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Hour Crisis

**Unstable Schedules in the
Los Angeles Retail Sector**

UCLA Labor Center

laane»
A NEW ECONOMY FOR ALL

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Glossary

Relevant terms used throughout the report

Unreliable Hours - This refers to the lack of consistent and regular work hours. Instead, workers experience unreliable hours in terms of 1) an inconsistent number of total hours, 2) the days of those hours, or 3) the shifts and the length of those shifts.

Open Availability - Workers are expected to give a wide range of availability rather than their preferred days/ times/ shifts. Managers select days, hours, and shifts when they make the workers' schedule.

Unpredictable Schedules - This refers to last-minute scheduling changes such as changing shifts with short notice, having a shift canceled, changing the schedule after it is posted, and having less than a week's notice of one's work schedule.

On-Demand Hours - This refers to practices that keep workers on standby, such as requiring workers to call in on the day of to find out if they are working then, calling workers on their scheduled days off to come in and work, or having workers hold specific times when they may or may not be called in.

Nonstandard Hours - Work hours that operate outside of 9-to-5 weekday, standard shifts. It includes: evening and night shifts; *clopening* shifts that include working both a closing shift at night and an opening shift the following morning; split-shifts that require coming in for the morning, taking a break, and working a second shift at night; weekend work; temporary work; and seasonal work.

Part-Time Hours - Part-time hours are less than full-time hours. There is no uniform cutoff point between part-time and full-time work and employers are free to define these categories. Stores may designate any number of hours, such as 30 or 40 hours, as full-time work. For our report, we define part-time hours as less than 35 hours, which is akin to government data. Part-time workers who would prefer to work full-time but are not given enough hours to qualify as full-time are involuntary part-time workers.

Unstable Scheduling - A comprehensive term for a worker's rapidly shifting schedule in the retail industry, with its unreliable hours, open availability, unpredictable schedules, on-demand hours, and lack of adequate hours.



Executive Summary

The retail sector is an integral part of the Los Angeles landscape with almost half a million workers in the county, and 147,157 workers in the city. Retail makes up one-tenth of the private sector workforce in the county and is its second largest employer. Yet more than half of the county's workforce earn low wages. In the past few years, local and statewide policies have focused on transforming low-wage work, including a raise in the minimum wage, increased worker protections, and required paid time off. Despite the statewide strengthening of workers' rights protections, the unreliable hours and unpredictable schedules endemic in the retail industry mean these benefits become inaccessible to many workers. In part, the retail industry relies on scheduling practices that are not good for workers, such as forcing them to wait for their weekly schedules with only a few days notice. These practices not only undercut workers' hours and their expectations thereof, but also their incomes, and can make it nearly impossible for workers to realize full and healthy lives.

Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector explores worker hours and scheduling practices for “frontline floor” staff that include salespersons, cashiers, stockers, and food workers in large and chain stores. We used a participatory and research justice approach and worked with students, workers, and community partners to collect and analyze the data. Using mixed-sampling methodology, we collected a total of 818 surveys. In addition, we analyzed government data and conducted an extensive review of existing policy and academic literature on the topic.

Nothing Is Set: Practices that Create Unreliable Hours and Unpredictable Schedules

Retail workers experience high fluctuations in their work hours and schedules. Without set hours, workers experience inconsistency in the number of hours they work per day, the days of the week they work those hours (e.g. schedule to work Monday one week, and Tuesday the next), and/or the shifts (e.g. morning vs. evening shift) they get. Changing schedules make it difficult for workers to maintain stability in their lives, including providing childcare, fulfilling educational responsibilities, and gaining additional employment.

- **Unreliable hours are pervasive for retail workers.** 8 in 10 workers lack a set schedule each week, which means that their schedules change week by week.
- **72% of workers have the days they work change week by week,** 66% find that the shifts they work change from week to week, and 69% of workers see the number of hours they work change each week.
- **The practice of “open availability,” wherein workers are expected to keep their hours available** strongly contributes to this unreliability. More than half of workers surveyed (62%) report that they are expected to have open availability.
- **Workers get very little notice of their schedules; 77% receive a week or less notice** of their schedule before their shift. For a quarter, it was just days before the shift.
- **For many workers, the manager will change the schedules after it is posted.** 64% reported that their managers changed their schedules and half of workers said it was done within one day of their shift.
- **The system of on-demand hours contains various methods by which managers keep workers on standby.** 60% have been called in to work on their days off, 20% are expected to be on-call, and 16% are expected to call their workplace to learn whether they are working that same day.
- **When they receive their schedule, workers are rarely satisfied with it.** Only 27% said they always get the schedule they want, while 60% sometimes do, and 13% never do.

Juggling Hours: Part-Time, Insufficient Hours, and Nonstandard Hours

Relying on part-time work and nonstandard hours are common practices in the retail sector. With its demand for consumer services, retail depends on part-time work, though these workers experience lower wages and greater scheduling fluctuations. In addition, retail workers are often hired outside the traditional 9-to-5 shift and work during nonstandard hours (evenings, nights, and weekends).

- **Half of the workers in our survey are part-time workers.** Though scheduling fluctuations is an issue for all retail workers, it is particularly challenging for part-time workers. They are more likely to lack a set schedule, are expected to have open availability, to have their hours, days, and shifts vary week by week, to have their schedules changed after they are posted, and to have shifts cancelled.
- **Workers face severe fluctuations in the number of hours they are assigned to work in a week.** 44% of workers note that their weekly hours can change by 10 or more hours from one week to the next.
- **Workers also face insufficient hours. About half of retail workers would like more hours** than they are currently scheduled. Of those that want more hours, the majority want to be working 40 or more hours. Yet 31% of workers report that stores hired new employees to fill shifts that the worker would be willing to take.
- **44% of retail workers surveyed have worked clopening shifts,** the practice in which workers are scheduled to close a store late at night and then open early in the morning. Of those, 61% have less than 10 hours of rest between shifts. A major issue with clopening is the lack of adequate sleep it predictably entails, which can jeopardize a worker's health.
- **1 in 5 workers work a split shift** whereby workers are assigned to work two periods of time in one day, with an unpaid period in between.
- **30% of workers reported feeling unsafe** due to being scheduled to work late at night, or not having enough staff scheduled to work with them.

Life Deferred: Work and Life Imbalance

The hours workers receive affects numerous other aspects of their lives. Participants reported difficulties balancing low-wage work and other caregiving responsibilities they may have, in addition to perhaps attending school. Having limited advanced notice and last-minute scheduling changes aggravates issues of planning and work-life balance. Nonstandard hours also make it difficult to maintain family rituals, routines, and social activities. Time of day, work duration, and recovery time also factor into health issues that affect those who work nonstandard hours.

- **Two-thirds of workers always or sometimes experience stress** due to their work schedules.
- **An unreliable schedule means an unstable income and 1 in 2 worker is late paying a bill** because they were not making enough income to consistently cover their expenses.
- **One-third of retail workers are the only income providers in their household.** The majority of these workers have at least one family member that relies on them; among all workers, 62% support at least one other family member.
- **For the 16% of retail workers who need childcare support, 40% encountered difficulties in paying for childcare.** 45% are locked out of childcare centers because of their work schedule, so over half of workers rely on family and relatives for childcare.
- **23% of retail workers surveyed are students and almost half of student workers (43%) missed at least one class** due to a work schedule priority. Many student workers engage in a constant tug of war between school and work. The need to earn a living can inadvertently divert a student worker's ability to complete their studies. 14% of retail workers in our survey completed some college, but did not earn a degree and are not currently in school.
- **There have been new and expanded benefits for workers, but some workers do not know if they have access to these benefits,** 22% did not know if their store offered health benefits, 21% did not know about paid sick time off, and 29% did not know about time off to take care of a child or family member. It demonstrates the clear need to offer workplace and public education on these issues.

Towards a Stable Schedule

This report shows that the retail sector is experiencing an *hour crisis* — workers face unpredictable schedules and insufficient hours that disrupt their lives and families. When asked about what they would change about their job, the majority discussed wanting a good schedule: a schedule that gives them enough hours to make ends meet, one that is set and consistent so that they can plan their lives, one that allows them to work and also care for their family, and a humane one that takes the worker into consideration. This study attempts to capture the myriad of issues impacting retail workers when they have little control over or input into their work schedules. While some employers have improved their corporate scheduling practices, public policy must ensure that all workers have access to jobs with decent scheduling practices. A national movement is growing to push for local, state, and federal policy proposals that prevent or minimize many of the scheduling challenges described by retail workers in our survey. The following are recommendations to address unfair scheduling practices within retail and beyond.

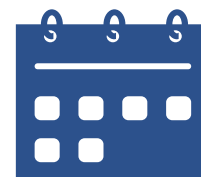
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1. Develop better scheduling standards and work hour policies that provide reasonable advance notice, clearly defined shifts, hours that are stable and do not fluctuate week by week, and a minimum number of work hours that ensure a dependable weekly income. This includes:



- Providing advance notice, predictability pay for last-minute changes, and estimated or guaranteed hours at time of hire.
 - Allowing for schedule input and the right to request changes without fear of retaliation and limit last-minute, on-demand scheduling practices.
 - Improving part-time worker standards and hours by providing regular hours, more working hours, and guaranteeing that these workers are considered first for these hours before new workers are introduced.
 - Curbing the practice of requiring workers to be available at all times.
-

2. Consider new ways of thinking about scheduling through worker, employer, policy maker, legislator, and technology firm engagement. These stakeholders need to equitably convene and reimagine the ways in which workers' schedules are set. This is not easily accomplished, especially in the world of low-wage service sectors, but it is possible. This study exemplifies the ways in which some essential principles and values might move key partners in this direction.



- Shift the dynamics of schedule control, consent, and power to create practices in which workers and employers collaborate on how best to establish fair terms for schedules.
- Create reasonable notice and a space for worker voices in scheduling free of favoritism and the threat of retaliation.
- Integrate scheduling within economic and workers' rights policy discussions such as involuntary part-time work, income volatility, or occupational segregation, so that advocates and stakeholders will be better able to leverage reforms to counter the present crisis around retail scheduling.



3. Use technologies to support fair hours and workweeks. Much of the control of new technological tools for scheduling shifts, such as “Just-In-Time” workforce optimization software, are in the hands of companies and employers and leave workers entirely outside of the process. These changes, however, impact the lives of retail workers dramatically. As technology advances in this sector, there is a vital need to envision, and persistently re-envision, a worker-centered approach to new tools.



- Organize shared planning and strategizing around workplace technology that equitably positions workers alongside employers is a pressing requirement.
- Create worker-side components in technology that allow workers to advocate for themselves and communicate with each other, and that can be used as a tool for organizing.
- Ensure worker protections and enforcement of new software and application development so technology is used in equitable ways, rather than for more efficient exploitation of workers.



4. Promote a viable work and life balance for workers by accommodating and acknowledging workers' individual and family needs. This is a prudent business decision because it boosts morale both in, and out, of the workplace, and leads to better health outcomes and mental well-being.



- Continue to support policies that improve labor conditions for workers and their families such as wage increases, the right to request changes to a schedule, paid time off, and health insurance and other benefits, as well as counter ongoing attacks on existing benefits.

- Ensure that employees have work lives that allow adequate time away from work.
- Consider expanding public investment in programs including access to childcare and homecare resources that serve children, seniors, and people with disabilities.



