



# Modernizing U.S. work scheduling standards for 21st century families

By Bridget Ansel and Heather Boushey June 2018

It is difficult to address both work and other life obligations in jobs that require long hours, as well as part-time jobs, especially as the rise of unpredictable and nonstandard work hours make it difficult to schedule other life obligations around work schedules. These issues of overwork, underwork, and unpredictable scheduling all contribute to the need for policies to promote fair scheduling that allow workers to create boundaries between work and other aspects of their lives.

Luckily, there are models that federal policymakers can look to as they consider how to address scheduling challenges. In our paper for the Hamilton Project, “[Modernizing U.S. Labor Standards for 21st-Century Families](#),” we highlight examples from states and municipalities that have enacted fair scheduling laws, as well as the example of the federal Schedules That Work Act, and explore how enacting policies that allow workers to balance their work and other life obligations will better address the challenges of today’s labor force—providing a boost to the national economy through increased productivity, greater labor force participation, and increased demand for goods and services.

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## Why is there a need for fair scheduling?

### Overwork and the overtime threshold

- Shifts in the way firms organize work in some occupations over the past 40 years has meant that some jobs now require long hours with little flexibility regarding schedules. This particularly affects women and has led them to scale back their career aspirations or quit, the latter of which hurts women’s labor force participation rates.
  - In a survey, one-third of women who quit and nearly two-thirds of women who scaled back from full- to part-time work cited long, inflexible hours as the reason.
- The Fair Labor Standards Act sought to check overly long work weeks, but since its overtime salary threshold has not increased with inflation, it is increasingly ineffective at curtailing long hours for most U.S. workers.

- Salaried workers will not earn overtime pay unless they earn \$23,600 or less per year. This threshold covers only 8 percent of salaried workers and is below the federal poverty level for a family of four.

## Underwork and unpredictable schedules

- An estimated 5.2 million workers are currently working part time but would prefer full-time employment.
  - Part-time workers are often ineligible for benefits and tend to have lower wages than full-time counterparts.
  - Part-time jobs are most prevalent within the low-wage retail and hospitality industries and are disproportionately held by Hispanic and African American women.
- The schedules and hours for many part-time jobs are also unpredictable and unstable.
  - About 17 percent of workers nationally have unpredictable schedules, which means that they don't have a set "9-to-5" schedule every week and often receive their schedule less than a week in advance. In addition, the total number of hours a part-time worker might work can fluctuate from week to week.
  - Jobs with unpredictable and unstable hours are more concentrated among low-income workers, especially in the low-wage retail and hospitality industries, and among women of color.
- Unpredictable and unstable work hours translate into unpredictable and variable paychecks and make it difficult to meet both work and other life commitments, including second jobs or further education.
  - Workers who don't know how many hours they can expect to work don't know how much they can expect to earn, and therefore can't plan their finances to ensure they're covering all their bills.
  - Families are unable to arrange for childcare in advance, which particularly negatively affects women's labor force participation.

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## Principles for fair scheduling

Federal policymakers should ensure that workers can create boundaries between time for work and time for other parts of their lives by considering the following principles for fair scheduling policies:

- **Require employers to bear costs associated with their last-minute decisions.** Employers should be required to provide advance notice of schedules, predictability pay when they alter a worker’s schedule with less than seven days of notice, and reporting pay in the form of two to four hours of wages when a shift is cancelled less than 24 hours in advance, as is required in San Francisco and Seattle.
- **Mitigate involuntary overwork and underwork.**
  - The Fair Labor Standards Act’s overtime-income threshold should be raised to keep pace with inflation, and its definition of exempt employees should be reconsidered to reflect the modern workplace and provide sufficient worker protection against overwork.
  - In addition, employers should be required to offer additional work hours to qualified part-time employees before hiring new employees to protect against underwork.
- **Give workers the right to talk to their employers about flexible schedules without fear of reprisals.** A right-to-request law would allow employees to ask their employers for a schedule change without fear of reprisals. It would not require an employer to grant the request but would require the employer to have a compelling business reason for denying a request. The city of San Francisco and the state of Vermont have recently passed and implemented such a law.

To learn more about the research and state and local policy examples behind the policy recommendations summarized here, you can read our full paper, “[Modernizing U.S. Labor Standards for 21st-Century Families.](#)”

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## Endnotes

- 1 Pamela Stone and Lisa Ackerly Hernandez, “The All-or Nothing Workplace: Flexibility Stigma and ‘Opting Out’ among Professional-Managerial Women,” *Journal of Social Issues* 69 (2) (2013): 235–56.
- 2 Pamela Stone and Meg Lovejoy, “Fast-Track Women and the ‘Choice’ to Stay Home,” *Annals of the American Academy of Political and Social Science* 596 (2004): 62–83.
- 3 Article 33G Section 3300G.4. *San Francisco Police Code: Advance Notice of Work Schedules and Changes in Work Schedules* (American Legal Publishing Corporation, n.d.).
- 4 *Title 14 Section 22. Seattle, Washington—Municipal Code: Secure Scheduling* (Municipal Code Corporation, n.d.), available at [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT14HURI\\_CH14.22SESC](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT14HURI_CH14.22SESC).

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