



**NATIONAL  
WOMEN'S  
LAW CENTER**

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# Collateral Damage:

## Scheduling Challenges for Workers in Low-Paid Jobs and Their Consequences

### INTRODUCTION

Nearly 25 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.<sup>1</sup> 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 responsibilities outside of their jobs, including caregiving, pursuing education and workforce training, or holding down a second job.<sup>2</sup>

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. And even as high demand for labor drove modest wage gains in service sector jobs in the wake of the COVID-19 pandemic,<sup>3</sup> many employers have continued 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.<sup>4</sup> Black women and Latinas especially bear the brunt of unfair scheduling practices, as they are particularly likely to hold low-paid jobs<sup>5</sup> and to be both the primary breadwinner and caregiver for their families.<sup>6</sup> For mothers, scheduling challenges can pose acute problems that are often compounded by inadequate pay: In 2023, even mothers working full time had median annual earnings of \$55,000, while fathers working full time had median annual earnings of \$74,000<sup>7</sup>—and nearly three in ten mothers supporting children on their own had household incomes below the poverty line.<sup>8</sup> 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.<sup>9</sup>

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. It also highlights how fair scheduling policies can provide solutions that benefit 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.<sup>10</sup>

- A 2025 survey, the American Job Quality Study, finds that across industries, more than four in 10 employees (41%) have little or no control over their work schedules.<sup>11</sup> In some hourly jobs, particularly in the service sector, workers are even less likely to have a say in when they work.<sup>12</sup>
- Black and Latinx workers report having less control over their work hours than do their white counterparts.<sup>13</sup>
- And in one survey, more than one in three working parents—and over half of single parents—reported that they had been “passed over” for a promotion, raise, or a new job due to a need for a flexible work schedule.<sup>14</sup>

### *Unpredictable Work Schedules*

Modern workforce management systems have facilitated a rise in the 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.<sup>15</sup>

- In a 2019 analysis, the U.S. Bureau of Labor Statistics found more than two in five wage and salary workers knew their schedules less than one month in advance, and more than one-third knew their schedules two weeks or less in advance; nearly one in five had no more than one week’s notice.<sup>16</sup> Similarly, the American Job Quality Study finds that 27% of all employees in the U.S. have less than two weeks’ notice of their work schedules.<sup>17</sup>
- 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.<sup>18</sup> Additional studies have found that workers in retail, restaurant, and hospitality jobs commonly receive just a few days’ notice of a scheduled shift.<sup>19</sup>
- 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.<sup>20</sup> In the Shift Project survey, more than one in five service sector workers (21%) report experiencing on-call shifts.<sup>21</sup> Workers generally are not paid for being on call, but if they are unavailable when directed to report for work, they may be penalized.<sup>22</sup>
- Last-minute changes to scheduled shifts are also particularly common in service sector jobs,<sup>23</sup> and shift length can be highly unpredictable as well; on a busy day, an employee may be told to extend their shift<sup>24</sup>—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.<sup>25</sup>
- Black and Latinx workers are more likely than white workers to have less than two weeks’ notice of their work schedules.<sup>26</sup> 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.<sup>27</sup>

### **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. This volatility typically is driven by employers' demands, not workers' preferences.

- The American Job Quality Study finds that more than one in four employees (28%) face schedule instability, with hours that typically fluctuate by more than 25% over the course of a month.<sup>28</sup>
- Data from the Federal Reserve show that in 2023, almost 40% of workers in low-income households reported having irregular schedules, and two-thirds of these workers said the irregularity was driven by their employer; among service sector workers with irregular schedules, nearly three-quarters (74%) reported that their schedules varied because of their employer.<sup>29</sup>
- Multiple studies affirm that workers in lower-paying jobs and workers of color are particularly likely to experience volatile work hours.<sup>30</sup> And one recent study finds that women workers—especially women of color and women working in low-paid service sector and care jobs—are more likely than their male counterparts or workers in other fields to face an earnings penalty when they experience large hours fluctuations.<sup>31</sup>
- 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.<sup>32</sup>
- 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.<sup>33</sup> 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 “underemployed”—struggle to support their families with fewer hours and less pay.

