My thanks to Chairperson Moore and members of the Committee for the opportunity to provide testimony. I am an Associate Professor at Rutgers University’s School of Social Work who has studied conditions of lower-wage and hourly jobs, from both employer and employee perspectives, for the last 16 years. With Professors Susan Lambert, Kristen Harknett, and Daniel Schneider, I am on the research team funded by the City of Seattle to evaluate the implementation of Seattle’s new Secure Scheduling Ordinance; Prof. Lambert and I are investigating the implementation process of the Seattle law from the employer side. This testimony shares evidence from my and others’ research providing empirical support for the need for and feasibility of enhancing scheduling stability for hourly service workers.

Negative Scheduling Impacts: Parents’ Engagement in Children’s Schools & Education
Research has well documented the negative impacts of employer-driven schedule instability for workers and their families. Among those efforts, Prof. Linn Posey-Maddox and I found that employer scheduling practices shaped parents’ engagement in their children’s schools – that is, whether and how they participate in school and classroom activities that support their children, other students, and schools as institutions. Parents we interviewed who held hourly service jobs, all women who were primary caregivers for their own or relatives’ kids, typically encountered a lack of control over or even input in their work schedules; being required to provide their employers far-in-advance notice of their own absences, even as their employers posted workers’ schedules at the last minute; employers’ requiring employees to extend their shift end times at the last minute; and uncertainty about how many hours they would get to work a shift, with frequent early send-homes. Given the instability of their work schedules, the women typically had to ask their employers for time off from work, often one or two weeks in advance and open to being revoked by the employer after being approved, and often unpaid, in order to participate in their children’s school activities.

The experiences of “Mary” and “Vicki” are illustrative. “Mary” waited tables at a national restaurant chain while raising her two young nieces. Her work schedule was posted for a week at a time, a few days before the work week began, and was usually “just a guesstimate”: after posting it, her employer would frequently further adjust her hours. Mary noted that there were often “days that I started at 11 [a.m.] and was done before noon. Yeah, so those are the days you want to cry. If it’s slow and nobody’s coming in, they cut the floor [servers].” This meant Mary rarely knew when she would be available to be involved with her nieces’ school, and because she was desperate for whatever extra work hours came her way she had to prioritize last minute chances to work even if she had planned to attend a school activity.

As a customer service representative at a retail store, “Vicki” could occasionally arrange to leave a shift early in order to participate in activities at her children’s school, but would often have a supervisor revoke that approval at the last minute. She reported that she could “never honestly tell you when I’m going to be out of work…. If we get slammed 5 minutes before we close, we still have to help everybody that’s in there.” Vicki stated that if she declined to stay until all customers were served, even when her shift was officially over, her employer would give her fewer or less desirable hours later on. Because of this, Vicki
repeatedly sacrificed plans to attend events at her children’s school. This employer’s practice also made for very long days sometimes, which sapped Vicki’s energy as well as availability for participating in school events and even family life.

**How Firms Can – and Do – Balance Labor Flexibility with Schedule Stability**

As concerns are increasingly raised about the effects of unstable scheduling on workers and families (and given the implications for parent school engagement, schools as well), employers sometimes respond by describing the considerable pressures they face in running successful businesses. Among firms operating in the service sector in particular, labor flexibility – which in part takes the forms of “just-in-time” scheduling practices, such as last-minute schedule posting and changes, on-call shifts, and tight shift spacing – is often argued as a critical tool for survival.

Yet demand for labor is not vastly unpredictable in the service sector. This is partly because business demands and in turn need for labor in fact exhibit a fair amount of constancy over time, even if not always translated into workers’ schedules; and because today’s forecasting systems – including scheduling technologies – can anticipate much of the remaining variation in demand. In addition, some variation corresponds with business decisions (e.g., around product promotions) that can be substantially planned.\(^5\)

Further, not all firms operating in the service sector make labor flexibility equally central to business strategy, even when sharing the same operating conditions.\(^6\) Prof. Susan Lambert’s and my research over many years in the retail, restaurant, hospitality sectors has found striking variation in how frontline managers allocate work hours and schedule workers between competing establishments, and in some cases even across sites of the same chain.\(^7\) In our case study of big box retailer Costco, we found that while managers carefully monitored labor cost-to-sales ratios much like their retail counterparts, when customer traffic was slow in a given department employees were rotated to busier departments rather than having their hours suddenly cut. Costco is in a strong position to implement this strategy because of its commitment to front-line employee cross-training. It also commits to guaranteeing minimum hours to its regular employees – 38 for full-time, 24 for part-time – and thus incentivizes its managers to concentrate hours on existing employees. They have also provided 14-day advance notice for work schedules for years. Across the warehouses we studied around Seattle and Chicago, we additionally routinely heard from managers that the company views labor as only one of many key costs to be managed (product pricing and marketing being two others).\(^8\)

**Moving Beyond State “Reporting Pay” and “Call-in Pay” Laws**

As Committee members are no doubt well aware, the 1938 U.S. Fair Labor Standards Act does not regulate employers’ scheduling practices. At the state level, “reporting pay” or “show up pay” laws (in 8 states, including Connecticut, as well as D.C.) and “call-in pay” laws (in 22 states, also including Connecticut as well as D.C.) were adopted, in some cases decades ago, to require employers to pay a minimum number of hours per shift even when an employee is not given a full shift’s worth of tasks to complete after being placed on-call or even reporting to work.

However, though there is limited case law reflecting allegations of violations of these statutes, reporting and call-in pay laws may offer poor guards against several potential adverse employer reactions.\(^9\) These statutes may have encouraged employers to make very late adjustments that would evade reporting or call-in pay requirements, to schedule their employees for very short shifts, or to not schedule them at all – favoring largely or purely “call-in” staffing – to evade applicability of these regulations.

It is important to note that the way SB 321 is structured – like many provisions of broader “fair workweek” regulations emerging around the U.S. – businesses will continue to have access to substantial labor flexibility. That is, SB 321 will help make employees’ hours and/or income more predictable.

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without preventing employers from scheduling employees for varying hours, days, and shifts or even making last minute adjustments to employees’ work hours. Instead, by introducing minimum advance notice requirements for scheduling changes, and compensation for last-minute changes by employers, SB 321 tightens up a potential gap in current Connecticut law to better achieve the policy goal that the cost of labor flexibility practices, if an employer elects to use them, be borne by both the employer and employee and not just the employee.

1 The author’s former surname is Haley-Lock.