WORKPLACE JUSTICE

COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-PAID JOBS AND THEIR CONSEQUENCES

Nearly 21 million people work in the lowest-paying jobs in the U.S. and close to two-thirds of these workers are women, disproportionately women of color.[1] Low wages can make it difficult for women holding these jobs to support themselves and their families, but wages are not the only problem. Many low-paid jobs that are primarily held by women—such as cashiers, maids and housekeepers, and restaurant servers—are marked by work scheduling policies and practices that pose particular challenges for workers with significant responsibilities outside of their job, including caregiving, pursuing education and workforce training, or holding down a second job.[2] The work schedules in these jobs are often unpredictable, unstable, and inflexible. Some require working nights, weekends or even overnight, and many offer only part-time work, despite many workers' need for full-time hours.

Unstable schedules and inadequate work hours are problems that pre-date the pandemic and economic recession caused by COVID-19. But the harm of these workplace practices is exacerbated as millions of workers risked their own health and safety at jobs with few protections, volatile schedules, and inadequate hours in an effort to support themselves and their families. And today, even as high demand for labor has driven modest wage gains in service sector jobs,[3] many employers continue to use unpredictable scheduling practices that contribute to high turnover rates—producing volatility for employers, workers, and consumers alike.

Women are disproportionately affected by the problems caused by unstable schedules because women not only hold the majority of low-paid jobs but also still shoulder the majority of caregiving responsibilities.[4] Black women and Latinas especially bear the brunt of unfair scheduling practices, as they are particularly likely to hold low-paid jobs[5] and to be both the primary breadwinner and caregiver for their families.[6] For mothers, scheduling challenges can pose acute problems that are often compounded by inadequate pay. In 2021, even mothers working full time earned median annual earnings of $50,000, while fathers working full time had median annual earnings of $68,000[7]—and more than three in ten mothers supporting children on their own had household incomes below the poverty line.[8] New research shows that unpredictable schedules can also exacerbate the gender pay gap, in part due to conflicts with women's caregiving responsibilities outside of work.[9]

This analysis outlines four of the most common scheduling challenges faced by workers in low-paid jobs and explains their prevalence and detrimental impact on working people and their families. Understanding these challenges is essential to develop solutions that work for workers, their families, and their employers.

Common Scheduling Challenges

Lack of Control Over Work Schedules

Many people working in low-paid 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.[10] Across industries, more than one-third of wage and salary workers have employers who decide schedules without their input,[11] and in surveys of hourly

workers in retail and food service jobs—two industries where unpredictable scheduling practices are common—close to half of workers report having little to no input into their work schedules.[12] Black and Latinx workers report having less control over their work hours than do their white counterparts.[13] 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.[14]

Unpredictable Work Schedules

Modern workforce management systems have facilitated a rise in employers' use of "just-in-time" scheduling practices, which often use algorithms to base workers' schedules on perceived consumer demand and maximize flexibility for the employer at the expense of the employee. These practices rarely take employee needs or preferences into account and typically produce very little advance notice of work schedules, with frequent last-minute changes.[15]

- Across industries, more than two in five wage and salary workers know their schedules less than one month in advance, and more than one-third know their schedules two weeks or less in advance; nearly one in five has no more than one week's notice.[16]
- Unpredictable schedules are particularly acute in the service sector. In a 2021 survey of workers at large retail and food service chains (the "Shift Project survey"), close to two-thirds of workers reported receiving their work schedules with less than two weeks' notice, and more than one-third said they received their schedule with less than one week's notice.[17] Additional studies have found that workers in retail, restaurant, and hospitality jobs commonly receive just a few days' notice of a scheduled shift.[18]
- 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 they must actually report to work.[19] In the Shift Project survey, more than one in five service sector workers (21%) report experiencing on-call shifts.[18] Workers generally are not paid for being on call, but if they are unavailable when directed to report for work, they may be penalized.[21]
- Last-minute changes to scheduled shifts are also particularly common in service sector jobs,[22] and shift length can be highly unpredictable as well; on a busy day, an employee may be told to extend their shift[23]—and if business is slow, they might be sent home soon after they arrive, with transportation and child care costs amounting to more than that day's pay.[24]
- Black and Latine workers are more likely than white workers to have less than two weeks' notice of their work schedules.[25] People of color—especially women of color—working in retail and food service jobs are more likely to experience cancelled shifts and on-call shifts than their white counterparts, even within the same company.[26]

Unstable Work Schedules

Many workers in low-paid 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.