- Part-time workers are almost three times more likely than full-time workers to hold low-paid jobs. More than two in three workers in these low-paid, part-time jobs (68.6%) are women.<sup>34</sup>
- One in 12 part-time workers (8.7%) lives in poverty, which is close to three times the rate of poverty among full-time workers (3.1%).<sup>35</sup>
- Nearly one in eight people working part time do so involuntarily (as defined by the Bureau of Labor Statistics) and would prefer to find full-time work.<sup>36</sup> And BLS estimates are conservative. In the Federal Reserve's 2023 survey, 57% of service sector workers in low-income households—and 66% of low-income service sector workers with at least one child at home—wanted to work more hours.<sup>37</sup> Research from the Center on Law & Social Policy indicates that up to 40% of all people working part time would prefer more hours.<sup>38</sup>
- For some, working part time is a direct result of the need to care for children or attend to other caregiving responsibilities.<sup>39</sup> Women are especially likely to report needing to work part time due to child care problems or because of personal or family obligations.<sup>40</sup> 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.<sup>41</sup> Yet research finds that mothers who work in part-time jobs typically have less flexibility and access to family-friendly benefits than their counterparts who work full time.<sup>42</sup>

- Part-time workers also are typically paid less than their full-time counterparts,<sup>43</sup> are less likely to be promoted,<sup>44</sup> and frequently lack access to employer-sponsored benefits such as health insurance, retirement benefits, and paid—or even unpaid—time off.<sup>45</sup> 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.<sup>46</sup>
- 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.<sup>47</sup>

## 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. Many of these workers are single parents,<sup>48</sup> have children with disabilities,<sup>49</sup> are caring for elderly or sick relatives,<sup>50</sup> or are juggling multiple caregiving responsibilities. Low-paid workers also have higher rates of illness themselves.<sup>51</sup> 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.<sup>52</sup> 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.<sup>53</sup> When parents are unable to find child care or child care falls through, sometimes they must miss work and lose pay<sup>54</sup>—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.<sup>55</sup> 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.<sup>56</sup>

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.<sup>57</sup> 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.<sup>58</sup>

**Impact on children.** Parents’ unstable and unpredictable work hours—especially when accompanied by low wages—can undermine children’s well-being and healthy development.<sup>59</sup> Adverse behavioral outcomes for children have been linked to the increased stress that challenging work schedules impose on caregivers, which can strain family relationships.<sup>60</sup> In the American Job Quality Study, more than half (57%) of employees who lack control and predictability or stability in their work schedules report that their work often or sometimes conflicts with their personal life.<sup>61</sup>

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.<sup>62</sup> 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.<sup>63</sup>

**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.<sup>64</sup> 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.<sup>65</sup>

**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.<sup>66</sup> 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.<sup>67</sup>

**Impact on health and access to health care.** Unstable and unpredictable work schedules have detrimental impacts on sleep quality, mental health, and happiness.<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup> 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.<sup>71</sup> These barriers can push a low-paid worker seeking an abortion later into pregnancy, increasing risk of complications,<sup>72</sup> 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.<sup>73</sup> While the Americans with Disabilities Act remains a vital source of protection, there are still major gaps in state and federal law that leave disabled workers—particularly women and people of color—with lower incomes and at higher risk of poverty and economic hardship.<sup>74</sup> For example, disabled people are more likely to work part-time jobs,<sup>75</sup> 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.<sup>76</sup>

**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.<sup>77</sup> More than one third of all households who report that their income is volatile say they have trouble paying bills as a result—and among low-income households with volatile incomes, about two-thirds struggle to pay their bills because of this volatility.<sup>78</sup> 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.<sup>79</sup> And in the American Job Quality Study, almost four in 10 employees with low-quality work schedules (38%) say they are “just getting by” or “finding it difficult to get by” financially.<sup>80</sup>

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.<sup>81</sup> And while public programs like child care subsidies, SNAP, Medicaid, 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.<sup>82</sup> Workers’ inability to pursue or complete education and workforce training programs as a result of work schedule conflicts also makes it much more difficult for them to move up into higher-paying jobs.<sup>83</sup>

## FAIR SCHEDULING PRACTICES BENEFIT WORKERS AND EMPLOYERS

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.

### **Employer Policies Make a Difference**

Consistent hours and advance notice of schedules make 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.

- 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,<sup>84</sup> accommodating employees’ needs in their work schedules can markedly decrease turnover.<sup>85</sup>
- Relative to their peers with lower-quality schedules, workers with more input, stability, and predictability in their work hours report greater job satisfaction and less work family-conflict,<sup>86</sup> which can also improve productivity and job retention.<sup>87</sup>
- 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;<sup>88</sup> at another retailer, improving schedule stability increased productivity by up to 24%.<sup>89</sup>
- 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.<sup>90</sup>

### *Fair Workweek Laws Can Improve Scheduling Standards for Everyone*

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. These protections are currently in effect in cities like Chicago, New York, Philadelphia, and Seattle as well as the state of Oregon.<sup>91</sup>

- 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.<sup>92</sup>
- 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.<sup>93</sup>
- New research examining the impact of fair workweek laws across three jurisdictions—Seattle, New York City, and Chicago—affirms that workers in jobs covered by these laws report better outcomes than their peers in uncovered positions across many measures, including more predictable schedules and compensation for employer-driven schedule changes. For example, relative to their peers not covered by fair workweek laws, covered workers are:
  - » Up to 46% more likely to receive advance notice of their work schedules within the time period required by the law (typically two weeks);
  - » Up to 200% more likely to receive extra pay when a manager extends their shift; and
  - » Up to 260% more likely to receive extra pay when they experience other manager-driven schedule changes that result in the same or more hours.<sup>94</sup>

