

## Testimony in support of LD 1190, “An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules”

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Senator Tipping, Representative Roeder, and members of the Joint Standing Committee on Labor and Housing, my name is Arthur Phillips, and I am an analyst at the Maine Center for Economic Policy. I am here to testify in support of LD 1190, “An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules.”

This bill would require employers with at least 250 employees to provide hourly workers with a schedule at least two weeks in advance, and to provide workers an estimate of a typical weekly schedule upon hiring. Employers could make changes to workers’ schedules but would have to provide compensation for changes made within one week of the shift, with higher payments for changes with less than 24 hours’ notice. The bill would continue to allow employees to trade shifts with one another and request shift changes, regardless of notice.

Currently, Mainers who work in hourly jobs often have little or no control over their schedule, and regularly face last-minute changes to the shifts they’re scheduled to work. These disruptions make it difficult for workers to manage their budgets and child care or other personal needs, and it takes a toll on their physical and mental health. Unpredictable schedules are especially common in lower-wage jobs, particularly the hospitality and retail sectors.<sup>1</sup>

Just under half (44 percent) of hourly workers in Maine — 154,000 people — have varying schedules. In many of these cases, the employer has sole or primary say over the schedule. Half of workers whose employer plays a role in setting the schedule get less than a week’s notice, including almost one in five (19 percent) who get a day’s notice or less.

Consider this hypothetical scenario: You work at a national retail chain and on any given week, your employer may change your schedule. Last week, you worked the closing shift on Sunday, the opening shift on Monday, a half-shift from 11 a.m. to 3 p.m. on Wednesday, and a double on Friday. The week before, you were only given two shifts — one Saturday and one Wednesday, and neither one a full eight hours. Today, you’re waiting to see what your schedule is going to be for the next week, but your boss has told you that you need to be available even on the days you’re not scheduled, just in case you’re needed.

In this situation, it would be extremely difficult to juggle your responsibilities outside of work, let alone seek another job or enroll in school to improve your prospects. But far too many workers are subject to this sort of “just-in-time” scheduling.

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Studies have shown that workers facing this kind of scheduling volatility have serious difficulties balancing work and home life, and that it is children who often pay the price.<sup>i</sup> Unpredictable schedules put stress on parents and are linked to behavioral problems and worse performance in school for their kids. Toddlers whose mothers' work irregular hours have developmental delays and preschoolers are more likely to show negative behavior. Finding affordable child care is difficult enough under the best of circumstances; but it is almost impossible to do so at the last minute. This bill will make it easier for parents to take care of their kids and improve their children's outcomes in the near and long term.

It would also improve Mainers' economic well-being, as irregular schedules often mean irregular incomes. Unpredictable schedules are most common in low-wage work. Surveys of workers with unpredictable schedules find that large numbers experience financial hardship — including food insecurity, trouble making rent, missing a utility payment, and skipping medical care because they can't afford it. While one full-time job should be enough for any worker to get by, predictable schedules make it easier for workers with low income to take another job, if necessary, to make ends meet.

Fair scheduling doesn't just benefit employees; it's good for employers' bottom line, too. In a study of employees at The Gap, greater scheduling predictability improved productivity, sales, and revenue.<sup>ii</sup> Other research has shown that improving scheduling predictability reduces employee turnover, a major cost for businesses.<sup>iv</sup>

To summarize, LD 1190 would make a real difference for working families. Reliable, predictable schedules would make it easier for workers to balance their commitments in and out of the workplace, care for their families, and create and stick to a budget. It would incentivize large employers to proactively plan their schedules in ways that could improve productivity and reduce turnover. We urge you to vote ought to pass.

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<sup>i</sup> "Irregular Work Scheduling and Its Consequences," Lonnie Golden, Economic Policy Institute, April 2015, available at <https://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>

<sup>ii</sup> "Why Fair Schedules Are Critical for Working Parents and their Children's Well-Being," National Women's Law Center, April 2017, available at <https://nwlc.org/wp-content/uploads/2017/04/New-Set-Up-For-Success-Why-Fair-Schedules-Are-Critical-for-Working-Parents-and-Their-Childrens-Well-Being.pdf>

<sup>iii</sup> "Stable Scheduling Study: Health Outcomes Report," Worklife Law, University of California, Hastings College of the Law, 2019, available at <https://worklifelaw.org/projects/stable-scheduling-study/stable-scheduling-health-outcomes/>

<sup>iv</sup> "Unpredictable Work Timing in Retail Jobs: Implications for Employee Work-Life Conflict," Julia R. Henly and Susan Lambert, *Industrial and Labor Relations Review*, Vol 63, No 3, available at [https://www.researchgate.net/publication/286204478\\_Unpredictable\\_Work\\_Timing\\_in\\_Retail\\_Jobs\\_Implications\\_for\\_Employee\\_Work-Life\\_Conflict](https://www.researchgate.net/publication/286204478_Unpredictable_Work_Timing_in_Retail_Jobs_Implications_for_Employee_Work-Life_Conflict)