- In a 2022 Federal Reserve survey, more than one in four workers reported that they had irregular hours.[27] And in a survey of early-career adults, nearly three-quarters of those in hourly jobs reported at least some fluctuations in the number of hours they worked in the previous month, with hours fluctuating, on average, by 50%.[28]
- For people working in the service sector, stable schedules are a rarity; in the Shift Project survey, the vast majority—65%—would prefer more stable and predictable hours.[29]
- The practice of "clopening"—requiring an employee to work the closing shift one night and the opening shift the next morning—is also common in many service sector jobs.[30] Clopening shifts may leave workers without enough time to travel home and get sufficient rest before returning to work.

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 about three times more likely than full-time workers to hold low-paid jobs and one in 10 part-time workers lives in poverty, which is four times the rate of poverty among full-time workers (2.5%).[31] More than 2 in 3 workers in these low-paid, part-time jobs (67.7%) are women.[32]
- Nearly one in nine people working part-time (10.8%) do so involuntarily (as defined by the Bureau of Labor Statistics) and would prefer to find full-time work.[33] And BLS estimates are conservative. Even prior to the pandemic, surveys of hourly retail and food service employees showed widespread underemployment.[34] Research from the Center on Law & Social Policy indicates that up to 40% of all people working part time would prefer more hours.[35]
- For some, working part-time may not truly be voluntary at all, but is instead a direct result of the need to care for children or attend to other caregiving responsibilities.[36] Women are especially likely to report needing to work part time due to child care problems or because of other personal or family obligations.[37] 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.[38]
- Part-time workers also are typically paid less than their full-time counterparts,[39] are less likely to be promoted,[40] and frequently

lack access to employer-sponsored benefits such as health insurance, retirement benefits, and paid—or even unpaid—time off.[41] A 2020 study found that part-time workers are paid almost 30% less per hour than comparable full-time workers, and the pay penalty is worse for part-time workers who want full-time work.[42]

- Part-time workers may need to hold more than one job to make ends meet—but unpredictable schedules can make it difficult to do so, and employers are more likely to give part-time employees variable hours and short notice of their work schedules.[43]

The Fallout from Challenging Work Schedules

Impact on caregivers. People working in low-paid jobs—especially women—often face extreme demands at home and work. These workers are more likely to be single parents,[44] more likely to have children with special needs,[45] and more likely to care for elderly or sick relatives.[46] They also have higher rates of illness themselves.[47] At the same time, they have fewer resources to pay for child and elder care than other workers, and are far less likely to have paid sick and vacation days or job-protected leave under the Family and Medical Leave Act.[48] But with 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 time to take an elderly parent to a doctor's appointment—is simply not an option.

Impact on ability to access child care. Low-paid workers' ability to access quality, affordable, and stable child care is often compromised by challenging work schedules.[49] When parents are unable to find child care or child care falls through, sometimes they must miss work and lose pay[50]—but with work schedules and incomes that fluctuate from week to week, many have no choice but to cobble together child care at the last minute.[51] Because many centers require caregivers 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.[52] As a result, parents in low-paid jobs frequently must rely on family, friends, and neighbors or seek out lower-cost—and often lower-quality—care for their young children.[53] While some families may have a reliable relative, neighbor, or friend available who can provide nurturing care for their children, other families may be forced to settle for options that do not offer the early learning experiences they want for their children because they have no other choice. Volatile work schedules take a toll, too, on child care providers—who are also mostly women, disproportionately women of color and immigrant women, and who often must scramble to be available for families with little notice.[54]

Impact on children. Jobs with unstable and unpredictable work hours—especially when accompanied by low wages—can undermine children's well-being and development.[55] Adverse behavioral outcomes for children have been linked to the increased stress that challenging work schedules impose on parents, which can strain family relationships.[56] In addition, parents with volatile work schedules may not be available for their children when they would like to be—such as for family meals, homework help, and other routines, as well as engagement in their children's schooling. For example, in one survey, few professional workers but many low-paid workers reported not participating in children's school activities due to a lack of flexibility, advance notice, and paid time off.[57] Research suggests 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.[58]

