

set up for success

supporting parents in low-wage jobs and their children

An Agenda for Action

ABOUT THE CENTER

The National Women's Law Center is a non-profit organization working to expand the possibilities for women and their families by removing barriers based on gender, opening opportunities, and helping women and their families lead economically secure, healthy, and fulfilled lives—with a special focus on the needs of low-income women and their families.

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About this project

Set Up for Success: Supporting Parents in Low-Wage Jobs and Their Children is part of a National Women's Law Center (the "Center") project to (1) advance understanding of the ways in which the often-challenging conditions of low-wage work affect parents' efforts to support their families and further their children's early learning and development, and (2) identify public and private policy solutions and organizing strategies that can help low-wage working parents and their children succeed. The project builds on earlier work by the Center, in collaboration with the Ms. Foundation for Women and six worker justice organizations, the results of which were presented in the 2014 report, *Listening to Workers: Child Care Challenges in Low-Wage Jobs*.

In the first phase of the project, the Center held a series of listening sessions with parents employed in low-wage retail, fast food, and home care jobs, as well as child care providers, to hear firsthand about the challenges parents face as they try to keep their families afloat and provide their children with the early care and education experiences they need to thrive. The Center also reviewed existing research and conducted interviews with representatives from the private sector and experts in the fields of low-wage work, child development, child care, and workforce development to gain their perspectives on these challenges. The first phase of the project culminated in January 2016 with the release of a major report, *Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success*,¹ which synthesizes and integrates the results of the listening sessions and other research to illuminate the ways in which certain conditions prevalent in the low-wage workforce make it difficult, if not impossible, for parents to support their families and give their children the best possible start in life.

Following the release of *Set Up to Fail*, the Center convened 30 diverse stakeholders—representing low-wage worker organizations, researchers, employers, workforce development programs, and child care advocates and administrators. In a two-day meeting, the participants discussed the interrelated challenges posed by parents' low-wage working conditions and parents' efforts to support their families and further their children's growth and development, and advanced potential cross-cutting solutions. The participants in this convening are listed in the appendix.

Set Up for Success: Supporting Parents in Low-Wage Jobs and Their Children represents the culmination of the second phase of this project. *Set Up for Success* is an agenda for action that draws on the findings of the initial listening sessions, the additional research, and the convening of diverse stakeholders to provide promising two-generational public policy solutions, employer practices, and organizing strategies to help both parents and children succeed.

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Introduction

Today, too many working families are set up to fail. As described in ***Set Up to Fail: When Low-Wage Jobs Jeopardize Parents' and Children's Success***, millions of parents across the country work in jobs whose low wages, unfair scheduling practices, and minimal benefits make it difficult to meet both work and caregiving responsibilities. The challenging working conditions of these low-wage jobs—including unpredictable work hours, rigid attendance policies with limited access to paid leave, and inadequate paychecks—often leave parents struggling, without time to spend with their children and resources to afford the high-quality early care and education their children need to succeed in school and beyond. Public policies, which could help families meet the challenges they face at work and in accessing early care and education, too often are inadequate and instead compound these challenges.

The parents most likely to find themselves in low-wage jobs are women—disproportionately women of color and immigrant women²—who are often raising very young children on their own. Their children face daunting odds: research shows that children growing up in poor or low-income families tend to have lower achievement in school relative to their peers from higher-income families, as well as poorer outcomes in adulthood.³

Set Up for Success: Supporting Parents in Low-Wage Jobs and Their Children recommends two-generational policies, practices, and strategies to improve the lives of low-wage working parents and their children—and provides examples of the ways in which these policies, practices, and strategies have been advanced and implemented by different stakeholders, including advocates, policy experts, researchers, private sector representatives, and low-wage workers themselves.

The recommendations are intended to further five critical goals, each of which is essential to improving the ability of low-wage working parents to support their families and promote their children's growth and development:

- *Increase parents' incomes.*
- *Ensure parents are treated fairly in the workplace and have stable, predictable work schedules.*
- *Expand children's access to high-quality, affordable child care and early education.*
- *Increase parents' access to paid sick days and paid family and medical leave.*
- *Improve parents' opportunities to obtain education and training that can help them advance into better jobs.*

Taken together, these recommendations, if implemented, will set families up to succeed.

Increase parents' incomes

With low wages, even a full-time job—or multiple jobs—is no guarantee of financial security. At \$10.50 per hour, a parent working full time earns \$21,000 annually, just above the poverty line for a mother with two children; a worker paid the federal minimum wage of \$7.25 per hour makes just \$14,500 annually—thousands of dollars below the poverty line for a family of three.⁴ Even in the lowest-paying jobs, women—especially African American women and Latinas—are typically paid less than men,⁵ and they are often overrepresented in the lowest-paid jobs within low-wage sectors.⁶ In addition, mothers face a gender wage gap compared to fathers, and again this gap is particularly large for African American and Latina mothers compared to white, non-Hispanic fathers.⁷ Mothers' wages typically decline by an estimated 7 percent for each child they have,⁸ and research shows that low-wage workers suffer a larger motherhood penalty than their high-wage peers.⁹ Moreover, public benefits intended to support low-income families are not always designed to meet the needs of workers in low-wage jobs, especially those with volatile schedules.

To address these challenges and improve families' financial security, advocates must continue to work to **increase wages, combat pay discrimination, improve access to benefits, and strengthen safety net and insurance programs**, building on growing momentum for change at the federal, state, and local levels, and in business practices.

- **Raise the minimum wage**, including the wage for tipped workers.

Federal legislation: If enacted, the federal **Raise the Wage Act** (S. 1150/H.R. 2150) would raise the federal minimum wage from \$7.25 to \$12 per hour over four years, then automatically increase the \$2.13 per hour tipped minimum cash wage (i.e., the pre-tip wage employers must pay their tipped workers) until it matches the regular minimum wage, so that all workers are paid at least the regular minimum wage before tips.¹⁰ Under the Raise the Wage Act, more than 9.7 million working parents—including 40 percent of all working single mothers and 45 percent of all working single mothers of color—would get a raise.¹¹ The **Pay Workers a Living Wage Act** (S. 1832/H.R. 3164) contains provisions similar to the Raise the Wage Act regarding matching the tipped minimum wage to the regular minimum wage and wage indexing, but would raise the regular minimum wage to \$15 per hour over four years.

State legislation: In April 2016, **California and New York became the first states to enact a statewide \$15 minimum wage.** Nearly one in three workers in California (5.6 million) will get a raise under their state's new law,¹² which gradually increases the minimum wage from its current \$10 to \$15 per hour by 2022 (2023 for businesses with 25 or fewer employees), and increases it automatically based on inflation starting in 2024.¹³ In New York, over 2.3 million workers will also see bigger paychecks as the minimum wage rises from \$9 to \$15 per hour—by December 2018 in New York City (one year later for businesses with 10 or fewer employees), and by December 2021 in suburban Long Island and Westchester County.¹⁴ In upstate New York, the wage will rise to \$12.50 per hour by December 2020, then increase annually until it reaches \$15 per hour based on a formula to be set by the state budget agency.¹⁵ In California, restaurant servers and other tipped workers will fully benefit from the increase, too: California is one of eight states in which employers must pay their tipped employees the regular minimum wage before tips.¹⁶ In New York, tipped workers will gain some benefit from the increase, as the new law sets the state's minimum cash wage for tipped workers at two-thirds of the regular minimum wage.

Local legislation: **Seattle was the first major U.S. city to adopt a \$15 minimum wage.** Following a successful ballot initiative campaign to raise the minimum wage to \$15 per hour in nearby SeaTac, a small suburb that is home to Seattle's airport, a broad coalition proposed a \$15 minimum wage for Seattle and helped make the proposal a focal point in the city's 2014 mayoral race. Once elected, Mayor Ed Murray—who endorsed the \$15 minimum wage as a candidate—appointed a business-labor task force headed by David Rolf, the president of a local health care union (Service Employees International Union (SEIU) 775), and Howard Wright, the founder of the Seattle Hospitality Group, to devise a plan to make a \$15 minimum wage a reality. The task force ultimately reached a compromise proposal that will phase in a \$15 minimum wage for employers with more than 500 U.S. employees by 2017 (or by 2018 if the employer offers health care benefits), followed by annual increases to keep pace with inflation; smaller employers will be required to pay at least \$15 per hour by 2019, but may count a portion of tips and health care benefits in calculating the minimum wage until 2025, when the same minimum wage rate will apply to all employers. With support from community groups and significant segments of the business community, Seattle's city council unanimously approved the task force proposal in June 2014. Following Seattle's lead, San Francisco and Los Angeles are also phasing in a \$15 minimum wage (including for tipped workers), and Chicago's minimum wage will reach \$13 per hour by 2019 (though tipped workers will receive a far smaller raise).¹⁷

State and local ballot measures: In 2014, citizen-initiated measures to increase the minimum wage passed resoundingly in Alaska, Arkansas, Nebraska, South Dakota, and San Francisco, and more are expected on the 2016 ballot.¹⁸ For example, a ballot initiative effort pending in the **District of Columbia would put the question of a \$15 minimum wage to voters** in November, and the initiative includes a provision to gradually raise the minimum wage for tipped workers until it matches the regular minimum wage.¹⁹

State executive order: In 2015, **Kentucky Governor Steve Beshear issued an order to raise the minimum wage for all state employees** from \$7.25 to \$10.10 per hour (with an increase in the minimum cash wage for tipped workers from \$2.19 to \$4.90 per hour). The order also requires companies that contract with the state government for services to pay at least \$10.10 per hour to employees who perform work on or in connection with those government contracts.²⁰

Local preemption laws

Seeking policy change by starting at the local level is often a promising strategy. It can provide models that can later be adopted at the state or national level and help build momentum and support for these changes. However, a number of states have laws that prevent local governments from acting on certain issues—known generally as “local preemption laws.” State passage of such laws has been on the rise in recent years, and these laws have often been designed specifically to thwart a locality’s effort to pass or implement a particular measure. Minimum wage increases are a common target of local preemption laws; close to 20 states currently prohibit localities from enacting their own minimum wage rates.²¹ A recent addition to the list is Alabama, where the legislature passed a measure in February 2016 that was specifically designed to prevent a minimum wage increase already passed by the Birmingham City Council from taking effect.²² But preemption efforts span a wide range of issues, including many covered in the sections that follow. For example, within the past year, Indiana passed a law prohibiting localities from regulating employer scheduling policies;²³ Michigan banned local action on paid leave;²⁴ and North Carolina barred localities from passing or enforcing anti-discrimination laws that exceed state standards.²⁵ Local advocates for progressive legislation should be aware that they may need to combat attacks on the authority to pass such legislation even as they argue for its merits.

- **Raise pay for low-wage workers** and offer additional benefits, such as health care and retirement benefits, to improve their economic security.

