

PJC testimony - SB530 - fav.pdf

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Position: FAV



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SB 530 – Maryland Fair Scheduling Act
Hearing before the Senate Finance Committee, February 17, 2022

Position: SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Workplace Justice Project aims to ensure that our state’s low-wage workers receive fair and full payment for their labor, as well as other basic protections on the job. The PJC **supports SB 530** and urges a **favorable** report.

Half of Maryland’s total workforce is comprised of hourly workers who are more likely to experience volatile and precarious schedules. Workers cannot predict their hours or pay from day to day, make time for schooling or to care for children or family, secure a second job or qualify for promotions to full-time employment. These 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 paying them. At the same time, employees are expected to be available at any and all hours. If workers limit their availability at all or they cannot meet their employer’s last-minute demands, employees are punished with fewer hours or other retaliation.

For the restaurant and retail workers the bill covers, the Fair Scheduling Act will help reduce the volatility of workers’ schedules. Workers, particularly women, are forced to juggle childcare and other responsibilities with fluctuating schedules, a nearly-impossible balancing act over which they can exert little control. Hourly workers – a growing proportion of Maryland’s workforce – need a fair work week to earn a family sustaining paycheck. Scheduling practices have a particularly harmful effect on women with caregiving responsibilities and effectively limit their opportunities in the workplace.

SB 530 is a pared down version of a similar bill introduced in prior years. Compared to these earlier bills, it covers fewer workers (only workers at chain restaurants and chain retail stores) and provides fewer protections (for example, it does not require advance notice of schedule changes). However, it would still provide a meaningful improvement over the status quo for those workers it does cover.

For these reasons, the Public Justice Center SUPPORTS SB 530 and requests a FAVORABLE report.

SB 530 - MD Fair Scheduling Act.pdf

Uploaded by: Donna Edwards

Position: FAV



MARYLAND STATE & D.C. AFL-CIO

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SB 530 – Maryland Fair Scheduling Act Senate Finance Committee February 17, 2022

SUPPORT

**Donna S. Edwards
President**

Maryland State and DC AFL-CIO

Madam Chair and members of the Committee, thank you for the opportunity to provide testimony in support of SB 530 – 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

SB 530 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

SB 530 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 SB 530.

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/>

Testimony- Maryland Fair Scheduling Act .pdf

Uploaded by: Joanne C. Benson

Position: FAV

JOANNE C. BENSON
Legislative District 24
Prince George's County

Finance Committee

Joint Committees

Children, Youth, and Families

Ending Homelessness

Fair Practices and State Personnel Oversight

Management of Public Funds

Protocol



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony of Senator Joanne C. Benson
SB 530: Maryland Fair Scheduling Act

Good Afternoon Chair Kelly, Vice Chair Feldman and members of the Finance Committee. I am here to present SB530 The Fair Scheduling Act.

This legislation which is crucial to so many in our state, addresses growing concerns, and indeed a growing crisis among working families. American workers increasingly need to balance employment with other responsibilities, but to what extent does the workplace accommodate these needs? The non-work responsibilities of the typical American worker have changed dramatically over the past 50 years mainly as a result of the entrance of women to the workforce in large numbers. As a result, the fraction of households where all of the parents work full-time has nearly doubled, and the percentage of full-time workers who are parents in full-time working families has increased substantially. Because their parents are living longer, an increasing number of workers also find that they must make time for elder care.

This bill's purpose is to require employers who employ individuals in a food service facility or retail establishment to pay certain employees at a certain rate of pay for certain shifts of work except under certain circumstances. This bill helps the working Marylander not to become inconvenienced by short-term notices by their employer regarding scheduling. By allowing employers to freely and unwarrantedly manipulate employees' schedules you disadvantage the employee who may have a certain route to get to work which takes a specific amount of money and time. This is why it is important to grant compensation for the worker when they are asked to come into work unexpectedly to cover for any inconveniences the scheduling has caused. We as senators of this great state of Maryland have a time when we arrive at work that is set in stone for the majority of our time serving. Retail workers and food service workers should be held to that same standard.