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. Overall, one of the most commonly cited challenges to completing a college degree is the inability to balance work and school.[59] 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.[60]

Impact on transportation. Just-in-time scheduling often complicates transportation for people in low-paid jobs, 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.[61] 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.[62]

Impact on health and access to health care. Unstable and unpredictable work schedules have significant detrimental impacts on sleep quality, mental health, and happiness.[63] At the same time, challenging work schedules make it more difficult for workers to get the health care they need for themselves and their families.[64] Doctor's visits—particularly visits for routine, preventive care, such as well-woman visits or pediatric appointments—often need to be scheduled long before low-paid workers receive their work schedules.[65] Just-in time scheduling can prevent people from being able to make appointments or force them to cancel, keeping them from getting the health care they need. And when workers are forced to delay follow-up treatments, such as a biopsy following an abnormal pap smear, it could delay diagnosis and the beginning of needed treatment for a significant illness such as cervical cancer. Abortion can be particularly hard to

access, since workers living in states with bans may need to plan travel—and even in states where abortion is legal, waiting periods and other restrictive laws can still force people to schedule multiple clinic visits.[66] These barriers can push a low-paid worker seeking an abortion later into pregnancy, increasing risks of complications,[67] or prevent her from accessing abortion care entirely.

Impact on people with disabilities. People with disabilities face complex and overlapping barriers to equitable employment, including stigma and discrimination.[68] While the Americans with Disabilities Act remains a vital source of protection, there are still major gaps in state and federal law[69] that leave disabled workers—particularly women and people of color—with lower incomes and at higher risk of poverty and economic hardship. For example, disabled people are more likely to work part-time jobs,[70] meaning they are disproportionately impacted by the lack of on-the-job benefits and higher rates of scheduling instability associated with part-time work. Unstable work schedules may also exacerbate underlying medical conditions or make treating or managing a disability or related medical condition more difficult.[71]

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. Research increasingly shows that income volatility is as significant a source of poverty and economic instability as low wages.[72] In a 2019 survey, six in 10 hourly retail and food service workers reported experiencing at least one material hardship—such as hunger, trouble paying bills or securing housing, or foregoing needed medical treatment—over the prior year, and workers with more variable and unpredictable hours faced an elevated risk of hardship.[73]

An unexpected reduction in hours can mean not only a loss of pay, but also the loss of employer benefits that are tied to work hours, including health insurance and paid and unpaid time off.[73] And while public programs like child care subsidies, TANF, SNAP, and unemployment insurance are especially important to enable working people who are paid low wages and offered too few hours to make ends meet, erratic schedules and incomes can also make it difficult to maintain eligibility for these critical supports.[75] 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.[76]

Conclusion

The fallout from low-paid jobs characterized by unpredictability, instability, little worker-driven flexibility, and involuntary part-time work is considerable. These challenging work schedules have a cascade of negative consequences for both working people and their families.

In contrast, fairer work schedules benefit employees and employers alike. Consistent hours and advance notice of schedules makes it easier for employees to plan transportation, child care, doctor's appointments, and other obligations so that they can consistently be and stay at work—in turn creating a more stable, reliable workforce for businesses, and generating cost savings from reduced turnover. For example, while both unpredictability in weekly work hours and last minute schedule changes have been shown to increase the likelihood that employees will want to leave a job,[77] accommodating employees' needs in their work schedules can significantly decrease turnover.[78] A study of one major retailer showed that the more hours employees work, and the more consistent those hours are, the longer employees stay with the company;[79] at another retailer, improving schedule stability increased productivity by up to 24%.[80] When Gap Inc. worked with managers to pilot strategies to improve consistency and worker-driven flexibility in shift scheduling, employees reported enthusiasm for these changes and the stores that implemented them saw higher productivity as well as notable increase in sales.[81] And workers report that more job autonomy and involvement in management decision-making leads to less negative spillover from work to their non-work lives,[82] which can also improve productivity and job retention.[83]

Research shows that legislation requiring employers to provide workers with more predictability and input in their work hours—often referred to as "fair workweek" policies—can effectively deliver these benefits. For example, a study in Emeryville, California, found that after the city's fair workweek policy went into effect, covered workers reported a significant decrease in work schedule instability, along with improvements in family well-being.[84] In Seattle, researchers similarly found that workers covered by the Secure Scheduling Ordinance experienced more predictable schedules, improved sleep and well-being, and increased financial security.[85] These protections are currently in effect in cities like New York, Philadelphia, Chicago, and San Francisco as well as the state of Oregon;[86] at the federal level, the proposed Schedules That Work Act[87] and Part-Time Worker Bill of Rights Act[88] would, if enacted, improve work schedules for millions of workers across the country.

