

**Testimony of Andrea Johnson  
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**Submitted to the Subcommittee on Workforce  
Council of the District of Columbia**

**November 3, 2016**

Thank you for the opportunity to submit this testimony on behalf of the National Women's Law Center. The National Women's Law Center has been working since 1972 to secure and defend women's legal rights, and to help women and families achieve economic security. Today, women's income is more critical than ever before to families' economic security. Working mothers are primary breadwinners in 41 percent of families with children, and they are co-breadwinners—bringing in between 25 percent and 50 percent of family earnings—in another 22 percent of these families.<sup>1</sup>

Unfortunately, unstable, unpredictable work schedules over which workers have little control too often undermine the ability of working women in Washington, D.C. to provide for themselves and their families. Particularly in the retail and food service industries, workers may regularly be required to be on call for shifts that never materialize, may have schedules and thus incomes that fluctuate wildly and unpredictably from week to week, or may never be assigned enough hours to obtain full-time work. Unpredictable, unstable schedules pose particular challenges for workers with significant responsibilities outside of their job such as caring for children or elderly relatives, pursuing education and workforce training, or holding down a second job. And women make up more than two-thirds (68 percent) of D.C.'s low-wage workforce,<sup>2</sup> where difficult scheduling practices are most common.<sup>3</sup> In fact, in D.C., a working woman is twice as likely to have a low-wage job than a working man.<sup>4</sup> In addition to holding the majority of low-wage jobs,<sup>5</sup> women still shoulder the majority of caregiving responsibilities in families;<sup>6</sup> consequently, difficult scheduling practices hit women especially hard. For the 40 percent of families with children in Washington, D.C. that are headed by single mothers,<sup>7</sup> work scheduling challenges can be especially acute since there is often no one else with whom to share caregiving responsibilities.

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

The fallout from scheduling practices that do not take workers' needs into account can be devastating.<sup>8</sup> Difficult scheduling practices undermine workers' efforts to fulfill their caregiving responsibilities and make maintaining stable child care nearly impossible. They also make it tougher to pursue education or training while holding down a job, as many workers want to do to

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make a better life for themselves and their families. For workers who need a second part-time job to make ends meet because they cannot get enough hours at their primary job, unpredictable scheduling practices can make juggling two jobs very difficult. And workers managing serious medical conditions are often denied the control over their schedules that they need to manage their health.

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

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>9</sup> These penalties appear to fall especially heavily on women. According to data collected by D.C. Jobs with Justice in 2015 from a non-representative survey of 361 non-supervisory, hourly employees in the retail, restaurant/food service, and other personal service industries in D.C. (“the D.C. survey”), 27.2 percent of women who responded and 31.9 percent of women with children under 18 have avoided asking for changes to their schedules because they were afraid that these requests would provoke retaliation. (By contrast, only 19.6 percent of men who responded and 25.6 percent of men with children under 18 reported the same.<sup>10</sup>) The D.C. survey also found that the share of women who reported being penalized for either asking for a different schedule or limiting their work availability (23.2 percent) was twice as large as the share of men who reported being penalized (12.8 percent).<sup>11</sup>

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

Providing notice of work schedules a week or less in advance is common in many industries, including retail and food service. 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 overall knew their work schedules only one week or less in advance.<sup>12</sup> Such short notice was significantly more common among hourly workers (41 percent) than others (33 percent), and among part-time (48 percent) than full-time workers (35 percent).<sup>13</sup> Of those workers surveyed in the D.C. survey, one-third of employees received their work schedules with less than three days’ notice, and nearly 50 percent of respondents said that they usually learn their schedule less than one week in advance.<sup>14</sup> Many were given less than 24 hours’ notice—11.0 percent of all workers, 11.4 percent of all women, and 12.8 percent of women with children under 18 got their schedules less than 24 hours in advance.<sup>15</sup>

Another practice, especially common for retail workers, is to schedule workers for “call-in shifts,” which means they must call their employers to find out whether they need to report to work that very day and are not paid if they are not called into work, despite the need to keep that time free.<sup>16</sup> Responding to the D.C. survey, 30.7 percent of all respondents, and 32.6 percent of women and 29.2 percent of women with children under 18 reported being scheduled for call-in shifts.<sup>17</sup>

