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January 29, 2020

Re: NWLC Supports SB 5717, An Act Relating to Secure Scheduling

Dear Chairwoman Keiser and Members of the Labor & Commerce Committee:

On behalf of the National Women's Law Center (NWLC), I write to urge you to advance SB 5717, an act to promote secure scheduling for hourly workers in Washington's growing service sector. NWLC is part of a national coalition helping to lead the movement to secure a fair workweek for working people—because unstable, unpredictable work hours disproportionately harm women, who are often concentrated in the service sector jobs in which such hours are prevalent and still shoulder the majority of caregiving responsibilities in families.¹ Women of color are especially likely to be breadwinners for their families,² and also are more likely to experience scheduling instability than their white counterparts.³

Across the state of Washington, hundreds of thousands of people work in vital but low-paying jobs in retail, food service, and hospitality in which employers use "just-in-time" scheduling practices. These practices, enabled by modern workforce management systems, frequently use algorithms to base workers' schedules on perceived consumer demand and maximize flexibility for the employer at the expense of the employee—making it extremely challenging for working people to meet their responsibilities outside of their jobs. These employer practices are commonplace in retail, food service, and hospitality jobs in Washington:

- **More than half (56 percent) of people working hourly jobs in these sectors receive their schedules with less than two weeks' notice**, including 27 percent who have less than one week's notice.⁴
- Only 16 percent of hourly service sector workers in Washington have control over their work hours. **Half have no input into their work schedules**, which are decided unilaterally by their employers, and 68 percent keep their schedules open and available in case their employer wants them to work.
- **70 percent of surveyed workers report that their work hours conflict with their caregiving obligations**, and 71 percent want a more predictable schedule.

Companies that rely on just-in-time scheduling often spread work among many part-time employees so that they can "flex up" during times of increased demand.⁵ This pervasive part-timing undermines families' economic security:

- Two-thirds of Washington service sector workers are part-time.
- Among workers who typically work less than 30 hours a week, **69 percent are underemployed** and want to work more hours.

Research confirms that unstable and unpredictable work hours hurt working people, their families, and their communities. Volatile work schedules, and the volatile incomes that result, undercut workers' efforts to budget for expenses and increase economic hardship, including hunger and housing insecurity.⁶ The stress that unstable and unpredictable work schedules produce can harm both workers and their families, undermining well-being for children and adults alike by disrupting routines and straining relationships.⁷ And these same workplace conditions can make maintaining stable, high-quality child care nearly impossible.⁸

Secure scheduling—known in other states and cities as “fair workweek” legislation—is a common-sense solution that preserves employers’ flexibility and management discretion while establishing basic standards that support working families. When working people have schedules they can plan around, enough hours and income to pay their bills, a voice in when they’ll work, and healthy hours with time to rest, their families and communities—as well as the state’s economy—benefit.

The companies that would be covered by SB 5717 are already complying with similar laws elsewhere. Workforce management company Deputy, which provides technology that supports compliance with these laws, reports positive impacts of compliance among their clients:

- Fair workweek laws generally result in a **14 percent increase in hours for workers**.
- **Absences and tardiness have gone down by over 30 percent.**
- Covered employers in fair workweek jurisdictions have seen a **3 percent decrease in labor costs**.⁹

Moreover, Duke University researchers who monitored working parents in Emeryville, California found that those covered by the local fair workweek policy reported a 35 percent decline in schedule instability after the policy took effect, and last-minute schedule changes fell by nearly half. Overall, working parents covered by the fair workweek policy reported significant improvements in family well-being.¹⁰

Washington’s leadership on the minimum wage, earned sick leave, and paid family and medical leave demonstrate a commitment to building an economy where working women and families can thrive. For the many families across the state who are still struggling to make ends meet with unstable and inadequate work hours, that vision will only be realized when this legislature enacts secure scheduling. We respectfully request your support for SB 5717.

Sincerely,



Julie Vogtman
Director of Job Quality & Senior Counsel

¹ See generally, e.g., JULIE VOGTMAN & KAREN SCHULMAN, NWLC, SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS (Jan. 2016), https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/01/FINAL_Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%20%99-and-Children%20%99s-Success.pdf.

² See SARAH JANE GLYNN, CTR. FOR AM. PROGRESS, BREADWINNING MOTHERS CONTINUE TO BE THE U.S. NORM (May 2019), <https://www.americanprogress.org/issues/women/reports/2019/05/10/469739/breadwinning-mothers-continue-u-s-norm/>.

³ See Adam Storer, Daniel Schneider & Kristen Harknett, *What Explains Race/Ethnic Inequality in Job Quality in the Service Sector?* (Oct. 2019), <https://equitablegrowth.org/working-papers/what-explains-race-ethnic-inequality-in-job-quality-in-the-service-sector/>.

⁴ All Washington data is from Daniel Schneider, Kristen Harknett & Megan Collins, SHIFT PROJECT, WORKING IN THE SERVICE SECTOR IN WASHINGTON STATE (Dec. 2018), <https://shift.berkeley.edu/files/2018/12/Working-in-the-Service-Sector-in-Washington-State.pdf>. This analysis excludes data from the city of Seattle, which implemented scheduling regulations in 2017, in order to capture the experiences and working conditions of Washingtonians who are not currently covered by secure scheduling laws.

⁵ See, e.g., Susan J. Lambert, *Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers*, 61 J. Human Relations 1203, 1207 (2008).

⁶ See ASPEN INST., RESPONSES TO AND REPERCUSSIONS FROM INCOME VOLATILITY IN LOW- AND MODERATE-INCOME HOUSEHOLDS: RESULTS FROM A NATIONAL SURVEY (Dec. 2017), <http://www.aspenepic.org/responses-repercussions-income-volatility-low-moderate-income-households-results-national-survey/>; Daniel Schneider & Kristen Harknett, *Hard Times: Routine Schedule Unpredictability and Material Hardship among Service Sector Workers* (Oct. 2019), <https://equitablegrowth.org/working-papers/hard-times-routine-schedule-unpredictability-and-material-hardship-among-service-sector-workers/> (finding six in ten hourly retail and food service workers experienced at least one material hardship—such as hunger, trouble paying bills or securing housing, or foregoing needed medical treatment—over the prior year).

⁷ See generally, e.g., VOGTMAN & SCHULMAN, *supra* note 1; Daniel Schneider & Kristen Harknett, *Parental Exposure to Routine Work Schedule Uncertainty and Child Behavior* (Oct. 2019), <https://equitablegrowth.org/working-papers/parental-exposure-to-routine-work-schedule-uncertainty-and-child-behavior/>.

⁸ See VOGTMAN & SCHULMAN, *supra* note 1, and Kristen Harknett, Daniel Schneider & Sigrid Luhr, *Who Cares if Parents Have Unpredictable Work Schedules?: The Association between Just-in -Time Work Schedules and Child Care Arrangements* (Oct. 2019), <https://equitablegrowth.org/working-papers/who-cares-if-parents-have-unpredictable-work-schedules-the-association-between-just-in-time-work-schedules-and-child-care-arrangements/>.

⁹ Communication from Krista Hardwick, legal counsel, Deputy (Jan. 28, 2020).

¹⁰ FAIR WORKWEEK INITIATIVE & CTR. FOR POPULAR DEMOCRACY, GROUNDBREAKING STUDY SHOWS FAIR WORKWEEK POLICIES HELP WORKING PARENTS (Feb. 2019). Data cited is drawn from Anna Gassman-Pines & Elizabeth O. Ananat, Duke Univ., *Daily Effects of Work Schedule Instability on Families and Children* (manuscript in preparation).