

# The Impact on Oregonians of the Rise of Irregular Scheduling





## **The Impact on Oregonians of the Rise of Irregular Scheduling**

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## The Rise and Spread of Irregular Scheduling Practices

### New software has encouraged employers to attempt to manage their staffing hour by hour

- providing very short notice of work schedules, sometimes less than 24 hours,
- making frequent changes in work schedules once posted,
- calling for extremely variable total hours scheduled week to week,
- implementing markedly varying individuals' shift start times during the week, and between weeks,
- failing to guarantee a minimum number of hours each week,
- requiring employees to be "on-call" to work on days they may be asked to work at the last minute, or may not be asked to work at all,
- sending people home early on a scheduled shift, if business is slow,
- scheduling employees for consecutive shifts that allow little time for rest, such as a closing shift in the evening followed by an early morning shift the next day, and
- requiring workers to have "open availability" for work at any time in order to gain more hours.

The use of irregular scheduling practices is increasing. Nationally, more than one in six employees experience some form of irregular scheduling.

Irregular scheduling is particularly concentrated in occupations of retail sales, food servers, cashiers, and combined food preparation and service (fast food), which are expected to add the most jobs to the Oregon economy by 2024, as well as among part-time employees, young people and the working poor.

Federal and state labor laws, written with the assumption of regular schedules, are completely inadequate to address irregular scheduling practices.

National datasets like the census were also created with the assumption of regular schedules, and don't include information on irregular scheduling practices. The small datasets that address irregular scheduling are too small to provide a decent sample for the state of Oregon.

### Oregon Workers' Experiences with Irregular Scheduling: 2016 Fair Work Week Survey

Based on data collected through the 2016 Oregon Fair Work Week Survey, this paper reports on the prevalence and impact of the rise of irregular scheduling practices in Oregon.

Nearly 750 Oregonians responded to a structured survey on the breadth and prevalence of irregular scheduling practices on their job. Subsequently, 27 participated in longer follow-up interviews.

A high proportion of the nearly 750 people interviewed for this survey experienced irregular scheduling practices. For example, 1 in 6 had less than 24 hour notice of their shifts.

Survey respondents working in hospitality, food services, retail and health care industries most often reported irregular scheduling.

Not only must people work wildly varying shifts and be available on-call, their total hours and hence their weekly paychecks can also vary substantially. Nearly half the respondents report financial difficulties and resorting to unsustainable financial strategies. Many give up furthering their education and cannot maintain second jobs.

No compensation is paid for being “on call,” either for an entire shift or for extending a shift earlier or later at the last minute. No compensation is paid for lost hours when people are sent home early. Employees who have paid for baby sitters and transportation may be sent home, after working very few or even no hours.

Oregonians subjected to irregular scheduling are at least as likely to be responsible for children and support other family members as is the labor force on average. Subjected to on-call scheduling practices, they report an inability to coordinate childcare, plan family activities or attend school events.

The difficulty of keeping children in regular childcare arrangements, or being available for the demands of parenting, causes tremendous stress for both parents and children. Further, parents are unable to keep young children in the high quality child care shown to later keep kids in school longer, out of trouble with the law, avoiding early childbearing and earning more as adults.

Many people report negative impacts on their health, particularly due to stress and lack of sleep, exacerbated by late evening shifts followed by early morning shifts, known as “clopening.”

## Which Oregonians are Employed in Occupations with Irregular Scheduling—Census Data

The American Community Survey data for 2014 indicates that Oregonians working in occupations most affected by irregular scheduling are disproportionately women, people of color, younger and are more likely to have children at home, than the state labor force on average.

Wages are low in these occupations, and poverty rates high. Workers are twice as likely as average to rely on food stamps.

## Policy Strategies for Mitigating Impacts of Irregular Scheduling

Oregon workers, especially low-wage workers, lack the predictability and control over their work schedules they need in order to effectively juggle the demands of caregiving, make ends meet each month and explore opportunities to further their education and skills.

Policy solutions being developed and implemented elsewhere:

1. ensure workers have proper advance notice of schedules,
2. ensure workers have a voice in scheduling including setting limits to “on-call” practices, and,
3. increase opportunities to work more hours and move toward full-time work

**Twenty-three state and city jurisdictions have taken up the issue of fair scheduling in some form in the past three years, a sign of the growing recognition in the public realm of the economic and social importance of these issues.**

Nearly all jurisdictions adopting scheduling policies introduced requirements of two or three weeks advance notice of work schedules. More than half have proposed new protections to ensure workers have a say in their schedules or are safe from retaliation for declining to work additional shifts.

## The Rise and Spread of Irregular Scheduling Practices

**Employers are increasingly managing their employees, as they do their inventory—on a just-in-time basis.** Long-standing workplace practices have been up-ended. Many Oregonians can no longer count on a predictable work schedule, or even being able to work a regular number of hours each week.

People are confronting tremendous uncertainty about the size of their paycheck, and lack the ability to plan their lives, including care for children and other family members, further schooling, medical care and other essential life activities.

**Unpredictable scheduling refers to a set of scheduling practices by employers that leave workers unable to predict or control their work hours, including their shifts, total weekly work hours, and adequate rest time between shifts.** Irregular scheduling practices include:

- very short notice of work schedules, sometimes less than 24 hours;
- frequent changes in work schedules once posted;
- extremely variable total hours scheduled week to week;
- marked variation in shift start times during the week, and between weeks;
- no guarantee of a minimum number of hours each week;
- “on-call” scheduling, requiring employees to be available to work on days they may not be asked to work or paid, or asked to work at the last minute;
- being sent home early on a scheduled shift, if business is slow;
- being scheduled for shifts that allow little time for rest, such as a closing shift in the evening followed by an early morning shift the next day; and
- being required to have “open availability” for work at any time.

The rise of unpredictable and irregular scheduling practices is not isolated in niche markets or specialized occupations. Nearly one in six of the nation’s workforce is now employed in a job with hours that fluctuate from week to week and incomes that vary paycheck to paycheck.<sup>1</sup>

**The problems associated with unpredictable scheduling are of significant concern, because they appear to be**

- a. affecting a growing segment of the labor force,
- b. particularly disrupting the lives of young people who could otherwise be pursuing further education, training and career development,
- c. especially harmful for people with responsibility for the care of children, elders and the ill, as well as those depending on them for care, and
- d. particularly prevalent in the occupations projected to add the most jobs to the Oregon economy in the next eight years.

**What is emerging nationally about irregular work scheduling is that it has worsened and spread** from little advance notice of schedules among traditionally male enclaves such as the skilled trades, where employees were assumed to have finished their training and to bear no care giving responsibility for children, seniors or even themselves.<sup>2</sup>

<sup>1</sup> Lonnie Golden, 2015. “*Irregular Work Scheduling and its Consequences.*” Economic Policy Institute Briefing Paper #394. Washington, D.C.: Economic Policy Institute. <http://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>

<sup>2</sup> Lambert, Susan J., Peter J. Fugiel and Julia R. Henly, 2014. *Precarious Work Schedules Among Early-Career Employees in the US: A National Snapshot.* Employment Instability, Family Well-Being, and Social Policy Network, School of Social Service Administration, University of Chicago. <http://www.scholarsstrategynetwork.org/brief/realities-unpredictable-work-schedules-americas-hourly-employees>

**Irregular scheduling is now particularly found in sales and service work, among part-time employees, young people and the working poor.** People who work in the private sector, lack union representation, are female, non-white, single or less-educated are now all more likely to confront irregular scheduling practices than others. Irregular schedules are associated with greater levels of both work-family conflict and stress at work, often related to under-staffing.<sup>3</sup>

**Irregular scheduling practices are particularly concentrated in hourly work in retail and food service.** According to leading scholars on this issue:

*National data show that 90% of food service workers and 87% of retail workers have hours that fluctuate from week to week... One-half of retail workers and almost two-thirds (64%) of food service workers report receiving one week or less advance notice of their work schedule. Two in five workers (39% food service; 44% retail) report that their employer determines their work schedules, without their input. Overall, compared to white workers, African American and Hispanic workers experience even less advance schedule notice and less control over their work schedules.<sup>4</sup>*

With the advent of new software programs, many employers have shifted their scheduling practices to a “just in time scheduling” model. Employees are scheduled in “real time,” based on a computer algorithm taking into account consumer demand, weather, and customer traffic patterns to “predict” daily the staffing levels that will minimize labor costs.<sup>5</sup> The way that these new scheduling programs are being used appears to create far more variability in the schedules of individuals than has been shown to exist in customer demand.<sup>6</sup>

However, evidence is building that automated scheduling systems are improving, more easily allowing employers to create livable schedules for their employees. With national attention on the issues, some companies – including Starbucks, The Gap and Victoria’s Secret – have pledged to provide between 10 and 17 days notice of work schedules. University of Chicago researchers, Julia Henly and Susan Lambert, conducted a 74-store study of a national women’s apparel retailer, requiring a shift from posting each week’s schedule just a few days in advance to posting at least a two-week schedule 7 to 10 days in advance. Afterward, only 3 of 49 interviewed managers reported that they’d like to return to earlier scheduling practices.<sup>7</sup>

## Dramatic Changes in Work Scheduling Unchecked by Current Labor Law

**Federal and state laws are severely inadequate in addressing the rise of unpredictable scheduling practices.** Under the Federal Fair Labor Standards Act (FLSA) there are no legal standards for the amount of notice an employer must provide for work schedules, no requirements for compensation for being called into work at the last minute or being let go early.<sup>8</sup> In fact, the FLSA requires pay only for work performed. And though the FLSA may mandate some pay for being required to be “on call,” the test for workers’ eligibility to invoke this requirement is stringent and involves a number of other employment standards to be met, which has proved nearly impossible for most hourly, low-wage service workers.

**However, nine states and one territory require some minimum pay for reporting to work, even if the worker is then sent home.<sup>9</sup>** In Oregon, “show up pay” requirements were changed in 1990 to limit coverage to minors, rather than all workers, as had been the case.<sup>10</sup>

<sup>3</sup> Lonnie Golden, 2015.

