

Scheduling in Seattle: Current State of Practice and Prospects for Intervention

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July 15, 2016

Executive Summary

This report, commissioned by the City of Seattle, describes the current state of employee scheduling practice in the City, with an emphasis on the retail and food service industries. The descriptions are based on two surveys fielded between early May and early June 2016. One survey solicited information from employees at Seattle businesses who work irregular schedules or whose work schedule is subject to change on short notice. Over 700 employees provided complete responses to this survey. The second survey solicited information from managers of Seattle businesses with direct responsibility for employee schedules. Over 350 managers provided complete responses to this survey. Information from the surveys was supplemented with a series of focus group meetings and interviews conducted between April and June 2016.

In addition to describing the current state of practice, the report aims to assess the needs of employers and employees for predictability and flexibility in scheduling, identify areas of practice where the needs of employers and employees are in conflict, and assess the benefits and drawbacks of addressing these areas of conflict with municipal regulation.

Key findings of the survey include the following:

- **Work schedules create hardship for many Seattle employees.** Thirty percent of employee respondents indicated that their work schedule created serious problems with their family, their budget, or other life priorities. Still more reported moderate hardship.
- **Insufficient hours are a prime source of hardship.** Three in ten respondents to our employee survey indicated a desire to work more hours at their primary job. One in ten report that their work schedule makes it very difficult to pay their bills.
- **Exhausting schedules are a source of hardship.** Employees required to work “clopening” shifts – 31% of all respondents – are 29 percentage points more likely to report that their schedule creates serious hardship than those who never work them. In some cases, employees agree to exhausting schedules because it is the only way they can get enough hours at their primary job.
- **Scheduling burdens are not spread evenly.** African-American and Latino survey respondents reported significantly higher rates of scheduling-related hardship. These groups were disproportionately likely to receive their schedules on short notice, to be required to work on-call, to be sent home during slow shifts, or to work “clopenings.” Racial disparities in Seattle are greater than those reported in nationally representative datasets.
- **Food service businesses more commonly engage in problematic practices, but hardship reports are more common in retail.** This juxtaposition may reflect the tendency for workers in a better position to handle scheduling uncertainty to opt in to work in the food service industry.
- **Problematic practices are more common in independent businesses than in chain stores.** Locally owned and operated businesses are more likely to provide short notice, use on-call scheduling, and schedule “clopenings.” There are few consistent links between business size – as measured by the number of Seattle employees – and scheduling practice or scheduling-related hardship.

- **Employees highly value advanced notice.** Nearly half of survey respondents would sacrifice a 20% pay premium in order to guarantee one week's advance notice of their schedule. Additional weeks of advance notice are valued, but less intensively.
- **Many Seattle employees are satisfied with their work schedule.** The majority of employee survey respondents are satisfied with their hours and receive at least a week's advance notice. Some business owners report stiff competition for experienced, productive workers and hope to distinguish themselves by offering employee-centered scheduling as part of a generous employment package.

Seattle is an expensive city where many employees – particularly ones that are lower-paid part-time workers – struggle to make ends meet. Scheduling is one manifestation of this struggle. Many workers report satisfaction with their current work schedule and a high-quality, collaborative working relationship with their supervisor, and many employers express a genuine interest in promoting scheduling practices that balance competing demands on their employees' time.

While it is tempting to consider the problems identified in the employee survey an inevitable feature of life at the economic margins of an expensive city, arguments for regulation can invoke both economic efficiency and equity arguments.

- **Short-notice scheduling is a form of insurance.** Insurance is a contract wherein one party accepts the risk faced by another in exchange for payment. Employers face risk in the sense that they cannot be certain how many customers they will need to serve on a future date. If they guarantee their employees work before learning this information, they accept risk themselves. If they wait, calling employees in only if business turns out to be brisk, they shift the risk to employees. While it is impossible to imagine fully insulating employees from business risk, the arguments for regulating short-notice scheduling are economically equivalent to the arguments for regulating insurance markets. Regulation is a nearly universal feature of insurance markets.
- **Existing labor market regulations distort scheduling.** The Affordable Care Act, for example, mandates that businesses provide health benefits to employees who average more than 30 hours per week. Many employee survey respondents believe that their employers restrict their hours to avoid this mandate, and data corroborate this perception.
- **Scheduling negotiations are imperfectly informed.** Efficient markets require complete contracts – ones where the parties understand what their relative obligations in a wide variety of scenarios. Employment contracts often do not stipulate even the most basic information about schedules, leading to scenarios where workers are subjected to practices they would have avoided had they been fully informed.
- **Fairness.** Even when employees endure scheduling-related hardship voluntarily, there are basic questions of whether it is right to shift business risk to employees, or to allow workers to endanger themselves and others in order to boost their take home pay.

Identifying scheduling-related problems is relatively easy. Solutions are harder to conceive, in part because of the interconnected nature of the three fundamental problems described above. A more predictable schedule, for example, is not always one that an employee would prefer. A schedule known with certainty is a cold comfort if it yields too little income to survive. Likewise,

a schedule regulated to guarantee sufficient rest time runs the risk of leaving some workers insufficient opportunity to earn a living. At the other end of the spectrum, actions taken to steer more work hours to existing part-time employees, for example by penalizing the hire of new workers, could cause significant hardship to new labor force entrants, or workers who have endured a layoff. It is difficult, in sum, to identify true “win-win” scenarios in the regulation of worker scheduling, meaning regulations that offer to simultaneously (a) maintain or increase employee incomes, (b) improve employees’ work/life balance, and (c) maintain or improve the viability of regulated businesses.

All this being said, this report discusses a variety of possible policy responses to scheduling concerns, including those recently implemented in San Francisco as well as options emerging from surveys, focus groups, and interviews conducted in the course of this analysis. The problems of scheduling today mirror those that inspired the significant labor market regulations of the 1930s, including unemployment insurance and overtime pay. Although these policies still exist and offer assistance to many workers, the modern labor market has evolved in a way that exposes key gaps in coverage.

Beyond these specific discussions, it should go without saying that actions taken to reduce the cost of living in the Seattle metropolitan area would ease many scheduling-related burdens more effectively than any direct regulation of worker scheduling. The City’s minimum wage ordinance and affordable housing initiatives seek to address this problem directly. The high cost of living makes the problem of scheduling in Seattle distinct from more general problems across the United States. For shift workers in an economic position to make ends meet, predictability in scheduling is a sensible secondary goal. In Seattle, many working families face challenges in attaining primary goals: keeping their families fed, clothed, and sheltered. The first goal, in other words, is to ensure that workers’ average hours are sufficient to enable survival. Only if the average is high enough is it important to consider ironing out fluctuations around that average.

Acknowledgements

We are grateful first and foremost to more than 1,000 Seattle workers and managers who took time, in exchange for little to no compensation, to share their experiences with us. Had they not taken that action, this report would have had very little to say. Their anonymous contributions were supplemented by more direct personal interaction with a variety of labor advocates, business leaders, and City officials. Seattle's business and labor communities, though not natural allies in this issue space, were united in their graciousness toward us and respectful of our independence.

Our efforts were informed by the prior work of – and our direct interactions with – scholars including Liz Ben-Ishai (Center for Law and Social Policy), Susan Lambert (University of Chicago) and Danny Schneider (UC-Berkeley). We are grateful for their guidance.

We thank the City of Seattle for support in coordinating our efforts with those of other community groups and stakeholders, as well as the San Francisco Office of Labor Standards Enforcement, and Seattle's Japanese Cultural Center.

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1. Introduction

This report uses data from two surveys fielded in Seattle in Spring 2016 to describe the current state of scheduling practice in the City's retail and food service sectors. It seeks in particular to understand problematic aspects of scheduling, ones for which new regulations might promote more efficient and equitable agreements between managers and employees. In addition to asking respondents to describe their recent experiences, the surveys asked hypothetical questions that help to illuminate how employees and managers might react to possible new regulations.

The relationship between manager and employee is simultaneously collaborative and adversarial. Managers and employees are united in a common goal: to provide goods, services, and experiences at prices that will convince customers to contribute the dollars that will compensate them both. Both parties – the managers and employees – depend on one another for their shared success.

The adversarial elements of the relationship stem not only from the need for managers and employees to divide the spoils of their shared success – wages for the employee versus profits for the manager – but also the need to determine the contributions they expect from one another. This report considers one aspect of negotiation between manager and employee: scheduling. While the negotiation of a work schedule can be unproblematic in theory, three sets of factors complicate the negotiation in practice: employees' need for survival, their need to balance work with other priorities, and the risks inherent in any business venture.

Factor 1: Survival. Employees must earn enough from their employment to sustain themselves, and in many cases family members who depend on them. Survival can be a particular challenge in a location with a high cost of living. This affects the balance of power in negotiations between employee and manager. The need to survive may also lead employees to voluntarily accept short-term scheduling difficulties that may negatively impact both their own long-term interests and workplace safety.

Business owners, of course, face their own need to survive. But because business ownership requires up front capital investment, owners are more likely to have the savings required to survive a transition to a new source of income should the business fail. Not all business owners are well capitalized, however, and these cases warrant special attention.

Factor 2: Balance. Employees must balance the need to earn money with other needs and priorities. They are often responsible for the care of others in their household or family, and often aim to invest in their own future by pursuing education while they work. With or without these competing interests, all employees must look after their own health.

Factor 3: Risk. Demand for a business's products or services can vary substantially from day to day, depending on factors outside the manager's control. By allowing their staffing to vary with demand, businesses can offer their customers better service at more competitive prices. When they do so, they effectively share risk with their employees. Businesses with steadier, more predictable demand are less likely to introduce scheduling problems for their employees. Even

these businesses, however, share their employee's risks. When one employee falls ill, for example, a manager must either find a way to replace that employee or allow customers' experiences to suffer.

This report begins with the premise that risk is inevitable, in both business and life. So long as businesses can fail if their revenue does not cover costs, there is no conceivable method of fully insuring workers against the risks of business. Likewise, there is no method of fully insuring businesses against the risks their employees face.

While risks are inevitable, this report also begins with the premise that there are conceivable scenarios where employees and businesses successfully negotiate a mutually agreeable arrangement of risk. This scenario is supported by the classical labor economic theory of compensating differentials, wherein workers and firms negotiate from positions of equal strength, each possessing the threat that they have other acceptable options if negotiations break down. This scenario is not merely hypothetical; our survey evidence reveals a substantial segment of the workforce that expresses content with the manner in which their employer shares risk with them. Our survey also indicates that workers tend to receive higher wages as compensation for accepting risk, just as theory predicts.

A third foundational premise, however, is that the presumption of equal bargaining strength can fail in practice. The classical economic model assumes fully informed and fully competitive marketplaces. In this imagined world, workers can break off negotiations and instantly find alternate work that suits their preferences. Employers can break off negotiations and instantly find other willing workers. In this imagined world, no worker need worry about exhausting their savings or feeding their family while searching for a better job. No employer need worry about foregoing opportunities for lack of an available workforce.

The inevitable bidirectional sharing of risk between businesses and employees – evident when a worker calls in sick, when a manager sends a worker home early because business is slow, among myriad other reasons – likens a standard employment contract to an insurance contract. Basic microeconomics teaches that insurance markets are prone to failure for two reasons: moral hazard and adverse selection. In this context, moral hazard exists when, for example, businesses choose not to invest in technology that could help them mitigate risk – or to invest person-hours in developing better forecasts – because they have another means of mitigating risk, namely passing it along to employees. Adverse selection, which in health insurance markets occurs when only the individuals in poorest health buy insurance, forcing insurers to charge higher premiums or face bankruptcy, is a less salient concern in this context. Because of this tendency toward failure, most every insurance market is subject to some form of government regulation.

Even if the conditions of the classical economic model were to hold in practice, the model offers no assurances that the outcome would be perceived as fair by outside observers. A worker may accept conditions of employment because those conditions pertain to all their alternatives. A business owner may offer conditions that threaten their viability because it is the only way to recruit workers. This basic premise – that the “invisible hand” of markets offers no assurances in the realm of equity – completes this study's foundation.

2. Defining the Problem

The economic theory of compensating differentials suggests that employers must offer employees higher wages to offset any unattractive element of a job. These might include hazardous working conditions, physical exertion, or an unpredictable work schedule. The premise underlying this prediction is illustrated in Figure 1, which imagines categorizing jobs along two dimensions: the amount of income paid and quality of the schedule offered, which could incorporate measures of predictability, convenience, and so forth. The best jobs, offering both high incomes and attractive schedules, would be located in the upper right corner on this graph. The worst jobs, offering low pay and unpredictable or inconvenient scheduling, would cluster in the opposite corner. In between these two are a spectrum of medium-quality jobs. Some have attractive schedules but offer modest pay, others pay well but are have less attractive schedules.

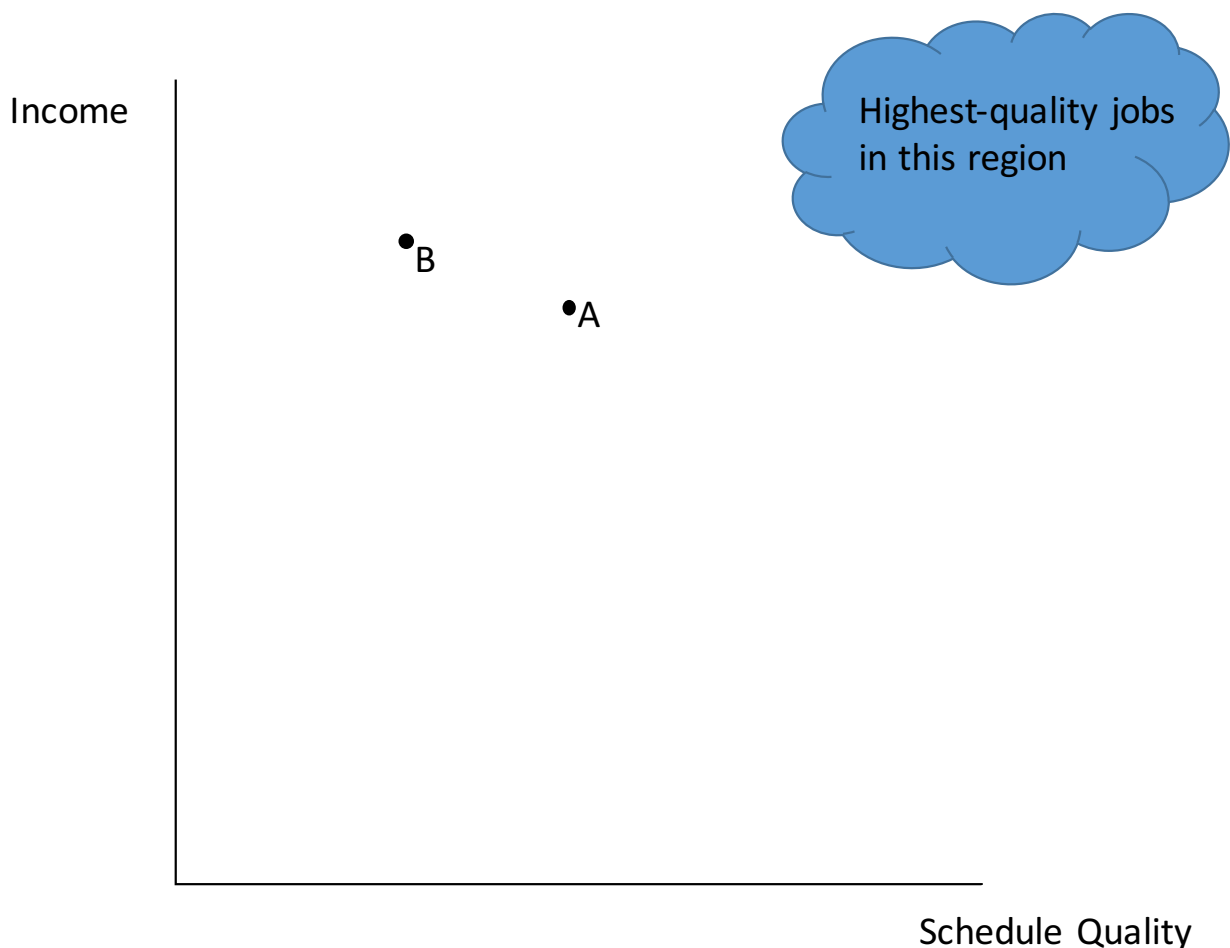


Figure 1: Comparing jobs in two dimensions

Imagine a worker who currently holds a job at point A in this graph. This job pays reasonably well and has a moderate degree of schedule quality. Suppose this worker is offered a different job, represented by point B. This job has a less attractive schedule than the worker's current job, but pays a bit better. Will the worker accept this new job? Theory, as well as the evidence

collected in our survey, suggests that the answer is “yes” under certain circumstances. It all depends on the value the worker attaches to schedule quality.

Imagine that not one but two workers hold position A and that they are both offered position B. Theory offers a clear prediction that the worker more likely to switch jobs is the one who attaches less value to schedule quality. One worker might worry about arranging child care and making sure they can attend classes part time. The other might not have children, and might not be enrolled in school. This second worker, theory predicts, would be more likely to make the switch.

Because there are many types of jobs in the economy, and many types of workers, we can expect to see a wide variety of employment scenarios. Economic theory offers some general guidance about what to expect:

- Jobs with unpredictable schedules, which pose particular problems for those who must balance work against other demands, would tend to be taken by employees who do not face these balancing problems. Even so, relative to more predictable jobs those with unpredictable schedules should feature higher average compensation.
- Jobs that by virtue of low wages and hours do not offer an income that can support survival would tend to be taken by employees who can rely on other sources of income.
- Jobs that require workers to commit to exhausting schedules, for example because the business operates only on weekends and can guarantee large numbers of hours only to workers willing to cover many hours over a small number of days, would tend to be taken by the least averse employees. Even so, these jobs should feature higher average compensation.

This theory is presented not as absolute truth, but as a theory – a framework for thinking about how scheduling operates, the extent to which scheduling practices are problematic, and how scheduling regulations might impact businesses and workers for better or worse. In the textbook treatment of the labor market, workers are assumed to work exactly as many hours as they wish at the prevailing wage rate – were an employer to deny them this choice, by assumption they would effortlessly change jobs in favor of an employer who allowed the choice.

In a world that conformed to this model, an unregulated market could be expected to produce a “best case” scenario where every worker takes the job they value most highly, and workers who face difficult scheduling practices receive extra pay to compensate. A series of real-world complications muddy this conclusion.

2.1 Complication #1: Risk, insurance, and moral hazard

Suppose a manager operates a business with fluctuating demand. Restaurants with outdoor patios face uncertainty rooted in the weather. Caterers often book events such as funerals on short notice. Neighborhood retailers might see fluctuations in foot traffic depending on local events – both in their own neighborhood and others.

These managers could choose to shoulder the entire risk themselves – hiring a staff large enough to meet peak demand on any given day, and having that staff come to work rain or shine. By

shouldering this risk, the business faces higher costs. Unless profit margins are sufficient to absorb the costs, they will be passed along to customers, who could conceivably react by taking their business elsewhere.

Managers can share the risk with workers either by asking them to come to work, with the expectation that they'll be sent home if business is slow, or by asking them to hold their personal schedules open in case they need to be called in – to be “on-call.” Our survey evidence below will show that both practices are common risk-sharing techniques. The notion that scheduling practice is a means of allocating risk to employees is a theme of University of Chicago Professor, Susan Lambert's work.¹

Suppose the manager is considering whether to purchase a software package that promises to help forecast demand. With better demand forecasts, the manager could reduce the frequency of placing workers “on-call” or sending them home before the scheduled end of their shift. This decision introduces the possibility of moral hazard because the beneficiaries of the investment – the employees who will enjoy greater certainty in their schedule – do not directly bear the costs of the investment.

In other insurance markets marked by this sort of moral hazard, regulations are used to mitigate the effects. It is argued, for example, that moral hazard exists in the market for automobile insurance: motorists may drive more recklessly if they know that insurance exists to cover any damage they cause. Regulations permit insurers to charge higher premiums to drivers with poor records, which creates renewed incentives to drive carefully. In the labor market, the existence of unemployment insurance encourages employers to consider laying off workers temporarily during times of slack demand, as it reduces the risk that laid off workers will find alternate employment. The practice of experience rating – charging higher premiums to firms with a history of layoffs – mitigates this incentive.

Complicating this complication is the notion that much of the risk scheduling managers face is rooted in risks faced by employees themselves. Managers may have some control over forecasting demand, but they have less control over whether employees call in sick. Moral hazard arguments typically do not apply to risks over which the insured party has no control.

2.2 Complication #2: Labor market frictions and incomplete contracting

Workers cannot effortlessly switch from one employer to another. Likewise, businesses cannot effortlessly hire a new employee. The discipline imagined by the classical economic model, wherein both workers and businesses are constrained in what they can demand of one another because each party has outside options, may fail to take hold in reality. The significance of labor market frictions may be particularly acute for certain groups of workers for whom job searches are particularly costly. Workers who spend long hours on the job and take care of a family or attend school outside of work may find it impossible to conduct a thorough search for a new job without making sacrifices. Other workers, such as those with limited English skills or for whom

¹ Lambert, S., (2008) Passing the buck: Labor flexibility practices that transfer risk onto hourly workers, *Human Relations*, 61(9), 1203-1227.

immigration status restrains their available options, are not at liberty to consider a complete range of outside employment options.

A parallel set of considerations applies to certain businesses. When businesses face difficulty in hiring new workers, their incentives to offer attractive scheduling policies naturally increase.

Because employees cannot switch jobs instantly and costlessly, they may acquiesce to certain scheduling practices that they would not have agreed to at the point of hire. This can be thought of as a case of *incomplete contracting*: the failure to specify all the relevant terms of a contract at the time it is signed. For example, a worker might accept employment without inquiring whether the employer will require them to work “on-call.” Should they discover such a requirement at a later date, they may regret having taken the job in the first place but find themselves in an economic position where it is not feasible to reverse the decision.

2.3 Complication #3: Equity

In the absence of the first two complications, the classical economic model of compensating differentials would predict an “efficient” outcome, defined as one where no participant in the labor market could be better off without making some other participant worse off. We would not expect, for example, two workers to covet one another’s jobs.

Efficient outcomes are not necessarily desirable ones. Allocating a job with highly variable hours, an unpredictable schedule, and low pay to a single parent caring for children and taking classes toward a college degree could be an efficient outcome if there is no other worker in the economy willing to voluntarily trade. Concerns for equity, or basic fairness, compel government intervention in or regulation of markets in numerous scenarios.

In the case of scheduling, the low-wage workforce in the United States is disproportionately female, and disproportionately foreign-born. Scheduling practices can contribute to income volatility, which can complicate the process of qualifying for Federal means-tested benefits. Parents with uncertain schedules may find it difficult to establish consistent child care arrangements.²

Federal regulations, for example, require employers to pay a 50% premium to workers once they have exceeded 40 hours per week. There may be some workers in the economy willing to take extra hours without extra compensation – from an efficiency perspective, it would be better to let the market determine whether hours beyond 40 should require any premium at all. The justification for overtime regulations is not to enhance the efficiency of the labor market, but rather to promote equity. Overtime regulations – though they may be somewhat antiquated, as suggested below – encourage employers to allow their employees time to rest and attend to their other life obligations, and incentivize them to hire more employees rather than award extra hours to their existing ones. Equity considerations could also justify regulation of other

² Lambert, S., Haley-Lock, A., Henly, J. (2012) “Schedule flexibility in hourly jobs: unanticipated consequences and promising directions.” School of Social Service Administration, University of Chicago.

scheduling practices, particularly if those practices disproportionately affected members of economically marginalized or vulnerable groups.

2.4 Complication #4: Existing government regulations

Government regulations may lead businesses to alter workers' schedules in a manner that neither party prefers. The Affordable Care Act's mandate that employers offer health benefits to employees who average more than 30 hours per week (or 130 hours per month), for example, creates incentives for employers to keep employee hours below that level. It is important to emphasize that this was not the intention of the ACA, and that the practice may be distasteful to both employers and employees – some employers might wish to offer part-time employees additional hours rather than hire new workers, because hiring is costly and new employees may prove to be less reliable than existing ones who know the business.

In summary, there are several reasons to worry that scheduling, left unregulated, would lead to scenarios that are either inefficient in an economic sense or unfair in a more ethical sense.

3. Background

3.1 The study of scheduling

Recent scholarly studies of scheduling practice and its effects on employees have utilized a series of questions recently added to two nationally representative surveys: the National Longitudinal Survey of Youth (NLSY) and General Social Survey (GSS). Both studies have been long-standing efforts to track the experiences and opinions of Americans, the former tracing the experiences of a group first encountered as 12-16 year olds in 1997, and the latter a repeated cross-sectional survey conducted every few years.

These surveys, along with supplemental data collection efforts, have fueled Susan Lambert's research agenda for several years. Professor Lambert has used these nationally representative resources to document the commonality of various scheduling practices and their impacts on employee well-being. A complete review of Professor Lambert's work is beyond the scope of this report, but suffice to say that it constitutes rigorous documentary evidence on a national scale.

In addition to studying these nationally representative datasets, Lambert also conducted a study of retail managers in the Northeast and Midwest. She used a telephone and pencil-and-paper survey to reach 139 store managers. Her work has also involved a randomized trial in which some Chicago area stores were randomly assigned an intervention in which schedules were posted one month in advance. In reviewing Lambert's work and comparing it with the results in this report, we have found no instances where her conclusions are contradicted.

No study to date has specifically considered the prevalence or impact of scheduling practices in the City of Seattle. Seattle is not representative of the United States in numerous respects. It is a city marked by a high cost of living, heavy reliance on foreign-born workers in low-skilled employment, and a general degree of prosperity driven by growth in technology-related sectors.

3.2 Existing policy interventions

Scheduling policy has been proposed in twenty governments at the municipal, state and federal level. Fifteen states have introduced scheduling policy to date. New Hampshire's Senate Bill 416, which prohibits employer retaliation against employees who request a flexible work schedule, will take effect on September 1st, 2016.³ House Resolution 3071 and Senate Bill 1772, The Schedules That Work Act, sponsored by Representative Rosa DeLauro and Senator Elizabeth Warren, were introduced in July of 2015. The identical bills expand employees' rights to their work schedules; require employers to grant employee requests in good faith, and outline guidelines for granting and denying schedule requests. Additionally, the bills establish requirements for advanced notice of schedules and reporting, and grant that some scheduling practices, including split shifts, merit additional pay. Furthermore, they prohibit discrimination or retaliation against employees for exercising these rights.⁴ Given the partisan orientation of the current Congress, it is unlikely that these bills will advance.

In November 2014, the San Francisco Board of Supervisors unanimously passed two laws to provide workers with more stable and secure work schedules. The two laws created the Formula Retail Employee Rights Ordinances, or more commonly known as the San Francisco Retail Workers Bill of Rights. While receiving unanimous support from the 11-member board of supervisors, Mayor Ed Lee returned the bills unsigned. This gesture allowed the ordinance to take effect, but expressed the Mayor's concerns over the lack of input from business during the legislative process and the potential negative impacts on businesses and employees.

As the first secure scheduling law in the country, the Retail Workers Bill of Rights regulates hours, retention, scheduling, and treatment of part-time employees. For the purposes of this report, the most notable provisions include:

1. **Estimated hours** - Requires employers to give newly hired employees a good faith estimate of the number of hours they will work per month and the days and hours of those shifts.
2. **Two Weeks' Advance Notice** - Requires employers to give two week's notice of work schedules. Employer must keep three years of records of scheduling changes.
3. **Predictability Pay** - When an employer-initiated scheduling change occurs with less than seven days' notice but with more than 24 hours' notice, the employer must pay one hour of additional pay, at the employee's regular hourly rate, for each schedule change. When the scheduling change occurs with less than 24 hours' notice, the employer owes two additional hours of pay for a shift of less than four hours, and four hours of pay for a shift longer than four hours.
4. **On-call Pay** - If an employee is required to be on-call, but is not called into work with less than 24 hours' notice, the employer must pay the employee two hours of pay at the employee's regular hourly rate for a shift of less than four hours and four hours of regular pay for a shift longer than four hours.

³ Other states with introduced legislation include: CA, CT, IL, IN, MA, MD, ME, MI, MN, NJ, NY, OR, RI, VT

⁴ The Schedules That Work Act, S. 1772, 114th Congress. (2015).

5. **Equal Treatment of Part-Time Employees** - An employer must offer the same starting wages, paid time off, and promotion eligibility to part-time employees as they do to full-time employees.
6. **Additional Hours for Part-Time Employees** - Before hiring a new employee, additional hours must first be made available to part-time employees: 1) with similar job functions, and 2) if the employer deems the employee to be qualified for the position. The employer must keep record of such promotion opportunities for three years.
7. **Contracted Janitorial and Security** - Security and janitorial services contracted by formula retail employers must comply with all parts of the scheduling ordinance.
8. **Retaliation Prohibited** - It is illegal for an employer to take “adverse action” against an employee for exercising their rights.⁵

The Retail Workers Bill of Rights only applies to the “formula retail” sector, more commonly known as “chain stores”. Applicable businesses must have forty or more global storefronts and employ more than twenty people in San Francisco. The initial proposal would have applied to business with twenty global locations but this was later amended to forty.

Formula retail is a unique designation based in the San Francisco planning code used to “maintain the character and aesthetic qualities of San Francisco neighborhoods.” The planning department defines formula retail as having eleven or more global storefronts and a standardized facade, including: a standardized array of merchandise, trademark, servicemark, decor, color scheme, facade, uniform apparel, and signage. Additionally, the definition applies to specific types of stores, including, but not limited to: retail, restaurants, bars, banks, movie theaters, video stores, and personal services.⁶

Exemptions to Predictability Pay and Pay for On-call - To ensure flexibility for employers and employees, exemptions were made for predictability pay and on-call. Employees are not eligible for Predictability Pay if:

1. Operations cannot begin or continue due to threats to Employees or property;
2. Operations cannot begin or continue because public utilities fail;
3. Operations cannot begin or continue due to an Act of God or other causes not within the Employer's control (such as an earthquake);
4. Another Employee previously scheduled to work that shift is unable to work and did not provide at least seven days' notice;
5. Another Employee failed to report to work or was sent home;
6. The Employer requires the Employee to work overtime; or
7. The Employee trades shifts with another Employee or requests a change in shifts.⁷

⁵ San Francisco Police Code Article 33F and 33G, passed November 24, 2014; retrieved from: [http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_Article33F](http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Article33F)

⁶ “Commission Guide for Formula Retail”, San Francisco Planning Commission, July 2014; retrieved from: http://sf-planning.org/sites/default/files/FileCenter/Documents/9343-FormulaRetail_Commission_Guide.pdf

⁷ San Francisco Police Code Article 33F and 33G, passed November 24, 2014; retrieved from: [http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_Article33F](http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Article33F)

While initially passed in November 2014, enforcement did not begin until March 1, 2016, after the final rules were published. Even without an enforcement mechanism, the ordinance mandated that businesses be compliant by October 2015. Both the Office of Labor Standards and Enforcement (OLSE), the department charged with enforcement, and business affiliates believed that most businesses were in compliance with the ordinance before the rules were published.

The rulemaking process was both complex and time intensive. OLSE convened stakeholders from business, labor, advocacy groups, legislative aides, and city departments to determine how the ordinance would be enforced. The group met over six months, often having day-long meetings.

According to OLSE, the rules intended to build in flexibility, for both employers and employees, while ensuring workers received the protections intended by the legislation. The final rules provide clarity in many areas of the ordinance:

- Determining if a business employs more than twenty people given seasonal adjustments
- Establishing how overtime pay fits into offering employees additional hours
- Setting guidelines for how employers can offer additional shifts to existing part-time staff before hiring new employees
- Determining how to calculate the hourly rate owed under predictability pay (e.g.: base hourly rate, commission, tips, etc.)
- Determining the parameters of predictability pay when an employer cancels, changes the times, or moves the date of a shift with less than 24 hours notice
- Defining “required” as applied to employer-initiated schedule changes
- Providing examples of “pressuring and coercion” and “adverse employment action” when applied to employer-initiated schedule changes
- Establishing guidelines for when an employer is requiring an employee to work an unscheduled shift

Other Cities have reviewed scheduling stability legislation. In Washington, D.C., the Hours and Stability Act of 2015 is under review by the Committee on Business, Consumer and Regulatory Affairs. Minneapolis, Albuquerque and San Jose have proposed measures that were withdrawn because they failed to garner enough support.⁸

In Washington State, the City of SeaTac included the promotion of full-time employment to qualified part-time employees in the city’s Ordinance Setting Minimum Employment Standards for Hospitality and Transportation Industry Employers, which took effect January 1, 2014 and included raising the minimum wage to \$15 per hour.