Worker organizing: The movement now known collectively as the “**Fight for \$15**” began in late 2012 in New York City, with strikes by hundreds of fast food workers demanding a \$15 hourly wage and a union. With support from SEIU, the effort has since expanded nationwide to include retail workers at Walmart and other chains, home care and child care workers, convenience store and dollar store workers, adjunct university faculty, and others who have joined strikes to demand at least \$15 an hour and the right to unionize without retaliation. Their strong and persistent call for \$15 has caught the nation’s attention by shining a spotlight on income inequality and has prompted a wide range of businesses to raise pay for their hourly employees, while spurring a number of states and localities to enact or consider enacting a \$15 minimum wage.²⁶

Collective bargaining: In Massachusetts, **SEIU Local 1199** negotiated a collective bargaining agreement with Governor Charlie Baker’s administration that raised the hourly pay of home health care workers to \$15 by 2018.²⁷ On average, wages for workers covered by a collective bargaining contract are nearly 14 percent higher than for those who are not, and the effects are even stronger for workers of color, workers in low-wage jobs, and workers without a college degree.²⁸ Women also receive a wage benefit from union membership, typically earning 33 percent higher wages than non-union workers—and Latinas who are union members earn a full 44 percent more than their non-union counterparts.²⁹ Unions also typically help workers obtain other benefits from their employers that can improve economic security, such as retirement benefits and subsidized health insurance.³⁰

Company policies: Since 2015, **companies ranging from Walmart to Facebook have announced plans to raise wages for their lowest-paid workers**—largely in response to the public pressure exerted by the Fight for \$15 and other worker organizing efforts. While the increased wages announced by Walmart and several other large retailers (including Target, T.J. Maxx, and Gap) are in the \$9 to \$10 per hour range, many of the recently increased wages approach, or even exceed, \$15 per hour.³¹ For example, in April 2015, Aetna—the third-largest health insurer in the U.S.—raised its minimum wage to \$16 per hour, benefiting an estimated 5,700 employees. Aetna’s CEO Mark Bertolini explained, “We wanted people at the front lines who took care of our customers to not have the kind of stress associated with being able to provide . . . food for their families, worrying while they were on the job. . . . To make sure that they were bringing their best selves to work every day.” And while the costs of the pay increase are significant, Bertolini believes they will be offset by the benefits to the company: “I think it’s a pretty good bet that we’re going to find a way to cover those costs in the long run. . . . We don’t see it suffering at all.”³²

- ***Strengthen and enforce protections against sex, race, and other discrimination in pay, hiring, and promotions.*** Women and people of color working in low-wage jobs too often experience sex, race, and other forms of invidious discrimination that impacts their earnings by lowering their rates of pay and excluding them from opportunities for higher-wage jobs.³³ For example, a recent analysis of retail sales jobs concluded that women and people of color are disproportionately represented in the lower-paying roles, such as cashiers.³⁴ Low-wage workers may be particularly vulnerable to discrimination because they often lack bargaining power in the workplace and are seen as easily replaceable by employers.

Federal legislation: If passed by Congress, the **Paycheck Fairness Act** (S. 862/H.R. 1619) would strengthen the Equal Pay Act's prohibition on paying women less than men for the same work, by ensuring that employees could discuss their wages without employer retaliation, closing loopholes that have allowed employers to pay women less than men when no business necessity requires it, and strengthening remedies and enforcement.

State legislation: Twenty states and the District of Columbia have laws explicitly **prohibiting employment discrimination on the basis of sexual orientation or gender identity**, with Utah passing such a law most recently, in 2015.³⁵ Nearly half of LGBT women under 50 are raising children, and 15 percent of female same-sex couples raising children are living in poverty, compared to 9 percent of married opposite-sex couples with children.³⁶ Employment discrimination is one cause of this heightened risk of poverty, and indeed, the average poverty rate for women in same-sex couples is much higher in those states that lack laws prohibiting employment discrimination on the basis of sexual orientation or gender identity.³⁷

- ***Ensure that part-time workers receive pay, benefits, and promotion opportunities*** that are equal to those offered to full-time employees in comparable positions.

Local legislation: Among other provisions, the **Hours and Scheduling Stability Act being considered in the District of Columbia** would, if passed, prohibit covered employers from paying employees less per hour, or from denying them access to benefits or promotion opportunities, based solely on their part-time status.³⁸ Bills introduced in Maryland and Minnesota contain similar provisions,³⁹ as does the Retail Workers' Bill of Rights enacted in San Francisco (*see infra page 12*).

Company policies: **IKEA**, a home furnishings retailer with more than 14,000 employees in the U.S., **offers comprehensive health care benefits to all employees who work 20 or more hours per week.** All employees are eligible for the One IKEA Bonus Program, a performance-driven bonus system that is paid annually when set goals are reached. Under the Tack! (Swedish for “thank you”) Program, all employees averaging 32 hours or more a week over a 52-week period receive the same amount, while part-time workers receive a pro-rated contribution based on their hours; contributions are made directly into a worker’s individual retirement plan, in addition to an annual 401(k) match.⁴⁰

- **Strengthen and expand critical supports for low-income families**, including, for example, the federal Supplemental Nutrition Assistance Program (SNAP), which helps millions of low-wage workers feed their families; Medicaid, a joint federal-state program that provides health insurance coverage for low-income children and adults; Temporary Assistance for Needy Families (TANF), a federal block grant program that helps states provide cash assistance, work supports, and other services for low-income families; and federal and state tax policies that help boost income. Additional funding for these programs would allow for an increase in the number of families able to receive assistance and an increase in the level of benefits these families receive.

Refundable tax credits—which allow families who owe little or no income tax to receive the credit as a refund—are particularly important for low-wage workers, who often earn too little to have significant income tax liability. The federal Earned Income Tax Credit (EITC), which is designed to supplement earnings from work, is refundable, as is part of the federal Child Tax Credit (CTC), which is designed to help parents meet the costs of raising children; these two credits together lift more than 9 million people out of poverty annually, including 5 million children—more than any other program.⁴¹

Federal legislation and state policy: The federal **Affordable Care Act** (ACA) expanded Medicaid eligibility to all qualified individuals under age 65 who have incomes below 138 percent of the federal poverty line, with the federal government covering 100 percent of Medicaid spending on health services for the newly covered population in the first three years of implementation, and at least 90 percent in later years—but under a 2012 Supreme Court ruling, states can choose whether to accept the federal money to cover more individuals through Medicaid.⁴² In states that opt not to expand Medicaid, adults with incomes above the state’s traditional Medicaid eligibility limit and below the poverty line are not eligible for Medicaid or for subsidized health insurance available through the marketplaces established by the ACA—leaving many low-wage workers without a source of affordable coverage. And that can put their health at risk: low-income women without health insurance are significantly less likely to access basic health care and preventive services than their counterparts who are covered by public or private health insurance.⁴³

As of March 2016, 31 states and the District of Columbia had adopted the Medicaid expansion through legislative or executive action.⁴⁴ Most recently, newly elected **Louisiana Governor John Bel Edwards signed an executive order to expand Medicaid**, which will extend coverage to an estimated 300,000 residents as of July 1, 2016.⁴⁵

State legislation: California, Maryland, New Jersey, New York, Vermont, and the District of Columbia are among the states that have enacted **refundable state EITCs** that are worth at least 25 percent of the federal EITC, providing an additional income boost to low-wage working families.⁴⁶ New York City also has its own refundable EITC.⁴⁷

Non-profit initiative: While the federal EITC provides a crucial income support for millions of working families, its structure as a once-a-year refund makes it less effective in stabilizing the irregular income and expenses that many low-wage workers face throughout the year. (Federal law previously gave workers the option of receiving some of their EITC refund as part of their paychecks throughout the year, but that option was eliminated in 2010 due to low take-up and high error rates.⁴⁸) In Chicago, the Center for Economic Progress, a local provider of free tax and financial services, led the **EITC Periodic Payment Pilot**, with support from Chicago Mayor Rahm Emanuel, the University of Illinois at Urbana-Champaign, the Chicago Housing Authority, the Chicago Department of Family and Support Services, and Advent Financial. Participants in the program, who received four payments during the year based on the estimated value of their EITC refunds, reported considerably lower rates of borrowing from family and friends or use of payday loans as compared to individuals in the control group, who continued to receive their EITC payments in one lump sum. Upon completion of the pilot, 90 percent of participants expressed a preference for the periodic payment model over a single lump sum.⁴⁹

- **Help low-wage workers access tax credits and public benefits for which they may be eligible,** and connect with resources in the community.

Non-profit initiative: The **DC EITC Campaign** helps individuals and families claim valuable federal and state tax credits by providing free tax preparation services. It also enlists volunteers to act as SNAP Outreach Specialists to provide information about the SNAP program, screen for eligibility, and help clients fill out benefit applications.⁵⁰

Company policies: **Job counselors at Cooperative Home Care Associates (CHCA)**, a home care agency in the Bronx, meet with potential employees even before they begin their mandatory entry-level training to help them address barriers to attending training, and eventually, to working. These counselors connect employees with supportive services and resources in the community.⁵¹

- ***Reform the unemployment insurance (UI) system to better meet the needs of low-wage workers,*** especially those with volatile schedules. For example, UI rules typically allow pay reductions of 25 percent or more, or unilateral schedule changes by an employer, to be “good cause” to quit a job and receive UI benefits—but many states make exceptions if the job is in an industry in which schedule changes and/or hours reductions are common, disqualifying workers in such jobs from receiving benefits even when scheduling conflicts or inadequate pay effectively force them to leave. In addition, only about half the states recognize “compelling family circumstances,” including caregiving obligations, as good cause for leaving work. And part-time workers face particular challenges: for example, in 21 states, jobless workers who limit their availability to part-time work are ineligible for UI benefits.⁵² While federal incentive funding included in the American Recovery and Reinvestment Act of 2009 significantly expanded the number of states that allow part-time job seekers to receive UI benefits and recognize at least some compelling family reasons as good cause to quit,⁵³ the funding expired in 2011, and many states still lack these provisions.⁵⁴ Moreover, while part-time workers who would prefer full-time work may be eligible for partial UI benefits in some cases, outdated rules in many states often preclude underemployed workers from receiving these benefits.

The flexibility provided by federal law can be used by states to:

- Provide UI for quits or discharges related to customary, but unreasonable, scheduling practices. For example, when variable scheduling results in a reduction in pay that exceeds a reasonable threshold established by the state, workers should be considered as having good cause to leave, regardless of whether such scheduling practices are typical of an employer or industry. And when an employer’s unpredictable, unstable scheduling practices result in employee absences from work, and the employer then discharges the employee for those absences, the employee should not be disqualified from UI benefits.
 - Ensure that workers’ caregiving obligations do not undermine their eligibility for UI benefits. States should recognize a lack of available child care and compelling family circumstances as good cause for leaving work, and allow workers who are specifically seeking part-time rather than full-time work (whether due to caregiving obligations or otherwise) to remain eligible for UI benefits.
 - Make more underemployed workers eligible for meaningful income support when they cannot get enough hours of work by, for example, updating the formulas used to determine whether, and in what amount, they are eligible for partial UI benefits.⁵⁵
- ***Make it easier to establish and maintain eligibility for income support programs like TANF and SNAP,*** so that workers with volatile schedules and incomes can easily access the benefits they need to support their families.

