NATIONAL WOMEN'S LAW CENTER

Justice for Her. Justice for All.

DECEMBER 2025 | FACT SHEET

The Schedules That Work Act: Giving Workers the Tools They Need to Succeed

Workers today face conflicting demands at home and at work. In most families with children, all parents work, and mothers are increasingly the breadwinner for their families.[1] Approximately one in four people in the U.S. provides unpaid care to a relative or friend who needs help with daily living, and more than two-thirds these caregivers are in the workforce.[2] Six in ten adults in the U.S live with a chronic medical condition that requires regular care.[3] But workplaces are still failing to give workers the stability, predictability, and input they need to succeed on the job.

Millions of people work in vital but low-paying jobs in retail, food service, hospitality, cleaning, warehousing, and other industries 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.[4] As a result, employees often have little notice of their work schedules, experience last-minute shift cancellations that deprive them of vital income, and are assigned to "on-call" shifts that leave them in limbo, not knowing whether they will be required to report to work.

Even as high demand for labor drove modest wage gains in service sector jobs in the wake of the COVID-19 pandemic,[5] many employers have continued to use unpredictable scheduling practices that contribute to high turnover rates—producing volatility for employers, workers, and consumers alike.[6] Just-in-time scheduling practices make it extremely challenging for working people to meet their responsibilities outside of their jobs, including caregiving, pursuing higher education, managing a health condition or disability, or holding down a second job. Yet such practices are commonplace in large sectors of our economy. 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, and about one-third receive their schedules with less than one week's notice; more than one in five experience on-call shifts, 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).[7] Nearly two-thirds report that they want more stable and predictable work schedules.[8]

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.[9] Women also still shoulder the majority of caregiving responsibilities in families[10] which can make unpredictable work hours particularly problematic. Black women, Latinas, and AAPI women are overrepresented in the low-paid workforce[11] and women of color are also especially likely to be breadwinners for their families[12]—and research confirms that women of color face an especially high risk of experiencing just-in-time scheduling practices.[13]

Research confirms, too, that unstable and unpredictable work hours have detrimental impacts on 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.[14] 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.[15] And these same workplace conditions can make maintaining stable, high-quality child care nearly impossible.[16]

The **Schedules That Work Act** would address the problems caused by unfair scheduling practices and promote the equity and stability that working families need.

THE SCHEDULES THAT WORK ACT: PROVIDING STABILITY AND PREDICTABILTY FOR WORKING PEOPLE AND THEIR FAMILIES

The Schedules that Work Act will remedy many of the problems facing hourly workers in low-paid jobs by promoting employee input into work schedules and providing more predictability and stability.

Under the Act, employees across industries would be granted:

- **A RIGHT TO REQUEST A SCHEDULE THAT WORKS FOR THEM.** Employers must consider scheduling requests from all employees and provide a response.[17] For an employee who needs a schedule change to fulfill caregiving responsibilities, work a second job, pursue education and workforce training, or address his or her own serious health condition, employers must grant the requested schedule change, unless there is a bona fide business reason not to do so. This provision ensures that employees can have input in their work schedules without fear of employer retaliation.
- **A RIGHT TO REST FOR AN ADEQUATE PERIOD BETWEEN SHIFTS.** The practice of "clopening"—requiring an employee to work the closing shift one night and the opening shift the next morning—is particularly disruptive to family routines, leaving workers without enough time to travel home and get sufficient rest before returning to work, which in turn can harm both their health and their productivity on the job.[18] The Schedules That Work Act prohibits employers from requiring employees to work with less than 11 hours between shifts. If an employee agrees to work a clopening shift, the employer must pay time-and-a-half for the hours worked that are less than 11 hours after the employee's prior shift.

For hourly workers in certain industries where abusive scheduling practices are especially well documented—retail, food service, hospitality, cleaning, and warehousing—the Schedules That Work Act provides additional protections. For nonexempt employees in these jobs, the bill requires:

- **ADVANCE NOTICE OF WORK SCHEDULES.** When an employee is hired, an employer must provide an initial work schedule and an estimate of the number of hours the employee can expect to work each week. Thereafter, the employer must provide the employee with an updated work schedule two weeks in advance of the first shift on the schedule.
- **"PREDICTABILITY PAY" FOR LAST-MINUTE CHANGES AND CANCELLED SHIFTS.** If an employer changes an employee's schedule within the two-week notice period, the employer must provide one additional hour of pay for each changed shift that doesn't involve a loss of hours, or pay for half of hours not worked when the employer reduces or cancels a shift an employee is counting on (except when changes are due to employee requests, voluntary shift trades, or emergencies that suspend the employer's operations).
- **SPLIT-SHIFT PAY.** If an employee is required to work a shift with nonconsecutive hours with a break of more than one hour between work periods, the employer must pay a premium for that shift, equivalent to one hour of pay.

