How Unpredictable Schedules Keep Low-Income New Yorkers from Getting Ahead
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About the Author

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Introduction

In addition to working for low pay and inadequate hours, many low-wage workers face the uphill battle of having to manage their lives without knowing even one week—or one day—in advance when or for how many hours they must report to work. Their norm is often one of unpredictable schedules that vary from week to week in terms of days of the week worked and the times and durations of their shifts. This unpredictability leaves many low-wage workers scrambling to secure child care, find the money to pay rent and regular bills that must be paid regardless of any week-to-week fluctuations in hours and earnings, and generally results in higher levels of worker stress and work-family conflict.

Providing economic opportunity and a path to upward mobility starts with a living wage. But a living wage without the guarantee of a fair work schedule and sufficient hours does little to expand economic opportunity. Labor unions can play a powerful role in protecting workers and their right to fair work schedules, as can public policy. Laws and regulations can complement increases in the minimum wage by helping those who are eager to put their skills to work on a full-time basis secure schedules that provide truly gainful employment opportunities and a path to upward mobility.

This report presents data from the Community Service Society’s Unheard Third survey on the prevalence and impact of two scheduling features in particular: limited advance notice of schedules (i.e., when employees are informed of their hours), and fluctuations in work hours (how many hours employees will work).† It concludes with an overview of policy solutions to improve work schedules for low-wage workers.

A living wage without the guarantee of a fair work schedule and steady hours does little to expand economic opportunity.

† The Unheard Third is an annual scientific survey of all NYC residents over the age of 18, commissioned by CSS and administered by Lake Research. This year’s survey also included an oversample of retail workers to gauge their scheduling experiences. See the Methodology for more details on how the survey was conducted.
Low-wage workers regularly do not find out their schedules far enough in advance.
Short notice is a common problem for all workers, but more so for the working poor. More than 1 out of 3 employed New Yorkers are given their work schedules less than 2 weeks in advance, including more than half of poor New Yorkers.

Q: How far in advance do you usually know what days and hours you will need to work? [All Employed Respondents]
Restaurant and retail workers are the most affected by unpredictable schedules.
More than 4 out of 5 restaurant workers and half of retail workers get less than 2 weeks’ notice.

Q: How far in advance do you usually know what days and hours you will need to work? [All Employed Respondents]

* Denotes a sample size of under 75 observations that should be interpreted cautiously.

** Sector is based on self-identification by survey respondents. It is likely that fast food workers associate themselves with the restaurant sector.
Short notice hits low-income families the hardest
1 out of 3 low-income workers with less than 2 weeks’ notice say it leads to serious problems managing work and family responsibilities.

Q: How would you describe the impact this [scheduling notice] has on keeping your job and managing other responsibilities, like family? [All Employed Respondents]
In the restaurant and retail sectors—where short notice is most common—
the lowest paid workers have the shortest notice and the biggest problems dealing with it at work and at home.
Low-income restaurant and retail workers are more than 7 times as likely as their moderate- and higher-income counterparts to have 24 hours or less advance notice, and more likely to have less than 2 weeks’ notice. Those with less than 2 weeks’ notice are also more than twice as likely to have serious impacts on their work and home life.

Q: How far in advance do you usually know what days and hours you will need to work? [All Restaurant and Retail Workers]

Q: How would you describe the impact this [advance notice] has on keeping your job and managing other responsibilities, like family? [All Restaurant and Retail Workers]

* Denotes a sample size of under 75 observations that should be interpreted cautiously.
Low-wage workers with short notice are more likely to fall behind on the rent and be forced to skip meals.
Among low-income workers, those with less than 2 weeks’ notice are more likely to experience economic hardships than those with more advance notice.

Q: In the last year have you or any member of your household … [All Employed Low-income Respondents]

- Fallen behind on rent or mortgage
  - Less than 2 weeks' notice: 26%
  - 2 weeks or more notice: 16%

- Often unable to afford subway and bus fare
  - Less than 2 weeks' notice: 25%
  - 2 weeks or more notice: 12%

- Often skipped meals because there wasn’t enough money to buy food
  - Less than 2 weeks' notice: 19%
  - 2 weeks or more notice: 13%

- Needed to fill a prescription but couldn’t because of lack of money or insurance
  - Less than 2 weeks' notice: 18%
  - 2 weeks or more notice: 13%

- Had either the gas, electricity, or telephone turned off because the bill was not paid
  - Less than 2 weeks' notice: 16%
  - 2 weeks or more notice: 12%

- Been threatened by foreclosure or with eviction
  - Less than 2 weeks' notice: 14%
  - 2 weeks or more notice: 8%

- Received assistance from charity, religious, or community organization
  - Less than 2 weeks' notice: 11%
  - 2 weeks or more notice: 4%
Restaurant and retail workers face the biggest weekly fluctuations in hours.
More than 2 out of 10 New Yorkers face fluctuating hours, including more than 3 out of 10 in the retail sector and 4 out of 10 restaurant workers.

Q: Do the number of hours your employer needs you to work change a great deal from week to week, somewhat from week to week, or stay about the same?  [All Employed Respondents]

![Bar chart showing work schedule volatility by sector of employment.]

* Denotes a sample size of under 75 observations that should be interpreted cautiously.

** Sector is based on self-identification by survey respondents. It is likely that fast food workers associate themselves with the restaurant sector.
Work hours fluctuate most for low-income mothers
Among low-income families, parents are more likely to experience fluctuating hours than non-parents. Among both low-income parents and non-parents, weekly hours fluctuate more for women than men.

