

EMPLOYMENT

FACT SHEET

D.C. Families Need Fair Work Schedules

July 2015

Low wages can make it hard for workers to support themselves and their families, but wages are not the only problem. Low-wage jobs are often marked by scheduling policies and practices that pose particular challenges for workers, especially those with significant responsibilities outside of their job, including caregiving, pursuing education and workforce training, or holding down a second job.¹ Some require mandatory overtime, or working nights, weekends, or even overnight, and many offer only part-time work, despite many workers' need for full-time hours.²

Women are disproportionately affected by this problem, because women both hold the majority of low-wage jobs³ and shoulder the majority of caregiving responsibilities.⁴ For the 41,000 low-wage workers (working in jobs that, nationally, typically pay \$10.50 or less)⁵ in Washington, D.C., difficult scheduling practices all too often undermine their best efforts to provide for their families. And for the 40 percent of families with children in Washington, D.C. that are headed by single mothers⁶ scheduling challenges can be especially acute, because there is often no one else with whom to share caregiving responsibilities.

Common Scheduling Challenges

Lack of Control Over Work Schedules

Many workers 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.⁹ This is true for low-wage workers on both set and variable schedules.¹⁰

- According to research analyzing the work schedules of a nationally representative sample of early-career adults (26-32 years old), about 44 percent of these workers overall and half of hourly workers say that they do not have any input into when they start and finish work.¹¹ Less than half of all workers have

A Snapshot of Washington, D.C.'s Low-Wage Workforce⁷

- D.C.'s 41,000 low-wage workers make up 12 percent of D.C.'s overall workforce.
- More than two-thirds (68 percent) of workers in low-wage jobs in D.C.—28,000—are women. By comparison, women account for 51 percent of D.C.'s overall workforce.
- A working woman in D.C. is twice as likely to have a low-wage job as a working man.
- Among low-wage workers in the District of Columbia, nearly three-quarters (29,740 workers) usually work full time.

This analysis outlines five of the most common scheduling challenges faced by workers in low-wage jobs and explains their prevalence and detrimental impact on workers and their families. Understanding the work schedule challenges facing workers in low-wage jobs is an essential first step toward developing solutions to this problem that work for workers, their families, and their employers.

Technical note: Many descriptions of the prevalence of these scheduling challenges in D.C. rely on data from a non-representative survey of 361 non-supervisory, hourly employees in the retail, restaurant/food-service, and other personal service industries in D.C., which was conducted in 2015 by D.C. Jobs with Justice, which is described in this brief as the "D.C. survey."⁸

flexibility in the scheduling of their work hours.¹² 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.¹³

- About half of low-wage workers report having limited control over the timing of their work hours.¹⁴
- Between two-thirds and three-quarters of full-time low-wage workers report that they are unable to alter the start and end times of their work days.¹⁵
- Between 40 and 50 percent of low-wage workers have no control over when they take breaks.¹⁶
- The D.C. survey found that 27.2 percent of women who responded and 31.9 percent of women with children under 18 have avoided asking for changes to their schedules because they were afraid they would suffer consequences. By contrast, only 19.6 percent of men who responded and 25.6 percent of men with children under 18 reported the same.
- The D.C. survey also found that the share of women who reported being penalized for either asking for a different schedule or limiting their availability (23.3 percent) was twice as large as the share of men who reported being penalized (12.8 percent).
- In the D.C. survey, 27.1 percent of women with children under 18, and 20.5 percent of men with children under 18, reported that their work schedule negatively impacts their child care arrangements.
- According to a survey of workers in the New York retail industry by the Retail Action Project, about a fifth of workers receive their schedules within three days beforehand.²⁰
- In another survey of 6,085 workers employed by a major retailer in 388 stores across the country (referred to as the "CitiSales Study"), workers received notice of their work schedules only seven days in advance, on average.²¹
- Between 19 and 31 percent of low-wage hourly workers on standard schedules (who routinely work during the day, Monday through Friday) are often asked to work extra hours with little or no notice.²²
- Between 43 to 58 percent of full-time, low-wage workers who are asked to work extra hours with little or no notice say they must comply with the request or receive negative consequences.²³
- Some retail workers report that they are routinely required to work call-in shifts, which means they must call in to find out whether or not they must report to work that very day.²⁴ In a study of retail workers in New York City, 20 percent of workers surveyed reported that they always or often must be available for call-in shifts.²⁵
- In the D.C. survey, 30.7 percent of all respondents—including 32.6 percent of women and 29.2 percent of women with children under 18—reported being scheduled for call-in shifts. Among those who reported being scheduled for call-in shifts, one-quarter (24.8 percent) were scheduled for these shifts every week.
- Almost half (45.5 percent) of workers—and over half of women workers (52.0 percent)—who responded to the D.C. survey reported that they were given their schedules less than one week in advance. Many were given less than 24 hours' notice—11.0 percent of all workers, 11.4 percent of all women, and 12.8 percent of women with children under 18 got their schedules less than 24 hours in advance.