In addition, the Schedules That Work Act includes a provision authorizing the Department of Labor to evaluate the extent of unpredictable and unstable scheduling practices in other sectors and designate additional occupations to be covered by the predictability pay, split shift pay, and advance notice provisions. It also has a pay stub transparency provision, which requires an employer to specify in an employee's pay stub the hours of additional pay owed the employee under the law.

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Scheduling practices that fail to take working people's needs into account result in higher rates of turnover and absenteeism, and lower employee engagement.[26] In contrast, schedules that work for individuals and their families lead to more productive and committed employees and lower workforce turnover.[27] More consistent hours and advance notice of schedules also make it easier for employees to secure stable child care and arrange transportation so that they can consistently be and stay at work— which can minimize the damaging stress that so many working parents face while creating stability, predictability, and cost savings for businesses.

We cannot build a better 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 on the job and in the rest of their lives. The Schedules That Work Act will help us move toward that goal and promote the health and well-being of America's working families.

THE PART-TIME WORKER BILL OF RIGHTS ACT

Over 35.6 million working people in the United States—more than one in five—worked part-time in 2024, and nearly six in ten part-time workers are women.[19] For many, working part-time isn't a choice; some employers, especially in low-paying service industries, rarely offer full-time positions,[20] and some employees—especially women—have caregiving responsibilities, school, or other obligations that preclude full-time work.[21]

Part-time employees frequently make less per hour for the same work as full-time employees, lack access to important workplace benefits, and are denied promotion opportunities.[22] And because many employers view part-time jobs as a way to hold down labor costs and match staffing levels to demand—i.e., as a component of just-in-time scheduling practices—part-time workers typically experience considerably more variability in hours and even less advance notice of their schedules than workers in full-time jobs.[23]

Cities across the country—including Seattle, San Francisco, Chicago, New York City, and Philadelphia—have taken steps to address the challenges facing part-time workers by enacting "**access to hours**" laws, which require employers to offer available hours to current part-time employees before hiring new workers.[24] At the federal level, the **Part-Time Worker Bill of Rights Act** would adopt an access to hours policy at the federal level and expand workplace protections and access to benefits for part-time workers—making the bill an important complement to the Schedules That Work Act.[25]

1 In 2023, 45% of working mothers were breadwinners and 25% were co-breadwinners. Kennedy Andara, Sara Estep & Isabela Salas-Betsch, "Breadwinning Women Are a Lifeline for Their Families and the Economy," (Center for American Progress, May 2025), https://www.americanprogress.org/article/breadwinning-women-are-a-lifeline-for-their-families-and-the-economy.

2 "Caregiving in the U.S. 2025" (AARP Family Caregiving & National Alliance for Caregiving, July 2025), https://www.aarp.org/content/dam/aarp/ppi/topics/ltss/family-caregiving/caregiving-in-us-2025.doi.10.26419-2fppi.00373.001.pdf.

3 *See* National Center for Chronic Disease Prevention and Health Promotion, "About Chronic Diseases" (Centers for Disease Control, October 2024), https://www.cdc.gov/chronic-disease/about/index.html.

4 *See generally* Daniel Schneider and Kristen Harknett, "Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being," American Sociological Review 84 (Feb. 2019): 82-114, https://doi.org/10.1177/0003122418823184; Nancy C. Cauthen, "Scheduling Hourly Workers: How Last Minute, Just-in-Time Scheduling Practices Are Bad for Workers" (DĒMOS, March 2011), http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf; "Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences" (National Women's Law Center, December 2025), https://nwlc.org/wp-content/uploads/2025/12/Collateral-Damage-Report-December-2025.pdf.

5 *See, e.g.,* Elise Gould & Katherine deCourcy, "Low-Wage Workers Have Seen Historically Fast Real Wage Growth in the Pandemic Business Cycle," (Economic Policy Institute, March 2023), https://files.epi.org/uploads/263265.pdf.

