



WORKPLACE JUSTICE

# MARYLAND'S WORKING FAMILIES NEED FAIR WORK SCHEDULES

Low wages make it hard for workers to support themselves and their families, but wages are not the only problem that workers in low-wage jobs face. Low-wage jobs are often marked by work scheduling policies and practices that pose particular challenges for workers with significant responsibilities outside of work, including caregiving, pursuing education and workforce training, or holding down a second job.<sup>1</sup> And many offer only part-time work, despite many workers' need for full-time hours.

Women are disproportionately affected by this problem, because women both hold the majority of low-wage jobs<sup>2</sup> and shoulder the majority of caregiving responsibilities.<sup>3</sup> Nearly 64 percent of women in Maryland over the age of 16 are in the labor force.<sup>4</sup> And especially for the 236,000 women in Maryland working in low-wage jobs,<sup>5</sup> difficult scheduling practices all too often undermine their best efforts to provide for their families.

## A Snapshot of Maryland's Low-Wage Workforce

- Women make up 69.1 percent of the 341,500 workers in Maryland's low-wage workforce,<sup>6</sup> where difficult scheduling practices are most common.
- More than 25 percent of households in Maryland are headed by single mothers.<sup>7</sup> In these families, there will often be no other parent with whom to share caregiving responsibilities.
- Over 25 percent of female-headed families in Maryland are living in poverty.<sup>8</sup>
- A working woman in Maryland is 2.3 times more likely to have a low-wage job than a working man.<sup>9</sup>

This fact sheet outlines four of the most common scheduling challenges faced by workers in low-wage jobs and their impact on workers and their families.

## Common Scheduling Challenges

### *Lack of Control over Work Schedules*

Many workers in low-wage jobs have few opportunities for meaningful input into the timing of the hours that they work, and are unable to make even minor adjustments to their work schedules without suffering a penalty.<sup>10</sup> In a 2008 survey, about half of low-wage workers reported having little or no control over the timing of their work hours, and other surveys have similar findings.<sup>11</sup> Early-career employees of color in hourly jobs report less control over their work hours than do their white counterparts.<sup>12</sup> And more than a third of parents believe they've been "passed over" for a promotion, raise, or a new job due to a need for a flexible work schedule.<sup>13</sup>

### *Unpredictable Work Schedules*

Some employers adopt "just-in-time scheduling," which bases workers' schedules on perceived consumer demand and often results in workers being given very little advance notice of their work schedules.<sup>14</sup> Scheduling software is frequently used to schedule workers at the last minute, matching the number of workers as closely as possible to retail traffic or other indicators of consumer demand.<sup>15</sup>

- According to research analyzing the work schedules of a representative sample of early-career adults (26-32 years old), over a third (38 percent) of early career employees know their work schedule one week or less in advance.<sup>16</sup> Such short notice is significantly more common among hourly workers (41 percent) than others (33 percent), and among part-time (48 percent) than full-time workers (35 percent).<sup>17</sup> African American and Hispanic workers are more likely than white workers to receive no more than a week's notice.<sup>18</sup>
- Additional studies find that workers in retail, restaurant, and hospitality jobs commonly receive just a few days' notice of a scheduled shift.<sup>19</sup>
- Sometimes notice is even shorter: an employee scheduled for a "call-in" or "on-call" shift must be available to work, but will find out just hours before the shift whether she must actually



report to work.<sup>20</sup> Workers generally are not paid for being on call,<sup>21</sup> but if they are unavailable when directed to report for work, they may be penalized.<sup>22</sup>

- Last-minute changes to scheduled shifts are also common in some jobs,<sup>23</sup> and shift length can be highly unpredictable as well; on a busy day, an employee may be told to extend her shift<sup>24</sup>—and if business is slow, she might be sent home soon after she arrives, with transportation and child care costs amounting to more than that day's pay.<sup>25</sup>

### ***Unstable Work Schedules***

Many workers in low-wage jobs experience unstable schedules with hours that vary from week to week or month to month, or periodic reductions in work hours when work is slow.

- Among early-career adults, nearly three-quarters of those in hourly jobs report at least some fluctuations in the number of hours they worked in the previous month, with hours fluctuating, on average, by 50 percent of their usual work hours.<sup>26</sup> Among retail and food service workers, close to nine in ten report variable hours.<sup>27</sup>
- In a Retail Action Project survey of workers in New York City's retail industry, only 17 percent of all workers surveyed—and just 10 percent of those who worked part-time—had a set schedule.<sup>28</sup>
- In another survey, between 20 and 30 percent of low-wage workers reported a reduction in hours or a layoff when work was slow.<sup>29</sup>

### ***Involuntary Part-Time Work***

Workers who want full-time work but are only offered part-time hours—often described as the “underemployed”—struggle to support their families with fewer hours and less pay.

