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[www.TCWorkersCenter.org](http://www.TCWorkersCenter.org)

My name is Pete Meyers and I'm the coordinator of the Tompkins County Workers' Center, a labor rights non-profit that serves primarily the Fingerlakes and Southern Tier, and based in Ithaca. In addition to my organization's involvement in policy and labor issues writ large, we operate a Workers' Rights Hotline that any person who thinks they face unfair or illegal treatment at work can contact for interpretation of their situation and support. We get calls and visits from all over the Fingerlakes and the Southern Tier. This program teaches us about pressing issues through workers' lived experiences.

While just-in-time scheduling and its variations affect workers in many industries, our Workers' Center has primarily supported workers in two sectors around this issue.

One is the direct care industry. Earlier this year, my organization provided comments on the gender pay gap and how low wages in this woman-majority industry keep many women in or near poverty, before a Governor's Pay equity forum that was held in Syracuse (and conducted by the NYSDOL). This problem is compounded by scheduling uncertainty that is routinely chaotic for these women's and their families' lives. Scheduling in this industry is frequently structural, since so many of these businesses deliberately use short-staffing as a strategy to balance budgets or manage profit ratios.

As just two extreme examples we've dealt with this year, consider the case of a woman who provides direct care in a residential facility for seniors who reached out to us last month seeking help with problems at work and an outside perspective on her allegations of managerial misconduct. She has had to cancel every appointment she has made with our office because each time she has been called in or instructed to work a second shift back-to-back with no notice. Earlier this year, we worked with another direct care professional who was fired because she refused to stay at work for her third back-to-back shift without notice in a week, citing extreme fatigue and fear that she was not safe at work.

Were NYS to implement rules of required shift notice and examine how existing regulations on staffing ratios can be enhanced in direct care, it would be transformative for these workers.

We also see unpredictable scheduling frequently affect workers in food service. In this industry, last-minute scheduling problems of life disruption are becoming compounded by

poorly implemented uses of new technologies. Workers tell us about increasing numbers of restaurants and fast food franchises adopting the exclusive use of smart phone scheduling apps, including short-notice call ins via text or app alerts. This severely disadvantages workers who don't have these devices, cannot afford sufficient data plans, or have limited connectivity.

Related to this, with more and more people following the push to have cell phones only, including people who live rurally where cell signals are poor, we've heard from workers who've been disciplined for missing last-minute scheduling calls.

These circumstances highlight that the state should consider appropriate rules in scheduling regulations for how these technologies may be used, and what alternate options employers must provide. Unlike some urban municipalities that have passed or considered fair scheduling laws in recent years, New York -- especially upstate -- has much more varied communication infrastructure to consider in addition to any questions of whether it's proper that low-wage workers must personally own specific technologies as a job requirement.

I've been talking so far about our direct experiences with workers' problems in our part of the state as an illustration of how these scheduling practices affect New Yorkers in real time and some small insights into how to alleviate that. But these situations aren't unique. Other parts of the country have also looked at this issue, and we can draw inspiration from the solutions they've implemented or proposed.

For instance, at the local level, San Francisco enacted the Retail Workers Bill of Rights in 2014. Retail stores, fast food businesses, restaurants and corporate banks with 40 or more similar stores globally and 20 or more employees in San Francisco must provide two weeks' advance notice of employee schedules. The ordinance also discourages employers from assigning their employees to be "on call" or to cancel their employees' shifts at the last minute. In addition, employers must offer more hours to part-time employees before adding staff.

At the federal level, the Schedules that Work Act would provide individuals the right to request a flexible, predictable or stable work schedule. It also would require employers in the industries that have the most notoriously bad scheduling practices to compensate men and women who must be "on call," work a split shift or work less than four hours after reporting for a full-day shift. To reduce the use of these unfair practices, the bill mandates that employers in these industries provide advance notice of work schedules.

Thank you very much for your time AND for your attention to these important issues!