5. Ensure strong enforcement of policies and support worker voices.

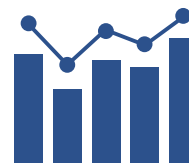
The unbalanced control of schedules through on-demand hours, alongside unreliable expectations of hours, gives retail workers little power to decline mandated last-minute schedule assignments. And when workers advocate for their own preferred schedules and needs, whether for school, caregiving, or overall health, the prospect of retaliation looms.



- Continue enforcement of existing worker policies, expand protections to create safe and equitable work conditions, and integrate scheduling protections into the current enforcement regime.
- Raise awareness and increase education about workplace laws and benefits.
- Create partnerships with community organizations to strengthen enforcement.



6. Expand research of scheduling practices and enforcement in retail and related Industries.



- Conduct further research on scheduling practices within retail, particularly as the industry shifts and develops new sales, production, and distribution models.
- Expand research to related issues and sectors such as warehouses, fulfillment centers, and transportation as they have sectoral relationships with retail.
- Evaluate and monitor current and future scheduling practices as necessary steps to support the enforcement of future legislation.
- Further examine how nonstandard scheduling impacts low-wage working families to inform scholarship around scheduling and draw attention to social policies like child or senior care that could help families cope with economic instability.

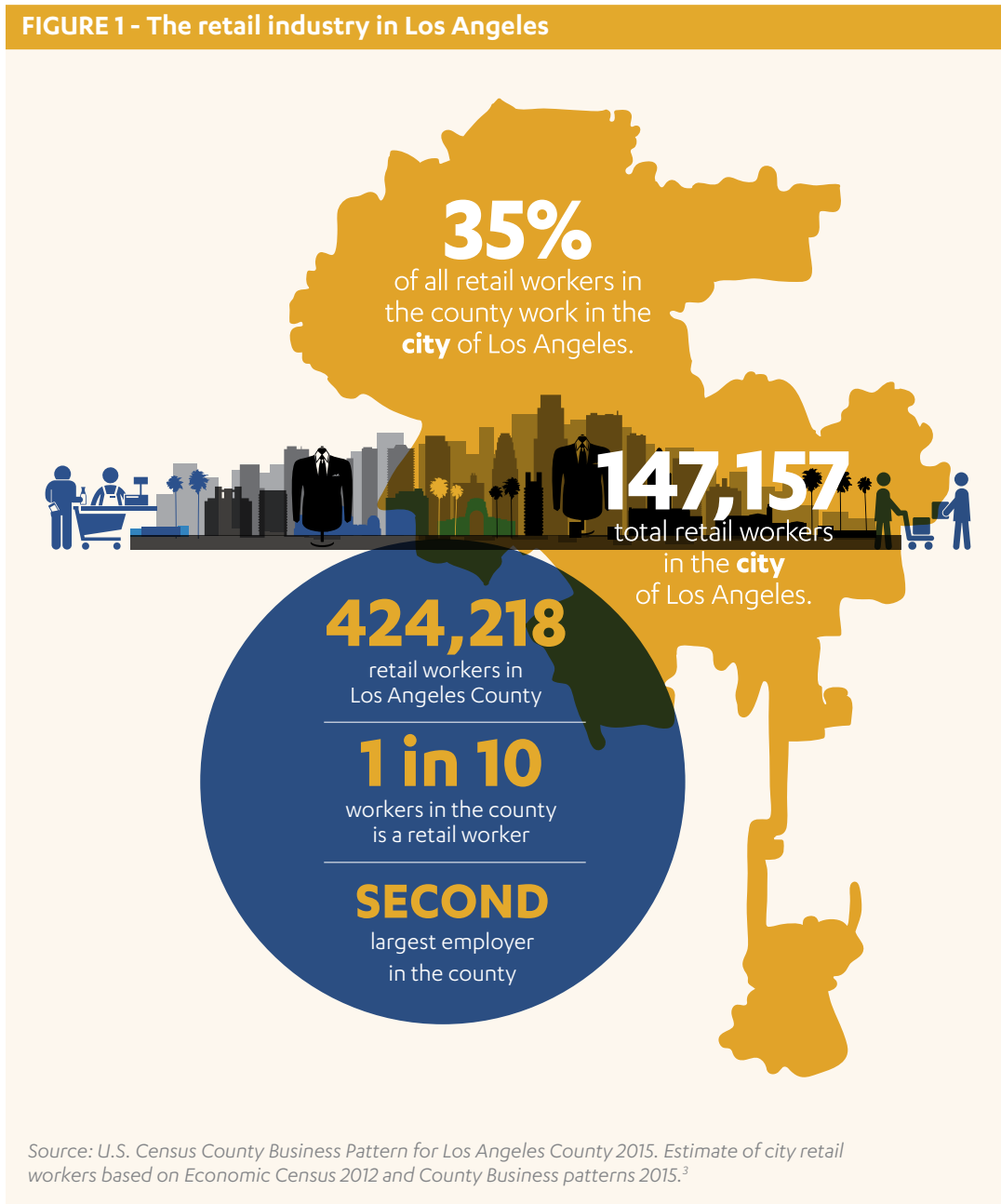


Introduction

Scheduling Practices in Los Angeles' Retail Stores

Retail stores are a vibrant and integral part of the Los Angeles landscape. Retail makes up one-tenth of the private sector workforce in the county and is the second largest employer.¹ One-third of the workforce is employed in the city of Los Angeles. Despite concerns about the decline of retail due to online shopping, the industry remains robust.²

FIGURE 1 - The retail industry in Los Angeles



Service sector jobs such as retail and restaurants have brought employment to the region as other industries, such as manufacturing, have declined.⁴ Most of these service jobs, however, offer low wages and few benefits to workers. Nationally, retail wages have declined by 28% since the 1970s.⁵ Retail has become a part of the low-wage sector. Along with industries such as food service, waste management, and personal services such as domestic work, more than half of the workforce in Los Angeles earns low wages (defined as $\frac{2}{3}$ of the median area wage). And 52% of retail workers earn low wages.⁶

FIGURE 2: Retail Workers' Low Wages and Median Income



**1 in 2 retail workers
earns low wages**



**Median income*
\$21,139**

**includes full and part-time workers*

Source: U.S. Census Bureau, American Community Survey 5-year estimates 2012-2016

In Los Angeles, those earning the lowest wages have seen their wages fall by 25% between 1979 and 2014 — a greater rate than other similarly situated wage earners elsewhere in the country.⁷ Since 2014, statewide policies in California have transformed low-wage jobs by raising the minimum wage, increasing worker protections, and requiring paid time off. Over the past five years, the state has enacted more than 30 measures to support labor and workplace issues.⁸ Opponents have argued that these regulations would hinder economic growth and reduce employment. A 2017 UC Berkeley Labor Center study, however, found that when these particular policies were enacted, they provided protections and benefits for working people that 1) have led to increases in both wages and health insurance inclusion, 2) have moderately reduced wage inequality, and 3) have not negatively impacted employment.⁹ Workers need stable and sufficient hours to attain economic security and avoid wide income fluctuations from week to week.

Despite enhanced workers' rights protections statewide, the unreliable hours and unpredictable schedules endemic in the retail industry means that these benefits are irrelevant for many workers. In part, the retail industry relies on scheduling practices that have undermined the quality of life for workers. Such scheduling practices not only negatively impact workers' hours, but also their income, and make it difficult for workers to lead full and healthy lives.¹⁰

As most large retail stores have integrated technologies to calculate and adjust schedules, they have generally applied these systems to schedule staff based upon customer traffic and sales rather than worker needs.¹¹ They schedule workers based on a projected flow of customers and minimizing labor costs, which are the most controllable part of their expenses. As a result, workers are often compelled to organize their daily schedules around their employer's needs instead of their own obligations or aspirations. These practices lead to unstable schedules, including hours that change week by week, last-minute scheduling changes, workers on standby, a lack of collaboration be-

tween management and employees, and inadequate hours. The lack of a predictable schedule directly impacts how much workers earn, whether or not they work enough hours to receive health insurance, whether they can afford health and/ or childcare, and their overall well-being. Workers in retail and other service industries are advocating, both at the state and city level, for scheduling they can rely on.¹²

Recently, a handful of large retail stores have opted to change their scheduling practices, giving more advanced notice to limit unstable scheduling practices.¹³ At the same time, policymakers in cities and states are designing scheduling policies that would give workers and families balanced workweeks.¹⁴ For an up-to-date list of recent policy reforms, see <http://www.fairworkweek.org/policy-innovations/>.



Why Focus on Scheduling and Worker Hours?

Typically, much of the American labor force has worked in a structured environment in which the work schedule follows a set pattern—the 9-to-5 workday. This is in part due to the labor organizing, which included retail workers, of the early 1900s. An employee’s schedule includes the days, times, and number of hours that the employee is expected to be working at the job site. White-collar shifts have been based on an 8-hour work day, including a 30-minute lunch break and a 10-minute break every 4 hours, with weekly days and hours largely remaining stable.



Since the 1970s, these kinds of reliable and standard workdays have devolved in low-wage sector jobs. Nonstandard, part-time, and eventually, fluctuating hours have disrupted scheduling arrangements and have disproportionately become the norm for workers in low-wage labor markets.¹⁵

The Fair Labor Standards Act of 1938 (FLSA) established minimum wage and overtime pay standards but has no provisions or rules covering the scheduling of employees, with the exception of certain child labor provisions. As a result, companies are largely free to determine their own scheduling practices and policies. An employer may thus change an employee’s work hours without giving prior notice or obtaining the employee’s consent (unless the employer has made a prior agreement to the contrary with the employee or the employee’s representative).

The retail industry’s long, sometimes 24-hour, operations are structured around a flexible labor force of part-time workers ever ready to meet the demands of retail’s around-the-clock schedule. Even for a select percentage of full-time employees, workers are often not guaranteed more than 30 hours a week and can fall below even this number, obviously resulting in pronounced income instability.¹⁶ Today, precarious, unpredictable, and unreliable hours have become the norm for most low-wage workers in service sector industries, especially in retail, grocery, and drug stores—the focus of our Los Angeles study.¹⁷ As cities around the country pass minimum wage raises, these gains will only be real for workers if they receive enough hours to have sufficient income.

About the Study

The UCLA Labor Center and the Los Angeles Alliance for a New Economy (LAANE) launched this research project to understand scheduling practices for workers who are employed in retail, grocery, and pharmacy stores in the city of Los Angeles. We developed a survey that focused on a multitude of topics such as scheduling practices, worker hours, and work/ life balance. We focused our surveys on larger stores and chains (those with at least three locations) and “frontline floor” staff that include salesperson, cashiers, stockers, and food workers within the store. We trained students, workers, and community partners to collect surveys throughout the city. Our study utilized a mixed-sampling methodology including convenience, availability, and stratified sampling. We collected and analyzed a total of 818 surveys. To address sampling issues, we weighted the data based on worker demographic from the census. We conducted participatory workshops with workers, community residents, and stakeholders and incorporated their feedback in subsequent analyses. In addition, we analyzed government data and conducted an extensive review of existing policy and academic literature on the topic. The project used a research justice approach that centered retail workers in the design and implementation of the study. UCLA Labor Center researchers compiled the findings into this report, *The Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector*. For complete details, see Study Methodology in the Appendix.