<sup>4</sup> Julia Henly, Lonnie Golden, Susan Lambert, Jeremy Reynolds, 2016. “Comments on Washington, D.C.’s *Hours and Scheduling Stability Act*.” <https://www.oregonlegislature.gov/dembrow/WGitemsscheduling/7-21%20Lambert%20Comments%20on%20DC%20Proposal.pdf>

<sup>5</sup> Seth Freed Wessler, “Shift-Change: “Just-in-Time” Scheduling Creates Chaos for Workers,” *NBC News*, May 10, 2014, <http://www.nbcnews.com/feature/in-plain-sight/shift-change-just-time-scheduling-creates-chaos-workers-n95881> (accessed January 7, 2017).

<sup>6</sup> Susan J. Lambert, Julia R. Henly, Megan Jarpe, and Alexandra Stanczyk, January 2015. *The Prospects of Improving Schedule Predictability in Low-Paid Retail Jobs*. Paper presented at the 19th Annual Conference of the Society for Social Work and Research, New Orleans, LA.

<sup>7</sup> Susan Lambert, 2016. Memo to Connie M. Leyva, California Senate District 20 on “The Reliable Scheduling Act of 2016, S.B. 878.” Provided by the author.

<sup>8</sup> Charlotte Alexander, Anna Haley-Lock, and Nantiya Ruan, 2015. “Stabilizing Low-Wage Work,” *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 50, Winter (2015): 4.

<sup>9</sup> National Women’s Law Center, “Fact Sheet: Reporting Time Pay: A Key Solution to Curb Unpredictable and Unstable Scheduling Practices,” January 2015, [https://nwlc.org/wp-content/uploads/2015/08/reporting\\_time\\_pay\\_fact\\_sheet\\_jan\\_2015.pdf](https://nwlc.org/wp-content/uploads/2015/08/reporting_time_pay_fact_sheet_jan_2015.pdf)

<sup>10</sup> State of Oregon, BOLI, “Technical Assistance for Employers,” [http://www.oregon.gov/BOLI/TA/Pages/T\\_FAQ\\_Showup.aspx](http://www.oregon.gov/BOLI/TA/Pages/T_FAQ_Showup.aspx) (accessed January 7, 2017).

Young workers must be paid for at least half of their scheduled shift, or if the scheduled shift is less than two hours, at least one full hour of pay.<sup>11</sup>

Presently, there are no other Oregon requirements on scheduling other than the basic wage and hours laws compensating employees for time spent on the job and at the worksite. In fact, the only legally binding rules in Oregon and in most other jurisdictions on advance notice of schedules, or compensation for on-call and show up pay, are those negotiated in union collective bargaining agreements between employers and union represented workers.<sup>12</sup>

## Without Policy Changes, Irregular Scheduling Will Affect Growing Numbers of Oregon Families

The very highly impacted occupations of retail sales, food servers, cashiers, and combined food preparation and service (fast food) are the four occupations expected to add the most jobs to the Oregon economy by 2024, as shown in Table 1. Indeed, at least half of the top 20 growth occupations on the Oregon Employment Department’s list of occupations projected to add the most jobs in Oregon are in areas in which employers are shifting to unpredictable scheduling practices.

**Table 1: Top Occupations by Total Projected Job Openings in Oregon, 2014-2024**

Employment	2014	Percent Change	Total Openings
Retail Salespersons	63,827	15.3%	31,917
Waiters and Waitresses	28,303	21.4%	19,666
Cashiers	38,188	6.4%	18,683
Combined Food Preparation & Serving Workers, including Fast Food	32,775	22.2%	17,867
Registered Nurses	33,421	14.8%	12,841
Cooks, Restaurant	22,006	26.3%	11,616
General & Operations Managers	27,869	14.9%	11,214
Customer Service Representatives	26,451	17.4%	11,122
Laborers and Freight, Stock & Material Movers, Hand	23,972	14.0%	10,493
Personal Care Aides	19,347	29.4%	10,052
Office Clerks, General	33,978	8.0%	10,047
Farmworkers and Laborers for Crops, Nurseries and Greenhouses	22,343	11.4%	8,497
Janitors & Cleaners, Except Maids and Housekeeping Cleaners	26,152	12.5%	8,454
Stock Clerks and Order Fillers	17,071	10.6%	7,232
Truck Drivers, Heavy and Tractor- Trailer	23,686	12.1%	6,898
Bartenders	10,518	24.4%	6,519
Counter Attendants, Cafeteria, Food Concession and Coffee Shop	8,122	15.2%	6,121
Food Preparation Workers	13,915	16.0%	6,108
Accountants and Auditors	12,623	21.4%	6,074
Maids and Housekeeping Cleaners	14,475	16.9%	5,902

**Source:** Oregon Employment Department, Occupational Employment Projections, 2014- 2024.  
<https://www.qualityinfo.org/-/long-term-job-openings-fueled-by-growth-retirements>

<sup>11</sup> OAR 839-021-0087(5), available at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_800/oar\\_839/839\\_021.html](http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_839/839_021.html)

<sup>12</sup> Charlotte Alexander, Anna Haley-Lock, and Nantiya Ruan, 2015. "Stabilizing Low-Wage Work," *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 50, Winter (2015): 4.

## Oregon Workers' Experiences with Irregular Scheduling Practices

### Prevalence of Practices

**Data on irregular scheduling practices is very limited.** Our large, representative national surveys were created for a labor market characterized by standardized work schedules. Some of the best data available on irregular scheduling came from a special supplement to the Current Population Survey (the source of our unemployment data), but was only gathered in May 1997, 2001 and 2004 and is now far out of date.<sup>13</sup> Researchers at the University of Chicago have made good use of a smaller survey on people aged 26 to 32, the National Longitudinal Survey of Youth (NLSY), which recently added new questions on notice and variability of work schedules.<sup>14</sup> Economist Lonnie Golden, an expert on precarious and contingent labor, has analyzed the General Social Survey data.<sup>15</sup>

**None of the surveys relied upon by national researchers are based on samples large enough to provide a clear picture of the situation in Oregon.**

**To fill that gap, the University of Oregon's Labor Education and Research Center (LERC) launched a project to understand the spread of irregular scheduling practices in Oregon, and their impacts on Oregonian workers, their families and communities.** We present findings from the Oregon Fair Work Week Survey, conducted in 2016, which consists of two parts.

First, we interviewed nearly 750 Oregonians face-to-face for up to an hour each, focusing on the breadth and prevalence of irregular scheduling practices, and the kinds of impacts irregular scheduling is having in the lives of employees and their families. These interviews were conducted by Working Families Party canvassers, assisted by volunteers affiliated with both the Asian Pacific American Network of Oregon (APANO) and the United Food and Commercial Workers (UFCW).

Second, researchers from the University of Oregon conducted 27 in-depth follow-up interviews to better inform our understanding of the scheduling challenges Oregon families are facing, the effects of these policies on health and family life, and the strategies that people are using to cope as best they can. For these in-depth interviews, we selected people who were caring for dependents because of the particular burdens these practices place on families with children or other people needing care. We also oversampled people of color and women who are overrepresented in the occupations most likely to be subject to irregular scheduling practices. (See Appendix B for detailed description of the methods for the qualitative interviews.)

**Because the 2016 Oregon Fair Work Week Survey sample is not large enough to be fully representative of the Oregon population employed in occupations increasingly subject to irregular scheduling, we have included a demographic profile of Oregonians working in these jobs, relying on data from the American Community Survey (ACS), collected annually by the U.S. Census Bureau.**



<sup>13</sup> McCrate, Elaine, 2012. "Flexibility for Whom? Control Over Work Schedule Variability in the U.S." *Feminist Economics* 18 (1): 39-72.

<sup>14</sup> Lambert et al, 2014.

<sup>15</sup> Lonnie Golden, 2015.

## Irregular Scheduling Practices Widespread Among Respondents to the 2016 Oregon Fair Work Week Survey

Nearly 750 Oregonians were interviewed in the first stage of the 2016 Oregon Fair Work Week Survey.

Of the 668 respondents who shared with us the city in which they work, 59% worked in Portland. The remaining 41% work in 39 other Oregon towns and cities, ranging from Ashland to Bend to the Dalles to St Helens and Forest Grove. (The full list is found in Appendix A.)

When working in Portland, canvassers approached people in transit centers, near parole and probation offices as well as the Portland Community College (PCC) campuses. Canvassers particularly targeted people wearing identifiable work uniforms and carrying bags and backpacks, during heavy commute hours for service industry workers particularly.

With 744 completed observations, this sample is a large enough to be indicative of conditions on the job in Oregon, though it is not representative because the sample was not randomly selected. Still, the Fair Work Week Survey data provides a glimpse of work scheduling practices not available from large, national surveys such as the Census. To create a representative sample of the Oregon workers in occupations and industries most affected by unpredictable scheduling practices, we turned to the American Community Survey.

This sample from the first stage of the survey revealed extensive exposure to the spectrum of irregular and unpredictable scheduling emerging particular in retail, food service and hospitality industries.



<b>Advance Notice</b>	38% (278) receive less than one week notice of schedule 35% (256) receive 1-2 weeks notice of schedule
<b>Schedule Changed</b>	11% (80) report the schedule is always changed after it's posted. 62% (444) report the schedule is sometimes changed after posted. 27% (195) report the schedule is never changed after posted.
<b>Notice of Change</b>	52% (267) are notified of a schedule change after posting. 31% (162) are sometimes notified of schedule change. 17% (86) are not notified of a schedule change after posting.
<b>"Clopening"</b>	44% (327) have worked back to back shifts, such as closing one day and opening the next day.
<b>On Call Shifts</b>	24% (172) are scheduled for on-call shifts.
<b>Open Availability</b>	73% (499) are expected to have open availability to work to obtain more hours or a better schedule.
<b>Sent Home Early</b>	41% (300) have been sent home early
<b>Double Shifts:</b>	25% (178) have worked double shifts
<b>Split Shifts</b>	24% (175) have worked split shifts.

