



Fair Scheduling for New Jersey Workers

What is Fair Scheduling?

Fair scheduling laws allow workers to have a say in the times and days that they work, and provide for sufficient prior notice of when to report to work. Unfair scheduling is when workers are given unpredictable and irregular schedules. Workplace technology, scheduling software, and “just-in-time” practices used by certain industries to match labor needs with consumer demands, are creating chaos for workers.

For example: workers who do not have fair schedule jobs are those who are:

- on-call and are not compensated for the time waiting by the phone;
- required to show up for work with little notice and then sent home;
- work mandatory overtime or back to back shifts,
- sent home before the end of a shift and not compensated for the anticipated hours
- work a variable number of hours and shifts from week to week

Who is Affected?

Part-time workers, service workers, workers of color, women, working parents, and other low-wage workers are all disproportionately hampered by unpredictable schedules. Among full-time workers in low-wage jobs, 70 percent report fluctuations in their work schedules and around half have little control over the timing of work hours.¹

- Sixty-five percent of working women in New Jersey occupy the least-stable, lowest-paying jobs with the fewest benefits.
- Approximately 22 percent of NJ families with children are headed by women and account for 50 percent of households living below New Jersey poverty standards as calculated by ALICE.²

Why is Fair Scheduling Important?

When workers have a say in the number of work hours and are able to depend on a reliable work schedule from one week to the next, they are able to adequately plan for their family's' economic security, their children's well-being, and beyond.

The domino effects of unpredictable schedules are felt in individual workers' lives, in their families' lives, in the community and throughout the economy.

- When workers cannot predict their work schedules and income, they face emotional and financial stress.
- When workers are not able to work the full hours anticipated and earn the wages they need are unable to pay bills or buy groceries.
- Unpredictable schedules make it impossible for workers to pursue training or educational opportunities

¹ National Women's Law Center (NWL), *The Schedules that Work Act, Giving Workers the Tools They Need to Succeed* Fact Sheet, June 2017, <https://nwlc.org/wp-content/uploads/2015/06/Schedules-that-Work-Act-Giving-Workers-the-Tools.pdf>

² www.unitedwayalice.org/documents/14UW%20ALICE%20Report_NJ_Lowres_10.24.15.pdf. Alice poverty threshold for New Jersey varies between \$50,000 to \$75,000 per year depending on the county.



New Jersey Time to Care Coalition

Phone: 848.932.1294

Email: info@njtimetocare.org

Website: www.njtimetocare.org

that would improve their livelihood or income.

- Workers who experience uncertain work hours with little advance notice of their schedules, often have poorer health, increased work/family stress, and even marital strain.³
- Finding affordable, quality child care can be difficult for low income workers, and those with unstable schedules and fluctuating incomes may not qualify for child care subsidies due to uncertain income and work hours.⁴

The Solution: New Jersey Schedules That Work Act

New Jersey can ensure that unpredictable scheduling does not place an unfair burden on workers in the state by establishing public policy that requires employers to engage in fair scheduling practices and allow New Jersey workers to request hours to fit their needs and family life.

In 2016, New Jersey Representatives Oliver, Lampitt, Mosquera, Holley and Giblin introduced Assembly Bill A-1117, *New Jersey Schedules That Work Act*. New Jersey Senate Majority Leader Loretta Weinberg introduced Senate Bill S-1397, the Senate version of the bill.⁵

Key components of the bill and it does:

- Allows workers a voice regarding their work schedule by permitting employees to request a schedule change without fear of retaliation.
- Requires employers to consider the requested changes in a timely and good faith interactive process.
- Requires that employers, unless they have a legitimate business reason for denying the request, agree to a schedule change requests due to a worker's own serious health condition, caregiving responsibilities, enrollment in a career related educational or training program, or reasons related to a second job.
- Requires employers pay retail, food service or cleaning workers at least four hours pay if they report to work but are given less than four hours of work, unless their assigned schedule is less than four hours. If working a split shift they must be paid one additional hour.
- Requires that workers in the same industries, when hired, be given their work schedule and expected monthly number of hours in writing. If there is a work schedule change it must be given in writing 14 days before taking effect.

³ Liz Ben-Ishai, Sasha Hammad, and Christina Warden, *Tackling Unstable and Unpredictable Work Schedules: A Policy Brief on Guaranteed Minimum Hours and Reporting Pay Policies*, Center for Law and Social Policy, Retail Action Project, and Women Employed, March 7, 2014, www.clasp.org/resources-and-publications/publication-1/Tackling-Unstable-and-Unpredictable-Work-Schedules-3-7-2014-FINAL-1.pdf

⁴ NWLC, *Collateral Damage: Scheduling Challenges for Workers in Low-Wage Jobs and Their Consequences*, June 2015, https://nwlc.org/wp-content/uploads/2015/08/collateral_damage_fact_sheet_june_2015.pdf

⁵ State of New Jersey 217th Legislature, *New Jersey Schedules That Work Act 2016*, www.njleg.state.nj.us/2016/Bills/A1500/1117_II.PDF