#### C. When Hours Vary Widely from Week to Week, Budgeting Can Be Impossible

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

hours fluctuate substantially for both hourly and non-hourly workers;<sup>18</sup> and for hourly workers in particular, such fluctuations can make it extremely difficult to make ends meet. Nationally, according to data from the Bureau of Labor Statistics, in a single month, hours vary 70 percent on average for food service workers and 50 percent for retail workers.<sup>19</sup> Nearly a quarter (23.5 percent) of D.C. survey respondents had their schedules changed once or more a week, including 24.6 percent of women and 29.8 percent of women with children under 18.<sup>20</sup> For the typical employee surveyed, the number of hours worked per week rises and falls 13 hours every month.<sup>21</sup> Further, workers with variable schedules may not qualify for child care subsidies due to large fluctuations in work hours and thus in income that push them in and out of eligibility.<sup>22</sup> In addition, such variability can make it extremely difficult for workers simply to meet basic expenses like food, rent, and utilities. And even in months when workers end up being scheduled for sufficient hours to meet their expenses, they still experience the incredible stress and uncertainty that comes with not knowing in advance how much income they will be bringing home.

#### D. Unstable, Unpredictable Work Schedules Make It Hard for Workers to Ensure Their Children Are Well Cared For

Low-wage workers' ability to access quality, affordable and stable child care is often compromised by unpredictable work schedules.<sup>23</sup> With work schedules and incomes that fluctuate from week to week, many workers have no choice other than to cobble together child care at the last minute.<sup>24</sup> Because many child care centers require a weekly or monthly fee to hold a child's spot, regardless of how often the child attends, center-based care is often infeasible for workers who do not know when, or even if, they will work in any given week. Relying on family, friends, and neighbors to provide child care – as most 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, 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>25</sup> Another common problem for workers with child care responsibilities is being required to stay past the end of a scheduled shift. In a survey of restaurant workers, nearly a third of workers reported that they had been required to stay past the end of a scheduled shift and, as a result, paid fines to child care providers for picking their children up late.<sup>26</sup> In the D.C. survey, 27.1 percent of women with children under 18, and 20.5 percent of men with children under 18, reported that their work schedule negatively impacts their child care arrangements.<sup>27</sup>

#### E. Many Part-Time Workers Want Full-Time Hours

Many part-time workers are desperate for full-time hours. In 2014, one in five (20.7 percent) part-time employees worked part-time involuntarily, including for reasons of slack work or business conditions and because they were unable to find full-time work.<sup>28</sup> Low-wage workers are far more likely to work part-time involuntarily than other workers: in 2013, the rate of involuntary part-time work for employees in low-wage workers (11.5 percent) was more than double the rate of involuntary part-time work among employees overall (5.0 percent).<sup>29</sup> Workers in low-wage occupations made up over one-third (37 percent) of all involuntary part-time workers in 2013, despite low wage workers only making up 16 percent of all workers.<sup>30</sup> Two-thirds (65.9 percent) of women in the D.C. survey reported that getting more hours at their main job was very important, and an additional 17.3 percent said it was somewhat important. The figures were higher for women

with children under 18—91.3 percent said that getting more hours was very important (84.8 percent) or somewhat important (6.5 percent).<sup>31</sup> Overall, 4 out of 5 workers surveyed said it was very important or somewhat important to get more hours.<sup>32</sup>

Part-time workers may not only work fewer hours than they wish but may also be paid less for those hours they do work. Part-time workers were paid significantly less per hour than full-time workers in more than half (56 percent) of the 324 occupations where average hourly earnings for full- and part-time workers could be compared, and earned more in less than four percent of these occupations, according to a 2007 study.<sup>33</sup> Part-time workers are also far less likely to have access to benefits.<sup>34</sup> And women who work full time are more likely to be promoted than those working part time. A study of women across their careers shows that full-time workers are consistently more likely to be promoted than part-time workers.<sup>35</sup>

## II. Fair Scheduling Legislation Is Needed to Curb Difficult Scheduling Practices in D.C.

Workers need a say in their schedules in order to meet their responsibilities at work and in the rest of their lives. Passing fair scheduling legislation would allow the District to build on its track record of providing strong workplace protections for hourly workers. Already Washington, D.C., along with Puerto Rico and 8 states, provides for reporting time pay—requiring employers to pay an employee for at least four hours at minimum wage for each day an employee reports to work (or pay for the employee’s scheduled shift, whichever is less).<sup>36</sup> And D.C., along with California, requires split shift pay,<sup>37</sup> meaning that employees who work a shift of daily hours in which the hours worked are not consecutive and the total time out for meals exceeds one hour must be paid one additional hour of pay at the minimum wage.<sup>38</sup> But additional protections are needed to curtail the unfair scheduling practices that remain barriers for people who are striving to provide for their families.