## Notice and Changes for Work Schedule

**Seventy three percent of our survey respondents were notified of their work schedule fourteen or fewer days in advance.** Far too many had too little notice to manage easily: 16% had 7 days notice; 22% had between 6 days and 1 day notice; and 16% had less than 24 hours notice, as seen in Table 2, below.

**Table 2: Amount of Notice of Work Schedule, Winter 2016**

	Number	Percent
Less than 24 Hours	115	16%
Between 24 Hours and 6 Days	163	22%
7 Days	115	16%
Between 8 and 14 Days	141	19%
3 Weeks	27	4%
Schedule Stays the Same	153	21%
Other	13	2%
Total	727	100%

**Source:** Author's calculations from the 2016 Oregon Fair Work Week Survey data, Labor Education and Research Center, University of Oregon.

“

*I love working, that's not what's stressful.*

*What's stressful is not knowing when I'm scheduled...*

”

**Unsurprisingly, temporary work stands out as the industry with the shortest notice, though numbers are small, as seen in Table 3, on page 10.** Through in-depth interviews, temp workers confirmed the challenges and frequency of dealing with very short notice: Wendy, a white mother of a child with a disability, works at several temp agencies simultaneously, in order to accrue sufficient hours. She told us:

**I love working, that's not what's stressful. What's stressful is not knowing when I'm scheduled...***You call in to see if there is a job. As soon as they tell me, "Yeah, there's work." When? They'll say, "They need you tonight," or "They need you for four days."... If you can't take the job, and say "I can't today, but I'll do Tuesday, Wednesday and Thursday." They'd be like "no" because they don't want to deal with that. They want somebody who can take the assignment.*

She also reported that she sometimes arrived at work to find the job had been canceled:

*Twice I went down there and we were supposed to be told that we were called off. Our recruiter didn't call us, and tried to put the blame on us. But each one of us had the same story—We were supposed to be called and we didn't know. [The job] is way out in Hillsboro. One guy comes from Mt Hood.*

Hospitality emerges as by far the worst regular industry for notice, followed by food service. Notice in health care is unexpectedly short, perhaps due to agency practices for home health care workers or per diem work in hospitals.

Isabella, a Latina who works in food preparation, reported having to check her schedule everyday to see what it will be for the next day. Further, she reported working different shifts, both day and night, with no control over her schedule. Mari, another Latina who

**Table 3: Amount of Notice of Work Schedule by Industry (Number and Percent of Respondents by Industry)**

	Up to 24 Hours		2 – 6 Days		7 Days or More	
	No.	Pct.	No.	Pct.	No.	Pct.
Temping	8	89%	0	0%	1	11%
<b>Hospitality</b>	<b>8</b>	<b>35%</b>	<b>11</b>	<b>48%</b>	<b>4</b>	<b>17%</b>
<b>Food Service</b>	<b>29</b>	<b>17%</b>	<b>57</b>	<b>34%</b>	<b>83</b>	<b>49%</b>
Healthcare	10	20%	5	10%	36	71%
Retail	25	8%	60	20%	211	71%
Education	1	5%	3	15%	16	80%
Government	3	17%	1	6%	14	78%
Non-Profit	3	11%	3	11%	21	78%
Professional Services	4	13%	7	22%	21	66%
Other	23	25%	12	13%	56	62%

**Source:** Author’s calculations from the 2016 Oregon Fair Work Week Survey data, Labor Education and Research Center, University of Oregon.

works in food preparation, reported that her schedule for the following week is posted on Friday of the week prior. Because the schedule is often changed, she is forced to check in frequently. Feeling very insecure about her employment status after an injury incurred when she slipped on flour on the floor in her fast-paced job, she hypothesized that her employers keep changing her schedule at the last minute in an effort to push her to quit so that they do not have to fire her.

**Notice in retail appears better than expected, which may reflect the participation of UFCW in survey gathering, raising the proportion of unionized retail workers surveyed above that in retail more generally.**

Nationally, only 5.3% of retail workers were represented by a union in 2015.<sup>16</sup>

Still, retail workers in this sample told stories of short notice and changing schedules. Lily, a white foster mother to her three nieces and nephews who works for a large chain clothing store, said:

*They would post [the schedule] on Friday or Saturday for the week that started Monday. So it was like 48 hours and you didn't know your schedule. And there were times when I didn't have the schedule and it would be like the night before and I wouldn't know if I was working the next day.*

Work schedules were often subject to change after they were posted, as indicated by nearly three-quarters of respondents to the 2016 Oregon Fair Work Week Survey.

Ivette, a Latina mother of two children who works as a medical scheduler, learns of her shifts less than 24 hours in advance and they can be changed the morning of the work day. She described calling in to confirm a site before leaving for work and learning while she was driving to the work site that she'd been moved to another site or her shift was canceled. She eventually moved her children from a child care center to a care exchange with a neighbor because she couldn't predict the hours she needed for care, and she too often found herself far from her children's center and arriving after hours to pick them up. She told us that she would like to pursue further education, and had tried, but the variable schedule and the use of her lunch hour to travel to different work sites made it impossible to take classes, either in person or online.

Irene, a Latina mother of one who works in food services, told us that she receives her schedule on Friday of the week prior and it can change once posted, even on the day of work: (Translated from Spanish)

<sup>16</sup> U.S. Bureau of Labor Statistics, 2016. Industries at a Glance: Retail Trade. <http://www.bls.gov/iag/tgs/iag44-45.htm>

*They give you hours whenever they want, when they need, if they need to finish a lot of production. If they are selling a lot, they tell you to stay, if not they send you home early...they don't care about what you need or don't need...what they are worried about is their own necessity, if they are selling. If they are selling, they force you to stay and you do a lot of overtime, but take advantage of that because next week you might only get 6 or 7 hours a day.*

She said there have been occasions when she has arrived at work to start her shift at 3 am only to find that her schedule was changed, she doesn't work that day, and her employer claims she was notified by email, though she did not receive it.

**Even workers who went through long stretches of stable schedules described the challenges of employers suddenly changing schedules or requiring regular overtime that was unexpected. This, too, caused disruptions that resulted in challenges to life and sometimes employee turnover:**

Damon, an African American father of two children, worked for a call center for a mortgage company. He said,

*The biggest struggle people had was not necessarily knowing when [schedule changes] would happen. Not knowing what to expect. [The employer] would give you the minimum reasonable amount of time to notify you, but they wouldn't explain how long those changes would*

*need to last. Or they would make changes and say, 'Okay, you have to do this.' But what this is can vary from month to month. They kind of made uncertainty the rule of play here. You expected to not know how long things would be. So, that created an environment I felt was very unfair. They had the tools to know [the scheduling needs]. I think in order to control the negative reaction, they control the information.*

Discussing how these practices led to many employees quitting—and indeed he had taken another job just recently—he said:

*Management doesn't understand how much this can hurt business the way you treat people like this...They said, 'okay, the next couple of weeks we're going to work 10 hours overtime. Deal with it. And then just kept saying, 'hey we're going to do another few weeks, another few weeks. And never really explained how long they expected it to be. So, it really burned a lot of people out after that...People would just quit.*

### On-call and Open Availability

**More than half of survey respondents who worked in hospitality reported being expected to be available for on-call shifts, as did one quarter of those working in food service and one third of those working in healthcare, as shown in Table 4, below.**

**Table 4: Proportion of Respondents Reporting Irregular Scheduling Practices by Industry (As % of Total Respondents in Industry)**

	On-Call Shifts	Sent Home Early	"Clopening"	Total Resp. In Industry
Temping	44%	78%	44%	9
<b>Hospitality</b>	<b>52%</b>	<b>57%</b>	<b>61%</b>	<b>23</b>
<b>Food Service</b>	<b>27%</b>	<b>54%</b>	<b>59%</b>	<b>169</b>
<b>Healthcare</b>	<b>31%</b>	<b>27%</b>	<b>37%</b>	<b>51</b>
<b>Retail</b>	<b>17%</b>	<b>31%</b>	<b>48%</b>	<b>296</b>
Education	10%	35%	5%	20
Government	22%	33%	22%	18
Non-Profit	22%	33%	30%	27
Professional Services	35%	38%	22%	32
Other	22%	45%	27%	91

**Source:** Author's calculations from the 2016 Oregon Fair Work Week Survey data, Labor Education and Research Center, University of Oregon..

Retail workers in our sample of people interviewed in-depth shared stories of extreme on-call expectations. Lily, a white woman who worked for a large national clothing store chain, told us of the on-call scheduling in addition to the posting of her schedule 48 hours before the new week was to start:

*You'd have a call-in shift either before or after your shift. So you might be scheduled at 2:00, but you'd have to call in at 12:00...and they would tell me whether or not they needed me to come in early...Or it would be the other way, and so when I was working in the mornings I would work from 4:00am-8:00am and then I'd have a call-in until 10:00am... You never knew if you were actually going to have to work it.*

Kate, another white mother of one son, tried to juggle two jobs, one coaching soccer during the day, the other working in a bowling alley late afternoons and evenings. She shared custody of her 5 year old son who has autism. Because of her son's special needs, it was difficult to find child care and she often relied on combinations of relatives and babysitters to manage her shifts at these two jobs. Her hours varied at the bowling alley, and she was not guaranteed a minimum number of hours. Further, she had to be available on call for her job at the bowling alley. She was scheduled for one on call shift a week:

*It's our responsibility to call in. On call for the evening shift is 2pm... You call in and they let you know if anyone has called out, if they're going to need you for a shift. And then you have to show up because that's technically your shift.*

In addition to this "scheduled" on call shift, she would be called in early if they had an event.

***They would call and say, 'This event is starting earlier or there's going to be more setup, can you come to work at 4:00?' So, I need to give myself 45 minutes to get ready, 45 minutes to get to work, and any extra time if my son is going somewhere else...I might drive from Happy Valley to NE Portland to drop him off at his grandparents' house, and then back all the way to SE Portland...When I know I'm working, I plan for that time.***

She needed the hours and did not want to risk losing her job if she could not accommodate her employer's demands. Her way of coping with the possibility of being called in was to plan for it happening each shift, if possible.

