



Seattle City Council

Central Staff - Memorandum

Date: April 21, 2016
To: CRUEDA Committee meeting
From: Patricia Lee, Council Central Staff

Subject: April 28 CRUEDA Committee Meeting on Secured Scheduling
Memo #4

Memo Format. Since the CRUEDA Committee will be discussing the issue of Secure Scheduling for the next several months I have been asked to add new sections onto an existing memo rather than submit a new memo for each meeting. This way Councilmembers can have all the topics and suggested questions in one place. Therefore, I have compiled the relevant sections of previous memos into this memo.

The memo for each committee meeting will look the same and the new material will be at the end of the memo. In the Subject Header I will identify the Committee meeting date and the Memo with a number. While this will be a compilation of topics and suggested areas of inquiry it will not be minutes of the committee discussion. All committees are taped and that serves as the public record of the discussion.

Secured Scheduling

Councilmembers have heard from workers in Seattle who are having difficulty maintaining their economic stability, being able to manage child care and family responsibilities or further their skills by attending school due to unpredictable and fluctuating work schedules.

These concerns are not unique to Seattle. At the March 8, 2016 CRUEDA Committee meeting, Professor Susan Lambert from the University of Chicago presented information on work she and her colleagues Peter Fugiel and Julia Henly have done on scheduling practices. Their work drew on national data from the National Longitudinal Survey of Youth. Respondents in the survey were 26 to 32 years old. They found three practices which led to precarious work schedules were widespread;

- short advance notice,
- large fluctuations in work hours and
- little or no input into the timing of work

These practices were experienced by early career workers across the labor market but especially by hourly, part-time workers and workers of color.

Councilmembers have also heard from businesses about their need to have flexibility in scheduling in order to meet their customer and business needs and deliver their product in a

timely manner. Businesses also want the ability to respond to workers' request to change their schedule.

Process

The CRUEDA Committee will spend the next several months exploring these issues and developing potential options. This will be a multi-faceted process as the Mayor's office is also meeting with workers and stakeholders from the business and labor community to discuss and understand these issues. So that the two processes inform each other CM Herbold has requested participants from those meetings attend the CRUEDA Committee meeting and report on the discussions they are having. Below are the topics and the order the Mayor's office has indicated they will be discussed in their meetings:

1. Employer coverage
2. Advance Notice of Schedules
3. Predictability Pay
4. Right to Request
5. Right to Rest
6. Access to Hours
7. Part-time Parity
8. Job Security with Successor Employers
9. Additional Requirements
10. Enforcement
11. Exceptions

March 8, 2016 CRUEDA Committee Meeting 1

Presentation by Associate Professor Susan Lambert from the University of Chicago and Professor Charlotte Garden at Seattle University.

Questions presenters were asked to answer:

1. How prevalent is the problem, and is it more prevalent in certain sectors?
2. Why is this happening - what are the economic forces, and/or changes in the national/global/local economies that are leading to the creation of more part-time workers, independent contractors, and employers trying to maximize every employee hour?
3. What are the legislative remedies that have been tried in other jurisdictions and how successful have they been?
4. What are the components you see as necessary to effective legislation that would address this?
5. What are the unintended consequences or pitfalls to certain legislative remedies that we should be aware of and avoid?

March 22 CRUEDA Committee Meeting 2

Areas of Inquiry

At the March 22, meeting participants in the Mayor's meetings will report on their discussions on March 16 and 17. The business owners mainly discussed the first item – which businesses might be covered if there was a legislative proposal and labor discussed the first three items.

Employer Coverage: Many labor laws have different requirements based on the size of the business or number of employees. Some labor laws apply to only some types of businesses. Below are some questions Council may want to ask both workers and businesses to get a better understanding of whether there are different experiences in different types of businesses that would warrant such a differentiation if a legislative option were considered.

- a. What are the scheduling practices and challenges in Seattle?
- b. Is scheduling unpredictability prevalent in Seattle?
- c. Are scheduling challenges and practices different in different industries e.g. retail, restaurants, janitors, if so how?
- d. Is scheduling unpredictability more prevalent in some types of businesses?
- e. Are there industry “norms” for staffing and if so what are they?
- f. Are scheduling practices different in independent business compared to “chain” businesses, e.g. do “chain” businesses have autonomy of staffing ratios
- g. Are scheduling challenges and practices different depending on the size of a business, if so how?
- h. Are there Seattle businesses that have developed and implemented scheduling practices that are good models that should be replicated and how would those models work in different industries?

Presenters: Sejal Parikh, Working Washington; Alex Il, UFCW 21; David Jones, Blazing Onion; Pamela Hinckley, Seatown Restaurants; Bob Donovan, Donovan Employment Law; Carolyn Logue, CA Logue Public Affairs; Patricia Lee, Council Central Staff

April 12 CRUEDA Committee Meeting 3

Areas of Inquiry

Employer Coverage (continuation of discussion and additional questions)

- A. Are scheduling practices different in independent businesses compared to “chain” businesses, e.g. do “chain” businesses have autonomy of staffing ratios
- B. Are scheduling challenges and practices different depending on the size of a business, if so how?

- C. Are there Seattle businesses that have developed and implemented scheduling practices that are good models that should be replicated and how would those models work in different industries?

Advance Notice:

- D. How are schedules developed and who makes the decision?
E. In what form is notice given? (electronic, written)
F. How long is the schedule usually for?
G. How much time is there between an employee receiving a schedule and the first scheduled shift?
H. Does the amount of advance scheduling differ by industry, size of business, whether they are independently owned?
I. Are on-call shifts scheduled in advance?
J. When employees are hired are they told how many hours, what hours and when they will be working i.e. are workers hired for particular shifts or told their hours will fluctuate.

Predictability Pay:

- K. How often are changes made to an individual worker's schedule in a month, two months? And at whose initiative?
L. What business factors drive schedule changes, particularly last minute ones?
M. How do businesses address schedule changes.

Presenters: Sarah Cherin, UFCW 21; Rachel Dehn, ROC; Devony Boyle, Tom Douglas Restaurants; Pamela Hinckley, Seatown Restaurants; Carolyn Logue, CA Logue Public Affairs; Patricia Lee, Council Central Staff

April 26 CRUEDA Committee Meeting 4
Areas of Inquiry

Predictability Pay: (continuation of discussion)

- A. How often are changes made to an individual worker's schedule in a month, two months? And at whose initiative?
B. What business factors drive schedule changes, particularly last minute ones?
C. How do businesses address schedule changes.
D. Phasing – how do businesses respond when less staff are needed than predicted and scheduled e.g. weather closes an outdoor seating area.

Right to Rest

- What businesses regularly schedule split shifts?
- Is this more common in certain industries?
- Does the size of businesses change the practice of split shifts?

- For businesses with split shifts – what is the amount of time between shifts?
- Are the intervals between regularly scheduled or do they vary

Time between shifts

- What is the business practice regarding time between scheduled shifts, e.g. is it a businesses practice not to schedule a worker with less than X number of hours between shifts?
- If so what is that interval? Note: some businesses are open 24 hours a day – they may not have workers close and open a business but workers could be scheduled for shifts close in time.
- Does the practice vary by industry – if so how?
- Does the practice vary by size of business – if so how?
- Does the practice vary in “chain” businesses compared to independently owned businesses?
- Does the practice vary in “chain” businesses compared to independently owned businesses?
- What is the practice of cross training so employees can do different jobs if they become available?
- What training opportunities are there if employees want to advance?
- Do part-time workers make the same amount as full-time workers? Are benefits the same? Does the ACA play into this?
- Is there a minimum number of hours workers are scheduled for, and if so why?