

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: HB-5353

Title: AN ACT CONCERNING A FAIR WORK WEEK SCHEDULE.

Vote Date: 3/22/2022

Vote Action: Joint Favorable Substitute

PH Date: 3/8/2022

File No.: 297

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SPONSORS OF BILL:

Labor and Public Employees Committee
Rep. Michael A. Winkler, 56th Dist.
Rep. David Michel, 146th Dist.
Rep. Travis Simms, 140th Dist.
Rep. Corey P. Paris, 145th Dist.
Sen. Saud Anwar, 3rd Dist.
Rep. Andre F. Baker, 124th Dist.
Rep. Jillian Gilcrest, 18th Dist.
Rep. John "Jack" F. Hennessey, 127th Dist.
Sen. Julie Kushner, 24th Dist.

Sen. Will Haskell, 26th Dist.
Sen. Martin M. Looney, 11th Dist.
Rep. Robyn A. Porter, 94th Dist.
Rep. Anne M. Hughes, 135th Dist.
Rep. Joshua M. Hall, 7th Dist.
Rep. Josh Elliott, 88th Dist.
Rep. Anthony L. Nolan, 39th Dist.
Sen. Marilyn M. Moore, 22nd Dist.
Sen. Bob Duff, 25th Dist.
Rep. Bobby G. Gibson, 15th Dist.

REASONS FOR BILL:

This bill requires certain employers to provide certain employees advance notice of their work schedule. The practice of not finalizing weekly work schedules until a few days before the schedule period makes it difficult for workers to plan, doctor's appointments, childcare, and other day-to-day obligations. This bill allows employees of retail stores, hospitality establishments, and large chain and franchisee restaurants to know their weekly work schedules at least fourteen days in advance, providing reliable income and scheduling.

RESPONSE FROM ADMINISTRATION/AGENCY:

Judicial Branch – External Affairs Division State of CT: The Judicial Branch would like clarification in Sec. 1, Subsection (o) of the bill to make clear whether the plaintiff in a civil action against an employer in violation of H.B. 5353 would be the state or a private party. This clarification would benefit the Judicial Branch as filing fees are usually waived for state agencies but not for private individuals. The Judicial Branch would also like clarification on

whether the language in line 228 means that "the matter is privileged with respect to assignment for trial".

NATURE AND SOURCES OF SUPPORT:

Exec. Director – AFSCME, Jody Barr: This bill would provide stability and reliability to workers' schedules.

Ellington Resident – Taylor Biniarz: Biniarz shared their experience working at a job where they had very little prior notice about shift changes and cancellations, which negatively affected their financial situation and mental health because Biniarz could not be sure when they would be called into work for a shift and felt pressured to work shifts on short notice.

CT Resident – Catherine Bradley: Bradley shared their experience working at a grocery store where their shifts were scheduling only four days in advance and their working hours were lengthened with management informing the employees or obtaining their consent, which caused conflicts and stress.

Regional Director – United Auto Workers Region 9A, Beverly Brakeman: Workers who are often earning a low wage cannot effectively plan out their day-to-day lives because of the lack of advance notice they get from their employers about their scheduled shifts. On-call shifts do not give workers any guarantee of income but force them to be available for the possibility that they will be called in to work.

Worker Justice Policy Advocate – Center for Popular Democracy, Francisco Diez: The practice of waiting until the last minute to create and finalize work schedules to obtain the perfect ratio of staffing to demand means that workers cannot plan their daily lives and have no input in their weekly schedules. These workers have unpredictable schedules and income, which leads to housing insecurity and hunger. Evidence shows that laws similar to H.B. 5353 lead to increased hours for employees, fewer absences, less tardiness, and lower labor costs.

Chair- CT Communist Party USA, Joelle Fishman: On-call scheduling affects primarily low wage workers, hindering them from working more than one job, planning childcare, and scheduling other necessities because they do not know their work hours in advance.

North Haven Resident – Tim Gabriele: On-call scheduling means that workers are at the mercy of their managers and employers who treat workers' financial and personal interests as secondary concerns after profit. This legislation will allow workers to have stable schedules and reliable paychecks.

State Director – Working Families CT, Sarah Ganong: CT workers struggle to make a living because of unpredictable scheduling. Working Families believes that all workers are entitled steady, reliable job that treats them with respect. This legislation will help ensure that this happens. This bill also requires that businesses give workers the right to refuse to work shifts with less than eleven hours in between, giving workers the right to adequate rest.

Policy Director – CWEALF, Madeline Granato: Unpredictable schedules negatively affect women, who are overrepresented in low wage work. Women often must balance their job with childcare and family responsibilities and unreliable scheduling especially impacts them.

