

# Labor and Public Employees Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-668

**Title:** AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

**Vote Date:** 3/23/2021

**Vote Action:** Joint Favorable

**PH Date:** 2/18/2021

**File No.:**

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### SPONSORS OF BILL:

Labor and Public Employees Committee  
Sen. Martin M. Looney, 11th Dist.  
Rep. Aimee Berger-Girvalo, 111th Dist.

### REASONS FOR BILL:

This bill would require employers to provide notice to employees about their work schedule. The employer's responsibility is to provide notice to the employees of the regular and on-call hours, including start and end times for each shift, and work schedule changes. This would allow employers and employees to be on the same page and allow the possibility to resolve any work schedule conflicts early on.

### RESPONSE FROM ADMINISTRATION/AGENCY:

[Shawn Wooden, State Treasurer, Office of the State Treasurer](#) supports this bill as it will provide a more predictable and fairer schedule to all workers, giving them the ability to plan accordingly. On-call scheduling requires hourly workers to maintain a window open for the possibility of work. This undermines the ability for those individuals to arrange childcare, transportation and other work requirements. While these challenges are heavily met by women and people of color this bill will decrease turnover and address the fundamental issue of fairness for Connecticut workers.

### NATURE AND SOURCES OF SUPPORT:

[Jannette Alfaro, Member, Fight Back and Make The Road CT](#) supports this bill because it will empower hourly workers. As an undocumented and single mother who works at a restaurant, she needs the work to provide for her daughter. It also states that her schedule is inconsistent and on a daily is given anywhere between four to eight hours per shifts with her

schedule sometimes changing every other day. This bill will give those working hourly a better opportunity to make a living.

[Taylor Biniarz, Resident, Ellington CT](#) supports this bill because having previously worked in the manufacturing/beverage service industry the work schedule consistently changed every other day. It was difficult to point that I did not want to leave early or come in late for therapy because the schedule was inconsistent. This bill empowers hourly workers by limiting abusive scheduling practices.

[Beverly Brakeman, Regional Director, United Auto Workers Region 9A](#) supports the bill because it aims to restore a balanced relationship between employee and employer. Many hourly workers especially women and workers of color in Connecticut's service industries suffer from unpredictable and fluctuating schedules. This bill seeks to bring back balance to Connecticut employees.

[Gavin Curran, Farmer, Sweet Ring Farm LLC](#) supports the bill because as someone who has worked many shift jobs, he understands the undue stress it can cause on workers. In addition, to providing advance notice for scheduling, ending the practice of on-call shift is a step in the right direction.

[Joelle Fishman, Chair, Connecticut Communist Party USA](#) supports this bill because it will provide dignity and economic wellbeing to women and minorities. The pandemic has revealed the unfair treatment of low wage essential workers. It is not possible to take on a job and plan for the children and other necessities without knowing definite hours that one will be working. Similar bills have come before this committee for multiple years, and it is the responsibility of the government to make sure families can be successful.

[Liz Fraser, Policy Director, Connecticut Association for Human Services](#) supports this bill because it gives working parents the ability to manage the family and budget without the fear from an inconsistent schedule. Employee hours are at the discretion of the employer making it difficult to secure a second job limiting future opportunities to the employee and in connection to their family. The wages earned are often low enough to qualify for support programs, like HUSKY, SNAP, WIC, but sometimes a slight increase in hours can push families outside that income threshold removing them from the program. This is the moment to address inequalities in order to assist family stability.

[Merrill Gay, Executive Director, Connecticut Early Childhood Alliance](#) supports this bill because it gives employees consistent hours to work. It will also alleviate the stress on parents and children allowing proper successful development for children. Based on assurances this bill will not affect child care, but rather food services, nursing homes, hospitality and retail, we testify in support of this legislation.

[Sarah Locke, Resident, New Haven CT](#) supports this bill because it empowers hourly workers. Working as a server and a bartender I have seen the unpredictable schedule affect workers who have children and those of us who were going to school. No one wanted to challenge management on the unpredictable schedule in fear of being fired or retaliated upon by not being scheduled for the following weeks. Adding this into the service industry will bring dignity back to the workers who work in a grueling environment.

