

# UNPREDICTABLE

How **Unpredictable Schedules** Keep Low-Income  
New Yorkers from Getting Ahead

**Community  
Service  
Society**

Fighting Poverty  
Strengthening  
New York

**DEC  
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## About the Author

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## Acknowledgments

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**Design and Photography by Jeff Jones**

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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).<sup>†</sup> 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.**

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<sup>†</sup> 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.

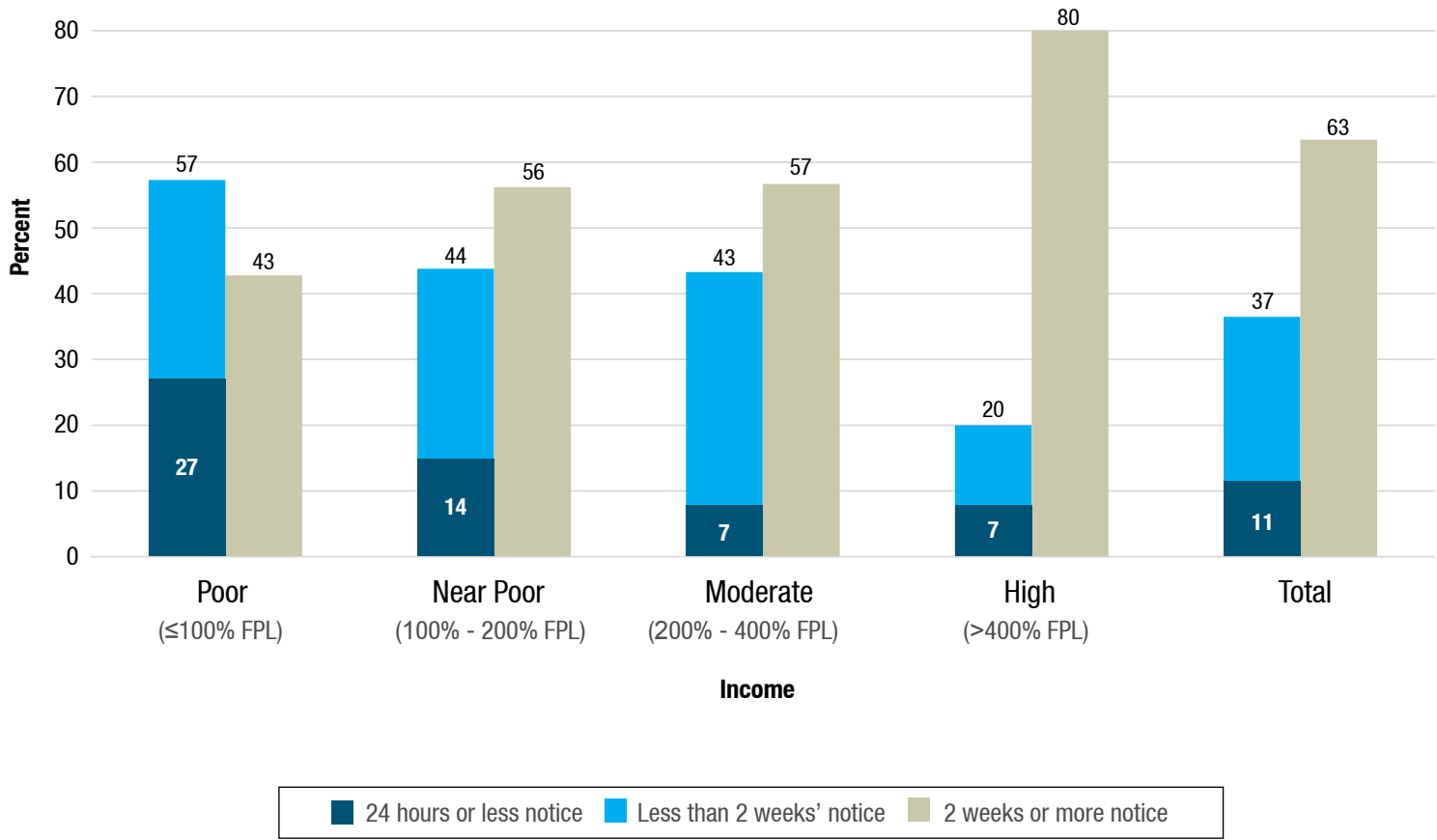


**Low-wage workers regularly  
do not find out their schedules  
far enough in advance**

## ADVANCE NOTICE OF WORK SCHEDULES

**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]





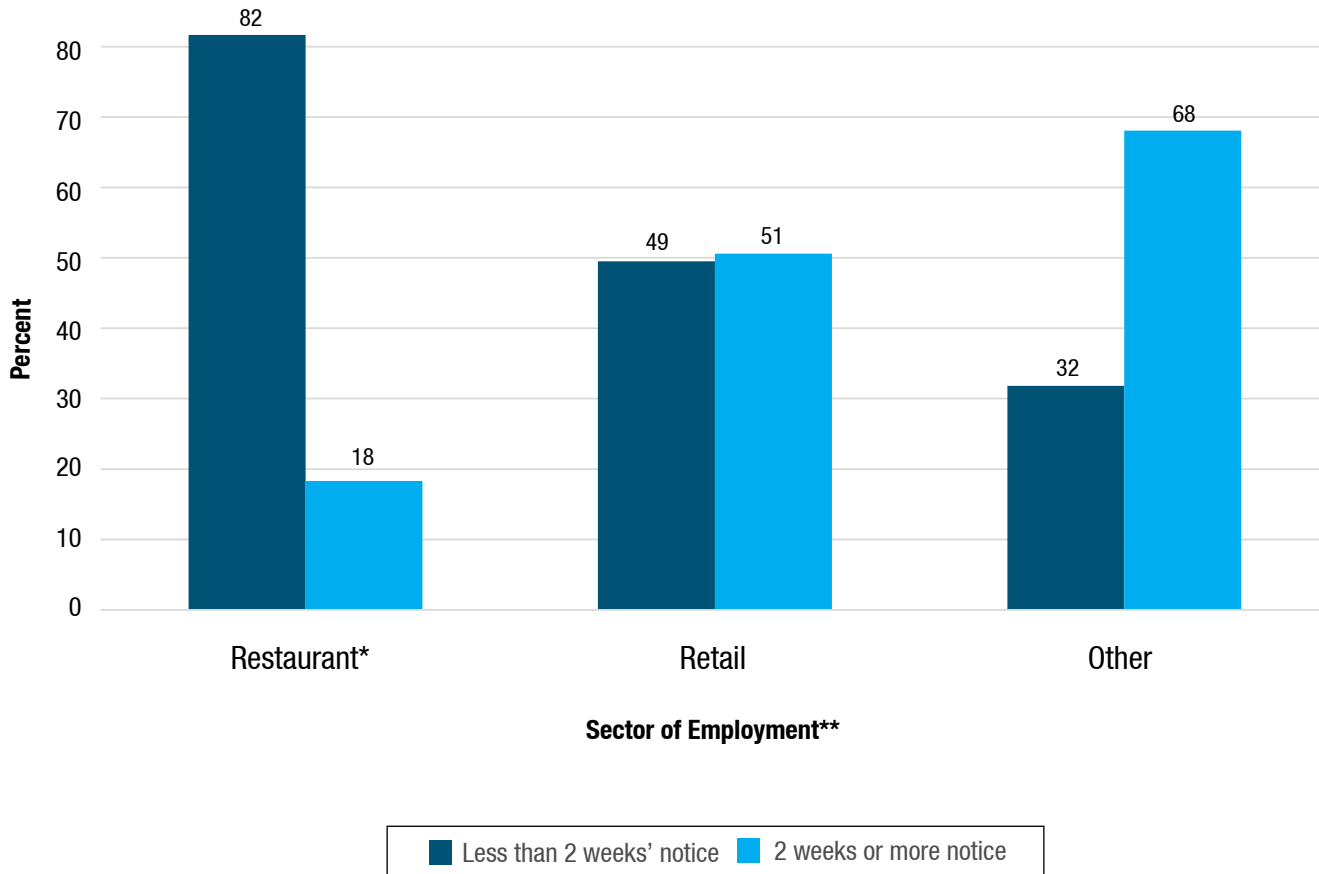
**Restaurant and  
retail workers**

are the most affected by  
unpredictable schedules

**OPEN /24 HOURS**


## 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.

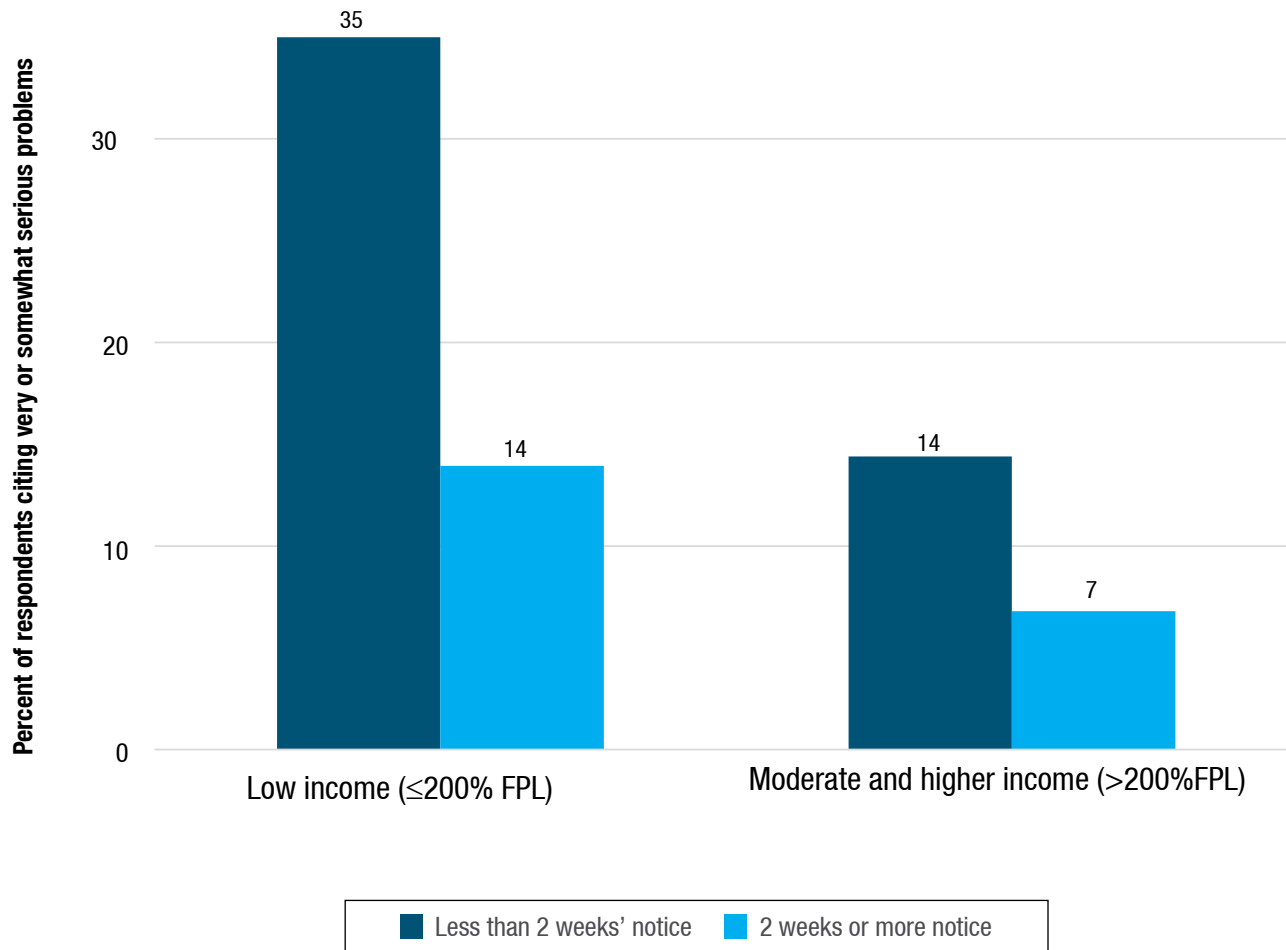
\*\* Sector is based on self-identification by survey respondents. It is likely that fast food workers associate themselves with the restaurant sector.




