

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-413

Title: AN ACT CONCERNING PREDICTABLE SCHEDULING.

Vote Date: 3/19/2024

Vote Action: Joint Favorable

PH Date: 3/12/2024

File No.:

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

This bill seeks to create fair scheduling practices for employees. This bill would do this by creating a 14-day period for which employers must notify employees of their upcoming work schedules. This legislation seeks to keep employees informed about their work schedules. This bill would not deny an employer the ability to contact an employee to come into work on short notice, however, the employer would pay an increased rate for the lack of notification. This legislation seeks to eliminate “on-call” workers and incentivizes employers to schedule employees proactively. It is believed that by adopting predictable scheduling, employees will be more financially secure and will be able to plan.

RESPONSE FROM ADMINISTRATION/AGENCY:

None provided.

NATURE AND SOURCES OF SUPPORT:

Senator Martin Looney, President Pro Tempore, Senate Democratic Office: Senator Looney submitted testimony in support of this legislation. In his testimony, Senator Looney notes that adopting this legislation will improve quality of life for shift workers. Senator Looney also raises that unpredictable scheduling creates problems for employees when arranging childcare or tending to other obligations.

Ed Hawthorne, President, Connecticut AFL-CIO: Mr. Hawthorne submitted testimony in support of this legislation. In his testimony, Mr. Hawthorne notes the toll unpredictable scheduling can have on families. He warns that unpredictable scheduling hinders an

employees' work-life balance, leaving employees unable to spend time with their children, attend school events, appointments, and opportunities to further their education. He raises predictable scheduling would provide a daily structure for employees and their families. Mr. Hawthorne also stated that "jobs should provide people with a sense of stability and opportunity in order to become self-reliant."

Patrick Hennessey: Mr. Hennessey submitted testimony in support of this legislation. In his testimony, Mr. Hennessey notes his personal experience as an employer where management was able to make "educated guesses" about staffing and scheduling needs of their employees. He notes that unpredictable scheduling makes it difficult for employees to adapt to variations in their workload and schedules, and that this bill incentivizes employers to plan ahead, or if flexibility is required, pay employees more. Mr. Hennessey raised that adopting this legislation would lead to improved recruitment and retention of employees.

Lynne Ide, Communications Lead, Universal Health Care Foundation of Connecticut: Mrs. Ide submitted testimony in support of this legislation. In her testimony, Mrs. Ide credits this bill, as it would allow employees the ability to plan their day-to-day life and tend to other obligations. She also notes that it is "exploitative" for employers to assume employees can accommodate unforeseen fluctuations in their schedule.

Barbara Lopez, Executive Director, Make the Road CT: Mrs. Lopez submitted testimony in support of this legislation. In her testimony, Mrs. Lopez noted her personal experience talking to workers in the fast food and retail sector who have experienced lost wages due to last minute cancellations or reduced hours. She raises that this financial instability hinders an employees' ability to pay rent and buy groceries. Mrs. Lopez also notes that businesses that have predictable scheduling experience less staff turnover, higher worker satisfaction, and less hiring costs.

Jared Make, Vice President, A Better Balance: Mr. Make submitted testimony in support of this legislation. In his testimony, Mr. Make notes that unpredictable scheduling negatively impacts an employees' ability to schedule childcare, attend appointments and earn enough money. Mr. Make raises that "Clopening" shifts are harmful to employees' health and familial relationships. Mr. Make references statistics that show that 19% of Connecticut service workers report a regular daytime work schedule. He also notes that adopting this legislation would lead to increased retention rates of employees.

Eimy Martinez, Member, CT Working Families: Mrs. Martinez submitted testimony in support of this legislation. In her testimony, Mrs. Martinez noted her experience working as a college student without consistent days and shifts to work made it "impossible for me to have a steady work and life balance." She also raises "closers" or employees who work the closing shifts had to stay extra hours after the store's official closing time to prepare the store for the next day. Mrs. Martinez also argues that "lack of rest between shifts and unsteady work schedules could have easily affected my educational performance."

Jose Martinez: Mr. Martinez submitted testimony in support of this legislation. In his testimony, Mr. Martinez discussed parents struggling to find consistent childcare with an unpredictable schedule. He testifies about a single mother who doesn't have a consistent schedule and how demanding that can be for her and her family. Mr. Martinez argues that

adopting this legislation will improve the quality of life and workplace productivity of employees.