The flexibility provided by federal law can be used to implement changes that can improve benefits access for low-wage workers with variable schedules. Examples of good practices include:

- Allowing for reasonable variation of income and work hours without requiring reporting to maintain program eligibility, and/or allowing for income fluctuations by averaging income over time, incorporating anticipated changes into income calculations, or disregarding temporary increases in earnings that could affect eligibility but are not expected to last.
- Offering transitional benefits for recipients that exceed income thresholds for qualifying for or retaining benefits.

- Adopting eligibility rules and policies that minimize benefits cliffs (in which a small change in income can lead to a large decline in benefits or even lost eligibility) and ensure that families exiting assistance are financially prepared to take on new expenses, including, for example, raising the gross income limit under SNAP.
- Minimizing the need for face-to-face appointments with caseworkers and allowing “on-demand” interviews, which enable recipients to determine the best time for phone interviews.
- Developing systems that disregard minor discrepancies and that do not generate constant verification notices for workers with variable schedules.
- For programs with work requirements:
 - Using the maximum flexibility allowed under federal law to project work hours or average hours over time when determining compliance.
 - Providing recipients with flexible “add-on activities,” such as online education programs, self-directed job search, or self-organized community service that can fit around fluctuating work hours, rather than requiring them to attend programs at fixed hours.
 - Treating highly unstable and unpredictable scheduling practices as “good cause” for voluntarily quitting a job, particularly when child care is not available.⁵⁶ (*For more best practices specific to the administration of child care assistance programs, see infra page 19*).

Federal legislation and state policy: Utah’s Department of Workforce Services, which administers the state’s income support programs, has developed *myCase*, a website where users can access a range of case information 24/7, including Electronic Benefits Transfer (EBT) balances, application or review status, and outstanding information needed. Benefit recipients can report changes and complete applications and reviews online, and opt in to receive notices electronically. In addition, Utah’s eligibility workers are trained to estimate recipients’ prospective income for cash assistance, SNAP, and child care programs by averaging, anticipating, and/or annualizing income.⁵⁷

Ensure parents are treated fairly in the workplace and have stable, predictable work schedules

In addition to insufficient wages, parents in the low-wage workforce often have unpredictable or inflexible work schedules over which they have little control. Without stable work schedules, these parents are frequently left without enough hours of work—which, together with low wages, deprive them of the income they need to provide for their children. Variable work schedules assigned with short notice can also wreak havoc on parents' transportation and child care arrangements, and the fluctuating earnings that accompany fluctuating hours can make paying for child care or qualifying for child care or food assistance problematic.

Even when employers frequently change schedules without notice, employees may be required to provide several weeks' notice for any planned absence and penalized for any unplanned absence, regardless of the circumstances. Such rigid attendance policies can have the effect of discriminating against working parents, who are more likely to need flexibility to manage their caregiving responsibilities. Low-wage workers are also more likely than middle-class and professional workers to experience overt discrimination related to pregnancy or caregiver status. Because women shoulder the majority of caregiving responsibilities,⁵⁸ they are particularly vulnerable to discrimination on the basis of caregiver status—and on the basis of pregnancy—especially in low-wage jobs, where mothers comprise three-quarters of working parents.⁵⁹

Advocates have worked to address these challenges and enable parents to meet both their work obligations and family responsibilities by supporting measures at the federal, state, and local levels as well as improved business practices that provide greater **predictability, stability, and adequate hours** in work schedules, **grant employees a voice** in their schedules, and **combat discrimination** on the basis of pregnancy or caregiver status.

- **Establish and implement fair scheduling practices** that allow employees to meet their caregiving responsibilities and other obligations outside of work. Such practices can include soliciting and respecting employees' input into their work schedules; providing reasonable advance notice of scheduled shifts; guaranteeing minimum weekly work hours; avoiding the use of “on-call” shifts for positions in retail, restaurants, and other industries in which this practice is not a business necessity; compensating workers whose shifts are changed, canceled, or shortened at the last minute; and eliminating “no-fault” attendance policies (under which any type of absence results in a sanction, no matter the circumstances).

Federal legislation: The federal **Schedules That Work Act** (S. 1772/H.R. 3071), if passed by Congress, would create a right for all employees to make scheduling requests without retaliation by employers. Employers would be required to grant schedule requests made so that employees can meet caregiving responsibilities, work a second job, pursue education and training, or manage a serious health condition unless there were a bona fide business reason not to do so. The Schedules That Work Act would also

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require employers to provide workers in industries in which scheduling abuses are particularly well-documented—including restaurant, retail, and building cleaning jobs—with advance notice of work schedules and additional compensation for last-minute schedule changes, split shifts (i.e., shifts with nonconsecutive hours that include a break of an hour or more), and shifts from which they are sent home early. Ten states and the District of Columbia introduced bills with similar provisions in 2015,⁶⁰ and other states have followed in 2016.

State legislation: In **Vermont**, under amendments to the state's equal pay law enacted in 2013, **employees have the right to request a flexible working arrangement**, including the right to make requests related to the number of days or hours worked, the time the employee arrives or departs from work, where the employee is required to work, or the predictability of the employee's schedule. All employers are covered. The request may be made verbally or in writing, and should include how the arrangement would allow the employer to meet business needs. While employers may deny a request if it interferes with business operations or contractual obligations, they must discuss the request with the employee in good faith. The law also prohibits retaliation against employees for exercising their right to request.⁶¹

Local legislation: The **San Francisco Retail Workers' Bill of Rights**, which applies to "formula retail" establishments (including retail stores, fast food businesses, restaurants, hotels, and banks with 40 or more similar stores nationwide and at least 20 employees in San Francisco) was enacted in December 2014. This city ordinance requires:

- Advance notice of schedules, including providing good faith estimates of expected minimum shifts per month, posting schedules two weeks in advance, and providing for extra pay if changes are made to schedules with less than seven days' notice.
- Promotion of full-time work, by offering additional hours of work to existing part-time employees before hiring new employees.
- Limits on the use of on-call shifts, including paying employees for some time when they are required to be available, but are not called in.
- Parity between part-time and full-time employees with respect to rate of pay, ability to earn time off, and access to promotion opportunities.
- If a formula retail business is sold, retention of workers for at least a 90-day trial period after the sale.⁶²

Worker organizing: **OUR Walmart**, a grassroots organization of Walmart workers, won a victory when Walmart announced that it would provide its workers with **two weeks' advance notice of their work schedules**. And Walmart has promised that, by the end of 2016, it will provide all workers with their schedules at least two-and-a-half weeks in advance. By the end of the year, Walmart says it plans to make two more options available: fixed shifts, which guarantee the same weekly hours for as long as a year, and flex shifts, which allow workers to build their own schedules from the hours available, in roughly two-and-a-half-week increments. Fixed shifts would be offered first to employees with the longest tenure, and then on a first-come-first-served basis as new shifts become available.⁶³

Collective bargaining: **SEIU Local 49** negotiated with Legacy Emanuel Hospital in Portland, Oregon to create a policy through which all employees scheduled for work or who report to work at the employer's request are **guaranteed at least four hours of pay**, even if they are sent home before working four hours.⁶⁴

Collective bargaining: In 2012, workers represented by **Local 3 United Storeworkers of the Retail, Wholesale and Department Store Union (RWDSU)** secured a collective bargaining agreement with their employer, Bloomingdale's New York City flagship store, that addresses a number of critical scheduling issues. The contract includes provisions on **minimum hours, advance notification of scheduling, worker input into scheduling, and protections against overscheduling/late shifts:**

- Full-time Bloomingdale's employees are guaranteed 37.5 hours of work per week, and part-time workers have a regular schedule of at least 20 hours per week. (They work on average 20 to 25 hours per week, but can also pick up additional hours—and if they end up working full-time hours, the union can make the case to have them reclassified as full time.) If workers' hours are reduced to part time for a period due to seasonal fluctuations, they are given preference for future opportunities that would restore their hours.
- Workers must be notified of their schedule at least 21 days in advance. Changes to the schedule cannot be made without at least one week's notice.
- Employees can make requests regarding scheduling and select permanent non-rotating days off. The contract also restricts the number of "late nights" for which employees can be scheduled.⁶⁵

Company policies: **Cooperative Home Care Associates (CHCA)**, which is worker-owned, allows its home care workers to participate in a **Guaranteed Hours Program** after three years of employment. CHCA guarantees a 30-hour workweek to employees who agree to take the cases offered to them and agree to be on call every other weekend.⁶⁶

Company policies: *Costco*, which operates hundreds of wholesale retail stores in the U.S., prioritizes offering full-time employment and **guarantees a minimum number of weekly hours for most employees** (both full- and part-time). Managers have also provided work schedules two weeks in advance and try to minimize disruptive, last-minute changes to scheduled shifts by, for example, cross-training employees on different tasks and departments of the store (so that they can be redeployed where they are most needed) and sending multiple employees home 15 minutes early when business is slow (rather than sending one employee home several hours early).⁶⁷

- **Enforce scheduling protections through state agency actions** in jurisdictions with protections such as “reporting time pay” laws, which require hourly employees to be paid a minimum amount when they report to work as required or requested by their employer (even if no work is provided), or other enforcement power to address workplace terms and conditions.⁶⁸

State enforcement action: New York Attorney General Eric Schneiderman undertook an investigation of a number of large retail chains in connection with New York’s reporting time pay law. Abercrombie & Fitch, Bath & Body Works, Gap, J. Crew, and Victoria’s Secret announced that they would agree to end on-call scheduling following the Attorney General’s inquiry into their scheduling practices. In April 2016, Attorney General Schneiderman—joined by the attorneys general of California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, and Rhode Island—expanded the inquiry through letters to 15 additional retailers, requesting information regarding their scheduling practices and indicating that on-call shifts are “not a business necessity, given that operations can be, and successfully have been, structured to address unexpected absences and unanticipated fluctuations in business volume in other ways.”⁶⁹

- **Develop metrics for employers to assess the impact of poor scheduling practices** on retention, employee discipline, and absenteeism.

Private sector tools: The **Association for Workforce Asset Management (AWAM)** has developed a “**Schedule Equilibrium Program**,” which includes metrics for measuring the adequacy, stability, and predictability of schedules that employers can use to evaluate their practices. AWAM has also created educational modules for training managers and has developed data formulas through which companies can assess their practices before and after interventions.⁷⁰

- *Develop and provide software or consulting services to help employers develop scheduling practices that better meet the needs of both employers and employees* and reduce costs to employers stemming from employee churn, absenteeism, and discipline.

