

# The Impact on Oregonians of the Rise of Irregular Scheduling

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## Executive Summary

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**Project Description:** For labor educators, the strong interest of this project will likely be the collaboration that underlay this study, which supported a successful push for the first state legislation combating irregular scheduling. While working as a labor educator, Raahi Reddy brought together a national think tank, a local political party, a union, an economist and a sociologist for this effort, and researched scheduling policies adopted elsewhere.

The United Food and Commercial Workers (UFCW) provided critical funding for Working Family Party (WFP) canvassers to survey 750 people in Oregon about their experiences with irregular scheduling, using a 30-60 minute survey instrument developed by the Center for Popular Democracy (CPD) and slightly refined by the academics. UFCW staff also surveyed a number of employees of a local grocer suspected of abusive scheduling practices, incorporating the survey into an organizing campaign.

WFP volunteers input the survey data, and used the study as a means of identifying people interested in sharing their experiences with Oregon lawmakers and advocating for the scheduling bill that was the WFP's legislative priority in 2017.

Academic economist Mary King analyzed the survey data, and with further UFCW funding, hired a research assistant to create a representative profile of Oregon workers in the most impacted occupations using American Community Survey data. She then combined the results into reports to the City of Portland and to several meetings of the Oregon legislative working group developing the proposal that was enacted into law.

With additional UFCW support, academic sociologist Ellen Scott employed graduate students to follow up willing respondents to the WFP/CPD survey, for in-depth interviews about the impact of irregular scheduling in their lives, adding significant qualitative depth to the more quantitative elements of the final report.

That final report, nicely laid out and printed with UFCW support, was used by both the UFCW and WFP in their legislative campaign. The report's Executive Summary is attached.

# **The Impact on Oregonians of the Rise of Irregular Scheduling**

## Executive Summary

### **The Rise and Spread of Irregular Scheduling Practices**

New software has encouraged employers to attempt to manage their staffing hour by hour

- providing very short notice of work schedules, sometimes less than 24 hours,
- making frequent changes in work schedules once posted,
- calling for extremely variable total hours scheduled week to week,
- implementing marked variation in shift start times during the week, and between weeks,
- failing to guarantee of a minimum number of hours each week,
- requiring employees to be “on-call” to work on days they may not be asked to work, or asked to work at the last minute,
- sending people home early on a scheduled shift, if business is slow,
- scheduling employees for consecutive shifts that allow little time for rest, such as a closing shift in the evening followed by an early morning shift the next day, and
- requiring workers to have “open availability” for work at any time in order to gain more hours.

The use of irregular scheduling practices is increasing. Nationally, more than one in six employees experience some form of irregular scheduling.

Irregular scheduling is particularly concentrated in occupations of retail sales, food servers, cashiers, and combined food preparation and service (fast food), which are expected to add the most jobs to the Oregon economy by 2024, as well as among part-time employees, young people and the working poor.

Federal and state labor laws, written with the assumption of regular schedules, are completely inadequate to address irregular scheduling practices.

National datasets like the census were also created with the assumption of regular schedules, and don't include information on irregular scheduling practices. The small datasets that address irregular scheduling are too small to provide a decent sample for the state of Oregon.

### **Oregon Workers' Experiences with Irregular Scheduling: 2016 Fair Work Week Survey**

Based on data collected through the 2016 Oregon Fair Work Week Survey, this paper reports on the prevalence and impact of the rise of irregular scheduling practices in Oregon.

Nearly 750 Oregonians responded to a structured survey on the breadth and prevalence of irregular scheduling practices on their job. Subsequently, 27 participated in longer follow-up interviews.

A high proportion of the nearly 750 people interviewed for this survey experienced irregular scheduling practices. For example, 1 in 6 had less than 24-hour notice of their shifts.

Survey respondents working in hospitality, foods services, retail and health care industries most often reported irregular scheduling.

Not only must people work wildly varying shifts and be available on-call, their total hours and hence their weekly paychecks can also vary substantially. Nearly half the respondents report financial difficulties and resorting to unsustainable financial strategies. Many give up furthering their education and cannot maintain second jobs.

No compensation is paid for being “on call,” either for an entire shift or for extending a shift earlier or later at the last minute. No compensation is paid for lost hours when people are sent home early. Employees who have paid for baby sitters and transportation may be sent home, after working very few or even no hours.

Oregonians subject to irregular scheduling are at least as likely to be responsible for children and support for other family members as is the labor force on average. Subjected to on-call scheduling practices, they report an inability to coordinate childcare, plan family activities or attend school events.

The difficulty of keeping children in regular childcare arrangements, or being available for the demands of parenting, causes tremendous stress for both parents and children. Further, parents are unable to keep young children in the high quality child care shown to later keep kids in school longer, out of trouble with the law, avoiding early childbearing and earning more as adults.

Many people report negative impacts on their health, particularly due to stress and lack of sleep, exacerbated by late evening shifts followed by early morning shifts, known as “clopening.”

### **Which Oregonians are Employed in Occupations with Irregular Scheduling – Census Data**

The American Community Survey data for 2014 indicates that Oregonians working in occupations most affected by irregular scheduling are disproportionately women, people of color, younger and are more likely to have children at home, than the state labor force on average.

Wages are low in these occupations, and poverty rates high. Workers are twice as likely as average to rely on food stamps.

### **Policy Strategies for Mitigating Impacts of Irregular Scheduling**

Oregon workers, especially low-wage workers, lack the predictability and control over their work schedules they need in order to effectively juggle the demands of caregiving, make ends meet each month and explore opportunities to further their education and skills.

Policy solutions being developed and implemented elsewhere:

1. ensure workers have proper advance notice of schedules,
2. ensure workers have a voice in scheduling including setting limits to “on-call” practices, and,
3. increase opportunities to work more hours and move toward full-time work

**Twenty-three state and city jurisdictions have taken up the issue of fair scheduling in some form in the past three years, a sign of the growing recognition in the public realm of the economic and social importance of these issues.**

Nearly all jurisdictions adopting scheduling policies introduced requirements of two or three weeks advance notice of work schedules. More than half have proposed new protections to ensure workers have a say in their schedules or are safe from retaliation for declining to work additional shifts.