Unpredictable Work Schedules

Some employers adopt "just-in-time scheduling" in an effort to minimize labor costs. Just-in-time scheduling bases workers' schedules on perceived consumer demand and often results in workers being given very little advance notice of their work schedules.¹⁷ This is particularly well documented in retail jobs. Scheduling software is frequently used to schedule workers at the last minute, matching the number of workers as closely as possible to retail traffic or other indicators of consumer demand.¹⁸

- Among early career adults nationally (26-32 years old), nearly four in ten (38 percent) early career employees knew their work schedule one week or less in advance. Such short notice was significantly more common among hourly workers (41 percent) than others (33 percent), and among part-time (48 percent) than full-time workers (35 percent).¹⁹

Unstable Work Schedules

Many workers 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.

- For early-career adults, hours fluctuate substantially for both hourly and non-hourly workers;²⁶ but for hourly workers in particular, whose income varies with their work hours, such fluctuations can make it extremely difficult to make ends meet.
- Workers in low-wage jobs, who are primarily women, are more likely to experience schedule variations; for example, the average variation in work hours in a single month is 70 percent for food service workers, 50 percent for retail workers, and 40 percent for janitors and housekeepers.²⁷
- According to the Retail Action Project survey of workers in the New York retail industry, only 17 percent of all workers surveyed and 10 percent of part-time workers had a set schedule.²⁸
- According to the CitiSales Study, only 41 percent of retail employees employed by one major retailer indicated they had schedule consistency, meaning they worked the same days and the same shift each week.²⁹
- Between 15 and 30 percent of all low-wage workers reported experiencing a reduction in hours or a layoff when work was slow.³⁰
- Nearly a quarter (23.5 percent) of D.C. survey respondents had their schedules changed once or more a week, including 24.6 percent of women and 29.8 percent of women with children under 18
- Workers in low-wage occupations made up over one-third (37 percent) of all involuntary part-time workers in 2013, despite low-wage workers only making up 16 percent of all workers.³⁴
- Two-thirds (65.9 percent) of women in the D.C. survey reported that getting more hours at their main job was very important, and an additional 17.3 percent said it was somewhat important. The figures were higher for women with children under 18 – 91.3 percent said that getting more hours was very important (84.8 percent) or somewhat important (6.5 percent).

Nonstandard Work Schedules

Workers on nonstandard schedules face unique challenges. “Nonstandard” schedules include working evenings, nights, or weekends, or working on rotating shifts, irregular schedules, or on call.³⁵ Nonstandard work is also called “unsocial work” because nonstandard schedules often conflict with family time and make it difficult to maintain other social ties.³⁶ (While the majority of workers on nonstandard schedules do not have these schedules by choice, some workers do choose nonstandard schedules in order to help juggle competing obligations.³⁷ Similar conflicts arise when workers work very long hours. One quarter of U.S. workers work more than 40 hours a week and nearly 17 percent work more than 48 hours a week.³⁸ This overemployment can leave little or no time for obligations outside of work, at the expense of employee’s health or that of their families.³⁹

