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**In Support of House Bill 1175
Before the
Maryland House Committee on Economic Matters**

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Thank you for the opportunity to submit this testimony on behalf of the National Women's Law Center in support of House Bill 1175, The Fair Scheduling, Wages, and Benefits Act. The National Women's Law Center has been working since 1972 to secure and defend women's legal rights, and to help women and families achieve economic security. The Fair Scheduling, Wages, and Benefits Act provides crucial protections from difficult scheduling practices that undermine workers' ability to provide for themselves and their families. These protections are particularly important to women, who are disproportionately affected by unfair scheduling practices.

Women's income is more critical than ever before to families' economic security. In Maryland, nearly 64 percent of women over the age of 16 are in the labor force¹ and women make up nearly 50 percent of Maryland's overall workforce.² Nationally, working mothers are primary breadwinners in 41 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 50 percent of family earnings—in another 22 percent of these families.³

But unstable, unpredictable work schedules over which workers have little control too often undermine the ability of working women in Maryland to provide for themselves and their families. Particularly in low-wage jobs, workers may regularly be required to be on call for shifts that never materialize, may have schedules—and thus incomes—that fluctuate unpredictably from week to week, or may never be assigned enough hours to obtain full-time work. Low-wage jobs are all too often marked by work scheduling policies and practices that pose particular problems for workers with responsibilities outside of their jobs, including caregiving, pursuing education and workforce training, or holding down a second job.⁴ In Maryland, women make up 70 percent of the low-wage workforce.⁵ In fact, working women in Maryland are 2.3 times more likely to have a low-wage job than a working man.⁶ In addition to holding the majority of low-wage jobs, women still shoulder the majority of caregiving responsibilities in families;⁷ consequently, difficult scheduling practices hit women especially hard. For the more than 25 percent of households in Maryland headed by single

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mothers, work scheduling challenges can be especially acute since there is often no one else with whom to share caregiving responsibilities.⁸

I. Work Scheduling Practices that Fail to Take Workers' Lives into Account Undermine Workers' Best Efforts to Provide for Themselves and Their Families

The fallout from scheduling practices that do not take workers' needs into account can be devastating. Difficult scheduling practices undermine workers' efforts to fulfill their caregiving responsibilities and make maintaining stable child care nearly impossible. They also make it tougher to pursue education or training while holding down a job, as many workers want to do to make a better life for themselves and their families. For workers 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 workers managing serious medical conditions are often denied the control over their schedules that they need to manage their health.

A. Having Little Say in Their Schedules Makes It Nearly Impossible for Workers to Plan Their Lives

Nationwide, workers across the income spectrum report having very few opportunities for meaningful input into the timing of the hours that they work, and some are unable to request even minor changes to their work schedules without suffering a penalty.⁹ Overall, less than half of workers have flexibility in the scheduling of their work hours.¹⁰ 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.¹¹

Workers in low-wage jobs often have the least say in their work schedules. In a 2008 survey, about half of low-wage workers reported having little or no control over the timing of their work hours, and other surveys have similar findings.¹² Early-career employees of color in hourly jobs report less control over their work hours than do their white counterparts.¹³ Some employers have policies requiring employees to have completely open availability in order to qualify for full-time hours, making it extremely difficult for workers with significant responsibilities outside of work to achieve full-time status.¹⁴ And workers 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.¹⁵

Tiffany Beroid, a former Walmart worker in Laurel, Maryland, experienced firsthand the difficulty of having little input into her work schedule. When her child care provider became ill she had nowhere to leave her children, and so she asked to be taken off the schedule for a week. Her manager refused. According to Beroid, Walmart store policy required employees to file a temporary disability claim with Walmart's insurance carrier after calling out from work three times. If the claim is denied, the fourth time a worker calls out, store policy called for termination of the worker. Beroid called out for seven days—each of the days her provider was sick. She also filed a temporary disability claim as she was required to do, despite knowing she would be denied. When this claim was denied, she had to appeal all the way to the corporate regional office simply to keep her job.

Likewise, when Ms. Beroid asked for a schedule that allowed her to go to school, she was told that if she limited her availability, her hours would be reduced even though she was still available for more than 40 hours each week. While her manager ultimately agreed to make an exception in her case, she was told repeatedly how lucky she was—and that typically, if an associate did not have completely open availability, she would not qualify for full-time work.