**At the federal level, the proposed Schedules That Work Act<sup>95</sup> and Part-Time Worker Bill of Rights Act<sup>96</sup> would, if enacted, improve work schedules for millions of workers across the country.**

1. National Women's Law Center (NWLC) calculations based on U.S. Census Bureau, 2023 American Community Survey (ACS) one-year sample, accessed through the Integrated Public Use Microdata Series USA (IPUMS USA, <https://usa.ipums.org/usa/>). 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 2023 National Occupational Employment & Wage Estimates, [https://www.bls.gov/oes/current/oes\\_nat.htm](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, 2024 annual averages*, U.S. DEP'T OF LABOR (2025), <https://www.bls.gov/news.release/atus.t01.htm>.
5. See Tucker & Vogtman, *Hard Work Is Not Enough*, *supra* note 1. See also *The Crisis of Low Wages: Spotlight on Low-Wage Working Women*, OXFAM (Jul. 2024), <https://oxfamilibrary.openrepository.com/bitstream/handle/10546/621608/rr-2024-crisis-of-low-wages-womensumm-090724-en.pdf>.
6. See Kennedy Andara, Sara Estep & Isabela Salas-Betsch, *Breadwinning Women Are a Lifeline for Their Families and the Economy*, CTR. FOR AM. PROGRESS (May 2025), <https://www.americanprogress.org/article/breadwinning-women-are-a-lifeline-for-their-families-and-the-economy/>.
7. Ashir Coillberg, *The Wage Gap Robs Mothers of What They're Owed*, NWLC (March 2025), <https://nwlc.org/wp-content/uploads/2025/03/EPD-FS-2025-Moms-3.19.21v2.pdf>.
8. Sarah Javaid, *National Snapshot: Poverty Among Women & Families in 2023*, NWLC (Dec. 2024), [https://nwlc.org/wp-content/uploads/2023/02/2023\\_nwlc\\_PovertySnapshot-converted-1.pdf](https://nwlc.org/wp-content/uploads/2023/02/2023_nwlc_PovertySnapshot-converted-1.pdf). Under the official poverty measure, 31.6% of families with children headed by a single woman lived in poverty in 2023.
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://www.researchgate.net/publication/283088549\\_Flexible\\_workplace\\_solutions\\_for\\_low-wage\\_hourly\\_workers](https://www.researchgate.net/publication/283088549_Flexible_workplace_solutions_for_low-wage_hourly_workers).
11. Julie Ray, *Work Schedules Fail Millions of U.S. Employees*, GALLUP (June 10, 2025), <https://news.gallup.com/poll/690881/work-schedules-fail-millions-employees.aspx>. See also 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) (showing across industries, 36% of wage and salary workers have employers who decide schedules without their input); 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").
12. See 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.hks.harvard.edu/its-about-time-how-work-schedule-instability-matters-for-workers-families-and-racial-inequality/> [hereinafter *It's About Time*] (finding in a survey of retail and food service workers that 80% have little to no input into their schedules). See also, e.g., 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](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); 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](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 Latinx 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 Latinx workers, 36.1% of Black workers, and 35.6% of white workers report that their employer controls their work hours).
14. *Vast Majority of Americans Favor Flexible Workplace Policies*, PR NEWSWIRE (June 14, 2014), <https://www.prnewswire.com/news-releases/vast-majority-of-americans-favor-flexible-workplace-policies-263863771.html>.
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*, DÉMOS, (Mar. 2011), [http://www.demos.org/sites/default/files/publications/Scheduling\\_Hourly\\_Workers\\_Demos.pdf](http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf); Golden, *supra* note 11, 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. Ray, *supra* note 11.
18. See Zundl et al., *Still Unstable*, *supra* note 12. See also Bureau of Labor Statistics, *supra* note 11 (showing 61.3% of workers in the leisure and hospitality industry have no more than two weeks’ notice of their work schedules).
19. 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., 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).
20. 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](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](http://populardemocracy.org/sites/default/files/HourbyHour_final.pdf).
21. Zundl et al., *Still Unstable*, *supra* note 12.
22. See, e.g., *Tackling Unstable and Unpredictable Work Schedules*, *supra* note 20, at 11; Sen & Razza, *supra* note 20, 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>.
23. 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, *Passing the Buck*, *supra* note 19, 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”).
24. 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).
25. See, e.g., Sen & Razza, *supra* note 20, at 5.
26. See Guyot & Reeves, *supra* note 16; Bureau of Labor Statistics, *supra* note 11 (Table 5).
27. 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>.
28. Ray, *supra* note 11. See also Board of Governors of the Federal Reserve, *Report on the Economic Well-Being of U.S. Households in 2023 21* (May 2024), <https://www.federalreserve.gov/publications/files/2023-report-economic-well-being-us-households-202405.pdf> (finding 27% of employees had irregular work schedules in 2023). See also Lambert, Fugiel, & Henly, *supra* note 12, at 11 (in this survey of early-career adults, nearly three-quarters of those in hourly jobs reported at least some variation in the number of hours they worked in the previous month, with hours fluctuating, on average, by 50%).
29. Lauren Bauer, Chloe East & Olivia Howard, *Low-Income Workers Experience—By Far—the Most Earnings and Work Hours Instability*, BROOKINGS INST. (Jan. 9, 2025), <https://www.brookings.edu/articles/low-income-workers-experience-by-far-the-most-earnings-and-work-hours-instability/>; Elizabeth Ananat, Anna Gassman-Pines & Olivia Howard, *Work Requirements Penalize Workers in Volatile Occupations*, BROOKINGS INST. (May 22, 2025), <https://www.brookings.edu/articles/work-requirements-penalize-workers-in-volatile-occupations/>. Both