Involuntary Part-Time Work

Workers who want full-time work but are only offered part-time hours struggle to support their families with fewer hours and less pay. The number of workers working part-time involuntarily more than doubled during the recession, growing from 4.4 million prior to 2007 to 8.9 million in 2009, and remains substantially higher than pre-recession levels at 7.2 million workers in 2014.³¹

- In 2014, one in five part-time employees (20.7 percent) worked part-time involuntarily, including for reasons of slack work or business conditions and because they were unable to find full-time work.³²
- Low-wage workers are far more likely to work part-time involuntarily than other workers. In 2013, the rate of involuntary part-time work for employee in low-wage occupations (11.5 percent) was more than double the rate of involuntary part-time work among employees overall (5.0 percent).³³
- In one study, half of low-wage hourly workers reported working nonstandard schedules.⁴⁰ An analysis of the American Time Use Survey by the Urban Institute found that 28 percent of workers with very low wages work nonstandard hours, compared to 20 percent of all workers.⁴¹ (The difference in these findings may be accounted for by variations in the way the survey question was asked, as well as differences in the definition of low-wage work.)
- Workers have nonstandard schedules for a variety of reasons. According to a 2004 Current Population Survey Supplement—the most recent data available—55 percent work nonstandard schedules involuntarily because they could not find another job or “it is the nature of the job;” 23 percent work nonstandard schedules for reasons related to family or childcare arrangements or school; 10 percent of nonstandard workers prefer the schedule; and 5 percent gave the reason of better pay.⁴²

Key Policy Solutions to Curb Difficult Scheduling Practices

Some important legal protections against difficult scheduling practices are already on the books in Washington, D.C. Washington, D.C., (like Puerto Rico and 8 states) requires reporting time pay⁴³ and (like California) split shift pay.⁴⁴ D.C.'s reporting time pay law requires employers to pay an employee for at least four hours for each day an employee reports to work but is given no work or less than four hours of work. (The exception is when the employee's regularly scheduled shift is for less than four hours. In that case, the employer must pay the employee for the hours regularly scheduled.) The employee must be paid at his or her regular rate for any hours worked and at the minimum wage for any hours not worked.⁴⁵ In addition, D.C. requires that employers pay employees working a split shift—that is, a shift of daily hours in which the hours worked are not consecutive and the time between scheduled hours exceeds one hour—for one additional hour of pay at the minimum wage.⁴⁶

The D.C. Council has the opportunity to build on this track record of providing strong workplace protections from difficult scheduling practices by passing new legislation to address the difficult scheduling practices discussed above. Within the past year, ten states have introduced bills to improve workplace scheduling, and a fair scheduling bill has been introduced in Congress.⁴⁷ In 2013 and 2014, San Francisco and Vermont enacted scheduling legislation.

This section describes common provisions of both enacted and pending scheduling legislation in addition to reporting time pay and split-shift pay.

