

June 20, 2017

Re: Schedules That Work Act

Dear Members of Congress:

As organizations dedicated to strengthening workplace protections and promoting economic security for working families, we write to urge you to support the Schedules That Work Act in the 115th Congress. Volatile work scheduling practices, such as unpredictable and fluctuating schedules, inflexibility and lack of worker input, and on-call work, can wreak havoc on employees' abilities to meet their obligations at work while fulfilling responsibilities in the rest of their lives—including caregiving, holding down a second job to make ends meet, attending school or job training, or addressing their own medical needs. The Schedules That Work Act gives people a say in their work schedules and curbs the volatile scheduling practices that are widespread in many fast-growing, low-wage industries.

A growing body of research highlights the prevalence of erratic scheduling practices, particularly among low-wage workers. A study of early-career workers (ages 26 to 32) found that nearly three-quarters of those in hourly jobs experience fluctuating work hours, and 41 percent receive their schedules only a week or less in advance. Further, a Government Accountability Office (GAO) study found that 2.78 million people in the U.S. work “on call” or as day laborers. Studies of workers in major urban centers have found high rates of volatile scheduling practices; for example, in New York, a survey shows nearly one quarter of low-income workers receive less than 24 hours' notice of their schedules, while in Washington, D.C., one-third of workers surveyed receive less than three days' notice.

Volatile job schedules undermine workers' efforts to care for their families and meet other obligations outside of the workplace. Research shows that low wages and other work conditions that increase parents' stress—including unstable and unpredictable work hours—can also undermine children's wellbeing. At the same time, these scheduling practices make it especially hard for parents to afford and access the high-quality child care that would provide needed stability for their children and help prepare them for school. Further, income volatility arising from erratic schedules makes it difficult for working families to budget for basic needs like food, housing, and utilities.

Unpredictable schedules can also prevent part-time workers from holding down a second job that they need to make ends meet. And when they seek out public benefits, workers' volatile schedules and income may make them ineligible for some programs. Moreover, with the rising importance of higher education and training for advancement in the workforce, unstable schedules that prevent workers from taking classes are particularly harmful to those seeking to make a better life for themselves and their families

Millions of workers urgently need the opportunity to earn a living while also attending to other critical obligations. Yet too many are stymied in their attempts to do so because they lack any voice in their work schedules. Among early-career employees in hourly jobs, 50 percent say they do not have any input into when they start and finish work. Many low-wage workers report that

they experience retaliation—such as having their hours cut—simply by asking for changes in their schedules.

Unfair scheduling practices especially undermine women’s ability to support and care for their families. While women continue to shoulder the majority of caregiving responsibilities in their families, most are trying to balance those responsibilities with work outside the home; nationally, 70.5 percent of all mothers with children under the age of 18 are employed. Moreover, the contribution of women’s wages to their families’ economic security is essential: women are primary breadwinners in 42 percent of families with children and contribute between one-quarter and one-half of the family income in another 22 percent of families. Among Black mothers with children under 18, 70 percent are the primary or sole breadwinners. Given their vital importance to both the economic security and care of their families, women need work schedules that create stability rather than chaos—but women are significantly overrepresented in the low-wage service sector occupations in which challenging work schedules are most common.

Policymakers across the country are considering—and passing—fair scheduling legislation. Fair scheduling bills have been introduced in legislatures of more than a dozen states and numerous cities. Seattle, San Francisco, Emeryville, and New York City have passed comprehensive scheduling laws, while jurisdictions including San Jose, Vermont, and New Hampshire have recently passed laws that address some aspects of unfair scheduling practices. Moreover, eight states and the District of Columbia have long had in place reporting-time pay rules, which compensate workers who are sent home early or without working their scheduled shift. These scheduling policy proposals and laws reflect rapidly growing attention to the issue, both in the public and policy arenas. Labor policy experts are coalescing around a consensus that fair scheduling must join such basic protections as minimum wage and overtime on the list of essential labor standards.

Businesses can implement fair scheduling policies with relative ease—and many even find that improved scheduling practices can boost the bottom line. Many employers are already taking steps to stabilize workers’ schedules, with some major employers announcing measures to increase advance notice and eliminate on-call work schedules. Moreover, a growing number of employers use sophisticated scheduling software to manage their workforce. While this software can be misused in ways that harm workers, researchers and scheduling software industry leaders have noted that employers can easily make use of it to comply with fair scheduling public policies. Fair scheduling is not only feasible, but also profitable. Many employers that have implemented fair work scheduling policies have experienced significant benefits, including reductions in absenteeism and workforce turnover, and increased employee morale and engagement. But we cannot rely on businesses to voluntarily improve work scheduling practices—we need public policies that protect workers and support their families.