[Martin Looney, President Pro Tempore, Senate, State of CT](#) supports this bill because it would require employers to provide employees advance notice of their shift. This would create a greater quality of life for workers who currently have little to no control over their schedules and have been living in a life of unpredictability left to scramble arrangements at the last minute. In addition, this bill will not prohibit employees from working a shift if received less than twenty-four hours in advance as long as it is mutually agreed to by the employee and employer.

[Laurie McFadden, Resident, Middletown CT](#) supports this bill because it will create financial stability for working families. Having a sister with mental health disabilities I rely on a Recovery Aide. Due to the aide's unpredictable schedule she was forced to get other jobs constantly forcing her to have conflict with the recovery aide position. Her job let her go, and devastated the relationship she had built with my sister. On-call scheduling wreaks havoc on the lives of employees and negatively impacts those who rely on the service.

[Nadine Nevins, Managing Attorney, Connecticut Legal Services Inc.](#) As a legal representative to low wage workers who are affected by unpredictable work schedules I support this bill, which prohibits on-call shift scheduling. Workers in retail, hospitality and food services are subject to on-call shift changing meaning there is no guarantee of work or payment. On-call shift transfers all the risk on the employee and less to the employer. This affects the employee and their family stunting successful development.

[Gretchen Raffa, Senior Director, Planned Parenthood of Southern New England, Inc.](#) supports this bill because it will allow every person the opportunity to have a livable wage and carry themselves with dignity. Unpredictable schedules make it impossible for women to take care of their family while also affecting their mental health. More must be done in order to protect all workers from harmful practices that impact their ability to provide.

[Julie Vogtman, Director of Job Quality and Senior Counsel, National Women's Law Center](#) supports this bill as a step to fight unfair scheduling practices and rebuild a more equitable economy. Women of color bear the brunt of a volatile schedules and undermine the ability for them to care for themselves and their families. This bill will grant working people a stable and predictable work times where they can then in turn give to the economy.

[Dr. Daniel Schneider, Professor of Public Policy and Sociology, Harvard Kennedy School and Dr. Kristen Harknett, Associate Professor, Department of Social and Behavioral Sciences, University of California, San Francisco](#) supports this bill for the schedule predictability and stability it will provide. Survey data shows two-thirds of Connecticut employees experience schedule changes with little to no advance notice. Most employees report little to no input on work schedules. In conclusion, worker express a desire for more hours and a more predictability.

[Irene Canales](#) supports the bill because of her personal experiences working in the fast food industry. Having a son with autism requires therapy and treatment, but the constant change of schedule requires me to sometimes call out of work where I would be retaliated on and my schedule would be cut for the prior weeks. I ask the committee to support this bill for Connecticut workers and families.

[Rev. Cathy Starr, Minister, Unitarian Society of Hartford](#) supports this bill because it could offer the same right as someone who works on a salary basis. We must have predictability and consistency for everyday workers.

[Alyson Mierswa, Graduate Candidate, University of Connecticut](#) testified in support of this bill because it relieves the damage on-call scheduling has done to working people. Without a limit for on-call scheduling employees will continue to be disrupted by employers using a tactic of fear and unpredictability to control them.

[James Burke, Operations Manager, Connecticut Working Families Organization](#) testified in support of this bill as it would create a fair work schedule for all Connecticut workers. Having worked at three different jobs where unfair on-call scheduling was used there would be times I waited for hours on-call, unpaid. Giving the employees the tools to work with their schedule will allow the employer to have less call outs and more efficient work.