B. Little Advance Notice of Schedules Means The Only Plans Workers Can Make Are Those They Can Break

Providing notice of work schedules a week or less in advance is common in many industries. According to research analyzing the work schedules of a representative sample of early-career adults (26-32 years old), over a third (38 percent) of early career employees know their work schedule one week or less in advance.¹⁶ And such short notice is significantly more common among hourly workers (41 percent) than others (33 percent), and among part-time (48 percent) than full-time workers (35 percent).¹⁷ African American and Hispanic workers are more likely than white workers to receive no more than a week's notice.¹⁸ Additional studies find that workers in retail, restaurant, and hospitality jobs commonly receive just a few days' notice of a scheduled shift.¹⁹

Another practice, especially common for retail workers, is to schedule workers for “call-in shifts,” which means they must call their employers to find out whether they need to report to work that same day.²⁰ 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.²¹ These practices undermine workers' efforts to seek education or workforce training²² or arrange transportation to and from work,²³ and make it extremely difficult for part-time workers who need to hold down more than one job in order to get enough hours to make ends meet.²⁴

Low-wage workers' ability to access quality, affordable, and stable child care is also often compromised by unpredictable work schedules.²⁵ With work schedules and incomes that fluctuate from week to week, many workers have no choice but to cobble together child care at the last minute.²⁶ Because many centers require caregivers to pay a weekly or monthly fee, regardless of how often the child attends, holding a spot in a child care center is often infeasible for workers who do not know when, or even if, they will work that week. Further, workers with unstable schedules may not qualify for child care subsidies due to fluctuations in income and work hours.²⁷ Relying on family, friends, and neighbors to provide child care—as many workers in low-wage jobs must do—is complicated by the fact that their child care providers may also be balancing an unpredictable part-time work schedule at their own jobs with providing child care. When workers are unable to find child care or child care falls through, sometimes workers must miss work and lose pay. In one study, 40 to 60 percent of workers who reported missing work due to child care problems also reported losing pay or benefits, or being penalized in some way.²⁸ Another common problem that some workers report is being required to stay past their scheduled shift. In a survey of restaurant workers, nearly a third of workers reported that they had been required to stay past the end of a scheduled shift and, as a result, paid fines to child care providers for picking their children up late.²⁹

C. When the Amount of Hours Workers are Assigned Varies, It is Difficult for Workers to Budget and Meet Expenses

Many workers in low-wage jobs experience unstable schedules 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 of their usual work hours.³⁰ Among retail and food service workers, close to nine in ten report variable hours.³¹ Between 20 and 30 percent of low-wage workers experience a reduction in hours or a layoff when work is slow.³² Workers also report being sent home early from their scheduled shifts.³³ For those hourly workers who need more hours, such fluctuations can make it extremely difficult to make ends meet.³⁴

Variable work hours can make it extremely difficult for workers to maintain eligibility for child care subsidies that are tied to work hours or simply to meet basic expenses like food, rent, and utilities. And even in months when workers are scheduled for sufficient hours to meet their expenses, workers experience the incredible stress and uncertainty that comes with not knowing in advance how much income they will be bringing home.

D. Many Part-Time Workers Want Full-Time Hours In Order to Make Ends Meet

One in five part-time employees (7.2 million people) works part time involuntarily and would prefer to find full-time work.³⁵ Half (50.9 percent) of employees who work part time involuntarily are women.³⁶ Some workers 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.³⁷

Part-time workers are more than three times as likely as full-time workers to hold low-wage jobs that typically pay \$10.50 per hour or less, and nearly three-quarters of part-time workers in these low-wage jobs are women.³⁸ These workers often need more than one job to make ends meet, but when workers have little say in their work schedules at their primary job, it can be difficult to impossible to arrange a schedule at a second job. Women who work part time involuntarily are more than twice as likely to be poor as women who work part time for other reasons, and five times as likely to be poor as women who work full time.³⁹

Part-time workers may not only work fewer hours than they wish but may also be paid less for those hours they do work. Part-time workers were paid significantly less per hour than full-time workers in more than half (56 percent) of the 324 occupations where average hourly earnings for full- and part-time workers could be compared, and earned more in less than four percent of these occupations, according to a 2007 study.⁴⁰ Part-time workers are also far less likely to have access to benefits.⁴¹ And women who work full time are more likely to be promoted than those working part time. A study of women across their careers shows that full-time workers are consistently more likely to be promoted than part-time workers.⁴²

