



The Schedules that Work Act

July 22, 2014

By Liz Ben-Ishai

Particularly among low-wage workers, unpredictable and unstable schedules are becoming the norm. This means that many employees receive their schedules at the last minute, days or hours before they are to work; the timing of their shifts fluctuates from week-to-week; and the number of hours they receive (along with their paychecks) rises and falls unexpectedly. Fluctuating schedules impose serious economic, personal, and health strains on workers and their families, while also hindering business and the economy. Unpredictable schedules make arranging child care, transportation, and other activities extremely challenging.

More than ever before, workers are juggling the demands of their jobs and responsibilities to care for their families. In most families, both parents work. Women are increasingly primary breadwinners. Despite this, many employers engage in scheduling practices that make it very difficult for employees to manage responsibilities at work and home.

It is not just workers with family care obligations who are hurt by volatile scheduling practices. The current economic environment means that many workers are juggling more than one job, while others are seeking further education and training to increase their chances of find better jobs. For these workers, volatile scheduling practices make holding a second job or attending classes extremely difficult.

Overview of the Act

The *Schedules that Work Act* seeks to address these problems by giving employees the ability to request changes to their work schedules without fear of retaliation. As well, it seeks to give workers in certain industries known to have erratic scheduling practices more predictable and stable schedules. The bill applies only to employers with 15 or more employees.

The following 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 additional 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.

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 one hour of pay.
- An employee must receive an extra hour of pay for each split shift s/he is required to work.

Further resources

- **“Right to request” laws have been enacted in Vermont and San Francisco, as well as abroad.**
 - More on Vermont and San Francisco, see [“San Francisco's New Workplace Law Signals a Shift”](#)
 - For more on the UK's law, see [How to Exercise Flexible Work: Take Steps with a "Soft Touch" Law](#)
- **CLASP has published several pieces on the effects of volatile scheduling practices and potential policy solutions.**
 - [Scrambling for Stability: The Challenges of Job Schedule Volatility and Child Care](#)
 - [Tackling Unstable and Unpredictable Work Schedules](#)

For further resources from CLASP and colleague organizations, visit our Scheduling Policy Resources page: <http://www.clasp.org/pages/scheduling-resources>