- Several speakers testified in supports of this bill as it would put an end to the erratic schedule changes affecting many women and people of color and replace it with a reliable scheduling practice of informing employees of their schedule in advance. In addition, unfair on-call scheduling was creating unpredictable work schedules that conflict with financial stability, employee's childcare, health, education and future opportunities they wish to seek. This bill would provide working families with a fair chance at consistent work:
- [Brian Anderson, Council 4](#)
- [Paul Anderson, Resident, Willimantic CT](#)
- [Stephen Anderson, President, CSEA SEIU Local 2001](#)
- [Beth Angel, Resident, Hampton CT](#)
- [Sharon Blackwell, Resident, Cromwell CT](#)
- [Debra Cohen, Resident, Wethersfield CT](#)
- [James Demetriades, Resident, Cromwell CT](#)
- [Meghan Dubois, Resident, Torrington CT](#)
- [Matthew Ford, Resident, New Haven CT](#)
- [Pamela Goldin, Resident, Cheshire CT](#)
- [Madeline Granato, Policy Director and Hannah Halloran, Intern, Connecticut Women's Education and Legal Fund](#)
- [Izzi Greenberg, Director, Middlesex Coalition for Children](#)
- [Kerry John, Resident, Mansfield CT](#)
- [Nathan Karnes, Resident, Windsor CT](#)
- [Sharlene Kerelejza](#)
- [Maribel Luciano, Resident, Norwich CT](#)
- [Sal Luciano, President, Connecticut AFL-CIO](#)
- [Luis Luna, Resident, New Haven CT](#)
- [Paul Madzik, Resident, Bethel CT](#)
- [Jerry Martin, Resident, New Haven CT](#)
- [Elise Mauceri, Resident, East Haven CT](#)
- [Carlos Moreno, State Director, Connecticut Working Families Organization](#)
- [Jack Nevin, Resident, Roxbury CT](#)
- [Katie Patel, Resident, East Haven CT](#)
- [Maricela Perazabaker, Resident, Middletown CT](#)

- [Maribel Rodriguez, Resident, Waterbury CT](#)
- [James Root, Resident, Danbury CT](#)
- [SEIU 1199 NE](#)
- [Robert Senk, Residents, Burlington CT](#)
- [Roger Senserrich, Resident, East Haven CT](#)
- [Kat Torres](#)
- [K T, Resident, Brooklyn NY](#)
- [Francine Ungaro, Resident, Southington CT](#)
- [Charles Venter, Resident, Madison CT](#)
- [Denise Weeks](#)
- [Janée Woods Weber, President, PoliticaCT](#)
- [Stacey Zimmerman, Associate Director, SEIU CT State Council](#)

## **NATURE AND SOURCES OF OPPOSITION:**

[Michael Batista, President, Connecticut Franchisee Association](#) opposes this bill because as a representative for small business owners who operate with a small number of staff, it is government overreach to attempt to regulate daily operations of a business. This legislation presumes employers are misusing on-call scheduling when in fact it is used for employees who agree to be available for extra shifts. Creating flexibility that has been needed since the beginning of this pandemic.

[Zach McKeown, Senior Legislative Associate, Connecticut Conference of Municipalities](#) opposes this bill because it would limit the flexibility that local officials have for the municipality. Unpredictable events, such as inclement weather may require the municipality to change the schedule for the needs of the towns and cities. Any mandate that would restrict municipality's ability to adjust according to unpredictable events will not have our support.

[Connecticut Hospital Association](#) opposes this bill and urges the committee to take no action, but if the committee decides to take action that it excludes "acute care hospitals and other healthcare settings" from the legislation. The provisions would limit the flexibility that hospitals require in order to respond to patients' needs, as well as staff needs due to fluctuating patients on high volume days or unprecedented situations.

[Scott Dolch, Executive Director, Connecticut Restaurant Association](#) opposes this bill because of the on-call scheduling and because it will negatively impact restaurants, caterers and private events. The industry is known for its flexibility both for the employees and the employers alike. The proposed legislation would eliminate the flexibility and require a new system for employers and employees. The on-call scheduling is a necessary aspect in hospitality business due to last minute events, cancellations and weather. Removing the staple of on-call shifts would hurt both the industry and the employees.