of these sources analyze data from the Federal Reserve's 2023 *Survey of Household Economics and Decisionmaking* (SHED), available at <https://www.federalreserve.gov/publications/2024-economic-well-being-of-us-households-in-2023-executive-summary.htm>, which is also the dataset analyzed in the Report on the Economic Well-Being of U.S. Households in 2023, *supra* note 28.

30. See, e.g., Bauer, East & Howard, *supra* note 29; Julie Y. Cai & Marybeth Mattingly, *Unstable Work Schedules and Racial Earnings Disparities Among U.S. Workers*, 11 RUSSELL SAGE FOUND. J. SOC. SCIENCES 201-223 (Jan. 2025), <https://doi.org/10.7758/RSF.2025>; Julie Cai, *Work Hour Volatility by the Numbers: How Do Workers Fare in the Wake of the Pandemic?*, FED. RES. 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>; Storer, Schneider & Harknett, *What Explains Race/Ethnic Inequality in Job Quality in the Service Sector?*, *supra* note 27.
31. Julie Y. Cai, *Labor Market Volatility and Worker Financial Wellbeing: An Occupational and Gender Perspective* (Inst. for New Econ. Thinking Working Paper no. 217, Jan. 2024), [https://www.ineteconomics.org/uploads/papers/WP\\_217-Cai-CEPR-Final-Volatility1.pdf](https://www.ineteconomics.org/uploads/papers/WP_217-Cai-CEPR-Final-Volatility1.pdf)
32. See Zundl et al., *Still Unstable*, *supra* note 12, at 3.
33. See *id.* (36% of hourly service sector workers surveyed reported having been required to work a clopening shift).
34. Sandra Markowitz, *Part-Time Workers Are Paid Less, Have Less Access to Benefits—And Most Are Women*, NWLC (-- 2025), [link].
35. *Id.*
36. NWLC calculations using U.S. Census Bureau, BLS, Annual Averages, Table 22 in *Labor Force Statistics from the Current Population Survey*. Figures are for 2024 and for workers in nonagricultural industries who are 16 and older. Per BLS Handbook of Methods, involuntary part-time work includes part-time work due to slack work or business conditions; could only find part-time work; seasonal work; and jobs started or ended during the week.
37. Ananat, Gassman-Pines & Howard, *supra* note 29.
38. 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](https://www.clasp.org/sites/default/files/publications/2020/08/GWC2029_Center%20For%20Law.pdf).
39. See Markowitz, *supra* note 34; 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](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](https://iwpr.org/wp-content/uploads/2020/07/C486_FOW-Work-Hours-Report.pdf).
40. See Markowitz, *supra* note 34.
41. See *id.*
42. Liana Christin Landivar, Rose A. Woods & Gretchen M. Livingston, *Does part-time work offer flexibility to employed mothers?*, BLS MONTHLY LABOR REV. (Feb. 2022), <https://www.bls.gov/opub/mlr/2022/article/does-part-time-work-offer-flexibility-to-employed-mothers.htm>.
43. See, e.g., *id.*; Markowitz, *supra* note 34; 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*, ECON. POL'Y INST. (Feb. 2020), <https://www.epi.org/publication/part-time-pay-penalty/>.
44. See, e.g., Landivar, Woods & Livingston, *supra* note 42 and John T. Addison, Orgul Demet Ozturk & Si Wang, *Job Promotion in Midcareer: Gender, Recession, and "Crowding,"* BLS MONTHLY LABOR REV. (Jan. 2014), <https://www.bls.gov/opub/mlr/2014/article/job-promotion-in-midcareer.htm> (Table 3).
45. See Markowitz, *supra* note 34.
46. See Golden, *Part-Time Workers Pay a Big-Time Penalty*, *supra* note 43.
47. See Cai, *Work Hour Volatility by the Numbers*, *supra* note 30 (finding that from 2016 through 2022, "the groups with the most volatile hours remain those working fewer hours"). See also, e.g., Golden, *Irregular Work Scheduling and Its Consequences*, *supra* note 11, at 22; Lambert, *supra* note 18, at 1207; Board of Governors of the Federal Reserve, *Report on the Economic Well-Being of U.S. Households in 2017* (May 2018), <https://www.federalreserve.gov/publications/2018-economic-well-being-of-ushouseholds-in-2017-employment.htm>.
48. See, e.g., Andara, Estep & Salas-Betsch, *supra* note 6; Joan C. Williams & Heather Boushey, *The Three Faces of Work-Family Conflict: The Poor, The Professionals, and the Missing Middle*, CTR. FOR AM. PROGRESS 12 (2010), <https://www.americanprogress.org/issues/labor/report/2010/01/25/7194/the-three-faces-of-work-family-conflict/>.
49. Lisa Dodson, *Stereotyping Low-Wage Mothers Who Have Work and Family Conflicts*, 69 J. OF SOC. ISSUES 257, 259 (2013). <https://spssi.onlinelibrary.wiley.com/doi/abs/10.1111/josi.12014>
50. Anna Danziger & Shelley Waters Boots, *Lower-Wage Workers and Flexible Work Arrangements*, WORKPLACE FLEXIBILITY 2010 & URBAN INST. 3 (2008), <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1000&context=legal>.
51. Ellen Galinsky, James T. Bond, & Eve Tahmincioglu, *What if Employers Put Women at the Center of Their Workplace Policies? When Businesses Design Workplaces that Support Their Employees, Both the Businesses and the Employees Benefit*, in THE SHRIVER REPORT: A WOMAN'S NATION PUSHES BACK FROM THE BRINK (2014).