Private sector tools: WorkJam, an enterprise software company, offers a cloud-based schedule management and employee engagement platform targeted to employers of hourly workers. The platform runs either stand-alone or integrated with the employer's existing workforce management system to build and maintain staffing schedules that align staffing needs, employee availability and skills, and compliance and regulatory requirements. WorkJam aims to enable employees to engage in self-service scheduling, reduce labor costs, and offer employees more control over their work-life balance.⁷¹

- *Protect workers from employment discrimination*, including through policies to ensure that pregnant and caregiving workers are not forced to choose between meeting their responsibilities at work and caring for themselves and their families.

Federal and state legislation: If passed by Congress, the federal **Pregnant Workers' Fairness Act** (S. 1512/H.R. 2654) would enhance the effectiveness of the Pregnancy Discrimination Act in ensuring that pregnant workers can continue to do their jobs and support their families by explicitly requiring employers to make reasonable accommodations for pregnancy, childbirth, and related medical conditions, just as they already do for disabilities. **Seventeen states and the District of Columbia have enacted similar laws** to explicitly grant pregnant employees with medical needs the right to reasonable accommodations at work—most of which were enacted since 2013 with bipartisan (and often unanimous) support.⁷²

Federal regulatory guidance: The federal **Equal Employment Opportunity Commission** has issued guidance explaining the circumstances under which discrimination against workers with caregiving responsibilities may constitute discrimination based on sex under federal employment discrimination laws,⁷³ as well as recommended best practices for employers to ensure fair treatment for caregivers.⁷⁴ Unlawful conduct includes, for example, reassigning a woman to less desirable work based on the assumption that, as a new mother, she will be less committed to her job, and best practices include encouraging employees to request flexible work arrangements, posting work schedules as early as possible, and monitoring compensation practices and performance appraisal systems to detect patterns of potential discrimination and ensure that performance reviews are based on employees' actual job performance.

State and local legislation: The **District of Columbia prohibits employment discrimination against adults with “family responsibilities,”** defined as “the state of being, or the potential to become, a contributor to the support of a person or persons in a dependent relationship....”⁷⁵ Alaska has a similar law, although its protections are limited to parents,⁷⁶ and more than 60 localities across the country have also enacted laws prohibiting employment discrimination on the basis of “familial status,” “family responsibilities,” “parenthood,” or “parental status.”⁷⁷

Expand children's access to high-quality, affordable child care and early education

High-quality early care and education enables parents to work and children to get the strong start they need to succeed in school. Yet parents working in low-wage jobs often struggle to find high-quality, affordable child care that matches their work schedules. Most child care programs do not operate during the evening, overnight, or early morning hours that many of these parents work, and most programs are not flexible enough to accommodate work schedules that are constantly shifting, frequently at the last minute. With limited incomes, these families also struggle to afford the cost of average-priced care, much less higher-quality—and typically higher-cost—care. While there are federal and state programs available to help families afford child care or to allow children to attend preschool at no cost, parents with low-wage jobs often cannot access the programs due to insufficient funding and other barriers—and may not even know such programs exist. Many of these families rely on care provided by family members, friends, and neighbors who they know and trust and who are flexible enough to accommodate their work schedules; however, this option is not always available.

Child care workers—the vast majority of whom are women and many of whom have children of their own—experience challenges as well. Their salaries are typically very low, and they often lack opportunities for training and education that could allow them to improve the quality of care they offer and enable them to make progress in their careers.

Advocates are working to advance investments and policies at the federal, state, and local levels and in the private sector that **expand families' access to affordable, high-quality child care and early education** that enables children to thrive, **ensure child care and early education programs accommodate the needs of low-wage workers**, and **increase compensation and professional development opportunities for child care workers**.

- **Increase child care investments** to make child care assistance available to more low-income families and their children, raise child care provider payment rates and compensation, and support activities to strengthen the supply and quality of child care. The Child Care and Development Block Grant (CCDBG)—which is federally and state funded and allows states to set child care assistance policies within federal parameters—currently helps many low-income families afford child care and supports investments to improve the quality of care, but the program served fewer than one in six eligible children in 2012 (the most recent year for which data are available).⁷⁸

Federal legislation: If passed by Congress, the **Child Care Access to Resources for Early-learning (Child CARE) Act** (S. 2539/H.R. 4524)—which is based on an initiative proposed by President Obama—would provide \$25 billion in new funding over five years for early care and education. This funding would be used to expand access to high-quality child care for all children under age 4 in families with incomes below 200 percent of the federal poverty level (approximately \$40,000 a year for a family of three) by 2021. A small portion of overall funding would be reserved for grants to states to support child care during nontraditional and unpredictable hours.

- **Provide tax assistance to help families meet the high costs of child care.** The federal Child and Dependent Care Tax Credit (CDCTC) can help offset the high costs of child care—but its expense limits are outdated and it is not refundable, making it poorly targeted to low-income families. Twenty-six states, including the District of Columbia, offer state child and dependent care tax provisions, and in 12 of these states the provisions are refundable.⁷⁹

Federal legislation: If passed by Congress, the federal **Child and Dependent Care Tax Credit Enhancement Act** (S. 820) would nearly triple the value of the federal Child and Dependent Care Tax Credit for families with children under age 5, and would make more families with children between the ages of 6 and 13 eligible to receive the maximum value of the credit, which declines as a family's income rises. The Act would also make the federal CDCTC refundable, so that families with little or no federal income tax liability could fully benefit from the credit.

State legislation: Colorado, Iowa, New York, and Oregon have enacted relatively generous **state child and dependent care tax credits** that, unlike the federal CDCTC, are refundable.⁸⁰

- **Help workers access and afford child care through their employers.** Employers can assist their employees in identifying child care options that cover their work hours and offer financial assistance to help them afford care, including by:
 - Surveying their employees to assess their child care needs and preferences.
 - Establishing a Dependent Care Assistance Program to provide on-site care, assist employees in locating and paying for off-site child care, and/or allow workers to use pre-tax dollars to reimburse eligible dependent care expenses.
 - Working with organizations that can offer their employees referrals to child care providers and to programs that help cover the costs of child care.
 - Supporting networks of family child care providers available to respond to variable and unexpected child care needs among parents working in low-wage jobs.

Unions and organizations representing workers in low-wage jobs can play a role in negotiating with employers for these child care benefits as part of collective bargaining agreements and in connecting workers with child care.

Collective bargaining: In New York City, **1199 SEIU United Healthcare Workers East** has long maintained funds to which employers contribute pursuant to collectively bargained agreements that provide particular benefits to SEIU members, including health, dental, disability, and life insurance, retirement, education and training, and child care. The child care fund was established in 1992, and is used to fund affordable child care and youth and educational programs.⁸¹

- ***Increase investments in high-quality early education programs***, including federal Head Start and Early Head Start programs and state prekindergarten programs, so that more children of parents working in low-wage jobs can participate. Currently, Head Start serves only a little over two out of five eligible preschoolers, and Early Head Start serves just 4 percent of eligible infants and toddlers.⁸² State-funded prekindergarten programs serve only 29 percent of all 4-year-olds and 5 percent of all 3-year-olds.⁸³

Federal legislation: If passed by Congress, the federal **Strong Start for America's Children Act** (S.1380/H.R.2411) would make high-quality preschool available to all children in low- and moderate-income families (families with incomes at or below 200 percent of poverty) through state-federal partnerships. To be eligible for funding, prekindergarten programs would have to meet several quality standards, including employing teachers who have bachelor's degrees and demonstrated competence in early childhood education, paying teacher salaries comparable to those for kindergarten through 12th grade teachers, providing professional development for all staff, operating on a full-school-day schedule, providing a developmentally appropriate learning environment and an evidence-based curriculum, conducting ongoing monitoring and evaluation for continuous improvement, providing comprehensive health and developmental screenings and referrals, and offering family engagement opportunities. States could use the funds received under this new program to provide prekindergarten to 3- and 4-year-olds, and would be allowed to use up to 15 percent of the funds for grants for high-quality infant and toddler care for families with incomes at or below 200 percent of poverty.

- ***Design child care assistance policies to meet the needs of families with parents working in low-wage jobs.***

Federal legislation and state policy: The federal **Child Care and Development Block Grant Act of 2014** has a number of provisions aimed at facilitating families' access to child care assistance that may be particularly beneficial to parents who experience frequent changes in work status, work hours, and income. For example, under the law:

- States must allow families to remain eligible for child care assistance for a full 12 months without having to recertify their continued eligibility for assistance (as long as their income remains below the federal income limit of 85 percent of state median income). Families can remain eligible for assistance through temporary changes in their work hours or job status, enabling their children to stay in the same child care arrangement throughout the period.
- States must take into account fluctuations in income in determining a family's eligibility for child care assistance—for example, by averaging income over an extended time period so that a temporary spike in income (due to overtime work or other circumstances) does not put the family over the income limit to qualify for assistance.
- States have greater flexibility to authorize care based on the child's developmental needs and well-being, rather than based strictly on a parent's work, education, or training hours. As a result, states can pay for a regular child care slot even if a parent's work hours do not always precisely match that child care schedule.
- States are encouraged to offer higher reimbursement rates and use other strategies to incentivize and support care offered during nontraditional hours.⁸⁴

- ***Design early education programs to meet the needs of families with parents working in low-wage jobs.*** Head Start, Early Head Start, and state prekindergarten programs should be structured to meet the diverse needs of families, including families who may work during hours outside of the Head Start or preschool day or whose work situation creates other barriers to participating in these programs. Strategies that can help increase families' access to Head Start, Early Head Start, state prekindergarten, and other early education programs include:
 - Providing transportation between early education programs and children's homes or their child care providers (if in a different location from the early education program).
 - Offering state-funded prekindergarten programs in a variety of locations, including public schools, child care centers, and community-based settings.
 - Offering early education programs in low-income neighborhoods.
 - Funding early education programs to offer full-school-day programming.
 - Encouraging coordination between prekindergarten programs and child care providers, including family, friend, and neighbor (FFN) providers, to meet the needs of parents whose work hours extend beyond, or do not overlap at all with, the prekindergarten program's hours of operation.