Providing baseline scheduling protections for hourly workers employed in chain retail and restaurant establishments—industries where abusive scheduling practices are most common—would help give workers the stability and predictability that allows them and their families to succeed. Such protections include:

- **Advance notice of schedules.** Require at least two weeks’ advance notice of work schedules for covered employees—those working in chain retail and restaurant establishments. When changes are made with less than the required amount of advance notice an employer would be required to pay an affected employee an extra hour of pay for each affected shift. This “predictability pay” disincentivizes last minute changes and partially compensates employees for the costs imposed by unpredictable, variable schedules.
- **Compensation for call-in shifts.** Require an employer to pay a covered employee four hours of pay at the employee’s regular rate of pay for any call-in shift in which the employee was not actually called in to work.
- **Strengthened reporting time pay protections.** Ensure that covered employees are paid four hours at their regular rate of pay when they report to work as

required and are sent home—rather than the four hours at minimum wage as required under current D.C. law.

- **Right to request and receive a schedule change.** Prohibit employers from retaliating against employees who ask for schedule changes or for a particular work schedule. Require employers to grant requests for flexible working arrangements to employees who request them because of a serious health condition, education or career training, caregiving responsibilities, or to accommodate another job, unless the employer has a bona fide business reason for denying the request.
- **Access to hours.** Require covered employers to offer available hours to existing, qualified employees working less than forty hours a week before hiring new employees.
- **Ending pay discrimination against part-time workers.** Prohibit covered employers from paying employees less per hour based solely on the fact that they are part-time employees or from denying employees promotion opportunities based on their part-time status.

Cities and states across the country are increasingly understanding the dire need for such scheduling protections. Seattle, Washington, and San Francisco and Emeryville, California all recently passed robust fair scheduling legislation to protect workers from destructive and unnecessary scheduling practices. Like the Hours and Scheduling Stability Act introduced in the District of Columbia in 2015, these cities' laws only affect large employers in the retail and/or restaurant industries—employers that have been the most egregious offenders of fair scheduling practices who are also the most readily able to adopt fair scheduling practices given their size and resources. Minneapolis, San Jose, New York City, and fifteen states from Arizona to Rhode Island have also considered fair scheduling legislation in their most recent legislative sessions.

### III. Fair Scheduling Practices are Good for Employees, Businesses, and the Bottom Line

Scheduling practices that fail to take workers' needs into account result in higher rates of turnover and absenteeism and lower worker engagement.<sup>39</sup> In contrast, fair scheduling leads to more productive and committed employees and lower turnover.<sup>40</sup> In other words, when businesses provide flexible working arrangements, they benefit. Research shows that the benefits of implementing fair scheduling practices for lower-wage workers are comparable and even greater than the benefits from providing those arrangements to their higher-wage counterparts.<sup>41</sup> Among the benefits are reduced absenteeism, increased retention, reduced health care costs, and increased revenue.<sup>42</sup>

### IV. Conclusion

When workers have schedules that work, everyone wins. We hope the DC Council will act to anchor the District of Columbia as a leader in the national movement to create workplace policies that truly work for workers and their families.



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<sup>1</sup> The share of mothers who are breadwinners or co-breadwinners has increased from 27.5 percent in 1967 to 63.3 percent in 2012. SARAH JANE GLYNN, CENTER FOR AMERICAN PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 6 (June 2014), *available at* <https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>.

<sup>2</sup> National Women’s Law Center (NWLC) calculations based on Current Population Survey, Annual Social and Economic Supplements (CPS-ASEC) for 2014 using Miriam King, et al., *Integrated Public Use Microdata Series, Current Population Survey: Version 3.0* [Machine-readable database] (Minneapolis: University of Minnesota: 2010). The “low-wage workforce” is comprised of workers in “low-wage occupations,” which are detailed occupations with median hourly wages of \$10.50 per hour or less national based on the Bureau of Labor Statistics’ Occupational Employment Statistics, Bureau of Labor Statistics, May 2014, National Occupational Employment and Wage Estimates, United States, *available at* [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). All figures are for all employed workers unless otherwise noted.

<sup>3</sup> *See generally*, Liz Watson et al., National Women’s Law Center, Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences (June 2015), *available at* [http://nwlc.org/wp-content/uploads/2015/08/collateral\\_damage\\_fact\\_sheet\\_june\\_2015.pdf](http://nwlc.org/wp-content/uploads/2015/08/collateral_damage_fact_sheet_june_2015.pdf).