A Snapshot of Retail Workers

To better understand the nature of retail in the region, we analyzed a diverse segment of retail frontline floor workers in Los Angeles County using census data. The following snapshot specifically focuses on retail salespersons, cashiers, stockers, and food services and preparation within the retail store. Frontline floor workers make up almost half of retail industry positions. They greet customers, answer questions on the floor, and stock the shelves. And 53% of them only work part-time and 64% earn low wages. Just over half (52%) are women. One in three are heads of household and one in three support children. The majority of frontline workers (78%) are people of color, including 57% who are Latinx. 63% are U.S. born. Contrary to familiar narratives that retail jobs are filled by high school students and young people, 7 in 10 retail frontline floor workers in LA are 25 years or older, 83% have at least a high school education, and only 22% are currently students at some level. Further, the majority (77%) work year-round. While our analyses reveal that unstable scheduling adversely affects retail frontline floor workers across all demographics, because the vast majority of retail frontline floor workers are women and workers of color, this group of Angelenos are disproportionately impacted by the practice.

A Snapshot of Retail Frontline Floor Workers

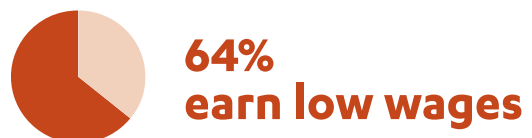
LOS ANGELES COUNTY, 2016

Frontline floor workers are the faces that greet us in the store. They run the registers, answer questions on store floors, and stock the shelves.

43% of retail workers are frontline floor workers.



Most work part-time and earn low wages.



Many support family members.

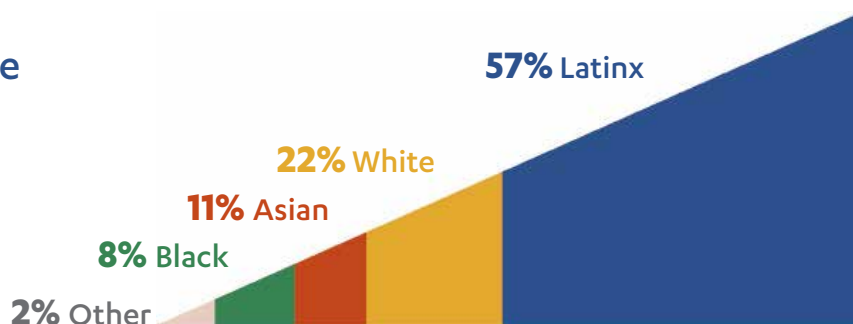


1 in 3 workers is head of a household.



33% support children.

Retail floor staff are diverse with more than half Latinx workers. **63% are U.S. born.**



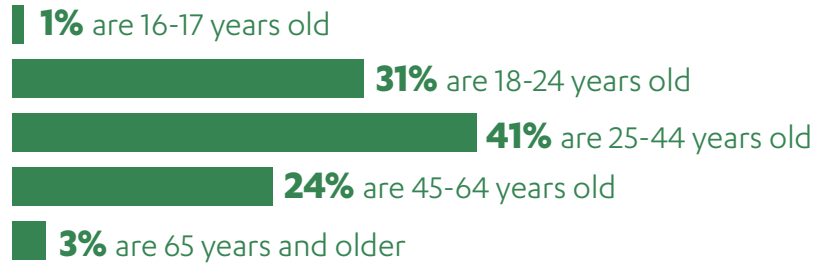
**Over half
are women.**

48%
Male



52%
Female

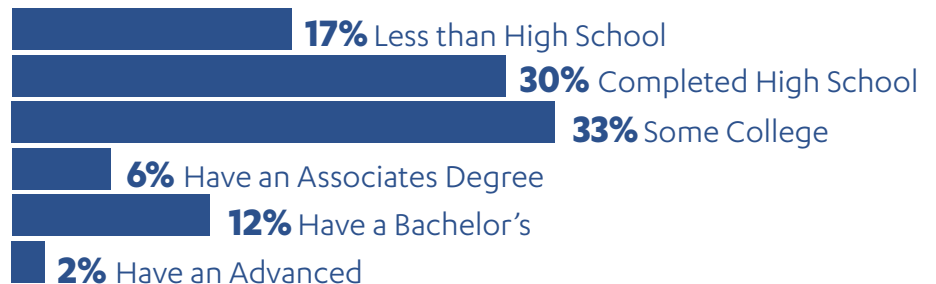
**These jobs are not just
for young people.
7 in 10 workers are
25 years or older.**



**Some are still
in school.
22% of
frontline
retail workers
are currently
students.**

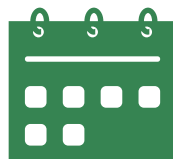


Most have a high school education or higher.



They generally work year-round.

**77% worked
50-52 weeks**



Most are renters.

 **59% rent**

 **41% own**

Source: U.S. Census Bureau, American Community Survey 5-year estimate 2012-2016

The Rise of Retail and Scheduling Technology and Organizing for Fair Wages and Schedules

The story of the development of the U.S. retail industry, its workforce, and the technology that has increasingly managed it is still unfolding. Historically, the industry has catered to growing and shifting consumer demands, provided customers with brick and mortar access but also catalogue, door-to-door and mail order options, and has also been a persistent site of worker struggle. While in the past, department store workers were generally well-trained, held benefits such as vacation days, and had fairly steady employment and schedules, today the retail industry's unstable scheduling has significantly altered the relationship between retail employers and employees.¹⁸

The department store, a predecessor to today's big box store, first proliferated in the second decade of the 20th century. It grouped a wide array of merchandise in one store and was commonly located in a city's downtown core. Variety stores, cash-and-carry, apparel, self-service, supermarkets, and drugstores emerged in the 1930s. Retailers like Sears Roebuck and Montgomery Ward first operated solely through mail-order, but expanded to multi-product big box operations when satellite stores began to enter the suburbs.¹⁹

As retail emerged in the U.S., so too did the organizing of its workers. A series of prominent labor strikes in the 1930s reorganized the industry to meet its workers' demands as retail workers fought for better wages and hours. In 1937, 108 young women workers in Detroit famously locked down and occupied the Woolworth where they worked for eight days. In partnership with the Waiter and Waitress' Union, Woolworth's young women workers achieved a \$5 pay increase per week and a 48-hour work week.²⁰

After the storied struggle at Woolworth, retail worker organizing intensified into the 1940s and 1950s in New York City. Contrary to the smaller scale and more dispersed structure of garment manufacturing in New York, department stores had large congregations of workers and the potential for mass workplace organizing. Retail workers joined the United Retail, Wholesale, and Department Store Employees of America and held strikes at Macy's, Saks, and Bloomingdales. Retail unionization was at its peak in the 1950s, with 30% of the retail industry affiliated with five different unions. One of those unions was the Retail, Wholesale, and Department Store Union (RWD-SU), which grew to include drug stores and non-retail health care in New York and also reached nearby retail stores in the suburbs.²¹ By the midcentury, retail jobs were relatively stable, and provided training, benefits, vacation, and standard hours.²²

In 1979, grocery workers with the Retail Clerks International Association (RCIA) and the Amalgamated Butchers Workmen merged together to form the United Food and Commercial Workers (UFCW).²³ While grocery and, more recently, drug store union-

ization has grown in Los Angeles, non-food retail unionization has dropped off. Union representation for grocery and drug store workers has led to strong gains in wages, benefits, and working conditions, but in the industry as a whole, scheduling is still an issue that needs attention.

The retail landscape was further altered by the ascendance of discount stores like Walmart, Kmart, and Target over three decades, beginning in the 1970s. Discount stores sought to keep labor costs low with the use of new stocking technology. The introduction of Universal Product Code (UPC) scanning technology in discount stores specifically contributed to the deskilling of retail work and the industry's reliance on a part-time labor force.²⁴ Moreover, retail's large, often 24-hour, window of shopping time also required retailers to increasingly rely on part-time workers, who receive few or no benefits. The incline in part-time work in retail, a trend since the 1980s, was accompanied by industry expansion and profits.²⁵ By 1995, 16 of the top 100 Fortune 500 companies were mass retailers.²⁶

Today, technology continues to be a central facet of retail's efficiency and has profoundly changed the way workers' schedules are determined.²⁷ Innovations in scheduling technologies have specifically focused on streamlining the creation and management of workers' schedules in order to lower corporate costs. Previously, retail scheduling relied on sales forecasting, which is the practice of assigning workplace staffing based on the amount of predicted sales for a given time. However, technology developed in the late 1990s began to focus on customer traffic patterns instead.²⁸

Specifically, workforce optimization systems scheduled workers' hours based on customer flows. In other words, scheduling technology anticipated consumer trends in terms of busier or lighter shopping times, and matched these periods with the necessary amount of staffing as a way to make staffing more "efficient" and minimize labor costs.²⁹ This technology also assessed times of day, weather, seasonal variation, and sporting events.³⁰ Walmart, in 2007 was an early industry adapter of technology based on customer traffic, and such scheduling software has since become pervasive across the industry.³¹

Popularly called "just-in-time scheduling" or "scheduling to demand," technology tools like Kronos, Dayforce, Onshift, Reflexis, and Workbrain assess customer traffic so that frontline managers can tailor schedules and ration employees' hours to meet targets with payroll.³² Such technology allowed companies to cut back on the costs of overstaffing, as well as to bypass overtime premiums and health insurance coverage.³³ While often referenced as a way to "increase flexibility," flexibility in this sense is one-sided and unresponsive to the needs of retail workers.³⁴ The portrayal of this kind of technology as efficient is also deeply ironic, as multiple studies have shown that it tends to result in high rates of turnover.³⁵ Even though retail companies have begun to normalize this turnover, and see it as a natural facet of business, it impacts employee morale, leads to inadequate staffing, and adds to instability in the overall workforce.³⁶

The Fair Workweek Initiative and the Center for Popular Democracy argue that the nation’s workplace protections are out of sync with the needs of working families and the rapid changes to the retail, healthcare, and food service industries.³⁷ In 2005, the Retail Action Project (RAP) formed in New York as a worker association in order to connect retail workers in their occupational identity outside of a store-specific platform. RAP focused on organizing for workers’ stolen back-wages, as well as promoting career development through worker trainings. RAP also became instrumental in organizing fair scheduling policies in New York City and helped the city pass one of the country’s first fair scheduling policies.³⁸ Since then, numerous cities have passed similar fair scheduling policies. Additionally, in 2010 the Organization United for Respect at Walmart (OUR Walmart) campaign also sought to contest the unfair labor practices of the largest retail employer in the country, including its minimum wage, its scheduling of insufficient hours, and the lack of available benefits.³⁹

The Retail Industry in Los Angeles Today

The retail industry in Los Angeles County employs one-tenth of the private sector labor force. It is the second largest industry in the region after the healthcare industry. These industries are a core part of the social and economic fabric of LA and make up one of the largest shares of the labor market.

FIGURE 3: Top Five Industries based on Number of Workers by Industry, Los Angeles County, 2015



Health care 523,703



Retail 424,218



Accommodation & food services 420,734



Professional 397,181



Manufacturing 350,520

Source: U.S. Census Bureau’s County Business Patterns, 2015

While the country as a whole experienced a loss of businesses and employment across industries, the Los Angeles region was especially impacted. The retail industry also suffered, though its employment share in the region remained about a tenth of all industries. Since 2012, the retail industry has been rebuilding and the number of those it employs has reached pre-recession levels.