3.3 Collectively bargained scheduling provisions

Union contracts commonly incorporate provisions on scheduling. The United Food and Commercial Workers International Union (UFCW) 21, for instance, negotiated the following

⁸The policy in Minneapolis was The Minneapolis Working Families Agenda, which included Earned Sick Time and Fair Scheduling. In October of 2015 the Mayor moved forward with sick time but dropped fair scheduling. Albuquerque’s policy was Council Bill No. O-15-57: The Albuquerque Fair Workweek Act, which failed to garner support. The San Jose Ballot Initiative was withdrawn by sponsors in 2015.

provisions for their grocery workers at Safeway, Fred Meyer, QFC and Albertsons in King and Snohomish counties:

- Guarantees that employees receive their schedule by 6:00 P.M. on Thursday preceding the start of the workweek, or earlier depending on the employer. (Letter of Understanding #11)
- Requires that additional be offered to senior employees
- Senior employees shall be offered the most weekly hours up to a maximum of forty hours per week; provided qualifications and ability are equal; the senior employee is available to perform the work; and the employee has notified management in writing of his or her desire for additional hours of work.
- Recognition of the benefits of giving employees as much notice as possible, but allows changes to occur with 48 hours' notice, in emergency situations or when mutually agreed upon by employees and employers. Prohibits discrimination of employees who do not agree to schedule changes. (Section 5.9)
- If a scheduled employee is required to work more than a half hour beyond their posted schedule, the employer must pay an additional 35 cents per hour for each additional hour, unless the change was agreed upon ahead of time. (Section 5.9.2)
- Requires a minimum of 10 hours of rest between shifts or time-and-half compensation. (Section 5.4)
- Prohibits employers to schedule split shifts. (Section 5.10)
- Requires that additional hours be offered to senior employees. (Section 3.7)

4. Methodology

This report reflects a series of data collection activities conducted between April and June 2016. These include a series of interviews, focus groups, and two large-scale surveys. The first survey solicited responses from individuals employed in Seattle that either worked irregular schedules or were subject to possible short-notice schedule changes. Over 1,000 individuals initiated a response to this survey and 776 answered a sufficient number of questions to be included in the analysis.⁹ The second survey solicited responses from representatives of businesses who were familiar with scheduling practice at a Seattle location. These business representatives might range from owners of small independent storefronts to location managers working for a global chain. Over 500 individuals initiated a response to this survey, of these 360 answered a sufficient number of questions to be included in the analysis.

4.1 The employee survey

The employee survey sought to assess worker experiences with scheduling practices, their valuation of predictability in scheduling, as well as basic demographic and job characteristics. Some questions were designed to resemble existing surveys with scheduling modules, including the National Longitudinal Survey of Youth (NLSY97) and the General Social Survey. A pilot version of the survey was administered to a focus group in April, and their comments and feedback were incorporated into a revised version. The survey was opened for participation in

⁹ As participation in the survey was fully voluntary, respondents were free to skip questions that they preferred not to answer.

early May and closed after a more than four-week participation period in early June. A \$5 gift card incentive was offered to the first 500 respondents; all respondents were entered into a drawing for a \$400 gift card.

The survey was primarily intended for employees in the restaurant, retail, and personal service sectors (a complete set of targeted NAICS codes appears in Appendix VIII). The most recent American Community Survey, which records work location for a representative sample of the United States population, indicates that the targeted industries account for approximately 20% of all individuals employed in the City of Seattle, on the order of 125,000 people.

The survey was designed in English and translated into Amharic, Chinese, Somali, Spanish, Tigrinya, and Vietnamese. All versions except Somali and Tigrinya were made available online using the QuestionPro utility. The QuestionPro interface allowed tracking of respondent IP addresses and used cookies to prevent multiple responses from the same computer. These security features were implemented to guard against “ballot box stuffing,” which was a concern raised by both business and labor stakeholders in the design process. Analysis of respondent IP addresses did not reveal significant concerns with single sources submitting multiple responses, aside from organizations that had notified us in advance that they would be assisting individual respondents.

Somali and Tigrinya surveys were disseminated in a traditional paper format. In the event that an employee had limited or no access to the technology required to complete the survey alternatives were provided to allow their participation.

Employee survey respondents were asked to indicate how they heard about the survey. This provides us with the capacity to analyze, for example, whether responses from employees referred by their supervisor or employer differ significantly from those who learned about the survey via social media (Reddit, Twitter, Facebook), friends or relatives, or nonprofit groups. Table 1 below lists the sources of survey responses in descending order.

Table 1: Where employee survey respondents heard about the survey

Third-party/nonprofit organizations (most commonly unions and other labor organizations)	21.8%
Supervisor/employer	17.4%
Email (senders vary, may include individuals, businesses, labor organizations)	15.7%
Traditional media, social media (news websites, Facebook, Reddit, Twitter)	14.7%
Multiple sources	8.7%
City of Seattle	8.6%
Coworkers, friends, relatives	8.3%
Advertisements placed on Craigslist	4.8%

Eligibility for the survey was restricted to individuals age 17 or older employed in the City of Seattle. Initially, the survey was restricted to individuals who reported working an irregular schedule – one that varies from week to week. This criterion was modified in response to feedback to include individuals who work a regular schedule but sometimes have that schedule modified on short notice.

Recruitment for the survey relied on a number of methods. Notices were posted on social media, Craigslist and other websites. The City of Seattle worked with community based organization partners to conduct outreach to workers and notified a list of business license contacts about the survey, which prompted the largest wave of responses. Both business and labor organizations encouraged response.

Over four weeks, more than 1,000 individuals completed the survey. Because the survey included no required questions, a number of individual responses included very few actual answers. We restricted attention to a set of 776 responses that could reasonably be considered complete, though even in this set some individuals may have refrained from answering certain questions. Please see Appendix I for the outreach plan and recruitment strategies implemented to encourage response.

Figures 2a, 2b, 2c, and 2d show how the employee survey respondents categorized themselves by race, language spoken at home, gender, and sexuality. By race, the survey sample demonstrates substantial diversity. American Community Survey data for the period 2010-2014 suggests that the relevant Seattle workforce – in food service, retail and allied industries – is about 67% non-Hispanic white, 4% African-American, 15% Asian/Asian-American, 9% Hispanic, with the remainder multiracial or belonging to smaller categories. Our sample falls short of most of these tallies in part because 9% of the sample did not provide information.

Figure 2a: Respondents by Race

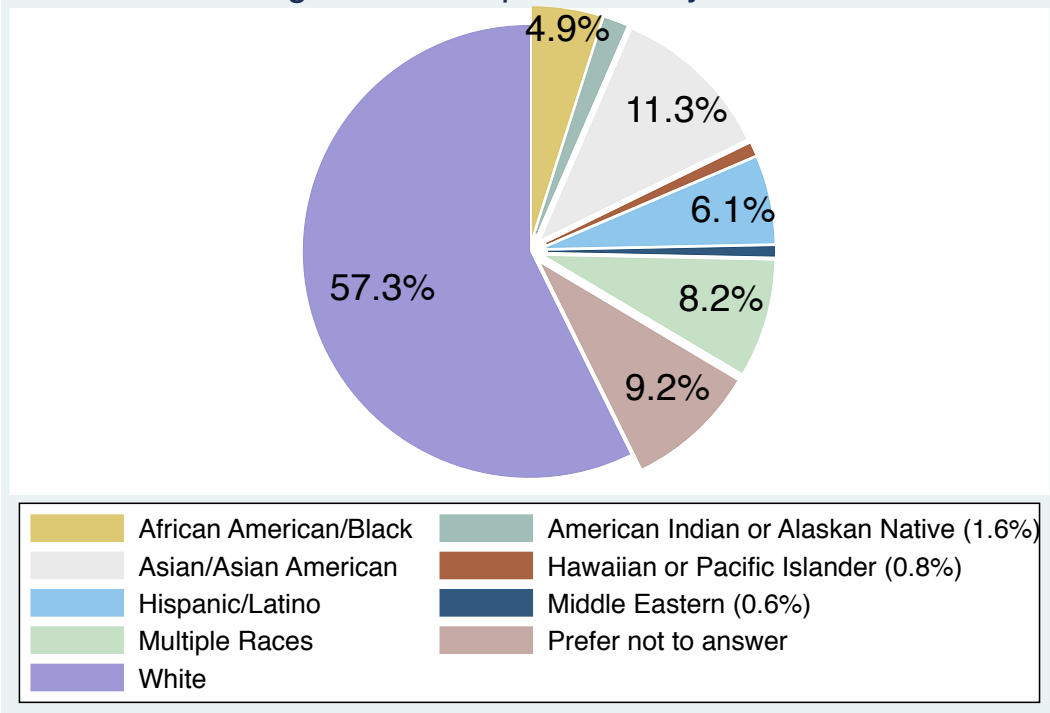


Figure 2b: Respondents by Language Spoken At Home

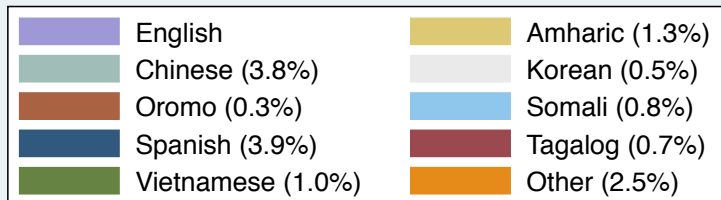
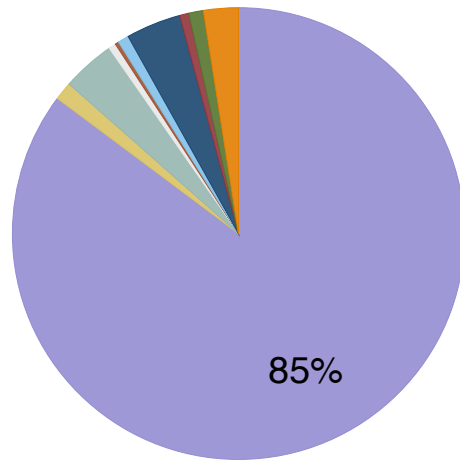


Figure 2c: Respondents by Gender

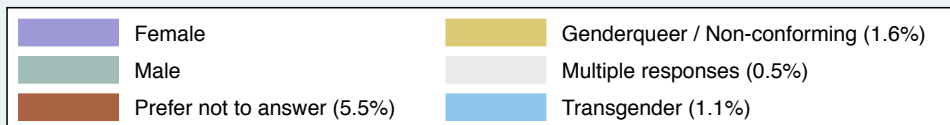
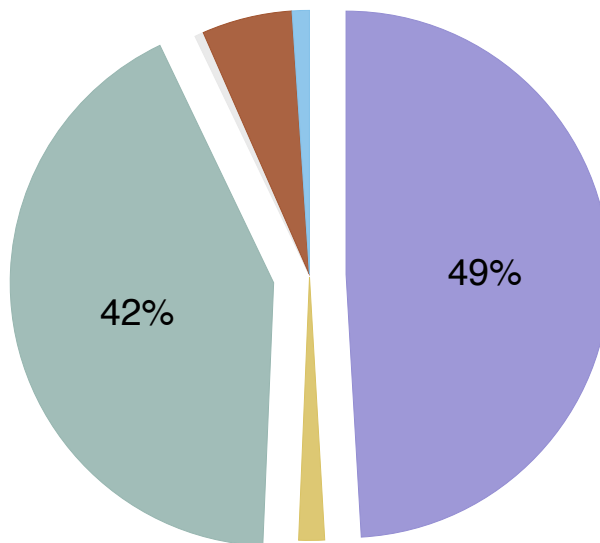
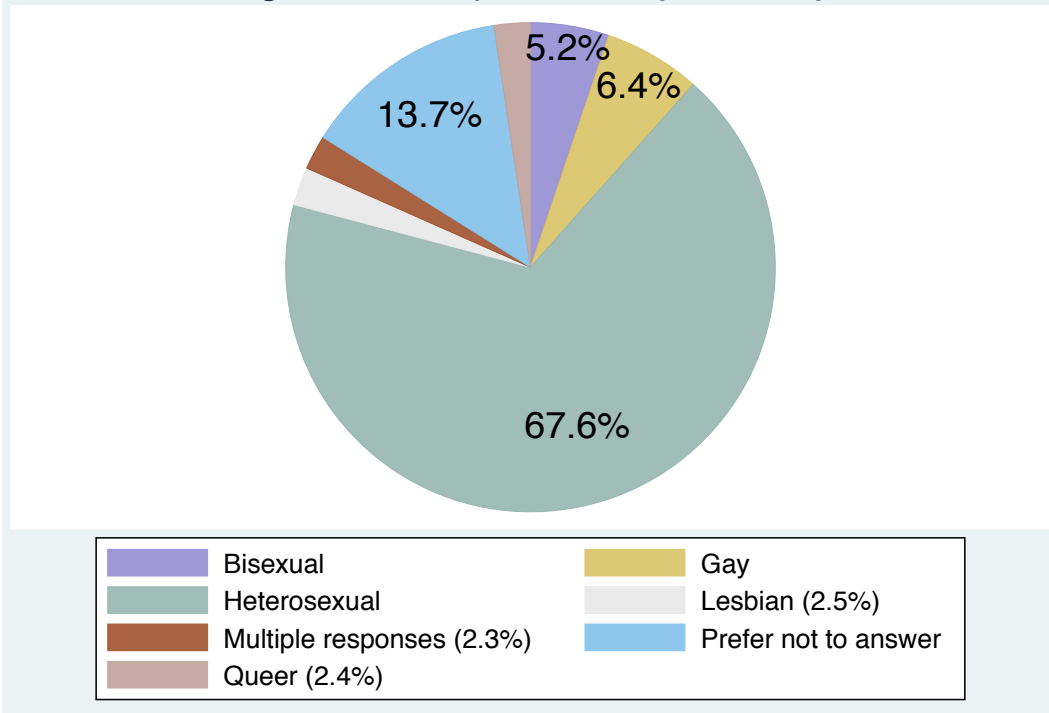


Figure 2d: Respondents by sexuality

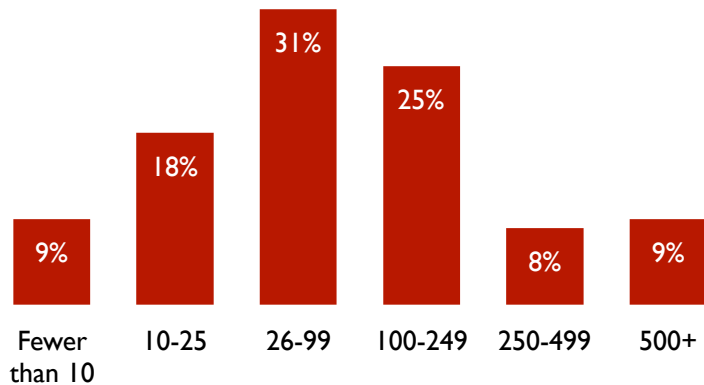


About 85% of our respondents speak English at home; American Community Survey results suggest a population benchmark of 79%. Our sample underrepresents Spanish-speaking respondents, while containing a respectable representation of other language groups.

American Community Survey data, which use a traditional binary coding for gender, suggest that females are slightly overrepresented in the target population. Our survey also overrepresents female respondents; about 4% of respondents indicated a non-traditional gender categorization and 5% refused to answer. Figure 2d shows that the respondent sample exhibits diversity in terms of sexuality as well.

In addition to these basic demographic characteristics, 38% of respondents reported caring for dependent children. Respondents were evenly split between full-time and part-time work. The median respondent works at a business with fewer than 100 Seattle employees (Figure 3).

Figure 3: Number of Seattle employees, employee survey
(n=747)



About 51% of respondents reported a primary job in the restaurant/food service industry, 31% in retail, and the remainder in a variety of other sectors including accommodation/hospitality, security, manufacturing, construction, and entertainment. Although many of these other sectors were outside the scope of the survey as designed, responses were coded and analyzed. Results below will commonly focus on the core industries of food service and retail.

4.2 The manager survey

The manager survey was designed for a sample of individuals directly responsible for scheduling shift work at a Seattle workplace. We expected the exact job title of the targeted individual to vary across businesses. An owner or CEO might be expected to hold responsibility for scheduling in a small business, but in larger ones – particularly national or global chains – this responsibility would typically be delegated to local store managers. In these larger businesses, we were more interested in hearing about how policies were implemented at the ground level rather than how they might have been set in corporate boardrooms.

A pilot version of the survey was administered to a focus group in late April. Feedback from that group, along with commentary from various stakeholders, yielded revisions before the survey went into the field in May. As with the employee survey, the first 500 respondents were offered a \$5 gift card; all respondents were entered into a drawing for a \$400 gift card.

Like the employee survey, the manager survey was targeted specifically at the food service and retail industries. The Seattle business license database indicates that there are roughly 4,000 food service businesses in the City as well as 4,750 retail stores, including grocery stores. We also anticipated some responses from businesses categorized as “personal services,” including car washes, beauty salons, and similar businesses. There are approximately 6,500 such businesses licensed in Seattle.

Over four weeks, more than 500 respondents completed the survey. Of these, 360 responses were reasonably complete, providing answers to a subset of key questions for analysis. Once

again, this set of respondents did not necessarily answer every question, implying that sample sizes for certain analysis will be smaller. Twenty-six percent of respondents were business owners, 16% were executives, 10% human resources staff, and 42% held a managerial role with responsibility for scheduling.

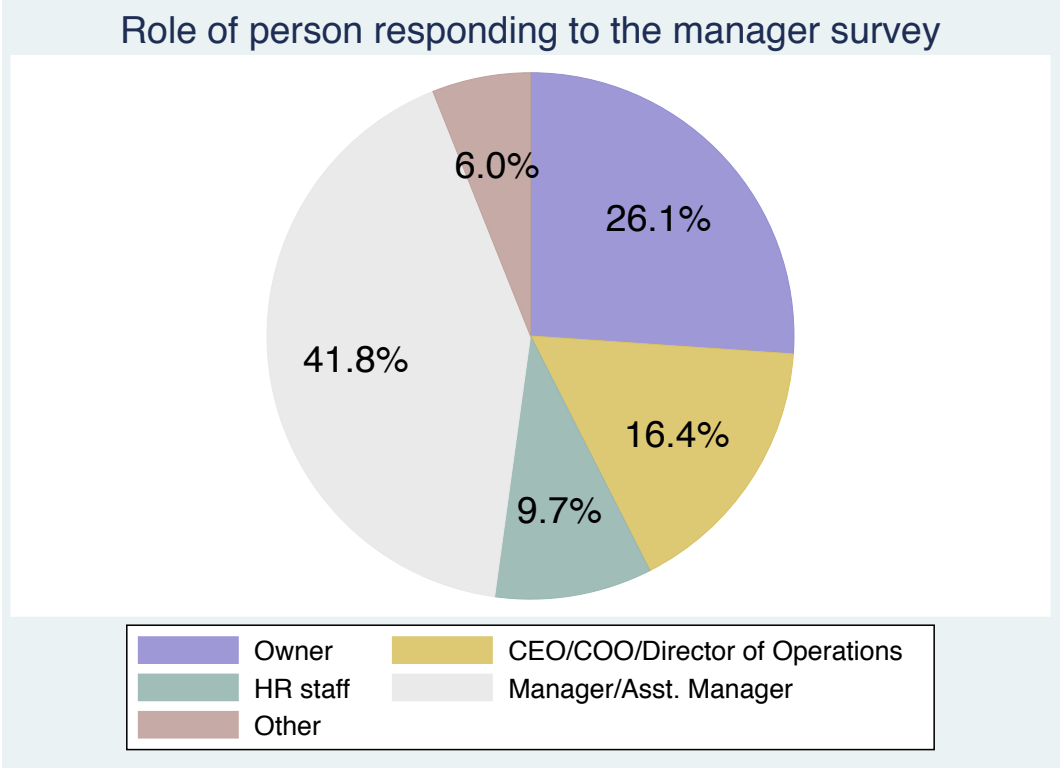


Figure 4

Forty-six percent of responses came from managers in the food service industry, divided broadly across full service, quick service, bars, coffee shops, and other categories including mobile food trucks. Fifteen percent of responses came from the retail sector. The remainder reflected a range of different industries, including accommodation/hospitality, personal services, and nonprofits. As with the employee survey, we did not automatically exclude responses from non-targeted sectors.

Most responses came from businesses belonging to larger branded networks. These networks can take two basic forms of ownership structure. A franchise is a business owned independently but operated under contract with a corporate parent. The business owner pays a franchise fee and other considerations to the parent, the parent provides products to sell and markets the brand. The franchise owner is responsible for applying for a business license, paying taxes, and earns no wage or salary from the parent. A chain is a business owned directly by the corporate parent. The corporate parent applies for the business license, pays taxes, and pays wages or salaries for all local employees, including managers. Independent businesses have no network affiliation.

Figure 6 documents the breakdown of survey responses received from franchised, chain, and independent businesses. Nine percent of manager survey respondents were either unsure of the business’s ownership structure or described a more complicated ownership arrangement.

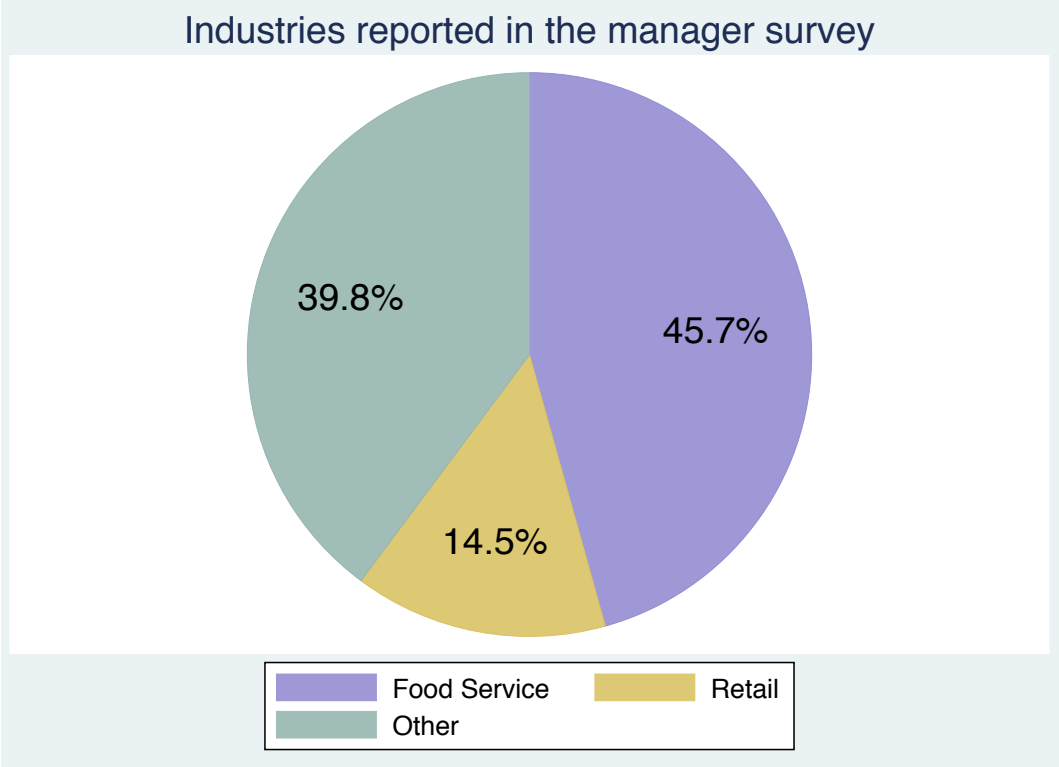


Figure 5

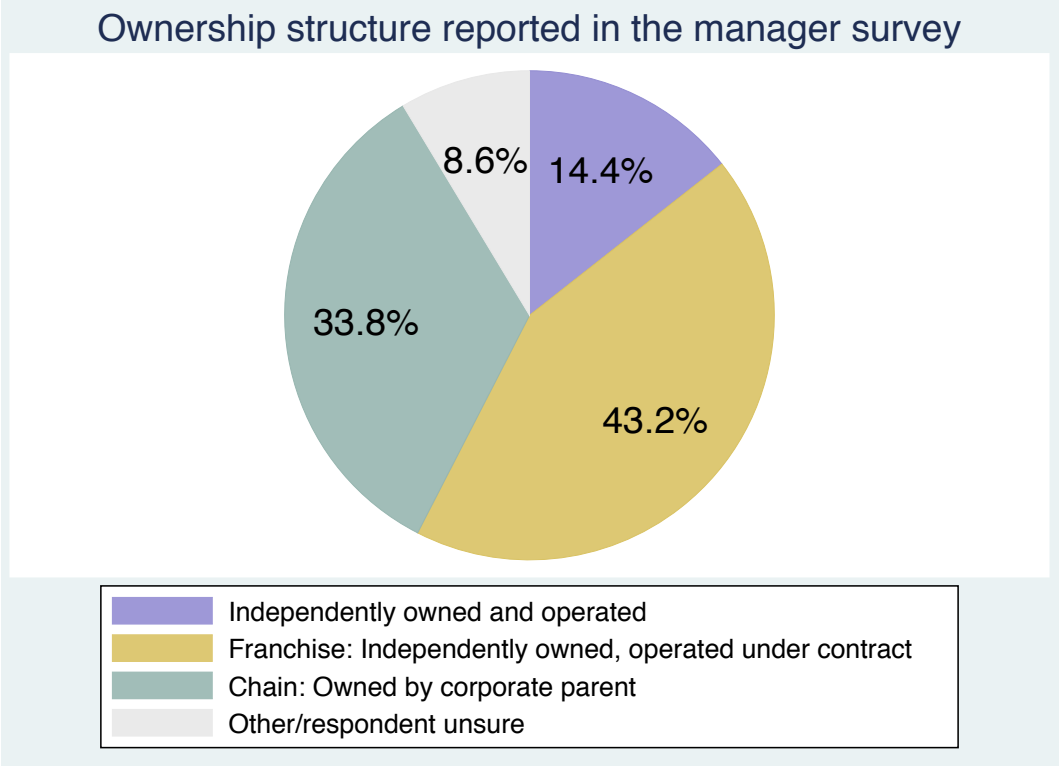


Figure 6

Figure 7 shows that a large number of responses were obtained from businesses with fewer than 50 Seattle employees. Ten percent of responses came from business with at least 425 Seattle

employees. The survey asked respondents to indicate the number of global employees as well; only 216 respondents provided this information. Seventy-eight responses, or 24% of the sample represented in Figure 7, came from businesses reporting at least 250 global employees. This likely undercounts the number of moderate-to-large global businesses represented since more than 100 respondents left the question blank.



Please see Appendix II and III for the Employee and Manager Surveys.

4.3 Focus groups

In addition to the focus groups where the pilot surveys were administered, VM&E facilitated three post-survey focus groups: one with shift employees in Seattle, one with business leaders in Seattle, and one with shift employees in San Francisco. The focus groups were used to verify the themes from our survey results and gain more detailed descriptions of how practices impact businesses and employees in the City. The San Francisco focus group was designed to assess experiences with that city’s Retail Workers Bill of Rights. Please see Appendix IV for detailed plan of focus group compilation and questions.

4.4 Interviews

Stakeholders were critical in identifying the challenges and opportunities with employee scheduling in Seattle. When possible, the research team conducted key informant interviews with labor researchers, labor groups, businesses, and groups involved in the policymaking process in San Francisco to better understand the impacts of the San Francisco ordinance as well as current scheduling practices in Seattle. In total, VM&E spoke with 22 stakeholders in Seattle and San Francisco. Please see Appendix V for a list of interviews conducted by the research team in San Francisco and Seattle.

4.5 Key caveats

The surveys, focus groups, and interviews were all based on convenience samples. Given the timeframe, and the absence of any formal roster of shift workers in Seattle or San Francisco, we concluded that it was logistically impossible to implement a random sampling strategy. Convenience samples may not be representative of the underlying population. In particular, respondents' intrinsic motivation is a key determinant of participation given the modest extrinsic incentives available. The employees and managers who took the time to respond may have more deeply held views than the population at large. Their experiences may be more extreme than the population as a whole.

To address concerns of non-representativeness, our analysis below will frequently report stratified results, with particular attention to patterns in groups that may be under-represented in the sample. Given the opposing political motivations of business and labor on matters of scheduling regulation, we will also focus much attention on examining concordance in responses across the two groups. Highly motivated employees may be disproportionately likely to have experienced poor scheduling practices; highly motivated businesses may be those that do not engage in such practices. When reporting of the frequency of these practices aligns across survey sample, we'll have increased confidence of having identified the true frequency of the phenomenon.

Ultimately, our analysis does not rest on assumptions that we have identified the true frequency of any particular scheduling practice. If a scheduling practice causes great hardship for workers, the question of whether it should be regulated likely does not hinge on the exact proportion of workers who experience it.

5. Results

5.1 A broad overview of scheduling in Seattle

It seems ridiculous ... to get scheduled even close to 40 hours a week I need to leave over 100 hours (full availability) open. It makes things like taking a class, attending a meetup, or doing a hobby regularly almost impossible.

-- Employee survey respondent, sales associate at a downtown retail establishment.

Flexibility is a benefit all our employees enjoy. Employees' needs dictate our schedule and I have to cover the slack. I hope we are not penalized for this - it would cause me to have to take control of schedules away from the workers - we operate very close to the bone - cannot afford penalties like this.

-- Manager survey respondent, owner of a West Seattle retail establishment

Survey data show that Seattle's shift employees generally have the ability to set some parameters governing their schedule, for example specifying times when they are not available (85%; see figure 8). Most have the capacity to swap shifts or pick up extra shifts. Their exact schedule is more likely to be a matter of negotiation; 49% indicate that they have the ability to pick specific shifts.¹⁰ The median length of a work shift is 7 hours. Most employees (61%) were given an

¹⁰ For comparison, Lambert, Fugiel, and Henly (2014) suggest that 50% of employees age 26-32 nationwide have their schedules set without input from them.

initial estimate of their work hours at the time of hire; a much smaller fraction (33%) were guaranteed a minimum number of hours.

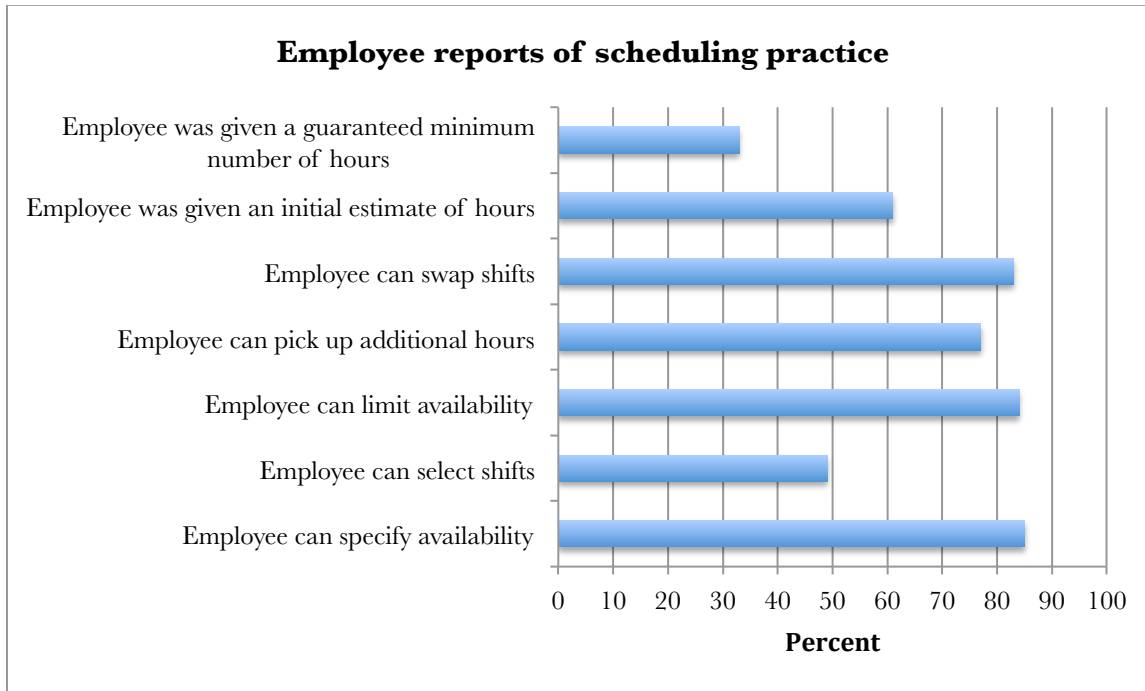


Figure 8

When and how schedules are received

Advance notice will be analyzed much more thoroughly in section 5.3 below. According to both managers and workers, the most common practice is for employers to distribute a schedule between one and two weeks in advance, though 21% of businesses and 25% of workers report schedule distribution no more than three days in advance. For 71% of employees, a posted schedule includes at least 7 days. Employees most commonly receive information about their schedules either in the workplace (31%), electronically (email/text message/web app, 29%), or by a combination of the two methods (36%).

