
BILL NO.: House Bill 431
TITLE: Maryland Fair Scheduling Act
COMMITTEE: Economic Matters
DATE: February 22, 2022
POSITION: **SUPPORT**

House Bill 431 could make an enormous difference in the lives of working parents, workers seeking to further their careers through additional education, and other people with multiple claims to their time. Many hourly workers are more likely to have employers who schedule them to be on-call with no guarantee of work or pay, cancel shifts at the last minute, or send them home early without pay, while expecting the employee to be available at any and all hours. When workers are unable to meet their employer's last-minute demands, they often face retribution in the form of fewer hours or other retaliation. For a parent, especially a single parent, having a consistent work schedule is often imperative for arranging childcare and for budgeting income. Women are disproportionately represented in industries that routinely engage in such practices, such as retail and food services. They are also disproportionately low-wage positions, placing the burdens firmly on those who can afford it least, the most.

Under current law, it is legal to terminate an employee who cannot make it to work because her babysitter or her school schedule could not accommodate a last-minute schedule change. House Bill 431 would ensure that employees within certain food and retail establishments would be guaranteed a minimum amount of on-call pay for times when they are required to report to work and then released without being given the opportunity to work, or for times when they are required to be available to work and then not called in. Additionally, it would provide employees a right to decline work hours that occur within 11 hours of the end of their current shift, and an employer would have to compensate the employee at 1.5 times the regular rate of pay if the employee chooses to work those hours. Significantly, HB 431 also makes clear that an employer may not retaliate against an employee for declining to work hours not initially included within the original work schedule, or for exercising their rights under the statute. The law does not mandate an employer to guarantee any specific number of hours or any particular schedule: it merely requires employers to give adequate notice of the work schedule and any changes to it. Workers and employers are free to agree to mutually change the scheduled hours at any time, but the law would protect a last-minute change from being implemented unilaterally.

The lack of predictability of a job schedule can preclude a Maryland worker from attending school part-time or meeting her obligations to her children. This law would provide more employment opportunities for women in this State, particularly parents of young children. For these reasons, the Women's Law Center urges a favorable report on House Bill 431.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.