When these unpredictable schedules are put in place it makes it difficult for women to meet their job and caregiving responsibilities. Furthermore, these practices are especially harmful to single mothers. The collateral damage of this is we then have children, mainly the eldest sibling, if a part of a larger household, who then becomes the secondary caretaker of their younger sibling while the parent is out fulfilling a role that was inconveniently placed upon them. The child's responsibility thus increases and a multitude of other things can begin to occur.

Such as poor grades in school due to home life and increased stress. Mothers are bringing home more family income than ever before. So they are essential in making sure a family's structure is kept by making sure child care is taken care of, housing, transportation, and a host of other indispensable responsibilities. Additionally, when hourly workers have workplace flexibility, productivity increases and absenteeism decreases. Productivity, retention, and reduced costs are important metrics for all businesses. While some benefits of fair scheduling practices (such as manager well-being, employee health, and retaining workers in whom a business has invested training) don't immediately show up in a traditional business case, they ultimately boost the bottom line. The new era of workers and families will not stand for this which is why we have current events such as the "Great Resignation" in which employees have been resigning from their jobs in the masses just recently reaching record numbers in April of 2021. Long-standing dissatisfaction is one of the primary causes of this movement. Therefore, we must provide workplace flexibility and paid leave to strengthen our families, businesses, and economy.

Thus, I respectfully urge the committee to issue a favorable report for SB 530.

UFCW 400 Testimony in Support of SB 530.pdf

Uploaded by: Kayla Mock

Position: FAV

Testimony in Support of SB 530

Labor and Employment - Maryland Fair Scheduling Act

TO: Hon. Chair Kelley, Vice Chair Feldman, and members of the Senate Finance
Committee

FROM: Kayla Mock, Political Organizer

United Food and Commercial Workers Union, Local 400

Chair Kelley and members of the Senate Finance Committee, I appreciate the chance to share my testimony on behalf of our over 10,000 members in Maryland, working on the front lines of the ongoing pandemic in grocery, retail, food distribution, law enforcement, and healthcare. Through collective bargaining, our members raise the workplace standards of wages, benefits, safety, and retirement for all workers.

We strongly support SB 530 and urge this committee to vote it favorably.

In most of the industries we at the United Food and Commercial Workers Local 400 (UFCW 400) represent, we see the importance of fair scheduling. Retail schedules are often unpredictable, posted with late notice, and often leaves workers stressed, vulnerable, and feeling as though they are constantly “on call” to pick up shifts when called in, even though the nature of their work is not on call. It can be exhausting and expensive.

The burden of home care and childcare also often falls to women, meaning unpredictable schedules disproportionately affect them. The National Women’s Law Center found “unfair work schedules make it difficult for women to access healthcare for themselves and their loved

Testimony in Support of SB 530 – Maryland Fair Scheduling Act

UFCW

2

ones, noting that medical appointments often need to be made well in advance, an impossibility when workers do not know their schedules until days before their shifts.”

As an organizer talking to non-unionized workers, I once heard from a worker who had to leave their job, citing the unpredictable scheduling and late notice shifts left her unable to arrange affordable childcare. It became too expensive for her to work. Her and her child were then both places on state provided benefits, as she also lost her employer provided healthcare. Another worker once told me they had to leave their job because they could not schedule chemotherapy treatments with constant schedule changes, and it literally became a choice of their life or their job.

Fair scheduling fosters healthy practices that allow time for life planning, sleep, commuting, caring for children, a household, or oneself. Fair scheduling also relieves stress, promoting better mental health practices through work life balance. Workers with fair scheduling employers often feel more secure, cared for, and happier at work and home.

Fair scheduling is also good for businesses, with multiple studies finding business with implementing predictable scheduling have a decrease in worker turnover, have simpler time tracking on payroll, and increase their worker productivity. Harvard Kennedy’s School’s Shift Project found that fair scheduling “increased worker happiness and sleep quality, reduced material hardship, and allowed workers to schedule and pay for medical care.” It is simple – workers who know their schedules, who can adequately plan their lives are more productive at work.

We at UFCW 400 are proud to have several collective bargaining agreements that implement fair scheduling standards, some very similar to those proposed here, such as Giant Food and Safeway. We are happy to report these companies are still profitable and have a flexible work force. They are able to schedule employees when they need them, call workers in if things are busy, send workers home if it is slow, and create schedules based on peak and valley business. All this bill does is create a sustainable practice to scheduling that allows the workers freedom to plan their lives. Everyone deserves access to a fair and predictable schedule.