Scheduling on short notice

Although survey data indicate that 75-80% of workers receive a schedule with at least three days' advance notice, both employees and managers report high rates of short-notice scheduling. When asked to reflect over the past two weeks, 43% of employees report having worked a shift with no more than 24 hours' advance notice – 25% had worked a shift with no more than 12 hours' notice. Twenty-four percent of managers reported calling at least one worker in on less than 24 hours' notice within the past two weeks, 11% reported calling a worker in with less than 12 hours' notice within the same time frame. This discrepancy could reflect recall bias – working a shift on short notice may be a more memorable event than asking an employee to work on short notice. It could also reflect response bias – employees with negative recent experiences may be highly motivated to complete the survey. It is also conceivable that both reports are accurate: a small proportion of managers may be responsible for a disproportionate share of short-notice

schedule changes. We will pay continued attention to these potential issues in discussing the survey results.

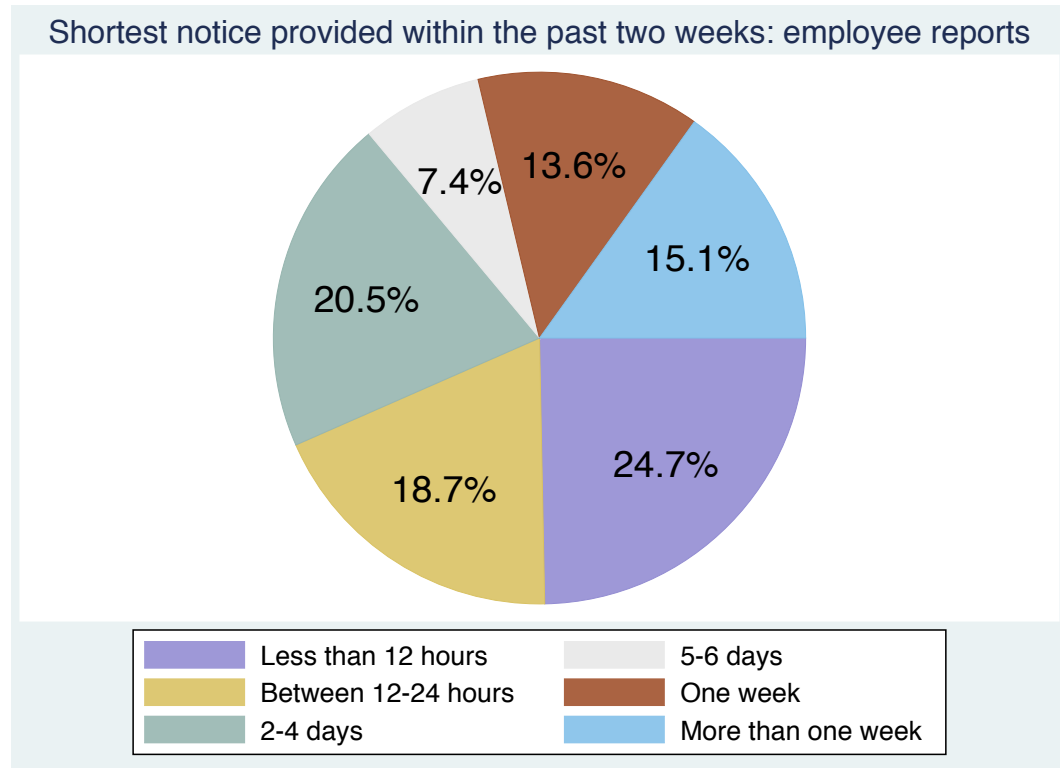


Figure 9a

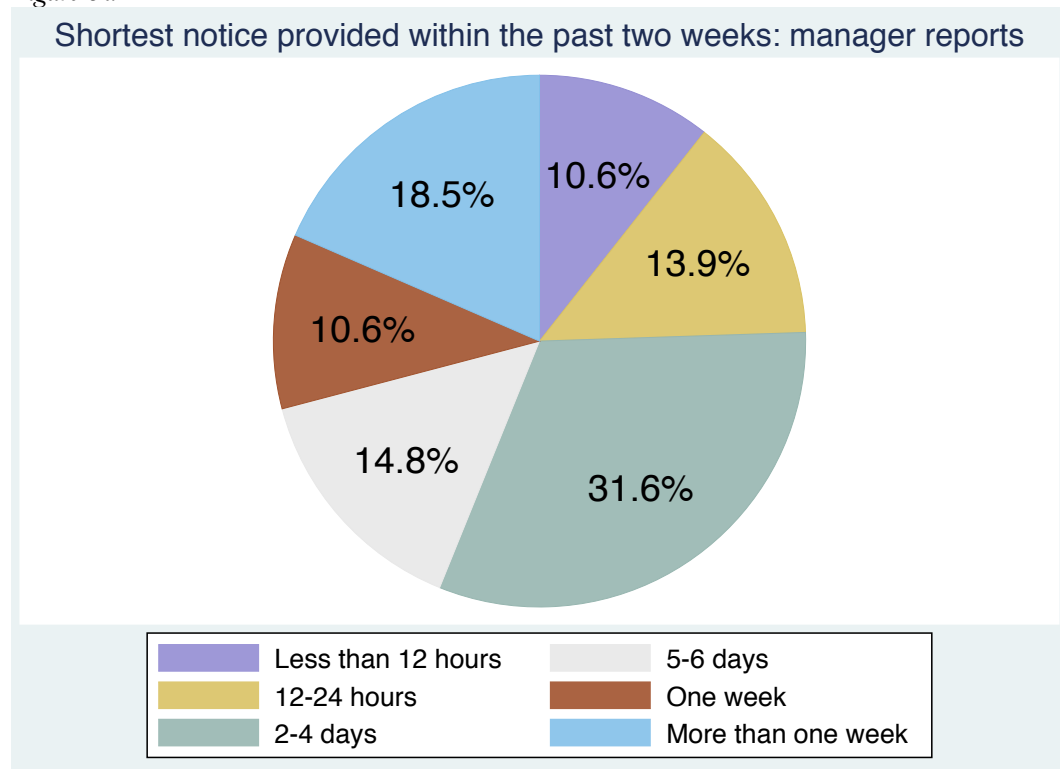


Figure 9b

Schedule changes

Schedule changes occur frequently. Eighty percent of managers reported having made a schedule change at employee request within the past two weeks; 42% of employees reported requesting such a change. These numbers are not necessarily inconsistent; if the employees requesting schedule changes were evenly spread across workplaces we'd expect virtually every manager in a business with at least five employees to have dealt with such a request.¹¹

Illness – of the employee or of a family member in their care – is the most common reason employees request changes, according to both employees and managers. Transportation problems and the wish to take time off for a specific leisure activity are commonly cited by both groups. Tables 2a and 2b present a ranked list of reasons cited by employees and managers, respectively.

Table 2a: Reasons why employees initiate schedule changes, Employee Survey

Respondent was sick	28.2%
Respondent wanted to attend an event or spend time with a friend	18.6%
Respondent had to care for a sick child	17.9%
Respondent had to care for an elderly relative	14.2%
Respondent had to care for a sick partner	13.9%
Respondent had transportation problems	11.0%
Respondent had a conflict with their own classes	9.5%
Respondent's childcare arrangements didn't work out	8.8%
Respondent had a conflict with another job	7.7%
Respondent had a family emergency	5.9%
Respondent had obligations related to children's education	4.8%
Respondent didn't feel like working	4.4%

Note: respondents could check multiple boxes, percentages do not sum to 100%.

Among employee survey respondents, a higher proportion had experienced a manager-initiated schedule change within the past two weeks (56%) than had initiated a change themselves (42%). Once again, this does not concord with manager survey responses; only 38% of managers reported initiating a change. This could once again reflect a pattern of recall bias, response bias, or a small group of managers accounting for a disproportionate share of schedule changes.

¹¹ Assuming workers' scheduling requests are statistically independent of one another, the odds of a manager in a 5-employee business having no requests over a two week period, if each employee has a 42% chance of making one, are 15:1 against. The odds narrow further as business size increases. This follows from the statistical properties of binomial random variables, of which a scheduling request can be considered one.

Table 2b: Reasons why employees canceled shifts on short notice within the past two weeks,
 Manager Survey

Employee was sick	67.7%
Employee had to care for a sick child	34.0%
Employee had transportation problems	31.9%
Employee had a family emergency	28.3%
Employee did not provide a reason/did not call	27.4%
Employee's childcare arrangements didn't work out	24.8%
Employee had a conflict with their own classes	20.4%
Employee had to care for a sick partner	19.9%
Employee wanted to attend an event or spend time with a friend	19.9%
Employee had a conflict with another job	19.7%
Employee had to care for an elderly relative	18.3%
Employee had obligations related to children's education	14.5%

Note: respondents could check multiple boxes, percentages do not sum to 100%.

According to employees, when managers initiate schedule changes they are more likely to cut hours (58.6% of all cases) than add them (33.2%). When managers seek to increase a worker's hours, employees describe the change as voluntary 75% of the time (24.9%/33.2%). By contrast, the majority of reductions in hours (52%) are described as involuntary. It is unusual for employers to compensate workers for hours they are scheduled to work if those hours are canceled; 22% of employees report receiving any type of compensation for canceled or shortened shifts.

Table 3: categorizing manager-initiated schedule changes, employee reports

	Voluntary	Involuntary
Increased hours	24.9%	8.3%
Decreased hours	28.2%	30.4%

Note: Table entries represent the percent of most recent schedule changes reported by employees. 8.3% of schedule changes are too complicated for this typology, e.g. changing the start and end times of a shift without altering hours.

Shift-swapping

According to employee survey respondents, most workplaces allow shift-swapping, a voluntary trading of scheduled work hours among employees: 83% reported that they were allowed to swap shifts. In open-ended comments at the conclusion of the survey, many respondents cited picking up shifts via swaps with co-workers as a key benefit of scheduling policy at their current workplace.

Theory predicts, and evidence demonstrates, that shift swaps steer work towards employees with fewer non-work obligations – those most able to commit to work on short notice. Manager survey respondents were asked to describe demographic characteristics of the two employees who had most recently swapped shifts in their workplace. Workers under 22 – more likely to have obligations associated with school or college – gave up 1.5 shifts for every 1 they picked up.

Parents gave up 1.63 shifts for every 1 they picked up. Shift-swaps steer work towards part-time employees, who added 1.1 shifts for every one they gave up.

Table 4: Manager reports of who participates in shift swaps

Employee characteristic	Representation among employees giving up a shift	Representation among employees picking up a shift
Female	110	102
Under 22 years old	69	46
Parent	57	35
Part-time employee	111	123

Note: Managers were asked to describe the employees who participated in the most recent shift swap at their workplace, provided that at least one had occurred in the past two weeks.

Scheduling-related hardship

A series of survey questions asked respondents to indicate whether their work schedule affected various aspects of their life, using a five-point response scale. At one extreme, respondents could indicate that their schedule was a “serious problem” that “makes this part of my life much harder and harms me.” Respondents could also indicate that their schedule “makes this part of my life somewhat harder.” Respondents also had the opportunity to say that their schedule did not affect this aspect of life, made it somewhat or much better, or that the question did not apply to them.

Figure 10 summarizes the negative end of the response spectrum. Across a series of domains, including parenting, the ability to pay bills, the ability to attend class, and the ability to pursue hobbies and interests, between 4.9% and 14.4% of respondents indicated that their work schedule posed a “serious” problem. In each domain, a higher proportion reports that their schedule presents “somewhat of a problem.” In all, schedules are most likely to pose problems with the pursuit of hobbies or interests, with 37% of respondents indicating either a severe or moderate problem. The infrequency of parenting problems can be attributed to the modest rate of parenthood among survey respondents – 60% indicated that the question did not apply to them. If restricted solely to respondents with parenting responsibilities, the rate of severe problems rises to 12.4%, comparable to reports in other domains.

Appendix VI presents a set of cross-tabulations of these scheduling related problems by race, gender, nativity, language, industry, and employer size. Several persistent, statistically significant patterns appear in these cross-tabulations.

Gender: scheduling problems are reported in roughly equal proportion across gender categories in some cases. Genders other than male are more likely to report family-related difficulty and individuals of non-traditional gender identification report higher rates of difficulties with health, attending class, and second jobs.

Race: African-American respondents reported higher rates of difficulty related to parenting, attending class, working second jobs, and pursuing hobbies. Latino respondents reported higher rates of difficulty related to attending class and holding second jobs.

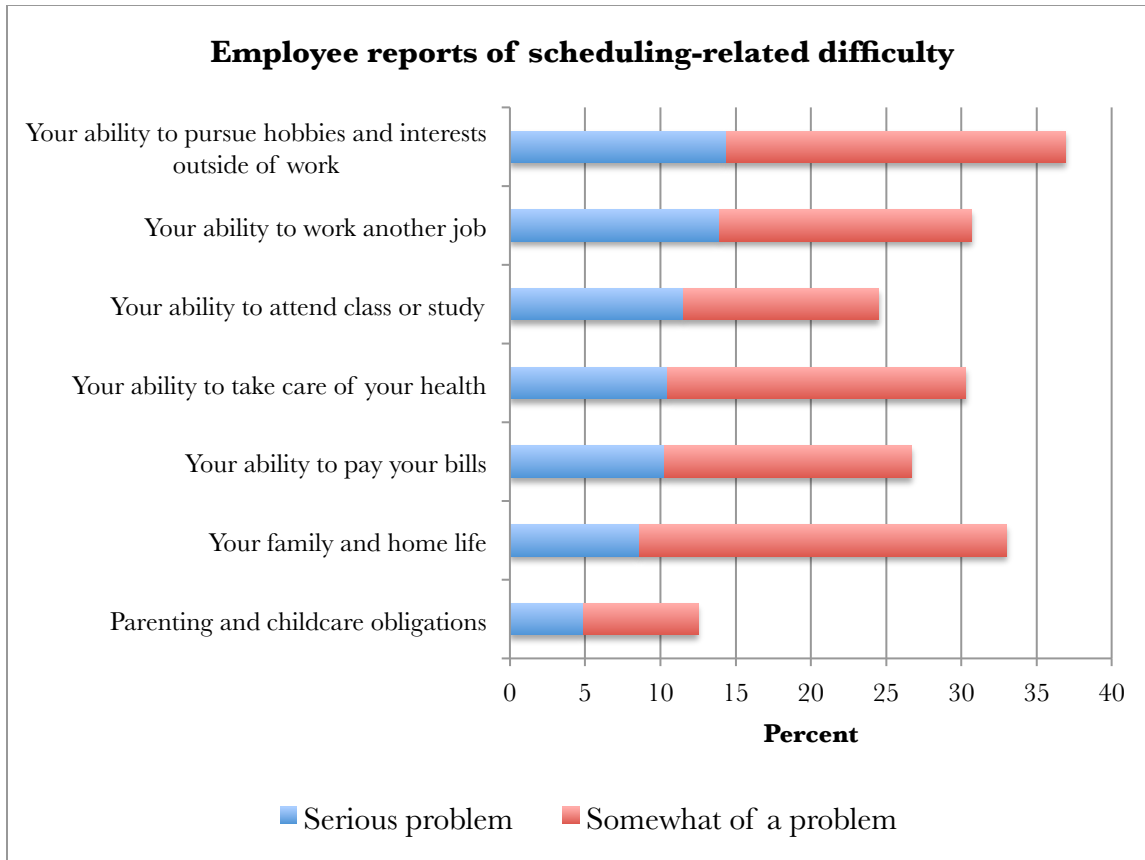


Figure 10

Nativity/language: Non-English speaking respondents, and Spanish-speaking respondents in particular, reported elevated rates of difficulties with parenting, family obligations, paying bills, attending class, working a second job, and hobbies. Many of these patterns carry over into an analysis by birthplace (inside or outside the United States).

Industry: Among survey respondents, every form of scheduling-related difficulty is significantly more common in retail than in the food service industry. Respondents from “other” industries also reported elevated rates of difficulty.¹²

Business size: Parenting- and hobby-related difficulties tend to be more pronounced in the largest businesses. In other realms there is no clear relationship between employer size and scheduling-related difficulty.

¹² Although the target population for the employee survey consisted of workers in food service and retail, along with a select number of related occupations, there was no prohibition of response by workers in other sectors provided they met the key criteria of working in Seattle on a schedule that was either irregular or could be changed on short notice. These “other industry” workers represent a wide range of the economy: education services, construction, entertainment, health care, hospitality, legal services, security, media and communications, tourism, delivery. The respondents are divided so broadly across sectors that detailed analysis of any one subset is not feasible. The elevated rates of scheduling-related difficulty could indicate a potential need for greater scrutiny of practices in the broader labor market, or could reflect response bias.

As a final note, there is significant overlap in reported rates of hardship across domains. Individuals who reported serious scheduling-related difficulties in one domain were significantly more likely to report difficulties in another. There exists a subset of the workforce, in other words, for whom scheduling creates multi-dimensional difficulty in meeting other life obligations.

The root causes of scheduling-related hardship: regression analysis

Sections 5.3 through 5.7 below analyze specific scheduling patterns and practices. As a preliminary exercise, data from the employee survey were used to conduct a multivariate regression analysis. The goal of the statistical analysis was to determine which scheduling patterns and practices most clearly associate with employee reports of scheduling-related hardship, defined in this case as reporting that one's work schedule causes "serious" problems in any of the seven domains described above.

Appendix VII reports the full set of coefficients and standard errors from this regression, estimated using both probit and linear techniques. Table 5 summarizes the regression by listing factors associated with significantly greater scheduling-related hardship, with significantly less, and with no statistically significant association. The results reported here may not concord with those reported above, because the multiple regression framework allows simultaneous control for many factors. An association between language spoken and hardship, for example, may not appear once race is controlled for, since the two factors are correlated with each other.

The regression reveals that scheduling-related difficulty is better explained by whether an individual is exposed to a certain set of scheduling-related practices than the individual's own personal characteristics. This implies that the significant race, gender, and language disparities described above can largely be explained by the fact that individuals in varying categories – and in particular, those who identify with marginalized groups – are more likely to be exposed to the scheduling patterns and practices that cause hardship.

The practices implicated in Table 5 are studied in greater detail below. It bears mentioning at this juncture, however, that scheduling-related difficulties are not so much correlated with exposure to these practices as they are correlated with exposure to scenarios where an employee feels pressure to accept these practices.

There are some surprising results in this table. While employees offered an estimate of hours worked at the point of hire report less hardship, those offered a minimum hours guarantee report greater hardship. It is also surprising to see that workers who had been sent home early within the past two weeks report lower average rates of hardship. It may be that employers who adopt these practices also tend to adopt countervailing practices that offset the expected effects.

Table 5: What are the root causes of scheduling-related hardship?
Summary of multiple regression analysis

Factors associated with significantly <i>greater</i> scheduling-related hardship holding other factors constant	Factors associated with significantly <i>less</i> scheduling-related hardship holding other factors constant	Factors with <i>no statistically significant association</i> with scheduling-related hardship holding other factors constant
Feeling required to work on call	3 weeks advance notice	Gender
Feeling required to work split shifts	Having been sent home by employer in the past two weeks	Sexual orientation
Being required to work “clopenings”	Having received an estimate of hours per week at the point of hire	Birthplace (US/other)
Feeling required to work “clopenings”		Language spoken at home
Expressing a desire to work more hours		Race
Expressing a desire to work fewer hours		Age
Having received a guaranteed minimum number of hours per week at the point of hire		Children in household
		Other dependents in household
		Previous arrest
		Advance notice (0-2 weeks)
		4+ weeks advance notice
		Being required to work on call
		Being required to work split shifts
		Time off between closing and opening shifts, for those who had worked “clopenings.”

Note: categorization based on linear probability model reported in Appendix VII. Categorization is identical if based on a probit model. For purposes of this table, results considered statistically significant if there is a less than 10% probability of observing them by chance.

5.2 Categorizing businesses by size

“I think for the larger businesses and franchises and chains, the goal of predictability pay should definitely be to stop employers from last-minute screwing people over ... but for smaller businesses, I don’t know, just to give the employees a little bit of help in case they can’t come in because I don’t think forcing a really small business to pay someone when they don’t need them is going to help them and the employees in the long run. So maybe like the way we’ve been phasing in the minimum wage according to business size, this rule could be applied according to business size.”

-- Focus group participant, restaurant worker

Many labor market regulations differentiate among employers by size, generally with the intent of offering more lenient provisions for the smallest businesses. In many of the results to be reported below, there may be an interest in understanding how practices vary across businesses of different size, or how prospective regulations might impact larger or smaller businesses.

First method of distinguishing businesses: consistency with existing policy

There are several ways to distinguish between large and small businesses. Consistency with existing local labor laws is an important consideration. Table 6 provides information on business size standards currently implemented locally and nationally by different agencies or for different programs. Business size can be distinguished by worldwide, national, or local employment, the number of business locations, or annual revenues. As the table indicates, businesses face an array of different standards embedded in differing laws and regulations. Focusing on laws or regulations in effect for Seattle businesses, consistency could motivate a dividing line anywhere between 50 and 1500.

Table 6: Business size distinctions drawn in a selection of existing labor laws or regulations

Policy or Agency	Relevant distinction between large and small businesses
San Francisco Scheduling Ordinances	20 local employees; 40 nationwide locations
Seattle Paid Sick and Safe Time Ordinance	Tier divisions at 50 and 250 FTE employment worldwide
Seattle Minimum Wage Ordinance	500 employees worldwide
Affordable Care Act Shared Responsibility Provisions	50 FTE employees nationwide
U.S. Small Business Association	Varies by industry; standards sometimes set in revenue (\$7.5 million/year and up) and sometimes in employment (100-1500)

Second method of distinguishing businesses: by empirical distinctions

A dividing line can also be identified using practical considerations: what dividing line, when analyzing data, best distinguishes businesses with greater and lesser capacity to adapt to new laws or regulations? “Large” businesses, from the perspective of scheduling policy, are those that possess better capacity to adjust their practice to conform to new laws or regulations.

Business focus group discussions introduced the use of software as a key strategy to adapt to new regulations. Dedicated scheduling software can automate the process of establishing advanced schedules, and provide a means to document when and for what reason a schedule was changed after it was posted. Focus group discussions repeatedly mentioned the HotSchedules platform, sold by HotSchedules Inc. of Austin, TX. A subscription to HotSchedules can cost anywhere from \$900 to over \$2,000 per year. Businesses that already subscribe to a platform such as this face lower costs of adaptation.¹³

A second indicator for a business’s capacity to adapt to new laws or regulations concerns organizational hierarchy. In the smallest businesses, a single person might handle not only scheduling but all administrative tasks, including accounting, managing relationships with

¹³ A caveat to this observation emerged in interviews with San Francisco business leaders, who mentioned that the need to document compliance had led them to handle schedule changes outside their software applications, with employee and manager signatures. Some software platforms might not have the capacity to register the time and reason for a schedule change, which would introduce problems for businesses invested in those platforms.

suppliers, and interacting directly with customers or clients. That single person might also take on tasks assigned to employees. Larger businesses have a wider administrative hierarchy.

The manager survey collected information about a business's use of software for scheduling. Although it did not ask questions about the size or complexity of the business's administrative structure, we did ask the individual completing the survey to describe their role at the business. In some cases, the business owner completed the survey. We will use this marker to indicate a business that is likely to have a leaner, less complex administrative structure, indicating greater difficulty in adapting to new laws or regulations.

Our survey instrument gave us several potential methods of distinguishing large from small businesses. We had information on the number of employees, both in Seattle and worldwide, and the number of locations in Seattle and worldwide. Across these four size indicators, one – the number of employees in Seattle – exhibited the strongest correlation with the two factors described above: the use of software for scheduling and the propensity for the owner to respond to the scheduling survey. Regression analysis reveals that neither number of global employees nor number of locations significantly predicts these factors once we account for number of employees in Seattle.

Business size distinctions observed in manager survey data

Further analysis of the Seattle employment variable reveals significant differences at two specific employer size thresholds. As Figure 11 shows, 63% of employers with 50-249 Seattle employees use software for scheduling, against only 35% in the smaller size category.¹⁴ Among employers with 50-249 employees, less than 10% of surveys were completed by the business owner, compared with 44% of responses from smaller businesses. These patterns are also evident when comparing businesses with at least 250 Seattle employees. Very few of these businesses were represented by their owner, and more than three-quarters of them used software for scheduling. Tellingly, these largest businesses were also significantly more likely to use a dedicated scheduling software package, rather than a simple spreadsheet.

¹⁴ Nearly as stark a difference appears among employers close to the 50 threshold. Among businesses with 40-49 employees (n=22), only 33% reported using software for scheduling, compared with 59% of businesses with 50-59 employees.

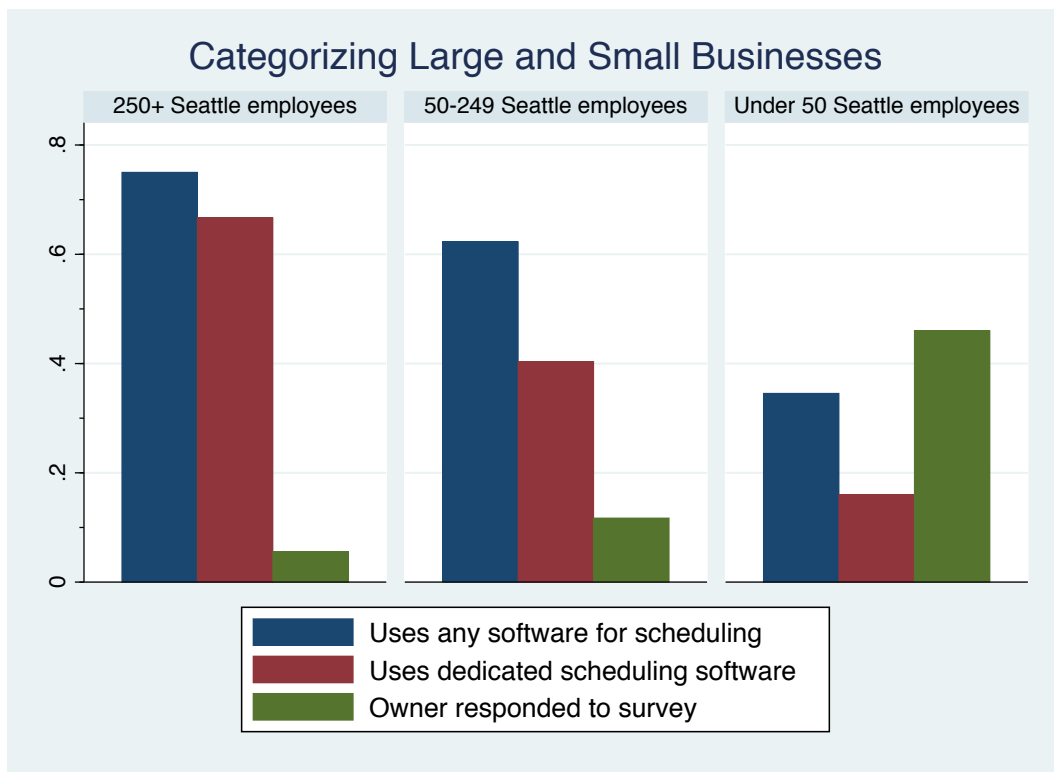


Figure 11

There are important limitations to employer size data in the manager and employee surveys, based on the nature of the responses received. Only 7% of managers – and 9% of employees – represented businesses with more than 500 Seattle employees. We are thus unable to provide a reasonably accurate portrait of scheduling practices and survey responses in these businesses with very large Seattle operations. The full distributions of responses by business size appear in Figures 3 and 4 above.

It should be noted, however, that the number of Seattle employees is generally much smaller than the number of national or global employees. Among manager survey respondents who provided both local and global employment for their business, the average ratio was 97:1. Thus a business with 500 Seattle employees and global operations would be expected to have about 50,000 global employees.¹⁵ The small number of responses from businesses with large Seattle operation may simply reflect the small number of businesses that have large Seattle operations, as opposed to global operations.

Response rates to our question about the business’s global employment were low. Among manager survey responses who provided information on Seattle employee headcount, 44% declined to answer the question about global employee headcount. In some cases, this may reflect the fact that the two numbers are the same. In others, it is likely the case that the mid-level managers who were the target of our survey would not have had access to the relevant number.

¹⁵ The median number of Seattle employees among the 27 manager survey respondents reporting at least 500 employees worldwide was 60. One-quarter of these respondents reported Seattle employment of 15 or fewer.

For the remainder of the survey, our analysis will focus on stratifying businesses by Seattle employment, in order to avoid the significant missing data problem with global employment.

5.3 Overall hours and benefits

“Many of us work under constant stress that we won't have enough hours to pay our rent or keep our health insurance.”

-- Employee survey respondent, sales associate for a Capitol Hill food service establishment.

“I want to convey to you how hard this is as a small business owner. I already spend a ton of time trying to keep our team schedules reasonable and keep the entire team happy. Mainly this means that when someone can't cover a shift I pick up the slack. The result is that I don't see my family and my child. I know you want to look out for the employees who have employers who are taking advantage of the current employment laws but don't make it even harder on the smaller employers because it is hard enough as it is.”

-- Manager survey respondent, owner of a Hillman City fast food restaurant.

As summarized in Figure 12, three in ten respondents to the employer survey indicated a desire to work more hours at their primary job. As our survey is not guaranteed to be representative of the population, this statistic should not be considered definitive. A number of statistics about the respondents who report a desire to work more hours paints an informative portrait, however.

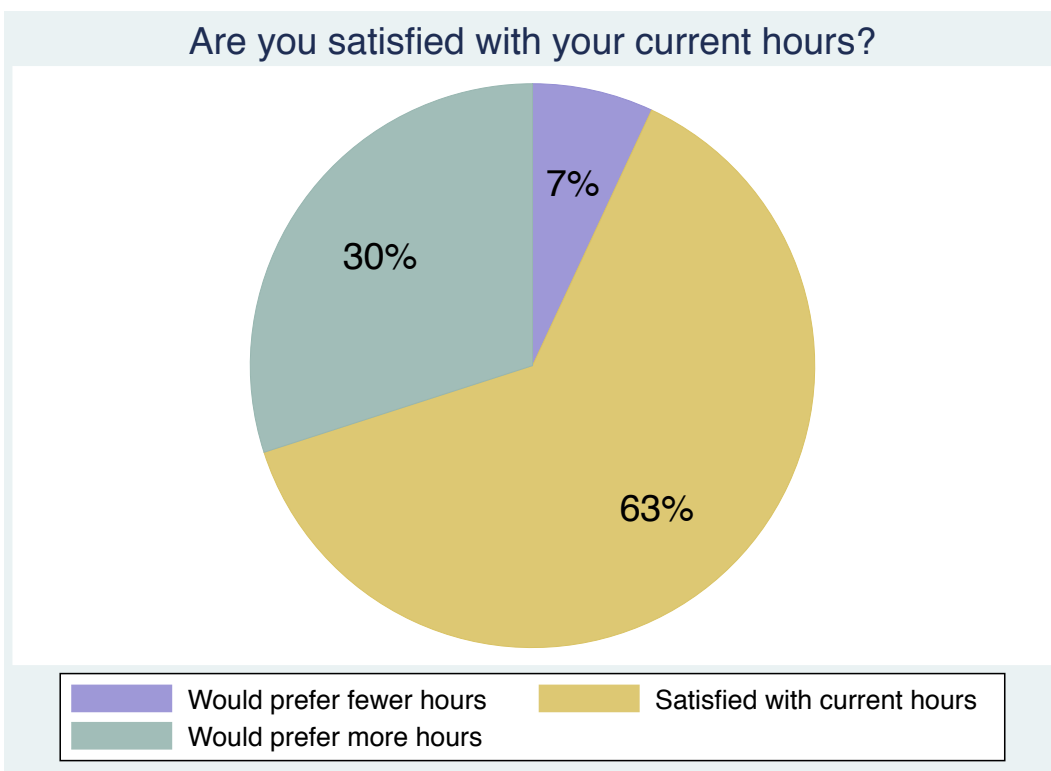


Figure 12

Characterizing underemployed workers

There are significant differences in the propensity to desire more hours by race and nativity; a complete set of cross-tabulations appears in Appendix VI. Compared to an overall rate of 30%, just over half of African-American respondents, and 42% of Asian/Asian-American/Pacific Islander respondents indicated that they would prefer to work more hours at their current job. The rate was also elevated – at 45% -- among foreign-born workers, and particularly among workers speaking Chinese (52%) at home. There were no significant differences by gender. Workers who reported being referred to the survey by their employer or supervisor were just as likely as other respondents to report a desire to work more hours – 30%.