III. The Fair Scheduling, Wages, and Benefits Act Provides Crucial Protections for Workers

A. The Fair Scheduling, Wages, and Benefits Act Provides Workers with More Predictable and Stable Schedules

The Fair Scheduling, Wages, and Benefits Act would help workers achieve more predictable schedules by requiring employers to provide schedules 21 days in advance of when an employee is scheduled to work. If the employer subsequently adds work hours to the employee's schedule, the employer must obtain the employee's written consent, unless the change was made at the

employee's request or is the result of a mutually agreed upon shift trade among employees. And if the employer subsequently changes the length or start/end time of a shift, or cancels a shift, the employer must pay the employee "predictability pay" equivalent to one hour's wages for each changed shift. This "predictability pay" disincentivizes last minute changes and partially compensates employees for the costs imposed by unpredictable, variable schedules. (Predictability pay is not required if the schedule change was made at the employee's request or is the result of a mutually agreed upon shift trade among employees.)

The bill also contains important provisions relating to the last-minute canceling or shortening of shifts, which is a common problem for low-wage workers. All too often, employees report to work only to be sent home an hour or two after they arrive. Workers who are sent home early without working their scheduled shifts have already paid for transportation to and from work, paid for child care in many instances, and foregone any other plans they might have made for that day—such as working a shift at another job or going to school. Likewise, workers on call-in and on-call shifts are unable to make any other firm plans for the day—like working at a second job—as they must report to work if told to do so, or suffer a penalty. The fluctuations in work hours that result from these scheduling practices lead to wild fluctuations in income, and can leave workers with no clue whether they will be able to meet their basic expenses from week to week or month to month.

Under the Fair Scheduling, Wages, and Benefits Act, if an employee reports to work and is informed the shift has been cancelled or the hours in the shift have been reduced, the employer must pay the employee for at least four hours of work (or the hours originally scheduled in the shift, if fewer than four) at the employee's regular rate, regardless of how many hours the employee actually works. The District of Columbia and eight states (California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, and Rhode Island) have similar laws on the books, providing for some minimum compensation for employees who report to work only to be sent home without being paid for the hours in their scheduled shifts.⁴³ Likewise, if the employer cancels or reduces the hours in a shift within 24 hours before that shift begins, the employer must pay the employee predictability pay equivalent to four hours' wages.

B. The Fair Scheduling, Wages, and Benefits Act Provides Important Protections and Opportunities for Part-Time Workers

The Fair Scheduling, Wages, and Benefits Act would help workers, especially low-wage workers who are involuntarily working part-time hours, make ends meet by promoting full-time work opportunities. Specifically, the bill would require employers to offer available hours to current, qualified employees before hiring new employees or subcontractors.

The bill would also help relieve the economic insecurity experienced by too many part-time workers by prohibiting employers from paying employees less per hour based solely on the fact that they are part-time, or from denying promotion opportunities or benefits based on their part-time status.

C. Minor Modifications to the Fair Scheduling, Wages, and Benefits Act Would Further Strengthen Its Protections

The Fair Scheduling, Wages, and Benefits Act does not protect employees who ask for schedule changes or for a particular work schedule from retaliation—yet retaliation in the form of

reduced work hours, or even termination, is not uncommon for employees who place some limits on their availability or otherwise request particular schedule modifications. In order to secure at least some voice for employees in their schedules, the bill should prohibit retaliation against employees when they ask for changes in their schedules or for schedules that take their needs into account. An employee who asks her employer if she can have Tuesday nights off to attend night classes, or a schedule that allows her to see her children in the evenings, should not risk punishment just for making the request. The bill could be further strengthened by providing for a good faith interactive process between the employer and employee to discuss the request, and by requiring the employer to state the reason for denial if the request is denied.

