Workers across the income spectrum report very little ability to make even minor adjustments to their schedules in order to meet their responsibilities outside of work. And for the over 23 million workers in low-wage jobs (paying $10.50 per hour or less) scheduling challenges are especially acute. Unpredictable and unstable work schedules have been particularly well documented in retail sales, food preparation and serving, and building cleaning occupations, with increasing evidence that this problem is widespread across the hourly workforce.

The fallout from scheduling practices that do not take workers’ needs into account can be devastating. Difficult scheduling practices undermine workers’ efforts to fulfill their caregiving responsibilities and make maintaining stable child care nearly impossible. They also make it tougher to pursue education or training while holding down a job, as many workers want to do to make a better life for themselves and their families. For workers who need a second part-time job to make ends meet because they cannot get enough hours at their primary job, unpredictable scheduling practices can make juggling two jobs very difficult. And workers managing serious medical conditions are often denied the control over their schedules that they need to both manage their conditions and hold down their jobs.

Often Difficult, and Sometimes Abusive, Scheduling Practices Are Common

Little Say in Work Schedules

Workers report having very few opportunities for meaningful input into the timing of the hours that they work, and some are unable to request even minor changes to their work schedules without suffering a penalty. Overall, less than half of workers have flexibility in the scheduling of their work hours. More than a third of parents believe they’ve been “passed over” for a promotion, raise, or a new job due to a need for a flexible work schedule. Among early career employees (ages 26-32), 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.

Workers in low-wage jobs often have the least say in their work schedules. About half of low-wage workers report having limited control over the timing of their work hours and between two-thirds and three-quarters of full-time, low-wage workers report that they are unable to alter when their work day starts and ends. Some employers have policies requiring employees to have completely open availability in order to qualify for full-time hours, making it extremely difficult for workers with significant responsibilities outside of work to get full-time hours.
And workers who request a schedule that allows them to attend school, take a child to a regular medical appointment, or address their own health needs too often find that their employers retaliate by cutting their hours sharply.17

**Unpredictable Schedules**

Providing notice of work schedules a week or less in advance is common in many industries. Sixty-six percent of food service workers, 52 percent of retail workers, and 40 percent of janitors and housekeepers know their schedule only a week or less in advance.18 According to a survey of workers in the retail industry by the Retail Action Project, about a fifth of workers received their schedules only three days beforehand.19 And between 19 and 31 percent of low-wage workers are often asked to work extra hours with little or no notice.20 Among early career employees (ages 26-32), 38 percent overall know their work schedule 7 days or less in advance and, of these workers, 41 percent of hourly workers and 48 percent of part-time workers receive their schedules with such little notice.21 Some retail workers are routinely required to work call-in shifts, which means they must call their employers to find out whether they need to report to work that same day.22 In a study of retail workers in New York City, 20 percent of workers surveyed reported that they always or often must be available for call-in shifts.23 When workers get schedules with very little notice it can be extremely difficult to arrange child care or transportation to get to work. These practices can also undermine workers’ efforts to attend education and workforce training. Indeed, one of the most commonly cited challenges to completing a college degree is the inability to balance work and school.24

**Unstable Schedules**

Many workers in low-wage jobs experience unstable schedules that vary from week to week or month to month, or periodic reductions in work hours when work is slow. Three quarters of early-career adults (ages 26-32) in hourly jobs reported at least some fluctuations in the numbers of hours they worked per week; for these workers, in an average month, weekly work hours fluctuate by more than an eight-hour day of work and pay.25 A study analyzing the General Social Survey which is conducted by the University of Chicago found 83 percent of hourly part-time workers work unstable work shift schedules.26 The problem of schedule instability has been especially well-documented in the retail industry. For example, 59 percent of retail employees employed by one major retailer reported that either the shifts or the days they worked change each week.27

For workers whose schedules fluctuate, hours and income can swing wildly from month to month. The average variation in work hours in a single month is 70 percent for food service workers, 50 percent for retail workers, and 40 percent for janitors and housekeepers.28 Between 20 and 30 percent of low-wage workers experience a reduction in hours or a layoff when work is slow.29 Workers also report being sent home early from their scheduled shifts.30 Work hours that vary can make it extremely difficult for workers to maintain eligibility for child care subsidies that are tied to work hours or simply to meet basic expenses, like food, rent, and utilities. And even in months when workers are scheduled for sufficient hours to meet their expenses, workers experience the incredible stress and uncertainty that comes with not knowing how much income they will be bringing home.