**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]





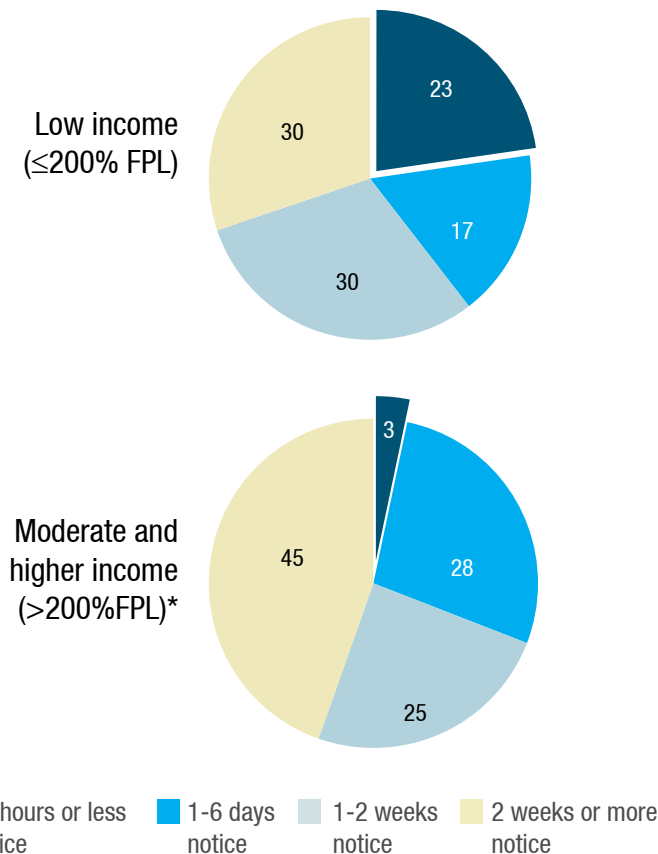
In the restaurant and retail  
sectors—where short notice is  
most common—

**the lowest paid  
workers have the  
shortest notice  
and the biggest  
problems dealing  
with it at work and  
at home**

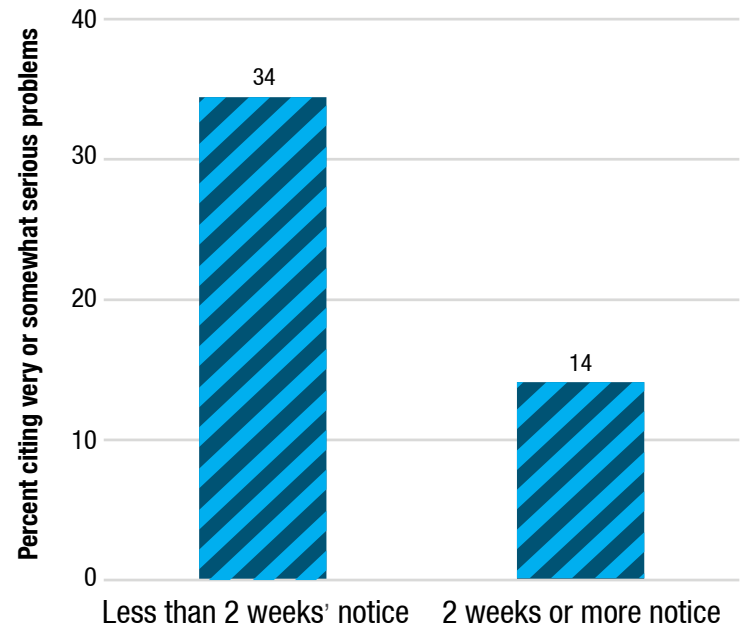
## ADVANCE NOTICE OF WORK SCHEDULES

**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.

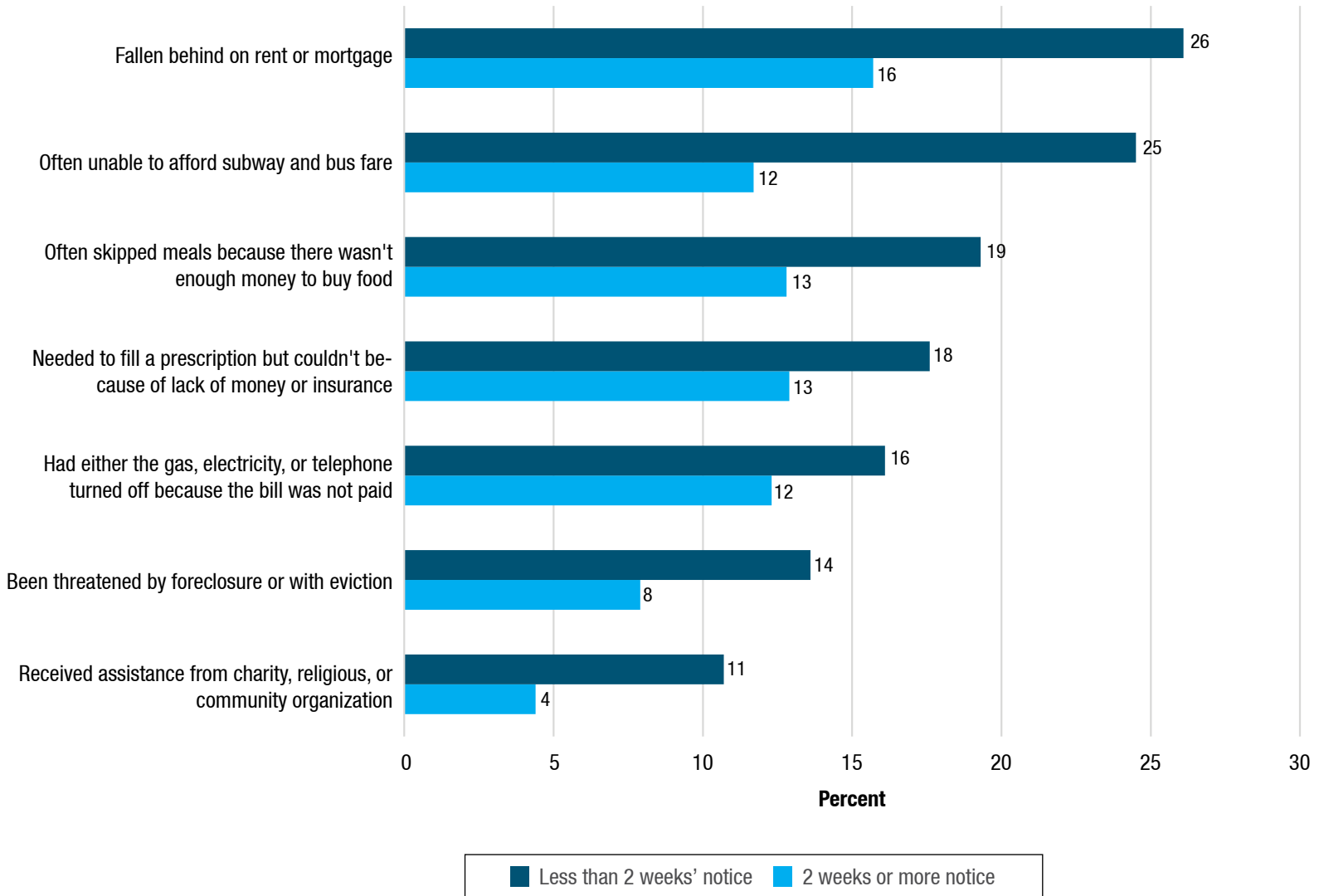
A photograph of a restaurant kitchen viewed through a window. The kitchen is brightly lit with warm yellow lights. In the foreground, there is a stainless steel sink with two faucets. Behind it, a large stainless steel counter holds various items, including a white paper bag and some green containers. A person in a dark uniform is visible in the background, working at a counter. The text "Low-wage workers with short notice are more likely to fall behind on the rent and be forced to skip meals" is overlaid in the center of the image in a white box with black text.