Laura Orban, mother: Mrs. Orban submitted testimony in support of this legislation. In her testimony, Mrs. Orban recounts her experience working remotely at a large employer and how that work environment enabled her to raise and support her children. Mrs. Orban argues that this legislation is essential for women, especially mothers. She argues Mothers have to plan for childcare, transportation, and other things while also being able to adapt to illnesses, bad weather, etc. She also notes that employees who work two jobs may have their job security and financial stability jeopardized due to scheduling changes.

Rochelle Palache, State Director, 32BJ SEIU: Mrs. Palache submitted testimony in support of this legislation. In her testimony, Mrs. Palache argues that too many hourly workers are forced to adapt to unpredictable scheduling which can impact their income, caretaking responsibilities, educational opportunities, and other commitments. She also raises that there is a burden on employees who work “clopening” shifts and work “on call” while there is no burden on employers who change schedules at the last minute. Mrs. Palache also argues that women and people of color are disproportionately impacted by unpredictable scheduling, as in Connecticut approximately 3/4 of Black and Latino employees work jobs on an hourly basis, and 62% of women in Connecticut work low wage jobs.

Sara Parker McKernan, Legislative Policy Advocate, New Haven Legal Assistance: Mrs. McKernan submitted testimony in support of this legislation. In her testimony, Mrs. McKernan argues that unpredictable scheduling leaves employees unable to plan for childcare, transportation, etc. She similarly notes that when an employees’ schedule is changed, it affects their finances and ability to pay for things like childcare and transportation. She also raises that some employees may feel intimidated or powerless in confronting their employer about their schedules.

Gretchen Raffa, Vice President of Public Policy, Planned Parenthood: Mrs. Raffa submitted testimony in support of this legislation. In her testimony, Mrs. Raffa argues that unpredictable scheduling predominantly impacts women and people of color. She notes that unpredictable scheduling hinders families, and their incomes and makes it difficult to arrange childcare, appointments, meals, etc. She also argues that unpredictable scheduling takes a toll on the health and well-being of employees.

Rose Reyes, educator: Mrs. Reyes submitted testimony in support of this legislation. In her testimony, Mrs. Reyes argues about the disproportionate effect unpredictable scheduling has on women and people of color. She also emphasizes the effects unpredictable scheduling has on students who have a guardian who works under an unpredictable schedule. She notes that because of unpredictable scheduling, students may have unanticipated absences, and miss out on engagement activities, events, and field trips. She argues that unpredictable scheduling can create a disconnect for students from their schooling.

Patrick Romano, Partner, Marketplace at the Guilford Food Center: Mr. Romano submitted testimony in support of this legislation. In his testimony, Mr. Romano shares his experience as an employer, noting his business is a “values-based company, which respects employees.” He says that his business provides employees with a 10-day scheduling window to allow employees to plan accordingly. He notes that this policy, and this legislation both

benefit employees, especially employees with childcare needs and/or health issues. He argues that the long-term benefits of this legislation supersede the short-term investments employers make.

James Root: Mr. Root submitted testimony in support of this legislation. In his testimony, Mr. Root argues that unpredictable scheduling can lead to substandard work from employees. He recalls his experience as an employee with unpredictable scheduling and describes it as “stressful, situational unfair battles with management over schedules.” He also says that adopting this legislation would improve communication between employees and employers.

Roger Senserrich, Policy Director, CT Working Families Power: Mr. Senserrich submitted testimony in support of this legislation. In his testimony, Mr. Senserrich argues that jobs should provide stability and opportunity to their employees. However, he states that stability and opportunity are complicated when employees are unable to plan. When an employee’s schedule impacts their ability to earn a consistent income, attend school, other jobs, appointments, or have leisure time. He also argues that reliable childcare is made difficult for employees who have unpredictable scheduling. He notes the effects unpredictable scheduling can have on an employee’s health, like lack of sleep, psychological distress, unhappiness, and depressive symptoms. He also argues that these health concerns can impact families. He notes that women and people of color are disproportionately impacted by unpredictable scheduling. He also adds “Workers appreciate it when you respect their time.”

Tonishia Signore, Policy Director, She Leads Justice: Mrs. Signore submitted testimony in support of this legislation. In her testimony, Mrs. Signore argues that unpredictable scheduling disproportionately impacts employees who are women and people of color. She notes that unpredictable scheduling makes it difficult for employees to keep a second job, attend appointments, plan childcare, and run errands.