On behalf of our members and all of Marylanders, we urge a favorable report from this committee on SB 530, The Maryland Fair Scheduling Act.

Larry Stafford – SB 530 Favorable.pdf

Uploaded by: Lindsey Muniak

Position: FAV



PROGRESSIVE MARYLAND

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Testimony of Larry Stafford, Jr., Executive Director of Progressive Maryland

SB 530 – Maryland Fair Scheduling Act

February 17, 2022

Position: Favorable

Dear Chair Kelley and members of the Senate Finance Committee:

Thank you for the opportunity to offer testimony in support of Senate Bill 530. Progressive Maryland is a statewide grassroots organization with over 100,000 members, supporters, and affiliates who live in nearly every legislative district across the state. Our mission is to improve the lives of working people and families in Maryland.

Please note our strong support for SB 530, the Maryland Fair Scheduling Act. This legislation will begin to address the problem of unpredictable, unfair, and inflexible work scheduling practices in Maryland’s retail and food services industries. Employers in these industries have increasingly begun to use “just-in-time” scheduling algorithms that change shift assignments in real time, with little warning to workers, in order to maximize their company profits and spend as little as possible paying workers for the cost of their labor. Worker shift assignments can change by the hour in response to factors that range from fluctuations in customer demand to shifts in the weather forecast.

Unsurprisingly, the burden of these practices falls disproportionately on low-income workers and workers of color. These workers are forced to rearrange their lives – and those of their family members and children – to respond to the whims of company profit margins, typically for artificially low wages that fail to reflect the value of their labor in the first place. It should be noted that many of the workers most affected by these erratic scheduling practices are also “essential workers,” those who have kept our economy running throughout the COVID-19 pandemic by providing critical services to Marylanders. It’s past time that we actually treat them as essential.

Already, fair workweek laws and regulations exist in nine states: California, Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Rhode Island, and Vermont. The working people of Maryland are now calling on our representatives in the General Assembly to implement these protections here.

We respectfully urge the Committee to issue a favorable report on SB 530.

Larry Stafford, Jr.
Executive Director
Progressive Maryland

SB 530 - Maryland Fair Scheduling Act .pdf

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Position: FAV

BILL NO.: Senate Bill 530
TITLE: Maryland Fair Scheduling Act
COMMITTEE: Finance
DATE: February 17, 2022
POSITION: **SUPPORT**

Senate Bill 530 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. Senate Bill 530 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, SB 530 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 Senate Bill 530.

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.

SB 530 R Jones 1199 SEIU_Fav.pdf

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Position: FAV



Testimony of Ricarra Jones, Political Director of 1199SEIU on

SB 530 Maryland Fair Scheduling Act

Position: FAVORABLE

February 17, 2022

Dear Chairwoman Senator Delores G. Kelley and Members of the Finance Committee:

1199SEIU Healthcare Workers East is the largest healthcare union in the country with, with over 450,000 members throughout Massachusetts, New York, New Jersey, Maryland, Florida and Washington, D.C. **We fully support SB 530.**

SB 530 The Maryland Fair Scheduling Act would have major impact on those in the food service and retail business by compensating employees required to be “on call” to their employers and therefore restricted from engaging in other activities.

Employees, unable to attend to family, personal, health, educational, or other employment matters while required to be “on call”, may receive specific amounts of pay for their valuable time even if they are not required to work during the “on call” hours.

The Maryland Fair Scheduling Act requires an employer to pay an employee (1) two hours of regular pay for each on-call shift of four hours or less and (2) four hours of regular pay for each on-call shift exceeding four hours, if the employer requires an employee to be available for an on-call shift but does not require the employee to report to work.

Further, the Maryland Fair Scheduling Act provides employees the ability to either refuse to work essentially back-to-back shifts, or compensates employees who may agree to do so.

Specifically, an employee has the right to decline to work hours that occur during the 11 hours following the end of a shift. An employer must pay an employee 1.5 times the employee’s regular rate of pay for any hours worked during the 11 hours following the end of a previous shift if the employee agreed in writing to work the hours.