Low-wage workers with  
short notice are more likely to  
**fall behind on the rent and  
be forced to skip meals**

## ADVANCE NOTICE OF WORK SCHEDULES

### 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]



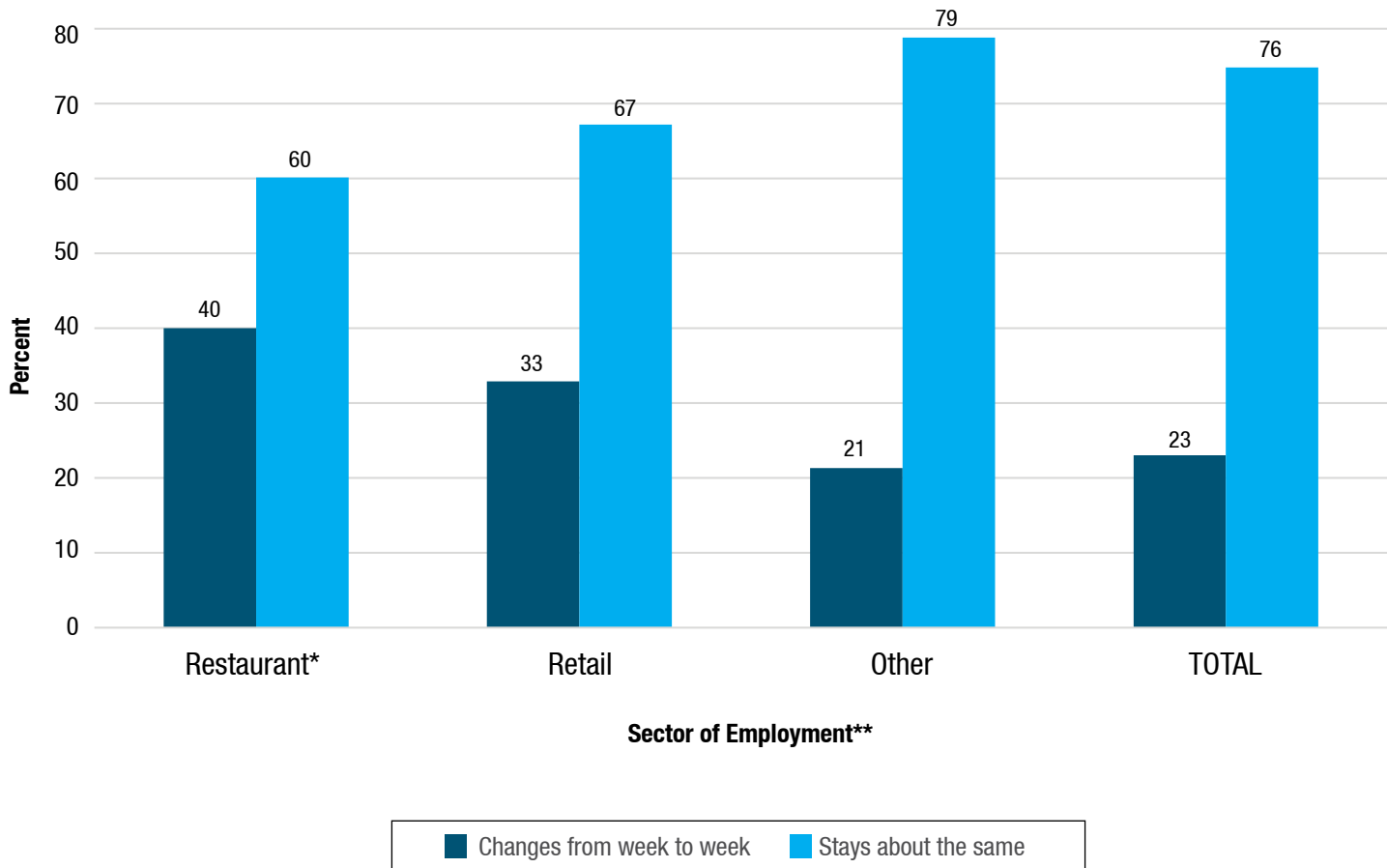


Restaurant and  
retail workers  
face the  
biggest weekly  
**fluctuations in  
hours**

## WORK SCHEDULE VOLATILITY


**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]



\* 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.

