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Legislative District 24
Prince George's County

MAJORITY WHIP

Budget and Taxation Committee

Education, Business and
Administration Subcommittee

Pensions Subcommittee

Joint Committees

Audit and Evaluation Committee

Children, Youth, and Families

Ending Homelessness

Fair Practices and
State Personnel Oversight



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SENATOR JOANNE C. BENSON

SB994- Maryland Predictable Scheduling Act

Good afternoon, Madam Chair, Pamela Beidle, Vice Chair Katherine Klausmeier, and the esteemed committee.

Senate Bill-994 is a legislative proposal aimed at providing predictable schedules and stable working hours for hourly shift workers employed by food, hospitality, and retail establishments with at least 500 employees worldwide. The primary objective of the bill is to provide core protections for hourly workers and deter erratic scheduling. The bill offers covered workers the opportunity for a family-work balance by providing (1) two weeks' notice of shift schedules, (2) compensation when shifts are changed at the last minute, and (3) time between shifts to commute, eat, and rest.

The bill guarantees certain rights to hourly workers, such as an employee's written consent for accepting new or additional hours that are not reflected in the original schedules, and an extra hour of pay for such hours. Employees also have the right to decline successive opening and closing shifts, and they should receive 1.5 times the pay for hours worked within 11 hours of a previous shift ending.

It is noteworthy that the bill does not mandate that an employer guarantee an employee's request for certain shifts, but workers and employers are free to mutually agree (in writing) to change scheduled hours at any time. The bill would prevent managers from unilaterally implementing unexpected last-minute schedule changes and imposing the need for an employee to successively close and open the establishment.

It is pertinent to mention that nine other states have already implemented more stringent predictable scheduling measures than those proposed in this bill. Predictable schedules do not pose an unreasonable demand on the large retailers to whom this bill would apply. Starbucks has already implemented its predictable scheduling measures in 2014, which require managers to post work schedules well in advance and eliminate "shutting down" practices. If a worldwide chain like Starbucks can adopt such practices using standard scheduling software, other retail franchises should be able to do so as well.

This bill would reasonably hold large chain employers accountable to their employees when last-minute shift cancellations occur. It would help reduce job stress, which has been increasingly linked to chronic hypertension, lower productivity, and slower business growth. It would also help women as they bear the brunt of caretaking outside the workplace. Requiring predictability in employee schedules and earnings helps the employer by increasing employee stability and decreasing turnover.

In conclusion, the Senate Bill is a crucial legislative proposition that aims to provide predictability and stability to hourly shift workers employed by food, hospitality, and retail establishments with at least 500 employees worldwide. The bill offers core protections for hourly employees, which could help reduce job stress and improve employee stability, leading to improved productivity and business growth.

Therefore, I urge a favorable report on Senate Bill 994 with the attached amendments.



SB0994/343523/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

27 FEB 24
11:54:27

BY: Senator Benson
(To be offered in the Finance Committee)

AMENDMENT TO SENATE BILL 994
(First Reading File Bill)

On page 3, in line 20, strike “AND” and substitute “OR”.

On page 4, strike in their entirety lines 8 through 12, inclusive; in lines 13, 17, 19, 22, and 25, strike “(H)”, “(I)”, “(J)”, “(K)”, and “(L)”, respectively, and substitute “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively; in line 23, strike “REGULAR AND ON-CALL”; in line 28, after “SHIFT;” insert “OR”; and strike beginning with the semicolon in line 29 down through “WORK” in line 31.

On pages 5 and 6, strike in their entirety the lines beginning with line 30 on page 5 through line 1 on page 6, inclusive.

On page 7, in line 28, strike “SUBJECT TO SUBSECTION (D) OF THIS SECTION,”.

On page 8, strike in their entirety lines 7 through 18, inclusive; and strike beginning with the colon in line 27 down through “(1)” in line 28.

On page 9, strike beginning with the semicolon in line 1 down through “PAY” in line 5.

On page 10, strike beginning with “UNLESS” in line 15 down through “IN” in line 16 and substitute “IN”.

On page 11, strike in their entirety lines 6 through 8, inclusive; strike beginning with “IN” in line 10 down through “AGENCY” in line 25 and substitute “AN EMPLOYER MAY NOT ENGAGE IN ANY FORM OF INTIMIDATION, THREAT, REPRISAL,”

HARASSMENT, DISCRIMINATION, OR ADVERSE EMPLOYMENT ACTION BECAUSE AN EMPLOYEE EXERCISES RIGHTS PROTECTED UNDER THIS SUBTITLE"; and strike beginning with "A" in line 26 down through "SUBTITLE" in line 28 and substitute "THE PROTECTIONS AFFORDED UNDER THIS SECTION SHALL APPLY TO AN EMPLOYEE WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGES A VIOLATION OF THIS SUBTITLE".

On pages 11 through 13, strike in their entirety the lines beginning with line 29 on page 11 through line 1 on page 13, inclusive.

On page 15, in lines 22 and 27, in each instance, strike "PERSON" and substitute "CURRENT OR FORMER EMPLOYEE"; and strike beginning with the colon in line 26 down through "(I)" in line 27.

On pages 15 and 16, strike beginning with the semicolon in line 28 on page 15 down through "LAW" in line 1 on page 16.

On page 16, strike beginning with "DAMAGES" in line 8 down through "2." in line 15; and in lines 16, 17, 18, 21, and 24, strike "3.", "4.", "5.", "6.", and "7.", respectively, and substitute "2.", "3.", "4.", "5.", and "6.", respectively.

On pages 16 and 17, strike in their entirety the lines beginning with line 28 on page 16 through line 16 on page 17, inclusive.