TABLE 1: Establishments, Employees and Annual Payroll in the Retail Sector, Los Angeles County, 2005-2015

Year	Number of establishments	Paid employees for pay period including March 12 (number)	Percent retail employees of all Industries	Annual payroll (\$1,000)
2015	28,996	424,218	10.6%	\$12,830,673
2014	28,586	411,962	10.5%	\$12,199,815
2013	28,442	400,418	10.5%	\$11,370,414
2012	28,345	386,821	10.6%	\$10,974,441
2011	28,335	378,434	10.4%	\$10,643,571
2010	28,236	365,325	10.2%	\$10,209,184
2009	28,479	389,604	10.5%	\$10,380,541
2008	29,339	413,506	10.6%	\$10,825,929
2007	30,176	428,286	11.1%	\$11,535,903
2006	30,089	424,457	10.9%	\$11,237,794
2005	29,851	410,193	10.8%	\$10,556,597

Source: U.S. Census Bureau, *County Business Patterns, 2005-2015*

Some of the challenges to the sustainability of retail stores include store debt, the threat of automation, and online shopping. According to the Los Angeles Economic Development Corporation (LAEDC), the retail industry in LA County will see a decline in employment by 0.1%, or roughly 3000 jobs, by 2021.⁴⁰ This modest decline is a concern for the industry, but hardly signals an impending end to retail, as some have imagined. As Carré and Tilly note in their recent book on retail stores around the world, “the evidence is strong that employment in stores is here to stay for a long time to come, in spite of recent predictions of the imminent displacement of store-based retail by online sales.”⁴¹

In Los Angeles, the industry is still a key component of its economy and will not be immediately or completely effaced. In fact, one developing national trend transforms “brick and mortar” to “brick and clicks,” as a recent *Atlantic* article described a combination of online and storefront shopping.⁴² Furthermore, while malls and suburban shopping centers have been slowly closing over the past three decades, retail storefronts have continued to grow as consumers seek walkable urban shopping options and destination retail experiences.⁴³ Investing in strong and fair policies for workers in the retail sector will set standards that can be applied to related sectors as they grow.



1. Nothing Is Set:

Practices that Create Unreliable Hours and Unpredictable Schedules

Workers in non-management positions who are employed on an hourly basis are highly likely to have hours that fluctuate. Without set hours, workers experience inconsistency in the number of hours they work per day, the days of the week they work those hours, and/ or the shifts and the length of the shifts they get. This is exacerbated by scheduling unpredictability when they receive little or no notice of their upcoming schedule, last-minute changes, and on-demand scheduling that keeps workers on standby for last-minute shift needs. Taken together, these practices create schedules whose unpredictability make it difficult for workers to organize their lives.

While low-wage workers may give their managers input into the hours they need, most managers and supervisors in the U.S. set hours with little room for negotiation.⁴⁴ A study of retail workers in Chicago demonstrated how employers' management of worker hours typically consisted of: 1) hiring those with the greatest flexibility, 2) making last-minute changes to schedules, and 3) retaliating when workers' requested schedule changes by way of verbal reprimands, demotion, or dismissal.⁴⁵ Under the guise of *flexibility*, workers face reduced hours and varied work times; this lack of set hours undermines their ability to earn a stable and adequate living.⁴⁶

a. Unreliable Hours

Our survey found that unreliable hours are pervasive for retail workers. The vast majority (84%) of workers lack a set schedule each week, which means the days, shifts,

and hours they work vary week by week. Most of these workers experience extreme fluctuations in their weekly schedules. Almost three-quarters report that the days they work (such as, they are scheduled to work Monday one week, and Tuesday the next) change week by week, and more than two-thirds of retail workers in Los Angeles find that the shifts they work (such as morning vs. evening shift) change from week to week. 69% of workers also see the number of hours they work change each week. Shifting schedules make it difficult for workers to maintain stability in their lives, including providing childcare, educational responsibilities, and additional employment. One non-food retail worker reported, “In my workplace, my schedule is constantly changing and it affects my planning.”

FIGURE 4: Lack of Set Schedules and Weekly Schedule Variations



Source: UCLA Retail Scheduling Survey 2018

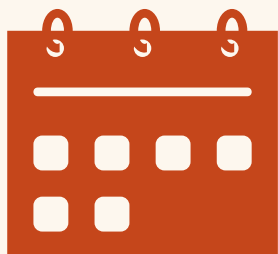
“I want a set schedule and for my employer to give me a minimum of 40 hours consistently.”
(Grocery store worker)



b. Open Availability

The practice of *open availability* powerfully contributes to this troubling unreliability. Workers subjected to this practice are expected to keep their schedules open and their hours available. One study of retail workers found that the manager inquired, before hiring the worker, whether they were available to work full-time in order to ensure their availability, even though the manager did not necessarily intend to offer full-time work.⁴⁷ It is common for a worker to take whatever hours they are assigned rather than negotiate their preferred days or times to work, as those who cannot maintain open availability frequently face negative consequences. Employers may retaliate through reducing worker hours, assigning undesirable work shifts and days off, reprimand, and more.⁴⁸ More than half of workers surveyed (62%) report that they are expected to have open availability.

FIGURE 5: Open Availability



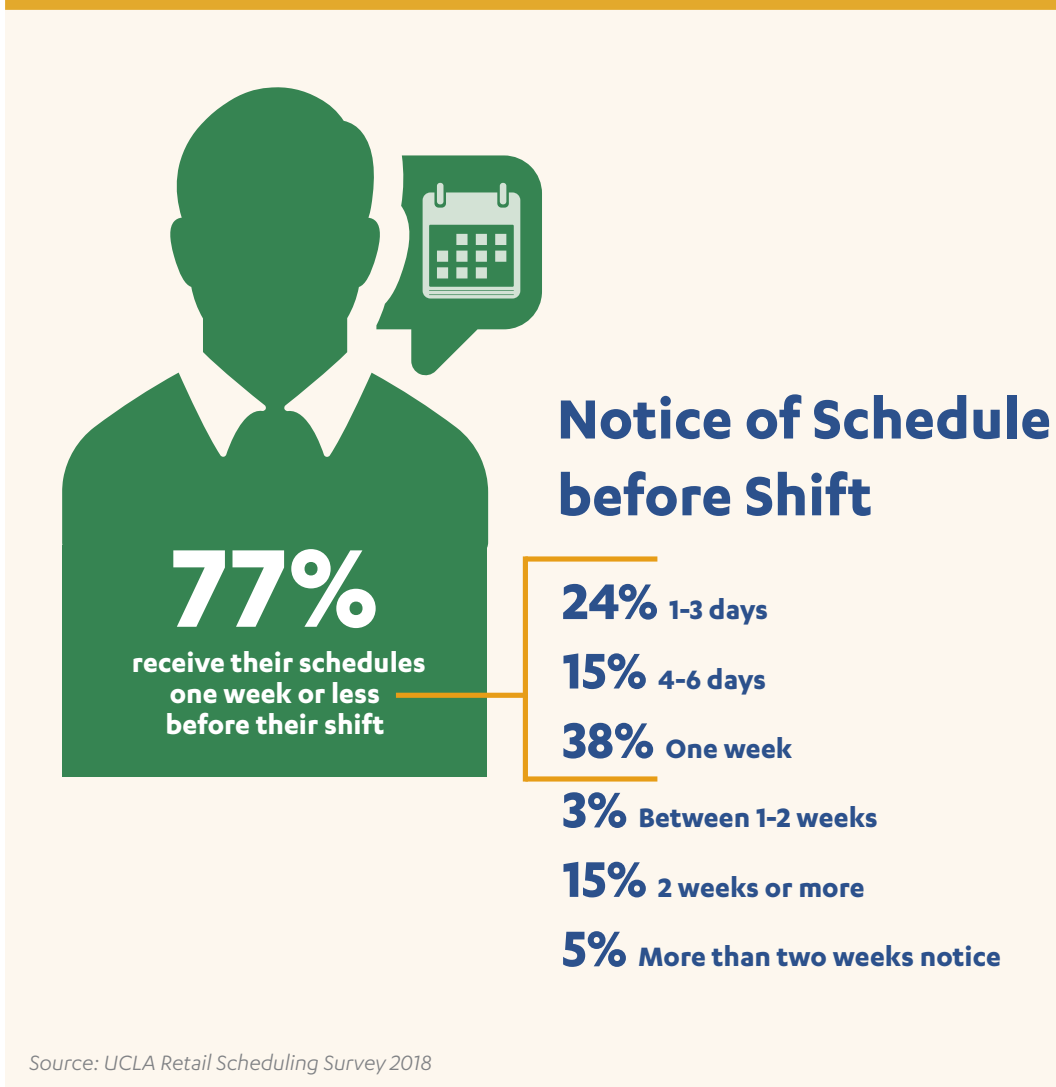
62% of workers are expected to have open availability, which means that they are available to work any day or shift a manager may assign

Source: UCLA Retail Scheduling Survey 2018

c. Lack of Advanced Notice of Schedules

Three-quarters of workers receive their schedules a week or less before their shift, and for one-quarter, it can be as little as 1 to 3 days. Workers repeatedly emphasized that this reality makes it nearly impossible to plan their lives and other responsibilities, such as caregiving and schoolwork. It also makes it extremely challenging to secure and maintain other employment. One worker reported that if they could change one thing about their workplace, they would have consistent shifts and better notification thereof so that they could pick up additional work elsewhere.

FIGURE 6: Notice of Schedule before Shift



d. Changes to Schedules

Store managers generally hold the power to set retail workers' schedules and frequently implement last-minute changes based on store needs.⁴⁹ 64% of workers reported that their managers changed their schedules after it was posted. These changes usually occur with little notice. Half of workers whose managers changed their schedules reported that it was done with one day or less notice before their shift.

“The manager will change my schedule on the same day, and make lots of last-minute changes to our schedules.” (Non-food retail worker)



FIGURE 7: Last-Minute Changes to Schedules and Shifts



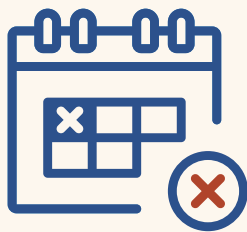
How soon before the worker's scheduled shift was changed:

- 50%** 1 day or less before shift
- 23%** 2 days before shift
- 19%** 3-6 days before shift
- 8%** A week or more before shift

Source: UCLA Retail Scheduling Survey 2018

In addition to managers changing schedules, an especially pronounced form of scheduling instability occurs when workers have their shifts canceled altogether. 16% of workers have had their shifts canceled altogether with less than one day notice.