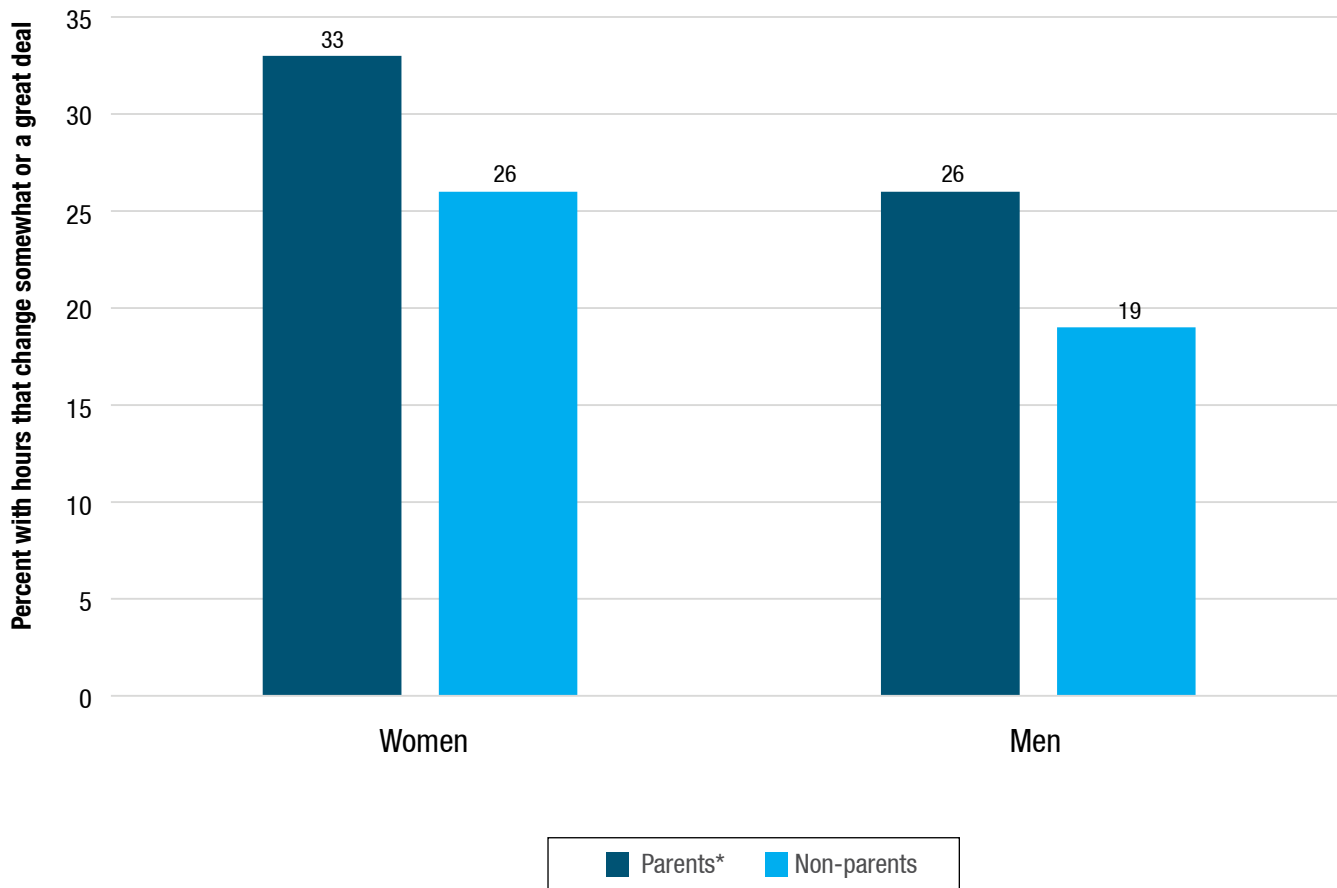
A photograph of a restaurant entrance at night. The building has a red brick facade and large glass windows. Inside, warm lights and tables are visible. A black sign on a post stands in front of the brick wall. The sign has a white background with black text. To the right, a glass door is partially open, showing a menu board on the wall inside.

**Work hours  
fluctuate most  
for low-income  
mothers**

## WORK SCHEDULE VOLATILITY

**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]



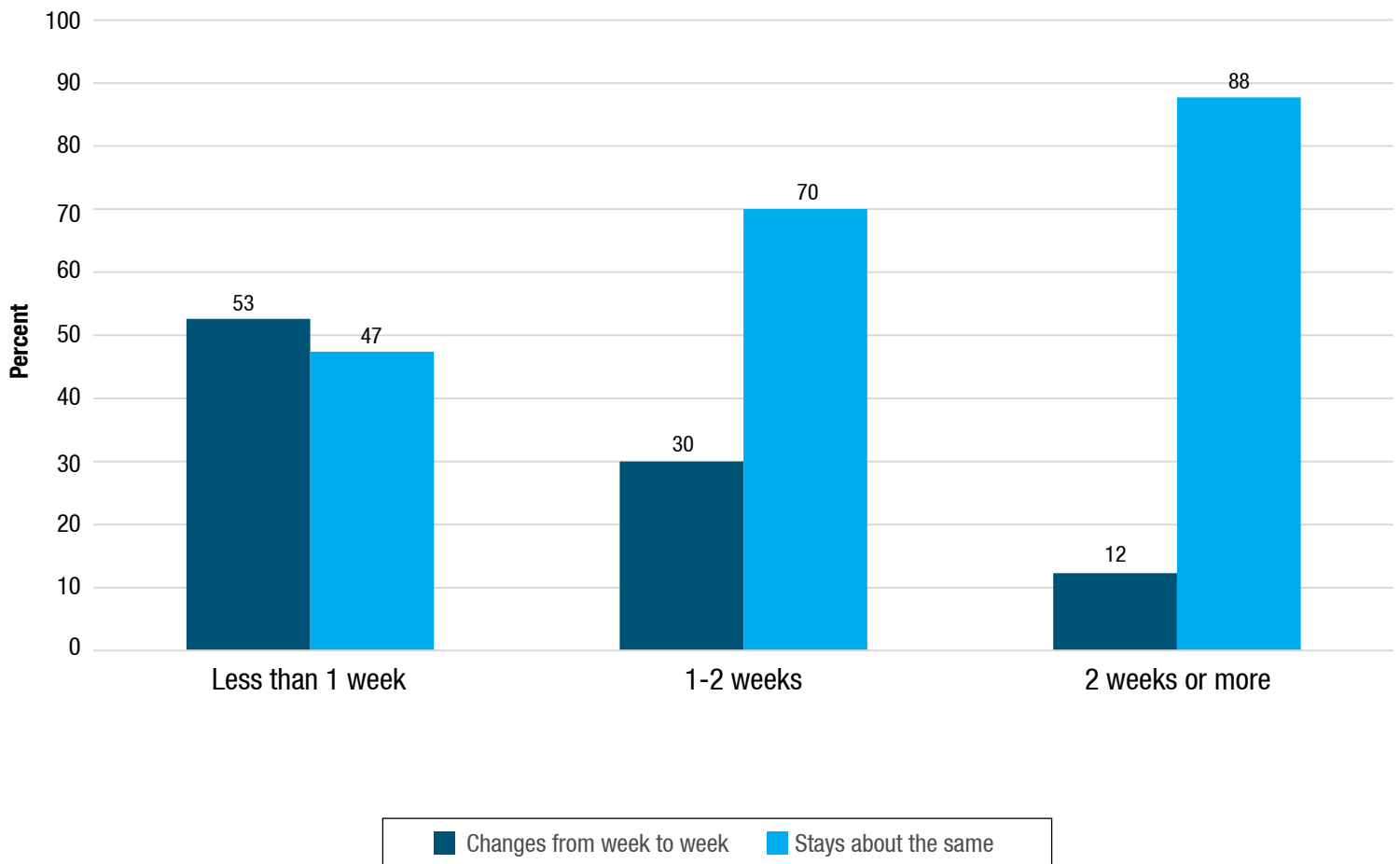
\* Denotes a sample size of under 75 observations that should be interpreted cautiously.