Vanessa, an African American woman with one adult dependent, works for a home health care agency for the elderly. The job requires that she be available on call—she arranges her schedule with her clients and cannot specify particular days or shifts. She said it is very hard to ask clients to accommodate her schedule. Her hours are quite variable, from 20-40 per week; without guaranteed hours, she works when she can. As she said, **"If I don't work, I don't eat."** Although she isn't scheduled for enough hours to support her family, she also can't take a second job because of the open availability her current job demands.

Cathy, a white woman who lives with her son and her grandchildren, works for a large retail chain store. She described her willingness to be completely available any day of the week except Sundays because of her religious commitments. She reported to us that this resulted in considerable conflict with her manager. She felt that she experienced retaliation as a result—her hours were cut and she was given undesirable shifts and days off. After requesting Sundays off, she was told she was "not a team player." She was then scolded by her boss:

*He said, 'I thought I told you you have to work on Sundays. I am so disappointed in you. We talked about this before you ever came on, I never would have hired you if I thought you didn't have open availability.' I told him I have open availability otherwise, but I just want Sundays off for religious purposes.*

She said he yelled at her, but she continued in the job. She struggles to get the hours she needs—"They promised me 24 [hours a week] always. I only worked 20 hours last week." She also doesn't get the shifts she would like: **"I told him I wanted to work days. Now he has me work every single night. I close every single night...He is punishing me."**



**Not Getting the Hours They Want: Sent Home Early, Involuntary Part-time, No Minimum Guarantee**

Among 2016 Oregon Fair Work Week Survey respondents, over half of workers in food services and retail industries work part-time, as seen in Table 5. Nearly three quarters of the surveyed part-time workers in all industries indicated that they would prefer to work more hours. Wages are low in both food service and retail industries, at or near the minimum wage, and part-timers receive few benefits.

The inability to obtain as many hours as employees would prefer results in real hardship for themselves and their families. As shown in Table 5, very high proportions of survey respondents, particularly those working in hospitality and health care, indicated that they helped to support other family members.

In addition, a large proportion of Oregonians struggling with irregular scheduling are trying to pursue further schooling, according to 2016 Oregon Fair Work Week Survey data.

**Table 5: Proportion of Respondents Working Part-time, Supporting Family Members and in School, by Industry (As % of Total Respondents in Industry), Winter 2016**

	Part-time	Provides Support to Family	In School	Total Resp. in Industry
Temping	11%	44%	0%	9
<b>Hospitality</b>	<b>17%</b>	<b>61%</b>	<b>39%</b>	<b>23</b>
<b>Food Service</b>	<b>61%</b>	<b>40%</b>	<b>34%</b>	<b>169</b>
<b>Healthcare</b>	<b>20%</b>	<b>63%</b>	<b>25%</b>	<b>51</b>
Retail	54%	47%	22%	296
Education	40%	40%	35%	20
Government	22%	33%	11%	18
Non-Profit	26%	37%	26%	27
Professional Services	13%	34%	22%	32
Other	32%	46%	23%	91

Source: Author’s calculations from the 2016 Oregon Fair Workweek Survey Data, Labor Education and Research Center, University of Oregon.

Mari, a Latina who worked in food services, said that the company had reduced her hours from 40-50 hours to about 12 hours per week after she was injured on the job. When we interviewed her, she reported that her current paycheck was \$77 for the week. **“Que voy hace con esto? [What am I going to do with this?]”** she asked. To cope, she reported using credit cards, borrowing money from her sister, relying on her husband’s income, and working whenever she could, including last-minute overtime. Working overtime was difficult, however—she risked

missing the last bus of the day, which happened once, and had no other means of transportation home.

Westin, a Native American father who supported two children and his spouse, worked for a large chain retail store in multiple different positions, but he did not get the hours needed to support his family. He attributed the variable and low hours to the new computerized scheduling system, over which the manager claimed to have no control. He said:

*While I was [on leave] I was hearing from coworkers that they were introducing this new electronic system. It was cutting everybody's hours. I was going to hate it when I come back. The whole time, in the back of my head, I'm like, "Well, it can't be that bad. I'm really good friends with the manager. He'll make sure I get my hours." I got back and that's when I **started getting 20 hours a week, and then sometimes as few as 12 hours a week...And even after talking to the manager, the manager's like, "Well, there's nothing I can do about it. It's all done by an electronic scheduling system. I plug in the numbers, it gives me the hours. I just approve it.***

He described his attempt to get more hours:

*Well, halfway through my employment, I was just grocery--which was doing bottles, stocking shelves, helping customers, answering questions. It was after I went on a leave of absence and came back that I had to start doing more if I wanted to keep hours--because hours started getting cut. So, I started working the deli, bakery. I'd work up front whenever I could. I'd take any shifts that I could in any department that I could, just to keep my hours.*

In order to accrue sufficient hours, he worked "on call," which meant also being willing to work varying shifts. When asked about the shifts, he said:

*I could be doing freight one week. I'm waking up at 11:00 at night to go to work at midnight, to work until 8:30 in the morning. And then I'd get back at 4:00 in the afternoon that day.*

The irregular schedule was particularly difficult when he was trying to regain custody of a child and needed to demonstrate regular availability to care for her. He found the store to be unwilling to give him any kind of a regular schedule:

*I tried very hard to work it out with the management to get some kind of schedule that would work for my family. They were very vehement about not working with me on that.*

## Cloping

Approximately 60 percent of 2016 Oregon Fair Work Week Survey respondents in both hospitality and food services, as well as nearly half of retail workers, stated that they'd been scheduled for "cloping shifts," requiring them to close up in the evening and return first thing in the morning, as shown in Table 5.

## Sent Home Early

Nearly 80 percent of temp workers surveyed have been sent home early, as have well over half of surveyed employees in hospitality and food service industries.

**In sum, the nearly 750 people interviewed for the 2016 Oregon Fair Work Week Survey reveal local conditions similar to those documented at the national level.**

The interviews attest to both the prevalence of irregular scheduling practices in Oregon—particularly in hospitality, food service, health care and retail establishments—and suggest the toll exacted on their caregiving responsibilities and educational hopes and health.



## summary

Lily, white female respondent, who is the foster parent to her three nieces and nephews, described extremely stressful scheduling practices when she was employed at a large national clothing store. Her manager posted the schedule the previous Friday or Saturday for the week beginning on Monday, and sometimes she would not know the night before if she had a shift the next day. Her hours were also terribly erratic. She said:

*It was crazy. You never knew. There were some weeks you would have ten hours and some weeks you would have 30. You had no idea how many hours you were going to have on any given week, which meant you had no idea how much money was in your paycheck. And, you know, they have just tons and tons of employees, so everybody was pretty disposable and so it didn't really matter if it was working for you or not. If it didn't work for you, you didn't need to work there.*

Because her hours varied tremendously, she managed by juggling this job with other retail jobs, but considered this her primary job. Employees at this store were expected to be available for two additional hours either right before or right after a scheduled shift—a “call-in,”—but this was very difficult given her need to work elsewhere to assure she had the hours and income necessary to “pay the rent.”

*I was working so many different jobs, then like my 4:00 and 8:00 am shift, and then I was supposed to go work at [name] at 9:00 a.m. And then they would say, “Oh, well you need to stay for your call-in.” And I would have put in my availability that I wasn't available past 8:00 a.m. and then they would give me a call-in shift and I would say, “Well, I can't work a call-in shift, so I hope you don't need me, because I have to leave.” But they would put it on there anyway. So then I'm nervous, you know. Are they going to tell me I'm supposed to stay?*

She described liking to work there, and wanting to “move up” into management, but unless she could make herself available for any shift, and for all the call-ins, moving up was impossible:

*One thing that was frustrating for me is that I actually really liked working there in some ways and I talked to people about management opportunities and they said, “Yeah, you'd be great for that. You just have to have open availability on your schedule.” But I couldn't afford to have open availability because I needed another job where I could guarantee that I was going to have hours. Because if I had open availability there and they scheduled me for 15 hours one week, I wasn't going to be able to pay my rent. So I never had the opportunity to move up, because I needed to be totally available in my schedule so that they could schedule me whenever they wanted.*

## Impacts of an Unpredictable Schedule

All 2016 Oregon Fair Work Week Survey interviewees, including those not interviewed in-depth, were asked, “How does having an unpredictable schedule impact you?” They responded with answers that indicate significant distress resulting from these scheduling practices. Without regular schedules from week to week, many told us that it is very difficult to plan and organize family life and child care, participate in their children's and grandchildren's lives, or to pursue education or a second job. People struggle to make medical appointments; create long-term plans; attend church, family gatherings and sporting events; exercise; participate in hobbies; volunteer in the community; and travel. They experience stress in their relationships with partners, friends and extended family members. Transportation is difficult. We briefly examine some of the most commonly discussed difficulties below, concluding with the stresses related to family life, which constituted the most common discussion in the in-depth follow up interviews.

**Financial Difficulties: 326 people reported financial difficulties.** In the in-depth interviews people described using typical strategies for managing irregular and consistently low incomes: juggling bills, making minimum payments to maintain utilities, using the Earned Income Tax Credit to get caught up with bills each year. Some lived with roommates to make the rent manageable; others doubled up with relatives, either temporarily or long-term, because housing costs exceeded their income. Interestingly, most people explicitly stated that they did not use credit cards to manage their expenses.

**Negative Impact on Health: 294 people reported a negative impact on their health, with sleep, stress and an inability to make time for meals mentioned particularly.** Many do not utilize the health care system because they lack the time and the money to do so, and talked about health problems not caused by the unpredictable scheduling practices but certainly exacerbated by them and the lack of health care.

**Difficulty Going to School or Taking a Second Job:**

**162 said that it was hard for them to go to school and 204 described difficulty pursuing or keeping a second job.** In the in-depth interviews, people said over and over it was simply impossible for them to do anything other than be available and work when they could. Planning for other obligations like a second job or school was difficult, if not impossible, due to the unpredictability of their schedules or the long work hours necessary to make ends meet.

The lack of time or ability to plan was distressing as many were aware that only with greater educational attainment would they be able to advance in the labor force.