- Part-time workers are more than three times as likely as full-time workers to hold low-wage jobs that typically pay \$10.50 per hour or less, and nearly three-quarters of part-time workers in these low-wage jobs are women.<sup>30</sup>
- One in five part-time employees (7.2 million people) work part time involuntarily and would prefer to find full-time work.<sup>31</sup> Women who work part time involuntarily are more than twice as likely to be poor as women who work part time for other reasons, and five times as likely to be poor as women who work full time.<sup>32</sup>
- Among workers who work part time voluntarily, 25.5 percent report working part time because of child care problems or other family or personal obligations—especially

women.<sup>33</sup> While some of these workers may prefer to work part time, for others the “choice” of part-time work is forced by high child care costs, low wages, or inflexible and unpredictable work schedules.<sup>34</sup>

### **Maryland's Fair Scheduling, Wages, & Benefits Act**

In February 2016, legislators in Maryland introduced the Fair Scheduling, Wages, and Benefits Act (HB 1175/SB 0664), which requires:

- **Advance notice of schedules.** Upon hiring a new employee, an employer must provide the employee with an estimate of the number of hours, days, and times she will be scheduled to work each week, as well as a schedule for her first three weeks of work. For all employees, the employer must provide work schedules three weeks in advance.
- **Compensation for certain schedule changes.** Employers must notify employees of any changes to their work schedules.
  - If a schedule change involves additional hours, the employer must obtain the employee's written consent, unless the change was made at the employee's request or is the result of a mutually agreed upon shift trade among employees.
  - If a schedule change involves a change to the length or start/end time of a shift, or cancels a shift, the employer must pay the employee for one hour at her usual wage rate (“predictability pay”), unless the change was made at the employee's request or is the result of a mutually agreed upon shift trade among employees.
  - If an employee is notified 24 hours or less before a shift that the shift has been canceled or shortened, or the shift is canceled or shortened after the employee reports to work, the employer must pay the employee for four hours of work at her usual wage rate (or for the hours originally scheduled in the shift, if fewer than four).
- **Opportunities and protections for part-time workers.** Employers must offer current, qualified employees available hours before hiring new employees or subcontractors, and they may not pay employees less per hour based solely on the fact that they are part-time, or deny employees promotion opportunities or benefits based on their part-time status.

The District of Columbia<sup>35</sup> and ten states<sup>36</sup> also introduced bills to curb difficult scheduling practices in 2015, and additional activity is expected in 2016.



## **The Fallout from Difficult Work Schedules**

**Impact on caregiving responsibilities.** Workers in low-wage jobs often face extreme demands at home and work. These workers are more likely to be single parents,<sup>37</sup> more likely to have children with special needs,<sup>38</sup> and more likely to care for elderly or sick relatives<sup>39</sup> than higher-wage workers. They also have higher rates of illness themselves.<sup>40</sup> At the same time, they have fewer resources to pay for child and elder care than other workers, and they are far less likely to have paid sick and vacation days, or job-protected leave under the Family and Medical Leave Act.<sup>41</sup> For those workers in low-wage jobs who have little to no control over their work schedules, being able to plan for or respond to the exigencies of daily life—for example, ending a shift on time to pick up a child from school or scheduling an afternoon off to take an elderly parent to a doctor’s appointment—is simply not an option.

**Impact on child care.** Low-wage workers’ ability to access quality, affordable, and stable child care is often compromised by challenging work schedules.<sup>42</sup> With work schedules and incomes that fluctuate from week to week, many workers have no choice but to cobble together child care at the last minute.<sup>43</sup> Because many centers require care givers to pay a weekly or monthly fee, regardless of how often the child attends, holding a spot in a child care center is often infeasible for workers who do not know when, or even if, they will work that week. Further, workers with unstable schedules may not qualify for child care subsidies due to fluctuations in income and work hours.<sup>44</sup> Relying on family, friends, and neighbors to provide child care—as many workers in low-wage jobs must do—is complicated by the fact that their child care providers may also be balancing an unpredictable part-time work schedule at their own jobs with providing child care. When workers are unable to find child care or child care falls through, sometimes workers must miss work and lose pay. In one study, 40 to 60 percent of workers who reported missing work due to child care problems also reported losing pay or benefits, or being penalized in some way.<sup>45</sup>