The tendency for workers to desire more hours is more pronounced among employees in the retail sector, compared to restaurants and food service, consistent with the earlier observation of higher scheduling-related difficulties among retail employees. The highest rate, 46%, was recorded among employees in the retail clothing industry (n=35). The desire for more hours was also significantly higher among employees at smaller businesses. The highest rate, 38%, was among workers at businesses with fewer than 10 employees.

Insufficient hours and scheduling-related hardship

Workers indicating insufficient hours were significantly more likely to report their schedule causing hardship – serious problems across any of the seven domains analyzed above – than those satisfied with their hours (41% versus 24%). Particularly noteworthy, workers reporting insufficient hours were more than three times more likely to report severe difficulty paying bills than those reporting adequate hours (19% versus 6%). One-third of survey respondents work multiple jobs, and among those just over half report that they do so because they do not receive enough hours at their first job.

Insufficient hours and the benefits threshold

Tellingly, there was a statistically significant difference between those wanting more hours and those satisfied with their hours in terms of the actual number of hours worked in the past week. In the satisfied group, the median worker reported 33 hours in the past week, and more than a quarter reported working a full 40 hour week. The median worker desiring more hours reported 27 hours in the past week.



Figure 13a



Figure 13b

Figures 13a and 13b show this difference in hours worked between employees satisfied with their hours and those wanting more. The unsatisfied workers are in general much more likely to lie below the 30 hour-per-week threshold.

The significance of this difference becomes apparent when we cross-reference information from the manager survey. The median employer offers benefits for employees once they cross the 30 hour per week threshold, which suggests that employees who do not receive sufficient hours are having their hours restricted by employers that do not want to provide them benefits.

Corroboration of this concern comes from the employee survey respondents themselves. Among those who reported a desire to work more hours, 33% indicated a feeling that their employers constrained their hours in order to avoid paying benefits. Among workers satisfied with their current hours, only 21% gave the same response.

Characterizing overemployed workers

It is worth emphasizing that for every respondent who reported receiving too few hours at work, two more indicated satisfaction with the number of hours worked. And it is also worth focusing some attention on the 7% of respondents who reported a desire to work fewer hours. The median respondent among the 49 in this group reported working 36 hours in the last week – which on its face does not appear excessive. More than half of these workers indicated, however, that their work schedule imposed severe hardship. Respondents in this group were the most likely to say that their schedule impeded their ability to meet parental or family obligations, negatively impacted their health, take classes, work other jobs, or pursue hobbies. They did not indicate any disproportionate impact on their ability to pay bills. Respondents in this group are fairly evenly split across demographic categories, and they are found in both the restaurant and retail industries.

The evidence on overall hours, while suggesting that the labor market works well for the majority of the workforce, indicates that a basic indicator of market efficiency – that no worker exhibit a willingness to trade jobs with another worker – does not hold. Across both the restaurant and retail industries, our survey identifies both workers that wish to reduce their hours and those that wish to increase them. Although survey responses are too complex to attribute the entire problem to one cause, circumstantial evidence suggests that an existing market regulation – the requirement to provide benefits to workers who exceed a particular hours threshold – bears some responsibility.

What evidence suggests about requiring employers to steer added hours to existing employees.

A requirement that employers offer more hours to part time workers before hiring additional staff could address some concerns raised by underemployed workers in the survey. The majority of respondents to the manager survey (71%) indicate that they already engage in such a practice. Business focus group respondents referenced the time and expense associated with hiring and training new workers as a strong rationale for favoring those already on staff.

One potential limitation of such a requirement, also raised in a business focus group setting, arises from the nature of part time employment. Businesses may use part time employment in scenarios where they need extra staffing for a relatively short number of hours per week.

Consider a retail establishment, for example, that serves most of its customers on weekends when they have time to shop. When these businesses encounter a need to increase staffing, it is likely to be during the busy periods when the part-time staff are already at work. A part-time worker can't be offered an additional shift if they are already scheduled to work that shift.

In at least some cases, a requirement could push some part-time employees over the 30-hour-per-week threshold triggering ACA health insurance mandates. While a positive development for the employee, this would result in additional costs for the employer.

Finally, the food service and retail sectors have a high failure rate, implying that experienced employees in these industries are at a high risk of involuntary unemployment. Measures that discourage the hiring of new employees could have negative repercussions for job seekers, extending spells of unemployment and increasing the need for unemployment insurance benefits.

What evidence suggests about point-of-hire hours estimates or guarantees.

Another set of reforms could aim to universalize the practice of providing workers with an up-front estimate of their hours at the point of hire. Among respondents to the manager survey, 71% of respondents indicated providing such an estimate. The practice is more common in the restaurant/food service industry compared to retail (77% versus 66%). In the employee survey, those provided an hours estimate when they were hired were significantly less likely to report scheduling-related hardship.

A regulation could go further, requiring employers to guarantee a minimum number of hours per week at the point of hire – or alternately a guaranteed quarterly income. Employee focus group participants expressed substantial enthusiasm for this concept. The association of this practice with greater rates of scheduling-related hardship could reflect the adoption of countervailing practices by employers that use it. It may also suggest that employers who offer guarantees do not make good on them.

The main arguments against these policies primarily raise concerns that they would be ineffective in practice. An estimate of hours worked, if not binding, may prove to be of limited predictive value. A binding guarantee would avoid this problem. This is not a common practice, however, reported by only 27% of manager survey respondents and a third of employee survey respondents. Moreover, unless regulations prohibited employment below a certain number of hours per week – with potential adverse consequences for students and other seeking a small amount of supplemental income – employers could comply by guaranteeing a purposefully small number. Employers may be particularly reluctant to offer generous hours guarantees at the point of hire, preferring to assess an employee's performance on the job before making significant commitments.

Part-time work and benefits

A range of policies could address the concern that employers restrict employee hours to avoid paying benefits. Just as the Seattle Minimum Wage Ordinance allows some degree of wage relief to businesses that offer benefits to workers, other municipal workplace regulations could incentivize businesses to either push their benefit threshold lower or lift more of its workforce

above the benefit threshold. The effectiveness of such a policy “nudge” is debatable, though survey evidence collected by the Seattle Minimum Wage Study indicates that a significant number of employers have at least considered expanding benefits offerings to take advantage of lower minimum wage requirements.

A regulation could also mandate the offering of key fringe benefits to all employees, regardless of hours worked. While such a regulation would certainly incentivize a shift to full-time employment, as many benefits entail a fixed per-employee cost, it could have an unintended consequence of encouraging employers to hire workers unlikely to take up the offer of benefits, for example because they have access to health insurance through a parent or spouse. By raising labor costs, such a regulation might also force the closure of businesses that compete against entities outside the City – including most retailers – and price increases for businesses that face less competition.

5.4 Advance notice and short-notice schedule changes

“On any given day, in our industry, we never know what the world is going to throw at us and we just have to prep ourselves for it.”

-- Manager survey respondent, downtown chain restaurant

“We receive our schedule on the Saturday prior to the work week beginning on Monday-- it's impossible to know what I'll be working before then without requesting it. My wife is in a similar situation, so our schedules rarely coincide. We can go weeks barely seeing each other despite her only [working] 20-25 hours, and me only 30.”

-- Employee survey respondent, Haller Lake fast food restaurant

“Scheduling and staffing is hands down the hardest part of my job ... Almost every single change I make to the schedule is to attempt to cover a shift that another employee failed to work.”

-- Manager survey respondent, South Lake Union fast casual restaurant

“I would definitely be willing to earn less per hour if I could have stability in my hours from week to week, more flexibility in taking time off (particularly for medical reasons), and more warning on new schedules, since they vary so much from one week to the next.”

-- Employee survey respondent, Interbay coffee shop

There is a comforting degree of concordance between the employee and manager surveys regarding advance notice of work schedules. In both samples, just over half of respondents report that the schedule is distributed at least one week in advance, with 1-2 weeks by far the most common response category (Figures 15a and 15b). At the other end of the spectrum, 25% of employees and 21% of managers report schedule posting with no more than three days' notice.

For comparison, Lambert, Fugiel and Henly's (2014) analysis of 26-32 year old workers in the 2011 wave of the National Longitudinal Survey of Youth (NLSY) indicates that 38% received no

more than one week's advance notice.¹⁶ While this rate is ultimately quite comparable to our findings, there are many methodological differences that would caution against a direct comparison. The Lambert et al. findings are based on a nationally representative sample of the employed population within the given age category; our sample is not restricted by age – 28% of our respondents are age 26-32; 52% are older than 32 – but is restricted to individuals who work irregular schedules or those whose schedule can be changed on short notice. The NLSY prompts respondents to describe scheduling at the job they have held for the longest duration; we requested information on the job at which a respondent works the most hours. Data from the NLSY indicate that this distinction would lead us to collect information about a different job for 41% of multiple job holders. Data from our employee survey indicate a much higher rate of holding multiple jobs: 33% against 13% in the NLSY. And finally, our data were collected five years more recently than the NLSY data.

How advance notice varies across employees and businesses

A complete set of cross-tabulations on advance notice appear in Appendix VI. There are significant race disparities in advance notice. Relative to white respondents, African-Americans, Asians, Asian-Americans, and Pacific Islanders were almost twice as likely to receive less than one week's advance notice (38% for whites, 66% for the other groups). These racial disparities are actually more pronounced than those observed in nationally representative datasets – Lambert's analysis of the General Social Survey found 35% of white respondents and 44% of African-American respondents reporting no more than one week's advance notice. A similar pattern was apparent when analyzing differences by language or birthplace, with immigrants and those speaking Asian languages reporting shorter average notice periods. There are no significant differences by gender.

Reports of advanced notice by industry did not concord between the employee and manager surveys. Among employees, exactly half of food service workers surveyed reported receiving less than one week's notice, compared to 40% among retail employees. In the manager survey, there were no statistically significant differences in advance notice reports across industries.

There were no clear, consistent patterns in advance notice across businesses of different sizes, though workers employed at businesses with over 500 employees were most likely to report

¹⁶ Lambert, Susan., Fugiel, Peter., Henly, Julia. (2014). Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot. *Employment Instability, Family Well-being, and Social Policy Network*. University of Chicago.

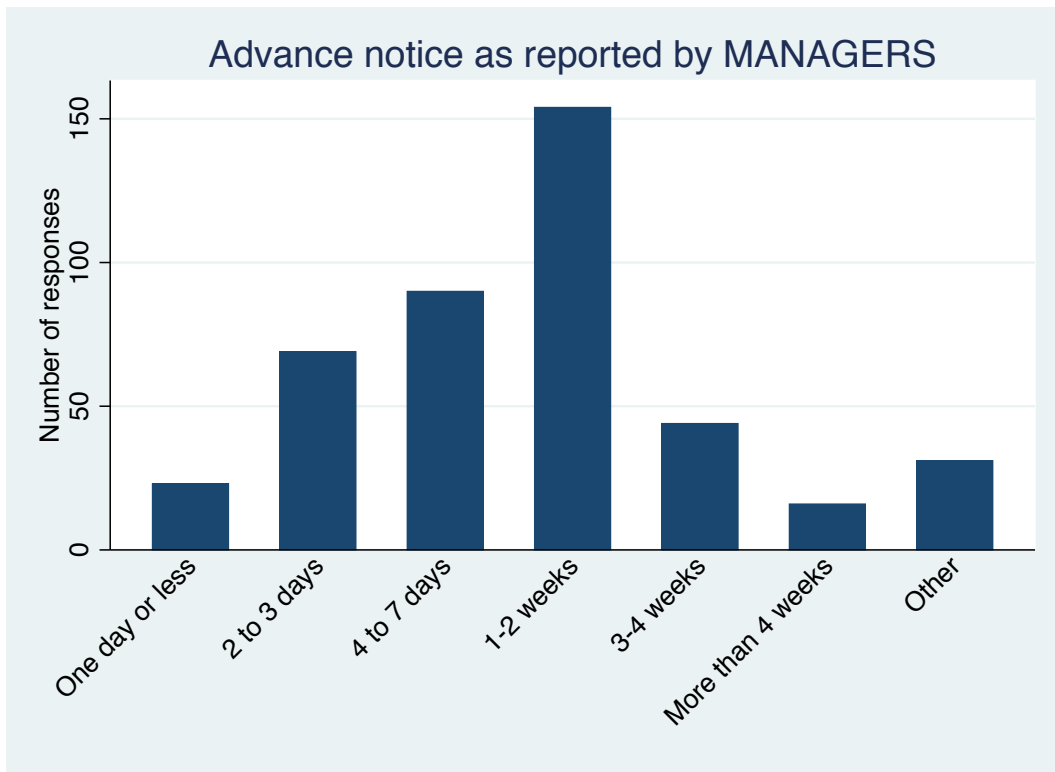


Figure 14a

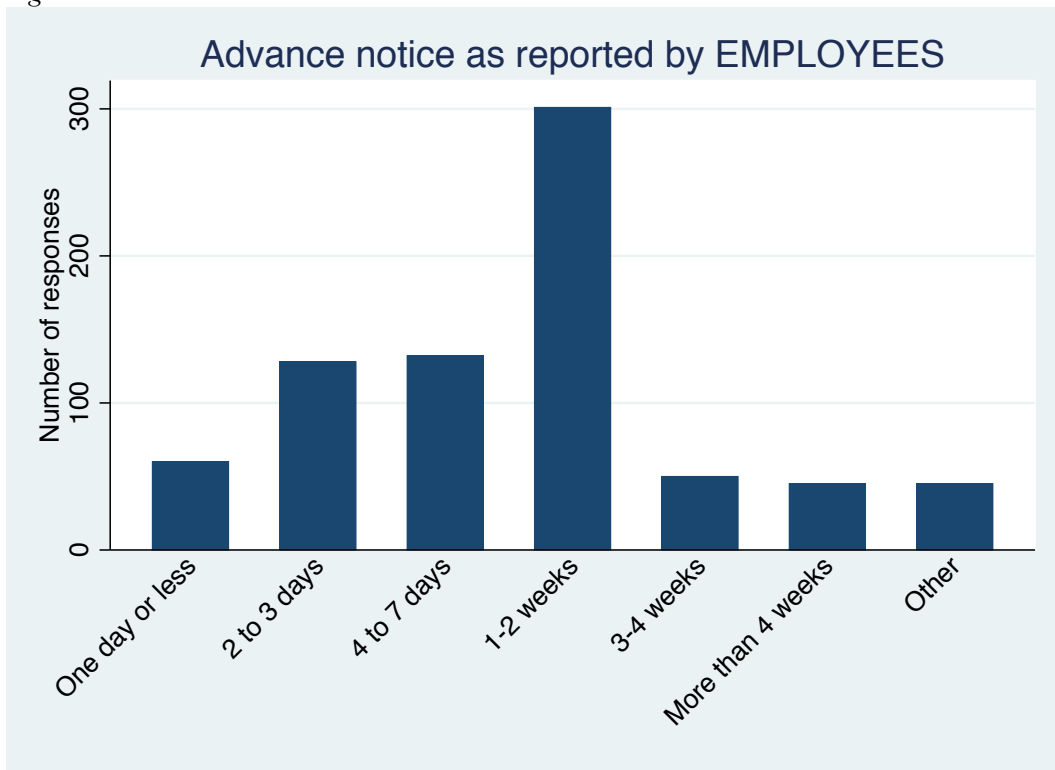


Figure 14b

receiving at least three weeks' notice. The manager survey revealed no statistically significant association between size and advance notice.

Compared to company-owned chain stores, independently owned and operated businesses are more than twice as likely to provide under one week's advance notice (71% vs. 34%). Franchises – businesses that are independently owned but operated under a franchise agreement with a larger corporation – lie in the middle, with 51% of managers reporting that they provide less than one week's notice.

There were no statistically significant differences in advance notice between firms using simple scheduling software, complex software, and no software at all.

What is advanced notice worth to employees?

A series of questions on the employee survey sought to use contingent valuation (CV) methods to glean information regarding the value workers attach to advance notice. Workers were asked to indicate their preference between two hypothetical job offers, one offering higher pay and the other more advanced notice. The results are summarized in Figure 15.

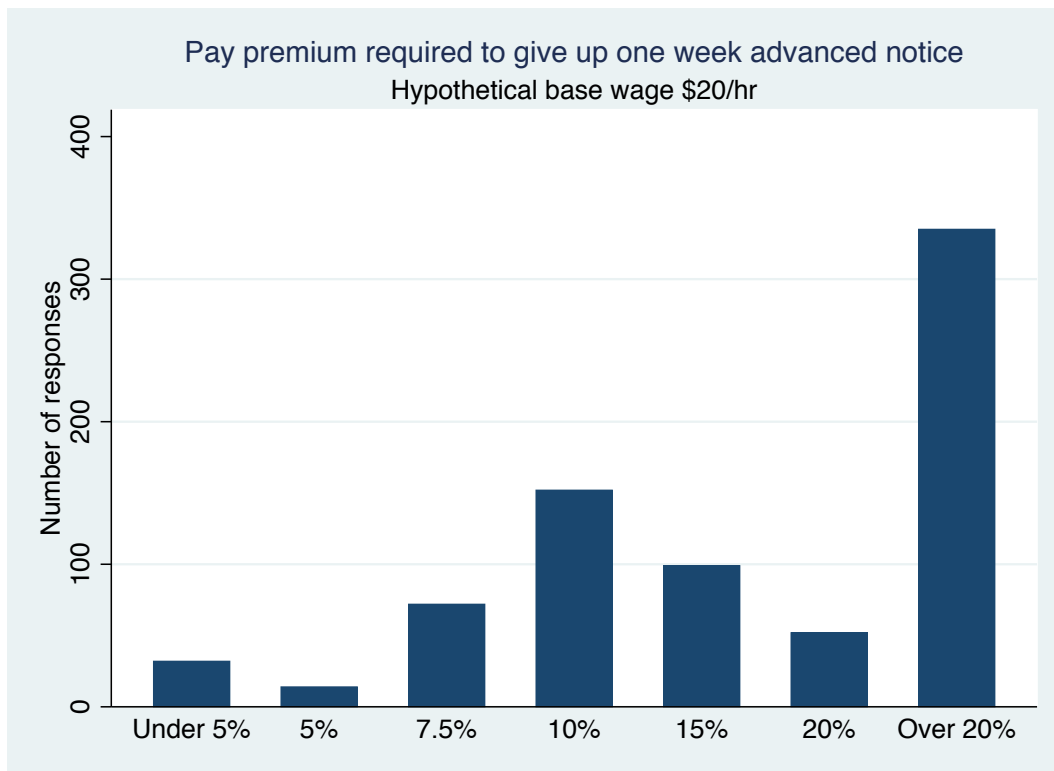


Figure 15

The median survey respondent indicated that they considered the value of one week's advance notice, compared with no guaranteed notice, equivalent to a 20% increase in hourly pay (or \$2/hour, given the structure of the question). Nearly half of all respondents (49%) would sacrifice even a 20% pay raise in order to maintain one week's advance notice. Only 2% of all survey respondents indicated that they would take the smallest offered pay raise (5%) rather than maintain one week's advance notice. The first week of advance notice is significantly and almost universally valued.

The median survey respondent values a second week's worth of advance notice about half as much as the first. Faced with a choice between two weeks' advance notice or one week's advance notice with a 10% pay increase, 84% of respondents stated either indifference or a willingness to forego the extra notice. Whereas 70% of survey respondents would unambiguously sacrifice a 10% raise in favor of a week's advance notice, only 17% would make the same sacrifice for a second week if the first had been secured. The proportion remains in a similar range – about 16% -- when considering three weeks' advance notice rather than two. Survey respondents appear to fall in two groups: one for which a week's advance notice is sufficient, and a second for which substantially more time – three weeks or more – would be highly valued.

Advance notice and scheduling-related hardship

The employee survey reveals no statistically significant relationship between the amount of advance notice provided and reports of significant hardship associated with scheduling. There are some indications that employees who receive 3-4 weeks of advance notice report less hardship than others, but employees who report even more advance notice – over 4 weeks – report the highest rates of hardship overall. About 32% of respondents who receive their schedule on the day of work report that their work schedule causes significant hardship, nearly identical to the proportion among those who receive 1-2 weeks of advance notice.

Summary of survey evidence on advanced notice

The results, overall, suggest that the current state of advance notice is of less concern than the status quo with regard to workers receiving sufficient hours. While the overwhelming majority of workers indicate that they value at least one week's worth of advance notice, the majority also report receiving at least that much notice from their current employer. Employees who accept positions with minimal advance notice appear to be those who face the least hardship as a result.

The survey suggests that advance notice provisions are not readily distinguished across business sizes, though the use of short-notice scheduling is more common in food service relative to retail and in independent businesses relative to franchises and chains.

What evidence suggests about advanced notice regulation

A simple one-week advance notice regulation would have minimal impact on the actual scheduling practice of most employers, and offer some help to the demographic groups disproportionately likely to take jobs offering little advance notice. A longer advance notice regulation would provide somewhat less benefit to employees, and would introduce disruption to a wider array of businesses.

Multiple focus group and interview participants noted that there is no natural reason why advance notice must be specified in weeks rather than days. Given a broad tendency to schedule a week at a time – as noted above, 71% of employee survey respondents receive at least this much information every time a schedule is posted – a mandate to provide one week's notice will give employees between one and two weeks' advance information for any given day. A representative of a large national retail chain interviewed for this study indicated that their

internal process evaluations suggested that 10 days' advance posting resulted in the fewest post-posting schedule changes, balancing the need for advance notice with the risks of employee-initiated changes to the schedule. The chain in question employs over 300,000 people worldwide and has multiple locations in the City of Seattle.

What evidence suggests about premiums for shifts added on short notice

Advance notice regulation could incorporate premiums for shifts added on short notice, and required compensation for shifts deleted on short notice. This section presents evidence germane to the discussion of premiums for added shifts; analysis of short-notice shift deletion is coupled with analysis of on-call practices below.

The employee survey provides some data regarding the value attached to predictability. A 20% pay premium (or, given the structure of the question, \$2/hour) would equate to the value the median respondent attached to receiving a week's notice rather than none at all. For 49% of surveyed workers, even this premium would not be sufficient.

The manager survey asked respondents to describe how they might react if faced with a requirement to pay a premium for a shift scheduled on short notice. Managers would be most likely to add a shift in response to late-breaking information, such as an employee calling in sick or an unexpected spike in customer activity. If shift adding were to incur extra costs, managers could respond by accepting the extra costs, by "defensively" scheduling more shifts in advance in anticipation of these events, by accepting the risk of being short-staffed, or in some cases by reducing their willingness to approve employee-initiated schedule change requests. The net impact of a regulation on employees would depend critically on the nature of this response. A shift towards more advanced scheduling would be a clear improvement. An acceptance of premium pay would also be an improvement if set at a level sufficient to offer employers adequate compensation. If employers respond with a net reduction in work opportunities, however, employees could expect cuts in hours and income.

Manager survey responses suggest that businesses will not all respond the same way. When asked whether advance notice regulations and premium pay would lead to increases or cuts in staffing, most respondents were either not sure what they would do or stated that they would not be inclined to change staffing levels. Among the 30% of managers who indicated they would change staffing levels, the majority (18% vs. 12%) indicated that they would reduce staffing levels.

Managers were also asked whether advance notice and pay premium regulations would lead them to expand or contract their employee headcount relative to hours worked. That is, whether they would be inclined to spread a given set of hours across more or fewer workers. Once again, most managers were either not sure what they would do or were inclined to leave hours per employees unchanged. Among those inclined to change practice, however, the majority (17% vs. 14%) once again indicated that they would shift in a direction disadvantageous to part-time employees, by expanding headcount and reducing hours per employee.

If required to provide advance notice and pay a premium for short-notice, I would...

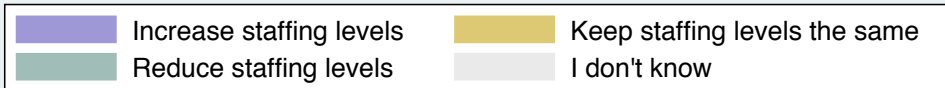
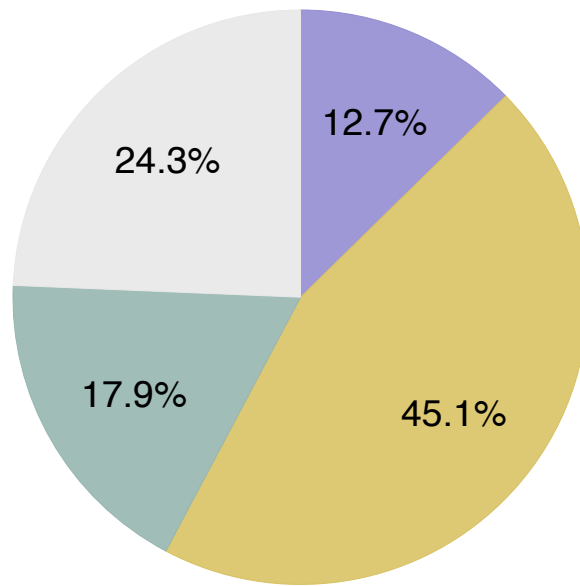


Figure 16

If required to provide advance notice and pay a premium for short-notice, I would...

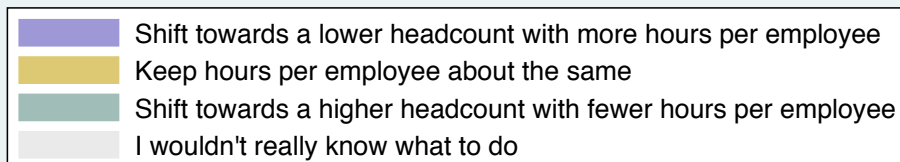
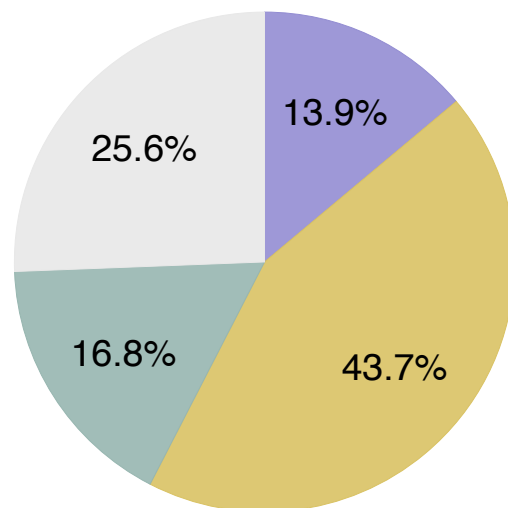


Figure 17

A final piece of evidence was documented above: in the great majority of all cases reported by employee survey respondents, shifts added on short notice are voluntary. This reflects the fact

that many employees – to be sure, those less likely to face caregiving or schooling obligations, as indicated in Table 4 above – are eager for extra hours and do not face significant personal difficulties in agreeing to work on short notice. The same cannot be said for shifts deleted on short notice. A more complete discussion of the case of shift deletions and “on call” practices appears below.

What evidence suggests about documentation requirements

San Francisco’s scheduling ordinance requires businesses to retain three years’ worth of records. Business focus group participants in Seattle, including some offering at least one week’s notice as a matter of policy, indicated that documentation requirements would require changes in practice, with or without premium pay provisions. Depending on the exact nature of the regulation, businesses might need to document the time of every change to a posted schedule, along with information on whether a manager or employee initiated the change, and if initiated by the manager whether the employee voluntarily accepted it.

5.5 “Just in time” or demand-sensitive scheduling: workers on-call and sent home early

“[I] choose to be on-call. I cover shifts directly for coworkers that do not want to work their assigned shifts otherwise I would have little to no guarantee of hours even though it is my primary job.”

-- Employee survey respondent, downtown retail clothing establishment

“Many employees feared calling in sick before our on-call system was in place. They feared that management would be mad, or they were asked to call around and get someone to work in their place. Therefore many employees regularly came in sick and tried to 'suffer' through the day. If we take the on-call system away I strongly believe that employees won't call out when they need to.”

-- Manager survey respondent, West Seattle full-service restaurant

Taken to its logical extreme, short-notice scheduling takes the form of on-call scheduling, where workers are asked or expected to be available to work, but not guaranteed work – or pay – in advance at all. This practice allows managers to shift a maximal amount of risk to workers: if business is slow, the worker forgoes income. A conceptually related practice occurs when businesses ask, or tell, workers to stop their shifts early. This may occur regularly, such as in the waning hours of an evening shift when business naturally slows, or on occasions where customer traffic is unexpectedly light.

An effective cost-controlling strategy for businesses, the practice of adjusting staffing levels in real time through on-call and early-leaving subjects workers to significant uncertainty if they are paid purely by the hour. On-call work may be perceived differently in settings where worker compensation depends on sales, as for tipped workers and those paid on commission. In these workplaces, the risk of slow business exists whether management uses on-call scheduling or not.

The frequency of on-call scheduling

Employee and manager survey responses indicate that both practices are common. About 42% of employee respondents had ever been on-call, and of those three-quarters had been on-call at

least once in the past two weeks. About 70% of manager survey respondents state that their business keeps workers on-call, of those about 70% had called in at least one employee over the past two weeks. In the great majority of cases, workers who are on-call learn whether they will be called in less than 24 hours in advance; over half the time advance notice is less than six hours.

Employee respondents were asked whether being on-call was a requirement, something they did voluntarily, or a practice that was “voluntary” in theory but felt like a requirement. Forty-three percent of workers ever scheduled on-call report that it is a job requirement. Of these, 90% had actually been on call within the past two weeks.

Thirty-two percent of employees who work on-call do so voluntarily; 51% of these were actually on-call within the past two weeks. One quarter of managers reported keeping employees on-call only at the employee’s request, and of these 40% actually called in an employee over the past two weeks.

The remaining 24% of on-call workers report that it is technically up to them whether they will take the assignment, but they feel pressure to assent. of workers required to be on-call actually were on-call in the two weeks prior to taking the survey. among those who feel pressured to be on-call, 76% had done so within the past two weeks.

Table 7: Sample characteristics, stratified by on-call requirements (*n*=770)

	Required to be on-call	“Feel” required to be on-call	Choose to be on-call	None of the above
Percent of sample	18.1%	10.1%	13.5%	58.3%
On-call at least once in the past two weeks	89.9%	76.4%	51.0%	0%
Work in the restaurant industry	69.1%	57.6%	54.8%	40.3%
Nonwhite	35.5%	55.3%	49.5%	41.1%
Male	47.1%	45.5%	42.6%	40.3%
Percent reporting “serious” problems due to scheduling	28.1%	48.7%	21.2%	31.0%

The frequency of employees being sent home early

Employee survey respondents were more likely to report being sent home early within the past two weeks than having spent time on-call. Thirty-eight percent of employee survey respondents had been sent home early at least once in that timespan, and one in ten had been sent home at least three times.

How on-call practices vary across employees and businesses

A complete set of cross-tabulations for on-call and early-ending shifts appears in Appendix VI. African-American and Latino employees are disproportionately likely to be placed on-call, as are male workers. Workers speaking either Spanish or Chinese at home were significantly more likely to be placed on call, though there was no statistically significant difference by birthplace.