Isabella, a Latina worker in food services, said her irregular schedule prevents her from pursuing the education necessary to move into better employment:

“  
I need to learn more  
English so I can go up,  
move up the ladder...  
but no, the way you  
work there you can't...  
With them you never  
know...You might go  
and say, 'If you are  
going to give me three  
days off, make them  
these so that I can go  
to school,' and at first  
they might give it to  
you but after a while  
they say no.

*You can't [go to school] there. I would say, 'I need to learn more English so I can go up, move up the ladder,' because they say that if you know more English you will go up but no, the way you work there you can't...With them you never know...You might go and say, 'If you are going to give me three days off, make them these so that I can go to school,' and at first they might give it to you but after a while they say no, they say that you have to be working...it's very hard.*

Yesenia, another Latina with one dependent at home, works as a cook in a hotel. Her employer asked her to return to employment at the hotel after she left to pursue her education. She requested regular days off so that she could go to school: [Translated from Spanish]

*They agreed, they said it was okay, I was going to have my 7 hours of secure work, 5 days a week and that I would get those days off, everything so I would go back and work for them. And then nothing, they changed my days all the time and sometimes give me 3 days off a week...*

She said that 80% of the time now, her schedule changes. Often she gets called in at the last minute and she reported being afraid to say no because she thought the management would punish her by cutting her hours, a fear that was repeated frequently in our interviews. In Spanish, translated here, she reported:

*There are times when I have three days off and they call me one day before and they go, no, you have to work now, you have to come in, and I say okay...I have never refused to go."*

With some of the changes she gets too much time off so she earns less than she needs, or they take away the days off so that she can't plan:

*They put in the schedule that I will have 3 days off, and then the second or third day of that week they already changed it and put that I have to work on a day that I had off. **That's the problem right now, that and they say that we need to check the schedule daily, daily, daily because there could be changes. I don't know if that is wrong or not, that is what I don't know.***

”

**Issues with Childcare or Parenting:**

**138 of survey respondents stated that their schedule created issues with childcare or parenting.** In-depth interviews provided many examples of the challenges they faced when trying to negotiate the care of children. These challenges were particularly common among women. Men often had spouses, partners, or mothers of children on whom they relied to manage their children's needs. Not so the women. Mothers frequently faced tough decisions about care arrangements that meant compromising the quality of care in order to navigate their work schedules. Some moved children from child care centers to informal arrangements. Others resorted to working when their children were home asleep.

Teresa, an African American female guardian of her two nieces and grandson, went from a regular schedule, working from 5am to 2pm, to fewer and completely irregular hours when she was moved to a different job in the hotel that employed her. When she was regularly scheduled to work at 5 am, it was very challenging for the family because she would get the kids up at 4am and then take a break to bring them to the childcare facility when it opened at 6am. However, the schedule was regular and the hours sufficient to support the family. She indicated that she lost this shift and her hours were reduced after she requested a raise when she heard that a new employee made more than she did as a six-year veteran of the hotel. Desperate for more hours, she began working double shifts when possible, but she is not paid overtime as her cumulative hours do not exceed 40 per week. There is no flexibility at the hotel she works in— when she had to call in sick because of an incident with one of her children, she was told that, if she did not come in, she would not have a job. She resorted to placing her children in foster care for two weeks so that she would not lose her job. Of course placing children in foster care to manage their needs is extreme, but nonetheless indicative of the stress and compromises parents make negotiating the unpredictable scheduling practices.

The combination of insufficient hours, which keep employees willing to work whenever they can, and constantly changing schedules makes it difficult for workers to make plans with family members, schedule medical or other appointments, or simply count on time off. Three Latina female employees reported that they cannot attend routine obligations for their children, such as parent-teacher conferences, because there is no flexibility with time off or switching shifts:

Xiomera, a Latina mother of a daughter with a serious disability who is employed as a cashier at a large chain store, reported the challenges of a variable schedule:

*So, in the weekends, I've worked from 8:00 in the morning until like 5:00 in the afternoon. The next day, I might do 2:30 pm to 11:15 pm. And the Monday I might do 4:30 pm-9:30 pm. So, it's not ordered.*

When asked whether she prefers a fixed schedule, she said:

*I would because it would help me organize after school activities for [my daughter]...My husband doesn't speak English, so he wouldn't be able to communicate with the coach or other kids...He wouldn't know what to do or what is going on. I would have to be there for them. So, if it was a set schedule, maybe I could organize [her activities].*

She went on to talk about how the irregular schedule meant that sometimes she could go to school conferences, other times she could not, and her husband could not go “because he only speaks Spanish.” Her family time was unpredictable, her ability to help with homework, have family dinners, and schedule weekend time was completely erratic. Her husband works 6am–10pm during harvest time, so during the summer and fall she is left to juggle her erratic schedule and her daughter’s needs on her own.

Irene, another Latina mother described the effects on her health and family life of her unpredictable and irregular schedule and frequent, required overtime work:

*On top of the scheduled work we were doing [it] was pretty hard, it's not an easy job...I would get back home and sometimes I was so sleepy that my daughter maybe needed to do some homework or needed help with something or I needed to go out to get something and I was so tired, so sleepy I couldn't go, because I just couldn't, my body couldn't cope with it...all I wanted to do was go to bed. I didn't have a life, I think I got sick of my nerves, a constant tension...you have no rest...no rest no nothing, and you don't have anyone to speak up to, to talk to, something happens and everything stays the same and so you feel tied from hands and feet...there's nothing you can do...who are you going to say anything to?... To my daughter, many times I had to work Saturdays and Sundays, and she goes to school during the week and the weekend, the time to rest I have to work, how am I supposed to take her anywhere? I couldn't promise my daughter 'Look, mama, next weekend I'll take you to the river' because I don't know if I will have to work during the weekend or not, I can't say either Saturday or Sunday because I would work both most of the times...if I had a weekend day off then on the spot we would put something together and go but planning, make a family plan, you can't do that at all.*

She talked also about the obstacles to going to her daughter’s parent-teacher conferences:

*I can't get organized, the day I have to work, I have to work...I can't participate and that's it, because if I have to work I can't miss the day, because they wouldn't understand if I have to miss one day to go to a parent-teacher conference, they don't...if randomly I have the day off I can go, if not, I can't..."*

Similarly, Teresa said was forced to leave work often to go to her daughter’s school to address challenges there. But finally she feared she had left too often and rather than risk being fired, she told her daughter she had to “get her act together”:

*I was doing it, and it was like on and on and on. It was 9th grade, 10th grade, and I was like, "Look, this has got to stop. I'm gonna lose my job. This is really nothing to play with. You need to get your act together and do what you're supposed to do. Point blank. End of conversation. And I'm not coming back up here again. And no, I'm not having any more meetings with more teachers. I'm not doing that no more."*

Sometimes parents even sleep in their cars after work in order to be on time to pick up a child. Daniella, a paramedic who identified as mixed Native and white, is the parent of one child. She preferred the night shift so that she could work while her son slept. But she described the long hours required in her job, sometimes doing double shifts, for example a work shift from 4:30am-4:30pm, followed by a "training shift" from 4:30pm-4:30am. She reported receiving a call at the very end of a shift that would cause her to arrive home 4 hours after her shift was supposed to end:

*So you're scheduled for a twelve-hour shift, but of course if you are in the middle of a call, you can't [leave]. They'll send you on a call if you have 30 seconds left on your shift. And if it's somebody who's in cardiac arrest, that's a four hour deal. Minimum. At that point, it might be almost time to pick up her son and take him to daycare, "So I was like, in my car on the side of the road. I would just pull over on the way to pick up my son, and take a nap."*

When describing the effects of working a 24 hour shift without a break, she said:"

*If there's a job that should follow OSHA to the T [and make sure people are rested], it's emergency services. It's people who are driving at a high rate of speed, with lights and sirens on through town where there are people crossing the street, there are cars on the road. These people should be well-rested.*

Parents worry about the consequences of not being home enough—how are kids spending their time, what are they eating, and are they safe? Wendy, a white mother of a son who was 16 when we interviewed her, worked for a temp agency, taking hours when she could get them, because they varied enormously and she could not count on a steady income. She described years of not being there for her son when he needed her, and still feeling that he is alone far too much for a 16 year old:

***There's many times when I needed to be there with him, but I couldn't because I had to work.*** *I mean, even now he still needs a lot of guidance. He's 16 and I can't be there. I worry all the time. He can make food or we have leftovers, but he misses me a lot. You know, he gets really lonely. [And] it scares me because we're in a new area right by a transit center and a couple of times there's been people who will walk right up to my back porch. We always have to keep the back door locked. We never know. We come from a pretty crime ridden area so he always has to have like a bat or something, a knife, just inside to keep himself safe. And then I don't know what he does when I'm gone. I just hope that he's safe. I'm sure he plays his video games a lot.*

## summary

Meredith, a Latina mother of two, worked for a small business owner in a store. She experienced many of the typical practices of just in time scheduling: short notice (she was told the schedule the day before, on Sunday for the following week); changes once the schedule was posted; back to back shifts; required to be on call to fill in hours when needed; and she was sent home early when business was slow. As a result, her weekly hours varied from 10-25 and her income varied by hundreds of dollars. She resorted to multiple different strategies to manage the financial difficulties she experienced as a result—she prioritized bills and allowed herself to fall behind on some; she minimized luxuries; she did not seek medical care for herself—it had been four years since she had seen a doctor for anything; and she could neither pursue a second job nor an education while trying to be available for any hours she could get in this business.

She shared custody of her children with their father and had them on weekends, but when she was asked to work weekends she did so because she was desperate for the money, though it meant she did not see her children who would then stay with their father. She felt she could not risk turning down hours because her employer had retaliated against her by reducing her hours when she stayed home to care for her child when sick. Although she had only called in sick once previously, and she covered every shift asked, working 6 days a week, after missing one day her weekly hours were cut from 25 to 8. Desperate for a job, she accepted the conditions of not always seeing her children, and not being able to pursue other work or education, while also being financially unable to meet her basic needs and neglecting her own health.