6 *See generally* Elaine Zundl et al., "Still Unstable: The Persistence of Schedule Uncertainty During the Pandemic" (Shift Project, January 2022), https://shift.hks.harvard.edu/wp-content/uploads/2022/01/COVIDUpdate_Brief_Final.pdf.

7 *Id*.

8 *Id*.

9 *See* Jasmine Tucker and Julie Vogtman, "When Hard Work is Not Enough: Women in Low-Paid Jobs" (National Women's Law Center, July 2023), https://nwlc.org/resources/when-hard-work-is-not-enough-women-in-low-paid-jobs.

10 *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, 2024 annual averages*, U.S. Dep't of Labor (2025), https://www.bls.gov/news.release/atus.t01.htm.

11 *See* Tucker and Vogtman, "When Hard Work Is Not Enough," at 4. *See also*, "The Crisis of Low Wages: Spotlight on Low-Wage Working Women," (Oxfam, July 2024), https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621608/rr-2024-crisis-of-low-wages-womensumm-090724-en.pdf.

12 *See* G Andara et al., "Breadwinning Women Are a Lifeline for Their Families and the Economy."

13 Zundl et al., "Still Unstable;" Daniel Schneider and Kristen Harknett, "It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality" (Shift Project, October 2019), 2-3, https://shift.berkeley.edu/files/2019/10/Its-About-Time-How-Work-Schedule-Instability-Matters-for-Workers-Families-and-Racial-Inequality.pdf. *See also* Adam Storer, Daniel Schneider, and Kristen Harknett, "What Explains Race/Ethnic Inequality in Job Quality in the Service Sector?" (Washington Center for Equitable Growth, October 2019), https://equitablegrowth.org/working-papers/what-explains-race-ethnic-inequality-in-job-quality-in-the-service-sector/.

14 *See* Lauren Bauer, Chloe East & Olivia Howard, "Low-Income Workers Experience—By Far—the Most Earnings and Work Hours Instability," (Brookings Institution, January 2025), https://www.brookings.edu/articles/low-income-workers-experience-by-far-the-most-earnings-and-work-hours-instability (finding that among low-income households with volatile incomes, about two-thirds struggle to pay their bills because of income volatility); Daniel Schneider and Kristen Harknett, "Hard Times: Routine Schedule Unpredictability and Material Hardship Among Service Sector Workers" (Washington Center for Equitable Growth, October 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).

15 *See generally* Schneider and Harknett, "It's About Time," at 6-8; Julie Vogtman and Karen Schulman, "Set Up to Fail: When Low-Wage Work Jeopardizes Parents' and Children's Success" (National Women's Law Center, January 2016), 4, https://nwlc.org/wp-content/uploads/2016/01/FINAL-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents-and-Childrens-Success.pdf; Sigrid Luhr, Daniel Schneider & Kristen Harknett, "Parenting without Predictability: Precarious Schedules, Parental Strain, and Work-Life Conflict," Russell Sage Foundation Journal of Social Sciences 8 (Aug. 2022): 24, https://doi.org/10.7758/RSF.2022.8.5.02. See also Daniel Schneider and Kristen Harknett, "Parental Exposure to Routine Work Schedule Uncertainty and Child Behavior" (October 2019), https://equitablegrowth.org/working-papers/parental-exposure-to-routine-work-schedule-uncertainty-and-child-behavior/.

16 *See* Vogtman and Schulman, "Set Up to Fail"; Schneider and Harknett, "It's About Time." *See also* Kristen Harknett, Daniel Schneider, and Sigrid Luhr, "Who Cares if Parents Have Unpredictable Work Schedules?: The Association between Just-in -Time Work Schedules and Child Care Arrangements" (Washington Center for Equitable Growth, October 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/.

17 Covered employers under the Act are defined as persons employing 15 or more employees.

18 *See* "Scheduling Away Our Health: How Unpredictable Work Hours Affect Health and Well-Being" (Human Impact Partners, July 2016), 7-8, https://humanimpact.org/wp-content/uploads/2018/10/Scheduling-Away-Our-Health_rev3.pdf.

19 Sandra Markowitz, "Part-Time Workers Are Paid Less, Have Less Access to Benefits—And Most Are Women" (National Women's Law Center, September 2025), [link].