On-call scheduling is reported much more frequently by food-service workers relative to the retail sector (52% vs. 27%). This pattern is replicated in the manager survey, where respondents representing food service were significantly more likely to state that they placed employees on-call on a regular basis. Sixty-two percent of food service managers place workers on-call at least occasionally.

On-call practices are most common in independent businesses, less common in franchises, and least common in company-owned chains. The proportion of independent business managers placing workers on-call exceeded the proportion of chain store managers by nearly a factor of 4 (42% vs. 11%).

There is no statistically significant relationship between the use of scheduling software and the propensity to place workers on-call.

The relationship between on-call practice and business size depends on whom is being asked. As reported by employees, on-call scheduling requirements vary little by employer size except for a large spike among those working at businesses with 250-500 employees. The tendency to volunteer for on-call scheduling is concentrated among workers at smaller businesses.

Managers, by contrast, report more frequent use of on-call at larger businesses. Among respondents representing businesses with under 50 Seattle employees, 44% reported placing workers on call at least occasionally. Among businesses with 50-249 Seattle employees, 57% place workers on call at least occasionally. Among those with over 250 Seattle employees, 54% place workers on call at least occasionally.

How being sent home early varies across employees and businesses

Employees who speak Spanish at home reported significantly higher rates of being sent home before the scheduled end of a shift. Other than this, there were no significant differences by gender, race, language, or birthplace.

By industry, food service employees report being sent home much more frequently than those in retail (55% vs. 16%). There is no clear relationship between business size and employer reports of being sent home, with another noticeable spike in the 250-500 range.

Just-in-time practices and scheduling-related hardship

In a sample where 31% of all respondents reported that their work schedule created significant difficulty on another aspect of life, only 28% of those required to work on-call – and 21% of those who do so voluntarily – identified any such burdens. The story appears very different for employees who reported feeling pressure to work on-call, even though the decision was officially theirs. Within this group, 49% of all respondents stated that their schedule posed significant hardship. In the multiple regression analysis described in section 5.1 above, controlling for an array of personal and job characteristics, feeling required to be on-call is associated with a statistically significant 13 percentage point increase in the likelihood of experiencing some hardship. There is no significant association between having been sent home early and increased scheduling-related hardship.

What evidence suggests about compensation for time scheduled but not worked

Among manager survey respondents reporting that they kept workers on call, 75% indicated that employees received no compensation or other recognition for doing so. The remaining 25% report a wide variety of practices, including the accrual of paid leave or vacation days, payment of a stipend or hourly rate for time spent on call, overtime pay when called in, free meals, or recognition in front of other employees.

Manager survey respondents were asked how they might react if a new regulation were to require payments to workers scheduled on-call who were not called in. As the use of on-call practices is a form of risk management, these managers would face a series of choices for how else they might manage the risk. They could transform on-call shifts into scheduled shifts, guaranteeing more work for employees, and accepting the risk that they might be overstaffed. They could cancel on-call shifts, guaranteeing less work for employees, and accepting the risk that they might be understaffed. Or they might continue current practice, implying that employees would continue to face scheduling uncertainty but would be compensated for doing so.

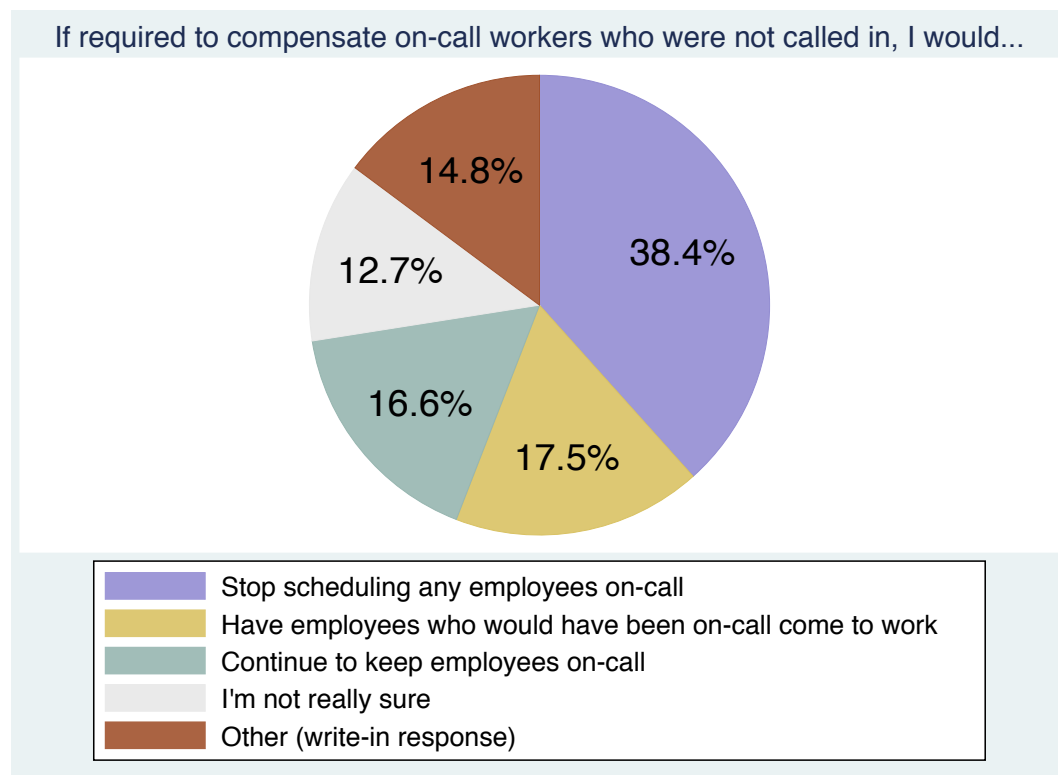


Figure 18

When asked which strategy they would pursue, 38% of managers indicated that they would cease on-call scheduling, improving certainty but at the cost of removing opportunities to work. Another 18% indicated that they would convert on-call shifts to scheduled shifts, simultaneously improving certainty and expanding opportunities to work. Seventeen percent indicated that they would continue current practice, preserving uncertainty but increasing total compensation. The

remaining respondents were either uncertain (13%) or gave a wide variety of write-in responses (15%).

Although not explicitly addressed in the survey, logically there is a strong link between compensation for time spent on call and for being sent home early. Without a coordinated policy, employers could respond to an on-call regulation by scheduling workers and sending them home if business were slow. As noted in section 5.1 above, schedule changes involving the deletion of shifts are much less likely to be voluntary, as reported by employees. Focus group conversations with employees indicate that the cancellation of work on short notice is a source of great frustration, in part because it represents a loss of income.

Addressing practices that are voluntary in theory but not in practice

The association of “feeling” required to work on call with significant hardship will be echoed below. There may be scenarios where managers intend for practices to be voluntary, and think of them as such, but employees receive different signals and messages whether through official or unofficial channels. Policies encouraging greater communication of expectations and policies at the point of hire, for example via a hiring checklist that also informed employees of their rights and responsibilities under Federal, state, and municipal law, could reduce these misunderstandings.

5.6 Split shifts

I love being able to work doubles/split shifts. By consolidating my work shifts into fewer days I save a considerable amount on childcare (\$600-\$800/mo)... For me, working a day basically consumes that day; I might as well work the whole day and enjoy a full day off on another.

-- Employee survey respondent, Belltown full-service restaurant

Many businesses experience fluctuations in customer traffic over the course of the day, the most obvious case being restaurants that serve most customers at traditional meal times. Some businesses address these predictable fluctuations by scheduling “split shifts,” wherein a worker is required to report at a certain time, go off payroll for a period of time, and then resume work.

The frequency of split shifts

Forty-nine percent of our employee survey respondents had ever worked a split shift. Of those, 67% had worked at least one split shift in the past two weeks. Forty-three percent of split shift workers report that they volunteer to work that schedule, 34% are required to do so, and 22% indicate that the practice is technically voluntary but they feel pressure to comply. Among manager survey respondents, 57% indicate scheduling split shifts. Among those, 40% indicate that they schedule split shifts only at the employee’s request.

According to both employees and managers, most split shifts incorporate a break of 1-4 hours duration, with a median of 2 hours. For example, a restaurant employee might conclude the lunch shift at 2:30 and go back on the clock in preparation for dinner service at 4:30.

Table 8: Sample characteristics, stratified by split shift requirements ($n=771$)

	Required to work split shifts	“Feel” required to work split shifts	Choose to work split shifts	None of the above
Percent of sample	17%	10.9%	21.4%	50.7%
Worked at least one split shift in the past two weeks	77.1%	73.8%	56.5 %	0%
Work in the restaurant industry	69.5%	56.0%	74.6%	29.9%
Nonwhite	43.0%	49.4%	38.6%	43.0%
Male	57.4%	41.0%	36.8%	39.6%
Percent reporting “serious” problems due to scheduling	33.6%	48.8%	15.8%	32.5%

How split shifts vary across employees and businesses

Appendix VI presents a complete set of cross-tabulations on split shifts. Females are significantly less likely to work split shifts than those in other gender categories. Latino workers, and workers who speak Spanish at home, are the most likely to report being required to work split shifts. Those who work split shifts voluntarily are significantly more likely to either be white or decline to report their race, to have been born in the United States, and to speak English at home.

Split shifts are very common in the food service industry, much less common in retail. Sixty-nine percent of food service employees reported having worked a split shift, with 33% having done so voluntarily and 36% reporting either being required or feeling pressure to do so. Of food service employees who had ever worked a split shift, two-thirds had worked at least one in the past two weeks. By contrast, only 23% of retail employees had ever worked a split shift, and of those barely half had worked at least one in the past two weeks. Two-thirds of retail managers reported never using split shifts or scheduling them only at the employee’s request, against 53% of food service industry managers.

The practice of requiring split shifts is more common in larger businesses, according to employees. Thirty-five percent of respondents in businesses with over 250 employees reported being required to work split shifts, against 6% in businesses with fewer than 10 employees. This size gradient also appears in the manager survey. Among managers representing businesses with under 50 Seattle employees, 27% schedule split shifts at least occasionally, compared with 38% of businesses with 50-249 Seattle employees and 37% of those with at least 250 Seattle employees.

Volunteering for split shift service, according to employees, is most common in medium-sized businesses with at least 10 but fewer than 100 employees. In the manager survey, a steady 24% of respondents report scheduling split shifts only at employee request regardless of size.

A relatively constant 9-14% of respondents reported feeling required to work split shifts across all employer size categories.

Company-owned chain establishments are significantly less likely to use split shifts, according to managers: 18% of chains schedule split shifts at least occasionally; among independently owned and operated businesses and franchises (independently owned but operated under contract) the rate was 43%.

Split shifts and scheduling-related hardship

Employees who report feeling pressure to accept split shifts, even if they are not explicitly required, are significantly more likely to indicate that their work schedule creates significant problems. Relative to those who either do not work split shifts or volunteer for them, this group was 21 percentage points more likely to indicate hardship in the multiple regression analysis reported in section 5.1 – a very large effect seeing that only 30 percent of the sample indicated any form of hardship overall. Relative to those who do not work split shifts, employees in this category were more than 3 times more likely to report hardship with parenting, twice as likely to report hardship with family obligations, health, or the ability to pay bills, and significantly more likely to report difficulty in attending class or pursuing hobbies.

Just as evidence suggests that the practice of being “on-call” is acceptable to a subset of the workforce, it is clear that some employees work split shifts voluntarily and without encountering significant hardship. As was the case earlier, however, the set of employees who work split shifts voluntarily are less likely to have worked one in the past two weeks. Voluntary split shift workers were twice as likely to have worked no split shifts in the past week relative to those required to work them.

Possible regulation of split shifts

Managers were asked no specific questions about how they might respond to regulation of split shifts. There may be certain regulations of split shifts that would dovetail with regulations of “clopenings” – morning shifts that follow late-night shifts – and these are discussed in more detail below.

Requiring employees and employers to discuss split shifts at the point of hire, along the lines described in the preceding section with references to on-call work, could help ensure clear expectations.

5.7 “Clopenings”

“Working a closing shift until 2:30 in the morning and returning for work the next morning at 10am leaves me with very little sleep and I can often not get anything done that day. I’m required to work at least one of these a week, and it affects me for 2 days after.”

-- Employee survey respondent, Wallingford food service establishment

“I really don’t mind last minute schedule changes or clopens, as it often means making more money/overtime, in my situation. I would probably lose hours/money if those things were made illegal.”

-- Employee survey respondent, downtown full service restaurant

The term “clopening” refers to a scenario where the same employee is expected to work a closing shift and the opening shift the very next day. For single-shift workplaces, say an ordinary office open 9 to 5 weekdays, or a retail establishment open from 10 until 7, it may be the case that every employee works a “clopening” shift so defined. Typically, however, “clopening” shifts of greatest concern are those that involve an establishment that closes late in the evening and opens early in the morning, along the lines experienced by the employee survey respondent quoted above.

Frequency of clopenings

Sixty-six percent of the employees in our survey sample report having worked a “clopening” at some point in their lives, and 43% had worked at least one “clopening” within the past two weeks – the median respondent had worked exactly one over this time period. When asked how much time typically elapses between the closing shift and opening shift, most responses (about 2/3) were in the range of 8-12 hours – a pattern replicated in the manager survey. About one out of every six workers who had worked a clopening reported a time between closing and opening shifts of six hours or less; a comparable proportion of employers provided the same report.

Thirty-one percent of employees who had worked clopenings reported doing so of their own volition. Focus group participants suggested that workers may volunteer for these shifts in order to maximize their income while working a small number of days per week. A full-time student, for example, could use clopening shifts to boost their total hours worked on the weekends. The majority of those who work clopenings, however, are workers who report that their employer explicitly or implicitly requires it of them.

Table 9: Sample characteristics, stratified by clopening requirements (*n*=767)

	Required to work clopenings	“Feel” required to work clopenings	Choose to work clopenings	None of the above
Percent of sample	30.9%	14.9%	20.6%	33.6%
Worked at least one clopening in the past two weeks	75.5%	65.5%	51%	0%
Work in the restaurant industry	51.1%	50.9%	67.7%	35.3%
Nonwhite	38.2%	48.2%	41.4%	45.3%
Male	48.5%	45.5%	39.7%	36.9%
Percent reporting “serious” problems due to scheduling	45.6%	40.4%	10.8%	25.6%

Among managers, 71% reported scheduling clopening shifts, with 33% of that group indicating that they would only do so at the employee’s request. In this group, the median number of clopenings scheduled within the past two weeks was one. Among the 20% of businesses that scheduled clopening shifts on a regular basis, 64% reported that employees were not permitted to refuse those shifts.

How clopenings vary across employees and businesses

A complete set of cross-tabulations appears in Appendix VI. Male respondents, and respondents of Latino ethnicity, are more likely to report working clopenings. Asian respondents were much less likely to report having worked a clopening, with that pattern dominating all other variation across racial groups. This introduces concerns that the practice may not have translated appropriately. Among respondents speaking Chinese at home, 79% claimed to have never worked a clopening, a highly anomalous result given other patterns apparent in the data.

Employees who volunteer to work clopenings are concentrated in the food service industry. Aside from that, employee survey respondents report identical rates of clopening shifts in food service and retail. Manager survey respondents, by contrast, reported the use of clopenings much more frequently in the retail sector, where 66% of respondents scheduled clopenings at least occasionally.

Independent businesses regularly schedule clopenings more often than chain store owners (29% vs. 13%). Franchises are the most likely to schedule clopenings at all, though most franchise respondents schedule them only occasionally or at the employee's request.

In the employee survey, variation across business size is once again dominated by an elevated rate for businesses with between 250 and 500 Seattle employees. In the manager survey, there is a marginally significant ($p=0.072$) tendency for smaller businesses to schedule clopenings more often.

There is no statistically significant association between scheduling software use and the propensity to schedule clopenings.

Clopenings with a short duration between shifts – under 10 hours – are not distributed evenly across the workforce. Thirty percent of African-American respondents, and 26% of Latinos, had worked a short-duration clopening within the past two weeks, compared with 18% of white respondents. Males and gender-nonconforming workers experience them at a much higher rate than females, as do workers without children.

Clopenings and scheduling-related hardship

Clopenings, and specifically clopenings not worked at the employee's own volition, are very strong predictors of scheduling-related hardship. Over 45% of survey respondents required to work clopening shifts reported that their work schedule imposed severe difficulties on their ability to balance work with other life needs and goals. The rate among respondents who had never worked a clopening, by contrast, was only 26%. Survey respondents who worked clopenings by their own choice tended to be quite happy with their schedules, with only 10% reporting any form of severe hardship. These individuals were also the least likely to have actually worked a clopening within the past two weeks: only 51% had, against 75% of those required to work them.

In the multivariate regression analysis reported in section 5.1 above, a requirement to work clopenings – either explicitly or implicitly – was the most consistent predictor of scheduling-related hardship. Given the potential misunderstanding of the concept among foreign-language

respondents, these results could conceivably understate the amount of hardship caused by clopenings.

What evidence suggests about clopening duration

As noted above, there is some ambiguity about what constitutes a “clopening.” At one extreme, 9% of employee survey respondents reported working clopenings with under 4 hours between shifts, more consistent with the typical duration between parts of a split shift. At the other extreme, 10% of respondents reported working clopenings with at least 13 hours between shifts. It is unclear at what point a “clopening” stops being a “clopening” and reverts to an ordinary scheduling practice.

Reports of scheduling-related hardship tended to be more common among those required to work clopenings of shorter duration. Figure 19, which plots reports of scheduling-related hardship as a function of the duration between shifts for workers who had worked a clopening within the past two weeks, shows rates of hardship above 40% at durations 9 hours or less, dropping steadily as the length between shifts grows. When the duration extends beyond 11 hours, the rate of hardship falls below 30%.

The duration between shifts in a “clopening” tends to be shorter among employees required to work them. Thirty-eight percent of respondents required to work clopenings have between-shift durations under 10 hours, compared to 13% of those who work clopenings voluntarily.

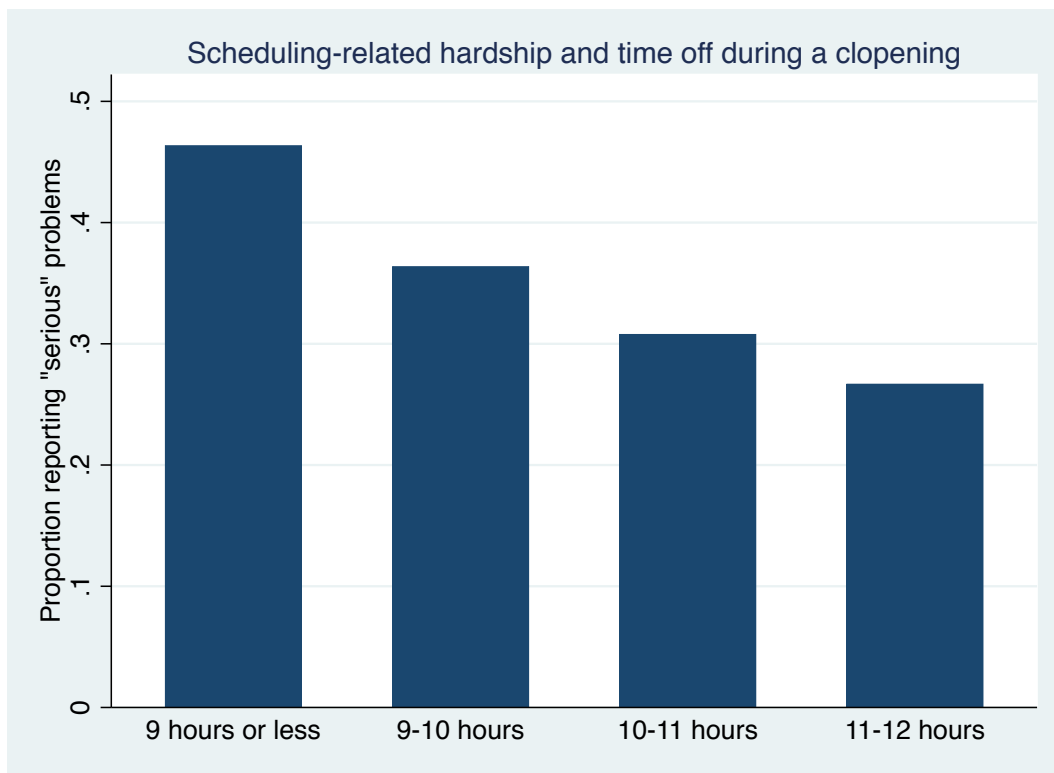


Figure 19

Existing regulations of mandatory rest time focus attention on the 10-hour threshold, though sometimes with additional stipulations.

- The Federal Aviation Administration requires a 10 hour minimum rest period for pilots flying commercial passenger flights prior to the commencement of an on-duty shift, with a further requirement that the pilot must have the opportunity for 8 hours' uninterrupted sleep. There are ongoing debates regarding whether these regulations should apply to other types of pilots and to other members of flight crews.
- The Federal Motor Carrier Safety Administration limits duty time and rest periods for commercial drivers. Property-carrying drivers are limited to 11 hours of driving within a 14 hour period, with the clock resetting once a driver has had 10 consecutive hours off duty. Passenger-carrying drivers are limited to 10 hours of driving within a 15 hour period, with the clock resetting once a driver has had 8 consecutive hours off duty.

What evidence suggests about premium pay for clopenings

Manager survey respondents were asked how they might respond to a regulation that required premium pay for clopening shifts. Responses indicate that a regulation of this nature would substantially reduce the number of clopening shifts scheduled. When asked how they might react if a new regulation imposed premium pay requirements for clopenings, 38% of managers responded that they would stop scheduling them entirely and another 27% would use them only as a last resort. Twelve percent of respondents indicated they would continue current practice; the remaining 23% of respondents were either uncertain of their response or offered an array of write-in responses.

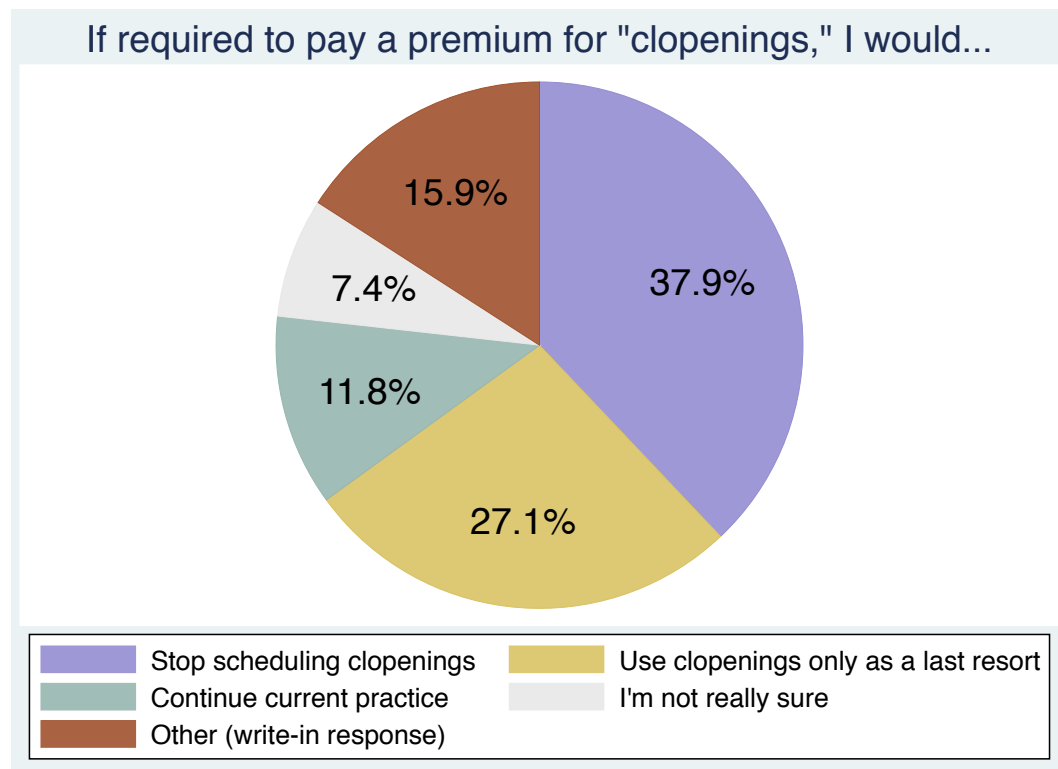


Figure 20

Potential for unified regulation on duty time and rest

At least one Seattle-area business, represented in a focus group conducted for this study, applies overtime rules based on hours worked in a day, rather than by the week. A daily overtime rule, with the appropriate provisions, could incentivize businesses to cut back on the use of split shifts and clopenings while still providing enough flexibility to accommodate students and others who desire to generate significant income in a limited number of workdays.

As an example, consider the following hypothetical overtime regulation:

Rule 1: From the beginning of an employee's workday, overtime begins to accrue after 10 hours, regardless of whether the employee has been continuously in service.

Rule 2: A workday ends once an employee has received 10 continuous hours of time off duty.

This "rule of 10s" would incentivize changes in practice for certain businesses. Workers who work a "clopening" shift with only 8 hours rest would accrue overtime for the entire duration of the morning shift, provided that the closing shift was at least 2 hours' duration. No overtime would be due if the employee had been given 10 hours rest. Similarly, an employee who reported for a lunch shift at 10:30 AM would begin to accrue overtime at 8:30 PM, even if required to clock out for a two-hour period in the afternoon.

The Federal 40-hour overtime regulation would continue to apply.

Such a regulation would not appeal to the entire workforce, as it would reduce opportunities for employees to use intensive if exhausting periods of work to earn a living while preserving a number of days off each week. As noted above, however, the individuals who report volunteering for work patterns such as split shifts and clopenings appear to be a small group relative to those required to work them, and they do not actually work these types of shifts as frequently.

5.8 Key lessons from San Francisco

San Francisco's law is, by all accounts, complex. The issue of what constitutes a "required" or "coerced" schedule change, as opposed to a voluntary change not requiring premium compensation, consumed a great deal of time in the rulemaking process. Interviews with business and labor stakeholders suggest that manager-employee interactions regarding schedule changes can be perceived as coercive by one party and not the other. This coincides with our survey evidence showing a sizable number of employees who feel pressure to acquiesce to "voluntary" schedule changes.

Knowledge of the ordinance among employees is limited. In the San Francisco shift employee focus group, three of five participants had heard of the law, although very few knew of the specific protections. However, once specifics of the ordinance were described, workers did recognize parts of the policy in practice - e.g., receiving their schedule two weeks in advance and predictability pay for last minute schedule changes.

The lack of knowledge is not surprising for two reasons. First, the ordinance is still new to San Francisco and is a new concept. Focus group participants continually steered the conversation towards benefits and overtime pay, which, while related to scheduling, are not the focal point of the law. As outreach efforts headed by OLSE continue, some of this confusion will likely dissipate. Second, other labor laws have garnered more media attention and publicity - e.g.: San Francisco's newly passed Paid Family Leave and Minimum Wage laws.

While focus group participants did not know the ordinance by name, they reported enjoying the protections under the law. Four of five participants received their schedule with two week's advance notice. However, one participant expressed that her manager tried to get them two weeks' notice, but it was at times delayed. All believed that receiving their schedule two weeks in advance helped them in terms of meeting their obligations, although two of the five said that more than two weeks' advance notice would help them further.

One focus group participant highlighted the benefit of this provision. The participant, a 25-year old woman of color with a two-year old, who works part-time at a global retail chain, conveyed that the advanced notice and her employer's willingness to schedule around her limited availability helped her plan ahead:

"For me, I go to school and I have a two-year old daughter, so there are times when I tell them that I can't work at all." When asked if they accommodate her requests, she said, "Yes, they do."

However, it is worth noting that this woman would have preferred to receive her schedule with three weeks' advance notice. She said that three weeks' notice would help her plan for appointments, school work, and her school schedule.

None of the focus group participants thought they had received predictability pay. However, many did not think they were entitled to predictability pay, as they had a fixed work schedule, scheduling changes occurred at their request, or they volunteered to take additional shifts.

Two of the participants expressed the need for flexibility to pick up additional shifts. One 35 - year old African American man with dependents conveyed that he tried to pick up as many shifts as possible. While wanting to work 40 or more hours per week, he is normally scheduled 32 to 35. He did his best to work shifts made available to him.

"I let them [the employer] use me a little bit. I want them to know I'm dependable, because I'm trying to get promoted." He also commented that he had a great working relationship with his boss and that he would "work 80 hours per week if [he] could".

From January to May 2016, OLSE opened less than 10 investigations into alleged scheduling violations under the ordinance. All 10 cases were about providing two weeks' advance notice.

This low number again reflects the ordinance's infancy and the fact that outreach and education is still being conducted. It also reveals that the ordinance is best known for one of its many provisions: providing work schedules with two weeks' notice. This is the most straightforward provision - did an employer provide a schedule two weeks in advance or not? It also reveals the

need for more education and outreach about the other aspects of the ordinance, which OLSE is currently doing with community partners. Lastly, the low number of complaints could be an indication of high compliance, although this report cannot confirm this.

Employers and business-affiliated groups expressed concern that the ordinance did not take their industry's concerns into account. The national retail chain representative referenced above, who had conducted company research on advance notice, raised this point. This interviewee also stressed that to be compliant with two weeks' notice, the scheduling process had to begin three weeks in advance. According to them, many employees do not know their schedules three weeks ahead of time, which ultimately creates more employee-initiated schedule changes.

Additionally, one service industry-affiliated group conveyed that their industry was both event- and weather-driven, which does not always align with the mandated two weeks' advance notice. They mentioned that the industry standard in service was seven to ten days' notice. When asked if additional revenue from events would help offset the predictability pay owed to employees, they commented, "The margins in the restaurant industry are low to begin with. Predictability pay cuts into already thin margins."

Many voiced concerns for franchises under the ordinance. Many small franchises employ less than 10 people, limiting their capacity to fill staffing needs on short notice. Many argued that franchises, while under the decor of a global business, are managed like a small business. We were unable to secure an interview with franchise business owner in San Francisco to validate or counter this concern.

The most common complaint from the business community about the ordinance was the administrative burden it caused – specifically, the requirement to maintain records of all schedule changes and offers to part-time employees over a three-year period.

There were two underlying concerns related to the administrative burden: first, the complexity of the ordinance; and second, the change in work culture.

First, business groups expressed how the complexity of the law caused confusion about how to be compliant with the law. One retail business even canceled their online shift-swapping capability, citing the ordinance as the rationale. Quick to respond, OLSE clarified that employee-initiated shift swapping is exempt from the ordinance. Furthermore, the recent release of the rules could explain the confusion, much of which could smooth out with time.

Second, business groups commented that the documentation of employer- vs. employee-initiated requests changed the relationship between employees and managers. A few business groups voiced that, as a result of this requirement, employers were less likely to send employees home early if work was slow, or even if an employee was sick or distressed. One business group commented that, "The communication between employers and employees has become very legalese."

While many voiced concerns over the ordinance, there was little evidence of its impact. Businesses did not know, or would not reveal, the amount of predictability pay they had paid.

There were rough estimates of the amount of time dedicated to the administrative burden – however, it was unclear how this changed from previous scheduling practices.

The lack of evidence could also point to the infancy of the ordinance. With compliance reaching a full year in October for many companies, more evidence of the described concerns may surface.

While the rules published by OLSE are extensive, business group voiced confusion over parts of the ordinance. This was particularly voiced over the provision that extends the scheduling protections to the janitorial and security services. For example:

- Does the ordinance apply if the contracted firm is based outside of San Francisco?
- Is the ordinance applied if a commercial property leased by a formula retailer contracts the janitorial and security services?
- How is the ordinance applied to security and janitorial employees who rotate buildings and location?
- Because many janitorial and security workers experience the same scheduling practices, why is it only applied to formula retail? Can and should this provision to be extended to firms outside of industries included in formula retail?

One focus group participant, a 35 year-old man who worked for a large contracted security firm, illuminated many of the complexities of this provision. For instance, it was difficult to determine if the ordinance applied to him when screening his eligibility to participate in the focus group. The security company scheduled him to work at various locations for two to four weeks at a time - some locations were formula retail, while others were not. It is unclear if the ordinance applies to him only when he contracts for companies under the ordinance or for all of his contracts.

6. Discussion and Conclusions

This report documents that many shift workers in Seattle endure interconnected difficulties related to scheduling. Many have difficulty securing enough work to get by. In order to get by, they endure or volunteer for scheduling that leaves them exhausted or requires them to set other priorities aside. Some scheduling practices make them partners in the day-to-day risk of business, and they are not always in a solid financial or personal position to bear that risk.