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 employers and our economy—benefit.

1 NWLC calculations based on U.S. Census Bureau, 2021 American Community Survey (ACS) one-year sample, accessed through Steven Ruggles, Sarah Flood, Ronald Goeken, Josiah Grover, Erin Meyer, Jose Pacas and Matthew Sobek, Integrated Public Use Microdata Series USA (IPUMS USA): Version 12.0 (Minneapolis: University of Minnesota, 2022), https://doi.org/10.18128/D010.V12.0. Low-paid occupations can be defined in a variety of ways; here, the National Women's Law Center (NWLC) defines low-paid jobs as the 40 occupations with the lowest hourly median wages, according to U.S. Department of Labor, Bureau of Labor Statistics, May 2021 National Occupational Employment & Wage Estimates (NOWES), https://www.bls.gov/oes/current/oes_nat.htm, because these jobs particularly illuminate women's overrepresentation at the low end of the pay spectrum. For more information, *see* Jasmine Tucker & Julie Vogtman, *Hard Work is Not Enough: Women in Low-Paid Jobs*, NWLC (Jul. 2023), https://nwlc.org/resources/when-hard-work-is-not-enough-women-in-low-paid-jobs/. Because definitions of "low-wage" and "low-paid" jobs vary in the literature, however, this issue brief draws on sources that employ somewhat varied definitions of these terms.

2 *See* generally, *e.g.*, Julie Vogtman & Karen Schulman, *Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success*, NWLC (Jan. 2016), https://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.

3 *See*, *e.g.*, Elise Gould & Katherine deCourcy, *Low-Wage Workers Have Seen Historically Fast Real Wage Growth in the Pandemic Business Cycle*, Econ. Pol'y Inst. (EPI), March 2023, https://files.epi.org/uploads/263265.pdf; Brooke LePage, *Women's Jobs Are Being Added Back to the Economy—But Many Need Improving*, NWLC (June 2022), https://nwlc.org/wp-content/uploads/2022/06/Leisure-and-Hospitality-2022-v2.pdf.

4 *See* Bureau of Labor Statistics, *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, 2022 annual averages, U.S. Dep't of Labor (2023), https://www.bls.gov/news.release/atus.t01.htm.

5 *See* Tucker & Vogtman, *supra* note 1, at 4. *See also* Elyse Shaw *et al.*, *Undervalued and Underpaid in America: Women in Low-Wage, Female Dominated Jobs*, Inst. Women's Pol'y Res. (Nov. 2016), https://iwpr.org/job-quality-income-security/undervalued-and-underpaid-in-america/.

6 The share of mothers who are breadwinners or co-breadwinners increased from 28%in 1967 to 66%in 2019. Sarah Jane Glynn, *Breadwinning Mothers Are Critical to Families' Economic Security*, CTR. For Am. Progress (March 2021), https://www.americanprogress.org/article/breadwinning-mothers-critical-familys-economic-security/.

7 Brooke LePage & Sarah Javaid, *The Wage Gap Robs Mothers of What They're Owed*, NWLC (Aug. 2023), https://nwlc.org/wp-content/uploads/2022/08/Moms-EPD-8.7.23v1.pdf.

8 Shengwei Sun, *National Snapshot: Poverty Among Women & Families*, NWLC 4 (Jan. 2023), https://nwlc.org/wp-content/uploads/2023/02/2023_nwlc_PovertySnapshot-converted-1.pdf.

9 Valentin Bolotnyy & Natalia Emanuel, *How Unpredictable Schedules Widen the Gender Pay Gap*, Harv. Bus. Rev. (Jul. 1, 2022), https://hbr.org/2022/07/how-unpredictable-schedules-widen-the-gender-pay-gap.

10 *See generally*, *e.g.*, Liz Watson & Jennifer E. Swanberg, *Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation*, 3 Lab. & Emp. L. F. 380 (2011), https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1066&context=lelb.