The bill could also be further strengthened to ensure that it does not inadvertently disincentivize employers from granting employee requests for time off. The current draft of the Act provides that a covered employee may not be required to work additional hours with less than three weeks' notice unless the employee consents to work these hours. However, if an employer can only replace a worker who takes time off when another employee affirmatively consents to work, the employer may respond by refusing to allow employees to take time off with less than three weeks' notice, as such time off creates holes in the schedule that an employer must fill. This is a particular concern since many employee needs for time off—e.g., to take a child to a routine doctor's appointment, deal with a plumbing emergency, or a worker's own illness—will occur with less than three weeks' notice. Research has also shown that workers' inability to take time off negatively impacts their ability to engage with their children's school, as many school events are planned with one week notice or less.⁴⁴

In order to avoid the unintended consequence of constraining employees' ability to take time off, the Fair Scheduling, Wages, and Benefits Act could be modified to include some limitations on the consent requirement, as follows: an employee may not be required to work a schedule changed with less than three weeks' notice, except where the employer has exhausted all good faith, reasonable attempts to obtain voluntary workers, and the schedule is being changed for one of the following reasons: (1) an emergency which could not have been reasonably anticipated and that is not caused or aggravated by the employer's inattention or lack of reasonable contingency planning; (2) to avoid a negative impact on the health or safety of the employees or the public; or (3) the unforeseen unavailability of an employee previously scheduled to work that shift. Adding these provisions strikes a balance between the need to create more schedule predictability for employees and the need to preserve employees' ability to take time off.

IV. Fair Scheduling Practices Are Good for Employees, Businesses and the Bottom Line

Scheduling practices that fail to take workers' needs into account result in higher rates of turnover and absenteeism and lower worker engagement.⁴⁵ In contrast, fair scheduling leads to more productive and committed employees and lower turnover.⁴⁶ In other words, when businesses provide flexible working arrangements, they benefit. Research shows that the benefits of implementing fair scheduling practices for lower-wage workers are comparable and even greater than the benefits of providing those arrangements to their higher-wage counterparts.⁴⁷ Among the benefits are reduced absenteeism, increased retention, reduced health care costs, and increased revenue.⁴⁸ When workers have schedules that work, everyone wins. This bill is an important first step to creating workplace polices that really work for workers and their families.

VI. Conclusion

With this bill, Maryland joins California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New York, Oregon, and the District of Columbia, which have all recently introduced legislation to curb abusive scheduling practices.⁴⁹ The Fair Scheduling, Wages, and Benefits Act is a key component of a set of legislative proposals being considered by the Maryland General Assembly—including earned sick days, family and medical leave insurance, and a bill to strengthen our equal pay laws—which would help women and families succeed. We urge your support for this important legislation.

¹ U.S. Census Bureau, American Community Survey 2014, *available at* http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_DP03&prodType=table (last visited Mar. 1, 2016).

² NAT'L WOMEN'S LAW CENTER (NWLC), WOMEN IN THE LOW-WAGE WORKFORCE BY STATE 1 (2014), *available at* http://www.nwlc.org/sites/default/files/pdfs/pv_fs_low_wage_state_tables.pdf. “Low-wage jobs” or “low-wage workers” may be defined in a variety of ways. 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.

³ The share of mothers who are breadwinners or co-breadwinners has increased from 27.5 percent in 1967 to 63.3 percent in 2012. SARAH JANE GLYNN, CENTER FOR AMERICAN PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 6 (June 2014), *available at* <https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>.

⁴ *See generally* JULIE VOGTMAN & KAREN SCHULMAN, NWLC, SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (Jan. 2016), *available at* <http://nwlc.org/resources/set-up-to-fail-when-low-wage-work-jeopardizes-parents-and-childrens-success/>; NWLC, COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES (Apr. 2014), *available at* http://www.nwlc.org/sites/default/files/pdfs/collateral_damage_scheduling_fact_sheet.pdf.

⁵ WOMEN IN THE LOW-WAGE WORKFORCE BY STATE, *supra* note 2, at 1 (Figure A).

⁶ *Id.* at 2 (Figure B).

⁷ *See* Bureau of Labor Statistics, U.S. Dep't of Labor, 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, 2014 annual averages (2015), *available at* http://www.bls.gov/tus/tables/a1_2014.pdf.

⁸ NWLC calculations based on U.S. Census Bureau, American Community Survey 2014, Table S1101, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1101&prodType=table (last visited Mar. 1, 2016).

⁹ LIZ WATSON & JENNIFER 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>.

¹⁰ White House Council of Economic Advisers, *Nine Facts about American Families And Work* 4 (June 2014), *available at* http://www.whitehouse.gov/sites/default/files/docs/nine_facts_about_family_and_work_real_final.pdf.