52. Among workers in the lowest decile of wage earners, for example just 40% have access to paid sick days and 43% have paid vacation days, while more than three-quarters of all workers can access these benefits. Bureau of Labor Statistics, *National Compensation Survey: Employee Benefits in the United States*, March 2023, U.S. DEP'T OF LABOR (Sept. 2023), [https://www.bls.gov/news.release/archives/ebs2\\_09212023.pdf](https://www.bls.gov/news.release/archives/ebs2_09212023.pdf) (Table 6). Figures refer to civilian workers. See also Vogtman & Schulman, *supra* note 2, at 18.
53. See generally, e.g., Vogtman & Schulman, *supra* note 2, at 17-21.
54. Watson & Swanberg, *supra* note 10, at 8 (in one study, 40% to 60% of workers who reported missing work due to child care problems also reported losing pay or benefits, or being penalized in some way).
55. See Vogtman & Schulman, *supra* note 2, at 17-18; Dani Carillo et al., *Instability of Work and Care: How Work Schedules Shape Child-Care Arrangements for Workers in the Service Sector*, 91 SOC. SERV. REV. 422 (Sept. 2017), <https://doi.org/10.1086/693750>; Kristen Harknett, Daniel Schneider & Kristen Luhr, *Who Cares If Parents Have Unpredictable Work Schedules?: Just-in-Time Work Schedules and Child Care Arrangements*, SOC. PROBLEMS (Sept. 2020), <https://doi.org/10.1093/socpro/spaa020>.
56. See, e.g., Vogtman & Schulman, *supra* note 2, at 20; Alejandra Ros Pilarz, Heather Sandstrom & Julia R. Henly, *Making Sense of Childcare Instability Among Families with Low Incomes: (Un)desired and (Un)planned Reasons for Changing Childcare Arrangements*, 8 RUSSELL SAGE FOUND. J. SOC. SCIENCES 120, 124 (Aug. 2022), <https://doi.org/10.7758/RSF.2022.8.5.06>.
57. See, e.g., Vogtman & Schulman, *supra* note 2, at 18; Carillo et al., *supra* note 55; Schneider & Harknett, *It's About Time*, *supra* note 12, at 6-7; Harknett, Schneider & Luhr, *Who Cares If Parents Have Unpredictable Work Schedules?*, *supra* note 55.
58. Vogtman & Schulman, *supra* note 2, at 18.
59. See Daniel Schneider & Kristen Harknett, *Maternal Exposure to Work Schedule Unpredictability and Child Behavior*, 84 J. MARRIAGE & FAMILY 187 (Sept. 2021), <https://doi.org/10.1111/jomf.12800>; Allison Logan & Daniel Schneider, *Parental Exposure to Work Schedule Instability and Child Sleep Quality*, 39 WORK, EMP. & SOC'Y 64 (Feb. 2025), <https://doi.org/10.1177/0950017024123586>; Vogtman & Schulman, *supra* note 2, at 14-15 & 33 nn. 116-19.
60. See, e.g., Sigrid Luhr, Daniel Schneider & Kristen Harknett, *Parenting Without Predictability: Precarious Schedules, Parental Strain, and Work-Life Conflict*, 8 RUSSELL SAGE FOUND. J. SOC. SCIENCES 24 (Aug. 2022), <https://doi.org/10.7758/RSF.2022.8.5.02>; Schneider & Harknett, *Maternal Exposure to Work Schedule Unpredictability and Child Behavior*, *supra* note 59; Erika C. Odom, Lynne Vernon-Feagans, & Ann C. Crouter, *Nonstandard Maternal Work Schedules: Implications for African American Children's Early Language Outcomes*, 28 EARLY CHILD. RES. Q. 379 (2013); Anna Gassman-Pines, *Low-Income Mothers' Nighttime and Weekend Work: Daily Associations with Child Behavior, Mother-Child Interactions, and Mood*, 60 FAM. REL. 15, 26 (2011); Pamela Joshi & Karen Bogen, *Nonstandard