11 Bureau of Labor Statistics, *Job Flexibilities and Work Schedules Summary*, U.S. Dep't of Labor (Sept. 2019), https://www.bls.gov/news.release/pdf/flex2.pdf (Table 6).

12 *See* Elaine Zundl *et al.*, *Still Unstable: The Persistence of Schedule Uncertainty During the Pandemic*, Shift Project 3 (Jan. 2022), https://shift.hks.harvard.edu/wp-content/uploads/2022/01/COVIDUpdate_Brief_3.29.23.pdf [hereinafter Still Unstable] (42%of service sector workers surveyed report no input at all into their work schedules). *See also*, *e.g.*, Daniel Schneider & Kristen Harknett, *It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality*, Shift Project 1 (Oct. 2019), https://shift.berkeley.edu/files/2019/10/Its-About-Time-How-Work-Schedule-Instability-Matters-for-Workers-Families-and-Racial-Inequality.pdf [hereinafter It's About Time]; Watson & Swanberg, *supra* note 10, at 400-401; Lonnie Golden, *Irregular Work Scheduling and Its Consequences*, EPI (Apr. 9, 2015), https://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/ (finding that 45% of workers surveyed said "their employer decides" their work schedule; only 15% reporting they were "free to decide" their schedule, and 40% reporting they could "decide within limits"); Susan J. Lambert, Peter J. Fugiel, & Julia R. Henly, *Precarious Work Schedules Among Early-Career Employees in the US: A National Snapshot*, Emp. Instability, Fam. Well-Being, & Soc. Pol'y Network, U. Chicago (Aug. 2014), https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly_.precarious_work_schedules.august2014_0.pdf (finding that "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").

13 *See* Lambert, Fugiel, & Henly, *supra* note 12, at 17 (among hourly workers ages 26-32, 58% of Latine workers, 55% of Black workers, and 47% of white workers report that their employer controls their work hours); Bureau of Labor Statistics, *supra* note 11 (42.1% of Latine workers, 36.1% of Black workers, and 35.6% of white workers report that their employer controls their work hours).

14 *Nine Facts about American Families and Work*, White House Council of Econ. Advisers 4 (June 2014), https://obamawhitehouse.archives.gov/sites/default/files/docs/nine_facts_about_family_and_work_real_final.pdf.

15 *See generally*, *e.g.*, Daniel Schneider & Kristen Harknett, *Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being*, 84 Am. Soc. Rev. 82 (2019), https://journals.sagepub.com/doi/full/10.1177/0003122418823184; Nancy C. Cauthen, *Scheduling Hourly Workers: How Last Minute, Just-in-Time Scheduling Practices Are Bad for Workers*, DĒMOS, (Mar. 2011), http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf; Golden, *supra* note 12, at 4.

16 *See* Katherine Guyot & Richard V. Reeves, *Unpredictable Work Hours and Volatile Incomes Are Long-Term Risks for American Workers*, Brookings Inst. (Aug. 2020), https://www.brookings.edu/blog/up-front/2020/08/18/unpredictable-work-hours-and-volatile-incomes-are-long-term-risks-for-american-workers/; Bureau of Labor Statistics, *supra* note 11.

17 *See* Zundl *et al.*, *Still Unstable*, *supra* note 12.

18 For example, in a study of hourly 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*, Retail Action Projecr 8 (2012), 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); Zundl *et al.*, *Still Unstable*, *supra* note 12 (finding one-quarter of service sector workers have as little as 72 hours' notice of their work schedules).

19 *See*, *e.g.*, *Tackling Unstable and Unpredictable Work Schedules: A Policy Brief on Guaranteed Minimum Hours and Reporting Pay Policies*, Ctr. For Law & Social Pol'y, Retail Action Project, & Women Employed 11 (2014), https://womenemployed.org/wp-content/uploads/2019/05/TacklingUnstableAndUnpredictableWorkSchedules_March2014.pdf; Aditi Sen & Connie Razza, Hour by Hour: Women in Today's Workweek, Ctr. For Popular Democracy 5 (May 2015), http://populardemocracy.org/sites/default/files/HourbyHour_final.pdf. *See also*, *e.g.*, Luce & Fujita, *supra* note 18, at 8 (finding that 44% 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).