¹¹ *Id.*

¹² *See* WATSON & SWANBERG, *supra* note 9, 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 International 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 (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”).

¹³ 58 percent of Hispanic 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 12, at 17.

¹⁴ See Jodi Kantor, *Starbucks to Revise Policies to End Irregular Schedules for Its 130,000 Baristas*, N.Y. TIMES (Aug. 14, 2014), available at <http://www.nytimes.com/2014/08/15/us/starbucks-to-revise-work-scheduling-policies.html? r=0>.

¹⁵ See, e.g., RETAIL ACTION PROJECT, WHAT YOU NEED TO KNOW ABOUT ERRATIC SCHEDULING: 5 TRENDS IN UNPREDICTABLE RETAIL SCHEDULING, <http://retailactionproject.org/advocacy/policy/erratic-scheduling/> (last visited March 7, 2016).

¹⁶ LAMBERT, FUGIEL & HENLY, *supra* note 12, at 6; see also, e.g., GOLDEN, *supra* note 12, at 18 (noting that analysis of the General Social Survey shows 43 percent of workers reported receiving less than a week’s advance notice of their hours, including almost one in five who received their schedule “a day or less” in advance).

¹⁷ LAMBERT, FUGIEL, & HENLY, *supra* note 12, at 6.

¹⁸ *Id.* at 7.

¹⁹ 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 (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).

²⁰ 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-Unstableand-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. See also LUCE & FUJITA, *supra* note 19, at 8.

²¹ LUCE & FUJITA *supra* note 19, at 13.

²² See EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL OF ECONOMIC ADVISERS, WORK-LIFE BALANCE AND THE ECONOMICS OF WORKPLACE FLEXIBILITY 3 (2010); LISA MATUS-GROSSMAN & SUSAN GOODEN, MDRP, OPENING DOORS: STUDENTS’ PERSPECTIVES ON JUGGLING WORK, FAMILY AND COLLEGE 65 (2002), available at http://www.mdrc.org/sites/default/files/full_466.pdf.

²³ JOAN C. WILLIAMS & PENELOPE HUANG, CTR. FOR WORK LIFE LAW, IMPROVING WORK-LIFE FIT IN HOURLY JOBS: AN UNDERUTILIZED COST-CUTTING STRATEGY IN A GLOBALIZED WORLD 13, 15, 57 (2011); NANCY C. CAUTHEN, DEMOS, SCHEDULING HOURLY WORKERS: HOW LAST MINUTE JUST-IN-TIME SCHEDULING PRACTICES ARE BAD FOR WORKERS, FAMILIES AND BUSINESS 7 (2011), available at <http://www.demos.org/publication/scheduling-hourly-workers-how-last-minute-just-time-scheduling-practices-are-bad-workers>.

²⁴ WATSON & SWANBERG, *supra* note 9, at 8-9.

²⁵ See generally VOGTMAN & SCHULMAN, *supra* note 9, at 17-21.

²⁶ *Id.* at 17-18.

²⁷ *Id.* at 20.

²⁸ WATSON & SWANBERG, *supra* note 9, at 8.

²⁹ RESTAURANT OPPORTUNITIES CTR. UNITED, THE THIRD SHIFT: CHILD CARE NEEDS AND ACCESS FOR LOW-WAGE WORKING MOTHERS IN RESTAURANTS 9-10 (July 2013), available at <http://www.scribd.com/doc/161943672/The-Third-Shift-Child-Care-Needs-and-Access-for-Working-Mothers-in-Restaurants>.

³⁰ LAMBERT, FUGIEL, & HENLY, *supra* note 12, at 11.

³¹ *Id.* at 17-18.

³² WATSON & SWANBERG, *supra* note 9, at 22 (with the exception of full-time low-wage workers with standard hours, for whom less than 20 percent reported this problem).

³³ LUCE & FUJITA, *supra* note 19, at 15.

³⁴ LAMBERT, FUGIEL, & HENLY, *supra* note 12, Table 7.