20 *See, e.g.*, Lonnie Golden and Jaeseung Kim, "The Involuntary Part-Time Work and Underemployment Problem in the U.S." (Center for Law and Social Policy, Aug. 2020), https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf; Lonnie Golden, "Part-Time Workers Pay a Big-Time Penalty: Hourly Pay-and-Benefits Penalties for Part-Time Work Are Largest for Those Seeking Full-Time Jobs and for Men, but Affect More Women" (Economic Policy Institute, Feb. 2020), https://files.epi.org/pdf/179038.pdf. *See also* Schneider and Harknett, "It's About Time;" Zundl et al., "Still Unstable."

21 *See, e.g.*, Milla Sanes, "'Choosing' to Work Part-Time" (Center for Economic and Policy Research, Dec. 2012), https://cepr.net/choosing-to-work-part-time/; Markowitz, "Part-Time Workers Are Paid Less, Have Less Access to Benefits—And Most Are Women."

22 *See, e.g.*, Golden, Golden, "Part-Time Workers Pay a Big-Time Penalty;" Markowitz, "Part-Time Workers Are Paid Less, Have Less Access to Benefits—And Most Are Women;" Liana Christin Landivar, Rose A. Woods & Gretchen M. Livingston, "Does part-time work offer flexibility to employed mothers?," (Bureau of Labor Statistics Monthly Labor Review, February 2022), https://www.bls.gov/opub/mlr/2022/article/does-part-time-work-offer-flexibility-to-employed-mothers.htm.

23 Julie Cai, "Work Hour Volatility by the Numbers: How Do Workers Fare in the Wake of the Pandemic?," (Federal Reserve Bank Boston, 2023), https://www.bostonfed.org/publications/community-development-issue-briefs/2023/work-hour-volatility-by-the-numbers-how-do-workers-fare-in-the-wake-of-the-pandemic.aspx (finding that from 2016 through 2022, "the groups with the most volatile hours remain those working fewer hours").

24 For more information regarding existing laws requiring access to hours, *see* "State and Local Laws Advancing Fair Work Schedules" (National Women's Law Center, September 2023), https://nwlc.org/resource/state-and-local-laws-advancing-fair-work-schedules.

25 For more information on the Part-Time Worker Bill of Rights Act, see "The Part-Time Worker Bill of Rights Act: Promoting Fair Treatment for Part-Time Work" (National Women's Law Center, October 2025), https://nwlc.org/resource/the-part-time-worker-bill-of-rights-act-promoting-fair-treatment-for-part-time-work.

26 *See, e.g.*, Joshua Choper, Daniel Schneider & Kristen Harknett, "Uncertain Time: Precarious Schedules and Job Turnover in the U.S. Service Sector," ILR Review 75, no. 5 (2022), https://doi.org/10.1177/00197939211048484; David Fuller et al., "How Retailers Can Attract and Retain Frontline Talent Amid the Great Attrition," (McKinsey & Co., August 2022), https://www.mckinsey.com/industries/retail/our-insights/how-retailers-can-attract-and-retain-frontline-talent-amid-the-great-attrition (reporting that front-line retail employees most frequently named lack of control over their workplace schedules—including unpredictable hours and rigid start/stop times—as the reason for leaving their jobs); Jennifer E. Swanberg et al., "Working on the Frontlines in U.S. Hospitals: Scheduling Challenges and Turnover Intent Among Housekeepers and Dietary Service Workers," Journal of Hospital Administration 5, no. 4 (2016): 81, http://www.sciedu.ca/journal/index.php/jha/article/viewFile/9203/5764.

27 *See, e.g.*, "Sarah Kalloch, Amanda Silver & Zeynep Ton, "Give Service Workers Stable Schedules," (Harvard Business Review, March 2022), https://hbr.org/2022/03/give-service-workers-stable-schedules; Susan J. Lambert & Julia R. Henly, "Work Scheduling Study: Key Findings," (University of Chicago, August 2025), https://ssascholars.uchicago.edu/work-scheduling-study/content/key-findings; Joan C. Williams et al., "Stable Scheduling Study: Health Outcomes Report," (Center for WorkLife Law, February 2019), https://worklifelaw.org/wp-content/uploads/2019/02/Stable-Scheduling-Health-Outcomes-Report.pdf; Sam Abbott, "New Research Explains How Better-Quality Work Schedules Increase U.S. Retail Workers' Productivity and Store Profits," (Washington Center for Equitable Growth, May 2022), https://equitablegrowth.org/new-research-ex-