- **A right to request.** Right to request laws give employees the right to make scheduling requests and protect employees who make requests from retaliation. Employers are required by these laws to consider scheduling requests from all employees and provide a response. Versions of the right to request have recently been enacted in Vermont⁴⁸ and San Francisco,⁴⁹ and which have been in place for more than a decade in the United Kingdom and elsewhere. Some of the recently introduced bills also provide a right to receive a schedule change for certain high-priority reasons, unless the employer can demonstrate a bona fide business reason to deny the request. For example, Indiana, Michigan, Minnesota, and Oregon's bills prioritize employees who need a
- schedule change to fulfill caregiving responsibilities, to work a second part-time job, to pursue education and workforce training, or for the employee's own serious health condition.⁵⁰ For these employees, the employer would be required to grant the requested schedule change, unless there is a bona fide business reason not to do so—i.e., 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 workers and their families.
- **Advance notice of schedules.** Many of the state bills and the federal bill require two to three weeks' advance notice of work schedules, either for all hourly workers or for particular occupations in which lack of notice is the norm.⁵¹ When employers make last minute changes to the previously-provided schedules, many of the bills also require additional pay to the employee. To ensure that employers are not discouraged from permitting employees to take the time off they need, San Francisco's ordinance, California, Maine, Michigan, Minnesota, and Oregon's bills, and the federal bill provide exceptions to the employer's obligation to provide additional pay for schedule changes made under specific circumstances.⁵²
- **Part-time parity.** "Part-time parity" provisions prohibit employers from discriminating against part-time employees with respect to rate of pay, ability to earn paid or unpaid time off, or access to promotion opportunities. Such a provision should also prohibit employers from conditioning full-time status on completely open availability. San Francisco's ordinance and Maine and Minnesota's bills include part-time parity provisions.⁵³
- **Access to hours.** Many part-time employees surveyed in D.C. want full-time hours. An access to hours provision would require employers with additional hours of work to first offer those hours to existing, qualified part-time staff before hiring new employees. San Francisco's ordinance and Maine and Maryland's bills include access to hours provisions.⁵⁴
- **Right to rest.** Right to rest provisions give employees who work especially long hours a modicum of control over their schedules. Specifically, Connecticut, Maryland, Massachusetts, and Minnesota's bills

permit employees to decline an employer's request for them to work during hours that occur less than 11 hours after the end of a preceding shift. If an employee did work in the aforementioned conditions, the employer would be required to pay the employee at the overtime rate.⁵⁵

- **Call-in shift pay.** 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 employer should be required to provide additional pay. San Francisco's ordinance, bills introduced in California, Connecticut, Maryland, Michigan, Minnesota, New York, and Oregon, and the federal bill all require pay for call-in shifts, with the amount of pay ranging from one to four hours' wages.⁵⁶

¹ See generally NWLC, *Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences* (June 2015), available at <http://www.nwlc.org/resource/collateral-damage-scheduling-challenges-workers-low-wage-jobs-and-their-consequences>.

² *Id.*

³ NWLC calculations based on Miriam King et al., *Integrated Public Use Microdata Series, CPS: Version 3.0 (IPUMS-CPS)*, (Univ. of Minn. 2010). Data are for 2013. All figures are for employed workers. Median hourly wages: Bureau of Labor Statistics (BLS), *Occupational Employment Statistics (OES), May 2014 National Occupational Employment and Wage Estimates*, available at http://www.bls.gov/oes/current/oes_nat.htm.

⁴ KENNETH MATOS & ELLEN GALINSKY, *WHEN WORK WORKS: WORKPLACE FLEXIBILITY IN THE UNITED STATES, A STATUS REPORT 1* (Families and Work Institute 2011) ("Mothers spend the same number of weekday hours with their children (3.8) in 2008 as they did in 1977 and the majority of married/ partnered women report doing most of the cooking (70%) and cleaning (73%) in their households.") available at <http://familiesandwork.org/downloads/WorkplaceFlexibilityinUS.pdf>; see also OXFAM AM., *HARD WORK, HARD LIVES: SURVEY EXPOSES HARSH REALITY FACED BY LOW-WAGE WORKERS 7* (OXFAM AM. 2013), available at <http://www.oxfamamerica.org/static/oa4/low-wage-worker-report-oxfam-america.pdf>.

⁵ This analysis uses \$10.50 or less per hour because \$10.50 in 2014 is roughly equivalent to \$12 in 2020 (see, David Cooper, John Schmitt, and Lawrence Mishel, *We Can Afford a \$12.00 Minimum Wage in 2020*, ECONOMIC POLICY INSTITUTE (APR. 2015), available at <http://www.epi.org/publication/we-can-afford-a-12-00-federal-minimum-wage-in-2020/>, which is the proposed new federal minimum wage in the Raise the Wage Act, pending in Congress (2015).

⁶ NWLC calculations based on U.S. Census Bureau, *American Community Survey 2013*, available at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1101&prodType=table. Figures are for families with own children under 18.