[Eric Gjede, Vice President of Government Affairs, CBIA](#) opposes this bill and urges the committee to take no action as on-call employment positions are critical to some industries and have become more so during the pandemic. Requiring employers to commit to a certain number of employees could financially hurt the employers when business is slower or busier than expected. If the bill ends on-call shift scheduling it will decrease the businesses ability to compete while creating more unnecessary burdens.

[Mark McGoldrick, Chairman, Home Care Association of America Connecticut](#) opposes this bill because the on-call provision would be unworkable for the home care industry. The nature of home care shifts and schedule changes occur in an instant because clients are frail, elderly or disabled. Owners are already working to balance many variables, adding this legislation could have unintended consequences to the care of the elderly consumers.

[Toby Malara, Government Affairs Counsel, American Staffing Association](#) does not explicitly state support nor opposition but raises concerns that this bill could have on "temporary help services." Temporary help services can not practically comply with the bill's notice mandate as it would not have that information at the time of hiring. In addition, this bill should exclude temporary employees from the notice and "first hire" mandate by excluding them from the "employee" definition. These mandates are not feasible and unnecessary.

[Mag Morelli, President, LeadingAge Connecticut](#) opposes this bill for prohibiting on-call shift scheduling. As an aging service provider in the nursing homes on-call shifts provides flexibility to employees and those receiving the service. The pandemic has created workforce shortages creating difficulty for the aging services to ensure clients needs are being met. To prohibit on-call shift schedules would administer difficulties that will hinder aging services from being successful.

[Doug Murdoch, Executive Director, Connecticut Association of Theatre Owners](#) opposes this bill because the motion picture business is unique and unpredictable especially now with Covid-19. Film bookings vary drastically from week to week based on public reaction to a film, holidays and weather. These schedules may need to be adjusted and on short notice. Most employees are either students or senior citizens looking for a flexible schedule between twelve to twenty hours a week. As theatres already have slim margins of income this bill will create a significant impact on the business and its patrons.

[National Federation of Independent Business](#) opposes this bill as it would be impractical for many small and mid-sized businesses. Mandating strict scheduling practice in the midst of a pandemic is not necessary. Scheduling issues are worked out daily and does not require state government intervention. It is important to keep in mind smaller businesses work vary depending on customer inflow or other outside demands. We urge lawmakers to take no action on this legislation.

[Philip Neaton, President, Connecticut Environmental Council](#) opposes this bill because it will place undue burden on small outdoor businesses. This bill would impede on the ability to have employees work when needed due to the demands of the weather and season. Prohibiting the ability to have employees on-call may impact the health and safety of the workers due to this regulation and unpredictable weather.

[Wayne Pesce, President, Connecticut Food Association](#) opposes this bill but urges the committee to consider the objective of the food retail industry. The pandemic has resulted in many last-minute absences and illnesses requiring us to fill it with another employee. The industry tries to accommodate requested work periods as far out as possible. However, that can change depending on sale volume and consumer demands. We agree that workers should be given adequate notice of their work schedule and would be happy to work with members of the committee.

[Lumber Dealers Association of Connecticut](#) opposes this bill for prohibiting the practice of on-call shift scheduling. The nature of the industry and construction means there are unexpected events and specific needs of a job that do not allow for a predictable schedule. Other subcontractors rely on the construction company to adapt a flexible schedule to fit critical necessities first. This propose legislation will drive up the cost of all construction and reduce job creation.

[Matthew Barrett, President and CEO, Connecticut Association of Health Care Facilities and the Connecticut Center for Assisted Living](#) opposes this bill as scheduling and payment requirements presents considerable challenges for Connecticut nursing homes. Nursing homes rely heavily on flexibility for all staff to meet the needs of the residents. The state requires enough nursing staff in order to provide all needed services to the resident. However, staffing needs can change in an instant and the care facility should not be penalized for the lack of staff. In conclusion, Connecticut nursing homes should be excluded from the bill's requirements.

**Reported by: Edward Jacome**

**Date: 4/9/2021**