³⁵ ANNE MORRISON & KATHERINE GALLAGHER ROBBINS, NWLC, PART-TIME WORKERS ARE PAID LESS, HAVE LESS ACCESS TO BENEFITS—AND TWO-THIRDS ARE WOMEN 2 (Sept. 2015), available at http://www.nwlc.org/sites/default/files/pdfs/part-time_workers_fact_sheet_8.21.1513.pdf. 35.5 percent of part-time workers hold low-wage jobs that typically pay \$10.50 per hour or less, compared to 10.9 percent of full-time workers. 71.6 percent of part-time workers in low-wage jobs are women. *Id.*

³⁶ *Id.*

³⁷ LUCE & FUJITA, *supra* note 19, at 6, 13. See also Steven Greenhouse, *A Part-Time Life, as Hours Shrink and Shift*, N.Y. TIMES (Oct. 27, 2012), available at <http://www.nytimes.com/2012/10/28/business/a-part-time-life-as-hours-shrink-and-shift-for-american-workers.html?pagewanted=all>.

³⁸ MORRISON & GALLAGHER ROBBINS, *supra* note 35, at 1. 35.5 percent of part-time workers hold low-wage jobs that typically pay \$10.50 per hour or less, compared to 10.9 percent of full-time workers. 71.6 percent of part-time workers in low-wage jobs are women. *Id.*

³⁹ *Id.* at 2-3. 25.1 percent of women who work part time involuntarily are poor, compared to 11.1 percent of women who work part time for other reasons and 5.0 percent of women who work full time. *Id.*

⁴⁰ DAVID M. PONGRACE & ALAN P. ZILBERMAN, U.S. BUREAU OF LABOR STATISTICS (BLS), A COMPARISON OF HOURLY RATES FOR FULL- AND PART-TIME WORKERS BY OCCUPATION, 2007 2 (July 2009), available at <http://www.bls.gov/opub/mlr/cwc/a-comparison-of-hourly-wage-rates-for-fulland-part-time-workers-by-occupation-2007.pdf>. Of the twelve occupations in which part-time work had significantly higher average hourly earnings than full-time work, half were healthcare or related occupations.

⁴¹ BLS, Employee Benefits in the United States – March 2015, Table 2. Medical care benefits: Access, participation, and take-up rates, <http://www.bls.gov/news.release/ebs2.t02.htm> (last visited March 7, 2016). Figures are for civilian workers; NWLC calculations based on BLS, Employee Benefits in the United States – March 2015, Table 6: Select paid leave benefits: Access, <http://www.bls.gov/news.release/ebs2.t06.htm> (last visited March 7, 2016). Figures are for civilian workers.

⁴² John T. Addison, Orgul Demet Ozturk, & Si Wang, *Job Promotion in Midcareer: Gender, Recession, and “Crowding,”* Bureau of Labor Statistics Monthly Labor Review at Table 3 (Jan. 2014), available at <http://www.bls.gov/opub/mlr/2014/article/job-promotion-in-midcareer.htm>.

⁴³ See NATIONAL WOMEN’S LAW CENTER, REPORTING TIME PAY: A KEY SOLUTION TO CURB UNPREDICTABLE AND UNSTABLE SCHEDULING PRACTICES (Jan. 2015) (outlining state reporting time pay laws), available at http://www.nwlc.org/sites/default/files/pdfs/reporting_time_pay_fact_sheet_jan_2015.pdf.

⁴⁴ See generally Anna Haley-Lock & Linn Posey-Maddox, *Fitting it all In: How Mothers’ Employment Shapes their School Engagement*, COMMUNITY, WORK & FAMILY (Apr. 2015).

⁴⁵ A BETTER BALANCE, THE BUSINESS CASE FOR WORKPLACE FLEXIBILITY 2-4 (Nov. 2010), available at http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/BC-2010-A_Better_Balance.pdf.

⁴⁶ *Id.*

⁴⁷ ANNA DANZIGER & SHELLEY WATERS BOOTS, WORKPLACE FLEXIBILITY 2010 & URBAN INST., LOWER-WAGE WORKERS AND FLEXIBLE WORK ARRANGEMENTS 7 (2008), available at <http://workplaceflexibility2010.org/images/uploads/Lower-Wage%20Workers%20and%20FWAs.pdf>.

⁴⁸ A BETTER BALANCE, *supra* note 45.

⁴⁹ See Hours and Scheduling Stability Act, B21-0512 (D.C. 2015); NWLC, RECENTLY INTRODUCED AND ENACTED STATE AND LOCAL FAIR SCHEDULING LEGISLATION (Sept. 2015), available at http://nwlc.org/wp-content/uploads/2015/08/recently_introduced_and_enacted_state_local_9.14.15.pdf.