⁷ National Women's Law Center calculations based on Current Population Survey, Annual Social and Economic Supplements (CPS-ASEC) for 2014 using Miriam King et al., *Integrated Public Use Microdata Series, Current Population Survey: Version 3.0* [Machine-readable database] (Minneapolis: University of Minnesota, 2010). The "low-wage workforce" is comprised of workers in "low-wage occupations," which are detailed occupations with median hourly wages of \$10.50 per hour or less nationally based on the Bureau of Labor Statistics' Occupational Employment Statistics. Bureau of Labor Statistics, *Occupational Employment Statistics, May 2014 National Occupational Employment and Wage Estimates United States*, http://www.bls.gov/oes/current/oes_nat.htm. All figures are for all employed workers unless otherwise noted.

⁸ DC JOBS WITH JUSTICE, *UNPREDICTABLE, UNSUSTAINABLE: THE IMPACT OF EMPLOYERS' SCHEDULING PRACTICES IN DC* (June 2015), available at http://www.dcwj.org/wp-content/uploads/2015/06/DCJWJ_Scheduling_Report_2015.pdf.

⁹ LIZ WATSON & JENNIFER E. SWANBERG, *FLEXIBLE WORKPLACE SOLUTIONS FOR LOW-WAGE HOURLY WORKERS: A FRAMEWORK FOR A NATIONAL CONVERSATION 6* (Workplace Flexibility 2010, May 2011), available at <http://workplaceflexibility2010.org/images/uploads/whatsnew/Flexible%20Workplace%20Solutions%20for%20Low-Wage%20Hourly%20Workers.pdf>.

¹⁰ *Id.* WATSON & SWANBERG define "low-wage workers" as those working an hourly job that pays less than two-thirds the median wage for men, unless stated otherwise. Using 2008 National Study of the Changing Workforce data, the sample included workers paid \$15.41 or less per hour.

¹¹ SUSAN J. LAMBERT, PETER J. FUGIEL, & JULIA R. HENLY, *PRECARIOUS WORK SCHEDULES AMONG EARLY-CAREER EMPLOYEES IN THE US: A NATIONAL SNAPSHOT 14* (2014), available at https://ssascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules_august2014_0.pdf.

¹² White House Council of Economic Advisers, *Work-Life Balance and the Economics of Workplace Flexibility 11* (June 2014), available at https://www.whitehouse.gov/sites/default/files/docs/updated_workplace_flex_report_final_0.pdf.

¹³ White House Council of Economic Advisers, *Nine Facts about American Families and Work 14* (June 2014), available at http://www.whitehouse.gov/sites/default/files/docs/nine_facts_about_family_and_work_real_final.pdf.

¹⁴ WATSON & SWANBERG, *supra* note 9, at 19-20.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See generally, NANCY C. CAUTHEN, *SCHEDULING HOURLY WORKERS: HOW LAST MINUTE, JUST-IN-TIME SCHEDULING PRACTICES ARE BAD FOR WORKERS, FAMILIES AND BUSINESS* (Demos 2011), available at <http://www.demos.org/publication/scheduling-hourly-workers-how-last-minute-just-time-scheduling-practices-are-bad-workers>.

¹⁸ WATSON & SWANBERG, *supra* note 9, at 13.

¹⁹ LAMBERT, FUGIEL, HENLY, *supra* note 11, at 6.

²⁰ STEPHANIE LUCE & NAOKI FUJITA, *DISCOUNTED JOBS: HOW RETAILERS SELL WORKERS SHORT 8* (Retail Action Project, 2012), available at <http://retailactionproject.org/2012/01/discounted-jobs-how-retailers-sell-workers-short-executive-summary/>.

²¹ Jennifer Swanberg, et al., *Introduction to the CitiSales Study 4* (2009), available at http://www.uky.edu/Centers/iwin/citisales/hourly-ib1_intro.html.

²² WATSON & SWANBERG, *supra* note 9, at 21.

²³ *Id.*

²⁴ LUCE & FUJITA, *supra* note 20, at 13.

