

Schedules That Work

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The unfair and unpredictable scheduling practices of too many employers are causing millions of workers to struggle to meet their responsibilities at home and on the job, jeopardizing their ability to make ends meet and the overall strength of our economy. When workers do not know when they are scheduled to work, or for how many hours, they have a difficult time managing basic expenses, arranging for child care, continuing their education, getting a second job, or pursuing job training. **Federal level scheduling standards would go a long way toward providing the predictability and financial stability workers need.**

Unpredictable Scheduling Practices Are Hurting Workers And Their Families

Employer scheduling practices too often conflict with workers' basic need to know when, where, and for how long they are expected to work. Many workers do not receive advance notice of their schedules or the number of hours they are expected to work and are unable to request changes without fear of retaliation.¹ Some employers require employees to call in to find out if they are scheduled to work without a guarantee that any hours will be available, provide no compensation if the employee isn't needed and send workers home early when business is slow. The result is significant uncertainty and lost pay for workers and their families.

Workers in low-wage industries are particularly vulnerable to unfair scheduling practices.²

There are 3.3 million workers in the United States who are paid wages at or below the federal minimum wage.³ These workers often have little control over their schedules and are often given little or no advance notice of their hours.

Unpredictable schedules make it difficult for women to meet their job and caregiving responsibilities. Women are the primary or co-breadwinners in nearly two-thirds of families and are still responsible for a disproportionate share of child and elder care.⁴ They also make up the majority of workers in low-wage industries⁵ – the industries most likely to have unpredictable scheduling practices and to offer only part-time hours.⁶ Women are also more likely than men to have nonstandard work hours, or hours that fall outside the traditional 9 a.m. to 5 p.m. workday.⁷

Unpredictable scheduling practices are especially harmful to single mothers. More than a quarter (25.2 percent) of U.S. households with children under 18 are headed by unmarried women.⁸ For those who work nonstandard schedules, child care arrangements are

particularly complex, involving multiple providers and informal caregivers.⁹ Unpredictable schedules make it even more difficult to arrange child care, and unpredictable pay makes it nearly impossible to know if there will be enough money to make ends meet.

Unfair scheduling practices hurt businesses. People with nonstandard work arrangements report less job satisfaction and organizational loyalty, which decreases overall worker performance.¹⁰ Unpredictable scheduling also leads to lower worker productivity and higher employee absenteeism and turnover,¹¹ which hurts both workers and businesses.

Unpredictable scheduling hinders the nation’s economic growth. Unpredictable scheduling practices are inefficient and a drain on workforce productivity. When workers are forced to be “on call” or given schedules with little notice, they can’t commit to a second job or seek additional schooling or job training to improve their skills and future earning potential.

America Needs Schedules That Work

The Schedules That Work Act (H.R. 3071/S. 1772) would help workers meet the dual demands of their jobs and their families and promote economic security and opportunity.

The Schedules That Work Act would:

- ▶ **Give workers more control over their schedules.** The bill would guarantee workers the right to request more flexible or predictable work arrangements and, in some cases, to receive a more customized schedule.
 - ▶ Workers in businesses with 15 or more employees would have the right to make and have considered requests related to the hours, location and schedule they work, and to ask for minimal fluctuations in hours (among other things).
 - ▶ When a worker’s request is made for certain priority reasons – health conditions, child or elder care, a second job, or continued education or job training – her or his employer would have to grant the request unless a bona fide business reason precludes it. When the request is made for other reasons, the employer would still have to consider and respond to the request.
 - ▶ Employers would be prohibited from taking adverse employment actions, such as demotions or termination, against workers who make scheduling requests.
- ▶ **Offer workers predictability and stability.** The bill would address some of the most common challenges facing those who work in retail, food service and cleaning – as well as other occupations to be determined by the Secretary of Labor – who often report to work only to be sent home or put “on call” without any guarantee that work will be available. They are also often scheduled for multiple, non-consecutive shifts and are hired and retained without clear expectations about their schedules or number of work hours. The bill would address these challenges by:
 - ▶ **Requiring “reporting pay.”** If an employee reports to work and is sent home before being permitted to work at least four hours, her or his employer would generally have to provide four hours’ worth of wages.