Worker exhaustion and exposure to business risk served as the rationale for several 1930s-era American labor market regulations and worker protections – the minimum wage, the forty hour workweek, time-and-a-half pay for overtime, unemployment insurance – still in effect today. While these regulations are designed to address problems closely related to the ones observed in this study, they were in many ways tailored for the economy of the time. Changes in the labor market, and in society more generally, have introduced a mismatch between regulation and practice that can be seen as the source of many of the scheduling difficulties described above.

Federal overtime regulations and the unemployment insurance program effectively regulate scheduling in traditional manufacturing industries. In these industries, goods are produced on a fairly steady schedule with little regard for the exact timing of a consumer's final purchase. The

fact that few cars are purchased on Tuesdays does not imply that few cars should be produced on Tuesdays.

Employees at automobile plants were – and are – subject to business risk. The demand for automobiles may soften in a given year, or employees at one factory may be negatively affected by a competitor's introduction of a better product. When these negative events occur, businesses respond by laying off workers. The unemployment insurance program is designed to shield workers from this type of risk, replacing a portion of their income for up to six months – or more in certain circumstances – while they wait to be recalled or search for another job.

The American economy has shifted away from manufacturing employment, and towards the service sector. Whereas manufactured goods do not need to be produced on the customer's schedule, service provision requires different dynamics. The food service industry, which has enjoyed decades-long trends in Americans' propensity to purchase meals prepared outside the home, has little power to shift a cultural tendency to eat meals at peak times. The retail industry, which once benefited from a pattern in which single-earner families could delegate a parent to shopping duties during traditional business hours, has greater need to accommodate consumers' shifting and irregular schedules. The business risk shared with workers has transformed from the type that plays out over the course of months to new forms that play out over the course of hours.

In this new economy, a regulation that promises 50% bonus pay to those who work more than 40 hours a week overlooks a key source of work-related exhaustion: the 16th hour of work in a 24-hour period is almost certainly a greater source of strain than the 41st within a one-week period.

An insurance program that offers benefits to individuals who lose their jobs outright is of significant benefit to many workers, but of little help to those whose work hours – and income – fluctuate with the weather.

In this new modern economy, the worker protections of the 1930s leave significant gaps. The key question for civic leaders is whether new protections, particularly those adopted locally rather than nationally, can effectively fill these gaps.

Economists traditionally justify policy intervention in the marketplace on the grounds of efficiency and equity. The case of worker scheduling invokes both concerns. From a basic equity perspective, lower-income workers at the margins of the economy bear the brunt of scheduling practices that demand long hours with little rest, or ones that shift risk away from management. From the perspective of efficiency, there are concerns that markets left to their own devices will not naturally allocate workers to jobs in a way that provides maximal benefits to all. Some of these inefficiencies can be blamed on existing regulations – an employee willing to work 35 hours a week without health insurance cannot legally contract with a business offering that exact opportunity. Others can be blamed on moral hazard – businesses may underinvest in forecasting technology if the main beneficiaries are employees rather than themselves. More generally, the failure to fully establish expectations and needs at the point of hire can lead to situations where both employee and manager are disappointed.

6.1 Point-of-hire intervention

It is the last of these scenarios where it is easiest to imagine a policy intervention that yields a “win-win” for business and labor. To the extent that conflicts over scheduling reflect misunderstandings, or a failure to clearly specify expectations, policy can be used to promote a more complete sharing of information between parties.

The Truth-in-Lending disclosure, a form that until recently was a required document in negotiations between a mortgage lender and borrower, is a potentially useful analogue. The goal of the truth-in-lending document was to ensure that borrowers were fully informed about the nature of the contract they were about to sign – the payments and interest rate to which they would be bound for a period of up to 30 years.

Mortgage contracts are highly formalized, recorded, and preserved as public documents. Employment contracts, by contrast, may be extremely informal. Federal regulations stipulate that businesses must report new hires to Child Support enforcement authorities in case they have wage garnishment orders against them. Seattle’s Wage Theft Prevention ordinance (SMC 14.20.025) requires employers to provide written notice of employment information, but the required information does not include scheduling policies or practices. Employers are required to post certain informational placards about employee rights in the workplace, but there is no requirement to specify the terms of employment at the point of hire and document that the employee received and understood them. A point-of-hire scheduling checklist could serve these functions.

There are clear limitations to the potential of a point-of-hire scheduling checklist to smooth scheduling-related misunderstandings. The Truth-in-Lending form, after all, has a spotty record in terms of weeding out bad lending practices. The subprime mortgage crisis of a decade ago occurred in an environment where all borrowers were required to sign such a form. Nonetheless, it is a reform of modest social cost that could encourage managers and employees to start relationships with a spirit of open communication.

6.2 Advance notice regulations and pay premia for short-notice changes

The evidence presented here indicates that most employees attach significant value to advance notice, expressing a willingness to trade away income for the right to know their schedule a week in advance. While focus group participants indicated a wish to receive a second or either a third week of notice, contingent valuation methods suggest that the marginal benefit from this extra notice is smaller. Business managers in Seattle and San Francisco raise concerns that providing extra notice to workers would lead them to require more of their employees – denying requests for last-minute changes, and expecting employees to provide information on their own personal obligations in advance of the schedule release deadline.

While San Francisco’s ordinance requires businesses to pay a premium both when a shift is added or deleted on short notice, survey evidence indicates a clear asymmetry between the two events. Added shifts, which raise worker incomes, are most often filled voluntarily. Deleted shifts, which reduce income, are not.

6.3 Twenty-first century overtime

The concept of a daily overtime clock, with reset tied to the amount of rest received, is not revolutionary. It closely resembles provisions in some union contracts, Federal regulations on duty time in the transportation sector and variants are also practiced by at least one non-union business in Seattle. A single overtime regulation could be used to address both concerns about “clopenings” and split shifts.

6.4 Benefits and the potential for a double dividend

Some employee survey respondents worry that their managers work to keep employee hours below the threshold that makes them eligible for benefits, and other evidence they report shows consistency with this pattern. There may be some employers for whom a “nudge” in the direction of greater generosity would lead to an expansion of benefits. And once benefits have been offered to a part-time employee, there is no longer a regulatory reason to avoid granting that employee more hours, if he/she is willing. Given the fixed cost of providing health insurance, businesses that opt to expand benefits for part-time workers would have a natural incentive to offer more hours to part-time workers before hiring new ones.

6.5 Concluding comments

In their own words, our survey respondents tell seemingly divergent tales. One group struggles to reconcile the demands of their workplace with their other obligations and goals in life. A second group understands and accepts those demands, finding that by doing so they gain a strategic edge in trying to make ends meet in an expensive city. An idealized economic model would imagine that these two groups would sort into different types of jobs. The first group would opt for stable, predictable employment – which surely exists, as many of our employees and managers report providing more than a week’s notice in scheduling and do not engage in some of the other practices described here. The second group would take the jobs that demand flexibility – where customer demand can fluctuate in unpredictable ways. Were this idealized vision of sorting to hold true in reality, we might conclude that the magic of the “invisible hand” has done its work, that there is no problem to be solved.

It is clear from our survey results, however, that the invisible hand hasn’t quite worked things out. The demand for workers who can adapt easily to irregular schedules exceeds the supply; at least some of these jobs are taken by workers for whom the irregularity poses serious hardship.

The tales our respondents tell are seemingly divergent, but they share a common theme. They are tales of the strategies that working people must employ, and the inconveniences they must endure, to make ends meet in Seattle. Our city is a hard place to earn a living, and an even more difficult place to raise a family. In such an environment, the regulation of worker scheduling may offer some assistance to certain families, but alone it will not make Seattle a livable community for all. What is more, there remains a risk that, for some workers and families, scheduling regulations will exacerbate the true problem by eliminating their preferred strategy for making ends meet.

This risk undoubtedly existed in the workplaces of the 1930s, when Federal law introduced regulations including unemployment insurance and overtime pay. Eighty years later, we now accept these regulations as legitimate costs of doing business. The existence of risk should not be considered a barrier to action, but rather a call to act thoughtfully.

Appendix I: Outreach Plan & Recruitment Strategy

To ensure the dataset was truly representative of the Seattle shift employers and scheduling manager, we set a goal of receiving 500 responses per survey. In order to reach that goal, we developed two targeted outreach strategies – one to workers and one to businesses. In attempt to increase the randomness of our sample, we also targeted public forums and outlets including social media and Craigslist among others. The plan included deadlines for key deliverables, targets and mapped out action items that would be taken if we were not on track to reach our targets.

We created a host website (www.schedulinginseattle.org) for information about the study, an F.A.Q. about security and privacy measures, and links to each survey. Furthermore, when we launched the survey, we generated unique URL tracking codes for each source to monitor traffic to our website and understand who was accessing the survey and from which source. This also allowed us to scrutinize who may not be accessing the surveys to better target our outreach efforts. Many survey takers found us through our Craigslist ads, the City’s promotion of our surveys, and through their employers. We triangulated this data with a survey question about how the survey taker found out about the survey.

Employee Outreach

To reach employees for our study, we relied on the past experiences and best practices that other researchers have deployed in similar studies. Among these methods were: advertising on social media and Craigslist, connecting with Labor Advocacy groups, and offering small honoraria for participating in research. We did all of the above, in addition to, contacting local union chapters and working with community-based organizations that were already facilitating outreach on labor issues to several minority groups.

Survey Translations: The same community-based organizations translated the employee survey into six languages: Amharic, Chinese, Somali, Spanish, Tigrinya, and Vietnamese. As the non-English versions were launched two weeks or more after the English version, we worked with the City to provide incentives to these survey takers. The in-language surveys were critical to ensure we heard from immigrant communities, and thus a more reflective sample of the Seattle population.

Honoraria: We incentivized participants to complete the survey by offering \$5 electronic Amazon gift cards to the first 500 respondents of both surveys. VM&E staff managed the honoraria and each recipient’s e-mail address personally to ensure the anonymity and privacy of survey takers. Furthermore, we checked for duplicate and erroneous e-mail addresses to maximize the reward for as many participants as possible. Once we hit 500 respondents from each survey, we closed the \$5 honoraria. We also offered a chance to win one of two \$400 gift card grand prizes. After the surveys closed on June 5th, we randomly selected two survey takers from all survey respondents (employee and manager) and provided them with their gift card.

Media: We used several media sources to promote the survey through a press releases and media communications. We tracked media coverage of scheduling-related articles and outreached to reporters for their insights. When applicable, we translated the press releases to reach our target populations.

Business Outreach

Likewise, outreach to employers required gaining access to Seattle business leaders. The City of Seattle disseminated information about the manager survey to a set of email contacts obtained through the business license process (for all businesses licensed in the City). We focused on reaching businesses through affiliation groups including the City's Business Stakeholder Group, the Chamber of Commerce and other industry-specific associations. Additionally, we researched businesses by industry and number of locations in the City and outreached to store managers, developers, and major shopping centers directly. We also outreached, with limited success, to nonprofit organizations with hourly shift employees. Some business leaders sought us out to participate in the study. We welcomed their participation, but also balanced this by limiting the number of businesses we interviewed and included in our focus group in order to be equitable with employees. We also gave personal attention to any employees who contacted us regarding the study.

San Francisco

To gain better understanding of the process and impact of the San Francisco Workers Bill of Rights, we relied on key informant interviews with representatives from the local government, researchers from UC Berkley and UC Hastings College of Law, labor advocacy groups and business representatives. We had one team member on the ground in San Francisco to manage these interviews and piece together how the policy passed as well as cursory insights about the law's impacts just a few months into implementation. We were unable to replicate an online survey for San Francisco which may have produced more definitive and statistically representative information.

Appendix II: The Employee Survey

Dear Employee,

The City of Seattle is considering policies to make schedules more predictable and stable for hourly employees working in Seattle.

In order to understand how regulations could best serve the interests of employees and businesses, we hope you will take a few minutes of your time to tell us about your experiences with scheduling at your primary job.

The results of this survey will be provided to City leaders. The research team conducting this survey is independent from the City. All participation in the research is completely voluntary. You are not required to participate in this survey and it will have no impact on your employment. You can skip any question, and you can stop participating at any time. No one, including your employer, will know if you decide to participate in this survey.

Instructions

Participating in this study will involve completing a 15-25 minute online survey. You must meet the following criteria to participate in the survey:

- Be at least 17 years old
- Work in the City of Seattle

No one will have the ability to trace your survey responses back to you.

The information you enter into the online survey will only be sent to us once you press 'submit' at the end of the survey.

Earn a Gift Card!

The first 500 people to fully complete this survey will receive a \$5 gift card from Amazon, as a thank you for participating. Everyone who fully completes the survey will be entered into a drawing for a \$400 Amazon Gift Card. Winners will be notified after June 3, 2016.

Contact

If you have questions at any time about the survey or the procedures, you may contact Vigdor Measurement & Evaluation at 202-810-4863 or by email at scheduling@vmellc.us. Thank you very much for your time and support. Please start with the survey now by reading the statement below, checking the box if you understand, and clicking on the Next button below.

We'll start by asking some questions to verify your eligibility in the study.

ELNEMPAGE

What is your age?

ELNSEAEMP

Is your primary job (the job you work at for the most hours per week) in Seattle?

1. Yes

2. No

ELNHOURLY

At your primary job, are you paid by the hour?

1. Yes
2. No

ELNVARYEMP

Do you have a work schedule that varies from week to week?

1. Yes
2. No

NAME: MDNHEARABT

How did you hear about this survey? (Select all that apply)

1. Craigslist
2. Facebook
3. Advertisement
4. Business group (ex: Washington Restaurant Association)
5. Nonprofit organization (ex: Working Washington)
6. Other affiliation group
7. City of Seattle
8. Friend / Relative
9. Coworker
10. Supervisor / Employer
11. Other (please explain) _____

Questions About Your Job

We'd like to ask you some questions about your primary job. Your primary job is the job you work at for the most hours per week. Unless otherwise stated, all of the questions on this survey are related to your primary job.

NAME: DMNWRKLOC

What neighborhood do you work in?

1. Admiral
2. Alki
3. Ballard
4. Beacon Hill
5. Belltown
6. Blue Ridge/North Beach
7. Broadmoor
8. Broadview
9. Bryant
10. Capitol Hill
11. Central District
12. Columbia City
13. Crown Hill
14. Denny-Blaine
15. Downtown
16. Eastlake
17. Fauntleroy
18. First Hill
19. Fremont
20. Georgetown
21. Green Lake
22. Greenwood

- 23. Haller Lake
- 24. Hawthorne Hills
- 25. International District
- 26. Junction
- 27. Lake City
- 28. Laurelhurst
- 29. Leschi
- 30. Loyal Heights
- 31. Madison Park
- 32. Madison Valley
- 33. Madrona
- 34. Magnolia
- 35. Maple Leaf
- 36. Matthews Beach
- 37. Montlake
- 38. Mount Baker
- 39. Northgate
- 40. Phinney Ridge
- 41. Pioneer Square
- 42. Queen Anne
- 43. Rainier Beach
- 44. Ravenna
- 45. Roosevelt
- 46. Seward Park
- 47. South Lake Union
- 48. South Park
- 49. U-District
- 50. View Ridge
- 51. Wallingford
- 52. Wedgwood
- 53. Westlake
- 54. Whittier Heights
- 55. Windermere
- 56. Other: Please list below _____

NAME: DMNWRKZIP

What is the zip code where you work?

NAME: DMNTITLE

What is your job title?

- 1. Assistant Manager
- 2. Barista
- 3. Cashier
- 4. Chef
- 5. Cook
- 6. General Manager
- 7. Host/ Hostess
- 8. Intern
- 9. Kitchen staff

10. Lead
11. Sales Associate
12. Shift supervisor
13. Stock Associate
14. Wait staff
15. Other _____

NAME: DMNBIZIND

How would you classify your workplace's industry?

1. Restaurant - Fast Food (ex: McDonald's)
2. Restaurant - Full Service (ex: Applebee's)
3. Restaurant - Mobile (ex: food truck)
4. Restaurant - Bar
5. Restaurant - Coffee shop (ex: Starbucks)
6. Food Service - Other
7. Retail - Grocery (ex: QFC)
8. Retail - Clothing (ex: Macy's)
9. Retail - General (ex: Target, Fred Meyer, Bartell's)
10. Retail - Specialty (ex: bookstore)
11. Personal Services (ex: dry cleaners, nail salon, etc)
12. Nonprofit
13. Other _____

NAME: EMNNUMEMP

About how many people are employed at your workplace?

1. Fewer than 10
2. 10-25
3. 26-99
4. 100-249
5. 250-499
6. 500 or more

NAME: EMNWAGE

How much do you currently earn per hour?

NAME: EMDUNION

Are you a member of a union?

1. Yes
2. No
3. Unsure

NAME: EMNEMPDATE

When did you start working at this job?

- null _____

NAME: OJNMOREJOB

Do you currently work more than one job?

1. Yes
2. No

NAME: QJNNUMJOBS

How many jobs do you currently have in addition to your primary job? Please include any self-employment or alternative careers you might have.

1. 1 other job
2. 2 other jobs
3. 3 or more other jobs

NAME: QJNWHYJOBS

Which of the following comes closest to explaining why you work more than one job?

1. At my primary job, I can't work enough hours to earn the income I need.
2. I earn enough at my primary job, or could work more hours there if I wanted to, but enjoy the variety.
3. I hold multiple jobs just in case I get let go, get fired or choose to quit.
4. Other

--

Now we're going to ask questions about your schedule at your primary job (the one you work at the most hours per week). You should only think about your primary job when answering these questions.

NAME: HONPTORFT

Does your employer classify your job as part-time or full-time?

1. Part-time
2. Full-time
3. Don't Know _____

NAME: HONMINHOUR

At your work, how many hours must you work to be considered full-time or receive benefits? Please enter the hours needed below.

	Number of hours needed
Considered a full-time employee at your workplace	<input type="checkbox"/>
Receive benefits at your workplace	<input type="checkbox"/>

NAME: HONNUMHOUR

Think about the total number of hours you have worked this past week. Also consider from the past 3 months, the week you worked the least total hours and the week you worked the most total hours. Please provide the hours that you worked below.

	Last week	Lowest number of hours in the past 3 months	Highest number of hours in the past 3 months
Hours worked at your job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAME: HONPREFER

Would you prefer to work fewer, the same, or more hours per week than you currently work at your primary job

(assuming that your hourly wage would stay the same)?

1. Fewer hours
2. Same hours
3. More hours

NAME: PRNSCHED

Do any of the following apply to you at your job?

	Yes	No
You may specify your availability	<input type="checkbox"/>	<input type="checkbox"/>
You may select / approve the shifts you work	<input type="checkbox"/>	<input type="checkbox"/>
You may limit your availability to work	<input type="checkbox"/>	<input type="checkbox"/>
You may pick up additional hours of work	<input type="checkbox"/>	<input type="checkbox"/>
You may swap shifts with other employees	<input type="checkbox"/>	<input type="checkbox"/>
When hired, you were given an initial estimate of the number of hours you would work each week	<input type="checkbox"/>	<input type="checkbox"/>
When hired, you were guaranteed a minimum number of work hours per week	<input type="checkbox"/>	<input type="checkbox"/>

NAME: HONLENSHFT

How long is a typical shift that you work?

- null _____

NAME: ANNDAYSADV

How far in advance do you usually know what shifts you will need to work?

1. One day or less
2. 2 to 3 days
3. 4 to 7 days
4. Between 1 and 2 weeks
5. Between 3 and 4 weeks
6. More than 4 weeks
7. Other _____

NAME: ANNDAYSSC

How many days are included in each schedule?

NAME: ANNOTFYSC

How do you receive your schedule? (Select all that apply)

1. Posted in business
2. Website/App
3. Email
4. Text message

5. Other (please explain) _____

NAME: ANNNOTICE

What was the shortest notice you've been given to work a shift in the past two weeks (not due to your own choice or request)?

1. Less than 12 hours
2. Between 12-24 hours
3. 2-4 days
4. 5-6 days
5. One week
6. More than one week
7. Other _____

Changes to Schedules & Hours - Reminder: All questions below relate to your primary job (the job you work the most hours at each week).

The next several questions ask about schedule changes and situations that may occur due to working a schedule that varies from week to week.

NAME: RRNBEORE

What are your employer's policies for requesting time off before the schedule is posted? (ex: you have to request at least 10 days in advance)

NAME: RRNBEOREY

The last time you requested time off according to your employer's policies, was it given to you?

1. Yes
2. No

NAME: RRNAFTERY

Are you able to request changes to the schedule after it has been sent out?

1. Yes
2. No

NAME: CSNEMPREQ

In the past two weeks, did you make one or more schedule changes?

1. Yes
2. No

NAME: CSNEMPEX

Thinking of the most recent schedule change you made, which of the following best describes the change?

1. I switched shifts with another employee or had another employee cover my shift
2. I asked my boss to help find someone to work my shift
3. I called off a day or more prior without lining up someone to work my shift
4. I called off on the same day I was scheduled to work
5. I did not call or show up to a shift I was scheduled
6. Other _____

NAME: CSNMGRRESP

How did your employer respond to this most recent schedule change?

1. They required me to find a substitute
2. They called in a substitute for me
3. They operated the store without a substitute
4. The manager covered my hours themselves
5. Other _____

NAME: CSNEMPCALL

In the past two weeks, I have requested a last-minute schedule change for the following reasons: (Select all that apply)

1. I was sick
2. I needed to care for a sick child
3. I needed to care for a sick partner or spouse
4. I needed to help an elderly family member
5. My childcare fell through or changed
6. I had transportation problems (ex: My car broke down or ride fell through)
7. My schooling conflicted with their work schedule (ex: I had to complete an assignment or attend a study group or lab)
8. I needed to do something related to my children's education (ex: I had a meeting with a teacher)
9. I had a conflict with a second job (ex: I had to stay late or to work a different day)
10. A family emergency came up
11. I wanted to attend an event or spend time with a friend
12. I didn't feel like working that day
13. Other _____

NAME: CSNMGRREQ

In the past two weeks, did your employer make changes to your schedule?

1. Yes
2. No

NAME: CSNMGREX

Thinking of the most recent schedule change your employer made, which of the following best describes the change?
Your employer:

1. Offered you the opportunity to leave early or decrease your hours and you accepted
2. Sent you home early or decreased your hours not at your request
3. Offered you the opportunity to stay late or increase your hours and you accepted
4. Required you to stay late or increased your hours not at your request
5. Other _____

NAME: SCNOCCUR

How often have the following occurred at your job within the past two weeks?

Your employer:

	Never	Once	2-3 times	3-5 times	More than 5 times
Made adjustments to your work schedule after it was posted due to employer's request, not your own	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offered you the opportunity to leave early or decrease your hours and you accepted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sent you home early or decreased your hours (not at your request)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Offered you the opportunity to stay late or increase your hours and you accepted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Required you to stay late or increased your hours not at your request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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NAME: SCNPAYBYSC

If you did not work as many hours as you were scheduled (due to changes made by your employer) were you paid for the hours you were scheduled but didn't work?

1. Yes
2. No

Scheduling Practices & Their Impacts

NAME: FXNOPENSC

Some employees may feel obligated to keep their schedule open to be available for their job. This could mean employees without other restrictions on their general availability get scheduled more.

Do you keep your schedule open and available for your job?

1. Yes- I am required to
2. Yes- I feel required to
3. Yes- I choose to
4. No

NAME: OCNONCALL

Some employees may be scheduled as backups for busy times or in case other employees don't show up for their shifts. This could mean employees are scheduled "on-call" and must be available and ready to work a shift but won't necessarily end up working that shift.

Are you scheduled on-call for your job?

1. Yes- I am required to
2. Yes- I feel required to
3. Yes- I choose to
4. No

NAME: OCNSCONCAL

How many times have you been scheduled on-call in the past two weeks (including when you were called in and when you were not called in)?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME: OCNADVNOT

When you are on-call, how far in advance of the start of your shift are you typically notified that you need to work?

NAME: OCNCOMPENS

Do you receive additional compensation for working on-call shifts?

1. No
2. Yes, please explain: _____

NAME: SSMSPLIT

Have you ever worked a split shift?

A split shift is two separate shifts on the same day with an unpaid break in between that is not a regular work break.

1. Yes- I am required to
2. Yes- I feel required to
3. Yes- I choose to
4. No

NAME: SSNOFTEN

How often did you work a split shift in the past two weeks?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME:SSNHOURS

How many hours are there normally between the two working periods of a split shift?

NAME: CLNCLOPENS

Have you ever worked a closing shift and the very next opening shift ("clopening")?

1. Yes- I am required to
2. Yes- I feel required to
3. Yes- I choose to
4. No

NAME: CLNOFTEN

In the past two weeks, how often did you work a closing shift and the very next opening shift?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME: CLNHOURS

How many hours are there typically between closing and opening shifts?

Scheduling Impacts

NAME: CSNCONSIDR

Overall, how has your work schedule affected the following? Please rate these on a scale from 1 to 5 where 1- It is a serious problem (makes this part of my life much harder and harms me),

- 2- It is somewhat of a problem (makes this part of my life somewhat harder),
- 3- It is neutral (does not make this part of my life easier or harder),
- 4- It helps a little (makes this part of my life somewhat easier), and
- 5- It helps a lot (makes this part of my life much easier and benefits me).

	1- It is a serious problem	2- It is somewhat of a problem	3- It is neutral	4- It helps a little	5- It helps a lot	N/A
Parenting and childcare responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your family and home life	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your ability to pay your bills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your ability to take care of your health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your ability to attend class or study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your ability to work another job	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your ability to pursue hobbies and interests outside of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAME: CSNAFFECT

OPTIONAL: Please explain how your work schedule has helped parts of your life or has been a problem for you.

NAME: PTNPARITY

This question is about part-time employees at your workplace. Please answer the following to the best of your knowledge.

	Yes	No	I don't know	N/A
Do part-time employees receive the same starting hourly pay as full-time employees at your place of work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do part-time employees receive the same benefits (time off, health care, etc) as full-time employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do you feel that your employer schedules you below a certain number of hours so that they don't have to pay you benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

We are now going to ask you questions about hypothetical job offers.

NAME: CVN1010

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, 1 week advance notice of schedule guaranteed
2. \$22 hourly wage, no guarantee of advance notice of schedule
3. I consider these equally attractive offers

NAME: CVN2010

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, 1 week advance notice of schedule guaranteed
2. \$24 hourly wage, no guarantee of advance notice of schedule
3. I consider these equally attractive offers

NAME: CVN510

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, 1 week advance notice of schedule guaranteed
2. \$21 hourly wage, no guarantee of advance notice of schedule
3. I consider these equally attractive offers

NAME: CVN1021

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, 2 weeks advance notice of schedule guaranteed
2. \$22 hourly wage, 1 week advance notice of schedule guaranteed
3. I consider these equally attractive offers

NAME: CVN1032

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, 3 weeks advance notice of schedule guaranteed
2. \$22 hourly wage, 2 weeks advance notice of schedule guaranteed
3. I consider these equally attractive offers

NAME: CVN10HOURS

Imagine you had two job offers that were identical in every way except for the characteristics listed below. Which job would you be more inclined to accept?

A job with:

1. \$20 hourly wage, guaranteed to work 25 hours a week
2. \$22 hourly wage, hours vary from week to week but will average about 25
3. I consider these equally attractive offers

ABOUT YOU

The City of Seattle is concerned with issues of equity. The following questions have been included to help us understand demographic trends. All questions are optional and you may choose not to answer any question for any reason.

NAME: DMNHOUSHL

How many people live in your household (including yourself)?

NAME: DMNCHILDRN

How many dependent children do you have in your household?

NAME: DMNMARITAL

What is your marital status?

1. Single
2. Married
3. Domestic Partner
4. Separated
5. Divorced
6. Widowed
7. Other _____

NAME: DMNRACE

What is your race or ethnicity? (Select all that apply)

1. African American/Black
2. American Indian or Alaskan Native
3. Asian/Asian American
4. Hawaiian or Pacific Islander
5. Hispanic/Latino
6. Middle Eastern
7. White
8. Prefer not to answer
9. Other _____

NAME: DMNGENDER

What is your gender identity? (Select all that apply)

1. Male
2. Female
3. Transgender
4. Genderqueer / Non-conforming

- 5. Prefer not to answer
- 6. Other _____

NAME: DMNSEX

What is your sexual orientation? (Select all that apply)

- 1. Heterosexual
- 2. Lesbian
- 3. Gay
- 4. Bisexual
- 5. Queer
- 6. Prefer not to answer
- 7. Other _____

NAME: DMNBORN

Where were you born?

- 1. United States
- 2. Other (Please list country below) _____

NAME: DMNLANG

What is the language that you speak the most at home?

- 1. English
- 2. Amharic
- 3. Chinese
- 4. Korean
- 5. Oromo
- 6. Somali
- 7. Spanish
- 8. Tagalog
- 9. Tigrinya
- 10. Vietnamese
- 11. Other _____

NAME: DMNARREST

Do you have a conviction or arrest record?

- 1. Yes
- 2. No

NAME: DMNHOMEZIP

What is the zip code where you live?

NAME: COMMENTS

Please provide any other comments you have about scheduling in the box below.

The first 500 people who complete this survey will receive a \$5 gift card. To receive the gift card, you must provide your email address. Your email address will NOT be linked to your answers to this survey. It will take one business day to process your gift card.

NAME: RAFFLE

Do you want to be entered to win an Amazon gift card?

1. Yes (If selected, you will be sent to a different survey to enter your e-mail address.)
2. No

Appendix III: Manager Survey

NAME: ELNSEAEMP

Does this business have employees in Seattle?

1. Yes
2. No

NAME: ELNVARYEMP

Does this business have employees who work shifts and have schedules that vary from week to week?

1. Yes
2. No

NAME: ELNDIRMGR

Are you responsible for directly managing the staffing schedule at one or more locations for this business?

1. Yes
2. No
3. Other _____

NAME: ELNAWARE

How aware are you of the following at this business?

	1 - Unaware	2	3	4	5 - Intimately familiar
Staffing needs for the business					
Scheduling practices					
Scheduling tools (including software)					
Needs of your employees (including family, education, etc.)					

NAME: ELNFIXEDSC

What percentage of employee work schedules are fixed?

A fixed schedule is predictable and generally the same from week to week

1. Full Time employees _____(0 - 100)
2. Part Time employees _____(0 - 100)
3. On-call employees _____(0 - 100)
4. Other employees _____(0 - 100)

NAME: MDNHEARABT

How did you hear about this survey (Select all that apply)?

1. Craigslist
2. Facebook
3. Advertisement
4. Business group (ex: Washington Restaurant Association)
5. Nonprofit organization (ex: Working Washington)
6. Other affiliation group
7. City of Seattle
8. Friend/ Relative
9. Coemployee
10. Supervisor/ Employer

11. Other (please explain) _____

Questions about shifts and available hours

Now we're going to ask about shifts and available hours at this business.

NAME: HONBIZHRS

Please indicate this business' hours of operation in the following table. If this business opens and closes more than once per day, please list the earliest opening time and the latest closing time.

	Opening time (ex: 5:00AM)	Closing time (ex: 9:00PM)
Monday	<input type="checkbox"/>	<input type="checkbox"/>
Tuesday	<input type="checkbox"/>	<input type="checkbox"/>
Wednesday	<input type="checkbox"/>	<input type="checkbox"/>
Thursday	<input type="checkbox"/>	<input type="checkbox"/>
Friday	<input type="checkbox"/>	<input type="checkbox"/>
Saturday	<input type="checkbox"/>	<input type="checkbox"/>
Sunday	<input type="checkbox"/>	<input type="checkbox"/>

NAME: HONNUMSHFT

On average, how many shifts do you schedule per day, and on average how many employees do you schedule per shift?

	Number
Shifts per day	<input type="checkbox"/>
Employees per shift	<input type="checkbox"/>

NAME: HONLENSHFT

What is the length of a typical shift?

- null _____

NAME: ANNSCNEEDS

Do scheduling needs/demand change based on any of the following? (Select all that apply)

1. Seasonal fluctuations
2. Special events (ex: wedding, sporting event, staff recognition, etc.)
3. Weather
4. Tourism
5. Customer requests
6. Other _____

Questions about Scheduling Practices

Now we're going to ask questions about how the business schedules employees.