The Maryland Fair Scheduling Act allows employers flexibility as well, as the bill provides that an employer is not required to pay the wages required under the bill if the change to an employee’s work shift is due to specified conditions, including at the request

of the employee or a documented, voluntary, mutually agreed on shift trade among employees.

Without this Bill, employees will continue to provide unpaid time to employers with no guaranty of pay or work, and may be required to work excessive shifts without proper compensation, at the expense of themselves and their families.

For these reasons, we **SUPPORT SB 530** and ask for a **FAVORABLE** report.

Sincerely,

Ricarra Jones

Maryland/DC Political Director

1199SEIU United Healthcare Workers- East

Cell: 443-844-6513

WDC Testimony SB0530-2022_FINAL.pdf

Uploaded by: JoAnne Koravos

Position: FWA



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill SB0530 – Fair Scheduling Act
Finance Committee – February 17, 2022
SUPPORT WITH AMENDMENT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2022 legislative session. WDC is one of the largest and most active Democratic Clubs in our County with hundreds of politically active women and men, including many elected officials.

WDC urges the passage with amendment of SB0530 Fair Scheduling Act. This bill will require a food service establishment that is part of a chain of at least 10 restaurants nationwide or a franchise of at least 10 establishments nationwide, or a retail establishment that is part of a chain of at least 10 retail establishments nationwide to pay an employee for at least four hours at the employee's regular rate of pay for each shift or on-call shift for which the employee reports to work but is required to work less than four hours, among other pay provisions. This bill also provides that an employee has the right to decline work hours during the eleven hours following the end of a shift. If an employee agrees in writing to work during these hours, the employee shall be paid 1.5 times the employee's regular rate of pay. The bill includes anti-retaliation provisions.

The food and retail service industry – especially chains and franchises – are among the most common users of just-in-time scheduling. In general retail workers are more likely to be women than men, and Black and Hispanic, who are employed in the lower-paid job categories such as cashier that are most frequently subject to just-in-time scheduling. Many of these workers have provided us with essential services during the COVID pandemic. When workers schedules are unstable and unpredictable, they struggle to pay rent, hold a second job to make ends meet, or take classes to improve their work prospects. They are also more likely to suffer untreated stress and health issues, skip meals or rely on food pantries, move in with others, and place their children in unstable, last-minute childcare arrangements. One study found that 80 percent of hourly workers had little or no input into their schedules, and one in three received their schedule less than one week in advance. Another study found that fair schedules reduced employee turnover.

While this bill ensures compensation for workers who have their schedules cancelled or shortened after they report for work and prohibits mandatory back-to-back shifts, it does not address the practice of unpredictable, last minute, just-in-time work schedules without adequate advance notice.

Therefore, we ask for your support for SB0530 and strongly urge a favorable Committee report, with amendment, to require advance notice of work schedules and the right to change schedules.