20 Zundl *et al.*, Still Unstable, *supra* note 10.

21 *See*, *e.g.*, Tackling Unstable and Unpredictable Work Schedules, *supra* note 19, at 11; Sen & Razza, *supra* note 19, 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/admOznKJNCM4YFuUced1QI/story.html.

22 In the 2021 Shift Project survey of retail and food service workers, for example, 11% of respondents reported having at least one cancelled shift in the last month and 57% reported at least one change to the timing of one of their shifts in the past month. Schneider & Harknett, Still Unstable, *supra* note 12, at 3. *See also*, *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 18, at 1218 (finding in a study of hourly, non-production jobs in the hospitality, retail, transportation, and financial services industries that "[l]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").

23 *See*, *e.g.*, Watson & Swanberg, *supra* note 10, at 21 (stating that among low-paid workers overall, between 19% and 31% report that they are often asked to work extra hours with little or no notice; roughly 40% to 60% of full-time, low-paid 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).

24 *See*, *e.g.*, Sen & Razza, *supra* note 19, at 5; Luce & Fujita, *supra* note 188, at 13.

25 *See* Guyot & Reeves, *supra* note 16; Bureau of Labor Statistics, *supra* note 11 (Table 5).

26 *See* Schneider & Harknett, It's About Time, *supra* note 12, and Adam Storer, Daniel Schneider & Kristen Harknett, What Explains Race/Ethnic Inequality in Job Quality in the Service Sector?, 85 Am. Soc. Rev. 537 (2020), https://journals.sagepub.com/doi/pdf/10.1177/0003122420930018.

27 Board of Governors of the Federal Reserve, Report on the Economic Well-Being of U.S. Households in 2022 24 (May 2023), https://www.federalreserve.gov/publications/files/2022-report-economic-well-being-us-households-202305.pdf.

28 *See* Lambert, Fugiel, & Henly, *supra* note 12, at 11.

29 *See* Zundl *et al.*, Still Unstable, *supra* note 12, at 3.

30 *See id.* (36% of hourly service sector workers surveyed reported having been required to work a clopening shift).

31 Brooke LePage, Part-Time Workers Are Facing Heightened Uncertainty During COVID—And Most Are Women, NWLC (Feb. 2022), https://nwlc.org/wp-content/uploads/2020/02/Part-time-workers-factsheet-v2-2.1.22.pdf.

32 *Id*.

33 NWLC calculations based on Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey, Household Data Table A-27: Persons at work in nonagricultural industries by age, sex, race, Hispanic or Latino ethnicity, marital status, and usual full- or part-time status, U.S. Dep't Of Labor (June 2, 2023), https://www.bls.gov/web/empsit/cpseea27.htm.

34 *See*, *e.g.*, Working in the Service Sector in Washington State, Shift Project (Dec. 2018), https://shift.berkeley.edu/files/2018/12/Working-in-the-Service-Sector-in-WashingtonState.pdf (69z% of those working fewer than 30 hours per week report a desire for more hours); Working in the Service Sector in Connecticut, Shift Project (March 2018), https://shift.berkeley.edu/files/2018/03/Working-in-the-service-sector-in-Connecticut.pdf (64% of those working fewer than 30 hours per week report a desire for more hours); Working in the Service Sector in New Jersey, Shift Project (Jan. 2020), https://shift.berkeley.edu/files/2020/01/Working-in-the-Service-Sector-in-NewJersey.pdf (63% of those working fewer than 35 hours per week report a desire for more hours).

35 Lonnie Golden & Jaeseung Kim, The Involuntary Part-Time Work and Underemployment Problem in the U.S., Ctr. For Law & Social Pol'y 18 (Aug. 2020), https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf.

36 *See* LePage, *supra* note 31; Shengwei Sun, Part-Time Working Caregivers Need Unemployment Insurance Reform, NWLC (June 2022), https://nwlc.org/wp-content/uploads/2022/10/%C6%92.NWLC_FactSheets_CaregiverUI_1003.pdf; Ariane Hegewisch & Valerie Lacarte, Gender Inequality, Work Hours, and the Future Of Work, Inst. For Women's Pol'y Research 27-28 (Nov. 2019), https://iwpr.org/wp-content/uploads/2020/07/C486_FOW-Work-Hours-Report.pdf.

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