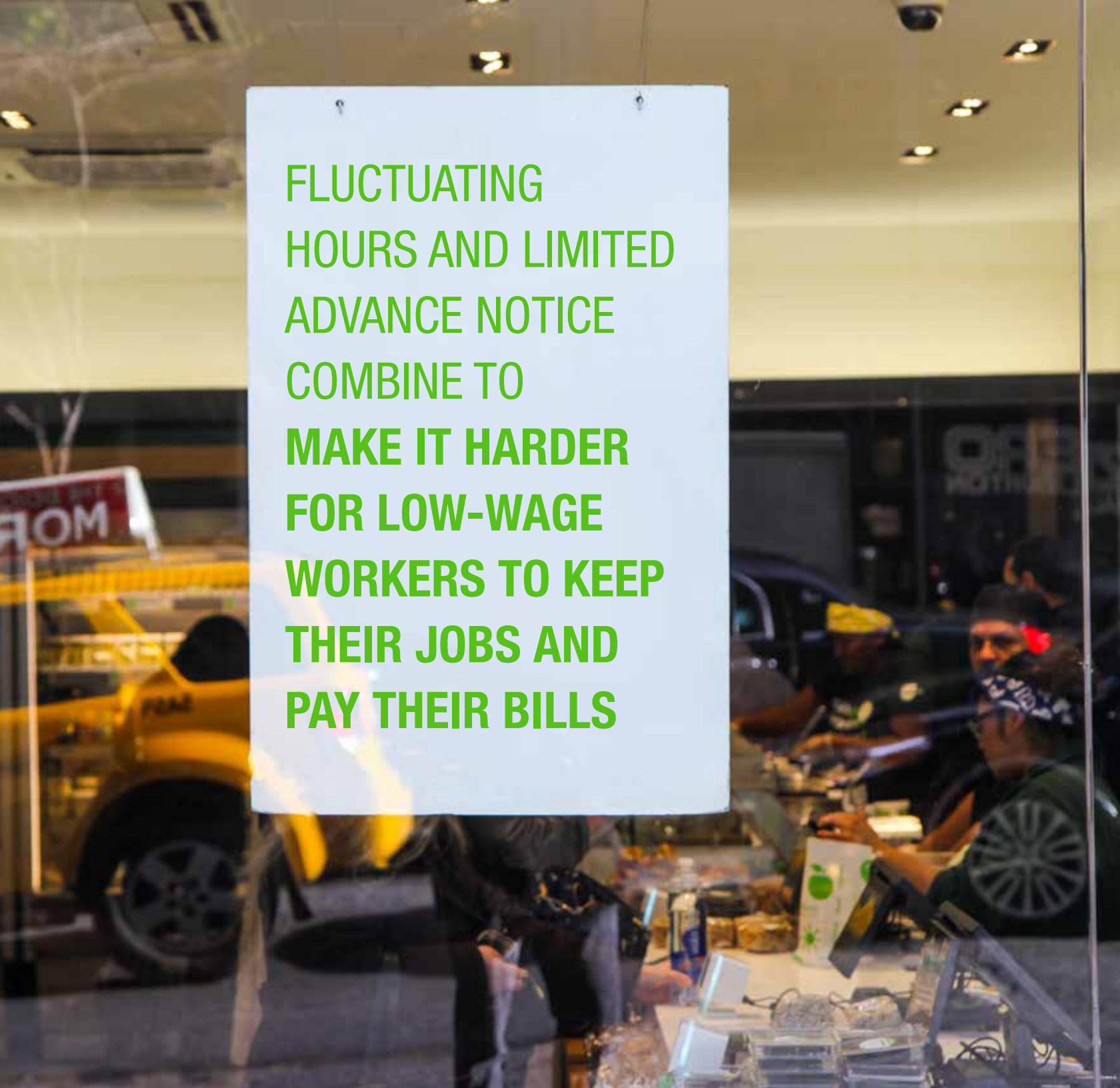
**Limited  
advance  
notice and  
fluctuating  
hours often  
come hand  
in hand**