## Which Oregonians are Employed in Industries with Irregular Scheduling?

The best source of data on the Oregonians employed in the occupations where irregular scheduling practices have been increasing fastest would be the U.S. Census. However, since the Census is taken only every ten years, the most recent Census data available is from the 2010.

**To provide more up-to-date information, though drawn from a significantly smaller sample, the U.S. Census Bureau conducts the American Community Survey (ACS) every year.** The tables below rely on the most recent ACS data available, collected in 2014 and released in 2015.

Table 6 highlights the differences in demographic profiles between Oregonians in all occupations, and those working in the broad occupations of Food Preparation & Serving, Sales, and Personal Care & Services. More narrowly defined occupations are examined later, in Tables 8 and 9.

Clearly people in each of these broad occupations are younger than the population as a whole, raising the concern that irregular scheduling practices in these jobs may interfere with their further education.

**Each of these broad occupations include people raising children in about the same proportions as the general population, indicating significant potential for work conflict with care giving responsibilities and difficulty maintaining stable care arrangements for children.** Stability is so fundamental to the quality of childcare that employee turnover in the child care sector is frequently used as a proxy for quality.<sup>17</sup>

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<sup>17</sup> Oregon Department of Human Services. 2015. *Wages, Fringe Benefits, and Turnover for Direct Care Workers Working for Long-Term Care Providers in Oregon*. Chicago, IL. RTI International, p. 7-3



# which oregonians are employed in industries with irregular scheduling?

**Table 6: Demographic Profile of Oregonians in All Occupations, and in Broad Occupations Characterized by Irregular Scheduling Practices (Percent of People in Occupational Category), 2014**

	All Occupations	Food Prep & Serving	Sales & Related	Personal Care & Services
<b>Age</b>				
16-18	2.4	7.8	3.5	3.0
19-24	11.7	27.3	15.9	18.5
25-34	22.2	27.4	21.8	23.2
35-44	21.7	16.8	17.8	17.0
45-54	20.3	10.1	17.7	20.6
55-64	17.0	8.8	17.4	13.2
65+	4.6	1.8	5.9	4.6
<b>Race &amp; Sex</b>				
White Men	45.0	37.4	45.8	14.2
Men of Color	7.6	11.7	4.5	3.3
White Women	40.8	40.2	43.6	68.9
Women of Color	6.6	10.8	6.1	13.5
<b>Ethnic Latinos (included above)</b>				
White Latino Men	4.0	6.9	2.2	1.6
Latino Men of Color	2.7	4.5	1.3	1.0
White Latina Women	3.2	5.0	2.6	6.1
Latina Women of Color	1.7	3.5	1.8	3.2
<b>Children in Household</b>				
Under 6 only	8.9	9.2	8.5	8.4
Between 6 and 17	22.7	22.1	23.7	22.5
<b>Educational Attainment</b>				
Less than High School	9.7	20.8	6.9	9.2
High School or GED	21.6	27.3	25.5	31.6
Some College	28.8	35.5	36.3	34.1
Associate's Degree	8.7	7.8	7.3	9.9
Bachelor's Degree	19.7	8.0	20.6	13.6
Master's Degree +	11.4	0.7	3.4	1.6
<b>School Enrollment</b>				
Enrolled	11.0	22.4	12.8	16.0

Source: American Community Survey Micro Sample for Oregon, 2014.



**Table 7: Income, Poverty, Health Insurance and SNAP Benefits of Oregonians in All Occupations, and in Broad Occupations Characterized by Irregular Scheduling Practices (Percent of People in Occupational Category), 2014**

	All Occupations	Food Prep & Serving	Sales & Related	Personal Care & Services
<b>Household Income</b>				
up to 100% Poverty Line	11.5	25.4	12.2	20.5
100 – 200% Poverty Line	17.9	31.8	18.4	27.9
<b>Annual Individual Earnings</b>				
No Earnings or Net Loss	3.4	4.2	2.6	3.0
\$1 to \$15,000	26.7	55.2	31.9	54.8
\$15,001 to \$30,000	24.2	31.8	25.3	29.8
\$30,001 to \$45,000	15.3	6.0	13.2	6.6
\$45,001 to \$60,000	11.5	2.6	9.5	3.9
\$60,001 to \$75,000	6.2	0.1	4.3	0.9
\$75,001+	12.7	0.3	13.3	0.9
<b>Health Insurance Coverage</b>				
Has Coverage	86.3	70.5	86.9	82.3
Lacks Coverage	13.7	29.5	13.1	17.7
<b>Received SNAP Benefits in the Past Year</b>				
	19.0	34.8	19.8	33.0

Source: American Community Survey Micro Sample for Oregon, 2014.

**Women, people of color and Latinos appear to be disproportionately employed in Food Preparation and Serving, as well as Personal Care and Services.** Women and people of color both shoulder a disproportionate share of unpaid care giving work, whether for children, adult children with disabilities or seniors.<sup>18</sup>

The broad occupational category of Sales includes a number of people employed as corporate sales representatives and in other contexts quite different than the retail sales occupations experiencing the rise of irregular scheduling. Presumably that’s the reason the broad category profile looks much like that for the Oregon labor force as a whole.

Food Preparation and Serving workers are far more distinct from the general population, in having much less education.

**As shown in Table 7 above, employees in both Food Preparation & Serving and Personal Care and Services are far more likely to live in households with incomes near the poverty line, to earn very low wages themselves and to have received food stamps,**

**now referred to as Supplemental Nutrition Assistance Program (SNAP) benefits.**

**These broad occupations tell us a lot, but each includes a number of people not particularly affected by irregular work scheduling practices.**

**More narrowly defined occupations are better for focusing in, and understanding who is particularly facing increased demands for on-call availability, being sent home early, being guaranteed no minimum number of hours, and receiving very little notice of their work schedules.** Because the number of people in the narrowly defined occupations are smaller, the exact figures are less reliable than for broad occupations, but still very informative about conditions in these occupations.

Tables 8 and 9 on the following pages highlight the same information as Tables 6 and 7, but for narrow occupations within the broader occupations discussed above. These are cashiers, people whose jobs combine preparing and serving food (largely fast food workers), and maids & housekeeping cleaners.

<sup>18</sup> Nancy Folbre, 2012. *For Love and Money: Care Provision in the United States*. New York: Russell Sage Foundation, and AARP Public Policy Institute and National Alliance for Caregiving. 2015 Report: *Caregiving in the U.S.* <http://www.aarp.org/content/dam/aarp/ppi/2015/caregiving-in-the-united-states-2015-report-revised.pdf>

## which oregonians are employed in industries with irregular scheduling?

**Cashiers**, a segment of the broader Sales occupational cluster, appear both younger and more female than the labor force as a whole. They are even more likely to have children at home: 11 percent with children under 6 and 30 percent with children between the ages of 6 and 17. **The poverty rate of Oregonian cashiers is 2.5 times that of the general labor force and two-thirds earn less than \$15,000 a year.** Consequently 37 percent had to resort to

the Supplemental Nutrition Assistance Program (SNAP), or food stamps. More than one-quarter is enrolled in school, despite their difficult schedules.

**Conditions are even worse for the fast food and other employees categorized in the “combined food preparation and food service” occupation.** More than half of the people in this occupation are younger than 25, while

**Table 8: Demographic Profile of Oregonians in All Occupations, and in Detailed Occupations Characterized by Irregular Scheduling Practices (Percent of People in Occupational Category), 2014**

	All Occup.	Cashiers	Comb. Prep & Serv (Fast Food)	Maids & Housekeeping
<b>Age</b>				
16-18	2.4	14.7	19.8	0.7
19-24	11.7	29.7	32.9	11.7
25-34	22.2	21.0	16.6	16.7
35-44	21.7	10.9	22.7	27.7
45-54	20.3	8.5	5.4	24.4
55-64	17.0	13.1	0.3	15.7
65+	4.6	2.0	2.2	3.2
<b>Race &amp; Sex</b>				
White Men	45.0	24.0	21.6	7.0
Men of Color	7.6	4.1	18.7	5.6
White Women	40.8	58.6	41.8	66.2
Women of Color	6.6	6.6	17.8	21.1
<b>Ethnic Latinos (included above)</b>				
White Latino Men	4.0	0.9	1.1	0.8
Latino Men of Color	2.7	0.9	18.7	3.6
White Latina Women	3.2	5.8	9.5	24.6
Latina Women of Color	1.7	4.5	7.8	13.8
<b>Children in Household</b>				
Under 6 only	8.9	11.0	4.9	12.5
Between 6 and 17	22.7	29.9	31.0	25.8
<b>Educational Attainment</b>				
Less than High School	9.7	17.2	37.1	38.5
High School or GED	21.6	30.5	13.3	31.0
Some College	28.8	39.9	38.2	20.6
Associate's Degree	8.7	6.0	4.1	4.3
Bachelor's Degree	19.7	5.2	7.3	4.4
Master's Degree +	11.4	1.2	0.0	1.1
<b>School Enrollment</b>				
Enrolled	11.0	27.9	28.6	6.5

**Source:** American Community Survey Micro Sample for Oregon, 2014.

## which oregonians are employed in industries with irregular scheduling?

another 40 percent are in prime child-rearing years of 25 to 44. Just under 5 percent have kids under 6, but 31 percent have school-age children.

White men are significantly under-represented in this occupation, while white women appear in the same proportion as the labor force as a whole. People of color are more than twice as likely to work in this occupation than in all occupations considered as a group.

**Latinos, with the exception of white, male Latinos, are over-represented by factors ranging from nearly 7 times for Latino men of color to just under 3 times for white Latinos.**

This level of over-representation by Latinos, in combination with the fact that more than a third of these workers lack a high school degree, and less than 70 percent have health insurance, suggests, a relatively large immigrant workforce in this occupation. By far the largest group of foreign-born Oregonians comes from

Mexico, where general educational levels are markedly lower than in the U.S.<sup>19</sup>

**Like cashiers, nearly two-thirds of employees in this narrowly defined occupation earn less than \$15,000 a year and 43 percent relied on food stamps to help feed their families.**

Maids and Housekeeping Cleaners are older, on average, than cashiers or fast food workers and are more likely than average to have both young and school-age children at home.