**Impact on children.** Studies have linked parents’ nonstandard work to children’s behavior problems,<sup>46</sup> with larger effects often observed in families in which the parents work in lower-wage jobs.<sup>47</sup> Children’s cognitive development may also be affected: for example, parents’ employment in nonstandard schedules early in their children’s lives is associated with lower expressive language ability in early childhood,<sup>48</sup> and longer periods of nonstandard work are linked to lower reading and math performance in middle childhood and adolescence.<sup>49</sup> These associations may be due to the increased stress that challenging work schedules impose on parents, straining their relationships with their children<sup>50</sup> (and with one another<sup>51</sup>).

In addition, parents with nonstandard schedules may not be available for their children when they would like to be, such as for family meals, homework help, and other routines. Older children in these families may have more unsupervised time than their peers whose parents work standard schedules—as well more non-school demands, such as caring for younger siblings in their parents’ absence.<sup>52</sup> While studies specifically examining fluctuating schedules are limited, researchers suggest that the extent to which workers can choose their schedules may influence outcomes for their children, with more positive outcomes linked to parents with more control over their work hours and the degree to which they vary.<sup>53</sup>

**Impact on education and workforce training.** Challenging work schedules can make it nearly impossible to pursue further education or training while holding down a job. One of the most commonly cited challenges to completing a college degree is the inability to balance work and school.<sup>54</sup> In a set of focus groups of students enrolled in community colleges, students identified employers’ lack of flexibility with work schedules as a major barrier to pursuing their education.<sup>55</sup>

**Impact on transportation.** Just-in-time scheduling often complicates transportation for low-wage workers, who may be relying on friends or family to provide a ride to and from work, or public transportation that may run infrequently or erratically.<sup>56</sup> Workers may spend hours and precious resources commuting to and from work, to work a shift lasting only a few hours, or to be sent home unexpectedly when work is slow.<sup>57</sup>

**Impact on family economic security.** Unpredictable and unstable work schedules yield unpredictable and unstable income, making it difficult for families to budget and to pay the bills. An unexpected reduction in hours can mean not only a loss of pay, but also the loss of employer or government benefits that are tied to work hours, including paid and unpaid time off, health insurance, unemployment insurance, public assistance, and work supports.<sup>58</sup> Part-time workers tend to be paid significantly less per hour than their full-time counterparts and are less likely to have health care or retirement benefits.<sup>59</sup> Involuntary part-time workers are more likely to experience significant spells of unemployment than voluntary part-time or full-time workers.<sup>60</sup> And spells of unemployment can have disastrous financial consequences for low-income families. In fact, low-wage workers are 2.5 times more likely to be out of work than other workers, but only half as likely to receive unemployment insurance.<sup>61</sup> Workers’ inability to pursue or complete education and workforce training programs as a result of work schedule conflict also makes it much more difficult for them to move up into higher-paying jobs.<sup>62</sup>



## Conclusion

The fallout from low-wage jobs characterized by unpredictability, instability, workers having little say in their work schedules, and involuntary part-time work is considerable. These challenging work schedules have a cascade of negative consequences for both workers in low-wage jobs and their children.

In contrast, fairer work schedules benefit employees and employers alike. Low-wage workers report that more job autonomy and involvement in management decision-making

leads to less negative spillover from work to their non-work lives.<sup>63</sup> Employees with flexible workplaces are less stressed and have better physical and mental well-being.<sup>64</sup> Less negative spillover from work also leads to greater productivity and job retention: low-wage workers with flexibility are 30 percent less likely than other workers to intend to leave their positions within two years.<sup>65</sup>

For all of these reasons, worker protections to curb difficult scheduling practices are crucial to giving workers and their families a fair shot at achieving economic security.