FIGURE 8: Shift Canceled



16% of workers have had their shifts canceled altogether with less than one day notice

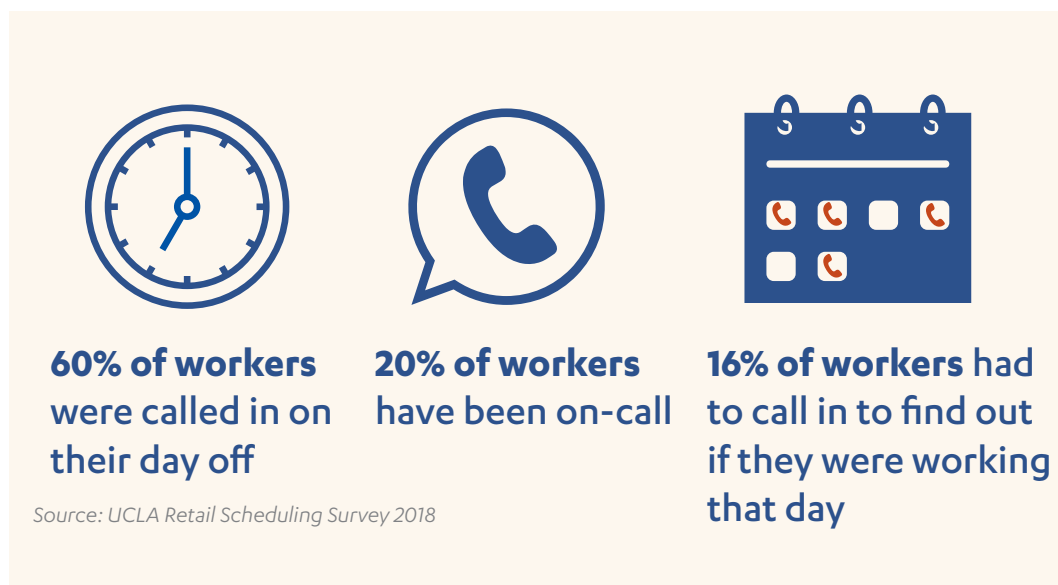
Source: UCLA Retail Scheduling Survey 2018

e. On-demand Hours

The system of *on-demand hours* contains various methods by which managers keep workers on standby. Distinct from open availability, this scheduling practice requires a worker to be available outside of an already established, assigned, or agreed upon schedule; it disrupts days and hours off, and typically requires workers to report to work within an immediate window. It indicates a lack of respect for a formal schedule and of a retail worker's time. Most workers in our study (60%) have been called in to work on their days off.

Another form of on-demand scheduling requires a worker to be *on-call*. Being on-call means that the worker is expected to reserve a window of time just in case their manager informs them the day or night before of an expectation to work. If a worker is not called in, the time they have set aside, as well as any childcare or other arrangement, is essentially wasted. A series of recent lawsuits have challenged the practice of on-call scheduling, and in response, many retailers have phased it out.⁵⁰ Our study, however, found that 20% of retail workers are still expected to be on-call. In addition, 16% are expected to call their workplace to learn whether they are working that same day.

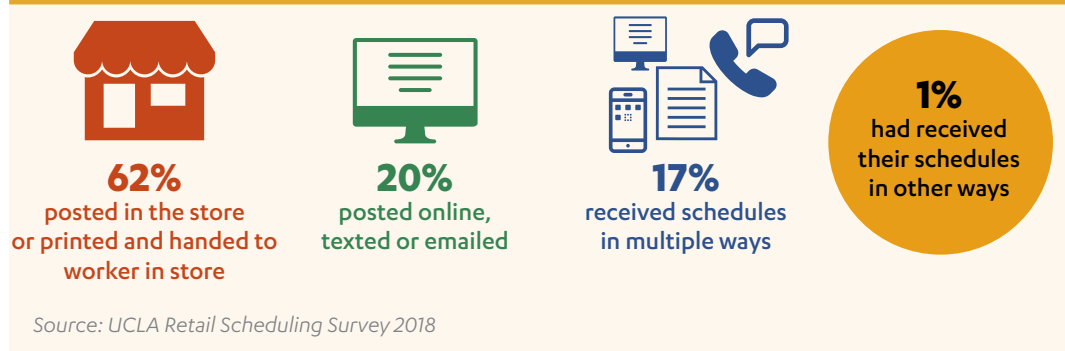
FIGURE 9: On-demand Hours



f. Viewing Schedules

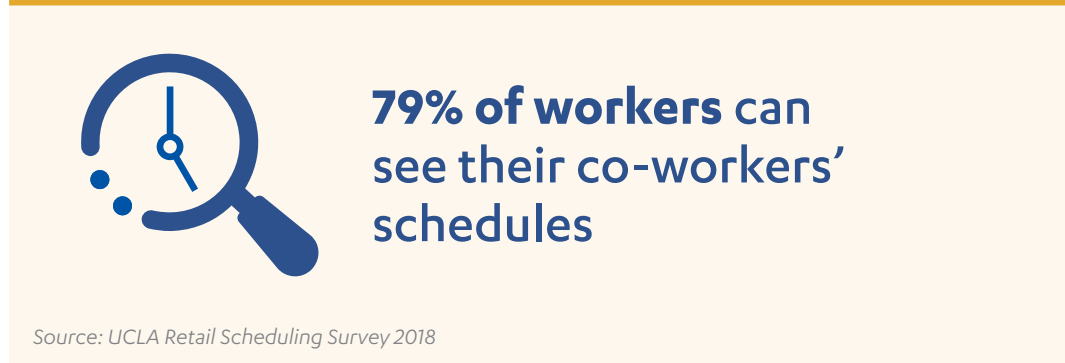
In 2010, most managers surveyed in the Eastern and Midwestern U.S. stated that they posted their workers' schedules a week in advance. They did so to incorporate schedule change requests and adapt to changing sales levels.⁵¹ In our study, over half of workers (62%) must commute to the store to learn their schedules. With an average commute time of 28 minutes each way, having to go to the store in person to receive one's schedules is burdensome. In our data analysis workshops, many noted how this practice poses hardships for those already juggling multiple schedules. 20% of workers receive their schedule online, by email, or text, and 17% receive their schedule in multiple ways.

FIGURE 10: How Workers Access Their Schedules



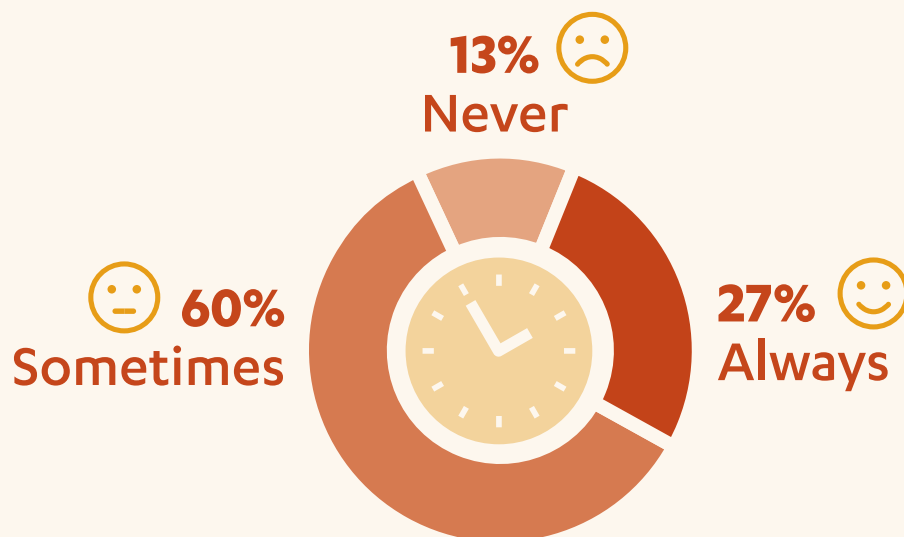
Over three-quarters of workers (79%) are able to see their co-workers' schedules. In the analysis workshops we conducted, there were mixed reactions to this practice. On one hand, participants observed that it could lead to a lack of privacy, as it revealed information that some might not want shared. On the other hand, they also observed that this form of transparency allows workers to collaborate with each other; for instance, one coworker could help ensure safety for those working alone, or they could mutually observe issues like unnecessary clopening shifts.

FIGURE 11: Viewing Schedules of Coworkers



When they get their schedule, workers are rarely satisfied with it. Only a quarter of workers said that they always get the schedule they want. For 60%, they sometimes do, and 13% never do.

FIGURE 12: Do Workers Get the Schedule They Want?



Source: UCLA Retail Scheduling Survey 2018



2. Juggling Hours: Part-Time, Insufficient Hours, and Nonstandard Hours

In the second half of the 20th century, the growth of the retail industry was directly connected to the rise in part-time work. Part-time work has been increasing since the 1950s, from 13% in 1957 to 19% in 1993, in part due to a larger number of trades and services, and as manufacturing shifted to other countries in the 1970s.⁵² With its demand for consumer services, retail became dependent on part-time work and created a secondary, involuntary labor market. The percentage of part-time workforce overall has remained steady since the 1990s.⁵³

Today, 29% of the retail and wholesale workforce nationally works part-time, compared to 24% for all industries.⁵⁴ Furthermore, many part-time workers want to be full-time employees but are not consistently assigned enough hours to qualify as such, and are known as involuntary part-time workers.⁵⁵ 18% of retail and wholesale part-time workers are involuntary part-time workers.⁵⁶ Underemployment generally follows from workers being scheduled fewer hours than they need.⁵⁷ One grocery store worker shared, “I would like to have more hours or become full-time so I don’t have to work two jobs.” Insufficient hours often lead to income insecurity, as unpredictable shifts and unreliable hours per week compound to make wages earned per week uncertain.⁵⁸

In addition, retail workers are often hired outside the traditional 9-to-5 shift and work during nonstandard hours (evenings, nights, and weekends). They work shifts when

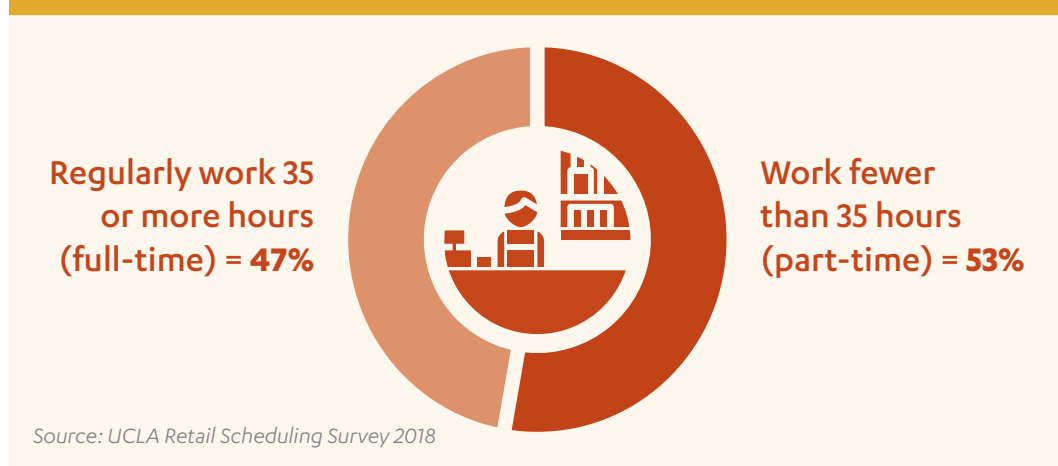
most people are at home — including early morning hours, evenings, and late nights — to stock shelves in stores after hours or prep grocery stores before customers arrive, and thus play a vital role in our fast-paced economy.⁵⁹ Working nonstandard hours presents particular challenges for workers and their families, as well as posing workplace safety risks and other implications for health and well-being.⁶⁰

a. Part-Time Hours

Part-time workers experience a “part-time pay penalty” whereby the lower income that part-time staff earn compared to full-time employees cannot be explained simply by fewer scheduled hours. Part-time workers not only earn less than their full-time counterparts per hour, making about 68 cents for every dollar full-time workers make, but they also lack benefits accorded to full-time workers.⁶¹ This represents an ingrained pay disparity for part-time workers.⁶² One grocery store worker reflected that he needed to work a particular number of hours for eight weeks in order to make full-time status. However, every time he would almost work the appropriate amount of hours to become full-time, his company would lower his hours during the last week of that period, and he would never qualify for full-time status.