<sup>4</sup> National Women’s Law Center (NWLC) calculations based on Current Population Survey, Annual Social and Economic Supplements (CPS-ASEC) for 2014 using Miriam King, et al., *Integrated Public Use Microdata Series, Current Population Survey: Version 3.0* [Machine-readable database] (Minneapolis: University of Minnesota: 2010). The “low-wage workforce” is comprised of workers in “low-wage occupations,” which are detailed occupations with median hourly wages of \$10.50 per hour or less national based on the Bureau of Labor Statistics’ Occupational Employment Statistics, Bureau of Labor Statistics, May 2014, National Occupational Employment and Wage Estimates, United States, *available at* [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm). All figures are for all employed workers unless otherwise noted.

<sup>5</sup> NWLC calculations based on Miriam King et al., *Integrated Public Use Microdata Series, CPS: Version 3.0 (IPUMS-CPS)*, (Univ. of Minn. 2010). Data are for 2013. All figures are for employed workers. Median hourly wages: Bureau of Labor Statistics (BLS), Occupational Employment Statistics (OES), May 2014. National Occupational and Employment and Wage Estimates, *available at* [http://www.bls.gov/oes/current/oes\\_nat.htm](http://www.bls.gov/oes/current/oes_nat.htm).

<sup>6</sup> KENNETH MATOS & ELLEN GALINSKY, WHEN WORK WORKS: WORKPLACE FLEXIBILITY IN THE UNITED STATES, A STATUS REPORT 1 (Families and Work Institute 2011) (“Mothers spend the same number of weekday hours with their children (3.8) in 2008 as they did in 1977 and the majority of married/ partnered women report doing most of the cooking (70%) and cleaning (73%) in their households.”), *available at* <http://familiesandwork.org/downloads/WorkplaceFlexibilityinUS.pdf>.

<sup>7</sup> NWLC calculations based on U.S. Census Bureau, American Community Survey 2013, *available at* [http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_13\\_1YR\\_S1101&prodType=table](http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_1YR_S1101&prodType=table). Figures are for families with own children under 18.

<sup>8</sup> *See generally*, *supra* note 3.

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

<sup>10</sup> National Women’s Law Center, D.C. Families Need Fair Work Schedules 2 (July 2015), *available at* [http://nwlc.org/wp-content/uploads/2015/08/dc\\_families\\_need\\_fair\\_work\\_schedules.pdf](http://nwlc.org/wp-content/uploads/2015/08/dc_families_need_fair_work_schedules.pdf). NWLC analysis based on data from

<sup>11</sup> *Id.*

<sup>12</sup> SUSAN J. LAMBERT, PETER J. FUGIEL, AND JULIA R. HENLY, PRECARIOUS WORK SCHEDULES AMONG EARLY-CAREER EMPLOYEES IN THE US: A NATIONAL SNAPSHOT 6 (Aug. 2014), *available at* [http://ssascholars.uchicago.edu/work-scheduling-study/files/lambert.fugiel.henly\\_precarious\\_work\\_schedules.august2014.pdf](http://ssascholars.uchicago.edu/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules.august2014.pdf).

<sup>13</sup> *Id.*

<sup>14</sup> DC JOBS WITH JUSTICE, UNPREDICTABLE, UNSUSTAINABLE: THE IMPACT OF EMPLOYERS’ SCHEDULING PRACTICES IN DC 7 (June 2015).

<sup>15</sup> D.C. Families Need Fair Work Schedules, *supra* note 10 at 2.

