

The Schedules that Work Act of 2017

Unstable, unpredictable, and rigid scheduling practices, like placing workers “on-call” with no guarantee of work hours, scheduling them for “split shifts” of non-consecutive hours, sending workers home early without pay when demand is low, and punishing workers who request schedule changes, make it all but impossible for workers to balance professional responsibilities with individual and family needs.

Unstable, unpredictable, and rigid scheduling practices disproportionately affect low-wage workers. Roughly half of low-wage workers reported having very little or no say over the specific hours they were scheduled to work, and 20 to 30 percent struggled with being required to work extra hours with little or no notice.ⁱ Data show that unpredictable and unstable schedules are particularly common in retail, food service, and cleaning occupations: 40 to 64 percent of early career workers in these occupations receive their schedules less than one week in advance, with hours typically fluctuating by 40 to 70 percent during a single month.ⁱⁱ

Difficult scheduling practices negatively impact workers and families. Unstable, unpredictable, and rigid schedules make it difficult for workers to maintain stable child care, care for other family members, pursue career development or other education, get or keep a second job, or take care of their own health. Fluctuations in income make it more difficult for families to manage their household budgets or to qualify and maintain eligibility for supportive services such as child care subsidies. A recent survey of retail workers found that unpredictable schedules are associated with financial insecurity, high stress, poor health outcomes, and, for parents, less time spent with children.ⁱⁱⁱ

Major media outlets, including The New York Times,^{iv} the Los Angeles Times,^v The Wall Street Journal,^{vi} Salon,^{vii} The Atlantic,^{viii} and The Washington Post^{ix} have published articles on the toll that difficult work schedules take on families. According to a CBS/New York Times poll, 72 percent of Americans favor requiring chain stores and fast food outlets to give workers either two weeks’ notice of schedule changes or extra pay.^x

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Protects Workers who Ask for Schedule Changes. All employees of companies with more than 15 workers will have the right to request changes in their schedules without fear of retaliation. Employers would be required to consider and respond to all schedule requests, and, when a worker’s request is made because of a health condition, child or elder care, a second job, continued education, or job training, the employer would be required to grant the request unless a legitimate business reason precludes it.

Incentivizes Predictable and Stable Schedules in Occupations with Known Scheduling Abuses. Employees in food service, cleaning, and retail occupations – as well as other occupations designated by the Secretary of Labor in which workers experience documented scheduling abuses – will receive additional pay when they are put “on-call” without any guarantee that work will be available; report to work only to be sent home early; are scheduled for a “split shift;” or receive changes to their schedule with less than 24 hours’ notice.

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- ⁱⁱ Lambert, Fugiel, and Henley. 2014. *Precarious Work Schedules among Early-Career Employees in the US*. University of Chicago. Available at https://ssascholars.uchicago.edu/sites/default/files/work-scheduling-study/files/lambert.fugiel.henly_precarious_work_schedules.august2014_0.pdf.
- ⁱⁱⁱ Schneider, Daniel and Harknett, Kristen. 2016. *Schedule instability and unpredictability and worker and family health and wellbeing*. Washington Center for Equitable Growth. Available at <http://equitablegrowth.org/working-papers/schedule-instability-and-unpredictability/>
- ^{iv} Cohen, Patricia. “Steady Jobs, With Pay and Hours That Are Anything But.” *The New York Times*. 5/31/17. Available at <https://www.nytimes.com/2017/05/31/business/economy/volatile-income-economy-jobs.html>
- ^v LA Times Editorial Board. “What’s my work schedule? Employees deserve an earlier answer.” *Los Angeles Times*. 4/21/15. Available at <http://www.latimes.com/opinion/editorials/la-ed-work-schedules-two-weeks-notice-ab-357-20150421-story.html>
- ^{vi} Weber, Lauren. “Retailers Are Under Fire for Work Schedules.” *The Wall Street Journal*. 4/12/15. Available at <http://www.wsj.com/articles/retailers-under-fire-for-work-schedules-1428890401>
- ^{vii} Reich, Robert. “Robert Reich: America’s ‘flexible’ economy is making workers’ lives hell.” *Salon*. 4/21/15. Available at http://www.salon.com/2015/04/21/robert_reich_americas_flexible_economy_is_making_workers_lives_hell_partner/
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- ^{ix} DePillis, Lydia. “The next labor fight is over when you work, not how much you make.” *The Washington Post*. 5/8/15. Available at <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/05/08/the-next-labor-fight-is-over-when-you-work-not-how-much-you-make/>
- ^x “Americans’ Views on Income Inequality and Workers’ Rights. [poll]” *The New York Times/CBS News*. May 2015. Available at <http://www.nytimes.com/interactive/2015/06/03/business/income-inequality-workers-rights-international-trade-poll.html>