David Stevenson: Mr. Stevenson submitted testimony in support of this legislation. In his testimony, Mr. Stevenson shares his experience speaking to employees at a local McDonald’s and Burger King. He notes that the employees at those businesses shared they were unaware of their schedules and the number of hours they work from day-to-day.

Nick Teeling, Advocacy Deputy Director, Connecticut Voices for Children: Mr. Teeling submitted testimony in support of this legislation. In his testimony, Mr. Teeling argues that unpredictable scheduling creates uncertainty among employees about their wages and ability to pay for childcare. He notes that the early care and education sector is losing staff due to burnout, and unpredictable scheduling adds to that stress. He argues that employees who are women and people of color are disproportionately impacted by unpredictable scheduling and would benefit the most from the adoption of this legislation. He notes that this legislation would provide wage security and stability for employees, especially in the early care and education sector.

Julie Vogtman, Director of Job Quality, National Women’s Law Center: Mrs. Vogtman submitted testimony in support of this legislation. In her testimony, Mrs. Vogtman argues that before the pandemic low-wage employees, who are predominantly women and people of color experienced high amounts of last-minute shift cancellations which impacted their financial well-being and their ability to care for their families. She argues unpredictable scheduling impacts an employee’s ability to schedule childcare or appointments. She also

notes that unpredictable scheduling affects the children of employees. She argues that the educational, emotional, and physical health of children can be affected as a result of unpredictable scheduling. She notes emotional distress, unanticipated school absences, loss of sleep, and health conditions like asthma that kids may deal with due to scheduling inconsistencies. She notes that adopting this legislation will be mutually beneficial to both employers and employees.

Terra Volpe: Ms. Volpe submitted testimony in support of this legislation. In her testimony, Ms. Volpe argues that adopting this bill would allow employees to plan their lives. She argues that adopting this bill would enable employees who are parents to plan childcare, spend time with their kids, and support their families. Ms. Volpe notes “when we make life easier for people, we not only support workers and their children, but also support entire communities.”

Denise Weeks: Mrs. Weeks submitted testimony in support of this legislation. In her testimony, Mrs. Weeks argues that adopting this legislation would enable employees who are parents to plan childcare, students to attend classes, and employees working 2 or more jobs to avoid overlapping obligations. She notes that this legislation would allow people to support their families. She also notes that adopting this legislation would enable employees to tend to everyday matters like grocery shopping and handling household chores without fear of being called into work last minute.

Janee Woods Weber, Executive Director, She Leads Justice: Mrs. Weber submitted testimony in support of this legislation. In her testimony, Mrs. Weber argues that unpredictable scheduling hinders an employee’s ability to plan childcare, attend second jobs, and be able to earn promotions. She notes that women and people of color, and particularly women of color are overrepresented in low-wage jobs where unpredictable scheduling is harmful. She argues that adopting this legislation would provide the structure for employees to be financially stable and be able to pay for groceries and rent. She also argues that employees who work “on call” with families miss out on time with their families.

Jess Zacagnino, Policy Counsel, American Civil Liberties Union of Connecticut: Mrs. Zacagnino submitted testimony in support of this legislation. In her testimony, Mrs. Zacagnino argues that unpredictable scheduling makes employees financially insecure. She notes that employees can receive inconsistent paychecks when there is unpredictable scheduling. She also notes that employers seek to limit the amount of hours an employee can get, to deny them full-time employment status and the benefits that come along with it. She notes that unpredictable scheduling is devastating to workers of color.

NATURE AND SOURCES OF OPPOSITION:

Matthew Kagel, Director of State & Local Government Relations, International Franchise Association: Mr. Kagel submitted testimony in opposition to this legislation. In his testimony, Mr. Kagel says that the International Franchise Association seeks for all businesses- regardless of size- to be treated fairly, he notes that SB 413 singles out franchise businesses. He notes that SB 413 is a “inflexible government mandate” which hinders competition between businesses which seek to attract employees and consumers. Mr. Kagel also raises that preserving the small business franchise model promotes minority and female entrepreneurship. He also states that franchise ownership also creates more jobs and strengthens economic growth.

