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Thank you for the opportunity to testify today on the issue of unpredictable scheduling that is facing many low-wage New Yorkers.

My name is Harold Stolper, I am the Senior Labor Economist at the Community Service Society, a non-profit organization that works to promote upward mobility for low-income New Yorkers. I am also an Adjunct Assistant Professor at Columbia University's School of International and Public Affairs.

Today I am here to speak on the findings from the 2016 Unheard Third Survey, our own annual scientific survey of New Yorkers. Our findings from last summer's survey—which were published the CSS report, "Unpredictable"—focus on two scheduling practices in particular: limited advance notice of schedules (i.e. when employees are informed of their hours), and fluctuations in work hours (how many hours employees will work). Our data allows us to document how widespread these scheduling practices are, and how they relate to specific economic hardships that workers and their families face. Here is what we found.

Low-wage workers, and workers in the retail and restaurant sectors—including fast food establishments—are most likely to experience short notice. We found that 37 percent of all employed respondents have less than 2 weeks' notice, but this share rises as you move down the income ladder, with 57 percent of poor workers—those with annual incomes at or below the federal poverty level—facing less than 2 weeks' notice. Poor workers are also more likely to have very short notice of less than 24 hours; more than a quarter of poor workers are effectively on call. When we breakdown advance notice by sector, we find that nearly half of retail workers have less than 2 weeks' notice, and more than 80 percent of restaurant workers, compared to less than one third of other workers.

We also asked respondents whether the number of hours their employer needs them to work changes a great deal from week to week, somewhat from week to week, or stays about the same. We found that 23 percent of all workers said their hours changed from week to week, but this number jumped to 33 percent among retail workers, and 40 percent among restaurant workers.

One important feature of our survey is that it allows us to compare the experiences of low-wage workers with stable schedules to other low-wage workers with unstable schedules. Almost across the board, we found that low-income workers with less advance notice and greater fluctuations in hours had higher hardship rates. For example, low-income workers with less than 2 weeks' notice were more than twice as likely to say they were often unable to afford subway and bus fares as low-income workers with at least 2 weeks' notice. They were also more likely to have fallen behind on their rent, skipped meals, and forgone needed prescriptions.

Again, these results aren't just a story about low wages: when you compare two low-wage workers, one with more advance notice and one with less, the worker with less notice tends to have a harder time paying bills and putting food on the table. To pay steady bills, you need steady hours. This is supported by the data: 68 percent of low-income workers with very unstable schedules have had trouble paying rent or regular bills, compared to only 23 percent of low-income workers with steady hours. Low-income workers with very unstable schedules were also more than 3 times as likely to have lost their job as low-income workers with steady hours.

Some of the most distressing findings highlight the challenges low-income parents face because of scheduling practices. The data shows that all parents—especially mothers—are more likely to experience fluctuating hours than adults without children. The question is whether or not these fluctuations represent desirable schedule flexibility granted to the worker, or instability imposed on the worker.

Unfortunately, we find that parents with unstable schedules have higher hardship rates than parents with more stable schedules. Parents with unstable schedules also have higher hardship rates than non-parents with unstable schedules, presumably because the stakes are higher for parents who are caring for more than just themselves; parents with unstable schedules are significantly more likely to cut back on school supplies, to forgo needed prescriptions, and to go hungry. This is particularly troubling because these hardships are likely to spill over to children.

In summary, our data illustrates just how difficult unpredictable scheduling is for many workers who are struggling to earn a living and care for their family, especially low-wage workers in the restaurant and retail sectors. In order for the growing movement to mandate living wages to effectively provide workers with more economic stability, these workers also need to secure a right to fair work schedules.

The New York City Council took a major step towards securing fairer work schedules when they passed Fair Workweek legislation this past May. While the new protections don't take effect until November 26, 2017, the state is uniquely positioned to implement and enforce a broader set of regulations that help protect more low-wage workers—both in New York City and throughout the state—without unduly harming businesses.

Specifically, we urge the state to consider ways to expand Fair Workweek protections to all low-wage workers and not just fast food workers, especially the Access to Hours component that requires employers to offer additional work hours to existing employees before hiring additional employees or subcontractors.

Increasing hours for existing employees who are performing their work satisfactorily and would like to work more hours is a relatively less cumbersome way for employers to help minimize scheduling unpredictability and involuntary unemployment at the same time; for a part-time low-wage worker, receiving additional shifts at their main job reduces the need to supplement these hours with second and third part-time jobs that make it nearly impossible for them to balance their own schedules. Why shouldn't low-wage workers outside the fast food sector be covered under the same Access to Hours provision?