For hourly workers, having a stable schedule is challenging, but for part-time workers it is particularly pronounced. The cutoff between part-time and full-time work varies store by store. Stores may designate any number of hours, such as 30 or 40, as full-time work. For our analysis, we chose the standard of 35 hours or more as full-time. Using this cutoff, 53% of respondents work part-time hours.

FIGURE 13: Full and Part Time Status



Part-time workers face more difficult scheduling conditions than full-time workers. They are more likely to lack a set schedule, to have their hours, days, and shifts vary week by week, to have their schedules changed after they are posted, to have shifts cancelled, and are expected to have open availability.

TABLE 2: Schedule Issues by Part-Time and Full-Time Status

	Part-Time	Full-Time
Do not have a set schedule	93%	74%
Expected to have open availability	67%	58%
Hours vary	87%	48%
Days vary	82%	61%
Shifts Vary	78%	52%
Manager changes schedule after posting it	70%	56%
Shift cancelled with less than a day notice	22%	9%

Source: UCLA Retail Scheduling Survey 2018

b. Unstable Work Hours

Workers face severe fluctuations in the number of hours they are assigned to work in a week. Nearly one-third of workers note that their weekly hours can change by 11 to 20 hours from one week to the next. 13% experience even greater instability, with weekly hours that vary by more than 20 hours per week. For the latter group, this could mean that they are assigned as many as 35 hours one week, and only 5 the following week.

FIGURE 14: Number of Hours Schedule Fluctuates Week by Week



Source: UCLA Retail Scheduling Survey 2018

The lack of standardized scheduled hours obviously leads to unpredictable incomes for workers. Based on a national study of retail workers, a part-time hourly wage earner of \$10.49/hour who reported working a range of 16-29 hours per week would be paid \$300 for one week, and would only receive about half of that amount a different week.⁶³

An analysis of the median, minimum, maximum, and average hours scheduled in a week reveals that part-time workers experience greater fluctuations in hours than full-time workers. The instability ratio measures the fluctuations in hours, compared to average work hours.⁶⁴ Part-time workers experience a markedly higher instability ratio (54%) than full-time workers (13%). Part-time workers are particularly vulnerable to stark fluctuations in their hours from week to week.

TABLE 3: Average, Minimum, Maximum, and Hour Range Worked and Instability Ratio* by Work Status

	Average hours/week	Minimum hours/week	Maximum hours/week	Hour range	Instability ratio
Part-time	24	17	30	13	54%
Full-time	40	35	40	5	13%
All workers	32	24	40	16	50%

*Median figures for each; $\text{most hours} - (\text{fewest hours} / \text{average hours}) = \text{instability ratio}$

Source: UCLA Retail Scheduling Survey 2018

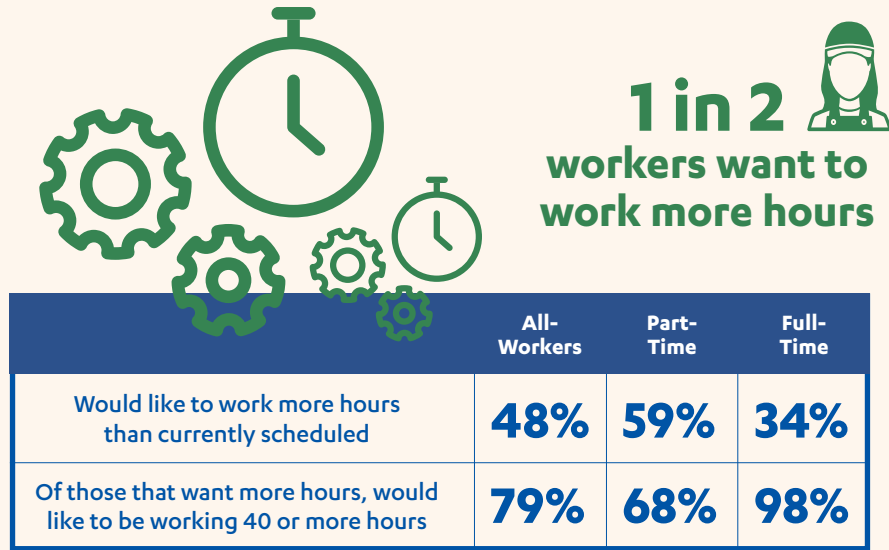
c. Insufficient Hours

Workers want more hours to make ends meet, and studies have shown that they take on multiple jobs, also part-time, to enhance their income.⁶⁵ In our survey, about half of retail workers would like more hours than they are currently scheduled. For part-time workers, that need is even greater, with 59% reporting they desire more hours as opposed to only one-third of full-time workers. Of those that would like more hours, the majority of the workers want to be working 40 or more hours.

**“I just want more hours so I can get more pay. I need a higher salary to cover my expenses.”
(Non-food retail worker)**

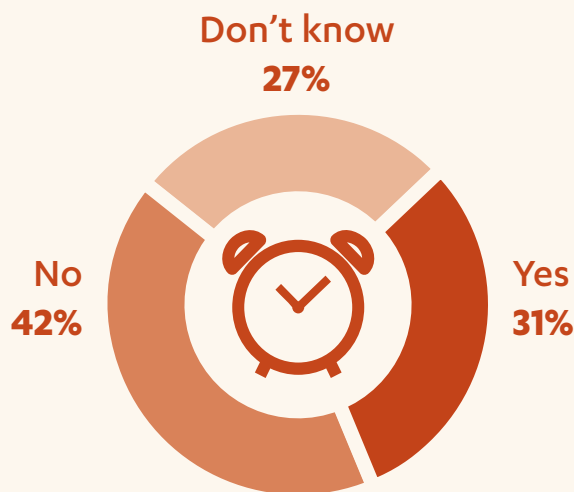


FIGURE 15: Want More Hours by Work Status



In addition, about one in three workers report that stores hired new employees to fill shifts that the worker would be willing to take. One non-food retail worker noted that managers cut hours of long-term employees at his store while hiring new employees. A drug store worker shared that this practice created tension among coworkers, especially when existing employees are required to train new employees. One non-food retail worker reported, “new hires get a set schedule and no weekends, and I’ve been there 16 years and I don’t have a set schedule. Someone who is a new hire has a set schedule within only 3 months!”

FIGURE 16: Store Hired New Employees to Fill Shifts the Worker Would Have Taken

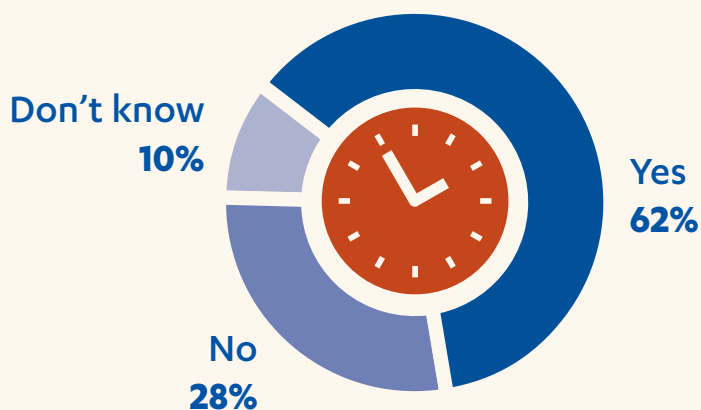


Source: UCLA Retail Scheduling Survey 2018

d. No Guarantee of a Minimum Number of Hours

In addition to the fluctuating number of hours that workers are assigned to work per week, some workers lack a *guaranteed minimum number of hours*.⁶⁶ One student worker we surveyed reported that although they like the flexibility that part-time work gives to them, not having enough hours negatively affects their ability to afford living independently. More than one-quarter of workers are not guaranteed a minimum number of hours. When asked what they would change about their workplace, a retail worker in a non-food related retail store emphasized that they would like the law to guarantee workers a minimum number of hours. The non-food retail worker stated that they need to be “guaranteed 30 hours or more. It’s unbelievable to sometimes only work 4-hour shifts.”

FIGURE 17: Guarantee of a Minimum Number of Hours per Week



Source: UCLA Retail Scheduling Survey 2018

e. Nonstandard Hours: Split Shifts, Clopening, and Unsafe Shifts

Nonstandard work refers to schedules that operate outside 9-to-5 weekday shifts; nonstandard hours could include evening and night shifts, weekend work, irregular hours, split shifts, and temporary work.⁶⁷ Scheduled nonstandard hours is a pervasive feature of the American workplace. As we discuss in the section on work-life balance below, those who work nonstandard hours have more days of poor mental and physical health, as well as increased work-to-family conflict.⁶⁸ Numerous studies show that workers need adequate rest periods for recovery and sufficiently long breaks and time off.⁶⁹

Nonstandard practices include *split shifts* and *clopening*. Clopening, a practice in which workers are scheduled to close a store late at night and then open early in the morning, is common in retail. 44% of retail workers surveyed have worked clopening shifts. Of those, 61% have less than 10 hours of rest between shifts.

FIGURE 18: 'Clopening' Shifts and Rest Periods

44% of retail workers have worked clopening* shifts.



61% of workers who have worked clopening shifts have fewer than 10 hours between shifts.

**where workers are scheduled to close a store late at night and then open early in the morning. May mean adding more space for this figure. could have second icon for other stat around lack of sleep/rest.*

Source: UCLA Retail Scheduling Survey 2018

A major issue with clopening is the lack of adequate sleep it predictably entails, which can jeopardize a worker's health.⁷⁰ Workers surveyed expressed serious frustration over this practice, and explained that it was particularly unhealthy because by the time they arrive home, they have very little time to rest before they commute again for the opening morning shift. Workers emphasized that this practice, in combination with unpredictable hours and shifts, can be stressful. One drug store worker explained that because her hours vary so frequently, "I guzzle Red Bull, so it takes the melatonin time to kick in. So then is it even worth it to sleep?" Another worker shared, "I have lived experience of this. I close and open. It drains me. These are horrible. I can't sleep or rest." Although some retailers do not schedule clopening shifts, the retail industry entirely lacks standards and regulations regarding clopenings. For example, workers who work multiple jobs may still end up clopening with a closing shift at one job and an opening shift at another job.⁷¹

Split shifts are nonstandard and irregular work hours whereby workers are assigned to work two periods of time in one day, with an unpaid period in between. 20% of retail workers we surveyed work split shifts. Workers reported that this makes it difficult to plan their lives, as working a split shift often does not provide enough time to go home to rest or take care of dependents between shifts.⁷²

**"If I could change one thing about my job it would be to not have to work the graveyard shift, and finally get a day shift."
(Grocery store worker)**



FIGURE 19: Split Shifts



1 in 5 workers have been assigned split shifts

Source: UCLA Retail Scheduling Survey 2018

In our study, 30% of workers reported feeling unsafe at work due to being scheduled to work late at night, or not having enough staff scheduled to work with them. During our data analysis workshop, one worker shared that they felt they were scheduled to work unfavorable shifts late at night in retaliation for their involvement in a labor union. Several workers reported that, when working at night, safety is a particular concern due to transportation, as workers are often required to park in remote areas and many take public transportation. One drug store worker shared, “I take the bus, so that’s kind of sketchy if you work late, especially. I don’t have a car, so it’s unsafe.”