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- <sup>16</sup> STEPHANIE LUCE & NAOKI FUJITA, DISCOUNTED JOBS: HOW RETAILERS SELL WORKERS SHORT 15 (Retail Action Project 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).
- <sup>17</sup> D.C. Families Need Fair Work Schedules, *supra* note 10 at 2.
- <sup>18</sup> *Id.*
- <sup>19</sup> Schedules That Work Act, H.R. , 113th Cong. (2014) (from Sec. 1 Short Title & Findings, based on an analysis of the National Longitudinal Survey of Youth by Susan Lambert).
- <sup>20</sup> D.C. Families Need Fair Work Schedules, *supra* note 10 at 3.
- <sup>21</sup> *Id.*
- <sup>22</sup> *See generally* Karen Schulman & Helen Blank, *Pivot Point: State Child Care Assistance Policies 2013* (NWLC 2013).
- <sup>23</sup> *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 17-21 (Jan. 2016), *available at* <http://nwlc.org/resources/set-up-to-fail-when-low-wage-work-jeopardizes-parents-and-childrens-success/>
- <sup>24</sup> *Id.*
- <sup>25</sup> WATSON & SWANBERG, *supra* note 9, at 8.
- <sup>26</sup> RESTAURANT OPPORTUNITIES CENTER UNITED, THE THIRD SHIFT: CHILD CARE NEEDS AND ACCESS FOR WORKING MOTHERS IN RESTAURANTS 9-10 (July 2013, *available at* <http://www.scribd.com/doc/161943672/The-Third-Shift-Child-Care-Needs-and-Access-for-Working-Mothers-in-Restaurants>).
- <sup>27</sup> D.C. Families Need Fair Work Schedules, *supra* note 10 at 2.
- <sup>28</sup> NWLC calculations based on Bureau of Labor Statistics (BLS) Current Population Survey (CPS) Annual Table 20: Persons at work 1 to 34 hours in all and in nonagricultural industries by reason for working less than 35 hours and usual full- or part-time status *available at* <http://www.bls.gov/cps/cpsaat20.htm> (Last visited June 23, 2015). Note that this figure is for people at work part time during the reference week, rather than those who usually work part time. Data on involuntary part-time workers also includes workers who usually work full time but worked between 1-34 hours during the reference week of the survey. These differences mean the numbers of voluntary and involuntary part-time workers do not add to the total (which is reported here as people who usually work part time). However, including data on those who usually work full time but are not working full time during the reference week for noneconomic reasons captures many people who are on vacation or otherwise missed a day of work. Other reasons for working part-time involuntarily include seasonal work (3 percent of all involuntarily part-time workers) and job started or ended during the week (1 percent of involuntarily part-time workers).
- <sup>29</sup> NWLC calculations based on King, *supra* note 5.
- <sup>30</sup> *Id.*
- <sup>31</sup> D.C. Families Need Fair Work Schedules, *supra* note 10 at 3.
- <sup>32</sup> DC JOBS WITH JUSTICE, *supra* note 14, at 5.
- <sup>33</sup> David M. Pongrace and Alan P. Zilberman, U.S. BLS, A Comparison of Hourly Rates for Full- and Part-Time Workers by Occupation, 2007 (July 2009) at 2 *available at* <http://www.bls.gov/opub/mlr/cwc/a-comparison-of-hourly-wage-rates-for-fulland-part-time-workers-by-occupation-2007.pdf>. Of the twelve occupations in which part-time work had significantly higher average hourly earnings than full-time work, half were healthcare or related occupations.
- <sup>34</sup> BLS Employee Benefits in the United States – March 2015 Table 2. Medical care benefits: Access, participation, and take-up rates *available at* <http://www.bls.gov/news.release/ebs2.t02.htm> (Last visited July 24, 2015). Figures are for civilian workers; NWLC calculations based on BLS Employee Benefits in the United States – March 2015 Table 6: Select paid leave benefits: Access *available at* <http://www.bls.gov/news.release/ebs2.t06.htm> (Last visited July 24, 2015). Figures are for civilian workers.
- <sup>35</sup> John T. Addison, Orgul Demet Ozturk, & Si Wang, Job Promotion in Midcareer: Gender, Recession, and “Crowding”, Bureau of Labor Statistics Monthly Labor Review at Table 3 (Jan. 2014) *available at* <http://www.bls.gov/opub/mlr/2014/article/job-promotion-in-midcareer.htm>.
- <sup>36</sup> Min. Daily Wage, 7 D.C. Mun. Reg. Tit. 7 § 907.
- <sup>37</sup> NWLC, OVERVIEW OF SELECTED STATE AND LOCAL SCHEDULING PROTECTIONS (Jan 2015), *available at* [http://www.nwlc.org/sites/default/files/pdfs/overview\\_of\\_selected\\_state\\_and\\_local\\_scheduling\\_protections\\_jan\\_2015.pdf](http://www.nwlc.org/sites/default/files/pdfs/overview_of_selected_state_and_local_scheduling_protections_jan_2015.pdf).
- <sup>38</sup> *Id.*
- <sup>39</sup> A BETTER BALANCE, FACT SHEET: THE BUSINESS CASE FOR WORKPLACE FLEXIBILITY 2-4 (Nov., 2010), *available at* [http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/BC-2010-A\\_Better\\_Balance.pdf](http://www.abetterbalance.org/web/images/stories/Documents/fairness/factsheets/BC-2010-A_Better_Balance.pdf).

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<sup>40</sup> *Id.*

<sup>41</sup> Anna Danziger & Shelley Waters Boots, *Lower-Wage Workers and Flexible Work Arrangements*, WORKPLACE FLEXIBILITY 2010 GEORGETOWN UNIVERSITY LAW CENTER 7 (2008), available at <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1000&context=lega.l>

<sup>42</sup> A BETTER BALANCE, *supra* note 39.