Nearly ninety percent are women. White women, women of color and Latinas are all markedly over-represented in this occupation. Again, it's likely that a significant number are immigrants, given the relatively high numbers of Latinas, people with less than a high school education and relatively low rates of health insurance coverage.

**Thirty percent live in households with incomes at or below the poverty line, and 45 percent received food stamps in 2014.**

**Table 9: Income, Poverty, Health Insurance and SNAP Benefits of Oregonians in All Occupations, and in Detailed Occupations Characterized by Irregular Scheduling Practices (Percent of People in Occupational Category), 2014**

	All Occup.	Cashiers	Comb. Prep & Serv (Fast Food)	Maids & Housekeeping
<b>Household Income</b>				
up to 100% Poverty Line	11.5	27.7	29.8	30.5
100 – 200% Poverty Line	17.9	33.5	33.1	30.2
<b>Annual Individual Earnings</b>				
No Earnings or Net Loss	3.4	3.9	11.1	3.1
\$1 to \$15,000	26.7	64.3	61.0	58.2
\$15,001 to \$30,000	24.2	26.5	27.3	28.9
\$30,001 to \$45,000	15.3	3.9	0.6	7.7
\$45,001 to \$60,000	11.5	1.5	0.0	1.5
\$60,001 to \$75,000	6.2	0.0	0.0	0.6
\$75,001+	12.7	0.0	0.0	0.0
<b>Health Insurance Coverage</b>				
Has Coverage	86.3	81.6	68.7	72.5
Lacks Coverage	13.7	18.4	31.3	27.5
<b>Received SNAP Benefits in the Past Year</b>				
	19.0	37.1	43.1	44.6

Source: American Community Survey Micro Sample for Oregon, 2014.

<sup>19</sup> *Assessment of the Socio-economic Impacts of SB 1080 on Immigrant Groups: Final Report SR 500-270.* Mary C. King with John G. Corbett, John Chiappetta, Anabel López Salinas. June 2011. Oregon Department of Transportation and the Federal Highway Administration. Salem, Oregon. [http://www.oregon.gov/ODOT/TD/TP\\_RES/docs/Reports/2011/SB1080.pdf](http://www.oregon.gov/ODOT/TD/TP_RES/docs/Reports/2011/SB1080.pdf)

## Policy Strategies for Mitigating Impacts of Irregular Scheduling

**Oregon workers and their families need scheduling practices that allow flexibility with control.** As we have learned in our investigations, Oregon workers, especially low-wage workers, need predictability and control over their work schedules in order to effectively juggle the demands of caregiving, make ends meet each month and explore opportunities to further their education and skills. These workers have few legal protections in Oregon to help them prevent abuses in scheduling practices or to advocate for a more humane approach to scheduling. We are encouraged that Oregon lawmakers are attempting to address these issues and develop new policies to strengthen these workers' rights.

**Oregon will not be alone in its attempt to win Fair Work Week policies for low wage workers.** Worker advocates across the country have been calling for federal and local policy changes to wage and hour laws so they can effectively address the reality of modern scheduling practices and abuses. Other than scheduling policies negotiated in union collective bargaining agreements, workers often have no comprehensive set of rights to curb scheduling abuses by employers.

**The focus of policy solutions being called for are organized around three key themes:**

1. ensuring workers have proper advance notice of schedules,
2. ensuring workers have a voice in scheduling, including setting limits to “on-call” practices, and
3. increasing opportunities to work more hours and move toward full-time work.<sup>20</sup>

When consulting on a bill being developed in the California state legislature, University of Chicago researcher Susan Lambert recommended a requirement of two weeks notice of work schedules. Dr. Lambert pointed out that managers have found new corporate requirements for two-weeks notice to be quite do-able, a better fit than a 3-week notice requirement with many company's monthly operations and logistics calendars, to require relatively few changes in work routines, and to make a meaningful difference in the lives of workers.<sup>21</sup>

**In 2014, the City and County of San Francisco was the first jurisdiction in the nation to break new ground by passing comprehensive scheduling legislation focused on the rights of retail workers.** San Francisco's “Retail Workers’ Bill of Rights” requires employers to post work schedules two weeks in advance or pay workers additional hours to compensate for last minute schedule changes. The law mandates employees be paid a set minimum number of hours for being on call. Employers also must offer any additional hours to part-time employees before hiring new workers.<sup>22</sup>

**Federal legislation, the Schedules That Work Act, was federal legislation introduced in 2015 by Senator Elizabeth Warren and co-sponsored by Oregon Senators Jeff Merkley and Ron Wyden.**<sup>23</sup> The bill would provide U.S. workers a minimum of two weeks notice of schedules, the right to request accommodations and changes to their schedules,

<sup>20</sup> National Women's Law Center, “Fact Sheet: Recently Introduced and Enacted State and Local Fair Scheduling Legislation,” September 2015, [http://nwlc.org/wp-content/uploads/2015/08/recently\\_introduced\\_and\\_enacted\\_state\\_local\\_9.14.15.pdf](http://nwlc.org/wp-content/uploads/2015/08/recently_introduced_and_enacted_state_local_9.14.15.pdf)

<sup>21</sup> Susan Lambert, 2016.

<sup>22</sup> Lisa Nagele-Piazza, “Predictable Scheduling Laws: The Next Trend in Workplace Regulations,” SHRM.Org, Society for Human Resource Management, September 27, 2016, <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/predictable-scheduling-laws.aspx> (accessed: January 7, 2017).

<sup>23</sup> Schedules That Work Act, S.1772, 114th Congress. (2015-2016)

as well as a number of reporting pay and on call pay requirements. Unfortunately, a successful national bill appears unlikely with the current political climate.<sup>24</sup>

**On the local level, the prospects for real scheduling policy solutions are much more viable with recent victories in the cities of Seattle, Emeryville, and San Jose and the state of New Hampshire.** All four jurisdictions have passed new scheduling laws in the past year.

The City of Seattle broke new ground with scheduling legislation that not only required employers to engage in an interactive process with employees to determine a schedule, but to allow for a “right to request” process that affords workers a timely, interactive process to discuss their schedule requests. Employers must grant the employee’s schedule requests related to the employee’s serious health condition, education, caregiving responsibilities, second job responsibilities, or changes in the employee’s transportation or housing, unless the employer has a bona fide business reason for denying the request.<sup>25</sup>

Similar to San Francisco, Seattle’s policy also requires employers to provide a good faith estimate of the employee’s work schedule, including the median number of hours the employee can expect to work each week. Seattle’s ordinance also establishes new protections for workers against “clopening” abuses by prohibiting workers from working their next shift less than 10 hours from the end of their last unless workers are paid time and a half for the hours worked that are less than ten hours apart.<sup>26</sup>

In addition, Seattle, Emeryville and San Jose require employers to offer additional hours of work to their part-time workers before they can hire new employees to fill those hours. The City of San Jose posed the question of boosting hours for part-time workers directly to voters through Ballot Measure E, the Opportunity to Work Initiative. This measure passed with 63% approval in November of 2016.<sup>27</sup>

**Portland’s City Council unanimously passed a detailed, three-page resolution on October 12, 2016, which concluded that the City Council recognizes that unpredictable work schedules, especially when employees are not compensated for a lack of predictability, create uncertainty and stress for employees.** In addition, it notes that unpredictable scheduling practices disproportionately affect low wage workers, who are disproportionately people of color, women, and parents of young children who must arrange for child care. The Council further resolved that national and local employers have found that they can adjust their scheduling practices to ensure that employees receive adequate notice of their schedules, eliminate on-call hours or compensate employees when on-call hours are needed, provide a stable number of hours from week to week and month to month, and offer permanent full time hours to employees when the hours become available. They concluded with a final resolution in which the City Council encourages all Portland employers to review their scheduling practices and consider changes that ensure predictability for employees.<sup>28</sup>

**Twenty-three state and city jurisdictions have taken up the issue of fair scheduling in some form in the past three years, a sign we believe of the growing recognition in the public realm of the economic and social importance of these issues.** In states as diverse as New York and Indiana, and cities as different as Albuquerque and Washington, D.C., efforts to curb unpredictable schedules have risen as a public policy priority. Though the types of workers covered by the legislative efforts have varied, nearly all jurisdictions introduced requirements of advance notice of work schedules of two or three weeks.<sup>29</sup>

**Many advance notice protections include “predictability pay,” or compensation that requires employers to pay employees if employers change schedules within the**

<sup>24</sup> National Partnership for Working Families, “Schedules that Work,” July 2015, <http://www.nationalpartnership.org/research-library/workplace-fairness/equal-opportunity/schedules-that-work-act-fact-sheet.pdf>

<sup>25</sup> Seattle City Council, “Secure Scheduling: Adding Stability & Predictability to Workers’ Schedules and Incomes,” 2016. <https://www.seattle.gov/council/current-issues/secure-scheduling> (accessed January 7, 2017)

<sup>26</sup> Seattle City Council, 2016

<sup>27</sup> Bryce Druzin, “Election 2016: Measure E-Opportunity to Work,” *Silicon Valley Business Journal*, November 8, 2016, <http://www.bizjournals.com/sanjose/news/2016/11/08/election-2016-measure-e-opportunity-to-work.html> (accessed January 8, 2017).

<sup>28</sup> City Commission Resolution No. 37238. Portland City Commission Resolutions, D/79915, City of Portland Auditor’s Office.

