

# RWDSU

Retail, Wholesale and Department Store Union

Stuart Appelbaum, *President*  
Jack C. Wurm, Jr., *Secretary-Treasurer*  
Joseph Dorismond, *Recorder*

New York State Department of Labor  
Testimony Regarding On-Call Scheduling  
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My name is Stuart Appelbaum and I am the President of the Retail, Wholesale and Department Store Union, RWDSU. We represent over 100,000 workers primarily in retail, food processing, and other low wage sectors. I am here today to testify about the egregious practice of on-call scheduling, and its impact on low-wage workers. I am thankful that the NYS DOL is turning its full attention towards this issue, as the retail sector is a hot-bed for abusive scheduling practices and the attendant rise in precarious work.

Let me say at the outset that we are thankful for the DOL's deliberate process by which they arrived at holding this hearing today. The DOL consulted us on this issue to understand the various permutations of scheduling practices and we appreciate that outreach. We hope that this deliberate process will help us to arrive at a solution that protects workers while also ensuring businesses can thrive in NY.

On-call scheduling is a pervasive and exploitive employment practice where a worker does not find out until just before a scheduled shift if they will be required to work or not. Imagine putting your life on hold to be available for work – regardless of whether you will be called-in or paid. If you are a part-time worker, the uncertainty of your schedule means you can't arrange for a needed second job, and that you can't count on a paycheck to pay rent. If you are a parent, you don't know if you are going to need child care. If you want to continue your schooling, you can't sign up for classes without knowing your availability.

On-call scheduling shifts the costs of doing business from the employer to low wage employees, those who can afford it least. Yet, research has shown that this practice has negative impacts on businesses as well, in the form of higher turnover and reduced morale leading to lower customer satisfaction, yet the practice is still pervasive.

Today's hearing should shed light on this abusive scheduling practice, and orient the DOL to the right solution. Tightly restricting abusive scheduling practices will close a huge loophole that leads to precarious work, and will help to ensure the future of work is defined by stability rather than by insecurity. By regulating on-call scheduling practices, workers will gain more control over their own lives and their ability to earn a living.

Let me note a few statistics that highlight the severity of the problem of abusive scheduling. A survey of retail workers by the Retail Action Project showed that only 17 percent of workers surveyed have a set schedule. The vast majority, seventy percent, get their schedules with less than a week's notice.

Moreover, a recent study out of Penn State University showed that nationwide, the number of people working involuntarily part time has increased by two million people since 2007, with the retail and the leisure and hospitality industries alone accounting for over half of that growth. These part time workers are 2.5 times more likely to have varied and unpredictable hours than full time workers. This means that the lowest wage workers are also the most likely to be subject to on-call hours, creating layer upon layer of instability.

Based on this data, creating predictable scheduling will have an impact on thousands of workers across NY. And given the national rise in precarious work, NY's regulations will have national significance for low wage earners. Given the current ban on on-call scheduling in NYC, we look forward to additional layers of protection for NYC workers, and for workers statewide.

On-call scheduling and its various permutations place the cost of doing business on the backs of low-wage workers. This is unfair, immoral, and should be regulated appropriately.

Thank you for the opportunity to testify today.