Federal legislation: The FY 2016 budget approved by Congress included \$294 million in **supplemental Head Start funding to enable more programs to expand their hours to a full-school-day schedule.**⁸⁵

State policy: Illinois provides funding through its Preschool Block Grant program for **Community Connections Preschool for All**, a program that works with home-based providers caring for 3- and 4-year-old children who also attend state-funded preschool programs in Cook County. The Community Connections program, which is operated by the non-profit organization Illinois Action for Children, provides transportation for children between their home-based providers and their center-based preschool programs. For the four days a week that children attend the state-funded preschool program, the providers are able to visit the preschool programs to observe classroom activities. On the fifth day of the week when children do not attend preschool, the preschool teachers visit the providers' homes for one-hour sessions with the child and provider, during which the preschool teacher demonstrates to the provider how to have extended conversations with children and offers ideas for math and literacy lessons.⁸⁶

- ***Actively reach out to parents***—including parents working in low-wage jobs, immigrant families, families that do not speak English as their primary language, and other families who may lack the time or community connections to learn about the programs on their own—through community-based organizations to let them know about the availability of child care assistance, Head Start and Early Head Start, and state-funded prekindergarten programs.

- **Support FFN care** as an option for families who prefer it or lack other options by:
 - Permitting families that receive child care assistance to use that assistance to pay for FFN care; some states currently place strict limitations on the use of assistance for FFN care.
 - Enabling FFN providers to receive benefits and supports through other federal programs, including programs such as the Child and Adult Care Food Program (CACFP) for which states determine whether FFN providers can participate.
 - Investing in initiatives that provide education and training, mentoring, networking opportunities, home visiting, leadership development, financial assistance, assistance accessing other resources, and other supports to FFN providers to help them improve the quality of care they offer as well as their own economic security.
 - Connecting FFN providers to resources and services that help them in caring for children, including by using technology and social media to communicate with FFN providers and offer them information and guidance on promoting children's school readiness.

Federal legislation and state policy: Several states—including California, Illinois, New York, Oregon, and Washington—allow FFN providers that serve families receiving child care assistance to participate in the federal CACFP, which offers reimbursements for meals and snacks served to children and technical assistance on promoting child health and nutrition.⁸⁷

Non-profit initiative: The Colorado Statewide Parent Coalition (CSPC) supports FFN providers through the **Providers Advancing School Outcomes (PASO)** program. Most of the providers in the program are immigrants, and many care for children at night, in the early morning, on the weekend, and/or during variable shifts while their parents work. Under the PASO program, providers participate in 120 hours of training; providers are required to attend one training session a week. The curriculum covers social, emotional, and literacy education as well as CPR and other safety training. Following the training sessions, PASO conducts home visits that can last up to three hours and occur at least twice a month or as often as once a week. These visits include coaching and mentoring for providers to help them apply the skills they learn in training. Home visitors also help children access developmental screening and health services. Providers participating in the PASO program receive educational materials each week. CSPC receives funding from private foundations and some school districts.⁸⁸

- **Provide financial incentives and technical assistance to encourage child care centers and family child care providers to offer care during nontraditional hours.** States can also support those providers offering care during nontraditional hours in making quality improvements, by helping them participate in the state's quality rating and improvement system (if it has one) or by providing other supports.

State policy: Several states pay **higher reimbursement rates under their child care assistance programs for care provided during nontraditional hours.** For example, Maine pays a rate for care offered during nontraditional hours (defined by the state as 6 pm to 6 am and all weekend hours) that is 35 percent higher than the base rate. Missouri's rate for care during nontraditional hours (defined by the state as 7:01 pm to 5:59 am and from 6 am Saturday through 7 pm Sunday) is 15 percent higher than the base rate.⁸⁹

- **Ensure that state and local zoning and land-use policies do not preclude child care providers from operating,** especially in low-income areas, so that parents have child care options that are convenient to access.
- **Increase child care providers' compensation and professional development opportunities,** and give them a greater voice in the policy-making process.

State legislation and policy: A number of states—including Connecticut, Illinois, Maryland, Massachusetts, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, and Washington—have **authorized collective bargaining among home-based child care providers.**⁹⁰ The unions chosen by providers to represent them have negotiated contracts with the states, which have typically included provisions requiring states to increase their provider payment rates and improve payment processes for the child care assistance program, expand professional development opportunities, and take other steps that benefit providers and can help them improve the quality of care they offer. The unions also offer training, help in navigating the child care assistance program, and additional resources to their members.

Public-private initiative: Under the **T.E.A.C.H. (Teacher Education And Compensation Helps) Early Childhood®** model, child care teachers receive scholarships to help them achieve additional education and increased compensation once they have completed their educational requirement, in exchange for a commitment to stay with their child care program or in the field for a certain period of time. The model was created by the Child Care Services Association in North Carolina and has been adopted in the District of Columbia and 24 states.⁹¹ In these states, T.E.A.C.H.® is operated by non-profit organizations and is primarily supported by public funding, including CCDBG quality funding as well as state and local funding, along with some private funding. In addition, some of these states—Florida, Iowa, Kansas, New Mexico, and North Carolina—also offer **WAGES®** programs, which provide salary supplements to child care providers who have already earned higher credentials.⁹²

Increase parents' access to paid sick days and paid family and medical leave

Low-wage workers, who are least likely to be able to afford to take unpaid time off from work,

are also least likely to have access to any paid sick days or paid family or medical leave. New parents often lack sufficient—if any—paid family leave to care for and bond with their newborns, or to recuperate themselves.⁹³ This can increase stress on parents and babies alike. And parents with young children need time off from work not only to take their children to doctor's appointments or to attend conferences with teachers related to a child's health condition, but also for unanticipated illnesses. The lack of paid sick days or medical leave may also cause working parents to report to work when they are ill, fail to manage chronic health conditions, or send their children to school or a child care provider while sick. Because women experience pregnancy and childbirth and are more likely than men to serve as primary caregivers, they are particularly likely to need paid time off to meet their own or their family's medical needs; women also make up a disproportionate share of survivors of domestic violence, who may be unable to address health or medical needs resulting from abuse without paid leave.

Advocates have encouraged actions at the federal, state, and local levels and in the private sector to **expand the availability of paid family and medical leave and paid sick days** to help ensure that low-wage working parents can care for themselves and their families and be more productive at work.

- *Encourage or require employers to provide paid sick days and paid family and medical leave.*

Federal legislation: The federal **Family and Medical Insurance Leave Act (FAMILY Act)** (S. 786/H.R. 1439), if passed by Congress, would provide paid benefits equal to 66 percent of workers' typical monthly wages, up to a capped monthly amount indexed to the national average wage, for family and medical leave. The FAMILY Act would create an independent trust fund within the Social Security Administration with sufficient funding to administer the program as well as cover the benefits. The trust fund would be funded through employee and employer contributions of two-tenths of one percent of a worker's wages each. For the average worker, this would amount to less than two cents for every \$10 paid. The FAMILY Act would cover employers regardless of size.

Federal legislation: If passed by Congress, the federal **Healthy Families Act** (S. 497/H.R. 932) would allow workers in businesses with 15 or more employees to earn one hour of paid sick time for every 30 hours worked, up to 56 hours (seven days) per year, to be used to recover from their own illnesses; access preventive care; provide care to a sick family member; recover from or seek assistance related to an incident of domestic violence, stalking, or sexual assault; or attend school meetings related to a child's health condition or disability. (Workers in businesses with fewer than 15 employees would earn up to seven job-protected *unpaid* sick days each year.)

State legislation: Vermont recently passed legislation that will allow employees at businesses of any size to accrue one hour of paid sick time for every 52 hours worked.⁹⁴ Most workers can accrue or use up to 24 hours in 2017 and 2018, and 40 hours in 2019 and beyond; employees of small businesses will begin to accrue and use time in 2018. Accrued sick time may be used for the employee's or family members' care (including long-term care appointments for a parent, grandparent, spouse, or parent-in-law), absences associated with the employee's or a family member's experience of domestic violence, sexual assault, or stalking, and closures for public health or safety reasons. California, Connecticut, Massachusetts, Oregon, and the District of Columbia also have paid sick days laws.⁹⁵

State legislation: In California, a family leave insurance system in place since 2004 provides eligible employees up to six weeks of wage replacement leave at 55 percent of their usual weekly earnings (up to a maximum benefit of \$1,104 per week in 2015) when they take time off from work to bond with a new child or to care for a seriously ill family member. The leave is funded through California's Temporary Disability Insurance program, and is financed through employee contributions in the form of a payroll tax. All private sector employees and public sector employees (but not federal employees) are covered by the law, and self-employed individuals can opt in.⁹⁶ When surveyed, the vast majority of businesses report that the program has not increased costs and has had positive or neutral effects on employee productivity and morale.⁹⁷ New Jersey and Rhode Island also have paid family leave insurance laws,⁹⁸ and New York just enacted a paid family leave program funded by employee contributions that, when fully phased in, will provide workers with 12 weeks of leave at 67 percent of their average weekly wage (up to a maximum benefit of 67 percent of the state average weekly wage).⁹⁹

Federal executive action: In January 2015, President Obama issued a **Presidential Memorandum that proposed more than \$2 billion in new funds to encourage states to develop paid family and medical leave programs** and announced that the Department of Labor will use \$1 million in existing funds to help states and municipalities conduct feasibility studies.

Collective bargaining: Amalgamated Transit Union Local 192 negotiated significant gains related to paid sick leave and unpaid family leave. The union's approximately 2,000 members, mainly bus drivers, and the Alameda-Contra Costa Transit District entered into a collective bargaining agreement that, among other steps:

- Allowed union members to take leave authorized by the federal Family and Medical Leave Act (FMLA) after six months and a minimum of 625 hours of employment (half of the time required by the FMLA). In addition, members who took leave to care for a newborn or newly adopted child were allowed to work part time and gradually return to work over a 12-week period after exhausting FMLA leave.
- Allowed union members to use up to eight hours of sick leave per quarter in hourly increments. Under the employer's previous policy, union members had to take off an entire day to use sick leave.¹⁰⁰

Company policies: Chipotle and McDonald's have recently announced that they will provide some paid sick leave that can be used by hourly employees for their own health needs and to care for family members.¹⁰¹ Microsoft announced that it will require contractors whose employees perform work for Microsoft to provide those employees with 15 paid sick and vacation days.¹⁰² Wal-Mart also offers paid time off, which can be used for vacation, sick time, personal time, and holiday time.¹⁰³

Company policies: A number of high-profile employers, including Hilton Worldwide, Facebook, and Amazon, have recently announced new or expanded paid family leave policies. Hilton's policy, for example, provides eight weeks of paid maternity leave for birth mothers, plus two weeks of paid parental leave for all new parents (including fathers and adoptive parents), for both salaried and hourly employees—including part-time employees, as well as those in housekeeping and concierge roles. Matt Schuyler, the company's Chief Human Resources Officer, described the policy as "part of a series of actions that we are planning to implement in order to continue to recruit and retain the best talent and be a great place to work."¹⁰⁴ Patagonia, which provides paid family and medical leave for its employees, has also publicly advocated for passage of the FAMILY Act.¹⁰⁵

Improve parents' opportunities to obtain education and training that can help them advance into better jobs

Furthering low-wage workers' education and training—through adult basic education (ABE), English as a Second Language (ESL) or GED classes, certificate programs, or college coursework—can improve their prospects for obtaining jobs with higher pay and better benefits and conditions of employment. But low-income individuals may find it difficult to forego income from work in order to participate in education or training activities. Working parents may also be unable to coordinate education and training with work, especially work with variable or unpredictable schedules, and family responsibilities. Workforce development programs, for example, may have few (if any) resources available to help parents pay for the child care they need to participate in education or training activities.