NAME: ANNDAYSSC

How many days are included in each scheduling period?

START LOGIC

NAME: ANSSOFT

Does this business use software for scheduling, human resources or workforce management tasks? (ex: posting and updating employee schedule)

1. Yes
2. No (TO: ANNNOTFYSC)

NAME: ANESOFTKND

What kind of software do you use?

1. Simple platform (ex: Microsoft Excel or Google Sheets)
2. Programs that achieve complex tasks like forecasting (ex: ShiftPlanning, Kronos, etc.)
3. Other _____

NAME: ANNSOFTFTR

Please indicate the importance of the following software features for this business, where 1= most important and 5= least important.

	1- Least important	2- Somewhat unimportant	3- Neutral	4- Somewhat important	5- Most important	N/A
Convenience for you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Efficiency for you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allows employees to check schedule online	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allows employees to change their schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allows employees to swap shifts with each other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allows immediate schedule updates	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allows employee tracking (ex: clock in times, truancy, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Creates demand forecasts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LOGIC FROM: ANSSCSOFT

NAME: ANNNOTFYSC

How do you notify employees of their schedule? (Select all that apply)

1. Posted in business
2. Website/App
3. Email
4. Text message
5. Other _____

NAME: ANNDAYSADV

How far in advance of the first scheduled shift are employees usually given their work schedule?

1. One day or less
2. 2 to 3 days
3. 4 to 6 days
4. Between 1 and 2 weeks
5. Between 3 and 4 weeks
6. More than 4 weeks
7. Other _____

NAME: PRNTRU4BIZ

Please indicate if any of the following are true for this business and types of staff. (Select all that apply)

	True for full time staff	True for part time staff	True for on-call staff	Not true for any employees	N/A
Employees may specify their availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees may select / approve the shifts they work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees are scheduled based on a forecast of demand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees may swap shifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees may limit their availability to work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees may pick up additional hours of work	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shifts/ hours available vary because of corporate goals or limits (ex: a customer to employee ratio, sales goals, quota, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When hired, employees are guaranteed a minimum number of work hours per week	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When hired, employees are given an estimate of the number of hours they will work per week	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Before hiring new part time staff, current part time staff are given preference to work more hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

START LOGIC

NAME:

Does this business ask at least some employees to be available at certain times in case they are needed to work ("On-call")? On-call employees must be available at the time they are listed on the schedule as backups, but may not necessarily work that shift.

1. Regularly (every week)
2. Occasionally (less than once a week)
3. Only at the employee's request
4. Never (TO: OCSONCALL)

NAME: OCNCALLIN

How often in the past two weeks have you called on-call employees in to work shifts?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME: OCNCOMPENS

Do employees receive any form of recognition (for example, extra compensation) for agreeing to be "on-call?"

1. No
2. Yes, please explain: _____

NAME: OCNREFUSE

Can employees refuse or request to not work on-call shifts?

1. Yes
2. No

NAME: OCNREACT

If a new regulation were to require paying an additional one to four hour(s) of pay at a regular rate to employees who are on-call but not called in to work, how would you react?

1. Stop scheduling any employees on-call
2. Have employees who would have been on-call come to work.
3. Continue to keep employees on-call
4. I'm not really sure
5. Other _____

LOGIC FROM: OCSONCALL

NAME: SSMSPLIT

TO:

Does this business schedule employees to work more than one shift per day with a unpaid break between the shifts ("split shifts")? A split shift is two separate shifts on the same day with an unpaid break in between that is not a regular break.

1. Regularly (every week)
2. Occasionally (less than once a week)
3. Only at the employee's request
4. Never (TO:)

NAME: SSNOFTEN

How often in the past two weeks has an employee worked a split shift?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME: SSNHOURS

On average, how many hours are between split shifts?

NAME: SSNREFUSE

Can employees refuse or request to not work split shifts?

1. Yes
2. No

NAME: CLNCLOPENS

Does this business schedule employees to work a closing shift and the very next opening shifts ("clopening")?

1. Regularly (every week)
2. Occasionally (less than once a week)
3. Only at the employee's request
4. Never

NAME: CLNOFTEN

How often in the past two weeks were employees scheduled to work a closing shift and the very next opening shift?

1. Never
2. Once
3. 2-3 times
4. 3-5 times
5. More than 5 times

NAME: CLNHOURS

How many hours are there between closing and opening shifts, on average?

NAME: CLNREFUSE

Can employees refuse or request to not work a closing shift and the very next opening shift?

1. Yes
2. No

NAME: CLNREACT

If a new regulation were to require businesses to pay additional hour(s) of pay at the regular rate to employees who work a closing shift and the very next opening shift, how would you react?

1. Stop scheduling any employees to work a closing shift and the very next opening shift
2. Reduce this scheduling practice but maintain it as an option for last resort
3. Continue to schedule employees in this way, with no change of frequency
4. I'm not really sure
5. Other _____

Schedule Changes

We are now going to ask about changes to the schedule, how often they occur, who initiates the change and how they affect operations.

NAME: CSNFACTORS

What are the main factors that can cause the schedule to be posted less than one week before the first scheduled shift?

1. Waiting for staff forecasts and notices of demand (from software or another department of the business)
2. Waiting for information from supervisors (including scheduled inventories, sales, events, etc.)
3. Waiting for time-off requests from employees
4. Employee hiring, training or firing
5. Spontaneous events (including Acts of God, weather, customer requests, etc.)
6. Not applicable: we never post schedules less than one week before the first scheduled shift
7. Other _____

NAME: ANNNOTICE

In the past two weeks, what is the shortest amount of notice you've given an employee about a shift they've been scheduled to work for any reason?

1. Less than 12 hours
2. Less than one day/ 24 hours
3. 2-4 days
4. 5-6 days
5. One week
6. More than one week
7. Other _____

NAME: RRNREQUEST

Does this business have a policy for receiving and approving requests for time off or changes to the schedule?

1. Yes
2. No

NAME: RRNBEORE

What is your policy if an employee requests time off before the schedule is posted?

NAME: RRNAFTER

What is your policy if an employee requests time off after the schedule is posted?

NAME: CSNCONSIDR

When an employee asks for a change in the schedule, how important are the following considerations when deciding whether to make the requested change to the schedule? Please rate these in terms of importance where 1= Very unimportant and 5= Very important

	1- Very unimportant	2- Somewhat unimportant	3- Neutral	4- Somewhat important	5- Very important	N/A

Employee's health and well-being	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee's output and productivity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employee's history of being on time or truancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The request was made far enough in advance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The changes may inconvenience other employees or managers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The employee frequently requests time off	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The request went against a company policy on availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The order you received the request in (before or after other employees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The request just wasn't for a good reason	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Whether you have staff who could cover the hours	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It would be costly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
It would negatively affect customer service or demand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAME: CSNSCCHNGE

On average, how often are changes to the schedule made by this group or person? Please give your approximate % of how often this occurs. (ex: half of schedule changes are employee requests = 50%)

1. Employee initiated (BEFORE schedule is posted) _____(0 - 100)
2. Employee initiated (AFTER the schedule is posted) _____(0 - 100)
3. Manager initiated (BEFORE the schedule is posted) ex: know of incoming inventory _____(0 - 100)
4. Manager initiated (AFTER the schedule is posted) _____(0 - 100)

NAME: CSNMGRREQ

In the past two weeks, did you make any changes to the schedule after it was posted not at an employee's request? If your location was closed last week, please think back to the most recent full week.

1. Yes
2. No

NAME: CSNMGREX

Thinking of the most recent schedule change you made, which of the following best describes this change?

You:

1. Offered them the opportunity to leave early or decrease their hours and they accepted
2. Sent them home early or decreased their hours, not at their request
3. Offered them the opportunity to stay late or increase their hours and they accepted
4. Required them to stay late or increased their hours, not at their request
5. Other _____

NAME: CSNEMPREQ

In the past two weeks, did you make any changes to the schedule after it was posted due to an employee's request? If your location was closed last week, please think back to the most recent full week.

1. Yes
2. No

NAME: CSNEMPEX

In the past two weeks, how did you respond to last minute changes to the schedule that were requested by an employee? (Select all that apply)

1. Asked employee to find a substitute
2. Called in a substitute yourself
3. Offered other employees a chance to voluntarily pick up additional hours
4. Operated business without a substitute
5. Covered the employees hours yourself
6. I did not need to respond to last minute changes in the schedule
7. Other _____

CSNEMPCALL

In the past two weeks, have any employees called off during the same day they were scheduled to work for the following reasons? (Select all that apply)

1. They were sick
2. They needed to care for a sick child
3. They needed to care for a sick partner or spouse
4. They needed to help an elderly family member
5. Their childcare fell through or changed
6. They had transportation problems (ex: Their car broke down or their ride fell through.)
7. Their school schedule conflicted with their work schedule (ex: They had to complete an assignment or attend a study group or lab)
8. They needed to do something related to their children's education (ex: They had a meeting with a teacher)
9. They had a conflict with a second job (ex: They had to stay late or to work a different day)
10. They had a family emergency
11. They wanted to attend an event or spend time with a friend
12. They were a no show (ex: the employee didn't call ahead to give a reason)
13. No employees called off the same day they were scheduled
14. Other _____

NAME: CSNEMPCHNG

To what extent are the following situations a problem for you? Please rate these situations in terms of how much of a problem they are for you, where 1- Not a problem (doesn't happen or is not disruptive)

2- Somewhat of a problem (happens less than once a month and is easy to adjust)

3- Neutral

4- Somewhat of a problem (happens once every two weeks or is moderately disruptive)

5- Serious problem (happens once a week or more or is highly disruptive).

	1- Not a problem	2- Somewhat of a problem	3- Neutral	4- Somewhat of a problem	5- Serious problem	N/A
An employee calls in at the last minute to cancel a shift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The same employee constantly requests changes to the schedule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An employee is late to their shift, causing a gap in coverage or for another employee to stay late	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An employee is a no-call no-show for a shift	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not enough employees sign up for available shifts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NAME: CSNEMPCAN

In the past two weeks, has there been an instance where one employee canceled a shift after it was posted and a different employee picked up that shift?

1. Yes
2. No

NAME: CSNEMPCAND

Thinking back to the most recent instance where one employee canceled a shift and another employee picked up that shift, please indicate which characteristics apply to the two employees.

	The employee who canceled the shift	The employee who picked up the shift	N/A
Female	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Under 22 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parent with children at home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Part-time employee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

About the Business

We're now going to ask some questions about the business. Please answer as completely as you can. If you don't know the answer, you may make an educated guess or leave the question blank.

NAME: DMNBIZLOC

In which neighborhood(s) is this business located? For businesses with multiple locations, please identify only those locations where you schedule employees.

1. Admiral
2. Alki
3. Ballard
4. Beacon Hill
5. Belltown
6. Blue Ridge/North Beach
7. Broadmoor
8. Broadview
9. Bryant
10. Capitol Hill
11. Central District
12. Columbia City
13. Crown Hill
14. Denny-Blaine
15. Downtown
16. Eastlake
17. Fauntleroy
18. First Hill
19. Fremont
20. Georgetown
21. Green Lake
22. Greenwood
23. Haller Lake
24. Hawthorne Hills
25. International District

26. Junction
27. Lake City
28. Laurelhurst
29. Leschi
30. Loyal Heights
31. Madison Park
32. Madison Valley
33. Madrona
34. Magnolia
35. Maple Leaf
36. Matthews Beach
37. Montlake
38. Mount Baker
39. Northgate
40. Phinney Ridge
41. Pioneer Square
42. Queen Anne
43. Rainier Beach
44. Ravenna
45. Roosevelt
46. Seward Park
47. South Lake Union
48. South Park
49. U-District
50. View Ridge
51. Wallingford
52. Wedgwood
53. Westlake
54. Whittier Heights
55. Windermere
56. Other _____

NAME: DMNROLE

What is your role in this business?

1. Owner
2. CEO/ COO
3. Human Resources Staff
4. Director of Operations
5. IT
6. Manager
7. Assistant Manager
8. Lead Associate
9. Other _____

NAME: DMNBIZNUM

How many locations and employees does this business have in Seattle and worldwide?

	Seattle	Worldwide
Number of locations	<input type="checkbox"/>	<input type="checkbox"/>
Number of employees	<input type="checkbox"/>	<input type="checkbox"/>

NAME: DMNBIZTYPE

Is this business one of the following?

1. Global chain (one business has locations worldwide)
2. National chain (one business has locations in more than one state)
3. Local chain (one business has locations within Washington state)
4. Global franchise (independent businesses located worldwide with a shared brand)
5. National franchise (independent businesses located in more than one state with a shared brand)
6. Local franchise (independent businesses located in Washington state with a shared brand)
7. Small business (with only one location)
8. Unsure
9. Other (please explain) _____

NAME: DMNBIZIND

How would you classify the industry of this business?

1. Restaurant - Fast Food (ex: McDonalds)
2. Restaurant - Full Service (ex: Applebees)
3. Restaurant - Mobile (ex: food truck)
4. Restaurant - Bar
5. Restaurant - Coffee shop (ex: Starbucks)
6. Food Service - Other
7. Retail - Grocery (ex: QFC)
8. Retail - Clothing (ex: Macy's)
9. Retail - General (ex: Target, Fred Meyer, Bartells)
10. Retail - Specialty (ex: bookstore)
11. Personal Services (ex: dry-cleaners, nail salon, etc.)
12. Nonprofit
13. Other _____

NAME: DMNNAICS

If you know the NAICS code for this business, please enter it here.

NAME: EMDUNION

Does this business employ unionized employees?

1. Yes
2. No

NAME: DMNOWNER

The City of Seattle is concerned with issues of equity.

Is this business owned or jointly owned by...

	Yes	No
A woman	<input type="checkbox"/>	<input type="checkbox"/>
A minority	<input type="checkbox"/>	<input type="checkbox"/>

NAME: EMNBEN

What fringe benefits are available to full-time employees at this business? (Select all that apply)

1. Health insurance
2. 401(k) or other "defined contribution" retirement
3. Pension or other "defined benefit" retirement
4. Reimbursement/"flex" accounts
5. Product/service discounts
6. Transportation (ex: ORCA card)
7. Other (please describe) _____

NAME: EMNBENHOUR

How many hours do employees need to work to receive benefits (health insurance, etc)?

NAME: PTNWAGEPAR

Do part-time employees receive the same starting hourly wage rate as a full-time employee working in the same position?

1. Yes
2. No
3. Not Applicable

NAME: PTNBENPAR

Do part-time employees receive the same benefits as a full-time employee working in the same position?

1. Yes
2. No
3. Not Applicable

NAME: EMNMGREVAL

What aspects of scheduling go into evaluation of a shift manager's performance at this business?

1. Quality of customer service
2. Time of transaction (ex: how long is the time from when a customer orders to when they receive their good)
3. Having a lean staff (ex: there aren't extra employees working slow shifts)
4. Staff productivity (ex: increasing output per employee)
5. Other _____

Hypothetical scenarios

NAME: CVDSTAFF

Imagine a scenario where a new regulation required you to provide employees with advance notice and pay an hourly premium for work shifts scheduled on short notice.

In this scenario, I would be inclined to...

1. Increase staffing levels
2. Keep staffing levels the same
3. Reduce staffing levels
4. I wouldn't really know what to do

NAME: CVDHEADCNT

Imagine a scenario where a new regulation required you to provide employees with advance notice and pay an hourly premium for work shifts scheduled on short notice.

In this scenario, I would be inclined to...

1. Shift towards a lower headcount with more hours per employee
2. Keep hours per employee about the same
3. Shift towards a higher headcount with fewer hours per employee
4. I wouldn't really know what to do

NAME: COMMENTS

Please provide any other comments about scheduling in the space below.

The first 500 people to complete this survey will receive a \$5 gift card. To receive this, you must provide your e-mail address. Your email address will NOT be linked to your answers to this survey. It will take one business day to process your gift card.

NAME: RAFFLE

Do you want to be entered to win an Amazon gift card?

1. Yes
2. No

Appendix IV: Focus Groups

The VM&E research team conducted a series of focus groups with both employees and business leaders to further examine the themes that emerged from the survey responses. Focus groups are often used in partnership with quantitative surveys because they can provide a greater depth of knowledge than surveys can. We presented the major trends and themes that emerged from the surveys to small groups of employees and business leaders to help understand the survey results more deeply. The discussion surrounding the emerging trends and themes helped us to 1) confirm that the survey results made sense, and 2) understand the reasons why survey participants responded in the way that they did.

A total of three focus groups were conducted by the research team; two in Seattle – one with shift employees and one with business leaders, and one in San Francisco with shift employees affected by the Retail Workers Bill of Rights.

Recruitment

Shift employees in both Seattle and San Francisco were recruited through a Craigslist ad posted under Job Opportunities. Interested individuals were instructed to fill out an online form to determine eligibility and to ensure participants reflected key demographic groups, including both retail and restaurant employees and those with dependent children. These groups were meant to mirror the survey respondents in Seattle and city demographics in San Francisco.

On the online form, Seattle employees were asked to indicate their eligibility by providing their age, whether their primary job is in Seattle, whether they are paid by the hour at their primary job, and whether their work schedule either varies from week to week or can be changed by their employer on short notice. Respondents were also asked to indicate the industry of their primary job (either restaurant, other food service, or retail), how many people are employed at their workplace, and whether they have any children. Respondents also provided an email which the research team could use to contact them with follow-up information.

San Francisco employees were additionally asked whether the San Francisco Retail Workers Bill of Rights applies to their company, how many workers their company employs in San Francisco, and whether their company has more than 40 locations globally. To confirm participation, a VM&E analyst called each interested focus group participant to go over participation details. During this call, the analyst asked the name of the company they worked for to determine if the San Francisco Retail Workers Bill of Rights applied to their workplace. Employees were not obligated to share where they worked and the analyst did not write down the names of the companies.

Business leaders were recruited through targeted emails to several business groups, including the Seattle Metropolitan Chamber of Commerce, Washington Retail Association, and contacts from the City of Seattle's business stakeholder group. Interested individuals were instructed to fill out an online form to ensure a diverse set of business participants by industry, business size, and business model (e.g.: franchises, chains, etc.).

On the online form, business leaders were asked to indicate their eligibility by providing information about whether their business has employees in Seattle who work shifts and have

schedules that vary from week to week. They were also asked to indicate the industry of their business, whether it is a chain, franchise, or small business, how many people are employed by the business in Seattle and nationwide, and how many locations the business has in Seattle and nationwide. Respondents also provided their role in the business and an email used to contact them with follow-up information.

After receiving responses from both employees and business leaders, the research team followed up with a selection of respondents through email. The respondents were selected to be representative of both retail and restaurant businesses as well as a range of business sizes and models (e.g: franchise, chain, etc.). Employees with dependents were also specifically targeted. The VM&E research team aimed for a maximum number of 10 participants in each focus group. Assuming attrition, we confirmed 13 participants for each focus group. In total, 10 employees (including five from San Francisco and five from Seattle) and 10 business leaders participated in the focus groups. The low turnout for the employee focus groups was due to cancellations the day before or day of the focus group, as well as no-shows. As much as we were able, we attempted to contact other interested employees to replace those who let us know that they were not able to attend. One Seattle business leader who was unable to attend the focus group was interviewed individually using the same questions that were used in the business leader focus group. One San Francisco employee who was unable to attend the focus group was interviewed individually using the same questions that were used in the San Francisco employee focus group.

Logistics

Each focus group was facilitated by a different member of the VM&E research team, with another member of the team acting as the co-facilitator and note-taker. The focus group discussions were recorded to ensure accuracy in reporting.

Locations were identified for convenience and accessibility. In San Francisco, the employee focus group was held at the Impact Hub in Downtown San Francisco. In Seattle, the business leader focus group was held at the Impact Hub, the research team's center of operations in Pioneer Square. The employee focus group was held at the Japanese Cultural and Community Center of Washington in the southern part of the Central District.

In order to incentivize participation in the focus groups, and thank participants for their time, we offered each employee participant a \$30 Amazon gift card. In San Francisco, we offered a \$50 Amazon gift card. A light meal was provided at each focus group. Childcare was offered at both of the employee focus groups to ensure people with dependents could participate, but no participants requested it.

Design

Focus group guides were prepared for each group. These guides were tailored to the individual purposes of each group, but the major lines of questioning were kept consistent. Each guide is provided in full at the end of this appendix. In general, the discussion covered four topics: Advanced notice of schedules, last minute schedule changes and predictability pay, minimum rest, and part-time parity. The San Francisco focus group also covered awareness of the San Francisco Retail Workers Bill of Rights and what changes and impacts have resulted from its implementation.

Potential probing questions were provided related to each major line of questioning. Depending on the conversation, members of the research team asked additional questions to follow-up on new themes or confirm repeated themes across focus groups, especially in the Seattle employee focus group, which was held last.

A script was developed to establish guidelines for the discussion and inform participants of their ability to discontinue participation in the focus group at any time. Participants were also informed about the audio recording of the discussions, and how the research team planned to protect the anonymity of the participants. Before beginning the audio recording, each participant provided verbal consent to the recording.

Analysis

After each focus group, the research team met to summarize and discuss the themes that came out of the discussions. The facilitator of each focus group was charged with providing an overview of the discussion and relevant quotations. During report writing, the focus group data was synthesized with the survey results, providing illuminating examples or adding to our understanding of the survey trends.

Focus Group Guides

Employee Focus Group Guide

Warm-up questions

1. On average, do you end up working all of the shifts that you're scheduled for?
2. What is your relationship like with your scheduling manager/boss?
3. What do you like about your schedule?
 - Business owners say that they hear from their employees that they like the flexibility and the variability. Is that true for you?
 - What do you value in a flexible work schedule?
 - Are there examples when flexibility has worked for you? Where flexibility has not worked?

Topic 1: Advanced Notice

Survey results: Both managers and employees said that they provide/get their schedules 1-2 weeks in advance on average.

Do you get your schedule two weeks in advance?

- How has it affected your life?
- How does not knowing your schedule impact other areas of your life?
- Most employees say that they're not actually on call – but do you wait to get your schedule?
- If you like picking up extra shifts, is that the same as being on-call or is that different?

How would getting your schedule 14 days in advance impact you?

- What problems does short scheduling notice cause? Would this fix those problems?
- What if you had to request work off earlier?

Topic 2: Last minute schedule changes & predictability pay

Survey results: Last minute schedule changes were about 50/50 employee request vs employer initiated. Most common change was sending someone home early.

- How big of a problem are last-minute schedule changes for you?

- What's the shortest notice you've been given for a shift?
- Working late/being sent home early – how many hours do you end up working? (less than 2 may not be applicable for predictability pay)

If there were some sort of predictability pay mandated for schedule changes, how would that affect you?

- What are your thoughts on determining employee-initiated vs. employer-initiated?
- If you are asked to stay late, how would you know if you were getting the pay? How far would you go? What would you do? Would you call Office of Labor Standards?
- If you had concerns that you were not getting the right pay, what would you do?
- Businesses say they wouldn't be able to be as flexible. How would that affect you?

In your opinion, what is fair compensation for a last-minute schedule change?

Topic 3: Minimum Rest

Survey results: Average time of rest between shifts was around 10 hours, but the most common response was 8 hours. About 70% of employees have worked a “clopening”, about a third were required to, and about a fifth felt that they were required to.

How would a “right to rest” policy with a required number of hours between closing and opening shifts impact you?

Business owners said they might stop scheduling “clopenings”. How would that affect you?

Topic 4: Part-time parity

Survey results: About half of respondents were part time and half were full time employees.

About a third of employees said they would prefer to work more. From our manager survey, most businesses offer both full and part time employees estimates of the hours they will work but it was more common for full time employees to have a minimum number of guaranteed hours. Almost half of the managers said that their business gives part-time staff the opportunity for more hours before hiring new staff.

Do you work part or full time?

- Are you part time by choice?
- Would you like to work more hours? Have you had a problem getting enough hours? What is the reason you've been given that you can't work more hours?
- At your job, do you feel like your employer/manager offers part-time staff more hours before hiring another employee?

How would a mandate that offers of additional hours go to existing part-time employees before new employees can be hired impact you?

Final Questions

Suppose that you had one minute to talk to City officials about scheduling – what would you say?

- If you could write the law, what would you include? What would you not include?

Is there anything we've missed?

Business Leader Focus Group Guide

Topic 1: Advanced Notice

Survey results: Both managers and employees said that they provide/get their schedules 1-2 weeks in advance on average.

What would it look like for your business to schedule 14 days / 2 weeks in advance?

Topic 2: Minimum Rest

Survey results: Average time of rest between shifts was around 10 hours but the most common response was 8 hours. More than 2/3 of managers said that they scheduled people at least occasionally (less than once a week) to work a closing shift and the next opening shift. Nearly half

of these instances were at the employees' request. About 70% of managers reported scheduling a "clopening" in the past two weeks.

How would your business respond to a "right to rest" policy with a penalty fee if an employee had less than XX hours of rest between shifts?

The most common survey response was to stop or reduce this practice. What would that mean for your business?

Topic 3: Last minute schedule changes & predictability pay

Survey results: Last minute schedule changes were about 50/50 employee request vs employer initiated. Most common change was sending someone home early or a reduction in hours. 1 in 5 scheduling managers said they've scheduled someone for a shift with less than 24 hours notice within the past two weeks.

If there were some sort of predictability pay mandated for these kinds of changes, how would your business respond? Why?

In your opinion, what kinds of changes merit exemption?

- Threat to property or employees
- "Acts of God"
- Public utilities fail

In your opinion, what is fair compensation for a last-minute schedule change?

Topic 4: Part-time parity

Survey results: From our employee survey, about half of respondents were part time and half were full time employees. ~30% of part time employees said they would prefer to work more. From our manager survey, most businesses offer both full and part time employees estimates of the hours they will work but it was more common for full time employees to have a minimum number of hours they would work. Almost half of the managers said that their business gives part time staff the opportunity for more hours before hiring new staff.

What are reasons for offering or not offering PT staff more hours?

Would scheduling policies change any hiring, performance review or promotion practices for your business?

- What characteristics of employees would you look for in new hires?
- What are more risky characteristics for your workforce?

Final Questions

What matters most to your business for the City's consideration on this issue?

San Francisco Employee Focus Group Guide

Warm-up questions

On average, do you end up working all of the shifts that you're scheduled for?

- Why not? What happens?
- Tell me about when you didn't work the times that you were scheduled for
- Have you ever had to make special accommodations because of scheduling changes?

What is your relationship like with your scheduling manager/ boss?

One thing that we constantly hear is that schedule flexibility matters. Is flexibility important to you?

- What do you value in a flexible work schedule?
- Are there examples when flexibility has worked for you? Where flexibility has not worked?

Topic 1: SF Retail Workers Bill of Rights

Before speaking with me, what did you know about the SF Retail Workers Bill of Rights?

Where did you hear information about the ordinance?

- If it was media, what kind? How was it talked about? What were your feelings/ thoughts when you heard?
- Did your boss ever communicate about the ordinance? How?

Topic 2: Changes from before to after ordinance in place

Think about your job last year - June 2015. How many people currently work at the same job?

Do you still receive your schedule in the same way?

For those who remember when your company started following the law, what (if anything) changed at your job?

Did anything change in your personal life because of your work schedule?

Topic 3: Parts of the Law

Advance Notice: Do you get your schedule two weeks in advance?

- Are there more or less changes to your schedule now?
- How has receiving two weeks notice affected your life?
- How has receiving two weeks notice affected your work culture?

Predictability pay: Does anyone know what predictability pay is?

- Has anyone ever received this additional wage?
- How have additional wages affected your personal life?

Last minute schedule changes: Has anyone else been asked to “volunteer to take a shift”?

- What was your experience?
- How would you react if your boss asked you to volunteer to work a shift?
- What are your thoughts on determining employee-initiated vs. employer-initiated?

Part-time parity: Is anyone currently a part-time employee (meaning you work less than 35 hours per week)?

- Are you part-time by choice? Do you have access to additional hours if needed?
- Have you, or co-workers, who work part-time experienced problems with getting scheduled for additional hours?
- *Under the ordinance, companies must offer additional hours to part-time employees before hiring a new employee.* In practice, is this happening? How does your company announce when new positions are available?

Final Questions

How has the law affected scheduling changes?

How has the law affected or changed your flexibility?

Given what you’ve learned, what do you like? What do you not like?

If you could write the law, what would you include? What would you not include?