FIGURE 20: Feeling Unsafe Due to a Scheduling Practice



“I’d like to see more workers and security on each shift, sometimes I am the only person on the floor.” (Drug store worker)



In addition, retail work is sometimes subject to seasonal fluctuations. 12% of workers we surveyed were originally hired on a seasonal basis, and 4% were originally hired by a temp agency.

FIGURE 21: Temporary and Seasonal Hiring





3. Life Deferred: Work and Life Imbalance

The hours workers receive impact numerous other aspects of their lives. It can determine whether they qualify for work-related health benefits or public benefits, how many sick days they may earn, and, as hourly workers, the income they earn each week. In addition, fluctuating hours and changing schedules leads to an array of work-life challenges.⁷³ Furthermore, another report notes that work-to-family conflict also contributes to poor mental health and poor self-rated mental health.⁷⁴

In our study, participants also reported difficulties balancing low-wage work and other caregiving responsibilities they may have, in addition to attending school. Having limited advanced notice and last-minute scheduling changes aggravates issues of planning, strain, and work-life balance.⁷⁵ Nonstandard hours also makes it difficult to maintain family rituals, routines, and social activities.⁷⁶

Time off and health benefits are integral to the well-being of workers. Time of day, work duration, and recovery time also factor into health issues that affect those who work nonstandard hours. There is generally, a marked risk for fatigue, but in work that has extended and nonstandard hours, other impacts may include shift work sleep disorder, cardiovascular disease, diabetes type II, and gastrointestinal problems.⁷⁷ One non-food related retail worker reported, “Clearly, we need better benefits, insurance, fixed hours, better hours.”

An unbalance between home, school, and work responsibilities plainly affect one’s quality of life. Recent studies show that unpredictable schedules, little control over work hours, and limited advance notice are associated with a host of health and well-being factors like stress, anxiety, high blood pressure, disrupted sleep, and food insecurity.⁷⁸ A worker’s health does not only affect the individual worker; the well-being of workers who are parents is closely connected to family functionality, the quality of parents’ relationships with their children, and their children’s well-being.⁷⁹ Although some research suggests that part-time employment is a good way for women to balance work-life responsibilities, it has increasingly been demonstrated that involuntary part-time employment, without the opportunity to eventually transition into a full-time job, actually produces stress for women.⁸⁰ And our survey found that 67% of workers always or sometimes experience stress due to their work schedules.

FIGURE 22: Work Schedule and Stress



2 in 3

workers always or sometimes feel stressed or overwhelmed due to their work schedule

Source: UCLA Retail Scheduling Survey 2018

a. Financial Support and Hardships

Since most retail workers are hourly workers, an unreliable schedule means that a worker’s income is likewise unstable. When their hours shift week by week, workers lack consistency in pay. As a result, many workers struggle to make ends meet, which profoundly impacts their lives.⁸¹ A national study found that retail workers struggle to pay bills, borrow money from family or friends, use credit cards, use money orders, take out loans, and utilize other practices that are financially unstable in the long term.⁸² Our survey found that almost half (48%) of workers we surveyed were late in paying a bill because they were not accruing enough income to consistently cover their expenses. A more stable and sustained schedule could help workers — who, as we reported above, generally want to work more hours — manage financial hardship.

FIGURE 23: Late Paying a Bill

48%
were late
paying a bill



Source: UCLA Retail Scheduling Survey 2018

This can be especially unsettling since many retail workers provide financial support to others, and may even be the sole income earner in their household. Our survey found that over one-third of retail workers are the only income providers in their household. The majority of these workers have at least one family member that relies on them; among all workers, 62% support at least one other family member.

FIGURE 24: Supporting Family Members with Income



34% were the only
income earners in
their family

71% of sole income
earners support
another person with
their income



62% of all workers
support at least one
other person in the
family

Source: UCLA Retail Scheduling Survey 2018

b. Workers with Care Responsibilities

Besides managing their job responsibilities, retail workers often grapple with how to care for their children, senior family members, or relatives with disabilities and/ or illnesses. Workers face difficulties in arranging family responsibilities when their schedules are unstable.⁸³ Low-income workers with unpredictable schedules and unreliable or nonstandard hours find managing family care to be a major challenge because most programs generally offer care during fixed, daytime, and weekday hours, and do not accommodate families who require flexible evening or weekend care.⁸⁴

In our study sample, 16% of retail workers have children that require childcare for 1 to 4 children. In addition, a smaller percentage of all workers (6%) provide care to seniors, seriously ill people, or those with disabilities.

FIGURE 25: Workers with Care Responsibilities



16% have children that need childcare support



6% provide care to senior, seriously ill people, or those with disabilities

Source: UCLA Retail Scheduling Survey 2018

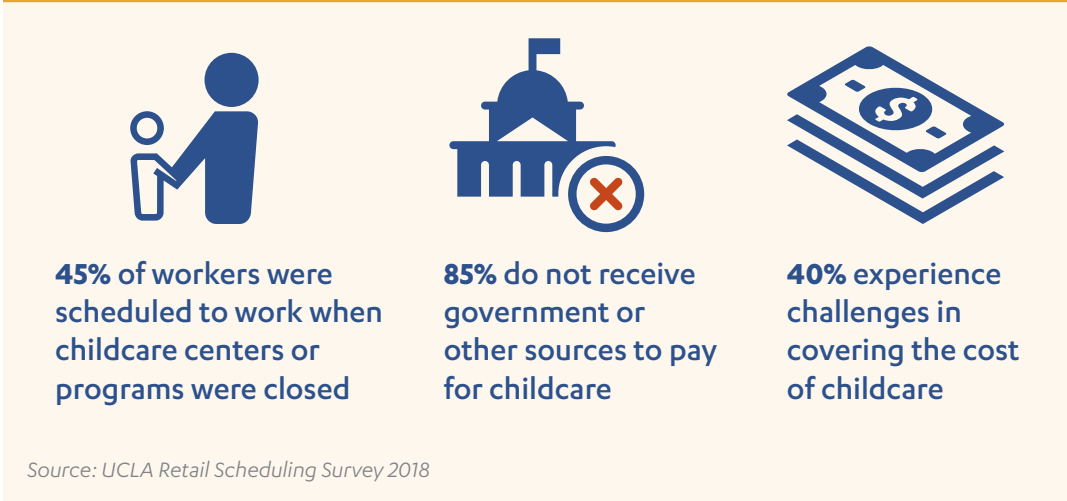
**“I am a single mom and I really wish they wouldn’t give me the night shift. Managers should support those of us with children.”
(Non-food retail worker)**



A study by the National Women’s Law Center found that female low-wage service workers are particularly affected by unpredictable schedules because such work arrangements prevent them from setting up consistent affordable care for their children or other family members.⁸⁵ Low-wage workers who have family care needs are prone to experience obstacles to childcare subsidy authorization, and their fluctuating work hours limit access to high-quality childcare programs, which leads to instability in overall family member care. In fact, many providers do not offer part-time slots and require families to commit to a set schedule and number of hours.⁸⁶ Our survey found that almost half (45%) of working parents are locked out of formal childcare programs due to scheduling constraints, and 85% do not receive any form of financial support to pay for childcare.

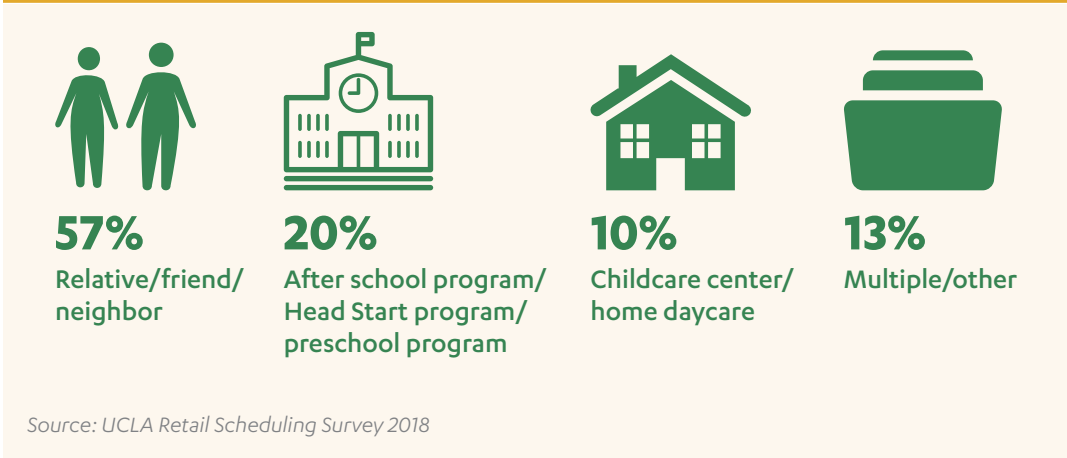
Affording childcare is a perennial challenge for low-wage workers with children: 40% of working parents in this study encounter difficulties in paying for childcare. Low wages and scheduling fluctuations mean that formal childcare systems may be inaccessible. Whether at a care facility, one’s own home or that of someone else, workers attempt to cobble together necessary resources to pay for a provider if they cannot rely on family members or others within their networks.

FIGURE 26: Working When Childcare Centers Were Closed



A survey of California employers who hire for childcare in their home found that three-quarters work in low-wage jobs. Most of them hire family and community members for childcare support.⁸⁷ A study focused on hourly retail and fast-food workers in San Francisco found that workers rely on grandparents and relatives for informal childcare support due to difficulty in accessing and high costs of childcare services.⁸⁸ Similarly, our survey found that over half of retail workers are more likely to tap into informal childcare networks such as familial or neighborhood networks. One-third utilize more formal structures like school or childcare programs.

FIGURE 27: Type of Childcare Provider Used by Retail Workers



In addition, workers struggle to maintain reliable childcare when subject to last-minute schedule changes. Nearly half (47%) had one of the following happen when they were late to pick up their child from childcare: authorities were called, they paid a late fee, were given a warning, or their child was ejected from the childcare program.

FIGURE 28: Difficulty Scheduling Childcare due to Changing Shifts



47% of working parents were penalized for being late to pick up their child from childcare

Source: UCLA Retail Scheduling Survey 2018

The unfavorable schedule trends and patterns outlined in this report suggest that a reexamination of the family care safety net system is required; it must offer more flexible options with simpler streamlined requirements so that low-wage households can access quality programs.

c. Students Struggle with Schedules

In addition to managing challenging work schedules, some workers are also students and have strict class schedules. These workers often struggle to meet academic demands when their employers afford them few accommodations. Many student workers engage in a constant tug of war between school and work, and often forego sleep to make both aspects of their lives work.⁸⁹ 23% of retail workers surveyed are students. Almost half of student workers (43%) missed at least one class due to a work schedule priority. One worker expressed that these figures are “powerful because they frame it as if retail is a job for people in school. If that’s what jobs are for, students can’t keep their commitments.” Another non-food retail worker reported on this form of managerial indifference, reporting, “Employers give you an ultimatum. You either be here or go to school.”