Toby Malara, Vice President of Government Relations, American Staffing Association: Mr. Malara submitted testimony in opposition to this legislation. In his testimony, Mr. Malara notes that adopting this legislation would hinder an employer's ability to offer work to temporary workers through a Temporary Staffing Service without first offering work to an existing employee. He also argues that it is "impractical" and would be costly for employers to give an estimate to temporary staff regarding their work schedule. Mr. Malara argues that there should be an exception for temporary staff and cites the 2017 Fair Schedule Law in Oregon as an example. Mr. Malara also provides legislative language to amend the legislation to create an exception for temporary staff.

Andy Markowski, State Director, National Federation of Independent Business: Mr. Markowski submitted testimony in opposition to this legislation. In his testimony, Mr. Markowski warned that this legislation would be impractical and unworkable for small and mid-sized independently owned businesses. He also argues that independent business owners are concerned about excessive enforcement and private civil actions for alleged violations.

Zachary McKeown, Advocacy Manager, Connecticut Conference of Municipalities: Mr. McKeown submitted testimony in opposition to this legislation. In his testimony, Mr. McKeown states this legislation would be "impractical". He notes that the Connecticut Conference of Municipalities would "oppose any mandate that would restrict a municipality's ability to adjust schedules or limit flexibility to manage our operations, emergency situations, or unplanned events."

Mag Morelli, President, Leading Age Connecticut: Mrs. Morelli submitted testimony in opposition to this legislation. In her testimony, Mrs. Morelli argues that nursing home care providers schedule employee subject to the needs of their patients. She argues that a nursing home's census is constantly changing and advocates the scheduling of nursing home care providers should be flexible as well. Mrs. Morelli favors language change to provide an exception for the "nurse aide category from the bill."

Joan Nichols, Executive Director, Connecticut Farm Bureau Association: Mrs. Nichols submitted testimony in opposition to this legislation as currently written. In her testimony, Mrs. Nichols notes that farm work is consistently changing and dynamic, which would make it "impossible" for farm businesses to comply with a predictable scheduling law. Mrs. Nichols argues that this legislation should be amended to create an exception for employees in farm work and the agricultural sector.

Francis Palasieksi, Director of Government Affairs, Lumber Dealers Association of CT: Mr. Palasieksi submitted testimony in opposition to this legislation. In his testimony, Mr. Palasieksi argues that adopting this legislation would increase costs, and be burdensome to retail lumber dealers and small businesses which will negatively impact job growth in the state. He notes that the building material industry is an industry that is responsive to the needs of its customers and requires flexibility in scheduling. He notes that implementation of this legislation may be easy for certain businesses, but not all. He argues that additional burdens would incur higher prices and lead to increases in construction, residential, and commercial projects.

Tim Phelan, President, Connecticut Retail Network: Mr. Phelan submitted testimony in opposition to this legislation. In his testimony, Mr. Phelan argues that the retail sector annually contributes 34 billion dollars to the Connecticut economy or 14% of Connecticut's GDP. He also argues that if this legislation were adopted, it would hurt businesses, employees, customers, and Connecticut's "efforts to achieve the sustained economic recovery we all desire." He also says that the relationship between employers and employees is mutually beneficial, and flexible

scheduling enables employers to schedule according to the individual needs of their employees. He notes that businesses in the retail sector are responsive to the needs of customers, employees, and the store.

Frank Ricci, Labor Fellow, Yankee Institute: Mr. Ricci submitted testimony in opposition to this legislation. In his testimony, Mr. Ricci shares deep concern that this legislation is government interference in the employee-employer relationship. He says this legislation “oversteps the boundaries of a fair and open market.” He shares his personal experience as a fireman and understands his availability must fluctuate on any given day. He argues that the adoption of this legislation will increase costs, which consumers will bear the brunt of, negatively impact market forces and the economy, and perpetuate employee litigiousness.

Garrett Sheehan, President, Greater New Haven & Quinnipiac Chambers of Commerce: Mr. Sheehan submitted testimony in opposition to this legislation. In his testimony, Mr. Sheehan argues that adopting this legislation would place an increased burden during the scheduling process for both employees and employers. He notes that businesses are already facing staffing shortages, due to employee absences and this bill would exacerbate the problem. He warns that adopting this bill would impact critical industries like the healthcare sector.

Reported by: Tyler Fisher

Date: 04/03/2024