**Involuntary Part-time Work**

In 2014, one in five (20.7 percent) part-time workers worked part-time involuntarily.31 Half (50.9 percent) of workers who worked part-time involuntarily were women.32 And in 2013, more than one-third (37.2 percent) of workers who worked part-time involuntarily worked in low-wage occupations.33 Also in 2013, one quarter (25.1 percent) of women working part-time involuntarily were poor, compared to 11.1 percent of women who work part-time for other reasons and 5 percent of women who work full time.34 All too often, workers are hired expecting full-time hours only to find that they are not put on the schedule at all for weeks and months at a time. This particular practice of hiring workers and then giving them very few or no hours of work is especially well-documented in the retail industry.35

**The Domino Effect of Abusive Scheduling Practices**

My name is Melody Pabon. I’ve been working at Zara, a women’s clothing store in Manhattan as a cashier and on the sales floor for about four years. I also just started school to become a medical assistant. I used to be scheduled to close the store a lot. On those nights I got home to Brooklyn after Mason, my four-year old, was already asleep. I wanted to be able to spend time with him in the evening, so I asked for an earlier shift.
The Schedules That Work Act Responds to Employees’ Needs For:

A voice in their work schedules. By creating a right for all employees to make scheduling requests and protecting employees who make requests from retaliation, the Schedules That Work Act would give employees a say in their work schedules. Employers would be required to consider scheduling requests from all employees and provide a response. For employees who need a schedule change to fulfill caregiving responsibilities, (for part-time workers) to work a second job, to pursue education and workforce training, or for the employee’s own serious health condition, the employer would be required to grant the requested schedule change, unless there is a bona fide business reason not to do so—i.e., an inability to reorganize work among existing staff or the insufficiency of work during the periods the employee proposes to work. Requests made for these reasons would be prioritized because fulfilling these obligations is especially critical to the financial, emotional and physical well-being of workers and their families. The right to request provision in the Schedules That Work Act is based on similar laws recently enacted in Vermont and San Francisco, and which have been in place for more than a decade in the United Kingdom and elsewhere.

More predictable and stable schedules. For shift workers in certain jobs where abusive scheduling practices are especially well-documented—restaurant, retail, and building cleaning—the bill would provide additional baseline workplace protections. These jobs are among the lowest paid in the economy, accounting for nearly 18 percent of workers in the economy, which is more than 24 million workers. To address the problems of unpredictable and unstable schedules that are characteristic of these jobs, the Schedules That Work Act would require employers to provide restaurant, retail, and building cleaning employees with reporting time pay, split shift pay and advance notification of work schedules.

Reporting time pay. When an employee is sent home from work early without being permitted to work his or her scheduled shift, the bill would require the employee to be paid for a minimum of four hours of work or the hours in the scheduled shift, whichever is less. In addition, if an employee is required to call in less than 24 hours before the start of a potential shift to learn whether he or she is scheduled to work,
The Schedules That Work Act: Giving Workers the Tools They Need to Succeed • Fact Sheet

The legislation that will be reintroduced in this Congress includes a new provision authorizing the Department of Labor to evaluate the extent of unpredictable and unstable scheduling practices in other low-wage jobs, and designate additional occupations to be covered by the reporting time pay, split shift pay, and advance notice provisions. It will also include a pay stub transparency provision, which requires an employer to specify in an employee’s pay stub whether any pay is required under the reporting time pay, split shift pay, and advance notice provisions, and to identify the total number of hours of each type of additional pay provided.

The Schedules That Work Act Provides Predictability and Stability to Employers and Employees

Scheduling practices that fail to take workers’ needs into account result in higher rates of turnover and absenteeism, and lower employee engagement. In contrast, schedules that work for workers and their families lead to more productive and committed employees and lower workforce turnover. It is not surprising that over half of Americans believe that they could do their jobs better if they had a more flexible schedule. The Schedule That Work Act will promote the health and well-being of America’s working families and help build a sustainable economy.

1 The share of mothers who are breadwinners or co-breadwinners has increased from 27.5 percent in 1967 to 63.3 percent in 2012. SARAH JANE GLYNN, CENTER FOR AMERICAN PROGRESS, BREADWINNING MOTHERS, THEN AND NOW 6 (June 2014), available at http://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf.


