

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 118th 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 continued to use these “just-in-time” scheduling practices throughout the pandemic and its aftermath—even as workers continue to face risks to their health, inadequate access to paid leave and paid sick days, and ongoing caregiving challenges. 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. 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 which can make unpredictable work hours particularly problematic. Black, Latina, 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 notable 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, Evanston, 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 are taking up fair workweek legislation in 2023. And early evidence from [Seattle](#), [Emeryville](#), and [Oregon](#) 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

Alabama Arise

All-Options

American Association of University Women

American Federation of Teachers

Americans for Democratic Action (ADA)

Asian Pacific American Labor Alliance, AFL-CIO

BreastfeedLA

Care in Action

Caring Across Generations

Catch Fire Movement

Center for Economic and Policy Research (CEPR)

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

Colorado Center on Law and Policy

Colorado Fiscal Institute

Connecticut Women's Education and Legal Fund

(CWEALF) Economic Opportunity Institute

Economic Policy Institute

Empowering Pacific Islander Communities

Equal Rights Advocates

Every Texan

Faith in Public Life

Family Values @ Work

Florida Policy Institute

Georgia Budget and Policy Institute

Healthy Nourishment, LLC

Indiana Community Action Poverty Institute

Institute for Women's Policy Research

Jobs With Justice

Justice for Migrant Women

Kentucky Equal Justice Center

Long Beach Alliance for Clean Energy

Legal Aid at Work

Legal Momentum, The Women's Legal Defense and Education Fund

Maine Center for Economic Policy

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 Domestic Workers Alliance

National Education Association

National Employment Law Project

National Employment Lawyers Association

National Immigration Law Center 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

NextGen America

North Carolina Justice Center

Oxfam America

Philadelphia Coalition of Labor Union Women

Poligon Education Fund

Public Justice Center

ROC United

Service Employees International Union

She Leads Justice

Shriver Center on Poverty Law

Sojourners-SojoAction

Start Early

Sugar Law Center for Economic & Social Justice

TakeAction Minnesota

The National Domestic Violence Hotline

The Workers Circle

Triad Early Childhood Council
United Food and Commercial
Workers International Union
United for Respect
Unitarian Universalists for Social
Justice
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
ZERO TO THREE