- 1 See generally JULIE VOGTMAN & KAREN SCHULMAN, NAT'L WOMEN'S LAW CTR. (NWLC), SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (Jan. 2016), available at <http://nwlc.org/resources/set-up-to-fail-when-low-wage-work-jeopardizes-parents-and-childrens-success/>; NWLC, COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES (Apr. 2014), available at [http://www.nwlc.org/sites/default/files/pdfs/collateral\\_damage\\_scheduling\\_fact\\_sheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/collateral_damage_scheduling_fact_sheet.pdf).
- 2 NWLC, WOMEN IN THE LOW-WAGE WORKFORCE BY STATE (Jul. 2014), available at [http://www.nwlc.org/sites/default/files/pdfs/pv\\_fs\\_low\\_wage\\_state\\_tables.pdf](http://www.nwlc.org/sites/default/files/pdfs/pv_fs_low_wage_state_tables.pdf) (Figure A). "Low-wage jobs" or "low-wage workers" may be defined in a variety of ways. The definition of "low-wage" varies throughout this analysis because it draws on multiple data sources. Please reference the individual sources cited for specific details.
- 3 See Bureau of Labor Statistics, U.S. Dep't of Labor, American Time Use Survey, Table A-1. Time spent in detailed primary activities and percent of the civilian population engaging in each activity, averages per day by sex, 2014 annual averages (2015), available at [http://www.bls.gov/tus/tables/a1\\_2014.pdf](http://www.bls.gov/tus/tables/a1_2014.pdf).
- 4 U.S. Census Bureau, American Community Survey 2014, [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_YR\\_DP03&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_YR_DP03&prodType=table) (last visited Mar. 1, 2016).
- 5 NWLC, *supra* note 2.
- 6 *Id.*
- 7 NWLC calculations based on U.S. Census Bureau, American Community Survey 2014, Table S1101, [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_14\\_YR\\_S1101&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_YR_S1101&prodType=table) (last visited Mar. 1, 2016).
- 8 NWLC, Poverty Rates by State, 2014 (Sept. 2015), available at [http://nwlc.org/wp-content/uploads/2015/08/compiled\\_state\\_poverty\\_table\\_2014\\_final.pdf](http://nwlc.org/wp-content/uploads/2015/08/compiled_state_poverty_table_2014_final.pdf).
- 9 NWLC, *supra* note 2, at 2 (Figure B).
- 10 LIZ WATSON & JENNIFER E. SWANBERG, FLEXIBLE WORKPLACE SOLUTIONS FOR LOW-WAGE HOURLY WORKERS: A FRAMEWORK FOR A NATIONAL CONVERSATION 6 (2011), available at <http://workplaceflexibility2010.org/images/uploads/whatsnew/Flexible%20Workplace%20Solutions%20for%20Low-Wage%20Hourly%20Workers.pdf>.
- 11 *Id.* at 19-20; LONNIE GOLDEN, ECON. POLICY INST., IRREGULAR WORK SCHEDULING AND ITS CONSEQUENCES, BRIEFING PAPER # 394 9 (Apr. 2014), available at <http://s2.epi.org/files/pdf/82524.pdf> (finding in an analysis of International Social Survey Program data that 45 percent of workers surveyed said "their employer decides" their work schedule; only 15 percent reported they were "free to decide" their work schedule, while the remaining 40 percent felt they could "decide within limits"); SUSAN J. LAMBERT, PETER J. FUGIEL, & JULIA R. HENLY, PRECARIOUS