President – CT AFL-CIO, Ed Hawthorne: Reliable work schedules allow workers to manage their budgets, work additional jobs, arrange childcare, and pursue education and training. On-call scheduling negatively impacts thousands of workers, many with children, and allows employers to exploit workers and prioritize profits.

Hartford Councilwoman, Tina Hercules: As a mother, Hercules knows that an unreliable work schedule makes planning childcare, transportation, and budgeting difficult. 350,000 CT service workers are subjected to this treatment and feel pressured to endure it or risk losing their jobs. This bill would allow these workers to have a consistent and fair schedule, and stop employers from exploiting workers, preserving dignity and security in the workplace.

Professor – Univ. of Chicago, Susan Lambert: As an academic researcher, Professor Lambert offered evidence that predictable scheduling is both possible and benefits businesses. Professor Lambert's research shows that utilizing schedule predictability in retail stores led to an increase in sales, a decrease in labor, store execution improved, tardiness decreased, and productivity improved. Professor Lambert also supports requiring additional compensation for schedule changes made within the scheduled period, which would be an incentive against employers making short notice schedule changes.

President Pro Tempore, State of CT, Sen. Martin Looney: Sen. Looney supports H.B. 5353, which would improve the quality of life for shift workers who have no control over their work schedule and struggle to arrange childcare and other matters. This bill does not prohibit individuals from working on short notice but requires that employers obtain worker consent.

Member- Hartford City Council: Hartford residents are hard workers who often have low wage jobs with unreliable schedules. This uncertainty adds to the stress of poverty and leads to financial hardship. This bill would mean that workers have dignity in their work and their lives.

District Director, Vice President, Service Employees International Union, Rochelle Palache: H.B. 5353 would provide stability to retail and food service workers who currently deal with unpredictable and erratic schedules. With unreliable schedules, workers cannot improve their skills, work more than one job, or even schedule medical appointments.

Executive Director – CT Roundtable on Climate and Jobs, Allison Pilcher: Stable scheduling is necessary to help working families thrive.

Educator – American Federation of Teachers, Rose Reyes: This bill will provide CT workers with stability, and instability in scheduling disproportionately impacts students and people of color negatively.

Communication Director – CT Working Families, Roger Senserrich: Workers need stable workplaces that treat them with respect. This is especially important for people with families and obligations outside of work.

CT Resident – David Stevenson: Stable work scheduling has been helpful for efficient planning for Stevenson's family. Stevenson believes it also make stronger, more productive employees.

Director – National Women's Law Center, Julie Vogtman: The bill is an important step to combat unfair scheduling practices and to rebuild a more equitable economy.

Vice President Government Relations – American Staffing Association, Toby Malara: The ASA supports the bill but asks that it be amended to exclude temporary help services because they cannot realistically comply with the bill. Temp work by nature has short notice periods and if this bill applied to temporary help services, temp workers would lose out on job opportunities. The ASA asks that temp workers be excluded from the "rest between shifts" and "first hire" requirements of H.B. 5353.

Addition Sources of Support Include:

Robert Tedesco	Chris Ferno, Stratford	Cassandra Martineau
Sarah Aaron Bromley, Milford	James Flores, Willimantic	Sarah Mazzio, New London
Alferd Velda, Storrs	Matthew Ford, New Haven	Alicia McAvay
Ally Sexton	Sarah Forman, Hamden	T. McCormick, West Hartford
Amar Sivan, New Haven	Amber Frazier-Manning	Katherine Michel, Wallingford
Amlachance	M. French, New London	Renato Muguerza, Hartford
Sauda Baraka, Bridgeport	Sarah Ganong	Patrick Murphy, Waterford
Frida Berrigan, New London	Farrah Garland, Stonington	Donna Nicolino
James Bhandary-Alexander, New Haven	David Gilroy, E. Granby	Tamara Nunez del Prado, New Haven
Alisha Blake	Jennifer Godzeno, Stamford	Margaret O'Shea, Old Lyme
Joshua Blanchfield, Hartford	Mildred Guzman-Young, Suffield	Carlene Okula
Linda Bronstein, West Hartford	Chris Halfar, Danbury	Heather Oliver, Windsor
Sheri Brown, Norwalk Resident	Alana Haroskewicz	Laura Olsen, Norwalk
Mariana Budge, New Haven	Leanne Harpin, Fairfield	Laura Orban, Brookfield
Allison Burke	Jefferey Hart, New London	Jen Orlando, New Haven
Zack Campbell, Hartford	Rachel Heerenia, New Haven	Jason Ortiz, Hartford
Francesca Capodiluppo, Ridgefield	Callie Gale Heilmann, Bridgeport	Marisa Raer, West Hartford
Kate Conetta, Danbury	Win Heimer, West Hartford	Rose Reyes, Willimantic
Tom Connolly, West Hartford	Eliza Hwa, Hartford	Brigith Rivera
Madeline Corruella, New Haven	JoAnn	Alex Rodriguez
Meghan Dubois, Torrington	Kelly Keenan, Southbury	Rob Rosenthal, Middletown
Karen Dubois-Walton, New Haven	Claudette Kidd, New Haven	Laura-Ann Schafer, New London
Leigh Duffy, Mansfield Center	Jaclyn Kusluch, Amston	Christina Seeber, Weston
Daniel Durso, East Hartford	Zak Leavy, New London	Constanza Segovia, Hartford
Tim Dutcher, Hamden	Kristen Lennon, New London	Alyssa Siegel-Miles
Amy Duval	Jocelyn Lillis, Torrington	Rachel Silbermann, Hamden
Sidney Elkhay, Manchester	Lisa Lind, Woodbury	Jay Silva, New London
Brenda Falusi	Victoria Locke, Waterbury	Samuel Sims, East Lyme
	Teran, Loeppke, Hamden	Mary Elizabeth Smith, New Haven
	Luis Luna, New Haven	Joseph Sokolovic, Bridgeport
	Darron Lusk, New Haven	Jane Steisel, Waterbury
	Tomothy Manning, New London	