Schedules and Young Children's Behavioral Outcomes Among Working Low-Income Families*, 69 J. MARRIAGE & FAM. 139, 139 (2007). Research has also linked nonstandard hours to higher levels of divorce, less time together as a couple, and lower relationship satisfaction. Maureen Perry-Jenkins et al., *Shift Work, Role Overload, and the Transition to Parenthood*, 69 J. MARRIAGE & FAM. 123-38 (2007). See also Kelly D. Davis et al., *Nonstandard Work Schedules, Perceived Family Well-Being, and Daily Stressors*, 70 J. MARRIAGE & FAM. 991 (2008). Although some two-parent families in low-paid jobs cope with the child care problems outlined above by "tag teaming,"—working on opposite schedules so that one parent is available to provide child care—this results in even less time together as a couple. Heather Boushey, *Tag-Team Parenting*, CTR. FOR ECON. & POL'Y RESEARCH 3 (2005), [http://www.cepr.net/documents/work\\_schedules\\_2006\\_08.pdf](http://www.cepr.net/documents/work_schedules_2006_08.pdf).
61. Ray, *supra* note 11.
62. Anna Haley-Lock & Linn Posey-Maddox, *Fitting It All In: How Mothers' Employment Shapes Their School Engagement* 14-22, J. COMMUNITY, WORK & FAMILY (Dec. 2014). A number of the low-paid workers surveyed reported being required to give one to two weeks' advance notice to their employers to take any time off—far more notice than their children's schools provided in advance of events. *Id.* at 20-21.
63. See, e.g. Wen-Jui Han & Liana E. Fox, *Parental Work Schedules and Children's Cognitive Trajectories*, 73 J. OF MARRIAGE & FAM. 962, 969, 972, 975, 978 (October 2011); Wen-Jui Han, Daniel P. Miller, & Jane Waldfogel, *Parental Work Schedules and Adolescent Risky Behaviors*, 46 DEV. PSYCHOL. 1245, 1249, 1257, 1259 (2010); Henly & Lambert, *supra* note 22, at 1006. For a detailed discussion of these studies and their findings, see Vogtman & Schulman, *supra* note 2, at 15 & 34 nn. 127-34.
64. *Work-Life Balance and the Economics of Workplace Flexibility*, EXEC. OFFICE OF THE PRESIDENT, COUNCIL OF ECON. ADVISERS 3 (2010), <https://obamawhitehouse.archives.gov/files/documents/100331-cea-economics-workplace-flexibility.pdf>.
65. Lisa Matus-Grossman & Susan Gooden, *Opening Doors: Students' Perspectives on Juggling Work, Family, and College*, MDRC 65 (2002), [http://www.mdrc.org/sites/default/files/full\\_466.pdf](http://www.mdrc.org/sites/default/files/full_466.pdf).
66. Joan C. Williams & Penelope Huang, *Improving Work-Life Fit in Hourly Jobs: An Underutilized Cost-Cutting Strategy in a Globalized World*, CTR. FOR WORK LIFE LAW 13, 15, 57 (2011), <https://worklifelaw.org/publications/ImprovingWork-LifeFit.pdf>; Cauthen, *supra* note 15, at 7.
67. Cauthen, *supra* note 15, at 1, 7.
68. See Ray, *supra* note 11 (finding employees with low-quality schedules report lower job satisfaction, overall life satisfaction, and general happiness than those with high-quality schedules); Kristen Harknett & Daniel Schneider, *Precarious Work Schedules and Population Health*, HEALTH AFFAIRS (Feb. 2020), <https://www.healthaffairs.org/doi/10.1377/hpb20200206.806111/full/>; Schneider & Harknett, *Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being*, *supra* note 15; Joan C. Williams et al., *Stable*

