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Assemblymember 109<sup>th</sup> District

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Sept 28, 2017

## **NYS Department of Labor's Public Hearing on Employee Scheduling**

Statement of Assemblymember Patricia Fahy

DOL Campus - Building 12, Harriman Campus, Albany

Let me begin by commending Governor Cuomo for calling this hearing and to NYS Department of Labor Commissioner Roberta Reardon as well as my former Department of Labor Colleagues for conducting this hearing for to give much needed attention and awareness to this critical workforce issue.

### **Outline of Issues with On-Call Scheduling**

According to the National Women's Law Center, half of low wage workers report little flexibility in scheduling, as well as:

- 1/3rd of parents report being passed over for a promotion because of flexible scheduling needs. We should be promoting work-life balance in NYS and supporting families.
- 2/3rds of low-wage workers report unpredictable scheduling causes them to have insufficient time to spend with their children.
- Not being able to plan ahead leaves workers unable to plan for childcare, and less likely to make large purchases when they don't know what their next paycheck looks like, stunting the economy.
- Average hours for low-wageworkers fluctuate between 40-70% in a single month, making maintaining eligibility for supportive services like childcare subsidies difficult.

### **Benefits of Predictable Scheduling for Business**

Predictable schedules have an employer benefit, which can be good for their bottom lines as indicated by recent research:

- A 2008 Georgetown University study found that predictive schedules improve attendance, morale, and productivity, and increase a company's market value.<sup>1</sup>
- According to research from the Center for American Progress, turnover on average costs businesses 20% of a worker's salary for workers making less than \$50k,<sup>2</sup> while a 2013 study

<sup>1</sup> See, e.g., Anna Danziger & Shelley Waters Boots, The Business Case for Flexible Work Arrangements (2008) available at <http://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=1001&context=legal>

<sup>2</sup> 5 Heather Boushey & Sarah Jane Glynn, Center for American Progress, There Are Significant Business Costs to Replacing Employees 1-3 (2012).

from American University found schedules that allow a greater work-life balance resulted in reductions in turnover.<sup>3</sup>

### **Schedules That Work Bill A.2007 (2017)**

My bill, A.2007 (2017), the ‘Schedules That Work Act’, would restructure the practice of on-call scheduling in New York for the benefit of employees and employers:

- By fairly compensating employees for ‘on-call’ time, the bill makes a greater work-life balance a priority.
- Small businesses are the lifeblood of our economy, and this bill only applies to businesses with more than 50 employees, and is targeted at large retail, food service and cleaning businesses which are some of the principal utilizers of on-call scheduling.
- Fairness is a two-way street; employees who are flexible with their schedules are a great value to their employers, and deserve to be compensated for the strain this can sometimes place on their families.

Thank you again to the Governor and to you, Commissioner Reardon, for holding these hearings, and I would welcome the opportunity to work further with you on regulations as well as legislation on this important workforce issue.

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<sup>3</sup> 6 Id. at 3; Watson & Swanberg, *supra* note 4, at 24. Available at <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1066&context=lelb>