Ronna Stuller, New London
Timothy Sullivan,
Barkhamstead
Laurie Sweet, Prospect
Nicholas Teeling, Winsted
Joseph Tlacomulco, New
Haven
Joseph Trelli, Pawcatuck
Stacey Vairo, Woodbury
Jessie van Dyke, Tarifville
Erin Walker, Bridgeport
Kevin Walsh, Madison
Connie Woods, Groton
Travis Woodward
Sarahi Zacatelco
Daanish Zaidi, New Haven
Zach Zarrow, Middletown
Almut Zieher
Stacey Zimmerman

NATURE AND SOURCES OF OPPOSITION:

Lumber Dealers Asso.: This bill would lead to decreased flexibility and hinder contractor responsiveness to unexpected events. This would raise costs for building materials suppliers and increase the burden on small businesses.

President – CT Franchisee Association, Michael Batista: Opposed the bill on the grounds that it unfairly burdens franchise restaurants, which are small businesses.

CT Farm Bureau: Agricultural work is unique and availability of work can fluctuate based on weather, the seasons, market conditions, pests, and equipment breakdown. This bill would force impractical demands on CT farms, which have some of the highest hourly pay rates in the state. Farms must be able to operate flexibly and efficiently.

President-CEO – CT Restaurant Association, Scott Dolch: The restaurant industry is known for its flexibility and responsiveness, which this bill would eliminate. This legislation would hurt businesses and employees by leading to short staffing, reducing the ability of employees to switch shifts, and reducing on-call opportunities.

CT Resident. David Godbout: Opposes the bill based on the fact that the public hearing is not in-person, which prohibits people without phones or computers from participations and violates the 4th Amendment.

Vice-President, State Governmental Relations – Counsel-International Franchise Association, Jeff Hanscom: This bill unfairly burdens franchisee restaurants by applying an inflexible law to franchisees but not other small restaurants.

Director, Gov. Affairs – New England Convenience Store – Energy Marketers Acco., Brian Moran: H.B. 5353 would place a burden on convenience retail stores during a time when they already are struggling with staffing. Convenience stores need more flexibility in this time than the bill provides.

National Federation of Independent Business: The NFIB believes that H.B. 5353 would negatively impact small and mid-size businesses who happen to be franchises. These businesses have been hit hard by the pandemic and the mandates of this bill are not necessary or feasible. This bill could also bring down excessive enforcement actions down on these businesses for alleged violations. H.B. 5353 does not take into account varying customer demand and other outside factors that lead to short notice scheduling.

CT Food Association, Wayne Pesce: Scheduling can be complicated and it's important for employees to have options when it come to their schedules.

President – CT Lodging Association, Duane Schroder: This bill overlooks the unique needs of certain workplaces like lodging establishments.

President-CEO – Greater New Haven and Quinnipiac Chamber of Commerce, Garret Sheehan: This bill would eliminate workplace flexibility in industries like hospitality, retail, and restaurants.

Director of Public Policy-Econ Development – Waterbury Regional Chamber of Commerce,,
Joseph Violette: Scheduling is complex and different for different industries Flexible
scheduling is necessary to balance employee and customer needs. Rigid scheduling is anti-
business and can cause unintended negative consequences.

Reported by: Theresa Norman

Date: 4/4/2022