

Why We Need the Schedules That Work Act

One in six workers report that their schedules vary based on the needs of their employer—and workers in low-wage jobs are disproportionately represented among those with unpredictable schedules. Erratic schedules are more than an inconvenience. They have serious effects on the wellbeing of individuals and families, are linked to adverse business consequences, and cause broad economic costs.

HOW UNPREDICTABLE AND UNSTABLE SCHEDULING HARMS WORKERS

Unpredictable schedules cause undue harm to the wellbeing and economic stability of employees through:

- **Income volatility and material hardship:** As hours fluctuate, so does take-home income. For many families, income volatility makes it difficult to manage expenses, pay bills, and budget. In a survey of 30,000 hourly workers, a third of workers reported going hungry or relying on free food in the past year.¹
- **Risk of losing benefit eligibility:** Some programs that support basic needs—SNAP and TANF—require documenting a certain number of hours worked per month. When hours decrease, workers risk losing critical supports that help them make ends meet.
- **Inability to secure additional employment:** Many workers in low-wage jobs need to take on multiple positions to support themselves and their families. Unstable and unpredictable scheduling in one job is a barrier to finding additional employment.
- **Increased stress and diminished health outcomes:** Research shows that unpredictable scheduling can interfere with sleep and lead to physical symptoms often associated with stress. Children's behavioral and cognitive development also suffers when parents are stressed.
- **Costly commutes:** Transportation costs workers both time and money, and when hours are cut, a day's wages may not even cover the cost of commuting—particularly for people in low-wage jobs.

THE IMPACT OF UNSTABLE SCHEDULES

Volatile scheduling and insufficient hours harm some people more than others. This is particularly true for:

- **Working parents:** unstable work schedules make finding and affording stable child care a challenge.
- **Women:** make up over 60 percent of workers in low-wage and part-time jobs, positions that often have unpredictable schedules.
- **Workers of color:** are more likely than their co-workers to have shifts canceled, be “on-call” without guaranteed work or pay, be involuntarily working part-time, and be assigned “clopenings”—working the closing shift and then the opening shift a few hours later.²
- **Immigrants:** are significantly more likely to live in poverty and work in industries like retail stores and restaurants with problematic scheduling practices.
- **Workers without college degrees:** are twice as likely to have irregular work schedules than those with a bachelor's degree or more.
- **Students and early-career adults:** Fluctuations in work schedules make it difficult for working students to attend classes regularly.

¹ Daniel Schneider & Kristen Harknett, *It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality*, Shift Project, Oct. 2019, <https://shift.berkeley.edu/its-about-time-how-work-schedule-instability-matters-for-workers-families-and-racial-inequality/>

² Ibid.

The Schedules That Work Act

The Schedules that Work Act will offer working people more certainty about their schedules and income by providing them the right to request flexible, stable, and predictable schedules. It will also create new standards for specific low-wage industries with erratic scheduling practices, ensuring that low-wage jobs provide greater stability and more regular and predictable wages.

All workers whose employers have 15 or more employees will have the right to:

1. Request a flexible, predictable, or stable schedule.
2. Receive such a schedule (unless the employer has a bona fide business reason to deny it), if needed for:
 - Caregiving responsibilities;
 - A second job;
 - A serious health condition; or
 - Educational or job training obligations.
3. Get their scheduling requests addressed in a timely, interactive manner, and receive an explanation if their employer denies their request.
4. Rest for at least 11 hours between scheduled shifts or receive time-and-a-half pay for “clopening” shifts.
5. Be free from retaliation for exercising any rights under this Act.

Businesses will benefit from the Schedules that Work Act through:

- Increased productivity and decreased absenteeism.
- Significantly reduced turnover and operating costs.
- Improved employee engagement and increased worker happiness.

Employees specifically working in the **retail, food service, cleaning, hospitality, and warehousing industries** (or occupations the Secretary of Labor designates) will:

1. At hire, receive an initial work schedule and estimated minimum number of hours each month.
2. After hire, receive any changes in their schedules, in writing, at least 14 days in advance, or receive \$75 per day until the new work schedule is provided.
3. Be able to rely on this schedule or be compensated for employer-initiated changes with less than 14 days’ notice, including:
 - One hour of predictability pay for added or changed shifts, when overall hours are not reduced.
 - Predictability pay for half of their scheduled hours not worked if their employer reduces or cancels their shifts. However, predictability pay isn’t required when employees request shift changes in writing, participate in voluntary shift-swaps, or for covered emergency situations.
4. Receive an extra hour of pay for each split shift (a shift with non-consecutive hours).
5. Receive a paycheck that transparently identifies any predictability pay the employee is owed.

FOR MORE INFORMATION

This fact sheet was produced by the CLASP Job Quality team. The Job Quality team advocates for federal, state, and local policies that expand labor protections and improve job quality. We also work with advocates, government officials, and policymakers to strengthen enforcement of these policies. Additional information, including additional sources, can be found at clasp.org/publications/report/brief/why-workers-and-their-families-need-predictable-scheduling. For questions, please contact JobQuality@clasp.org.