

July 15, 2015

Re: Schedules That Work Act

Dear Members of Congress:

As organizations dedicated to promoting a voice in the workplace and economic security for all workers, we write to urge you to support the Schedules That Work Act in the 114th Congress. Today's work scheduling practices often undermine workers' best efforts to meet their obligations at work while addressing the most critical responsibilities in the rest of their lives – including caregiving, holding down a second part-time job to make ends meet, going to school, or addressing their own medical needs. The Schedules That Work Act gives workers a say in their work schedules, and curbs the abusive scheduling practices that have become particularly rampant in many fast-growing, low-wage industries.

The American workforce has changed dramatically in recent decades, but workplace policies have not kept pace. Women now make up nearly half the workforce, and nationally, 70.5% of all mothers with children under the age of 18 are in the labor force. Moreover, the contribution of women's wages to their families' economic security is essential: women are primary breadwinners in 40% of families and contribute between one-quarter and one-half of the family income in another 23% of families. But our workplaces have not adequately responded to the need for work schedules that make it possible for workers across the economic spectrum to provide both financial support and necessary care for their families.

In addition, education is more important than ever to workers' financial security, but for workers who are going to school to make a better life for themselves and their families, having very little say in when they work means they are often unable to attend the courses needed to complete a degree or certificate program. Increases in involuntary part-time work mean that some workers must seek out a second job to make ends meet, juggling two work schedules. And when workers are unable to adjust their schedules to take time needed to address their own medical conditions, this has a profound impact on their health and well-being.

While Americans need both to earn a living and attend to these critical obligations, too many workers are stymied in their attempts to do so because they lack any voice in their work schedules. For example, only 27 percent of employers allow all or most of their employees to periodically change their starting and quitting times. And among-early career employees (ages 26-32), 44 percent of workers overall say they do not have any input into when they start and finish work.

Low-wage jobs are often characterized by particularly egregious scheduling practices. Examples of egregious scheduling practices include getting work schedules with only one or two days' notice, being required to be "on call" with no guarantee of getting to work, being sent home early without pay, receiving hours that vary wildly from week to week, and being retaliated against for not being able to work because of child care, education, or the need to work another job. All this unpredictability leads to lost hours and thus lost income for working families.

These unpredictable and unstable scheduling practices over which workers have little control are especially challenging for low-wage workers shouldering both breadwinning and caregiving responsibilities. For the nearly one in five working moms of very young children who work in low-wage jobs the fallout from these challenging work schedules can be devastating. For example, arranging child care can be difficult to impossible when workers are told to report to work at the last minute. Unpredictable schedules and uncertain incomes make it difficult to impossible to keep a slot in a child care center. Maintaining child care subsidies is profoundly complicated by fluctuations in income and work hours.

These scheduling practices are not only bad for workers, they are bad for the bottom line. They result in greater workforce turnover, more absenteeism and a less productive workforce. Employers that have implemented fair work scheduling policies have experienced significant benefits, including reductions in absenteeism and workforce turnover, and increased employee morale and engagement.

The Schedules That Work Act will improve work scheduling practices for workers across the income spectrum. The Act provides all workers with the right to request a schedule change without fear of retaliation. And it creates a presumption that workers who need a schedule change due to caregiving responsibilities, educational needs, to work a second part-time job, or for their own medical needs will receive those changes unless there is a bona fide business reason for denying their request. The Schedules That Work Act addresses the needs of restaurant, food service, and building cleaning employees to have more predictable and stable schedules by:

- Providing workers in these target industries with advance notice of their schedules;
- Requiring minimum shift pay when a worker is sent home without working their scheduled shift;
- Requiring an employer to pay an hour of “predictability” pay when a worker receives a last minute schedule change;
- Requiring an employer to pay an hour of “predictability” pay when a worker is required to be “on call;” and
- Requiring an employer to pay an hour of “predictability” pay when a worker is scheduled for split shifts that leave them with a few hours of unpaid and largely unusable time in the middle of a work day.

Abusive scheduling practices are well-documented in retail sales, restaurant, food service, and building cleaning jobs. These jobs are also among the lowest-paid and fastest-growing, accounting for 18 percent of workers in the economy--some 23.5 million workers. These workers urgently need protections from abusive scheduling protections that deprive them of a fair shot at financial security for themselves and their families. And because unpredictable and unstable schedules are becoming increasingly typical in a wide range of jobs, the bill provides a mechanism for the Department of Labor to apply these protections to additional occupations if it determines schedule abuses are common within them.

The Schedules That Work Act will provide workers with a say in their work schedules and begin to curb the most abusive unpredictable and unstable scheduling practices that threaten working families' financial security. It is crucial to the health and well-being of America's workforce and a strong economy.

We urge your support for this important legislation.

Sincerely,

9to5, National Association of Working Women

9to5 California

9to5 Colorado

9to5 Georgia

9to5 Wisconsin

A Better Balance

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)

Metal Trades Department, AFL-CIO

American Association of University Women

American Federation of Teachers (AFT)

American Federation of State, County and Municipal Employees (AFSCME)

Americans for Democratic Action (ADA)

Catalyst

Center for Community Change Action

Center for Effective Government

Center for Law and Social Policy (CLASP)

Center for Popular Democracy

Central Florida Jobs with Justice

Coalition of Labor Union Women

Colorado Center on Law and Policy

Communications Workers of America

Connecticut Association for Human Services

DC Jobs With Justice

Economic Policy Institute

EINet

Equal Rights Advocates

Family Forward Oregon

Family Values @ Work

First Pittsburgh NOW Chapter

Gender Justice

Indiana Institute for Working Families

Institute for Science and Human Values

Interfaith Worker Justice

International Association of Machinists and Aerospace Workers

International Brotherhood of Teamsters

International Union, United Automobile, Aerospace and Implement Workers of America

(UAW)

Jewish Women International

Jobs With Justice
Labor Project for Working Families
Legal Aid Society-Employment Law Center
Maine Women's Lobby
Make the Road CT
Massachusetts Communities Action Network
MO Organizing for Reform and Empowerment
Mom-mentum
MomsRising
National Advocacy Center of the Sisters
National Alliance for Partnerships in Equity
National Association for the Advancement of Colored People (NAACP)
National Center for Lesbian Rights
National Council of Jewish Women
National Domestic Workers Alliance
National Employment Law Project
National Employment Lawyers Association
National Latina Institute for Reproductive Health
National LGBTQ Task Force Action Fund
National Network to End Domestic Violence
National Organization for Women
 Ni-ta-nee NOW
 Pennsylvania NOW
 South Jersey NOW
National Partnership for Women & Families
National Women's Law Center
New Jersey Main Street Alliance
New York Union Child Care Coalition
NJ Industrial Union Council
NJ Time to Care Coalition
PowHer New York – Equal Pay Campaign
Public Justice Center
Restaurant Opportunities Centers United
Retail Action Project
Retail, Wholesale and Department Store Union
Rise Up
Shriver National Center on Poverty Law
South Bay AFL-CIO Labor Council
Susan Knape Associates Inc.
The Make It Work Campaign
UltraViolet
UNITE HERE
United Food and Commercial Workers International Union (UFCW)
Washington Metro Disabled Students Collective (WMDSC)
Western Center on Law and Poverty
Wider Opportunities for Women

Wisconsin Jobs Now
Women Employed
Women's Law Project
Woodstock Institute
Working America
Working Partnerships USA
Young Invincibles
YWCA USA