- ▶ **Requiring “call-in pay.”** If an employee is required to call in less than 24 hours before the start of a shift to find out whether to report to work, then her or his employer would be required to pay at least one hour’s worth of wages.
- ▶ **Requiring “split-shift pay.”** If an employee is required to work a daily schedule in which the hours worked are not consecutive, her or his employer would be required to pay one additional hour of pay in recognition of the time spent waiting between shifts.
- ▶ **Requiring clear expectations about hours and schedule from the start.** Employers would be required to provide a new employee with her or his work schedule and minimum number of expected work hours on or before the employee’s first day.
- ▶ **Requiring clear expectations about hours and schedule on an ongoing basis.** Employers would also have to provide new schedules and expected work hours to employees at least 14 days in advance of a change. If an employee’s schedule changes with less than 24 hours’ notice, the employer would have to provide one additional hour of pay for each changed shift, except when changes are due to the unforeseen unavailability of other employees.
- ▶ **Requiring paystub transparency.** Employers would be required to identify any additional pay required by the bill on the employee’s paystub. The paystub would identify both the number of hours and the requirement from which the additional pay resulted.
- ▶ **Allowing the Secretary of Labor to designate additional occupations that should also be covered by these protections.** An occupation would qualify if at least 10 percent of employees in that occupation have variable hours or receive their schedules with less than two weeks’ notice.

Fair Scheduling Standards Already Exist in Some States

In Vermont and San Francisco, workers can request flexible work schedules without fear of retaliation.¹² Working families in California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Rhode Island and the District of Columbia are protected by laws that require employers to provide “reporting pay,” or to pay employees who report to work as scheduled but are sent home before completing their full shifts.¹³ California, New York and the District of Columbia also require employers to provide “split-shift pay,” or to pay workers an additional hour of pay when they work multiple shifts in one day that are interrupted by non-paid, non-working periods.¹⁴

However, too many employees still face unfair scheduling practices that jeopardize their ability to make ends meet and make life work. **The Schedules That Work Act would establish national fair scheduling standards that would help provide economic security for working families and enable workers across the country to meet their responsibilities at home and on the job.**

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 - 2 Ibid.
 - 3 U.S. Department of Labor, Bureau of Labor Statistics. (2014) *Characteristics of Minimum Wage Workers. Report 1048*. Retrieved 13 July 2015, from <http://www.bls.gov/cps/minwage2013.pdf>. These data on minimum wage earners are derived from the Current Population Survey, a monthly nationwide survey of households. Data in this summary are 2013 annual averages.
 - 4 Wang, W., Parker, K., & Taylor, P. (2013, May). *Breadwinner Moms*. Pew Research Center Publication. Retrieved 11 July 2014, from <http://www.pewsocialtrends.org/2013/05/29/breadwinner-moms/>
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 - 9 Presser, H. B., & Ward, B. W. (2011). Nonstandard work schedules over the life course: a first look. *Monthly Labor Review*, 134(7), 3-16.
 - 10 Golden, L., Henly, J. R., & Lambert, S. (2013). Work Schedule Flexibility: A Contributor to Happiness?. *Journal of Social Research & Policy*, 4(2).
 - 11 Henly, J. R., & Lambert, S. (2010). Schedule Flexibility and Unpredictability in Retail: Implications for Employee Work-Life Outcomes. University of Chicago Working Paper. Retrieved 13 July 2015, from http://natlex.ilo.ch/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/meetingdocument/wcms_161358.pdf. Referencing Appelbaum, E., Bernhardt, A., & Murmane. (Eds.). (2003). *Low-wage America: How Employers are Reshaping Opportunity in the Workplace*. New York: Russell Sage Foundation.
 - 12 Vt. Stat. Ann. tit. 21, § 309; S.F., Cal., Admin. Code ch. 12Z.
 - 13 Cal. Code Regs. tit. 8, §§ 11010-11050; Conn. Agencies Regs §§ 31-62-D2, -E1; 455 Mass. Code Regs. 2.03; N.H. Rev. Stat. Ann. § 275:43-a; N.J. Admin. Code § 12:56-5.5; N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.3; Or. Admin. R. 839-021-0087; R.I. Gen. Laws § 28-12-3.2; D.C. Mun. Regs. tit. 7, § 907.1.
 - 14 Cal. Code Regs. tit. 8, §§ 11010-11050; N.Y. Comp. Codes R. & Regs. tit. 12, § 142-2.4; D.C. Mun. Regs. tit. 7, § 906.

The National Partnership for Women & Families is a nonprofit, nonpartisan advocacy group dedicated to promoting fairness in the workplace, access to quality health care and policies that help women and men meet the dual demands of work and family. More information is available at www.NationalPartnership.org.

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