<sup>29</sup> Authors’ compilation of scheduling legislation attempted from 2014-2016, January 2017.

advance notice period. For example, the City of San Francisco mandates employers to pay an extra hour's wages for every shift changed within a week's notice.<sup>30</sup>

**More than half of scheduling ordinances proposed new protections to ensure workers have a say in their schedules or are safe from retaliation for declining to work additional shifts.** The Republican-led New Hampshire legislature passed legislation in 2016 that specifically prohibits employer retaliation against employees who request a flexible work schedule. Lawmakers described the need for this legislation as a way to encourage working parents of young children to remain in the workforce.<sup>31</sup>

**State attorneys general have also initiated efforts to regulate some of the most onerous aspects of "just in time scheduling" in the retail sector: the requirement that a worker be "on-call" and available to work with little notice and no compensation for the wait.** In a stunning example of the power of

state legal offices to intervene on behalf of workers facing scheduling abuses, six major retailers employing over 50,000 workers volunteered to end their on-call scheduling practices just a few months after nine state attorneys general called for a probe into their scheduling practices.<sup>32</sup> Fifteen major retailers were being investigated in a multi-state probe spearheaded by Attorney General of New York, Eric Schneiderman, and other state attorneys general in California, Connecticut, Maryland, Illinois, Massachusetts, Minnesota, Rhode Island and the District of Columbia.<sup>33</sup> Retailers were asked to submit internal documents regarding scheduling practices and policies, as well as payroll records and data from their scheduling software. In 2015, after a similar probe by the state of New York, seven prominent retailers including Gap, Victoria's Secret and J. Crew announced they were ending the use of "on-call" scheduling practices. The Gap and its five related brands also publicly committed to "provide our employees with at least 10 to 14 days notice of schedules."<sup>34</sup>



<sup>30</sup> City and County of San Francisco, Fair Scheduling and Treatment of Formula Retail Employees Ordinance, San Francisco Police Code Article 33G, Office of Labor Standards Enforcement, <http://sfgov.org/olse/formula-retail-employee-rights-ordinances>

<sup>31</sup> Michael S. Lewis, "New laws protect workplace flexibility requests," *New Hampshire Business Review*, August 3, 2016, <http://www.nhbr.com/August-5-2016/New-law-protects-workplace-flexibility-requests/> (accessed: January 8, 2017).

<sup>32</sup> Erik Larson, "Disney Among Retailers Ending On-Call Shifts to End Probes," *Bloomberg.com*, December 20, 2016, <https://www.bloomberg.com/news/articles/2016-12-20/disney-among-retailers-ending-on-call-shifts-in-multistate-deal> (accessed: January 8, 2017).

<sup>33</sup> Retailers included American Eagle, Aeropostale, Payless, Disney, Coach, PacSun, Forever 21, Vans, Justice Just for Girls, BCBG Maxazria, Tilly's, Inc., David's Tea, Zumiez, Uniqlo, and Carter's. Office of Attorney General Eric T. Schneiderman, April 13, 2016, <https://ag.ny.gov/press-release/ag-schneiderman-and-eight-other-state-attorneys-general-probe-retailers-over-use-call> (accessed: January 8, 2017).

<sup>34</sup> Rachel Abrams, "Gap Says It will Phase Out On-Call Scheduling of Employees," *New York Times*, August 26, 2015, <https://www.nytimes.com/2015/08/27/business/gap-says-it-will-phase-out-on-call-scheduling-of-employees.html> (accessed January 9, 2017).

## Conclusions

**The narrowly defined occupations most likely to impose irregular job scheduling practices on their workers employ the working poor in Oregon.** These jobs are among the lowest paid in the state. Approximately sixty percent of people working in these positions earned less than \$15,000 a year in 2014, and a comparable proportion were living in households with incomes at or below 200% of the poverty line.

**People working in the jobs most impacted by unpredictable scheduling are more likely than the general workforce to have children at home and significant family responsibility for their care.**

Cashiers and people working in fast food are two and a half times as likely as the labor force as a whole to be enrolled in school, and attempting to provide a better life for themselves and their children.

**Taxpayers are subsidizing working conditions in these occupations through our food stamp initiative, the Supplementary Nutrition Assistance Program.**

It's now well known that raising the incomes of poor families with children and providing high quality early childhood care and education significantly enhances the life chances of poor children by increasing their educational attainment. Irregular scheduling works directly against the efforts of Oregonians to escape poverty.

**Irregular scheduling acts as a poverty trap, for this generation and the next, as it actively diminishes the ability of the working poor to pursue a second job or the education they need to pursue better-paid occupations, and to provide for consistent care for their children while they are working.**

**Increased external scrutiny into a company's scheduling practices have also prompted employers to question whether "just in time scheduling" is actually boosting businesses and their bottom lines. Several large, national retailers have pledged to provide more notice of work schedules.** Forty six of forty-nine managers in a company that experimented with more predictable schedules indicated that they did not wish to return to earlier scheduling practices.<sup>35</sup>

Workforce experts in retail observed that a rise in unpredictability and erratic work scheduling makes work untenable for many people, leading to low job satisfaction and high turnover.<sup>36</sup> Turnover is as high as 75 percent annually for part-time workers in retail.<sup>37</sup> And the cost to employers of replacing workers, even in low wage sectors, can account for as much as one-fifth of an employees' annual salary.<sup>38</sup> Pioneers of workforce scheduling software, like Kronos, have begun to work with advocates to adapt their software tools to incorporate more input from workers and make it easier for managers to ensure more equity in their scheduling of hours and time off.<sup>39</sup>

**Unpredictable and erratic scheduling practices need not be the norm for low wage and hourly workers. As public awareness of the impact of these practices increases so too will the demand for fair scheduling policies that help workers and their families find the stability they need to thrive.**

<sup>35</sup> Susan Lambert, 2016.

<sup>36</sup> Krystina Gustafson, "On-call scheduling debate: Where retailers stand," *CNBC.com*, February 4, 2016, <http://www.cnbc.com/2016/02/04/on-call-scheduling-debate-where-retailers-stand.html> (accessed: January 8, 2017).

<sup>37</sup> Liz Ben-Ishai, 2014, "Job schedules that Work for Business," Washington D.C.: CLASP. <http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>

<sup>38</sup> Heather Boushey and Sarah Jane Glynn, "There Are Significant Business Costs to Replacing Employees," November 16, 2012, Washington, D.C.: Center for American Progress. <https://www.americanprogress.org/issues/economy/reports/2012/11/16/44464/there-are-significant-business-costs-to-replacing-employees/>

<sup>39</sup> Caroline O'Donovan, "After a Waves of Bad Press, This Controversial Software Company is Making Changes," *BuzzFeed News*, June 2, 2015. [https://www.buzzfeed.com/carolineodonovan/kronos-makes-changes-to-software-accused-of-producing-bad-sc?utm\\_term=.ygANKb8ZR#.avG9Ak7rw](https://www.buzzfeed.com/carolineodonovan/kronos-makes-changes-to-software-accused-of-producing-bad-sc?utm_term=.ygANKb8ZR#.avG9Ak7rw) (accessed: January 8, 2017).

**Appendix A:  
Oregon Cities in  
which Fair Work  
Week Survey  
Respondents  
Work**

Albany.....	2
Aloha .....	3
Ashland.....	1
Aurora.....	1
Banks .....	1
Beaverton.....	34
Bend.....	36
Canby.....	20
Clackamas .....	11
Coos Bay .....	5
Corvallis.....	8
Cottage Grove.....	1
Estacada .....	1
Eugene .....	13
Florence.....	1
Forest Grove .....	3
Government Camp.....	1
Gresham.....	10
Happy Valley.....	7
Hillsboro .....	22
Junction City.....	1
Keizer .....	1
Klamath Falls .....	2
Lake Oswego.....	1
Milwaukie.....	3
Newberg .....	10
Oregon City.....	7
Portland.....	393
Roseburg .....	10
Salem .....	27
Silverton .....	3
Springfield.....	3
St. Helens .....	2
Stayton.....	2
The Dalles.....	1
Tigard.....	11
Tillamook.....	1
Tualatin.....	2
Wilsonville .....	2
Woodburn.....	5

## Appendix B: Methods for In- Depth Interviews

The 2016 Oregon Fair Work Week Survey canvassers asked respondents if we could contact them for a 1–2 hour in-depth interview. Of the more than 700 survey respondents, about 46% or 341 respondents said yes. For our research, we focused on respondents with dependents. We contacted via phone and e-mail all 317 respondents who agreed to be contacted and had at least one dependent. Ninety seven respondents agreed to be interviewed again. About 42% or 41 people did not respond to scheduling an interview after the first follow-up by not answering phone calls or responding to our voice messages. About 27% or 26 people had a non-working number or incorrect phone number after the first follow-up. There were 3 people who did not show up to the interview and failed to reschedule. Our final sample was 27 people.

We intentionally oversampled people of color and women because previous research shows marginalized people are more likely to experience unfair labor practices. Fifty nine percent (N=16) are people of color, including 11 Latinos, 3 Blacks, 2 Indigenous peoples, 1 Asian, and 2 mixed-race. Seventy percent (N=19) are women. The interview respondents work in a variety of job sectors: 6 in retail, 6 in food service, 5 in healthcare, 1 in education, 1 in non-profit, 1 in hospitality, 3 in professional service, 2 in temp-agencies, 1 in transportation, and 1 in construction. The average age of the respondents is 38. Our youngest respondent was 26 and our oldest was 56 years old. The average number of dependents is 2 and the number of dependents ranges from 0 to 7. The average age of dependents is 14 years old. The youngest age of the dependents is 9 months and oldest dependent is 34 years old. About 52% (N=14) work part-time hours (less than 40 hours for majority of the time).

The interviews were conducted in a semi-structured format. The questions covered a number of themes, including: employer scheduling practices, hours, childcare, and financial management. We asked respondents about current and previous employment—specifically, their average work day, job responsibilities, wages, benefits, and method of transportation. In the interviews, respondents discussed the number of hours worked versus preferred number of hours, the frequency of schedule changes, types of shifts, method of receiving their schedule, the presence of on-call shifts, consistency and stability of hours, and favoritism among employees when scheduling. Since our project has a

unique focus on dependents, we asked particularly about the management of childcare and asked what respondents do in the case of an emergency or a sick child. Our interviews covered the degree of flexibility available for leaving work for an emergency or sick child. We asked respondents if their job affects their possibility of holding another job or pursuing education. Finally, we inquired about financial management, including strategies for income fluctuations. The interviews provide detailed information about what life is like when managing unpredictable scheduling practices.



# The Impact on Oregonians of the Rise of Irregular Scheduling