To address these barriers, families need federal, state, and local **investments in supports for parents seeking to participate in education and training programs**, and federal, state, and local policies and community-based strategies that **facilitate parents' participation in such programs**, to give parents opportunities to advance into jobs that enable them to secure better lives for themselves and their children.

- ***Ensure that representatives of the state agencies that provide child care assistance, child care resource and referral agencies, or child care organizations are seated on local Workforce Development Boards (WDBs)*** to highlight the importance of child care to workforce development initiatives and planning. Under the Workforce Investment and Opportunity Act (WIOA), state and local WDBs help develop regional strategic plans for workforce development, set funding priorities for their areas, and connect the U.S. Department of Labor and local American Job Centers that deliver job training services. Half of WDB members are required to come from the business community, with other representatives drawn from community colleges, training providers, elected officials, and workforce program leaders, among others. Having individuals on WDBs who understand that parents seeking to engage in education and training activities need high-quality, affordable child care options and who can help facilitate child care access for those parents is a critically important step towards increasing the number of parents participating in workforce development activities.
- ***Make it easier for families to qualify and remain eligible for child care assistance while participating in education and training programs.*** The CCDBG program permits, but does not require, states to provide child care assistance while parents participate in education and training. All states allow parents to receive child care assistance to attend education and training, but most put some restrictions on this assistance—such as requirements to work for a certain number of hours while attending school, limits on the amount of time parents can receive assistance to attend school, limits on the level of degree they can earn while receiving assistance, or other criteria. State policymakers can reduce barriers to parents' participation in education and training programs by:

- Allowing parents to receive child care assistance while attending high school as well as college or graduate school, rather than limiting the level of school a parent can attend.
- Allowing parents to receive child care assistance while attending school without having to meet a minimum number of work hours at the same time.
- Allowing parents to receive child care assistance to cover both work and education/training hours.
- Allowing parents to receive child care assistance while attending school without time limits.
- Allowing parents to receive child care assistance to cover participation in online classes (which offer the flexibility that parents with irregular work schedules need).¹⁰⁶

Federal law and state policy: A few states—including Alaska, Hawaii, and West Virginia—**allow parents to receive child care assistance to attend school without setting any time limits, degree restrictions, or requirements for parents to participate in school and/or work for a minimum number of hours.**

California allows parents to receive child care assistance to attend school for up to six years, or up to 24 semester units beyond a bachelor's degree, whichever comes first, and does not impose any requirements for parents to participate in school and/or work activities for a minimum number of hours to qualify for child care assistance.¹⁰⁷

- **Increase federal funding to provide child care assistance to low-income parents participating in education and training programs.** In addition to child care assistance that is available through CCDBG, WIOA and TANF funds can be used to provide child care and other supportive services—but priority may be given to funding other components of the WIOA and TANF programs, leaving limited funds for these purposes. There are some federal sources of targeted funding, including the U.S. Department of Education's Child Care Access Means Parents in School (CCAMPIS) program, which offers grants to postsecondary education institutions to provide campus-based child care services. All of these programs need more funding to meet current needs; for example, the CCAMPIS program only funds 85 projects across the country.¹⁰⁸

Federal agency actions: In December 2015, the **U.S. Department of Labor announced that up to \$25 million in grants** would be available to help parents obtain affordable, high-quality child care necessary to pursue education and training opportunities through its Strengthening Working Families Initiative. These grants will be awarded, beginning in spring 2016, to partnerships that include public workforce entities, education and training providers, businesses, and child care or human services providers.¹⁰⁹

- **Encourage states to use all federal funding available to help parents access the child care needed to participate in education and training programs.** In some instances federal funding is available but underutilized. For example, the SNAP Employment & Training (E&T) program, through the U.S. Department of Agriculture, provides funding for education and training programs to help SNAP recipients secure employment and increase their incomes, including funding for supportive services such as child care.¹¹⁰ The program offers states unlimited use grants that fully reimburse

states for certain costs of providing E&T services, and 50 percent reimbursement grants (or “50-50” funds) that reimburse states for up to *half* of certain costs of providing E&T services—including child care and other supportive services.¹¹¹ Most states have not fully developed SNAP E&T programs, however, for a number of reasons, including lack of awareness of the existence of SNAP E&T funds generally and inability to contribute 50 percent of particular program costs in order to receive the 50-50 funds.¹¹²

- ***Provide integrated case management and other assistance*** to participants in workforce development programs to address multiple barriers—including child care—that parents may encounter. Staff at non-profits, workforce development programs, and American Job Centers should be trained to identify such barriers, and to connect participants with agencies and organizations that can help address those barriers, including through using a combination of federal, state, local, and private funding for workforce development programs to provide supportive services.

Non-profit initiative: The **Career Advance program of the Community Action Project (CAP) of Tulsa County, Oklahoma** focuses on training workers to enter health-related professions in order to help parents move towards self-sufficiency and economic security through a defined career pathway. This intensive two-generation program targets parents whose children are enrolled in one of CAP Tulsa’s Head Start or Early Head Start programs. Career Advance is funded in part through a Health Professions Opportunity Grant from the U.S. Department of Health and Human Services, which it uses to fund family support services, including child care, among other program expenses. The program also relies on private fundraising to help participants with child care expenses. In addition, CAP Tulsa program participants may be eligible for child care assistance funded through TANF.¹¹³

- ***Improve collaboration across programs that serve low-wage working parents.*** For example, American Job Centers (formerly known as “one-stop centers”), which are designed to provide a full range of assistance, including training referrals, career counseling, job listings, and similar employment-related services, to job seekers under one roof, can coordinate with state agencies that administer child care assistance to make it easier for participants needing child care to apply for and access such assistance.¹¹⁴

Local policies: The **Anoka County, Minnesota, Job Training Center is an American Job Center that co-locates workforce development services (including job search, ABE, and vocational education), public assistance, and child care assistance,** among other human services. The Center has trained specialists who can help individuals locate affordable child care in the community using online resources. Staff are also familiar with resources offered through the Head Start program and can provide eligible families with information. Individuals who are eligible for TANF cash assistance, and thus for help paying for child care needed to work, participate in education and training programs, or look for work under TANF, can be referred to co-located TANF case workers. Individuals who may be eligible for child care assistance through the Child Care Assistance Program (CAP) can meet with on-site CAP staff, who can answer questions and help complete applications. In addition, families receiving workforce development services or participating in education and training programs may be able to use an on-site child care center.¹¹⁵

- *Encourage the development of programs that provide parents participating in workforce development programs with on-site child care or funds to pay for child care*, or coordinate with child care providers in the community, to help parents access the child care they need.

Non-profit initiative: AVANCE is a national non-profit that provides education and family support services to hard-to-reach families. AVANCE programs based in San Antonio, Texas operate some licensed, accredited child care programs, and when slots are available, parents participating in AVANCE's education and training programs can place their children in those child care programs during class hours. Although AVANCE does not pay for outside child care, it will pay for emergency child care coverage on occasion, and often will work with local providers to negotiate fees that are manageable for the parents in its programs.¹¹⁶

Non-profit initiative: Project ARRIBA is a non-profit located in El Paso County, Texas, whose mission is to provide long-term, high-skilled training and case management services to eligible county residents. It serves as a job training intermediary focused on training participants for high-demand jobs. It pays for child care, whether licensed or informal child care, that its participants need to engage in education and training programs.¹¹⁷

Non-profit initiative: Family and Workforce Centers of America (FWCA), based in St. Louis, Missouri, is a workforce development organization that will use grant funds from the W.K. Kellogg Foundation to provide unemployed mothers with access to short-term, demand-driven, sector-based workforce training, education, and support that can lead to employment. FWCA staff map out both primary and back-up child care before participants begin education and training. FWCA operates a child care facility that is 200 steps from its workforce development programs and coordinates with Head Start centers run through YWCAs, child care centers, and prekindergarten programs located in local public elementary schools.¹¹⁸

- *Educate workforce development programs and employer-provided training programs aimed at improving the skills of current workers about the particular barriers* low-wage working parents confront in participating in education and training, so that they can design programs to minimize those barriers. In particular, recent research about the low participation rates of parents¹¹⁹ and the availability and impact of supportive services in workforce development programs¹²⁰ should be widely disseminated and used to inform program design.

Non-profit initiative: Partners for a Competitive Workforce (PCW) is a workforce development organization, managed by United Way of Cincinnati, whose goal is to align private employers and public programs. Funded by a grant from the W.H. Kellogg Foundation, PCW is launching a pilot program to enact systems changes to better serve low-income mothers in three Cincinnati neighborhoods. PCW will undertake a human-centered design process—meaning that participants will play a central role in redesigning job training systems and policies and child care services to better meet their needs.¹²¹

Encourage partnerships across sectors to promote parents' and children's success

The challenges experienced by families intersect and overlap. In addressing the cross-cutting and multi-faceted challenges facing parents in the low-wage workforce and their children, cross-cutting and multi-faceted strategies can be particularly effective. When representatives from the public, private, and non-profit sectors representing different interests and constituencies come together, the result can be enduring policy collaborations, effective use of limited resources, the creation of powerful coalitions for advancing change, and policies and practices that improve lives across generations.

For example:

- **The federal government, states, and cities can create *task forces with cross-sector membership*** to examine the range of issues affecting low-wage working families and develop strategies to help them.

Multi-sector partnership: At the urging of advocates, Chicago's mayor created a **Task Force on Working Families** to develop recommendations in three areas: paid sick time, fair scheduling, and other supports like paid family leave. The Task Force members included local businesses, unions, advocates, business associations, state legislators, and aldermen. Co-chaired by Anne Ladky, the Executive Director of Women Employed, and Ameya Pawar, a city Alderman, the Task Force was staffed by independent consultants. It reviewed research and policies in other jurisdictions, conducted over a dozen focus groups in neighborhoods, and developed a cost model for paid sick time. After extensive deliberations, the Task Force reached broad consensus in the three areas, including specific policy provisions on paid sick time.¹²² Following the release of the Task Force recommendations, a paid sick time ordinance covering all employees was introduced in the City Council with nearly 40 co-sponsors.¹²³

- **Advocates can create *cross-cutting coalitions*** to tackle the multiple challenges experienced by low-wage working families.

