



**TESTIMONY IN SUPPORT OF Senate Bill 1330
The Fair Scheduling Act**

TO: Dan Sparks, Chair
Jobs, Agriculture, and Rural Development Committee

FROM: Elizabeth Ben-Ishai, Senior Policy Analyst, Center for Law and Social Policy

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My name is Elizabeth Ben-Ishai. I am a senior policy analyst at the Center for Law and Social Policy (CLASP). 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. CLASP strongly supports Minnesota's proposed Fair Scheduling Act (SF 1330), which would improve working conditions for the state's 1.5 million hourly workers, many of whom currently struggle with precarious jobs characterized by last-minute shift changes; on-call work; volatile schedules; inadequate hours; and rigid schedules that do not allow for worker input or flexibility

Workers need stability and predictability in their schedules in order to both do their jobs and manage other aspects of their lives, whether caregiving, school, second jobs, or other obligations. That is why fair scheduling legislation is so critical to improving the lives of working people, particularly lower-wage workers. Nationally, 41 percent of early career workers in hourly jobs receive one week or less advance notice of their schedules, and three-quarters see their hours fluctuate from week to week. Such unpredictability makes arranging child care, building skills through education and training, or simply making ends meet virtually impossible. Around the country, the movement for fair schedules is building rapidly, with a growing number of employers acknowledging the importance of smart and fair scheduling practices for employee retention and business productivity. CLASP is pleased that the Minnesota Senate is considering taking steps to address volatile schedules.

Senate Bill 1330 includes the following provisions (in brief below), which would create more stability and predictability for many workers:

- Employers must provide employees with 21 days notice of their schedules
- Employees must consent to added hours, with protections from employer retaliation
- Employers must compensate employees for changes to schedules after the schedule has been posted ("predictability pay")
- Employers must compensate employees for shifts that are cancelled or reduced with less than 24 hours' notice ("reporting pay")
- Employees have the right to request scheduling accommodations, with employers required to accommodate the requests of employees with caregiving obligations, serious medical conditions, who are enrolled in educational pursuits, or who hold second jobs.
- Employees have a right to rest for at least 11 hours between shifts.
- Employers must offer qualified existing employees additional hours of work before hiring new staff or temporary workers.

- Employers must not discriminate against part-time employees; they are entitled to equitable pay, time off, and advancement opportunities
- Enforcement and record keeping provisions are in place to ensure that the law would be meaningful for the workers it is intended to protect.

These provisions are not only good for workers, they are also feasible for employers. Many employers already provide their workers with three weeks of advance notice of schedules, including Wal-Mart, Costco, and Macy's. Employers often rely on scheduling software to help them manage their workforce. Workplace Systems, a company that sells scheduling software, explains in its recent compliance guide for San Francisco's new scheduling law (which includes many provisions similar to SF 1330), "[C]ompanies that comply with the regulations may [...] see increases in employee engagement, decrease turnover, and achieve more sales through better-served customers." The company's Vice President, JD Miller, also noted in a recent webinar that, using technology, employers can easily comply with scheduling laws like the San Francisco's.

Employers can accurately predict most of their labor needs, according to researchers. Thus, while predictability pay is a fair way to compensate workers who must contend with last minute scheduling changes, employers should be able to avoid the costs of this premium pay by employing careful scheduling practices at the outset – practices that are good for business. All employers, even smaller ones, can reap the benefits of fair scheduling. For example, Marcia St. Hilaire-Finn, owner of a child care center with about 30 staff, notes, "Having happy employees is critical for the success of our business. Fair and flexible scheduling is on way we accomplish this." For more on the business case for fair scheduling practices, please see CLASP's brief outlining the research, found at: <http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>.

Thank you for considering the Fair Scheduling Act (SF 1330). We strongly urge you to move this legislation forward to quickly address the pressing needs of Minnesota's hourly workers.

Sincerely,

Elizabeth Ben-Ishai, Ph.D.
Senior Policy Analyst
CLASP