15 LIZ WATSON & JENNIFER E SWANBERG, FLEXIBLE WORKPLACE SOLUTIONS FOR LOW-WAGE HOURLY WORKERS: A FRAMEWORK FOR A NATIONAL CONVERSATION 6 (Workplace Flexibility 2010 May, 2011).


17 Id. at 14.


19 WATSON & SWANBERG, supra note 11, at 19-20 at 19-21.

20 See, e.g., Liza Feathersone, Starbucks Blues: Lean Times and Labor Pains are Tamishing the Coffee Giant’s Image (Oct. 2014) (describing Starbucks’ requirement that any worker who wants full-time hours be available 70 percent of the hours the store is open, or 80.5 hours per week), available at http://www.bloomerg.com/articles/2014-09-19/starbucks-blues.

21 See OXFAM, supra note 8, at 4.


24 WATSON & SWANBERG, supra note 11, at 21.


26 LUCE & FUJITA, supra note 19, at 13.

27 Id.

28 COUNCIL OF ECONOMIC ADVISERS, WORK-LIFE BALANCE AND THE ECONOMICS OF WORKPLACE FLEXIBILITY 3 (Mar. 2010); OXFAM AMERICA, supra note 8, at 4.


30 Ibid.


32 WATSON & SWANBERG, supra note 11, at 23.

33 LUCE & FUJITA, supra note 19, at 15.

34 NWLC calculations based on Bureau of Labor Statistics (BLS) Current Population Survey (CPS) Annual Table 20: Persons at work 1 to 34 hours in all and in non-agricultural industries by reason for working less than 35 hours and usual full- or part-time status available at http://www.bls.gov/cps/cpsaat20.htm (Last visited May 28, 2015). Note that this figure is for people at work part time during the reference week, rather than those who usually work part time. The average annual for people at work 1 to 34 hours during the reference week was 34.9m, compared to the 27.6m who usually work part time (see Table 8). Data on involuntary part-time workers also includes workers who usually work full time but worked between 1-34 hours during the reference week of the survey. These differences mean the numbers of voluntary and involuntary part-time workers do not add to the total (which is reported here as people who usually work part time). However, including data on those who usually work full time but are not working full time during the reference week for noneconomic reasons captures many people who are on vacation or otherwise missed a day of work.


36 NWLC calculations based on Current Population Survey (CPS) 2014 using Miriam King et al., Integrated Public Use Microdata Series (IPUMS), Current Population Survey; Version 3.0 (Machine-readable database) (Minneapolis: University of Minnesota, 2010). Figures are for 2013. As above, data on involuntary part-time workers also includes workers who usually work full time but worked between 1-34 hours during the reference week of the survey.

37 Id.


39 NWLC calculations based on King, supra note 33.

40 KENNETH MATOS & ELLEN GALINSKY, WHEN WORK WORKS: WORKPLACE FLEXIBILITY IN THE UNITED STATES, A STATUS REPORT 1 (Families and Work Institute 2011). (“Mothers spend the same number of weekday hours with their children (3.8) in 2008 as they did in 1977 and the majority of married/ partnered women report doing most of the cooking (70%) and cleaning (73%) in their households.”), available at http://familiesandwork.org/downloads/WorkplaceFlexibilityUS.pdf.


44 NWLC calculations based on King, supra note 33.

45 NWLC calculations based on BLS CPS Table 11: Employed persons by details occupation, sex, race and Hispanic or Latino ethnicity available at http://www.bls.gov/cps/cpsaat11.htm. Figures are for 2014.

46 A BETTER BALANCE (ABB), FACT SHEET: THE BUSINESS CASE FOR WORKPLACE FLEXIBILITY 2-3 (Nov. 2010), available at http://www.abetterbalance.org/web/im-
3. the schedules that work act: giving workers the tools they need to succeed • fact sheet


45 21 V.S.A. § 309.

46 Family Friendly Workplace Ordinance, No. 209-13 (Sept. 2013). The bill also draws heavily on a previous version of the right to request introduced in the United States, the Flexibility for Working Families Act.


49 See 8 C.C.R. § 11040; 7 D.C. Mun. Reg. Tit. 7 § 906.


52 Id.