



# Job Schedules that Work for Students

July 22, 2014

By Liz Ben-Ishai

The price tag on a college education is higher than ever<sup>1</sup> – but not having a degree is even more costly, according to recent studies.<sup>2</sup> However, for lower-income students, getting to a college degree isn't so simple. Student financial need after grant aid (commonly referred to as “unmet need”) averages \$6,000 for students, even at lower-cost community colleges. For low-income students – and many moderate-income students, too – this can mean that paying for higher education may require holding a job while studying or taking out loans to meet college costs. Yet, employers' scheduling practices can wreak havoc on working students' ability to succeed in school.

Particularly in lower-wage jobs, unpredictable and unstable schedules are becoming the norm. This means that many workers receive their schedules at the last minute – days or hours before they are required to work; few have input into their schedules; the timing of their shifts fluctuates from week-to-week; and the number of hours they receive (along with their paychecks) rises and falls unpredictably. For students, this has a host of implications, ranging from limitations on course choices, including those required for completion of their degrees; challenges in regularly attending classes; inability to complete out-of-class work; difficulty budgeting to cover tuition and expenses; and ultimately, greater obstacles to completing post-secondary programs.

Volatile scheduling practices are bad for all workers. However, students in jobs characterized by unthoughtful scheduling practices face unique challenges – and policy makers are taking note. A new bill introduced in Congress, the *Schedules that Work Act*, would help all workers, while offering special protections to working students and others with special needs.

## Many Students Balance School, Work, and Family

- **The majority of college students work.** Nearly three quarters of the 19.7 million students aged 16 and over enrolled in undergraduate college worked in 2011. Almost 20 percent worked full-time, year-round, with the remaining 52 percent working less than full-time year round.<sup>3</sup>
- **Today's college students must juggle multiple demands.** In the 2011-2012 academic year, 26 percent of undergraduates had dependent children. Of these, 40 percent worked full-time, and 27 percent worked part-time.<sup>4</sup>
- **Jobs often place limitations on students' schooling.** According to a survey of undergraduates conducted in the 2007-2008 academic year, students say their jobs restricted their choice of classes (20 percent), limited the number of classes they took (24 percent), limited their class schedules (28 percent), and limited access to campus facilities (20 percent).<sup>5</sup>

### Scheduling Challenges are Widespread Among Working Students

- **Many working students receive very little advance notice of their job schedules.** An analysis by Susan Lambert and colleagues at the University of Chicago of the 2012 National Longitudinal Survey of Youth shows that nearly one-third of employed post-secondary students between ages 26 and 32 received one week or less advanced notice of their schedules.<sup>6</sup>
- **Students have little input into their schedules.** More than one-third of working post-secondary students between ages 26 and 32 said they have no input into their schedules, which are determined solely by their employers.<sup>7</sup>
- **Working students experience a high degree of fluctuation in their work hours.** Among employed post-secondary students between ages 26 and 32, 71 percent experienced instability in their weekly work hours. That is, the number of hours they were scheduled to work varied in the past month. Those who experienced instability saw their hours fluctuate by 63 percent on average.<sup>8</sup>
- **Students say flexibility would help them stay in school.** A survey of women in Mississippi's community colleges found that 26 percent of students say more flexibility or leave time from their jobs would have helped them persist in school.<sup>9</sup> According to another survey of 22- to 30-year-olds with some post-secondary experience, 48 percent who had dropped out of school say that the inability to find classes that fit their schedules is an obstacle to returning to school.<sup>10</sup>

#### Tiffany's Story

Tiffany worked at Walmart for almost three years as a customer service manager (CSM). Tiffany, a happily married mother of two daughters, wants to advance even further (she got a 35 cent raise as a CSM), and appreciates that education and credentials help. She was going to school and working full time, but Walmart cut her hours when she requested specific days and time off to attend her classes. Her hours were cut so drastically that she was unable to pay for school and had to drop out halfway through a semester. That meant she not only lost the credits she would have earned that semester but also the money she spent on those credits.

Although the company could have changed her schedule, Walmart showed no sympathy for Tiffany's scheduling needs due to school; instead of making small adjustments that would have helped her attain her educational goals, Walmart cut her hours. Tiffany and OUR Walmart continue to push for companywide policy changes on scheduling and pregnancy accommodations. Source: Organization United for Respect (OUR Walmart)

## New Legislation Could Help Working Students to Synchronize their Work and School Schedules

If passed, the Schedules that Work Act would give workers the ability to request more flexible, predictable, or stable schedules. For students who face special challenges as indicated by the data above, employers would be able to refuse such requests if they have *bona fide* business reasons for doing so. The bill would also require employers in selected industries to provide advance notification of schedules, compensate workers who are sent home from work early, work split shifts, or are required to be on call. All told, the bill could make a significant difference to student employees who are working hard at home and on the job to improve their lives. They deserve fair working conditions.

