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## HB 349: Maryland Fair Scheduling Act

Hearing before the House Economic Matters Committee, February 14, 2023

### 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 HB 349** and urges a favorable report.

Fair scheduling includes a reliable work schedule with adequate hours that allows workers to balance caring for their families, and themselves, while relying on a steady paycheck. Low-wage workers, while accounting for their weekly work schedule, must plan out transportation, including public transit schedules, childcare, and balance the schedule of a second job or school amongst other responsibilities. Fair scheduling should be a basic protection. Unfortunately, in Maryland it is not.

The Public Justice Center's Workplace Justice Project regularly hears from workers whose hours are cut sporadically and without warning, whose employers communicate changes to their work schedule without proper notice. We also regularly hear from workers whose overly rigid schedules inhibit them from taking necessary personal leave without fearing retaliation. The stories we hear align with the experiences of roughly half of low-wage workers in the country who report having very little or no control over their schedules.<sup>1</sup> Because women represent roughly two-thirds of low-wage workers, they – and especially women of color – are the most impacted by unfair or unpredictable schedules. Seeking fair and flexible scheduling for Maryland workers is a matter of gender, racial, and economic justice.

HB 349 is a good start towards addressing the difficulties faced by restaurant and retail workers – who are often expected to be available at any and all hours. HB 349 requires employers who have told an employee to be available for an on-call shift but do not require the employee to

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<sup>1</sup> A Better Balance, *Fact Sheet: The Need for Fair Schedules*, September 2014, available at <https://www.abetterbalance.org/resources/fair-schedules-factsheet/>.

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report to work, to pay the 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.

HB 349 is a modest but important bill. It only covers workers at chain restaurants and chain retail stores. It does not require advance notice to be provided to employees when their schedules change. Nor does it provide other protections offered in some other similar legislation introduced elsewhere, such as the right to request schedule changes. However, the protections offered by HB 349 would still represent a meaningful improvement for the workers covers. HB 349 is an acknowledgement that healthy schedules allow workers to care for themselves without fearing that they will lose their jobs or have their hours significantly reduced.

Besides protecting workers, implementing better policy around fair scheduling reduces turnover and the high costs of hiring and training new workers. Giving workers more control over their schedules improves attendance and reduces reliance on public assistance. Fair schedules are both in the interest of workers and business.

For the reasons mentioned above, the Public Justice Center **SUPPORTS HB 349** and requests a **FAVORABLE** report.