



**Testimony of the Center for Law and Social Policy (CLASP)
Before the Committee on Civil Service and Labor
March 3, 2017**

Re: Int. 1384, Int. 1396, Int.1395, Int. 1388, Int. 1387, and Int. 1399 (“Fast Food and Fair Workweek Legislation”)

The Center for Law and Social Policy (CLASP) is a national organization that works to improve the lives of low-income people by developing and advocating for federal, state, and local policies that strengthen families and create pathways to education and work. As a part of our efforts to improve job quality for low-wage workers, CLASP has done extensive research and policy analysis on issues related to fair work schedules.

We strongly support Int. 1384, Int. 1396, Int. 1395, Int. 1388, Int. 1387, and Int. 1399. Research demonstrates that many service workers, particularly low-income workers, in New York City are struggling with the effects of volatile work schedules and inadequate hours. Unstable scheduling creates stress for working families; makes it difficult to pay the bills; and limits workers’ ability to pursue higher education, hold a second job, or perform caregiving obligations. With the passage of this legislation, New York City will join a handful of leading jurisdictions in the country who are improving job quality by stabilizing workers’ schedules.

While a variety of factors perpetuate unfair scheduling, one unifying issue that underpins the problem is lack of worker power and voice.¹ This is why Int. 1384 is a critically important piece of the puzzle, both for fair scheduling and for job quality more broadly. The bill would empower fast food workers to join together with one another in order to increase their chances of being heard on the job and limit the potential for employer retaliation – a major obstacle to worker organizing. Int. 1399, which would apply to all workers regardless of industry, also helps to elevate worker voice by giving workers the right to request flexible work arrangements and protecting them from retaliation. The bill also strengthens NYC’s protections for workers experiencing personal or family emergencies by requiring employers to grant requests if the worker experiences emergencies such as domestic or sexual violence.

Int. 1396 addresses a major source of instability for workers in the fast food industry – lack of advance notice of schedules. Without advance notice, many working families experience severe financial insecurity. A recent study found that nearly 1 in 5 low-income working parents in NYC who experience volatile scheduling (including less than two-weeks notice) reported experiencing hunger as a result of inability to buy sufficient food.² In addition, many working parents who lack advance notice struggle to arrange child care and access child care

subsidies.³ This bill would have a major impact; in NYC, more than 80 percent of restaurant workers currently receive less than 2-weeks notice of their schedules.⁴

Even as the economy has recovered, many workers in NYC and nationwide struggle to find full-time jobs. Nearly 6 million people in the U.S. are working part-time despite wanting to work full-time, and service industry workers are twice as likely to experience this phenomenon.⁵ As with other aspects of job scheduling, workers of color are more likely to experience inadequate hours.⁶ Int. 1395 is thus an important piece of legislation for all fast food workers, but particularly for those from communities of color. The bill, which would require employers to offer available hours to existing part-time employees prior to hiring new part-timers, is a commonsense approach to addressing involuntary part-time work. Similar legislation has passed in five other jurisdictions and is being considered around the country.⁷

Although many workers cannot get *enough* hours, the hours they do receive are too often scheduled in such a way that workers' do not have time to rest and recuperate between shifts. Int. 1388 would protect workers from being scheduled for shifts that don't allow for sufficient rest or compensate employees who consent to working under such grueling conditions. Just as overtime pay has long been accepted as a fair and humane policy, so too should the proposal in this bill be considered.

Recently, led by New York Attorney General Eric Schneiderman, Attorneys General from nine states and the District of Columbia, launched a probe into on-call scheduling, reflecting their "collective concern" about the impact of the practice on workers and their families. While this probe has led to numerous employers voluntarily curtailing on-call scheduling, it provides no enforcement mechanisms and still allows low-road employers to continue this practice.⁸ Int. 1387 would eliminate the abusive practice of on-call scheduling for retail workers in NYC.

These bills are critically important to NYC workers, particularly the many low-income workers who are concentrated in the fast food and retail industries. Together, this package of bills will both improve working conditions and help workers to have a greater voice in the workplace. At the same time, research and employer experiences suggest that these policies would have few, if any negative effects on their businesses; indeed, many employers who adopt fair scheduling practices find that employee loyalty and retention improves.⁹

CLASP commends members of the Council for introducing these important bills and urges the Committee to support them. Thank you for the opportunity to comment.

Sincerely,



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Notes

¹ See Liz Ben-Ishai, Center for Law and Social Policy, “Worker power: a critical component of fair scheduling,” Aspen Institute Blog, 2017. <https://www.aspeninstitute.org/blog-posts/worker-power-critical-component-fair-scheduling/>

² Harold Stolper, Community Service Society. *Unpredictable: How unpredictable schedules keep low-income New Yorkers from getting ahead*. 2016. http://lghhttp.58547.nexcesscdn.net/803F44A/images/nycss/images/uploads/pubs/Scheduling_12_19_16_Final_Web.pdf

³ Liz Ben-Ishai, Hannah Matthews, and Jodie Levin-Epstein. Center for Law and Social Policy. *Scrambling for Stability: the challenges of job schedule volatility and child care*. 2014. <http://www.clasp.org/resources-and-publications/publication-1/2014-03-27-Scrambling-for-Stability-The-Challenges-of-Job-Schedule-Volat-.pdf>

⁴ Stolper, 2016.

⁵ Lonnie Golden. Economic Policy Institute. *Still falling short on hours and pay*. 2016. <http://www.epi.org/files/pdf/114028.pdf>

⁶ Ibid.

⁷ Such laws have passed in Seattle and Tacoma, WA and San Jose, Emeryville, and San Francisco, CA. See proposed legislation and enacted laws sections at <http://www.clasp.org/issues/work-life-and-job-quality/scheduling-resources>

⁸ Bourree Lam. “The end of on-call scheduling?” *The Atlantic*. 2015.

<https://www.theatlantic.com/business/archive/2015/10/on-call-scheduling-labor/412132/>

⁹ Liz Ben-Ishai. Center for Law and Social Policy. *Job Schedules that Work for Businesses* 2014. <http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>