### The Schedules that Work Act

The following provides an overview of the proposed legislation, which applies to employers with 15 or more employees.

*This provision applies to workers in all industries.*

#### Right to Request (and Receive) Flexible, Stable, or Predictable Schedules

- Workers have a right to request of their employers a flexible, predictable, or stable schedule.
- Workers falling into four categories have the right to receive such a schedule. These categories are: workers with caregiving obligations; workers with a second job; workers with serious health conditions; and workers enrolled in educational or job training programs. An employer can refuse the request if s/he has *bona fide* business reasons for doing so.
- To address the request the employer must engage in a timely, interactive process with the employee to arrive at the desired schedule. For workers outside of the four categories, the employer must engage in this process but has no obligation to provide the schedule.
- It is illegal to discriminate on the basis of membership (or perceived membership) in any of the four categories listed above. The employer cannot retaliate against employees who make requests for schedule changes and/or are granted schedule changes.

*The following provisions apply to workers in three industries: retail, food preparation and service, and building cleaning. These occupations are among those most at risk for precarious and unpredictable schedules.*

#### Advance Notification of Schedules

- Employers must provide employees with their schedules at least two weeks in advance.
- Once the schedule has been posted two weeks in advance, an employer must provide one extra hour of pay for each shift that is changed with less than 24 hours notice to the worker. If the reason for a shift change is the unexpected unavailability of an employee scheduled to work (e.g. another worker takes a sick day), the employer does not have to pay the extra hour.

## Reporting Pay, Call-In Pay, and Split Shift Pay

- If any employee reports to work for a scheduled shift but is sent home before the end of the shift, s/he must receive a minimum of four hours of pay at the employee's regular rate, or pay for the entire shift if it is less than four hours.
- If an employee is required to call-in for a shift but is not given any work, s/he must receive at least four hours of pay.
- An employee must receive an extra hour of pay for each split shift s/he is required to work.

## Further resources

For additional resources on scheduling challenges, existing laws, and proposed legislation, see <http://www.clasp.org/pages/scheduling-resources>.

---

## Notes

<sup>1</sup> See Patrick Reimherr, Tim Harmon, Julie Strawn, and Vickie Choitz, *Reforming Student Aid*, Center for Law and Social Policy, 2013 <http://www.clasp.org/documents/final-radd-whitepaper-feb-2013.pdf>

<sup>2</sup> Pew Research Center, "The Rising Cost of Not Going to College," 2014, <http://www.pewsocialtrends.org/2014/02/11/the-rising-cost-of-not-going-to-college/>

<sup>3</sup> Jessica Davis, "School Enrollment and Work Status: 2011," U.S. Census Bureau <http://www.census.gov/prod/2013pubs/acsbr11-14.pdf>

<sup>4</sup> Author's calculations using NCES PowerStatsVersion 1. Source: "2011-2012 National Postsecondary Student Aid Study (NPSAS:12)," U.S. Department of Education, National Center for Education Statistics, calculated 07/16/2014

<sup>5</sup> Author's calculations using NCES PowerStatsVersion 1. Source: "2007-2008 National Postsecondary Student Aid Study (NPSAS:12)," U.S. Department of Education, National Center for Education Statistics, calculated 07/16/2014. The most recent data does not include these questions.

<sup>6</sup> Susan J. Lambert, Peter J. Fugiel, & Julia R. Henly. *Schedule Unpredictability among Early-Career Workers in the US Labor Market: A National Snapshot*. Research brief issued by EINet (Employment Instability, Family Well-being, and Social Policy Scholars Network) at the University of Chicago: <http://ssascholars.uchicago.edu/einet>, July 2014; Note: more than 40 percent of post-secondary students are 24 or older. Author's calculations using NCES PowerStatsVersion 1. Source: "2007-2008 National Postsecondary Student Aid Study (NPSAS:12)," U.S. Department of Education, National Center for Education Statistics, calculated 07/21/2014.

<sup>7</sup> Susan J. Lambert, Peter J. Fugiel, & Julia R. Henly. *Schedule Unpredictability among Early-Career Workers in the US Labor Market: A National Snapshot*.

<sup>8</sup> Ibid.

<sup>9</sup> Cynthia Hess, Lindsey Reichlin, Stephanie Román, and Barbara Gault. *Securing a Better Future: A Portrait of Female Students in Mississippi's Community Colleges*, Institute for Women's Policy Research, 2014, [http://www.iwpr.org/publications/pubs/securing-a-better-future-a-portrait-of-female-students-in-mississippi2019s-community-colleges/at\\_download/file](http://www.iwpr.org/publications/pubs/securing-a-better-future-a-portrait-of-female-students-in-mississippi2019s-community-colleges/at_download/file).

<sup>10</sup> Jean Johnson, Jon Rochkind, Amber N. Ott, and Samantha DuPont, *With Their Whole Lives Ahead of Them*, Public Agenda, 2009, <http://www.publicagenda.org/files/theirwholelivesaheadofthem.pdf>