

LINDA FOLEY
Legislative District 15
Montgomery County

Environment and Transportation
Committee



The Maryland House of Delegates
6 Bladen Street, Room 220
Annapolis, Maryland 21401
410-841-3052 · 301-858-3052
800-492-7122 Ext. 3052
Linda.Foley@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

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Position: FAV

This bill pertains to hourly shift workers employed by food, hospitality, and retail establishments with at least 500 employees worldwide, and is intended to provide the predictability and stability workers need to support their families and get ahead. In essence, the bill provides covered workers with (1) two weeks' notice of shift schedules, (2) compensation when shifts are changed at the last minute, and (3) time between shifts to commute, eat, and rest.

Last year I presented a similar bill, the Fair Scheduling Act of Maryland; though, this year's bill has been modified. HB 1226, Predictable Scheduling Act of Maryland, is streamlined and focuses on worker rights and much less on onerous record keeping requirements. The primary purpose of this bill is to deter erratic scheduling and provide core protections for hourly employees. It provides workers and their dependents, including children and elderly parents, with some semblance of a family-work balance. Much like the Time to Care Act, this bill will allow these workers, most of whom are women, the ability to provide economic support as well as guaranteed time for caregiving.

This bill would establish a two-week advance notice of scheduling. And it sets forth the following core protections for shift workers:

- An employee's written consent for accepting new or more hours that aren't in the original schedules, and an extra hour of pay for such hours.
- Half pay for any scheduled hours that are cut after the original schedules are posted.
- A right to decline successive opening and closing ("clopening") shifts.
- 1.5 times the pay for hours worked within 11 hours of a previous shift ending.

HB 1226 permits employees to decline work hours that occur during the 11 hours following the end of a shift, and it includes anti-retaliation protections if the scheduling rights provisions are violated. The record-keeping requirements of the bill rely on records already mandated by the MD Department of Labor and the US Department of Labor, thus they come at no additional cost. Additionally, it requires that a notice of rights is posted at the workplace, along with anti-retaliation provisions. The bill also establishes an administrative complaint procedure, and a private right of action with modest penalties.

This law would essentially prevent managers from unilaterally implementing unexpected last-minute schedule changes and impose the need for an employee to successively close and open the establishment. While the bill offers an opportunity for employees to request certain shifts, it does not mandate that an employer guarantee an employee's request. Workers and employers are free to mutually agree (in writing) to change scheduled hours at any time.

More stringent predictable scheduling measures than those proposed in this bill are already in place in nine other states: California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Rhode Island, and Vermont. Predictable schedules do not pose an unreasonable demand on the large retailers to whom this bill would apply. Starbucks implemented its own predictable scheduling measures in 2014, which require managers to post work schedules well in advance and eliminate "clopening" practices. If a worldwide chain like Starbucks can adopt such practices using standard scheduling software, other retail franchises should be able to do so as well.

Women workers, who make up most of the hourly workforce, and are especially impacted by erratic schedules. Women balancing their job and caregiving responsibilities may be required to arrange last minute transportation, childcare, or leave the workforce altogether because such arrangements are too expensive. This bill protects the time and effort workers spend making these arrangements by requiring employees be paid for every hour they had expected to work before an unexpected change in their schedule that results in a loss of working time. In addition, employers will be required to provide an additional hour's wage on top of the extended time they work should they agree to work more than their original schedule allotted.

It would protect worker health by reducing job stress which has increasingly been linked to chronic hypertension, lower productivity, and slower business growth. Most importantly, it would help women as they bear the brunt of caregiving for family members. In the long run, requiring predictability in employee schedules helps the employer by increasing employee stability and decreasing turnover.

Opponents of this measure will say that the reason employees opt for shift jobs is because many of these jobs allow them to work hours outside of the traditional 9-5 work schedule to accommodate class schedules or serve as second jobs. However, if schedules are erratic, these so-called flexible hours can encroach on family time and non-working hours, adversely impacting childcare accommodations, classes, and other jobs, not to mention household budgets.

Not having a predictable schedule drives some mothers out of the workforce because it is too expensive for them to arrange for last-minute transportation and childcare. Consistent work scheduling fosters better health for employees. It provides employees with a sensible break between shifts and allows time for sleep, commuting, and to care of oneself and one's family. Growing scientific literature links job stress, such as that caused by erratic scheduling, to poor health (such as chronic hypertension and heart disease). Researchers are also increasingly linking

poor worker health to poor economic outcomes, such as lower productivity and slower business growth. As a result, it is not surprising that recent studies establish a positive relationship between fair-minded workplace arrangements and worker health.

Simply put, this bill reasonably holds large chain employers accountable to their employees when last minute shift cancellations occur. It would protect worker health by reducing job stress which has increasingly been linked to chronic hypertension, lower productivity, and slower business growth. It would help women as they bear the brunt of care taking outside the workplace. In the long run, requiring predictability in employee schedules and earnings helps the employer by increasing employee stability and decreasing turnover.

It is the logical next policy step for a state that recently enacted the Time to Care Act, which established paid family and medical leave.

For all these reasons, I urge a favorable report on House Bill 1226.