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The Hon. Virginia Foxx
Chairwoman
The Hon. Robert C. “Bobby” Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Hon. Bradley Byrne
Chairman
The Hon. Mark Takano
Ranking Member
Workforce Protection Subcommittee
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

February 14, 2017

Dear Representatives Foxx, Scott, Byrne, and Takano,

Jobs With Justice is an independent, nonprofit organization dedicated to promoting workers’ rights and fighting for an economy that benefits everyone. We bring together labor, community, faith and student voices at the national and local levels through a network of local coalitions across the country. Additionally, we create innovative solutions to the problems working people face today, through research, analysis, organizing, and public advocacy.

This week, the House Education and Workforce Subcommittee on Workforce Protections will hold a hearing: “Federal Wage and Hour Policies in the Twenty-First Century Economy.” Serious reforms are needed to adapt our 20th-century employment laws to the 21st century. Among those reforms is predictable scheduling. Working people are increasingly unable to juggle their caregiving duties, second jobs, or educational and training opportunities because their employers fail to give them adequate notice of their work schedules. A recent national survey of early career employees found that 41 percent of those in hourly jobs report getting their schedule less than a week in advance.¹ Kimberly Mitchell, a Macy’s employee and scheduling advocate in Washington, DC, epitomizes the struggles of millions of people across the country:

“When we should be able to spend time with our families celebrating and preparing for the holidays, [Macy’s] overloads us with hours, sometimes at the last minute, while they are cutting our hours everywhere else. This doesn’t just happen during the holidays. Macy’s can change their schedule to fit a sale or the business of that day, at any time, without notice. That means when Macy’s plans a sale at the eleventh hour, they change the schedule to have everyone working that day. If the sale isn’t going well, they cancel late-day shifts. If you are lucky, they will call you and tell you not to come in, but in most cases, they don’t call at all. You spend the money to come in just to be told that you aren’t needed.”

Working people are coming together to demand corporations provide the stability needed in their jobs. In December 2014, working men and women and their advocates spurred the San Francisco Board of

Supervisors to pass first-of-its-kind legislation, providing more reliable and sufficient schedules for more than 40,000 people. The Formula Retail Employee Rights Ordinances, which went into effect in 2015, offer the basic predictability working people need to plan their lives, through schedules they can count on. The laws require that employees receive their schedules 14 days in advance. A forthcoming study by San Francisco State University reveals both a high level of compliance with the predictable scheduling ordinances by employers, as well as positive outcomes for employees who now can better manage their lives outside of work.ⁱⁱ

San Francisco's ordinances provide a great model for other communities to imitate and implement. Working people and community and labor advocates helped enact scheduling improvements in Seattle, San Jose, and Emeryville, California in 2016. Additional state and local efforts are underway in 2017. Congress can follow suit and curb employers' abusive scheduling by passing the Schedules That Work Act. Such a law would give all employees a say by enabling them to make scheduling requests and protecting them from related employer retaliation. Unless there is a legitimate business reason for an employer to refuse an employee's request for a schedule change, they must grant the request, and allow employees to fulfill caregiving responsibilities, pursue education and workforce training opportunities, or manage their own serious health conditions.

These protections are particularly important in light of the nomination of fast-food CEO Andrew Puzder to be Secretary of Labor. Mr. Puzder has a record of hostility to working people and their rights. In addition, the restaurants he oversees frequently flout their responsibility to abide by the nation's labor laws. If the Department of Labor won't stand up for working people in the current administration, it is even more important that Congress and state and local governments act as their champions. Passing predictable scheduling laws would be a positive step in that direction.

Jobs With Justice is engaged in better understanding the changing nature of work in our country. We are committed to ensuring that working people continue to have a voice on the job, and a fair shot at a decent standard of living. Thank you for the opportunity to share our perspective on predictable scheduling. Please do not hesitate to contact me or my staff if we can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Sarita Gupta". The signature is written in a cursive, flowing style.

Sarita Gupta
Executive Director, Jobs With Justice

ⁱ Lambert, Susan, Peter J. Fugiel, and Julia R. Henly. 2016. “*Schedule Unpredictability among Early Career Workers in the US Labor Market: A National Snapshot*,” University of Chicago. Accessed at https://ssascholars.uchicago.edu/sites/default/files/einet/files/lambert.fugiel.henly_executive_summary_b_0.pdf

ⁱⁱ Email research@jwj.org for more information on the preliminary findings of the San Francisco State University study, which is based on over 1000 surveys collected between December 2016 and February 2017.