Appendix V: Interviews by date, role, industry and location

- 3.26.16, Government affairs liaison of a national quick service chain, Seattle
- 4.13.16, Former executive of a national quick service chain, Seattle
- 4.20.16, Former leader of a national quick service chain, Seattle
- 4.21.16, Executive director of labor advocacy group, San Francisco
- 4.21.16, Former assistant director of an advocacy group, Bay Area
- 4.25.16, Executive of a small business advocacy group, Seattle
- 5.10.16, President of retail group, California (statewide)
- 5.17.16, Lead researcher for scheduling research-based center, San Francisco
- 5.18.16, Office of Labor Standards and Enforcement, San Francisco
- 5.19.16, Policy liaison for San Francisco business group, San Francisco
- 5.23.16, Executive and government affairs liaison of retail affiliation group, Seattle
- 6.1.16, Executive director of labor group, Bay Area
- 6.2.16, Policy liaison of service group, San Francisco
- 6.3.16, Government affairs liaison of a national retail chain, Seattle
- 6.20.16, Executive and human resources director of a large local restaurant, Seattle
- 6.21.16, Human resources director of a national retail chain, Seattle
- 6.21.16, Business associate of a local food service nonprofit, Seattle
- 6.21.16, Former operations manager for national retail store, San Francisco

Appendix VI: Additional cross-tabulations

Table VI.1: Scheduling and parenting/childcare responsibilities

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	4.9%	7.6%	87.5%
Gender ($\chi^2 = 22.5, p=0.094$, marginally significant differences)			
Female	6.3%	8.0%	85.7%
Male	3.8%	6.9%	79.3%
Other	4.2%	8.3%	87.5%
No response	2.4%	9.5%	88.1%
Race ($\chi^2 = 101.7, p<0.001$, significant differences)			
White	5.5%	4.0%	90.5%
African-American	11.1%	16.7%	72.2%
Latino	0%	23.9%	76.1%
Asian/Pac. Isl.	1.1%	11.1%	87.8%
Other	6.4%	10.3%	83.3%
No response	2.9%	7.4%	89.7%
Language spoken at home ($\chi^2 = 120.3, p<0.001$, significant differences)			
English	4.7%	5.6%	89.7%
Spanish	3.3%	40%	56.7%
Chinese	6.9%	24.1%	51.7%
Other	40%	0%	60%
Birthplace ($\chi^2 = 34.2, p<0.001$, significant differences)			
United States	4.8%	6.6%	88.6%
Elsewhere	4.1%	14.3%	81.2%
Industry ($\chi^2 = 62.4, p<0.001$, significant differences)			
Food service	1.4%	8.4%	90.2%
Retail	6.2%	6.2%	87.6%
Other	10.3%	8.2%	81.5%
Employer size (number of Seattle employees; $\chi^2 = 121.2, p<0.001$, significant differences)			
Under 10	1.6%	6.2%	91.2%
10-25	4.4%	5.2%	90.4%
26-99	3.2%	8.6%	88.2%
100-249	4.8%	9.6%	85.6%
250-499	7.1%	7.1%	85.8%
500 or more	10.5%	4.5%	85.0%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.2: Scheduling and family and home life

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	8.6%	24.4%	67.0%
Gender ($\chi^2 = 28.73$, $p = 0.017$, significant differences)			
Female	9.4%	26.5%	64.1%
Male	6.9%	21.9%	71.2%
Other	20.9%	33.3%	45.8%
No response	7.1%	21.4%	71.5%
Race ($\chi^2 = 60.07$, $p < 0.001$, significant differences)			
White	7.5%	26.4%	66.1%
African-American	10.8%	18.9%	70.3%
Latino	6.7%	24.4%	68.9%
Asian/Pac. Isl.	5.6%	22.2%	72.2%
Other	7.7%	30.8%	61.5%
No response	15.9%	14.5%	69.6%
Language spoken at home ($\chi^2 = 43.14$, $p < 0.001$, significant differences)			
English	8.1%	25.2%	66.7%
Spanish	16.7%	23.3%	60.0%
Chinese	6.9%	20.7%	72.4%
Other	20.0%	0.0%	80.0%
Birthplace ($\chi^2 = 13.4$, $p = 0.020$, significant differences)			
United States	8.5%	25.2%	66.0%
Elsewhere	9.3%	21.7%	69.0%
Industry ($\chi^2 = 46.8$, $p < 0.001$, significant differences)			
Food service	5.3%	21.9%	72.8%
Retail	10.9%	28.7%	60.4%
Other	12.6%	25.9%	61.5%
Employer size (number of Seattle employees; $\chi^2 = 121.2$, $p < 0.001$, significant differences)			
Under 10	1.6%	6.3%	92.1%
10-25	4.4%	5.2%	90.4%
26-99	3.2%	8.6%	88.2%
100-249	4.8%	9.6%	85.6%
250-499	7.1%	7.1%	85.8%
500 or more	10.5%	4.5%	85.0%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.3: Scheduling and ability to pay bills

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	10.3%	16.4%	73.3%
Gender ($\chi^2 = 21.4$, $p = 0.123$, no significant differences)			
Female	10.5%	18.0%	71.5%
Male	8.8%	15.4%	75.8%
Other	20.8%	12.5%	66.7%
No response	14.3%	16.7%	69.0%
Race ($\chi^2 = 32.6$, $p = 0.142$, no significant differences)			
White	8.5%	15.3%	76.2%
African-American	18.9%	27.0%	54.1%
Latino	17.8%	20.0%	62.2%
Asian/Pac. Isl.	9.0%	16.9%	74.1%
Other	8.9%	19.0%	72.1%
No response	13.2%	13.2%	73.6%
Language spoken at home ($\chi^2 = 30.6$, $p = 0.010$, significant differences)			
English	9.6%	16.6%	73.8%
Spanish	23.3%	20.0%	56.7%
Chinese	14.3%	14.3%	71.4%
Other	16.7%	0.0%	83.3%
Birthplace ($\chi^2 = 10.3$, $p = 0.066$, marginally significant differences)			
United States	9.9%	15.9%	74.2%
Elsewhere	13.4%	20.6%	66.0%
Industry ($\chi^2 = 46.0$, $p < 0.001$, significant differences)			
Food service	8.5%	15.7%	75.8%
Retail	11.0%	17.6%	71.4%
Other	13.0%	16.4%	70.6%
Employer size (number of Seattle employees; $\chi^2 = 121.2$, $p < 0.001$, significant differences)			
Under 10	1.6%	6.3%	92.1%
10-25	4.4%	5.2%	90.4%
26-99	3.2%	8.6%	88.2%
100-249	4.8%	9.6%	85.6%
250-499	7.1%	7.1%	85.8%
500 or more	10.5%	4.5%	85.0%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.4: Scheduling and health

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	10.6%	19.8%	69.6%
Gender ($\chi^2 = 24.3$, $p = 0.061$, marginally significant differences)			
Female	9.4%	21.8%	68.8%
Male	10.6%	19.1%	70.3%
Other	25.0%	12.5%	62.5%
No response	9.8%	12.2%	78.0%
Race ($\chi^2 = 32.0$, $p = 0.159$, no significant differences)			
White	9.6%	20.4%	70.0%
African-American	18.9%	10.8%	70.3%
Latino	17.8%	17.8%	64.4%
Asian/Pac. Isl.	5.6%	20.0%	74.4%
Other	9.0%	28.2%	62.8%
No response	13.2%	14.7%	72.1%
Language spoken at home ($\chi^2 = 22.1$, $p = 0.105$, no significant differences)			
English	10.6%	19.0%	70.4%
Spanish	20.0%	33.3%	46.7%
Chinese	6.9%	31.0%	62.1%
Other	20.0%	0.0%	80.0%
Birthplace ($\chi^2 = 7.3$, $p = 0.197$, no significant differences)			
United States	17.7%	5.1%	77.2%
Elsewhere	9.2%	9.2%	81.6%
Industry ($\chi^2 = 27.2$, $p = 0.027$, significant differences)			
Food service	7.5%	18.9%	73.6%
Retail	11.4%	21.5%	67.1%
Other	17.2%	19.3%	63.5%
Employer size (number of Seattle employees; $\chi^2 = 24.8$, $p = 0.474$, no significant differences)			
Under 10	12.3%	20%	67.7%
10-25	14.2%	18.7%	67.1%
26-99	5.4%	21.9%	72.7%
100-249	13.9%	18.2%	67.9%
250-499	9.1%	21.8%	69.1%
500 or more	11.8%	16.2%	72%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.5: Scheduling and ability to take classes

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	11.5%	13.0%	75.5%
Gender ($\chi^2 = 26.6$, $p = 0.032$, significant differences)			
Female	11.1%	15.2%	73.7%
Male	12.0%	10.4%	77.6%
Other	12.5%	16.7%	70.8%
No response	11.9%	14.3%	73.8%
Race ($\chi^2 = 62.5$, $p < 0.001$, significant differences)			
White	8.3%	12.8%	78.9%
African-American	24.3%	16.2%	59.5%
Latino	13.3%	24.4%	62.3%
Asian/Pac. Isl.	10.1%	10.1%	79.8%
Other	15.2%	13.9%	70.9%
No response	17.4%	10.1%	72.5%
Language spoken at home ($\chi^2 = 49.0$, $p < 0.001$, significant differences)			
English	10.5%	12.0%	77.5%
Spanish	26.7%	33.3%	73.3%
Chinese	10.7%	7.1%	82.2%
Other	20.0%	0.0%	80.0%
Birthplace ($\chi^2 = 9.4$, $p = 0.093$, marginally significant differences)			
United States	11.0%	13.5%	75.5%
Elsewhere	15.5%	10.3%	74.2%
Industry ($\chi^2 = 37.5$, $p = 0.001$, significant differences)			
Food service	7.8%	12.9%	79.3%
Retail	14.0%	12.2%	73.8%
Other	17.4%	14.6%	68.0%
Employer size (number of Seattle employees; $\chi^2 = 56.5$, $p < 0.001$, significant differences)			
Under 10	9.4%	9.4%	81.2%
10-25	13.2%	14.0%	72.8%
26-99	9.9%	15.8%	74.3%
100-249	11.3%	10.8%	77.9%
250-499	10.9%	16.4%	72.7%
500 or more	14.9%	10.5%	74.6%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.6: Scheduling and the ability to work another job

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	13.6%	16.8%	69.6%
Gender ($\chi^2 = 24.9, p = 0.052$, marginally significant differences)			
Female	14.8%	15.6%	69.9%
Male	13.3%	16.1%	70.6%
Other	12.5%	37.5%	50.0%
No response	11.9%	19.1%	69.0%
Race ($\chi^2 = 26.9, p = 0.362$, no significant differences)			
White	12.4%	16.9%	70.7%
African-American	18.9%	21.6%	59.5%
Latino	15.6%	20.0%	64.4%
Asian/Pac. Isl.	12.5%	12.5%	75.0%
Other	15.4%	21.8%	62.8%
No response	19.1%	13.2%	67.7%
Language spoken at home ($\chi^2 = 29.5, p = 0.014$, significant differences)			
English	13.5%	15.9%	70.6%
Spanish	26.7%	26.7%	46.6%
Chinese	10.7%	21.4%	67.9%
Other	16.7%	16.7%	66.6%
Birthplace ($\chi^2 = 12.1, p = 0.034$, significant differences)			
United States	14.2%	17.2%	68.6%
Elsewhere	12.6%	12.6%	74.8%
Industry ($\chi^2 = 43.9, p < 0.001$, significant differences)			
Food service	10.5%	14.1%	75.4%
Retail	18.9%	18.4%	62.7%
Other	14.7%	21.0%	64.3%
Employer size (number of Seattle employees; $\chi^2 = 31.2, p = 0.183$, no significant differences)			
Under 10	15.6%	17.2%	67.2%
10-25	10.3%	17.7%	72%
26-99	11.5%	15.7%	72.8%
100-249	15.1%	17.8%	67.1%
250-499	12.5%	19.6%	67.9%
500 or more	20.6%	11.8%	67.6%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.7: Scheduling and the ability to pursue hobbies and interests

	Work schedule a serious problem	Work schedule somewhat of a problem	All other responses
All groups	14.4%	22.5%	63.1%
Gender ($\chi^2 = 22.1, p = 0.106$, no significant differences)			
Female	12.4%	24.5%	63.1%
Male	15.4%	20.4%	64.2%
Other	25.0%	37.5%	37.5%
No response	16.7%	16.7%	66.6%
Race ($\chi^2 = 52.2, p = 0.001$, significant differences)			
White	14.1%	22.3%	63.6%
African-American	18.9%	29.7%	51.4%
Latino	13.3%	26.7%	60.0%
Asian/Pac. Isl.	10.0%	17.8%	72.2%
Other	14.3%	37.7%	48.0%
No response	20.6%	10.3%	69.1%
Language spoken at home ($\chi^2 = 37.0, p = 0.001$, significant differences)			
English	14.9%	22.1%	63.0%
Spanish	20.7%	31.0%	48.3%
Chinese	10.7%	21.4%	67.9%
Other	16.7%	0.0%	83.3%
Birthplace ($\chi^2 = 11.1, p = 0.050$, marginally significant differences)			
United States	14.7%	23.2%	62.1%
Elsewhere	13.4%	18.6%	68.0%
Industry ($\chi^2 = 52.4, p < 0.001$, significant differences)			
Food service	10.9%	21.1%	68.0%
Retail	18.7%	24.8%	56.5%
Other	16.7%	22.9%	60.4%
Employer size (number of Seattle employees; $\chi^2 = 60.3, p < 0.001$, significant differences)			
Under 10	21.5%	10.8%	67.7%
10-25	13.2%	26.5%	60.3%
26-99	9.4%	23.3%	67.3%
100-249	15.5%	22.0%	62.5%
250-499	16.1%	26.8%	57.1%
500 or more	19.1%	22.1%	58.8%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.8: Hours preference

	Would prefer to work fewer hours	Would prefer to keep hours the same	Would prefer to work more hours
All groups	6.9%	63.1%	30.0%
Gender ($\chi^2 = 8.9, p=0.178$, no significant differences)			
Female	6.3%	59.2%	34.5%
Male	8.2%	66.9%	24.9%
Other	4.2%	70.8%	25.0%
No response	4.8%	61.9%	33.3%
Race ($\chi^2 = 28.8, p=0.001$, significant differences)			
White	5.9%	67.8%	26.3%
African-American	2.7%	46.0%	51.4%
Latino	13.3%	57.8%	28.9%
Asian/Pac. Isl.	5.6%	52.2%	42.2%
Other	11.4%	68.4%	20.3%
No response	8.7%	55.1%	36.2%
Language spoken at home ($\chi^2 = 17.1, p=0.009$, significant differences)			
English	6.7%	63.6%	29.8%
Spanish	13.3%	80%	6.7%
Chinese	0%	48.3%	51.7%
Other	10%	50%	40%
Birthplace ($\chi^2 = 12.8, p=0.002$, significant differences)			
United States	7.0%	65.4%	27.7%
Elsewhere	7.0%	48.0%	45.0%
Industry ($\chi^2 = 25.7, p<0.001$, significant differences)			
Food service	4.8%	69.2%	26.0%
Retail	6.6%	60.3%	33.2%
Other	12.8%	54.7%	32.4%
Employer size (number of Seattle employees; $\chi^2 = 23.9, p=0.008$, significant differences)			
Under 10	12.1%	50.0%	37.9%
10-25	8.1%	60.3%	31.6%
26-99	4.0%	64.4%	31.6%
100-249	5.4%	66.5%	28.1%
250-499	6.9%	81.0%	12.1%
500 or more	13.2%	60.3%	26.5%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.9: Advance notice to employees

	Under 1 week advance notice	1-2 weeks advance notice	3 or more weeks advance notice
All groups	44.8%	42%	13.2%
Gender ($\chi^2 = 3.3$, $p = 0.769$, no significant differences)			
Female	41.9%	43.4%	14.7%
Male	47.9%	40.9%	11.2%
Other	45.5%	40.9%	13.6%
No response	46.1%	38.5%	15.4%
Race ($\chi^2 = 32.0$, $p < 0.001$, significant differences)			
White	38.0%	46.3%	15.7%
African-American	65.7%	25.7%	8.6%
Latino	45.5%	45.4%	9.1%
Asian/Pac. Isl.	65.9%	26.1%	8.0%
Other	48.6%	43.1%	8.3%
No response	44.4%	41.3%	14.3%
Language spoken at home ($\chi^2 = 18.5$, $p = 0.005$, significant differences)			
English	41.3%	43.9%	14.8%
Spanish	55.2%	41.4%	3.4%
Chinese	77.8%	22.2%	0.0%
Other	36.4%	45.4%	18.2%
Birthplace ($\chi^2 = 14.5$, $p = 0.001$, significant differences)			
United States	42.1%	43.4%	14.5%
Elsewhere	61.8%	33.7%	4.5%
Industry ($\chi^2 = 50.0$, $p < 0.001$, significant differences)			
Food service	50.4%	36.8%	12.8%
Retail	39.7%	54.9%	5.4%
Other	38.1%	34.5%	27.3%
Employer size (number of Seattle employees; $\chi^2 = 41.0$, $p < 0.001$, significant differences)			
Under 10	50.0%	27.4%	22.6%
10-25	49.2%	31.8%	18.9%
26-99	41.1%	45.9%	13.0%
100-249	46.0%	49.4%	4.6%
250-499	55.2%	39.7%	5.2%
500 or more	35.8%	38.8%	25.4%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.10: Scheduling practices: on-call

	Required to work	Feel required to work	Volunteer to work	Never work
All groups	18.1%	10.1%	13.5%	58.3%
Gender ($\chi^2 = 21.1$, $p = 0.012$, significant differences)				
Female	17.0%	8.6%	11.6%	62.8%
Male	20.3%	10.9%	13.4%	55.5%
Other	12.5%	29.2%	16.7%	41.7%
No response	16.7%	7.1%	26.2%	50.0%
Race ($\chi^2 = 41.0$, $p < 0.001$, significant differences)				
White	20.6%	7.9%	11.6%	60.0%
African-American	16.2%	16.2%	16.2%	51.4%
Latino	8.9%	33.3%	11.1%	46.7%
Asian/Pac. Isl.	14.3%	9.9%	16.5%	59.3%
Other	16.5%	11.4%	11.4%	60.8%
No response	18.8%	4.4%	20.3%	56.5%
Language spoken at home ($\chi^2 = 59.2$, $p < 0.001$, significant differences)				
English	16.9%	8.2%	12.8%	62.2%
Spanish	26.7%	46.7%	13.3%	13.3%
Chinese	24.1%	10.3%	6.9%	58.6%
Other	0.0%	12.5%	12.5%	75.0%
Birthplace ($\chi^2 = 6.1$, $p = 0.107$, no significant difference)				
United States	18.2%	10.9%	12.7%	58.3%
Elsewhere	13%	6.0%	19.0%	62.0%
Industry ($\chi^2 = 51.3$, $p < 0.001$, significant differences)				
Food service	25.3%	11.8%	15.0%	47.8%
Retail	7.4%	6.1%	13.9%	72.7%
Other	16.7%	12.0%	8.7%	62.7%
Employer size (number of Seattle employees; $\chi^2 = 45.7$, $p < 0.001$, significant differences)				
Under 10	12.1%	10.6%	16.7%	60.6%
10-25	12.4%	7.3%	18.3%	62.0%
26-99	17.2%	10.6%	12.8%	59.6%
100-249	16.0%	11.2%	12.3%	60.4%
250-499	47.4%	10.5%	5.3%	36.8%
500 or more	17.1%	11.4%	8.6%	62.9%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.11: Employees with reduced hours in the past 2 weeks

	Sent home or hours reduced within the past 2 weeks	Not sent home within the past 2 weeks
All groups	61.9%	38.1%
Gender ($\chi^2 = 3.8$, $p=0.286$, no significant differences)		
Female	63.3%	36.7%
Male	58.8%	41.2%
Other	52.2%	47.8%
No response	72.7%	27.3%
Race ($\chi^2 = 1.9$, $p=0.859$, no significant differences)		
White	62.3%	37.7%
African-American	59.4%	40.6%
Latino	57.9%	42.1%
Asian/Pac. Isl.	56.9%	43.1%
Other	58.8%	41.2%
No response	67.3%	32.7%
Language spoken at home ($\chi^2 = 10.2$, $p=0.017$, significant differences)		
English	64.0%	36.0%
Spanish	35.7%	64.3%
Chinese	60.9%	39.1%
Other	83.3%	16.7%
Birthplace ($\chi^2 = 0.62$, $p=0.432$, no significant differences)		
United States	61.6%	38.4%
Elsewhere	66.2%	33.8%
Industry ($\chi^2 = 78.3$, $p<0.001$, significant differences)		
Food service	44.8%	55.2%
Retail	83.6%	16.4%
Other	69.8%	30.2%
Employer size (number of Seattle employees; $\chi^2 = 18.5$, $p=0.002$, significant differences)		
Under 10	63.5%	36.5%
10-25	61.5%	38.5%
26-99	59.1%	40.9%
100-249	70.5%	29.5%
250-499	37.3%	62.7%
500 or more	61.4%	38.6%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. "Other" race includes Middle Eastern, Native American, Alaska Native. "Other" gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.12: Scheduling practices: split shifts

	Required to work	Feel required to work	Volunteer to work	Never work
All groups	17.0%	10.9%	21.4%	50.7%
Gender ($\chi^2 = 44.2$, $p < 0.001$, significant differences)				
Female	11.8%	10.7%	22.5%	55.0%
Male	23.1%	10.6%	18.8%	47.5%
Other	20.8%	37.5%	16.7%	25.0%
No response	14.3%	0.0%	35.7%	50.0%
Race ($\chi^2 = 36.1$, $p = 0.002$, significant differences)				
White	16.9%	9.7%	23.2%	50.1%
African-American	16.2%	5.4%	13.5%	64.9%
Latino	26.1%	13.0%	15.2%	45.7%
Asian/Pac. Isl.	17.6%	12.1%	8.8%	61.5%
Other	13.9%	21.5%	22.8%	41.8%
No response	14.5%	7.3%	36.2%	42.0%
Language spoken at home ($\chi^2 = 55.0$, $p < 0.001$, significant differences)				
English	15.1%	8.8%	24.8%	51.4%
Spanish	33.3%	40.0%	6.7%	20.0%
Chinese	20.7%	20.7%	3.5%	55.2%
Other	25.0%	0.0%	0.0%	75.0%
Birthplace ($\chi^2 = 15.7$, $p = 0.001$, significant differences)				
United States	16.8%	11.8%	23.4%	48.1%
Elsewhere	15.0%	6.0%	11.0%	68.0%
Industry ($\chi^2 = 140.4$, $p < 0.001$, significant differences)				
Food service	24.1%	12.4%	32.5%	31.0%
Retail	7.8%	9.1%	6.0%	77.2%
Other	13.9%	9.3%	18.5%	58.3%
Employer size (number of Seattle employees; $\chi^2 = 76.9$, $p < 0.001$, significant differences)				
Under 10	6.1%	10.6%	16.7%	66.7%
10-25	11.7%	11.0%	28.5%	45.6%
26-99	14.0%	11.4%	29.0%	45.6%
100-249	16.6%	9.1%	17.1%	57.2%
250-499	50.0%	13.8%	5.2%	31.0%
500 or more	22.9%	11.4%	17.1%	48.6%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.13: Scheduling practices: clopening

	Required to work	Feel required to work	Volunteer to work	Never work
All groups	30.9%	14.9%	20.6%	33.6%
Gender ($\chi^2 = 28.2$, $p = 0.001$, significant differences)				
Female	27.1%	13.3%	20.9%	38.7%
Male	35.6%	15.9%	19.4%	29.1%
Other	29.2%	37.5%	8.3%	25.0%
No response	33.3%	7.2%	35.7%	23.8%
Race ($\chi^2 = 51.5$, $p < 0.001$, significant differences)				
White	33.6%	13.5%	21.5%	31.5%
African-American	21.6%	18.9%	29.7%	29.7%
Latino	38.6%	13.6%	20.5%	27.3%
Asian/Pac. Isl.	20.9%	13.2%	7.7%	58.2%
Other	26.6%	27.9%	21.5%	31.5%
No response	34.8%	10.1%	30.4%	24.6%
Language spoken at home ($\chi^2 = 53.2$, $p < 0.001$, significant differences)				
English	32.4%	13.1%	23.0%	31.5%
Spanish	37.9%	41.4%	6.9%	13.8%
Chinese	6.9%	10.3%	3.5%	79.3%
Other	37.5%	12.5%	12.5%	37.5%
Birthplace ($\chi^2 = 36.3$, $p < 0.001$, significant differences)				
United States	32.2%	16.1%	22.1%	29.6%
Elsewhere	21.0%	8.0%	11.0%	60.0%
Industry ($\chi^2 = 45.8$, $p < 0.001$, significant differences)				
Food service	32.1%	15.4%	28.4%	24.1%
Retail	31.2%	15.1%	11.3%	42.4%
Other	13.9%	9.3%	18.5%	58.3%
Employer size (number of Seattle employees; $\chi^2 = 56.7$, $p < 0.001$, significant differences)				
Under 10	34.9%	12.1%	19.7%	33.3%
10-25	24.6%	13.8%	21.7%	39.9%
26-99	25.2%	17.3%	29.6%	27.9%
100-249	31.3%	15.7%	14.1%	38.9%
250-499	56.9%	22.4%	6.9%	13.8%
500 or more	34.3%	5.7%	18.6%	41.4%

Note: p -values under 0.05 are considered statistically significant, p -values between 0.05 and 0.10 marginally significant. “Other” race includes Middle Eastern, Native American, Alaska Native. “Other” gender includes transgender, genderqueer, and gender non-conforming. All responses taken from the employee survey.

Table VI.14: Manager reports: Advanced notice

	Under 1 week advanced notice	1-2 weeks advanced notice	3 or more weeks advanced notice
Industry ($\chi^2 = 4.0, p=0.406$, no significant differences)			
Food service	42.9%	43.9%	13.2%
Retail	48.3%	34.5%	17.2%
Other	49.0%	34.2%	16.8%
Business type ($\chi^2 = 34.5, p<0.001$, significant differences)			
Independent	71.4%	17.9%	10.7%
Franchise	50.6%	34.1%	15.3%
Chain	33.6%	47.3%	19.1%
Other	26.7%	63.3%	10.0%
Software use ($\chi^2 = 3.6, p=0.467$, no significant differences)			
None	46.2%	35.7%	18.1%
Simple	49.2%	39.3%	11.5%
Complex	43.6%	43.6%	12.9%
Employer size (number of Seattle employees; $\chi^2 = 4.5, p=0.348$, no significant differences)			
Under 50	40.0%	41.7%	18.3%
50-249	47.2%	40.6%	12.3%
250 or more	47.2%	40.6%	12.3%

Table VI.15: Manager reports: Scheduling on-call

	Schedule employees this way weekly	Less than once a week	Only at employee's request	Never schedule employees this way
Industry ($\chi^2 = 24.9, p<0.001$, significant differences)				
Food service	36.4%	25.1%	12.3%	26.2%
Retail	22.6%	32.3%	17.7%	27.4%
Other	17.2%	22.5%	23.7%	36.7%
Business type ($\chi^2 = 41.8, p<0.001$, significant differences)				
Independent	41.7%	28.3%	13.3%	16.7%
Franchise	34.3%	20.6%	13.3%	31.7%
Chain	11.4%	30.0%	22.1%	36.4%
Other	30.6%	22.2%	27.8%	19.4%
Software use ($\chi^2 = 8.6, p=0.195$, no significant differences)				
None	26.1%	21.8%	17.5%	34.6%
Simple	22.9%	25.7%	22.9%	28.6%
Complex	30.3%	31.1%	13.6%	25.0%
Employer size (number of Seattle employees; $\chi^2 = 9.1, p=0.168$, no significant differences)				
Under 50	18.2%	26.0%	19.3%	36.5%
50-249	29.2%	27.4%	19.5%	23.9%
250 or more	29.2%	25.0%	19.4%	26.4%

Table VII.16: Business reporting: Scheduling clopenings

	Schedule employees this way weekly	Less than once a week	Only at employee's request	Never schedule employees this way
Industry ($\chi^2 = 34.9, p < 0.001$, significant differences)				
Food service	20.0%	31.3%	25.6%	23.1%
Retail	40.3%	25.8%	19.4%	14.5%
Other	13.0%	23.1%	23.1%	40.8%
Business type ($\chi^2 = 25.6, p = 0.012$, significant differences)				
Independent	28.8%	25.4%	10.2%	35.6%
Franchise	23.3%	30.0%	25.0%	21.7%
Chain	13.5%	26.2%	25.5%	34.8%
Other	22.2%	25.0%	30.6%	22.2%
Software use ($\chi^2 = 5.8, p = 0.444$, no significant differences)				
None	25.6%	25.6%	21.7%	29.3%
Simple	18.6%	34.3%	22.9%	24.3%
Complex	16.0%	26.0%	27.5%	30.5%
Employer size (number of Seattle employees; $\chi^2 = 11.6, p = 0.072$, marginally significant differences)				
Under 50	21.9%	29.2%	20.3%	28.6%
50-249	15.8%	32.5%	25.4%	26.3%
250 or more	11.1%	19.4%	30.6%	38.9%

Appendix VII: Regression Results

Table VII.1: Analysis of the correlates of scheduling-related hardship.

Independent variable	Linear probability model ($n=742$; $R^2=0.144$)	Probit model ($n=734$)
R has any dependents	-0.007 (0.043)	-0.126 (0.136)
R has children	-0.030 (0.042)	-0.098 (0.133)
R is female	-0.002 (0.036)	-0.021 (0.113)
R does not report being male or female	-0.070 (0.066)	-0.255 (0.210)
R is heterosexual	-0.052 (0.039)	-0.177 (0.121)
R was born outside the United States	-0.035 (0.068)	-0.123 (0.207)
Language spoken at home (English omitted)		
Amharic	-0.129 (0.161)	-0.393 (0.519)
Chinese	0.022 (0.116)	0.073 (0.346)
Korean	-0.250 (0.327)	---
Oromo	-0.245 (0.463)	---
Somali	0.094 (0.205)	0.278 (0.610)
Spanish	0.146 (0.099)	0.380 (0.293)
Tagalog	-0.355 (0.212)	---
Vietnamese	-0.258 (0.193)	-1.08 (0.759)
Other	0.031 (0.115)	0.073 (0.360)
R is nonwhite	0.036 (0.039)	0.112 (0.121)
R's age	0.011 (0.008)	0.040 (0.027)
R's age squared	-0.0001 (0.0001)	-0.0005 (0.0003)
R has ever been arrested	-0.103 (0.063)	-0.312 (0.198)
Advance notice (1 day or less omitted)		
2-3 days	-0.12 (0.076)	-0.037 (0.231)
4-7 days	-0.109 (0.076)	-0.355 (0.232)
1-2 weeks	-0.049 (0.073)	-0.178 (0.222)
3-4 weeks	-0.236 (0.095)	-0.882 (0.322)
More than 4 weeks	-0.005 (0.094)	-0.036 (0.290)
Other	-0.113 (0.095)	-0.374 (0.300)
R has been sent home early within the past two weeks	-0.062 (0.035)	-0.208 (0.110)
R required to work on-call	-0.034 (0.051)	-0.121 (0.163)
R feels required to work on-call	0.126 (0.061)	0.360 (0.185)
R required to work split shifts	0.014 (0.060)	0.054 (0.183)
R feels required to work split shifts	0.215 (0.071)	0.635 (0.214)
R required to work clopenings	0.291 (0.044)	0.926 (0.141)
R feels required to work clopening	0.213 (0.056)	0.704 (0.175)
Clopening duration (under 6 hours omitted)		
6-8 hours	0.005 (0.073)	0.009 (0.221)
8-10 hours	0.021 (0.073)	0.053 (0.221)
10-11 hours	-0.138 (0.091)	-0.433 (0.296)
11-12 hours	-0.086 (0.082)	-0.287 (0.253)
Over 12 hours	0.052 (0.068)	0.202 (0.210)

Note: Standard errors in parentheses. See text for summary of statistically significant findings. Linear probability model coefficients can be interpreted as the difference in probability of reporting hardship associated with a factor holding other factors constant. Probit coefficients have a more complicated interpretation. Observations and variables were omitted from the probit model if they perfectly predicted hardship or the lack thereof.

Appendix VIII: Glossary of Terms

Advance Notice: The period of time between when a schedule is made available to an employee and the first scheduled shift an employee will work. For example, if a business is open 7 days a week from 5am to 11pm and the first scheduled shift for any employee is Monday morning at 5am, advanced notice would be the time from when the schedule has been “posted” or provided to the employees and that 5am shift on Monday. Were a schedule made available to employees via an e-mail on the Wednesday evening at 5pm prior to that Monday, there would have been 4.5 days of advance notice given to employees.

Business of interest: The business of interest is the business with at least one location in Seattle that employees hourly staff on a schedule that varies from week-to-week or can be changed at the discretion of the business owners or managers.

Business types: chains, franchises, and independent businesses:

- Chains are groups of businesses with a common brand identity that are all owned and operated by a parent company.
- Franchises are groups of businesses with a common brand identity that may be owned independently from one another but are operated under contract with a parent company.
- Independent businesses are owned and operated by a unique company.
- Other: A business that does not fit in any of the given definitions.

Changes to the schedule:

- Before the schedule is posted: A request or demand from an employee to a scheduling manager or from a manager to a staff member to make a change to the anticipated schedule or to reserve time off of work when they are not available to work.
- After the schedule is posted: A request or demand from an employee to a scheduling manager or from a manager to a staff member to make a change to the known schedule (as in has been posted and communicated to the staff already).

Chi squared (χ^2): A statistic used to assess whether the distribution of observations across one category is independent of the distribution across another category (e.g., whether scheduling hardship varies by race). Other things equal, larger chi-squared statistics indicate that a relationship was less likely to have been observed by chance.

“Clopenings”: When employees are scheduled to work a closing shift and the very next opening shift.

Compensating Differentials: A theory holding that employers offering jobs with distasteful characteristics will be forced to pay higher wages to recruit workers to those jobs.

Demand-sensitive or “Just-in- Time” scheduling: Employees are scheduled based on a forecast of demand, asked to hold time without being guaranteed work.

Fixed Schedule: A fixed schedule is predictable and generally the same from week to week

Industry: A categorization of businesses by the principal type of good or service provided. Defined by the North American Industry Classification System (NAICS). As originally conceived, this study aimed to focus on the following NAICS industries:

NAICS code range	Description	Comments
311811	Retail Bakeries	28% part time work force
44XXXX- 45XXXX	Retail Trade	21% part time work force
6244XX	Child day care centers	28% part time work force
711XXX	Performing Arts/Sports	32% part time work force
713XXX	Amusement/ Bowling/ Recreation	32% part time work force
722XXX	Restaurants/Bars	29% part time work force
8111XX	Auto repair, car washes	21% part time work force
8121XX	Beauty/Nail Salons, Barber Shops	32% part time work force

Insurance: Any contract wherein one party agrees to bear a portion of a risk faced by a second party, usually in exchange for a fee.

Manager: An employee of the business who is directly responsible for managing the staffing schedule at one or more locations for the business of interest.

*We assessed managers on their competency in the following areas:

- Staffing needs for the business
- Scheduling practices
- Scheduling tools (including software)
- Needs of your employees (including family, education, etc.)

Moral Hazard: A tendency for individuals insured against a given risk to neglect to take reasonable precautions against that risk.

Number of hours worked: The total amount of time an employee worked and received compensation for in the past week (from when they took the survey).

“On-call” scheduling: On-call employees must be available at the time they are listed on the schedule as backups, but may not necessarily work that shift.

p-value: The probability of observing the test statistic obtained in a data analysis if the null hypothesis were true. Conventionally, when p -values are “small” (less than 0.05 is the most common standard), the null hypothesis is considered to be contradicted by the data.

Primary job: The job an employee works at for the most hours per week.

Scheduling Software: Software used for scheduling employees, human resources or workforce management tasks, and employee tracking including: posting and updating employees’ schedules.

Split shift: A split shift is two separate shifts on the same day with an unpaid break

in between that is not a regular break.

Statistically significant: used to describe a pattern that is too unusual to have occurred by chance. Determined by evaluating the p -value associated with a test statistic.