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HB 431 – Maryland Fair Scheduling Act House Economic Matters Committee February 22, 2022

SUPPORT

**Donna S. Edwards
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Chairman and members of the Committee, thank you for the opportunity to provide testimony in support of HB 431 – Maryland Fair Scheduling Act. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of the 340,000 union members in the state of Maryland, I offer the following comments.

Jobs offering unpredictable and unstable work schedules are more likely to be filled by women, especially women of color. She is more likely to face wage gaps and chronic economic loss from being in low paid jobs and she is most likely a single mother. The volatile scheduling complicates and stifles her ability to plan for her children’s safe care, attend training or classes to improve skills or even hold a second job to keep her family economically stable. A new study conducted at the University of California demonstrates that one policy change makes a huge difference: making employers guarantee that workers’ schedules are at least two weeks in advance and compensate workers for last-minute changes. The study showed that workers who had their schedules 14 days in advance reported more financial security and overall health and well-being¹

HB 431 starts us on the path of reigning in employers who are taking advantage of their workers by applying a “fair scheduling” standard to food service and retail businesses that have at least ten locations nationwide. Many workers are struggling to create a work-life balance but are finding themselves at the whim of their employer. Businesses are aided by new technology that allows them to track sales and customer flows with precise detail. Some employers are using

¹ <https://fortune.com/2021/10/25/retail-service-workers-hours-secure-scheduling-advance-notice-caregivers-compensation/>

algorithms based on predicted customer traffic to maintain as lean staff as possible by scheduling workers for minimal hours, be on call at the last minute or leave shifts early.²

HB 431 provisions are common sense, and every employer should be following them, already. This includes paying an employee for being “on call”, paying for at least 4 hours of work (if the employee reports to work and is then given less than 4 hours), and protecting workers from retaliation from employers for declining to work hours not included in an original schedule.

Opposers of the bill will blame wages, extended benefits and a host of other non-proven reasons for why they are suffering staff shortages. But a recent article in Restaurant Dive states “Most workers are leaving the restaurant industry for these three reasons: to receive higher pay (28%); **for access to a more consistent schedule/income (23%)**; and because they lack access to professional development and promotional opportunities (17%), according to Black Box/Snagajob.”³

Studies and the industry’s own data demonstrate that fair scheduling promotes retention, better economic and well-being for the workers, and improves the industries’ staffing shortages. If our state values and respects the dignity of all work, the requirements within this bill should be completely non-controversial.

We urge a favorable report on HB 431.

² <https://www.epi.org/publication/fair-workweek-laws-help-more-than-1-8-million-workers/>

³ <https://www.restaurantdive.com/news/why-arent-restaurant-workers-coming-back-heres-what-the-data-shows/606198/>