Multi-sector partnership: The Western Center on Law and Poverty, based in Sacramento, California, engages in collaborative efforts around issues affecting low-income families. The Center builds **coalitions that include advocacy organizations, community-based organizations, direct service providers, and businesses**. By focusing on their common interest of improving the economic security of low-income

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workers and building on long-standing relationships, employers and advocates have worked together to move forward specific pieces of state legislation. For example, the coalition worked to successfully support the enactment of S.B. 501, which will limit wage garnishment for workers in California who do not earn the equivalent of full-time work at the state minimum wage or (when higher) the local minimum wage; the Calling Jobs Home Act, which provides that call centers serving low-income Californians should be located in California; and A.B. 1270, which prohibits overdraft fees and creates other consumer protections for EBT cards on which UI and other public benefits are provided.¹²⁴

- **Non-profit organizations or other entities can create *certification measures to designate employers*** that provide better working conditions across multiple measures, including pay, benefits, schedules, and autonomy for their workers—so that businesses, workers, and consumers can use that information in their respective decision-making processes.

Multi-sector partnership: B Lab, a non-profit based in Pennsylvania, has designed the **B Impact Assessment**, which correlates to standards of social and environmental performance developed by a committee of independent experts in business and academia. The assessment, which is free and available to the public, covers a company's policies regarding its workers, including compensation, paid time off, and employee satisfaction, among other factors. B Lab scores the assessments and provides companies with a B Impact Report—which companies are encouraged to share publicly. Companies that score at least 80 (out of 200) points on the assessment are eligible to become B Corporations (which also involves a change in legal status, reflecting that its corporate duties include the consideration of its impact on stakeholders, not just shareholders).¹²⁵

Multi-sector partnership: The National Domestic Workers Alliance has developed the **Good Work Code** to guide the online care economy for domestic workers. The Code consists of eight values: safety, stability and flexibility, transparency, shared prosperity, a livable wage, inclusion and input, support and connection, and growth and development. As of this writing, 12 companies have signed on to the Good Work Code, including Care.com.¹²⁶

Advance research to understand and address the needs of low-wage workers and their children

Researchers play an important role in addressing the challenges that parents in the low-wage workforce and their children face. Researchers can demonstrate the impact that parents' work conditions can have on children's development and school readiness, as well as the effect of policies intended to improve parents,' families,' or children's well-being. Advocates and policymakers alike can use research to educate the public, and to craft better and more effective policies. Although important research has already been done that can be used to make the case for policy changes that could improve the lives of low-wage working parents and their children, some of which is described in *Set Up to Fail*, the public policy discussion around these issues, and the strategies for addressing those issues, would benefit from further data. In particular, researchers should examine the extent to which specific groups of low-wage workers and their children, such as immigrants and people of color, experience additional challenges and whether certain potential strategies are more or less effective in addressing the needs of these groups.

Areas of promising future research include:

Income security

- Effectiveness of programs that allow tax filers to access EITC benefits throughout the year, rather than just when federal income taxes are prepared, compared to the advance EITC option that previously existed under federal law
- The impacts on the economy and on low-wage working families in states and localities where the minimum wage has been raised to \$15 per hour

Work schedules

- The impact of growing reliance on just-in-time scheduling by employers of low-wage working parents on children's development and school readiness
- The impact of high-road employer scheduling practices on workers and their families

- The cost to businesses of unpredictable and unstable work schedules—and other policies that particularly affect parents in the low-wage workforce and their families—in terms of turnover, absenteeism, employee discipline and training, and other costs
- The effects of more cooperative scheduling technology designed to take employee scheduling preferences into account on businesses that use it

Child care and early education

- The experiences of family child care providers serving low-wage working families
- Models that better integrate child care and prekindergarten programs, workforce development programs, and other community supports from which low-income families may benefit
- The impact of the new CCDBG law and regulations that are intended to provide more stable child care assistance to low-income families, as implemented in the states, over time
- Barriers to access to prekindergarten programs for low-wage working parents and their children
- Trends in the supply of different types of child care (centers, family child care homes, and family, friend and neighbor care providers) that meet the needs of low-wage workers
- Effective strategies to improve the compensation of child care workers

Paid leave

- The impact of paid sick days and paid family and medical leave legislation on businesses in jurisdictions that have enacted such laws
- Access to supportive services (like home visiting) for new parents who lack parental leave

Workforce development

- Models for meeting the child care needs of low-income parents participating in workforce development programs
- The impact of helping parents enrolled in workforce development programs with child care on program completion and future employment prospects

Conclusion

The conditions of many low-wage jobs—and the barriers to accessing early education, as well as opportunities for advancement, that these conditions create—can have detrimental, cumulative, and often long-lasting effects on parents' and children's well-being. The prospect of improving these families' chances at success can seem daunting. But, as this agenda demonstrates, promising two-generational policy solutions and strategies that diverse stakeholders can advance hold real potential for addressing these challenges and supporting low-wage working parents and their children. Advocates, worker justice organizations, policy experts, researchers, private sector representatives, and low-wage workers themselves are using these solutions and strategies to secure meaningful change. Building on and broadening these efforts, and working together across sectors and disciplines, are what is needed to set families up for success.

Appendix: Convening Participants

Gina Adams, Urban Institute

Tamieka Atkins, National Domestic Workers Alliance

Jessica Bartholow, Western Center on Law and Poverty

Mia Bernhardt, WorkJam

Jaya Chatterjee, Service Employees International Union

Lisa Disselkamp, Deloitte Consulting LLP

Kathryn Edin, Johns Hopkins University

Michael Elsas, Cooperative Home Care Associates

Michele Figlar, Pennsylvania Department of Education

Richard Garcia, Colorado Statewide Parent Coalition

Anna Haley-Lock, University of Wisconsin at Madison School of Social Work

Julia Henly, University of Chicago School of Social Service Administration

Kit Judge, Anne E. Casey Foundation

Elly Kugler, National Domestic Workers Alliance

Rachel LaForest, Retail Action Project

Hannah Matthews, Center for Law and Social Policy

Thomas Orr, Local Initiatives Support Corporation

Dan Osusky, B Lab

Maureen Perry-Jenkins, University of Massachusetts, Amherst

Rita Sandoval, AVANCE

Carolyn Seward, Family and Workforce Centers of America

Maisha Simmons, Robert Wood Johnson Foundation

Jennifer Swanberg, University of Maryland School of Social Work

Felipe Tendick-Matesanz, Restaurant Opportunities Centers United

Janice Urbanik, Partners for a Competitive Workforce

Choua Vue, Illinois Action for Children

Anna Wadia, Ford Foundation

Liz Watson, U.S. House of Representatives Committee on Education and the Workforce

Jenny Wittner, Women Employed

Endnotes

- 1 See JULIE VOGTMAN & KAREN SCHULMAN, NAT'L WOMEN'S LAW CTR., SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS 13-14 (Jan. 2016), *available at* <http://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>.
- 2 More than six million workers in the low-wage workforce are parents with children under 18—and three-quarters of these parents are mothers. Fifty-seven percent of mothers in the low-wage workforce are women of color and 33 percent are immigrants, though women of color and immigrant women constitute just 39 percent and 19 percent, respectively, of mothers in the workforce. National Women's Law Center calculations based on CENSUS BUREAU, U.S. DEP'T OF COMMERCE, CURRENT POPULATION SURVEY, 2013 ANNUAL SOCIAL AND ECONOMIC SUPPLEMENT (using MIRIAM KING ET AL., UNIV. OF MINN., INTEGRATED PUBLIC USE MICRODATA SERIES: VERSION 3.0 (2010)), *available at* <https://cps.ipums.org/cps/index.shtml>. The National Women's Law Center defines "low-wage jobs" as those typically paying \$10.50 or less per hour because \$10.50 in 2014 is roughly equivalent to \$12.00 in 2020 (see DAVID COOPER ET AL., ECON. POLICY INST., WE CAN AFFORD A \$12.00 FEDERAL MINIMUM WAGE IN 2020 (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. See Raise the Wage Act, S. 1150, H.R. 2150 114th Cong. (2015).
- 3 See VOGTMAN & SCHULMAN, *supra* note 1.
- 4 National Women's Law Center calculations based on 40 hours per week, 50 weeks per year at \$10.50 per hour and \$7.25 per hour. The poverty threshold in 2015 for a family with one adult and two children was \$19,096. CENSUS BUREAU, U.S. DEP'T OF COMMERCE, POVERTY THRESHOLDS FOR 2015 BY SIZE OF FAMILY AND NUMBER OF RELATED CHILDREN UNDER 18 YEARS (2016), *available at* <https://www.census.gov/hhes/www/poverty/data/threshld/>.
- 5 Women in low-wage jobs (those with median wages of \$10.50/hour or less) typically earn just 85 percent of what their male counterparts earn, a 15 percent wage gap. Compared to white, non-Hispanic men, the wage gap for African American women in the low-wage workforce is 27 percent; for Latinas, 33 percent; and for white, non-Hispanic women, 23 percent. All comparisons are based on median annual earnings for full-time, year-round workers. ANNE MORRISON & KATHERINE GALLAGHER ROBBINS, NAT'L WOMEN'S LAW CTR., CHARTBOOK: WOMEN'S OVERREPRESENTATION IN LOW-WAGE JOBS (Oct. 2015), *available at* <http://nwlc.org/resources/chartbook-womens-overrepresentation-low-wage-jobs/>.
- 6 For example, in the retail and food service industries, women and people of color disproportionately hold jobs as cashiers and in lower-end restaurants while men—especially white men—dominate higher-paying management and fine dining positions. See *generally* CTR. FOR POPULAR DEMOCRACY & FAIR WORKWEEK INITIATIVE, DATA BRIEF: RETAIL JOBS TODAY (Jan. 2016), *available at* <http://static1.squarespace.com/static/556496efe4b02c9d26fdf26a/t/56a0f00f3b0be3bde90e9363/1453387792311/RetailJobsToday1.pdf>; RESTAURANT OPPORTUNITIES CTR. UNITED, ET AL., ENDING JIM CROW IN AMERICA'S RESTAURANTS: RACIAL AND GENDER OCCUPATIONAL SEGREGATION IN THE RESTAURANT INDUSTRY (2015), *available at* http://rocunited.org/wp2015b/wp-content/uploads/2015/10/RaceGender_Report_LR.pdf; HEIDI SHIERHOLZ, ECON. POLICY INST., LOW WAGES AND FEW BENEFITS MEAN MANY RESTAURANT WORKERS CAN'T MAKE ENDS MEET (Aug. 2014), *available at* <http://www.epi.org/publication/restaurant-workers/>.
- 7 NAT'L WOMEN'S LAW CTR., THE WAGE GAP FOR MOTHERS, STATE BY STATE (May 2016), *available at* <http://nwlc.org/wp-content/uploads/2016/04/Wage-Gap-for-Mothers-State-by-State.pdf>.
- 8 Michelle J. Budig & Paula England, *The Wage Penalty for Motherhood*, 66 AM. SOC. REV. 204, 213 (2001), *available at* <http://courses.washington.edu/pbafadv/examples/TheWagePenaltyforMotherhood.pdf>.
- 9 Michelle J. Budig & Melissa J. Hodges, *Differences in Disadvantage: Variation in the Motherhood Penalty Across White Women's Earnings Distribution*, 75 AM. SOC. REV. 705, 705 (2010), *available at* https://www.researchgate.net/publication/241644194_Differences_in_Disadvantage_Variation_in_the_Motherhood_Penalty_across_White_Women's_Earnings_Distribution.
- 10 Federal law requires employers to make up the difference between the regular minimum wage and the cash wage they pay their tipped workers if tips fall short, but this law is difficult to enforce and employers often fail to comply. See, e.g., SYLVIA A. ALLEGRETTO & DAVID COOPER, ECON. POLICY INST., TWENTY-THREE YEARS AND STILL WAITING FOR CHANGE: WHY IT'S TIME TO GIVE TIPPED WORKERS THE REGULAR MINIMUM WAGE 17-18 (July 2014), *available at* <http://www.epi.org/files/2014/EPI-CWED-BP379.pdf>.
- 11 DAVID COOPER, ECON. POLICY INST., RAISING THE MINIMUM WAGE TO \$12 BY 2020 WOULD LIFT WAGES FOR 35 MILLION AMERICAN WORKERS 24, 34 (July 2015), *available at* <http://www.epi.org/files/2015/raising-the-minimum-wage-to-12-dollars-by-2020-would-lift-wages-for-35-million-american-workers.pdf>.