²⁵ *Id.*

²⁶ LAMBERT, FUGIEL, HENLY, *supra* note 11, Table 7.

²⁷ See *Schedules That Work Act*, H.R. 113th Cong. (2014) (from Sec. 1 Short Title & Findings, based on an analysis of the National Longitudinal Survey of Youth by

Susan Lambert), available at <https://www.congress.gov/bill/113th-congress/house-bill/5159/text>.

²⁸ LUCE & FUJITA, *supra* note 20, at 8, 12.

²⁹ Swanberg, et al., *supra* note 21, at 4 (“However, only 41% of employees indicate that they have schedule consistency i.e., working the same days and the same shift each week.”).

³⁰ WATSON & SWANBERG, *supra* note 9, at 23.

³¹ NWLC calculations based on Bureau of Labor Statistics (BLS) Current Population Survey (CPS) Annual 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 <http://www.bls.gov/cps/cpsaat20.htm> (last visited June 23, 2015). Note that this figure is for people at work part time during the reference week, rather than those who usually work part time. The annual average for people at work 1 to 34 hours during the reference week was 34.9m, compared to the 27.6m who usually work part time (see Table 8). Figures for 2007 are available at: <http://www.bls.gov/cps/aa2007/aat20.txt> and for 2009 at <http://www.bls.gov/cps/aa2009/aat20.txt>.

³² *Id.* As noted in footnote 31, data on involuntary part-time workers also includes workers who usually work full time but worked between 1-34 hours during the reference week of the survey. These differences mean the numbers of voluntary and involuntary part-time workers do not add to the total (which is reported here as people who usually work part time). However, including data on those who usually work full time but are not working full time during the reference week for noneconomic reasons captures many people who are on vacation or otherwise missed a day of work. Other reasons for working part-time involuntarily include seasonal work (3 percent of all involuntarily part-time workers) and job started or ended during the week (1 percent of involuntarily part-time workers).

³³ NWLC calculations based on King, *supra* note 3.

³⁴ *Id.*

³⁵ Maria E. Enchautegui, *Nonstandard Work Schedules and the Well-Being of Low-Income Families*, Low-Income Working Families paper 26 1 (Urban Inst, July, 2013), available at <http://www.urban.org/research/publication/nonstandard-work-schedules-and-well-being-low-income-families>.

³⁶ JOAN C. WILLIAMS & HEATHER BOUSHEY, THE THREE FACES OF WORK-FAMILY CONFLICT: THE POOR, THE PROFESSIONALS, AND THE MISSING MIDDLE 25 (CTR. FOR AMERICAN PROGRESS Jan. 2010), available at <https://www.americanprogress.org/issues/labor/report/2010/01/25/7194/the-three-faces-of-work-family-conflict/>.

³⁷ Terrence M. McMnamin, Shift Work and Flexible Schedules: A Time To Work: Recent Trends in Shift Work and Flexible Schedules, Monthly Labor Review, U.S. DEP’T OF LABOR MONTHLY LABOR REVIEW (Dec. 2007), available at <http://www.bls.gov/opub/mlr/2007/12/art1full.pdf>.

³⁸ BLS, Labor Force Statistics from the Current Population Survey, Persons at work in agriculture and nonagricultural industries by hours of work, available at <http://www.bls.gov/cps/cpsaat19.htm>.

³⁹ Lonnie Golden, *A Brief History of Long Work Time and the Contemporary Sources of Overwork*, J. OF BUS. ETHICS 7 (Spring 2008), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1084323.

⁴⁰ WATSON & SWANBERG, *supra* note 9, at 5.

⁴¹ Enchautegui, *supra* note 35, at 7 (“Very low wages” are defined in the analysis as weekly earnings lower than those of 75 percent of the population who work full time.). <http://www.urban.org/research/publication/nonstandard-work-schedules-and-well-being-low-income-families>.

⁴² NWLC calculations based on McMnamin, *supra* note 37, Table 6, page 11.