Q: Do the number of hours your employer needs you to work change a great deal from week to week, somewhat from week to week, or stay about the same? [All Employed Low-income Respondents]

* Denotes a sample size of under 75 observations that should be interpreted cautiously.
Limited advance notice and fluctuating hours often come hand in hand
More than half of all workers with less than one week’s notice also experience fluctuating hours, compared to only 12 percent of those with notice of 2 weeks or more.

Q: Do the number of hours your employer needs you to work change a great deal from week to week, somewhat from week to week, or stay about the same? [All Employed Respondents]
FLUCTUATING HOURS AND LIMITED ADVANCE NOTICE COMBINE TO MAKE IT HARDER FOR LOW-WAGE WORKERS TO KEEP THEIR JOBS AND PAY THEIR BILLS
Among low-income workers, those with fluctuating hours and less than one week’s notice are 3 times more likely to have lost their job than those with stable hours and more advance notice. More than 2 out of 3 low-income workers with fluctuating hours and limited notice have trouble paying their rent or regular bills.

Q: Please tell me if any of the following has happened in your job because the schedule or number of hours was too unpredictable. [All Employed Low-income Respondents]

![Chart showing the percentage of low-income workers who have ever quit or been fired from their job, and who have ever had trouble paying their rent or regular bills, based on the volatility of their work schedule.](chart)

* Denotes a sample size of under 75 observations that should be interpreted cautiously.
Low-wage workers that face frequently changing hours are more likely to fall behind on the rent and skip meals.
Among low-income workers, those with fluctuating hours are more likely to experience economic hardships than those with steadier hours.

Q: In the last year have you or any member of your household…  

- Often unable to afford subway and bus fare
- Fallen behind on rent or mortgage
- Had either the gas, electricity, or telephone turned off because the bill was not paid
- Been threatened by foreclosure or with eviction
- Needed to fill a prescription but couldn’t because of lack of money or insurance
- Often skipped meals because there wasn’t enough money to buy food
- Received assistance from charity, religious, or community organization

Percent

- Changes a great deal from week to week
- Stays about the same
Unpredictable scheduling hits parents and their children harder than non-parents.
While low-income workers are hit harder by unpredictable scheduling than moderate-higher income families, unpredictable scheduling also presents greater problems for parents and their children than non-parents. Often times this means cutting back on school supplies, prescriptions, and even food.

Q: In the last year have you or any member of your household … [All Respondents with <2 weeks’ notice and fluctuating hours]

* Denotes a sample size of under 75 observations that should be interpreted cautiously.
Policy Recommendations

A number of localities—including San Francisco, Seattle, Washington, D.C., New Hampshire, and Vermont—have already enacted scheduling laws drawing on the following policy features:

- **Advance notice requirements** of at least 2 weeks’ scheduling notice, with additional pay for schedule deviations made on short notice.
- **Reporting time pay** that requires employers to pay workers for a minimum number of hours if they are sent home before the end of their scheduled shifts.
- **Call-in pay** that requires employers to pay workers for a minimum number of hours if they are called in to work when they are not scheduled to be working.
- **Protecting workers from “clopenings”** where workers are forced to close their store and return for the next shift to open it again, as well as protections from split shifts.
- **Right-to-request laws** that give workers the right to request a flexible and/or predictable schedule without fear of retaliation.
- **A path to full-time employment** that requires employers to offer additional hours to existing employees before hiring additional workers.

New York State law already requires all employees who report to work to be paid for at least four hours at the minimum wage (or, if less, the number of hours in the regular shift).

Labor unions and advocates are pressing the city and state to enact policies that protect workers’ right to a fair work schedule and adequate hours. In December 2016, a package of scheduling bills supported by Mayor de Blasio was introduced in the New York City Council under the umbrella of the Fair Work Week for NYC. These bills are aimed at improving work schedules and increasing hours for workers in the fast food sector; they would also introduce protections against on-call scheduling for retail workers, ensure that all workers can request flexible schedules, and establish a right to receive a flexible schedule in the event of certain emergencies.

If enacted, these scheduling bills will go a long way to improving the economic stability of many low-paid workers in New York City. But there is still more that must be done for workers here in New York City—especially for low-paid workers in sectors and establishments that don’t fall under the recently proposed protections.
Methodology

The Community Service Society designed this survey in collaboration with Lake Research Partners, who administered the survey by phone using professional interviewers. The survey was conducted from July 5th to August 10th, 2016.

The survey reached a total of 1,717 New York City residents, ages 18 and older. The survey is divided into two samples of 1,079 low-income New York City residents (up to 200% of the federal poverty level) and 638 high income New York City residents (above 200% of the federal poverty level). This year’s survey also included an oversample of 655 interviews conducted via cell phone among residents up to 400% of the federal poverty level. An additional oversample of 50 interviews conducted via cell phone and landline among low-income retail workers was also included.

Telephone numbers for the low-income sample were drawn using random digit dial (RDD) among exchanges in census tracts with an average annual income of no more than $40,000. Telephone numbers for the higher income sample were drawn using RDD in exchanges in the remaining census tracts. The data were weighted slightly by income level, gender, region, age, party identification, education, immigrant status, and race in order to ensure that they accurately reflect the demographic configuration of these populations. Interviews were conducted in English, Spanish, and Chinese.

In interpreting survey results, all sample surveys are subject to possible sampling error; that is, the results of a survey may differ from those which would be obtained if the entire population were interviewed. The size of the sampling error depends on both the total number of respondents in the survey and the percentage distribution of responses to a particular question. The margin of error for the low income component is +/- 3.0 percentage points. The margin of error for the higher income component is +/- 4.0 percentage points.

The analysis presented here assigns missing values to the small number of respondents who answered “Don’t Know” to questions about the advance schedule notice they receive or the degree of work hour fluctuation they experience. This affects only 2.1% of respondents to the advance schedule notice question, and 1.1% of respondents to the work hour fluctuation question.
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