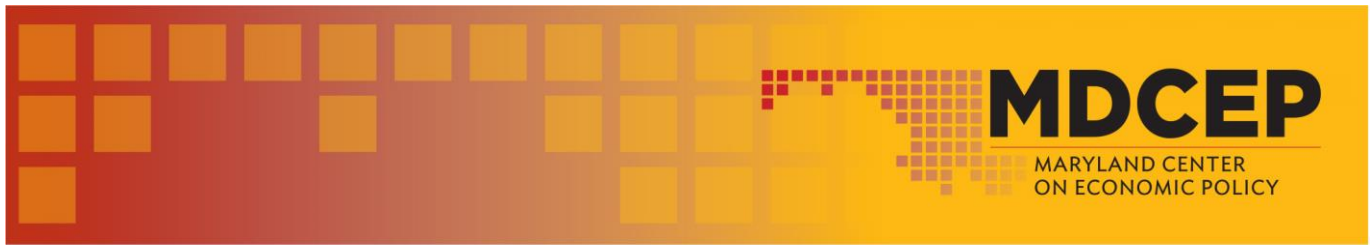
Respectfully,

Leslie Milano
President

SB530_MD Center on Economic Policy_FWA.pdf

Uploaded by: Kali Schumitz

Position: FWA



FEBRUARY 17, 2022

Maryland Workers Deserve Predictable Hours and Pay

Position Statement in Support of Senate Bill 530 with Amendment

Given before the Senate Finance Committee

A healthy labor market is one that opens doors to opportunity and high-quality jobs – jobs that pay a family-supporting wage, that allow workers to participate in their communities and live full lives outside the workplace, and that enable workers to plan for the future and advance their careers. The just-in-time scheduling practices that often characterize low-wage jobs are incompatible with this vision. Workers who cannot predict their hours even a few days in advance cannot count on taking home enough money to afford the basics, cannot effectively plan child care and other needs, and have little opportunity to pursue education or other steps to move their careers forward. Chaotic scheduling practices also make it harder for a worker to stay in a job in the long term and make service industry jobs less attractive, which hinders employers' recruitment and retention strategies.

The Maryland Center on Economic Policy supports Senate Bill 530 because it would guarantee certain workers a minimum payment for shifts canceled or shortened at the last minute and allow workers to decline dangerous “clopeneing” schedules that do not permit sufficient rest time between shifts. The Maryland Center on Economic Policy also proposes four amendments to make the protections offered under Senate Bill 530 stronger and clearer.

Many Maryland families depend on one or more part-time jobs to help support their families. However, large numbers of part-time workers receive their schedules only one week or less in advance. Currently, employers are able to schedule workers as “on-call” for the day without any guarantee of work or pay, cancel shifts at the last minute, and send workers home early without compensating them. If workers are unable to meet these expectations, they may be punished with fewer hours or even be fired.

Senate Bill 530 would help protect a portion of part-time workers from unfair scheduling practices that make it harder for them to climb the economic ladder and to care for their families:

- The bill's protections apply only to workers at retail and food service chains (with at least 10 locations nationwide).
- The bill would require covered employers to pay a portion of the lost wages when sending a worker home before the scheduled end of their shift. For shifts scheduled to last at least four hours, the bill requires four hours' pay. For shifts scheduled to last less than four hours, the bill requires employers to pay workers for the full scheduled shift. These requirements do not apply to shifts that are canceled in advance, or if the worker does not report to work as scheduled.
- The bill would require covered employers to pay a minimum amount for on-call shifts in which an employee

is not guaranteed work hours but is required to remain available in case needed. The bill requires two hours' pay for on-call shifts lasting up to four hours and four hours' pay for longer on-call shifts.

- The bill would grant covered workers the right to decline work hours that occur during the 11 hours following the end of a shift. While this requirement does not depend on any specific time of day, it effectively bars mandatory “clopenings” in which a worker must work a late night as well as the following early morning – a scheduling practice that prevents workers from getting sufficient rest and can cause safety hazards. If a covered worker accepts a “clopening” shift, the bill requires the employer to pay time-and-a-half for work performed before the end of the 11-hour inter-shift gap.
- The bill prohibits retaliation against a covered worker for exercising their scheduling rights.

The bill includes multiple provisions to minimize compliance difficulties for employers or workers:

- Covered employers are explicitly allowed to adopt scheduling policies more beneficial to workers than those required under the bill.
- Covered employers are not required to make up for reduced wages if a worker's shift is cut short at the worker's request, under a voluntary shift trade, for health and safety reasons, or for a business closure driven by outside events.

Senate Bill 530 represents an important step toward a more just and inclusive labor market that offers opportunity to all:ⁱ

- 62% of part-time workers in Maryland are women, compared to 49% of full-time workers.
- 23% of multiracial workers in Maryland work part time, compared to 19% of white workers.
- 12% of part-time workers in Maryland have family income less than the federal poverty line (\$27,750 per year for a family of four) – five times the poverty rate among full-time workers
- 15% of part-time workers in Maryland have family income between 100% and 200% of the poverty line, nearly double the share of full-time workers with incomes in this range.
- 68% of part-time workers in Maryland are at least 25 years old and 87% are at least 20 years old.
- 54% of Maryland workers in food services industries are workers of color, compared to 48% of retail workers and 43% of workers in other industries.
- 30% of retail workers in Maryland are Black, compared to 25% across all industries.
- 18% of food service workers in Maryland are Latinx, compared to 9% across all industries.