⁴³ 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. See also NWLC, OVERVIEW OF SELECTED STATE AND LOCAL SCHEDULING PROTECTIONS (Jan 2015), available at http://www.nwlc.org/sites/default/files/pdfs/overview_of_selected_state_and_local_scheduling_protections_jan_2015.pdf.

⁴⁴ 7 D.C. Mun. Reg. Tit. 7 § 907; 8 C.C.R. § 11040. See also NWLC, OVERVIEW OF SELECTED STATE AND LOCAL SCHEDULING PROTECTIONS (Jan 2015), available at http://www.nwlc.org/sites/default/files/pdfs/overview_of_selected_state_and_local_scheduling_protections_jan_2015.pdf.

⁴⁵ Min. Daily Wage, 7 D.C. Mun. Reg. Tit. 7 § 907.

⁴⁶ *Id.*

⁴⁷ See NWLC, RECENTLY INTRODUCED AND ENACTED STATE AND LOCAL FAIR SCHEDULING LEGISLATION (May 2015), available at http://www.nwlc.org/sites/default/files/pdfs/recently_introduced_and_enacted_state_and_local_fair_scheduling_legislation_apr_2015.pdf.

⁴⁸ 21 V.S.A. § 309.

⁴⁹ Family Friendly Workplace Ordinance, No. 209-13 (Sept. 2013). The bill also draws heavily on a previous version of the right to request introduced in the United States, the Flexibility for Working Families Act.

⁵⁰ Senate Bill No. 416, 119th General Assembly Employee’s Right to Scheduled Employment (In. 2015); S. Bill 1112, The Employee Scheduling Accommodation Act (Mich. 2014); S.F. No. 1330, Fair Scheduling Act, State of Minnesota 89th Session (2015); H.R. 3377 & S. 888, 78th Leg. Assembly (Or. 2015).

⁵¹ See RECENTLY INTRODUCED AND ENACTED STATE AND LOCAL FAIR SCHEDULING LEGISLATION, *supra* note 47.

⁵² *Id.*

⁵³ San Francisco Ordinance No. 241-14 (Nov. 18, 2014); An Act to Adopt a Retail Workers’ Bill of Rights, L.D. 1101, 127th Maine Legislature (Mar. 25, 2015), available at http://legislature.maine.gov/legis/bills/display_ps.asp?PID=1456&snum=127&paper=&paperId=l&ld=1101; Fair Scheduling Act, State of Minnesota 89th Session (2015).

⁵⁴ San Francisco Ordinance No. 241-14 (Nov. 18, 2014); An Act to Adopt a Retail Workers’ Bill of Rights, L.D. 1101, 127th Maine Legislature (Mar. 25, 2015), available at http://legislature.maine.gov/legis/bills/display_ps.asp?PID=1456&snum=127&paper=&paperId=l&ld=1101; Fair Scheduling Act, State of Minnesota 89th Session (2015).

⁵⁵ General Assembly Bill No. 6933, An Act Concerning Predictable Scheduling for Employees (Ct. Jan. 2015); Overwork Prohibition Act (Md. 2015); H.D. No. 1708 (Mass. 2015); S.F. No. 1330, Fair Scheduling Act, State of Minnesota 89th Session (2015).

⁵⁶ San Francisco Ordinance No. 241-14 (Nov. 18, 2014); Fair Scheduling Act, State of Minnesota 89th Session (2015); Assembly Bill No. 357, Fair Schedule and Pay Act (Cal. Feb. 17, 2015); General Assembly Bill No. 6933, An Act Concerning Predictable Scheduling for Employees (Ct. Jan. 2015); H.R. 969, S.B. 688, Fair Scheduling Act (Md. 2015); S. Bill 1112, The Employee Scheduling Accommodation Act (Mich. 2014); S.F. No. 1330, Fair Scheduling Act, State of Minnesota 89th Session (2015); New York Senate 2414 (Jan. 23, 2015); H.R. 3377, S. 888, 78th Leg. Assembly (Or. 2015).