

## 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 co-sponsor the **Schedules That Work Act** in the 117th Congress. Even before the COVID-19 pandemic, millions of people—disproportionately women and people of color—working in essential but low-paying jobs often had little notice of their work schedules, experienced last-minute shift cancellations that deprived them of vital income, and worked “clopening” shifts that left little time to commute, let alone rest, between shifts. Employers have continued to use these “just-in-time” scheduling practices throughout the pandemic—even as workers face heightened risks to their health and safety, inadequate access to [paid leave and paid sick days](#), and additional caregiving challenges posed by school and child care closures and quarantines. The Schedules That Work Act will curb these harmful practices, granting people a voice in their work schedules and helping working people meet their obligations on the job and in the rest of their lives.

**A growing body of research highlights the prevalence of unpredictable work schedules, particularly in low-paying industries.** For example, [national survey data](#) show that close to two-thirds of hourly workers in retail and food service jobs receive their work schedules with less than two weeks’ advance notice; more than one in five experience “on-call” shifts that require them to be available for a shift, but receive just hours’ notice of whether they will actually work (and get paid for) the shift; and more than one in three have been required to work the closing shift one night and the opening shift the next morning (a “clopening” shift). In addition to retail sales and food service jobs, just-in-time scheduling practices are increasingly well-documented in cleaning, warehousing, and hospitality jobs.

**Volatile job schedules undermine workers’ efforts to make ends meet and care for their families—especially for women.** Research shows that low wages and other working conditions that [increase parents’ stress](#)—including unstable and unpredictable work hours—can [undermine children’s well-being](#). At the same time, these scheduling practices make it [hard for families to arrange and afford high-quality child care](#), or to secure the care they need to manage a health condition or disability—challenges that have only intensified during the pandemic. Volatile work hours also produce volatile incomes, making it difficult for working families to budget for expenses and [increasing their exposure to economic hardship](#), including hunger and housing insecurity. And when they seek out public benefits, [workers’ variable schedules and incomes may make them ineligible](#) for some programs. Unpredictable schedules can also prevent workers from holding down a second job, or from taking classes that could help them advance in their careers.

Many of the low-paid, hourly, service sector jobs in which just-in-time scheduling practices are most concentrated are [jobs that women are especially likely to hold](#). Women also still shoulder the majority of caregiving responsibilities in families—and have taken on still more during the pandemic—which can make unpredictable work hours particularly problematic. Black, Latinx, and AAPI women are overrepresented in the low-paid workforce and women of color are also especially likely to be [breadwinners for their families](#). Research confirms that people of color—[particularly women of color](#)—are more likely to experience cancelled shifts, on-call shifts, clopenings, and involuntary part-time work than their white counterparts, even within the same company.

**Fair scheduling policies can boost the bottom line for businesses.** Improving scheduling practices can improve profits, too. For example, when [Gap Inc. piloted strategies to make work](#)

[schedules more stable](#) and predictable for employees, the stores that implemented them saw higher productivity as well as a 7 percent increase in sales. Fair scheduling policies [create cost savings](#) for business by [reducing turnover](#) and increasing employee loyalty.

**The Schedules That Work Act will help restore a fair workweek for millions of workers.**

Across industries, the Act provides employees 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 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. The bill also grants employees a right to adequate rest by requiring employers to provide 11 hours between scheduled shifts—or time-and-a-half pay if an employee consents to work with a shorter break.

For nonexempt retail, food service, cleaning, warehouse, and hospitality employees, the Schedules That Work Act also requires:

- Two weeks’ advance notice of work schedules;
- One hour of “predictability pay” when an employee receives a schedule change with less than the required notice, or is scheduled for a split shift that leaves them with a few hours of unpaid and largely unusable time in the middle of a workday; and
- Pay for half the hours not worked when an employer cancels or cuts hours from a shift an employee was counting on or sends them home early.

**Similar provisions are already in place in jurisdictions across the country.** Since 2014, Seattle, San Francisco, Emeryville, New York City, Philadelphia, Chicago, and the state of Oregon have [enacted comprehensive scheduling laws](#), while jurisdictions including San Jose, Vermont, and New Hampshire have passed laws that address some aspects of unfair scheduling practices. More states, including Colorado and Connecticut, are taking up fair workweek legislation in 2022. And early evidence from Seattle shows that these [protections make a meaningful difference in workers’ lives](#), including more stable and predictable work hours along with improvements in workers’ well-being and financial security.

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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 working families across the country. We cannot build an equitable economy—one that works for everyone, not just the wealthy few—without ensuring that working people have the stability, predictability, and input in their work schedules that they need to meet their obligations at work while fulfilling responsibilities in the rest of their lives.

We urge you to co-sponsor and pass this important legislation.

Sincerely,

9to5

A Better Balance

Action for Children

AFL-CIO

African American Health Alliance

All-Options

American Association of University Women

Americans for Democratic Action (ADA)

Asian Pacific American Labor Alliance, AFL-CIO

BreastfeedLA

Catch Fire Movement

Center for Law and Social Policy (CLASP)

Center for Popular Democracy

CenterLink: The Community of LGBT Centers

Chicago Foundation for Women

Child Care Aware of America

Children's Defense Fund

Citizen Action of New York

Coalition for Social Justice

Coalition of Labor Union Women, AFL-CIO

Coalition on Human Needs

Connecticut Women's Education and Legal Fund (CWEALF)

Economic Policy Institute

Equal Rights Advocates

Every Texan

Faith in Public Life

Family Values @ Work

Healthy Nourishment, LLC  
Jobs With Justice  
Justice for Migrant Women  
Kentucky Equal Justice Center  
Legal Aid at Work  
Legal Momentum, The Women's Legal Defense and Education Fund  
MANA, A National Latina Organization  
MomsRising  
National Black Worker Center  
National CAPACD- National Coalition for Asian Pacific American Community Development  
National Center for Law and Economic Justice  
National Council of Jewish Women  
National Employment Law Project  
National Employment Lawyers Association  
National Organization for Women  
National Partnership for Women & Families  
National Women's Law Center  
NETWORK Lobby for Catholic Social Justice  
Network of Jewish Human Service Agencies  
North Carolina Justice Center  
Oxfam America  
Poligon Education Fund  
Public Justice Center  
ROC United  
Service Employees International Union  
Shriver Center on Poverty Law  
Start Early  
Sugar Law Center for Economic & Social Justice

TakeAction Minnesota

The National Domestic Violence Hotline

United Food and Commercial Workers International Union

United for Respect

We All Rise

Women and Girls Foundation of Southwest PA

Women Employed

Women's Fund of Rhode Island

Women's Law Project

Women's Media Center

Workplace Fairness

YWCA of the University of Illinois

YWCA USA

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