



the work and family legal center

80 Maiden Lane, Suite 606, New York, NY 10038 | t: 212.430.5982 | f: 212.430.5983 | info@abetterbalance.org | abetterbalance.org

FACT SHEET:

The Need for Fair Schedules

Workers across the income spectrum are struggling to care for their families while holding jobs that demand around-the-clock availability. Legislation is urgently needed at the federal, state, and municipal levels to give workers greater control over their schedules and protect them from abusive scheduling practices. This need has been recognized by members of Congress, who have introduced the Schedules That Work Act (STWA) in both the Senate and House of Representatives.¹ The STWA would curb many abusive scheduling practices and bring stability to millions of American workers.

Workers Face Erratic and Inflexible Work Schedules

- The vast majority of parents with children under 18 are in the workforce.² Additionally, four in ten adults care for sick or elderly family members, and 60% of these caregivers are employed.³ Workers at all income levels report difficulties balancing their family responsibilities with work.⁴
- Low-wage workers are hit the hardest, grappling with schedules that are inflexible, unpredictable, and unstable:
 - Roughly half of low-wage workers report having very little or no control over their schedules.⁵ Two-thirds report having insufficient time for their children.⁶
 - Food service and retail industry employees are routinely scheduled to work at the last minute or required to “call in” each day with no guarantee of hours.⁷ Unpredictable scheduling makes arranging childcare and transportation a daily struggle, and reduces opportunities to take classes or work a second job.
 - For many workers, schedules change on a monthly or even weekly basis, and hours are abruptly cut if work is slow. The average variation in hours in a single month is 70% for food service workers, 50% for retail workers, and 40% for janitors and housekeepers.⁸ These drastic fluctuations make effective budgeting impossible, and can jeopardize eligibility for certain benefits, such as health insurance and child care subsidies.

The Need for Scheduling Protections Has Been Recognized in Laws Enacted Around the Country

- The District of Columbia and California have laws requiring additional pay for employees forced to work a “split shift” of nonconsecutive hours in a single day.⁹
- Vermont and San Francisco have laws giving workers a right to request alternative work schedules without fear of retaliation.¹⁰
- Eight states and the District of Columbia have laws guaranteeing a minimum amount of pay for workers who are called into work and sent home early.¹¹
- SeaTac, Washington passed a law by ballot initiative that requires certain employers to offer additional hours to their part-time workforce before hiring new employees.¹²



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Scheduling Protections Would Help Workers Support Themselves & Their Families

- Laws requiring advance notification of schedules, such as the provision contained in the STWA, would give workers the opportunity to plan their out-of-work needs and responsibilities around their work hours. This would reduce the burdens of arranging childcare, eldercare, and transportation, and enable employees to advance their education or work a second job.
- Requirements that workers be paid extra for last-minute schedule changes, split shifts, and “on call” or “call in” hours, which are also included in the STWA, would reduce employers’ reliance on abusive scheduling practices, and provide workers with compensation when they occur.
- Possible policies to ensure that workers get the hours they need to support their families could include: requiring employers to offer additional hours to existing part-time staff before hiring new employees, as was done in SeaTac, Washington, or guaranteeing workers a minimum number of weekly hours. Such laws would reduce pay instability and allow workers to better plan their finances.

Fair Schedules Are Good for Business & the U.S. Economy

- Giving workers greater control over their schedules can reduce turnover, improve attendance, morale, and productivity, and increase a company’s market value.¹³ A study of Fortune 500 companies found that, on average, firms’ stock prices rose 0.36% in the days following announcements of new work-life balance initiatives.¹⁴
- For workers earning less than \$50,000/year—three-quarters of all U.S. workers—the typical cost of turnover is 20% of a worker’s salary.¹⁵ While low-wage jobs have the highest voluntary quit rates, this expense can be reduced through fair scheduling as low-wage workers are substantially more committed to jobs that offer the flexibility they need to fulfill personal and family responsibilities.¹⁶
- Ensuring that all workers are able to support themselves and their families makes for a healthier workforce, reduces reliance on public assistance, and allows workers to contribute to the economy as consumers.



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¹ Schedules That Work Act, H.R. , 113th Cong. (2014).

² Bureau of Labor Statistics, U.S. Department of Labor (Apr. 25, 2014) available at <http://www.bls.gov/news.release/famee.t04.htm>. See also, Jennifer E. Swanberg, Elizabeth Watson, and Meridith Eastman, *Scheduling Challenges Among Workers in Low-Wage Hourly Jobs* (2014).

³ Susannah Fox, Maev Duggan, & Kristen Purcell, Pew Research Center, *Family Caregivers Are Wired For Health* 2, 23 (2013) available at http://www.pewinternet.org/files/old-media/Files/Reports/2013/PewResearch_FamilyCaregivers.pdf.

⁴ See, e.g. Pew Research Center, *Modern Parenthood Roles of Moms and Dads Converge as They Balance Work and Family* 1 (2013) available at http://www.pewsocialtrends.org/files/2013/03/FINAL_modern_parenthood_03-2013.pdf (“56% of working moms and 50% of working dads say they find it very or somewhat difficult to balance [work and family life]”).

⁵ Liz Watson & Jennifer E. Swanberg, *Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation* 19-20 (2011).

⁶ Kenneth Matos & Ellen Galinsky, *When Work Works: Workplace Flexibility in the United States, A Status Report* 1 (2011) available at <http://familiesandwork.org/downloads/WorkplaceFlexibilityinUS.pdf>.

⁷ See, e.g., Stephanie Luce & Naoki Fujita, *Discounted Jobs: How Retailers Sell Workers Short* 12-13 (2012) available at http://retailactionproject.org/wp-content/uploads/2012/01/FINAL_RAP.pdf.

⁸ Schedules That Work Act, *supra* note 1 (from Sec. 1 Short Title & Findings, based on an analysis of the National Longitudinal Survey of Youth by Susan Lambert).

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

¹⁰ 21 V.S.A. § 309; San Francisco Administrative Code § 12Z.4.

¹¹ See, e.g., 7 D.C. Mun. Reg. Tit. 7 § 907; 8 C.C.R. § 11040; 455 C.M.R. 2.03; Conn. Regs. 31-62; N.H. Rev. Stat. § 275:43; 12 NYCRR 142-2.3; N.J.A.C. 12:56-5.5; R.I. Gen. Laws Ann. § 28-12-3.2; Or. Admin. Reg. 839-021-0087.

¹² Proposition 1, § 7.45.030 available at <http://www.ci.seatac.wa.us/Modules/ShowDocument.aspx?documentid=8233>.

¹³ See, e.g., Anna Danziger & Shelley Waters Boots, *The Business Case for Flexible Work Arrangements* (2008) available at <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1001&context=legal>.

¹⁴ Executive Office of the President Council of Economic Advisors, *Work-Life Balance and the Economics of Workplace Flexibility* 22 (2010) available at <http://www.whitehouse.gov/files/documents/100331-cea-economics-workplace-flexibility.pdf>.

¹⁵ Heather Boushey & Sarah Jane Glynn, Center for American Progress, *There Are Significant Business Costs to Replacing Employees* 1-3 (2012).

¹⁶ *Id.* at 3; Watson & Swanberg, *supra* note 4, at 24.