The Maryland Center on Economic Policy proposes the following amendments to strengthen and clarify the protections provided under Senate Bill 530:

- Limiting protections to retail and food service chains excludes large numbers of low-wage and part-time workers across Maryland. The bill should be amended to apply to all non-exempt employees regardless of industry, with the possibility of narrow exceptions to protect public health and safety.
- As introduced, Senate Bill 530 provides little, if any, protection against scheduling changes made more than one day in advance. The bill should be amended to require advance notice of schedule changes and allow workers to decline hours added with insufficient notice. Senate Bill 664 of 2016 (p. 5 line 9 to p. 6 line 18) includes these provisions.ⁱⁱ

- As introduced, Senate Bill 530 prohibits retaliation against an employee who declines to work hours not included in an initial work schedule. However, the bill does not define the term “initial work schedule,” specify when it must be provided, or explicitly grant employees a right to decline work hours added later. The bill should be amended to adopt the definition of “initial work schedule” included in Senate Bill 664 of 2016 (p. 4 lines 11 to 13) and the scheduling protections in that bill (p. 5 line 9 to p. 6 line 18).
- The requirements for when a covered employer must pay at least four hours’ wages (p. 4, lines 28 to 32) are unclear. The bill should be amended to clarify that this requirement applies only when an employee is given less than the scheduled hours of work.

Senate Bill 530 as introduced is an important and meaningful step toward a healthier labor market that offers opportunity to all. With the proposed amendments, the bill would make a major difference for all workers currently forced to contend with chaotic and harmful scheduling practices.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Finance Committee make a favorable report on Senate Bill 530 with amendment.

Equity Impact Analysis: Senate Bill 530

Bill Summary

Senate Bill 530 would provide scheduling-related protections to non-exempt employees of retail and food service chains:

- The bill would require covered employers to pay a portion of the lost wages when sending a worker home before the scheduled end of their shift. For shifts scheduled to last at least four hours, the bill requires four hours’ pay. For shifts scheduled to last less than four hours, the bill requires employers to pay workers for the full scheduled shift. These requirements do not apply to shifts that are canceled in advance, or if the worker does not report to work as scheduled.
- The bill would require covered employers to pay a minimum amount for on-call shifts in which an employee is not guaranteed work hours but is required to remain available in case needed. The bill requires two hours’ pay for on-call shifts lasting up to four hours and four hours’ pay for longer on-call shifts.
- The bill would grant covered workers the right to decline work hours that occur during the 11 hours following the end of a shift. If a covered worker accepts such a shift, the bill requires the employer to pay time-and-a-half for work performed before the end of the 11-hour inter-shift gap.
- The bill prohibits retaliation against a covered worker for exercising their scheduling rights.

Background

- Between 2015 and 2019, about 436,000 Maryland workers were employed in the retail and food services industries.ⁱⁱⁱ
- Between 2015 and 2019, about 541,000 Maryland workers worked part-time hours. Two-thirds of part-time workers during this period were at least 25 years old, and seven out of eight were at least 20 years old.

Equity Implications

- 62% of part-time workers in Maryland are women, compared to 40% of full-time workers.
- 23% of multiracial workers in Maryland work part time, compared to 19% of white workers.
- 12% of part-time workers in Maryland have family income less than the federal poverty line (\$27,750 per year for a family of four) – five times the poverty rate among full-time workers
- 15% of part-time workers in Maryland have family income between 100% and 200% of the poverty line, nearly double the share of full-time workers with incomes in this range.
- 54% of Maryland workers in food services industries are workers of color, compared to 48% of retail workers and 43% of workers in other industries.
- 30% of retail workers in Maryland are Black, compared to 25% across all industries.
- 18% of food service workers in Maryland are Latinx, compared to 9% across all industries.

Impact

Senate Bill 530 would likely **improve racial, gender, and economic equity** in Maryland.

ⁱ MDCEP analysis of 2015–2019 American Community Survey IPUMS microdata. Universe consists of individuals whose place of work is Maryland.

ⁱⁱ Senate Bill 664 of 2016, <https://mgaleg.maryland.gov/mgawebsite/Legislation/Details/SBO664?ys=2016RS&search=True>

ⁱⁱⁱ MDCEP analysis of 2015–2019 American Community Survey IPUMS microdata. Universe consists of individuals whose place of work is Maryland.