- Scheduling Study: Health Outcomes Report*, CTR. FOR WORK LIFE LAW (Feb. 2019), <https://worklifelaw.org/wp-content/uploads/2019/02/Stable-Scheduling-Health-Outcomes-Report.pdf>; *Scheduling Away Our Health: How Unpredictable Work Hours Affect Health and Well-Being*, HUMAN IMPACT PARTNERS & CTR. FOR POPULAR DEMOCRACY 7-8 (2016), [https://populardemocracy.org/sites/default/files/Scheduling-Away-Our-Health\\_rev3.pdf](https://populardemocracy.org/sites/default/files/Scheduling-Away-Our-Health_rev3.pdf). See also Lonnie Golden & Jaeseung Kim, *The Rise and Fall of Underemployment: Implications for Workers' Health*, HEALTH AFFAIRS (July 2023), <https://www.healthaffairs.org/doi/10.1377/hpb20230602.799370/full/> (linking involuntary part-time work to negative health impacts).
69. See Harknett & Schneider, *Precarious Work Schedules and Population Health*, *supra* note 68.
  70. See, e.g., *2025 Survey of Physician Appointment Wait Times and Medicare and Medicaid Acceptance Rates*, AMN HEALTHCARE (May 2025), <https://online.flippingbook.com/view/83050962/> (in the 15 largest metropolitan areas in the country, patients waited nearly 42 days to see an obstetrician-gynecologist for a well-woman visit and more than 23 days to see a family physician for a routine physical).
  71. *Reproductive Health Is Part of the Economic Health of Women and Their Families*, NWLC (Feb. 2016), <https://nwlc.org/wp-content/uploads/2017/02/Reproductive-Health-is-Part-of-the-Economic-Health-of-Women-2.19.166.pdf>.
  72. *While abortion is a safe procedure throughout pregnancy, the risks increase with each week of pregnancy*. Bonnie Scott Jones & Tracy A. Weitz, *Legal Barriers to Second-Trimester Abortion Provision and Public Health Consequences*, 99 AM. J. PUB. HEALTH 623 (2009).
  73. See, e.g., Mason Ameri et al., *The Disability Employment Puzzle: A Field Study on Employer Hiring Behavior* (NBER Working Paper no. 21560, Sept. 2015), <https://www.nber.org/papers/w21560>.
  74. See generally, e.g., *The Americans with Disabilities Act at 25: Cause for Celebration and Renewed Resolve*, National Disability Rights Network (NDRN) (July 2015), [https://www.ndrn.org/wp-content/uploads/2019/03/ADA\\_at\\_25\\_Final.pdf](https://www.ndrn.org/wp-content/uploads/2019/03/ADA_at_25_Final.pdf). The federal Fair Labor Standards Act, for example, allows employers to pay less than the minimum wage to people with disabilities who work in “sheltered workshops.” See Rabia Belt & Doron Dorfman, *Subminimum Employment for People with Disabilities*, SLS BLOGS: LEGAL AGGREGATE (Nov. 1, 2018), <https://law.stanford.edu/2018/11/01/subminimum-employment-for-people-with-disabilities/>.
  75. See Markowitz, *supra* note 34. More than two in five workers with a disability (40.6%) worked part time in 2023, compared to 22.8% of workers without a disability. *Id.*
  76. See e.g., *EEOC v. Kohl's Department Stores*, 2014 WL 11820252 (D. Maine, 2014) (A retail employee with diabetes sought a more stable schedule to allow for regularly timed insulin injections, based in part on recommendations from her doctor that a predictable schedule would allow her to “better manage her stress, glucose level, and insulin therapy”).
  77. See, e.g., Kathryn Anne Edwards & Griffin Murphy, *Economic Security for the 21st Century*, NAT'L ACAD. OF SOC. INS. (June 2022), <https://www.nasi.org/reports/research/economic-security/economic-security-for-the-21st-century/income-volatility/>; *Responses to and Repercussions from Income Volatility in Low- and Moderate-Income Households: Results from a National Survey*, ASPEN INST. (Dec. 2017), <http://www.aspenepic.org/responses-repercussions-income-volatility-low-moderate-income-households-results-national-survey/> (families with volatile incomes are far more likely to rely on payday loans, defer medical care, miss a housing payment, and experience food insecurity than families with equal but more stable income).
  78. See Bauer, East & Howard, *supra* note 29.
  79. Daniel Schneider & Kristen Harknett, *Hard Times: Routine Schedule Unpredictability and Material Hardship Among Service Sector Workers*, 99 SOC. FORCES 1682 (June 2021), <https://doi.org/10.1093/sf/soaa079>.
  80. Ray, *supra* note 11. In contrast, 23% of employees with high-quality schedules say they are “just getting by” or “finding it difficult to get by.” *Id.*
  81. See Markowitz, *supra* note 34.
  82. See generally, e.g., Ananat, Gassman-Pines & Howard, *supra* note 29; Liz Ben-Ishai, *Volatile Work Schedules and Access to Public Benefits*, CTR. FOR LAW & SOCIAL POL'Y (Sept. 2015), <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/2015.09.16-Scheduling-Volatility-and-Benefits-FINAL.pdf>.
  83. See, e.g., Gregory Acs, Katherin Ross Phillips, & Daniel McKenzie, *Playing by the Rules but Losing the Game: America's Working Poor*, in *LOW-WAGE WORKERS IN THE NEW ECONOMY* (Richard Kazis & Marc. S. Miller eds., Urban Inst. Press 2000).
  84. See, e.g., Joshua Choper, Daniel Schneider & Kristen Harknett, *Uncertain Time: Precarious Schedules and Job Turnover in the U.S. Service Sector*, 75 ILR REV. 1088 (Oct. 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. (Aug. 17, 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*, 5 J. HOSP. ADMIN. 76, 81 (2016), <http://www.sciedu.ca/journal/index.php/jha/article/viewFile/9203/5764>.