WORK SCHEDULES AMONG EARLY-CAREER EMPLOYEES IN THE U.S.: A NATIONAL SNAPSHOT 14 (Aug. 2014), available at [https://sascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly\\_precarious\\_work\\_schedules.august2014\\_0.pdf](https://sascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules.august2014_0.pdf) (finding in an analysis of NLSY data that among early career employees, "about 44 percent of workers overall and half of hourly workers say that they do not have any input into when they start and finish work").
- 12 58 percent of Hispanic hourly workers, 55 percent of black hourly workers, and 47 percent of white hourly workers (age 26-32) report that their employer controls their work hours. LAMBERT, FUGIEL, & HENLY, *supra* note 11, at 17.
- 13 White House Council of Economic Advisers, Nine Facts about American Families and Work 4 (June 2014), available at [http://www.whitehouse.gov/sites/default/files/docs/nine\\_facts\\_about\\_family\\_and\\_work\\_real\\_final.pdf](http://www.whitehouse.gov/sites/default/files/docs/nine_facts_about_family_and_work_real_final.pdf).
- 14 See generally NANCY C. CAUTHEN, DEMOS, SCHEDULING HOURLY WORKERS: HOW LAST MINUTE, JUST-IN-TIME SCHEDULING PRACTICES ARE BAD FOR WORKERS, FAMILIES AND BUSINESS (Mar. 2011), available at <http://www.demos.org/publication/scheduling-hourly-workers-how-last-minute-just-time-scheduling-practices-are-bad-workers>.
- 15 WATSON & SWANBERG, *supra* note 10, at 13.
- 16 LAMBERT, FUGIEL, & HENLY, *supra* note 11, at 6. See also, e.g., GOLDEN, *supra* note 11, at 18 (noting that analysis of the General Social Survey shows 43 percent of workers reported receiving less than a week's advance notice of their hours, including almost one in five who received their schedule "a day or less" in advance).
- 17 LAMBERT, FUGIEL, & HENLY, *supra* note 11, at 6.
- 18 *Id.* at 7.
- 19 For example, in a study of low-skilled, non-production jobs at 22 sites in the hospitality, retail, transportation, and financial services industries, all but one hotel studied posted schedules the Thursday or Friday before the workweek that began on Sunday, and all but one retail firm posted schedules the Wednesday or Thursday before. Susan J. Lambert, *Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers*, 61 J. HUMAN RELATIONS 1203, 1217 (2008). See also, e.g., STEPHANIE LUCE & NAOKI FUJITA, DISCOUNTED JOBS: HOW RETAILERS SELL WORKERS SHORT 8 (2012), available at [http://retailactionproject.org/wp-content/uploads/2012/03/7-75\\_RAP+cover\\_lowres.pdf](http://retailactionproject.org/wp-content/uploads/2012/03/7-75_RAP+cover_lowres.pdf) (observing that in a survey of retail industry workers in New York, about a fifth of respondents reported receiving their work schedules only three days in advance).
- 20 See, e.g., CTR. FOR LAW & SOCIAL POLICY, RETAIL ACTION PROJECT, & WOMEN EMPLOYED, TACKLING UNSTABLE AND UNPREDICTABLE WORK SCHEDULES 11 (2014), available at <http://www.clasp.org/resources-and-publications/publication-1/Tackling-Unstableand-Unpredictable-Work-Schedules-3-7-2014-FINAL-1.pdf>; CTR. FOR



