. She didn't have another option for earning money for when she was let go early, so this would put her in a very stressful situation where she couldn't financially plan for the future.

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## **Hours Cut By a Third, Just for Asking for a Different Shift**

My name is Melody Pabon. I've been working at Zara, a women's clothing store in Manhattan as a cashier and on the sales floor for about four years. I also just started school to become a medical assistant. I used to be scheduled to close the store a lot. On those nights I got home to Brooklyn after Mason, my four-year old, was already asleep. I wanted to be able to spend time with him in the evening, so I asked for an

earlier shift. But at my job, anyone who is not available 24/7 always seems to get their hours cut. And that is what happened to me. I went from working 35 hours to 25 over the course of a few weeks. That's almost a third of my paycheck. Mason was in a day care center that we both loved. He got so much attention from the teachers there and he had friends. But with so few hours, I couldn't afford it any more and I had to pull him out. Right now I'm getting most of my shifts with only one or two days' notice; sometimes even the same day. Then I have to check with my family or my boyfriend to see who can watch Mason. My boyfriend wants to help out as much as he can, but his schedule is unpredictable too so that makes it hard. I'm sad for Mason that he's always bouncing around and that he doesn't get to be with his day care buddies and teachers any more. Mason deserves better and so do I.

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### **Being Kept Late at Work Meant Being Late to Day Care Over and Over**

Nicole had no choice but to quit her job due to being forced to work extended hours. She was working as a bank teller in Colorado and was being held late, after the time she was supposed to end work multiple days in a row. She has 2 young kids she has to pick up from daycare and school by a certain time. She was arriving late to pick up her kids which resulted in late fees and unpredictability for her kids. If she continued to arrive late picking up her kids, her youngest could have been kicked out of the day-care center. She unfortunately had to quit the job, leaving her family with no income.

Contact: [bridget@9to5.org](mailto:bridget@9to5.org), Bridget Kaminetsky, 9to5 Colorado

### **Worker Required to Have Open Availability Still Can't Get Hours**

My name is Jill Ernst. When I interviewed at J.C. Penney in Minnesota, part of how I got the job was that I had to have a very flexible schedule. I was open all seven days of the week but now they only give me less than 35 hours. If they give me less than 34.5 hours it's a struggle to pay rent and my bills. If they put me on the schedule for 28 hours I have to figure out how to convince my manager to give me more hours or find someone who is willing to give up hours. My schedule is so inconsistent that if I need to take P.T.O. for one day, I know that I'll have to take the entire week off, or I'll be scheduled a bunch of short days and not be paid for that one day off, no matter how few hours I actually worked that week.

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### **Denied a Schedule Change Needed to Care for Sick Wife**

My name is Armando, I live in New Brunswick, New Jersey and I am a member of New Labor. I worked for three and a half years at a gas station. I worked nights 7 days a week, with a day off every three months. I worked 46 hours a week and did not get paid overtime. In 2007 my wife Silvia developed eye problems and would have a lot of doctor

appointments. When my wife had her operations, I asked to be able to leave work early so I could be with her. My employer said no. So I would leave work at 6 am, leave the house with her at 7 and go to the hospital, and then I would come home at 7 at night and sleep for 2 hours before going to work, all because my employer would not give me permission to leave work early to be with my wife. But though I might be tired from work, I never left my wife alone, and I would take her to her doctor appointments and operations. When I filed a complaint with the Department of Labor my boss told me, "Armando, you're a good worker. I like your work but what I did not like was you filing a complaint with the Department of Labor." So I was without a job.

Contact: [yarrow@work.rutgers.edu](mailto:yarrow@work.rutgers.edu), Yarrow William-Cole, Center for Women and Work at Rutgers University

### **Couldn't Even Schedule a Doctor's Appointment**

My name is Josefa, I am a member of New Labor. I live in New Brunswick, New Jersey and I have a 5 year old daughter. I work in a restaurant in the kitchen and sometimes as a cashier. I scheduled a doctor's appointment for my daughter and when I asked off for the appointment, work refused to let me off, so the day of the appointment I had no choice but to leave work an hour early, but then I returned to work a few hours later, even though my shift was over because they called me back in.

When I became pregnant I had to take two months off work unpaid. When I returned to work, I asked for the morning shift. They said it was fine but only for about two weeks, then they moved me to work in the evenings from 5 to 9pm. It was difficult because I had to travel to work. Sometimes I had to spend almost more than I earned in transportation, cabs are so expensive so I had to travel by bus which took a long time. So after working like that for a week, I talked to my boss and let him know it was really affecting me and my family because I wasn't making enough money. And I was a good worker; I had worked there almost five years. But I could see they were not interested in how good of a worker I was or how long I worked there. I asked him if he could give me more hours or at least switch my shift, but he said no. He told me, "You want to stay, fine, but if you don't like it then go." I told him I did not like it so he told me to punch out and go home. I felt really bad because I liked my job. It was actually painful. And things like this don't just happen to me, they happen to many others. We just make enough to pay the babysitter and rent, but there are so many expenses. And I was a single mom so it was very difficult for me.

Contact: [yarrow@work.rutgers.edu](mailto:yarrow@work.rutgers.edu), Yarrow William-Cole, Center for Women and Work at Rutgers University

### **Denied One Night Off to Go to School**

I have a nursing job at a hospital in New York City, a 6 year old daughter and I'm in school to become a certified nurse practitioner. When I asked for one evening off per week from my job at the hospital to take a class, I was told I would have to be there 6

months before I could get one evening off. This was for no reason other than that it was policy to deny workers a set time off in the first six months. I had to delay starting my program for six months, and now I'm six months behind. So at some point, I'll have to double up and take two classes in one semester, while working full-time with a young child. I don't know how that's even possible, since it would mean needing 2 evenings off the schedule per week; the idea that I'd be allowed that is a pipe dream.

Contact: [lwatson@nwlc.org](mailto:lwatson@nwlc.org), Liz Watson, National Women's Law Center (The individual in this story asked to remain anonymous.)

### **Planning Impossible Because of Last Minute Scheduling**

I've been working as a Guest Service Agent at a hotel in Chicago for about 6 months now. I always get my schedule one week in advance. We've asked about getting it two weeks in advance but they won't do that. My typical workweek is 6 days a week around 40 hours, but usually about one week of the month I'll end up working up to a 9 day stretch because of how they'll schedule my days off. Two months ago I requested 4 days off for early November (after it was approved by HR) to visit my family in Michigan, and management told me they didn't know if they could give it to me and gave me a hard time about it. I reminded them again 3 weeks ago and it was the same thing; it wasn't until October 30<sup>th</sup> that they finally told me I received the time off. It's difficult because I'm never able to give a definitive answer for any plans with friends or family until the very last minute. I honestly don't think it's worth it anymore. It's hard to take care of yourself on this kind of schedule. In fact, I've gotten sick more in the past 6 months than I have in the past 3 years.

Contact: [lwatson@nwlc.org](mailto:lwatson@nwlc.org), Liz Watson, National Women's Law Center (The individual in this story asked to remain anonymous.)