85. See, e.g., Sarah Kalloch, Amanda Silver & Zeynep Ton, *Give Service Workers Stable Schedules*, HARV. BUS. REV. (March 29, 2022), <https://hbr.org/2022/03/give-service-workers-stable-schedules>; Liz Ben-Ishai, *Job Schedules that Work for Businesses*, CTR. FOR LAW & SOCIAL POL'Y 1 (Nov. 2014), <http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>.
86. See, e.g., Ray, *supra* note 11; Tyler Woods et al., *Labor Market Pathways to Job Quality Mobility in the Service Sector: Evidence from the "Great Resignation,"* 92 Res. Soc. Stratification & Mobility (Aug. 2024), <https://doi.org/10.1016/j.rssm.2024.100962>; Luhr, Schneider & Harknett, *Parenting without Predictability*, *supra* note 60. See also Galinsky, Bond & Tahmincioglu, *supra* note 51 ("Overall, 55 percent of low-income mothers surveyed said it would be "extremely important" to "have the flexibility I need to manage my work and personal or family life. . . . No one surveyed said it was 'not important.'").
87. See, e.g., Kalloch, Silver & Ton, *supra* note 85; Steve Prokesch, "You've Got to Set Your People Up to Succeed," Harv. Bus. Rev. (2023), <https://hbr.org/2023/05/youve-got-to-set-your-people-up-to-succeed>; *The Business Case for Workplace Flexibility*, A BETTER BALANCE 3 (Dec. 2016), <https://www.abetterbalance.org/resources/business-case-workplace-flexibility-factsheet/>.
88. Susan J. Lambert & Julia R. Henly, *Work Scheduling Study: Key Findings*, UNIV. OF CHI. SCH. OF SOC. SERV. ADMIN (last visited Aug. 11, 2025), <https://ssascholars.uchicago.edu/work-scheduling-study/content/key-findings>.
89. Mahdi Hashemian, Zeynep Ton & Hazhir Rahmandad, *The Effect of Unstable Schedules on Unit and Employee Productivity* (MIT Sloan Research Paper no. 6056-19, last revised Sept. 2021), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3839673#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3839673#) (observing that increasing workers' weekly hours—up to 24 from 13—were associated with the largest productivity gains).
90. See Williams et al., *supra* note 68; Saravanan Kesavan et al., *Doing Well by Doing Good: Improving Retail Store Performance with Responsible Scheduling Practices at the Gap, Inc.*, 68 MGMT. SCI. 7818 (Nov. 2022), <https://doi.org/10.1287/mnsc.2021.4291>; Sam Abbott, *New Research Explains How Better-Quality Work Schedules Increase U.S. Retail Workers' Productivity and Store Profits*, WASH. CTR. EQUITABLE GROWTH (May 24, 2022), <https://equitablegrowth.org/new-research-explains-how-better-quality-work-schedules-increase-u-s-retail-workers-productivity-and-store-profits/>.
91. See State & Local Laws Advancing Fair Work Schedules, NWLC (Sept. 2023), <https://nwlc.org/resource/state-and-local-laws-advancing-fair-work-schedules>.
92. Elizabeth O. Ananat, Anna Gassman-Pines & John A. Fitz-Henley II, *The Effects of the Emeryville Fair Workweek Ordinance on the Daily Lives of Low-Wage Workers and Their Families*, 8 RUSSELL SAGE FOUND. J. SOC. SCIENCES 45 (2022), <https://doi.org/10.7758/RSF.2022.8.5.03>.
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