- POPULAR DEMOCRACY, HOUR BY HOUR: WOMEN IN TODAY'S WORKWEEK 5 (2015), available at [http://populardemocracy.org/sites/default/files/HourbyHour\\_final.pdf](http://populardemocracy.org/sites/default/files/HourbyHour_final.pdf). See also, e.g., LUCE & FUJITA, *supra* note 19, at 8 (finding that 44 percent of retail employees working at large New York City retailers surveyed reported that they must be available for call-in shifts at least some of the time, including one-fifth who reported that they “always or often” must be available for such shifts).
- 21 See, e.g., CTR. FOR LAW & SOCIAL POLICY, RETAIL ACTION PROJECT, & WOMEN EMPLOYED, *supra* note 20, at 11; CTR. FOR POPULAR DEMOCRACY, *supra* note 20, at 5; Dante Ramos, *On-Call Shifts String Retail Workers Along*, BOSTON GLOBE (Apr. 19, 2015), <https://www.bostonglobe.com/opinion/editorials/2015/04/18/dante-ramos-call-shifts-string-workers-along/admOznKJNCM4YFuUcedlQI/story.html>; Joe Eaton, *On-Call Employment: Good for Business, Bad for Workers*, CTR. FOR PUB. INTEGRITY (May 19, 2014, 12:19 PM), <http://www.publicintegrity.org/2012/04/06/8608/call-employment-good-business-bad-workers>. See also Charlotte Alexander, Anna Haley-Lock, & Nantiya Ruan, *Stabilizing Low-Wage Work*, 50 HARV. C.R.-C.L. L. REV. 1, 17-25 (2015) (observing that, as interpreted to date, existing state and federal laws generally provide minimal protection for low-wage, hourly workers who are scheduled for “on-call” shifts). However, plaintiffs in a number of lawsuits pending in California claim that retailers’ failure to compensate employees for on-call shifts violates the state’s reporting time pay law, and in April 2015, the New York Attorney General’s office sent letters to 13 large retailers seeking information about their scheduling practices to consider whether uncompensated on-call shifts violate a similar law in New York. See generally Bryce Covert, *Forever 21 and Others Accused of Skirting California Labor Laws Around On-Call Shifts*, THINK PROGRESS (Oct. 16, 2015, 10:29 AM), <http://thinkprogress.org/economy/2015/10/16/3713114/lawsuits-scheduling/>.
- 22 CTR. FOR POPULAR DEMOCRACY, *supra* note 20, at 5.
- 23 See, e.g., Julia R. Henly & Susan J. Lambert, *Unpredictable Work Timing in Retail Jobs*, 67 INDUS. & LAB. REL. REV. 986-1016, 1001 (2014) (finding in a study of retail employees that “the average employee experienced mismatch between scheduled and worked days equivalent to almost one-half day”); Lambert, *supra* note 19, at 1218 (finding in a study of low-skilled, non-production jobs in the hospitality, retail, transportation, and financial services industries that “[I]ast-minute adjustments to work schedules—adding or subtracting hours to the posted schedule a day or two in advance—were rampant in the jobs studied”).
- 24 See, e.g., WATSON & SWANBERG, *supra* note 10, at 21 (stating that among low-wage workers overall, between 19 and 31 percent report that they are often asked to work extra hours with little or no notice; roughly 40 to 60 percent of full-time, low-wage workers who are asked to work extra hours with little or no notice report that they must comply with the request to avoid negative consequences).
- 25 See, e.g., CTR. FOR POPULAR DEMOCRACY, *supra* note 20, at 5; LUCE & FUJITA, *supra* note 19, at 13. Eight states and the District of Columbia have enacted “reporting time pay” or “send-home pay” laws, which require employers to provide a minimum number of hours of pay to workers who appear for a scheduled shift but are sent home early. For more information, see NWLC, REPORTING TIME PAY LAWS: A KEY SOLUTION TO CURB UNPREDICTABLE AND UNSTABLE SCHEDULING PRACTICES (Oct. 2014), available at [http://www.nwlc.org/sites/default/files/pdfs/reporting\\_time\\_pay\\_fact\\_sheet.pdf](http://www.nwlc.org/sites/default/files/pdfs/reporting_time_pay_fact_sheet.pdf).
- 26 LAMERT, FUGIEL, & HENLY, *supra* note 11, at 11.
- 27 *Id.* at 17-18.
- 28 LUCE & FUJITA, *supra* note 19, at 8, 12.
