

SB 345 - Labor and Employment - Maryland Fair Scheduling Act
SUPPORT
February 22, 2023

To: The Honorable Chair Griffith, Vice Chair Klausmeier, and Members of the Senate Finance Committee

From: Kayla Mock, Political & Legislative Director
United Food and Commercial Workers Union, Local 400

Dear Chair Griffith and members of the Senate Finance Committee:

I appreciate the opportunity to share my testimony on behalf of our over 10,000 members in Maryland, who have worked the frontlines and have been essential employees 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 345 and urge this committee to vote favorably.

In a study published by the Petersen Institute for International Economics, they analyzed the evolution of the labor market over the last year and stated that, "While talk of the "Great Resignation" may leave the impression that employment is surprisingly low, that is not the case. Since last December, the economy has added an average of 555,000 jobs per month, about the monthly pace expected by the Survey of Professional Forecasters in forecasts published earlier this year. This is the result of two offsetting factors: The demand for labor increased much more rapidly than most people expected, as evidenced by an estimated 11 million job openings in November, but at the same time the supply of labor has disappointed, as evidenced by the continued low level of labor force participation."

Low Level of Labor Force Participation: workers across America are leaving their jobs in record numbers. Anecdotal reports suggest that workers—from waitstaff to health care professionals to teachers—are frustrated by low wages, irregular hours, and difficult or unsafe working conditions.

Others are calling this the "Great Jobs Upgrade," as workers take advantage of high labor demand and reject employers who take the "low road"—those who do the bare minimum to maintain an acceptable workplace. Workers are not leaving the labor force – they are seeking better jobs. In my time, I have seen workers without access to fair scheduling quit jobs because they could not schedule childcare, lifesaving medical treatment, and they simply could not afford the instability their job schedule created.

How do we stabilize the Maryland Workforce?

According to the US Department of Labor, only 26% of leisure and hospitality workers know their work schedules less than 1 week in advance. That number drops to 23% for service occupation employees. This is why stability once the schedule is created is important.

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To: The Honorable Chair Griffith

From: Kayla Mock, UFCW Local 400

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

The burden of home care and childcare often falls to women, meaning unpredictable schedules and changes disproportionately affects them. The National Women’s Law Center found, “unfair work schedules make it difficult for women to access healthcare for themselves and their loved 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, I had the opportunity to talk to multiple non-unionized workers. One worker stated that she had to leave her job, as the unpredictable scheduling and late notice shifts left her unable to arrange affordable childcare. It became too expensive for her to work. Therefore, she and her child were both placed on state provided benefits, as she 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; it became a choice of their life or their job.

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

Fair scheduling is also beneficial for businesses. Multiple studies find that businesses who implement 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 and can adequately plan their lives are more productive at work.

UFCW Local 400 is proud to have several collective bargaining agreements that implement fair scheduling standards, some like those proposed here, such as Giant Food and Safeway. Before I became a staff member at UFCW Local 400, I was an employee of Giant Food. Fair scheduling allowed me to earn my degree without having to stress over the expectation of being an “on call worker” in an industry that should not be of such nature. With flexibility and stability, I was able to work my way through school and provide for myself.

Lastly, workers deserve the right to say no, and decline shifts without retaliation. I have heard from numerous retail workers who have talked about having to cancel appointments or miss their children’s events because they were called into work last minute and were too afraid to say no, fearing their hours would be cut in retaliation the next week. No employer should have the power over employees to make them feel that the simple act of missing a phone call during off times or declining a shift could result in a loss of hours and income.

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Companies who have established fair scheduling with employees are still profitable and have a flexible workforce. They can schedule employees when they need them, call workers in if things are busy, send workers home if it's slow, and create schedules based on peak and valley business. They were still able to plan accordingly to business needs. This bill creates a sustainable practice of scheduling that allows workers the freedom to plan and schedule work around their lives.

On behalf of our members and all Marylanders, **we urge a favorable report from this committee on SB 345, The Maryland Fair Scheduling Act.**