The Schedules That Work Act will improve work scheduling practices for millions of workers. The Act provides all workers with the right to request a schedule change without fear of retaliation. For those who need a schedule change to fulfill caregiving responsibilities, to work a second part-time job, to pursue education or training, or to attend to their own medical needs, employers are required to accommodate their requests unless there is a bona fide business reason

for not doing so. For nonexempt retail, restaurant, food service, and building cleaning employees, the bill also provides:

- Two weeks' advance notice of work schedules;
- Minimum shift pay when a worker is sent home without working her full scheduled shift;
- One hour of "predictability pay" when a worker receives a last-minute schedule change;
- One hour of predictability pay when a worker is required to be "on call," (i.e., maintain availability for a shift without knowing more than 24 hours in advance whether she will have to report to work);
- One hour of predictability pay when a worker is scheduled for a split shift that leaves her with a few hours of unpaid and largely unusable time in the middle of a workday.

These provisions ensure that workers have more stability and input into their work schedules, and that they are fairly compensated when their employers call upon them to be flexible.

Volatile scheduling practices are well-documented in retail sales, restaurant, food service, and building cleaning jobs. Nearly one in six workers—more than 24 million—hold jobs in these sectors, but many of these jobs are among the lowest paid in the economy. These workers urgently need protections from the scheduling practices that deprive them of financial security for themselves and their families. Further, because unpredictable and unstable schedules are becoming increasingly typical in a wide range of jobs, the bill provides a mechanism for the Department of Labor to apply these protections to additional occupations if it determines schedule abuses are common within them.

The Schedules That Work Act will provide workers with a say in their schedules and begin to curb the volatile scheduling practices that create instability and economic insecurity for America's working families. It is crucial to the health and wellbeing of America's workforce and a strong economy.

We urge you to support this important legislation.

Sincerely,

9to5, National Association of Working Women

9to5 California

9to5 Colorado

9to5 Georgia

9to5 Wisconsin

A Better Balance

ACTION OHIO Coalition for Battered Women

AFL-CIO

American Association of University Women (AAUW)

American Federation of State, County and Municipal Employees (AFSCME)

AFSCME New Jersey

Anti-Poverty Network of New Jersey

Bend the Arc Jewish Action

BlueWaveNJ

BreastfeedLA
California Advanced Lactation Institute
California Women's Law Center
California Work & Family Coalition
Catalyst
The Center for Frontline Retail
Center for Law and Social Policy (CLASP)
Center for Popular Democracy
Center for Public Policy Priorities
Coalition of Labor Union Women
Communications Workers of America
CTUL
Demos
Economic Policy Institute Policy Center
Equal Rights Advocates
Family Equality Council
Family Forward Oregon
Family Values @ Work
Family Voices NJ
Gender Justice
Indiana Institute for Working Families
Institute for Science and Human Values
Interfaith Worker Justice
Jewish Women International
Jobs With Justice
Kentucky Equal Justice Center
Labor Council for Latin American Advancement (LCLAA)
Labor Project for Working Families
The Leadership Conference on Civil and Human Rights
Lean On and Lead
Legal Aid at Work
Lutheran Episcopal Advocacy Ministry NJ
Maine Women's Lobby
Make It Work
Make the Road CT
MANA, A National Latina Organization
Mass NOW
MomsRising.org
Ms. Foundation for Women
NAACP
National Center for Lesbian Rights
National Council of Jewish Women
National Domestic Workers Alliance
National Employment Law Project
National Employment Lawyers Association
National Organization for Women

National Organization for Women, Columbus Ohio Chapter
National Organization for Women of New Jersey
Ohio National Organization for Women
South Jersey National Organization for Women (NOW)—Alice Paul chapter
National Partnership for Women & Families
National Women’s Law Center
New Jersey Main Street Alliance
New Jersey Time to Care Coalition
New Jersey Working Families Alliance
New York Paid Leave Coalition
NJ State Industrial Union Council
Ohio Urban Resources System
Ohio Women’s Public Policy Network
OLÉ New Mexico
People For the American Way
People’s Action
PowHer New York
Public Justice Center
Restaurant Opportunities Centers United
Sargent Shriver National Center on Poverty Law
Service Employees International Union (SEIU)
Southwest Women’s Law Center
Statewide Parent Advocacy Network (NJ)
Texas Organizing Project
UFCW Local 400
UltraViolet
United Food and Commercial Workers International Union
Washington Metro Disabled Students Collective
Western Center on Law and Poverty
Women Employed
Women’s Law Project
Working Families Party
Working Partnerships USA
Workplace Fairness
Young Invincibles
YWCA San Francisco & Marin