- 29 WATSON & SWANBERG, *supra* note 10, at 22. With the exception of full-time low-wage workers with standard hours, among whom less than 20 percent reported this problem.
- 30 ANNE MORRISON & KATE GALLAGHER ROBBINS, NWLC, PART-TIME WORKERS ARE PAID LESS, HAVE LESS ACCESS TO BENEFITS—AND TWO-THIRDS ARE WOMEN 1 (Sept. 2015), available at [http://www.nwlc.org/sites/default/files/pdfs/part-time\\_workers\\_fact\\_sheet\\_8.21.1513.pdf](http://www.nwlc.org/sites/default/files/pdfs/part-time_workers_fact_sheet_8.21.1513.pdf). 35.5 percent of part-time workers hold low-wage jobs that typically pay \$10.50 per hour or less, compared to 10.9 percent of full-time workers. 71.6 percent of part-time workers in low-wage jobs are women. *Id.*
- 31 *Id.* at 2.
- 32 *Id.* at 2-3. 25.1 percent of women who work part time involuntarily are poor, compared to 11.1 percent of women who work part time for other reasons and 5.0 percent of women who work full time. *Id.*
- 33 *Id.* Women are seven times more likely than men to cite “child care problems” and nearly four times more likely than men to cite “other family/personal obligations” as reasons for working part time. *Id.*
- 34 *Id.* at 3.
- 35 Hours and Scheduling Stability Act, B21-0512 (D.C. 2015).
- 36 See NWLC, RECENTLY INTRODUCED AND ENACTED STATE AND LOCAL FAIR SCHEDULING LEGISLATION (Sept. 2015), available at [http://nwlc.org/wp-content/uploads/2015/08/recently\\_introduced\\_and\\_enacted\\_state\\_local\\_9.14.15.pdf](http://nwlc.org/wp-content/uploads/2015/08/recently_introduced_and_enacted_state_local_9.14.15.pdf).
- 37 JOAN C. WILLIAMS & HEATHER BOUSHEY, CTR. FOR AMERICAN PROGRESS, THE THREE FACES OF WORK-FAMILY CONFLICT: THE POOR, THE PROFESSIONALS, AND THE MISSING MIDDLE 12 (2010), available at <https://www.americanprogress.org/issues/labor/report/2010/01/25/7194/the-three-faces-of-work-family-conflict/>.
- 38 Lisa Dodson, *Stereotyping Low-Wage Mothers Who Have Work and Family Conflicts*, 69 J. OF SOC. ISSUES 257, 259 (2013).
- 39 ANNA DANZIGER & SHELLEY WATERS BOOTS, WORKPLACE FLEXIBILITY 2010 & URBAN INST., LOWER-WAGE WORKERS AND FLEXIBLE WORK ARRANGEMENTS 3 (2008), available at <http://workplaceflexibility2010.org/images/uploads/Lower-Wage%20Workers%20and%20FWAs.pdf>.
- 40 Ellen Galinsky, James T. Bond & Eve Tahmircioglu, *What if Employers Put Women at the Center of Their Workplace Policies? When Businesses Design Workplaces that Support their Employees, Both the Businesses and the Employees Benefit*, in THE SHRIVER REPORT: A WOMAN’S NATION PUSHES BACK FROM THE BRINK (2014).
- 41 See generally, e.g., VOGTMAN & SCHULMAN, *supra* note 1, at 11-12.
- 42 See generally *id.* at 17-21.
- 43 *Id.* at 17-18.
- 44 *Id.* at 20.
- 45 WATSON & SWANBERG, *supra* note 10, at 8.
- 46 See, e.g., Stephanie S. Daniel et al., *Nonstandard Maternal Work Schedules During Infancy: Implications for Children’s Early Behavior Problems*, 32 INFANT BEHAV. & DEV. 195, 203-04 (2009); E. Rosenbaum & C.R. Morett, *The Effect of Parents’ Joint Work Schedules on Infants’ Behavior Over the First Two Years of Life: Evidence from the ECSLB*, 13 MATERNAL & CHILD HEALTH J. 732, 732 (2009); Wen-Jui Han, *Shift Work and Child Behavioral Outcomes*, 22 WORK, EMP. & SOC. 67 (2008); Wen-Jui Han, Daniel P. Miller, & Jane Waldfogel, *Parental Work Schedules and Adolescent Risky Behaviors*, 46 DEV. PSYCHOL. 1245, 1261 (2010). See also VOGTMAN & SCHULMAN, *supra* note 1, at 14-15 & 33 nn. 116-19.
- 47 See Han, *supra* note 46 (finding that “children whose mothers worked non-day shifts and who had almost always . . . lived in single-mother families, in low-income families, in families where mothers worked in a cashier or service occupation, or in families where mothers worked full-time,” on average had a predicted Behavioral Problems Index score of 8.82, 70 percent higher than the predicted score (5.19) for other children); Han, Miller, & Waldfogel, *supra* note 46, at 1257 (finding that effects of parents’ nonstandard work schedules were “particularly pronounced for . . . children in poor families, and