## WORK SCHEDULE VOLATILITY

**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]



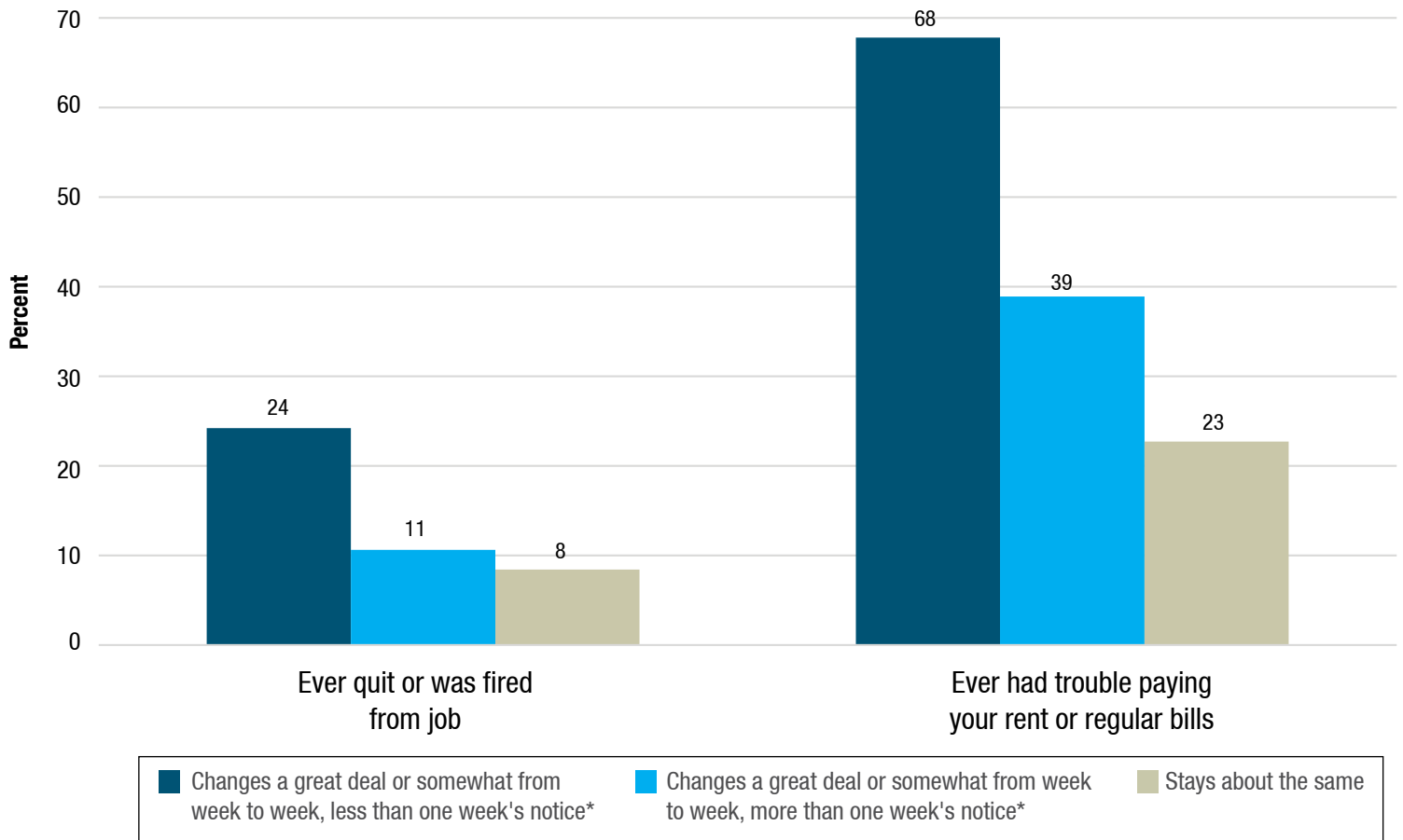


FLUCTUATING  
HOURS AND LIMITED  
ADVANCE NOTICE  
COMBINE TO  
**MAKE IT HARDER  
FOR LOW-WAGE  
WORKERS TO KEEP  
THEIR JOBS AND  
PAY THEIR BILLS**


## WORK SCHEDULE VOLATILITY

**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]



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

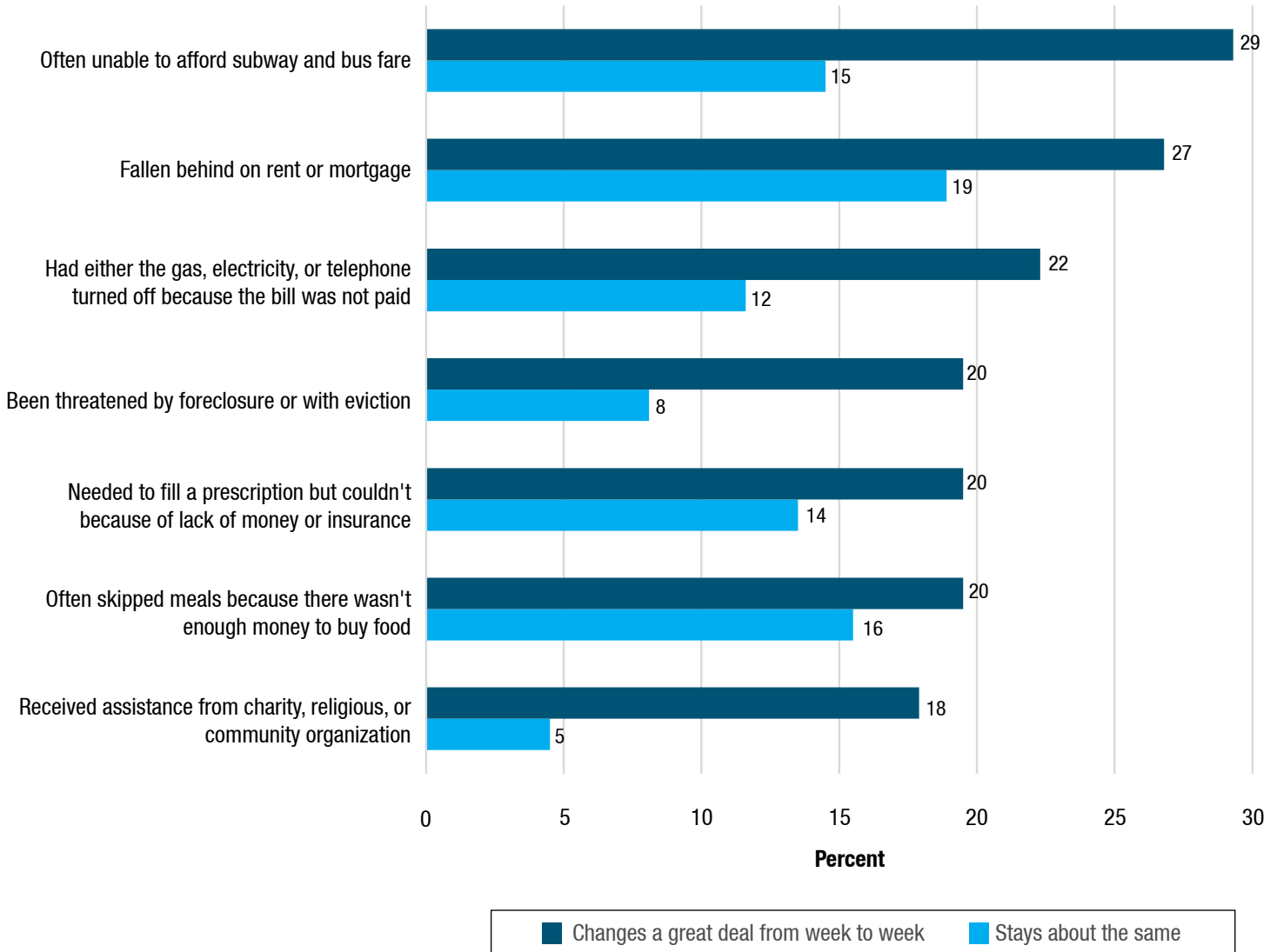
A busy city street scene, likely in New York City, with a red sign in the foreground. The sign is framed in black and contains white text. In the background, there are people walking, a bus, and a McDonald's sign. The scene is brightly lit, suggesting daytime.

