

Fair Work Schedules: The Purpose of Fair Workweek Policies and Emerging Enforcement Issues

MAKING PAID SICK DAYS WORK  NOVEMBER 2018

Julie Vogtman

Director of Job Quality & Senior Counsel

National Women's Law Center

jvogtman@nwlc.org

@nwlc  @JulieVogtman

Many high-growth jobs are low-wage jobs – and low wages are not the only problem.

Occupations with the most job growth, 2016 – 2026 (BLS projections)

Occupation (2017)	Share Women	Share Black	Share Asian	Share Latinx	Median Hourly Wage	Employment Change, 2016-2026	
						Number (in 1000s)	Percent
Overall workforce	46.9 %	12.1%	6.2%	16.9 %	\$18.12	11,518.6	7.4%
Personal care aides	83.7%	24.8%	9.1%	20.7%	\$11.11	777.6	38.6%
Comb. food prep/serving workers	60.0%	17.3%	4.4%	22.8%	\$9.70	579.9	16.8%
Registered nurses	89.9%	12.3%	8.7%	6.9%	\$33.65	438.1	14.8%
Home health aides	88.6 %	33.9%	5.6%	16.7%	\$11.16	431.2	47.3%
Software developers (apps)	18.7%	5.6%	32.4%	6.2%	\$48.94	255.4	30.7%
Janitors & cleaners (except maids/housekeeping)	35.2%	18.6%	3.8 %	31.7%	\$12.02	236.5	9.9%
General & operations managers	34.1%	8.3%	4.5%	11.4%	\$48.27	205.2	9.1%
Laborers & freight, stock, material movers, hand	19.9%	20.2%	3.8%	22.2%	\$13.00	199.7	7.6%
Medical assistants	91.6%	15.0%	4.0%	27.9%	\$15.61	183.9	29.0%
Waiters & waitresses	69.9 %	9.2%	7.6 %	20.9%	\$10.01	182.5	7.0%

What do challenging work schedules mean for workers + their families?

- Nonstandard timing
- Unpredictability
- Instability/variability in hours
- Involuntary part-time work
- Limited schedule control



In many low-wage jobs...

LOW PAY
+
ERRATIC SCHEDULES
+
NO PAID LEAVE
=
STRESS

Surviving on low wages strains parents and children.
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Challenging work schedules especially constrain child care options.

- Formal child care centers and preschools mostly provide care on a weekday, full-time, regular schedule.
- Licensed family child care homes are more likely to offer part-time and evening care, but still few weekend or night hours.
- Informal family, friend, & neighbor (FFN) care is often the only setting available for parents who work evenings, weekends, and/or variable hours.

For many low-wage workers,

a last-minute work schedule = a last-minute scramble for child care.



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The graphic features a grey calendar icon for the year 2016. To the right of the calendar is a red silhouette of a woman holding a child. The text is arranged in a clear, hierarchical manner, with the main message in bold yellow boxes and supporting text in grey and red.

Key Policies (in Principle & Practice)

1. Provide greater employee input into work schedules and respect workers' need for time to rest and manage other obligations.
 - Right to request; right to rest; split-shift pay
2. Provide adequate advance notice of work schedules.
 - Advance notice requirements
3. Discourage last-minute changes to scheduled shifts.
 - Predictability pay, on-call pay, reporting pay
4. Expand opportunities for part-time workers.
 - Part-time parity, access to hours

(Abbreviated) Summary of Laws Promoting Fair Work Schedules

	Advance Notice	On-Call Pay	Part-Time Parity	Predictability Pay	Private Right of Action	Promotion of Full-Time Work	Reporting Pay	Right to Request	Right to Rest	Split-Shift Pay
Oregon S.B. 828, 2017 Leg., 79th Sess	7 days (as of 7/2018) 14 days (as of 7/2020)	✓		✓	✓		✓	✓	✓	
Rhode Island 28 R.I. Gen. Laws § 28-12-3.2					✓		✓			
Vermont 21 Vt. St. Ann. § 309								✓		
Washington, DC D.C. Mun. Reg. tit. 7 §§ 906, 907					✓		✓			✓
Emeryville, CA Emeryville, Cal., Mun. Code §§ 5-39.01 - .12	14 days			✓	✓	✓		✓	✓	
New York City, NY N.Y.C., N.Y., Admin. Code §§ 20-1201 - 1212, 1221 - 1241 (fast food)	14 days			✓	✓	✓		✓	✓	
New York City, NY N.Y.C., N.Y., Admin. Code §§ 20-1201 - 1212, 1251 - 1252 (retail)	72 hours				✓					
New York City, NY N.Y.C., N.Y., Admin. Code §§ 20-1261-1263								✓		
San Francisco, CA S.F., Cal., Admin. Code §§ 12Z.1 - .12								✓		
San Francisco, CA S.F., Cal., Police Code art. 33F §§ 3300F.1 - .18, art. 33G §§ 3300G.1 - .18	14 days	✓	✓	✓		✓	✓			
San Jose, CA San Jose, Cal., Mun. Code § 4.101.040					✓	✓				
SeaTac, WA SeaTac, Wash., Mun. Code § 7.45.030					✓	✓				
Seattle, WA Seattle, Wash., Mun. Code § 14.22.055 - .150	14 days	✓		✓	✓	✓	✓	✓	✓	