- children whose mothers never worked as professionals.”).
- 48 Erika C. Odom, Lynne Vernon-Feagans, & Ann C. Crouter, *Nonstandard Maternal Work Schedules: Implications for African American Children's Early Language Outcomes*, 28 EARLY CHILD. RES. Q. 379 (2013); Wen-Jui Han, *Maternal Nonstandard Work Schedules and Child Cognitive Outcomes*, 76 CHILD DEV. 137, 137, 152 (2005).
- 49 Wen-Jui Han & Liana E. Fox, *Parental Work Schedules and Children's Cognitive Trajectories*, 73 J. OF MARRIAGE & FAM. 962, 962 (Oct. 2011).
- 50 See, e.g., Odom, Vernon-Feagans, & Crouter, *supra* note 48; Anna Gassman-Pines, *Low-Income Mothers' Nighttime and Weekend Work: Daily Associations with Child Behavior, Mother-Child Interactions, and Mood*, 60 FAM. REL. 15, 26 (2011); Pamela Joshi & Karen Bogen, *Nonstandard Schedules and Young Children's Behavioral Outcomes Among Working Low-Income Families*, 69 J. OF MARRIAGE & FAM. 139, 139 (2007).
- 51 For example, research has linked nonstandard hours to higher levels of divorce, less time together as a couple, and lower relationship satisfaction. Maureen Perry-Jenkins et al., *Shift Work, Role Overload, and the Transition to Parenthood*, 69 J. OF MARRIAGE & FAM. 123-38 (2007). See also Kelly D. Davis et al., *Nonstandard Work Schedules, Perceived Family Well-Being, and Daily Stressors*, 70 J. OF MARRIAGE & FAM. 991 (2008). Although some two-parent families in low-wage jobs cope with the child care problems outlined above by “tag teaming,”—working on opposite schedules so that one parent is available to provide child care—this results in even less time together as a couple. HEATHER BOUSHEY, CTR. FOR ECON. & POLICY RESEARCH, TAG-TEAM PARENTING 3 (2005), available at [http://www.cepr.net/documents/work\\_schedules\\_2006\\_08.pdf](http://www.cepr.net/documents/work_schedules_2006_08.pdf).
- 52 See, e.g., Han & Fox, *supra* note 49, at 972-75.
- 53 See *id.* at 969, 972, 975, 978; Han, Miller, & Waldfogel, *supra* note 46, at 1249, 1257, 1259. Compare with Rucker C. Johnson, Ariel Kalil, & Rachel E. Dunifon, *Employment Patterns of Less-Skilled Workers: Links to Children's Behavior and Academic Progress*, 47 DEMOGRAPHY (2012). For a detailed discussion of these studies and their findings, see VOGTMAN & SCHULMAN, *supra* note 1, at 15 & 34 nn. 127-34.
- 54 EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL OF ECONOMIC ADVISORS, *WORK-LIFE BALANCE AND THE ECONOMICS OF WORKPLACE FLEXIBILITY* 3 (2010).
- 55 LISA MATUS-GROSSMAN & SUSAN GOODEN, MDRC, *OPENING DOORS: STUDENTS' PERSPECTIVES ON JUGGLING WORK, FAMILY, AND COLLEGE* 65 (2002), available at [http://www.mdrc.org/sites/default/files/full\\_466.pdf](http://www.mdrc.org/sites/default/files/full_466.pdf).
- 56 JOAN C. WILLIAMS & PENELOPE HUANG, CTR. FOR WORKLIFE LAW, *IMPROVING WORK-LIFE FIT IN HOURLY JOBS: AN UNDERUTILIZED COST-CUTTING STRATEGY IN A GLOBALIZED WORLD* 13, 15, 57 (2011), available at <http://worklifelaw.org/pubs/ImprovingWork-LifeFit.pdf>; CAUTHEN, *supra* note 14, at 7.
- 57 CAUTHEN, *supra* note 14, at 1, 7.
- 58 See, e.g., CTR. FOR LAW & SOCIAL POLICY, RETAIL ACTION PROJECT, & WOMEN EMPLOYED, *supra* note 20, at 4-5.
- 59 MORRISON & GALLAGHER ROBBINS, *supra* note 30, at 3.
- 60 REBECCA GLAUBER, CARSEY INST., *WANTING MORE BUT WORKING LESS: INVOLUNTARY PART-TIME EMPLOYMENT AND ECONOMIC VULNERABILITY* 3 (2013), available at <http://scholars.unh.edu/cqi/viewcontent.cgi?article=1198&context=carsey>.
- 61 U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-07-2247, *UNEMPLOYMENT INSURANCE: LOW-WAGE AND PART-TIME WORKERS CONTINUE TO EXPERIENCE LOW RATES OF RECEIPT* 19 (2007), available at <http://www.gao.gov/new.items/d071147.pdf>.
- 62 See Gregory Acs, Katherin Ross Phillips & Daniel McKenzie, *Playing by the Rules but Losing the Game: America's Working Poor*, in *LOW-WAGE WORKERS IN THE NEW ECONOMY* (2000), available at <http://www.urban.org/publications/410404.html>.
- 63 JAMES T. BOND AND ELLEN GALINSKY, FAMILIES & WORK INST., *HOW CAN EMPLOYERS INCREASE THE PRODUCTIVITY AND RETENTION OF ENTRY-LEVEL, HOURLY EMPLOYEES?* 12 (Nov. 2006), available at <http://familiesandwork.org/downloads/IncreaseProductivityandRetentionEntryLevelHourly-Brief2.pdf>. See also Galinsky, Bond & Tahmincioglu, *supra* note 40 (“Overall, 55 percent of low-income mothers surveyed said it would be “extremely important” to “have the flexibility I need to manage my work and personal or family life...No one surveyed said it was ‘not important.’”).
- 64 SLOAN CTR. ON AGING & WORK AT BOSTON COLLEGE, *WHY EMPLOYEES NEED WORKPLACE FLEXIBILITY*, [http://workplaceflexibility.bc.edu/need/need\\_employees](http://workplaceflexibility.bc.edu/need/need_employees) (last visited Mar. 7, 2016) (citing sources).
- 65 A BETTER BALANCE, *THE BUSINESS CASE FOR WORKPLACE FLEXIBILITY* 3 (Nov. 2010), available at [http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/BC-2010-A\\_Better\\_Balance.pdf](http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/BC-2010-A_Better_Balance.pdf).