**Low-wage  
workers that  
face frequently  
changing hours  
are more likely  
to fall behind  
on the rent and  
skip meals**

## WORK SCHEDULE VOLATILITY

### 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... [All Employed Low-income Respondents]



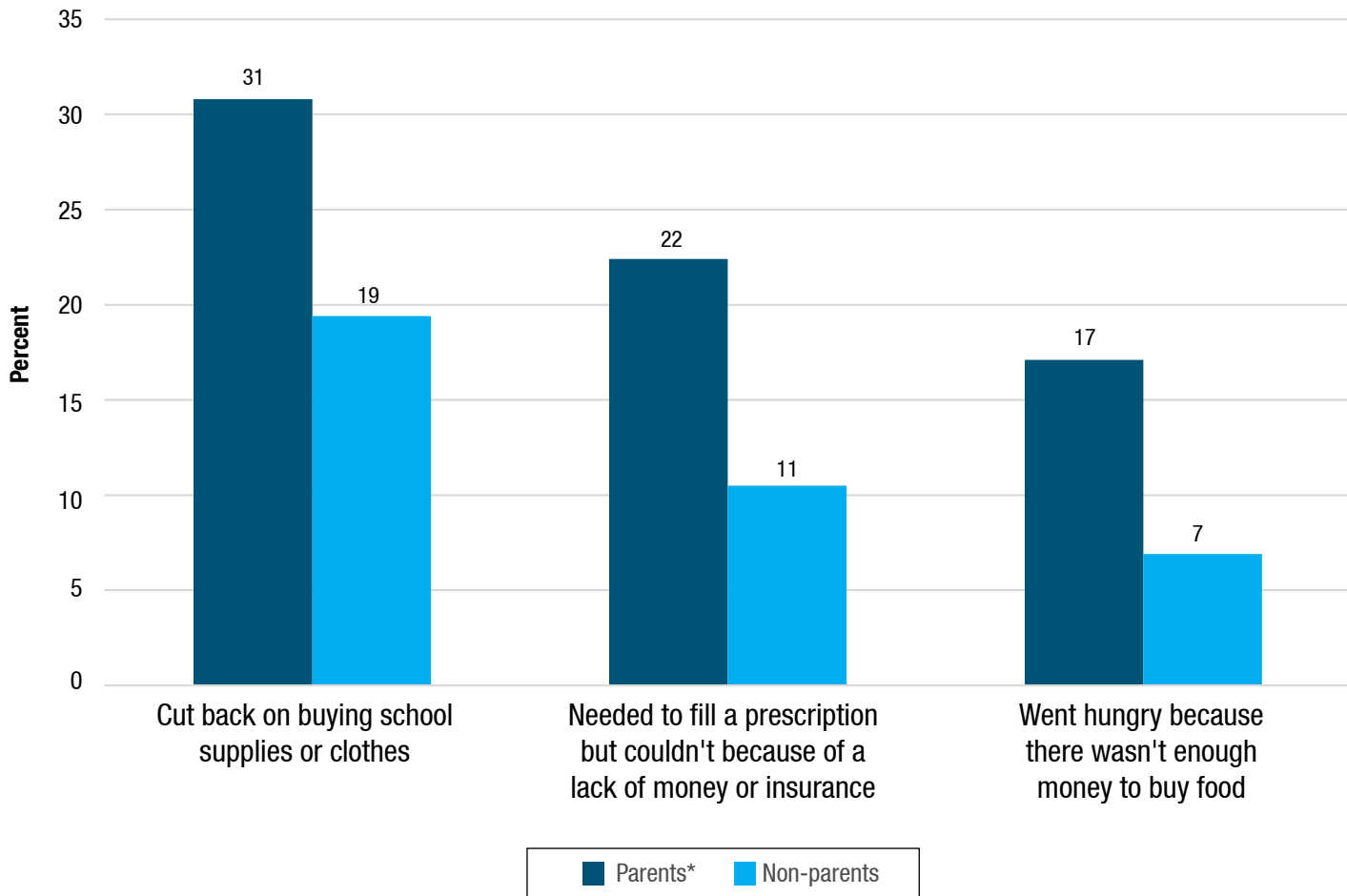


**Unpredictable  
scheduling hits  
parents and  
their children  
harder than  
non-parents**

## WORK SCHEDULE VOLATILITY

**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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