SB530 fair scheduling.pdf

Uploaded by: Kirk McCauley

Position: UNF



WMDA/CAR Service Station and Automotive Repair Association

February 8, 2022

Chair: Kelley
Members of Senate Finance Committee

RE: SB 530 Maryland Fair Scheduling Act

Position: In opposition

Sb 530 changes what constitutes overtime when employee works within 11 hours of a previous shift. These hours worked voluntary should not be configured as over time until 40 hours are reached.

Working hours that an employee voluntary consents to and wants, might very well lead to overtime with employee accumulating over 40 hours by end of week.

Having to obtain written consent from employee only adds another layer of record keeping that is time consuming and costly to employer.

Retail is already turning to automated forms of equipment and artificial intelligence. Requirements that are costly and burdensome in this bill, only encourage those actions.

Please give SB 530 an unfavorable report

WMDA/CAR is a trade association that has represented service stations, convenience stores and repair shops since 1937. Any questions can be addressed to Kirk McCauley 301-775-0221 or kmccauley@wmda.net

SB 530_MDCC_Maryland Fair Scheduling Act_UNFAV.pdf

Uploaded by: Maddy Voytek

Position: UNF



LEGISLATIVE POSITION:

Unfavorable

Senate Bill 530

Maryland Fair Scheduling Act

Senate Finance Committee

Thursday, February 17, 2022

Dear Chairman Wilson and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 5,500 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

Senate Bill 530 requires food service and retail establishments to pay employees for at least four hours (even if the shift they work is for less than this) for each on-call shift for which the employee reports to work. The bill also requires the employer to pay an employee who has an on-call shift but is not called in to work two hours of pay for each on-call shift that is less than four hours and 4 hours of pay for each on-call shift that is more than four hours. Lastly, if an employee agrees to work a shift that falls within eleven hours after their most recent shift, the employer must pay them 1.5 times their normal wage rate.

Currently, Oregon is the only state to have a restrictive scheduling law in place that impacts retail, hospitality and foodservice. While scheduling laws are intended to create more predictable schedules for workers in targeted industries, they almost always result in unnecessary burdens for both employers and employees. Retail and foodservice establishments are heavily reliant on foot traffic, which results in unpredictable demand. For example, a snowstorm would decrease foot traffic and keep people at home, reducing the number of employees needed that day. Conversely, an unseasonably warm winter day would increase foot traffic and the employer would need additional staff on hand. SB 530 would prohibit employers from being able to respond to these changes in demand.

Evidence from San Francisco, who has a similar scheduling mandate, has shown that twenty percent of impacted businesses reduced the number of part-time hires they made, and a similar proportion reduced the number of employees they scheduled per shift. The Washington Post also reported that many employees in San Francisco were unhappy with the mandate as it limited the employers' ability to offer last minute extra shifts.

Lastly, the COVID-19 pandemic has proven just how flexible retail and foodservice employers need to be when it comes to scheduling. Many employers faced significant staffing shortages due to employees testing positive or having to enter quarantine due to exposure. An employer's ability to reach out to other employees when faced with a scenario like this is critical to them being able to stay open and serve the community.

The Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **SB 530**.



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Position: UNF

MARYLAND JUDICIAL CONFERENCE
OFFICE OF GOVERNMENT RELATIONS

Hon. Joseph M. Getty
Chief Judge

580 Taylor Avenue
Annapolis, MD 21401

MEMORANDUM

TO: Senate Finance Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 530
Maryland Fair Scheduling Act
DATE: February 2, 2022
(2/17)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 530. This bill amends the Labor and Employment Article by creating the Maryland Fair Scheduling Act.

This bill requires the court on page 13, lines 9 through 12, to award actual damages and reinstatement of employment in certain circumstances. The Judiciary has traditionally opposed legislation that includes mandatory provisions. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when making a determination. Provisions that place restrictions on the judge prevent the judge from considering legislative intent or factors unique to the case.

In addition, the language on page 13 is contradictory to established common law in that it allows the court to award actual damages as well as what is equivalent to liquidated damages.

cc. Hon. Joanne Benson
Judicial Council
Legislative Committee
Kelley O'Connor