- 12 Ken Jacobs & Ian Perry, Univ. of Cal. Berkeley Labor Ctr., *\$15 Minimum Wage in California: Who Would be Affected by the Proposal to Raise California's Minimum Wage* (Mar. 2016), available at <http://laborcenter.berkeley.edu/15-minimum-wage-in-california/>.
- 13 2016 Cal. Legis. Serv. Ch. 4 (S.B. 3) (West).
- 14 See Press Release, Governor Andrew M. Cuomo, Governor Cuomo Signs \$15 Minimum Wage Plan and 12 Week Paid Family Leave Policy into Law (Apr. 4, 2016), available at <https://www.governor.ny.gov/news/governor-cuomo-signs-15-minimum-wage-plan-and-12-week-paid-family-leave-policy-law>.
- 15 N.Y. LAB. LAW § 652 (McKinney 2016).
- 16 The eight states are Alaska, California, Hawaii, Minnesota, Montana, Nevada, Oregon, and Washington. See *Minimum Wage Tracker*, ECON. POLICY INST., http://www.epi.org/minimum-wage-tracker/#/tip_wage/ (last visited May 24, 2016). Hawaii does allow employers to pay tipped workers \$0.50 below the state minimum wage of \$8.50 per hour, but only if the total wages an employee receives from her employer plus tips equal at least \$7.00 more per hour than the regular minimum wage. See *id.*
- 17 See generally IRENE TUNG, YANNET LATHROP, & PAUL SONN, NAT'L EMP'T LAW PROJECT, *THE GROWING MOVEMENT FOR \$15* (Nov. 2015), available at <http://www.nelp.org/content/uploads/Growing-Movement-for-15-Dollars.pdf>. For more information on Seattle's minimum wage law, see *\$15 Minimum Wage*, OFFICE OF THE MAYOR: MAYOR EDWARD B. MURRAY, <http://murray.seattle.gov/minimumwage/#sthash.QysuQOPo.RzZg5azA.dpbs> (last visited May 24, 2016); *Seattle's Minimum Wage Ordinance*, OFFICE OF LABOR STANDARDS: DYLAN ORR, DIRECTOR, <http://www.seattle.gov/laborstandards/minimum-wage> (last visited May 24, 2016). Note that San Francisco and Los Angeles, like the rest of California, have no separate minimum wage for tipped workers. See *Minimum Wage Tracker*, ECON. POLICY INST., *supra* note 16. In Illinois, the tipped minimum cash wage is generally 60 percent of the state minimum wage (currently \$4.95/\$8.25 per hour). See *id.* Chicago's ordinance sets the city's tipped minimum cash wage at \$1.00 above the state level (i.e., \$5.95 per hour) in July 2016 (when Chicago's minimum wage will be \$10.50 per hour), and adjusts it only for inflation annually thereafter. See *Minimum Wage Ordinance*, CITY OF CHICAGO, http://www.cityofchicago.org/city/en/depts/mayor/supp_info/minimum-wage.html (last visited May 24, 2016).
- 18 See *2014 Minimum Wage Ballot Measures*, NAT'L CONFERENCE OF STATE LEGISLATURES (Nov. 6, 2014), <http://www.ncsl.org/research/labor-and-employment/minimum-wage-ballot-measures.aspx>; see also John Cote, *Higher Minimum Wage Wins with Big Support in SF and Oakland*, SF GATE (Nov. 4, 2014, 11:44 PM), <http://www.sfgate.com/bayarea/article/Higher-minimum-wage-in-SF-leading-easily-in-early-5871304.php>. Twenty-one states allow statutory ballot initiatives, as well as the District of Columbia and some cities. Florida, Illinois and Mississippi allow citizens to initiate constitutional amendments, but not statutes. See *Initiative and Referendum States*, NAT'L CONFERENCE OF STATE LEGISLATURES, <http://www.ncsl.org/research/elections-and-campaigns/chart-of-the-initiative-states.aspx> (last visited May 24, 2016).
- 19 See Initiative No. 76, the District of Columbia Minimum Wage Act of 2016. Advocates will need to collect approximately 22,000 valid signatures from registered D.C. voters by July 11, 2016 to ensure Initiative No. 76 is on the November 2016 ballot. See *DC for \$15 Organizers Begin Collecting Signatures After Judge Rules in Their Favor*, THE FAIRNESS PROJECT (Apr. 7, 2016), <http://www.thefairnessproject.org/news/dc-for-15-organizers-begin-collecting-signatures-after-judge-rules-in-their-favor/>.
- 20 See Press Release, Gov. Beshear Sets New Minimum Wage for State Employees: \$10.10 (June 8, 2015), available at <http://kentucky.gov/Pages/Activity-Stream.aspx?viewMode=ViewDetailInNewPage&eventID=%7B9D11CA9F-AE48-432D-B8F2-B83F92B08B37%7D&activityType=PressRelease>.
- 21 See Cora Lewis, *States Are Barring Cities from Raising the Minimum Wage*, BUZZFEED (Mar. 24, 2016, 3:16 PM), <http://www.buzzfeed.com/coralewis/states-are-banning-cities-from-raising-the-minimum-wage#.doar3rGJB>.
- 22 H.B. 174, Reg. Sess. (Ala. 2016) (enacted). See also, e.g., *Ala. City Raises Minimum Wage, Legislature Strips It*, CBS NEWS (Feb. 28, 2016, 11:03 AM), <http://www.cbsnews.com/news/birmingham-raises-minimum-wage-alabama-legislature-strikes-it-down/>.
- 23 S.B. 20, Reg. Sess. (Ind. 2016) (enacted).
- 24 MICH. COMP. LAWS § 123.1385 (2015).
- 25 H.B. 2, 2d Extra Sess. (N.C. 2016) (enacted).
- 26 See generally TUNG, LATHROP, & SONN, *supra* note 17.
- 27 *Massachusetts Home Care Workers First in Nation to Win \$15/hour Starting Wage*, 1199SEIU (Jun. 26, 2015), http://www.1199seiu.org/massachusetts_home_care_workers_first_in_nation_to_win_15_hour_starting_wage#sthash.mrPnJl6W.dpbs.
- 28 LAWRENCE MISHEL, ECON. POLICY INST., *UNIONS, INEQUALITY, AND FALTERING MIDDLE-CLASS WAGES 3-9* (Aug. 2012), available at <http://www.epi.org/files/2012/ib342-unions-inequality-middle-class-wages.pdf>.

- 29 KATHERINE GALLAGHER ROBBINS & ANDREA JOHNSON, NAT'L WOMEN'S LAW CTR., UNION MEMBERSHIP IS CRITICAL FOR EQUAL PAY (Feb. 2016), available at <http://nwlc.org/wp-content/uploads/2015/02/Union-Membership-is-Critical-for-Equal-Pay.pdf>.
- 30 See MISHEL *supra* note 28, at 5, Table 2.
- 31 TUNG, LATHROP, & SONN, *supra* note 17, Table 3.4.
- 32 John Ydstie, *Health Insurer Aetna Raises Wages for Lowest-Paid Workers to \$16 An Hour*, NPR (Apr. 30, 2015, 8:17 PM), <http://www.npr.org/2015/04/30/403257223/health-insurer-aetna-raises-wages-for-lowest-paid-workers-to-16-an-hour>.
- 33 See, e.g., News Release, U.S. Dep't of Labor, Office of Fed. Contract Compliance Programs, Lahey Clinic Settles Pay Discrimination Case with US Labor Department (Feb. 12, 2015), available at <https://www.dol.gov/newsroom/releases/ofccp/ofccp20142056>; Press Release, U.S. Equal Emp't Opportunity Comm'n, Checkers Franchise Will Pay \$100,000 to Settle EEOC Pay Discrimination Lawsuit (Apr. 2, 2014), available at <https://www.eeoc.gov/eeoc/newsroom/release/4-2-14.cfm>; Devah Pager, Bruce Western, & David Pedulla, *Employment Discrimination and the Changing Landscape of Low-Wage Labor Markets*, 2009 U. CHI. LEGAL F. 314 (2009).
- 34 CTR. FOR POPULAR DEMOCRACY & FAIR WORKWEEK INITIATIVE, *supra* note 6.
- 35 See *Non-Discrimination Laws*, MOVEMENT ADVANCEMENT PROJECT (May 26, 2016), http://www.lgbtmap.org/equality-maps/non_discrimination_laws (last visited June 2, 2016). Unfortunately, Utah's antidiscrimination law exempts religious employers from all nondiscrimination requirements, including LGBT nondiscrimination, but reaches other public and private employers. See S.B. 296 2015 Gen. Sess. (Utah 2015) (enacted).
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- 37 *Id.* at 6.
- 38 Hours and Scheduling Stability Act, B21-0512 (D.C. 2015).
- 39 Fair Wages, Scheduling, and Benefits Act, S.B. 664, H.B. 1175, Reg. Sess. (Md. 2016); Fair Scheduling Act, S.F. 1330, H.F. 1139, 89th Leg., Reg. Sess. (Minn. 2015); Working Parents Act, H.F. 1093, 89th Leg., Reg. Sess. (Minn. 2015).
- 40 See *Ikea Holding U.S. Inc.*, GREAT PLACE TO WORK (Aug. 21, 2015), <http://reviews.greatplacetowork.com/ikea-holding-u-s-inc>.
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