FIGURE 29: Student Workers and Scheduling Issues

23%
of retail workers
are students



43%
Missed a class because
of a work schedule
priority

Source: UCLA Retail Scheduling Survey 2018

“I need a better set schedule to help balance my responsibilities as a student, employee and caretaker.” (Non-food retail worker)



The need to earn a living can inadvertently divert a student worker’s ability to complete their studies, and a growing number of student workers agonize over this balance, which can delay graduation or lead to them dropping out. 14% of retail workers in our survey completed some college, but did not earn a degree and were not currently in school.

d. Knowledge of Workplace Benefits

In the past few years, there have been new and expanded benefits for workers. These include increased access to healthcare and paid sick time for all workers in California. Workers also have access to family leave benefits that may provide protections and partial pay for workers who need to take time off for family, childcare, or serious health conditions.⁹⁰ Yet some workers do not know if they have access to these benefits, demonstrating the clear need to offer workplace and public education on these issues. One non-food retail worker shared, “I work in retail and most times they won’t give us that information. It’s not brought up.”



Figure 30: Lack of Knowledge about Workplace Benefits

Did not know if company offers health benefits	22%
Did not know if they have accrued paid sick time off	21%
Did not know if they could take time off to care for a new child or family member (through state and federal family programs)	29%



Source: UCLA Retail Scheduling Survey 2018

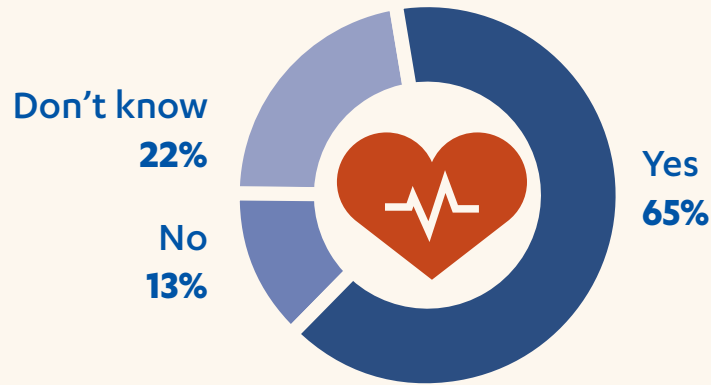
e. Health Benefits

One of the most crucial impacts of the number of hours assigned for workers is access to health insurance. A Kaiser Family Foundation survey reported that workers in companies with a high concentration of low-wage workers are less likely to be eligible for health insurance.⁹¹ The stores we surveyed — large chain stores — should be providing health insurance under the Affordable Care Act (ACA). As noted above, almost one-quarter of workers did not know if their store provided health insurance.

“I really want to become full-time so I can get the benefits.” (Non-food retail worker)



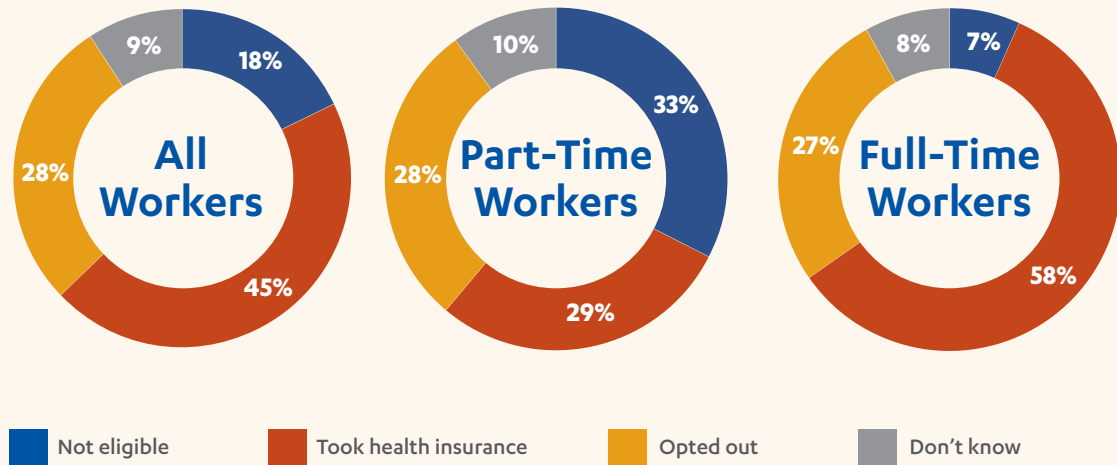
FIGURE 31: Employer Offers Health Insurance



Source: UCLA Retail Scheduling Survey 2018

Yet even if the store offers health insurance, it is not guaranteed that a worker will receive those benefits. Our survey found that less than half of all frontline floor retail workers took the insurance, though this was much higher for full-time workers. 58% of full-time workers took insurance while only 29% of part-time workers did. One-third of part-time workers did not qualify. Both part-time and full-time workers choose to opt out at similar rates. One non-food retail worker shared, “I would like for people to actually be scheduled full-time. Like this, people can receive benefits.”

FIGURE 32: Did Worker Take Health Insurance by Work Status

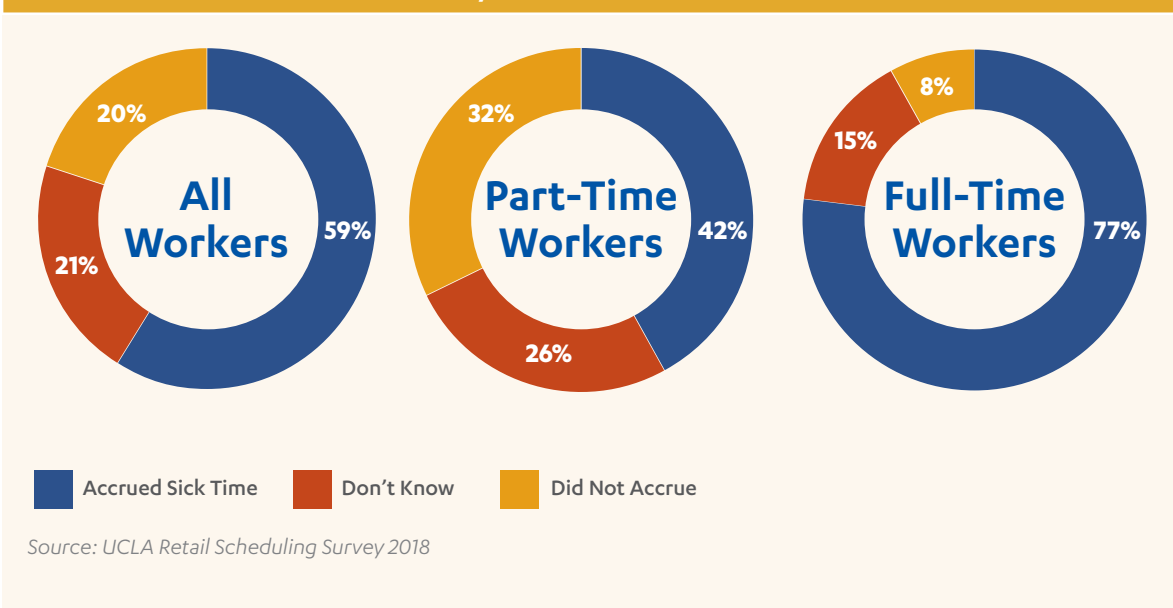


Source: UCLA Retail Scheduling Survey 2018

f. Paid Sick Time Off and Family and Medical Leave

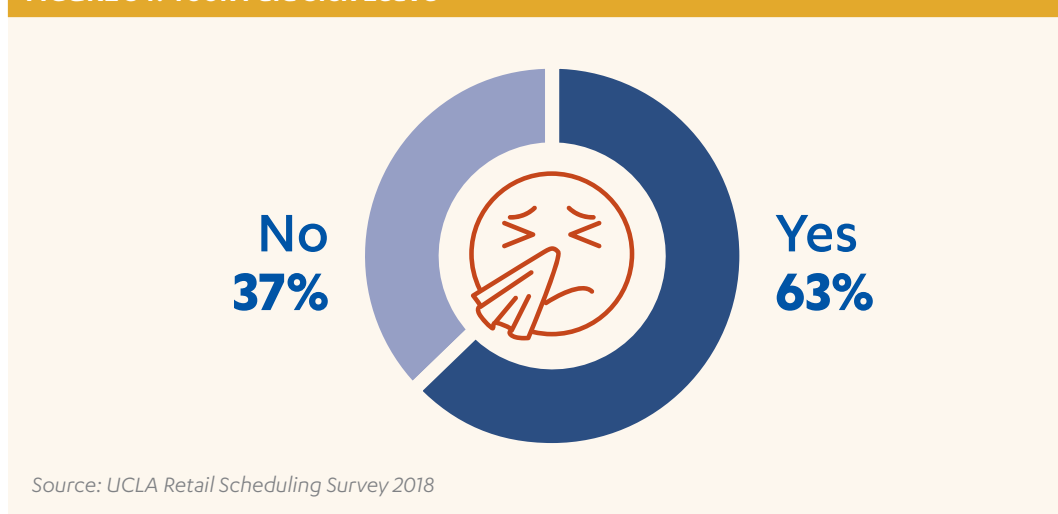
During the period in which our survey was constructed, workers could accrue sick leave under state law (a more expansive city policy has been passed since). As noted above, 21% of workers do not know if they have earned paid sick time and part-time workers had higher rates of that lack of awareness than full-time workers. Over half of workers report accruing paid sick time. However, when broken down by work status, 77% of full-time workers have access to time off, as opposed to 42% of part-time workers. Just over one-third (37%) did not take sick time.

FIGURE 33: Paid Sick Time Accrual by Work Status



“I haven’t been able go to a dental or medical visit because this job is too demanding and I can’t take the time off. I am going to leave soon because this job has worn me out.”
(Grocery store worker)

FIGURE 34: Took Paid Sick Leave



29% of workers did not know their store’s policies on taking time to care for a new child or family member and similar to paid sick leave, part-time workers had a higher rate of not knowing the policy. One-third said they can take paid time off, and 29% said they can take unpaid time off. Paid leave varies according to part-time and full-time employment status. About 1 in 5 part-time workers and nearly half of full-time workers report that they can take paid leave. However, 1 in 3 part-time workers, and one-quarter of full-time workers, report that they can take unpaid leave.

TABLE 4: Take Time Off to Care for New Child or Family Member

	All workers	Part-time	Full-time
Can take paid time off	32%	21%	46%
Can take unpaid time off	29%	33%	25%
Cannot take time off	10%	11%	8%
Don’t know	29%	35%	21%

Source: UCLA Retail Scheduling Survey 2018

f. Special Schedule Requests

Research on schedule control and workers’ ability to ask for schedules that fit their life needs suggests that such arrangements are beneficial for low-wage workers.⁹² Nevertheless, current workplace realities demonstrate that these decisions remain, for the most part, at the discretion of the managers who generally set their schedules.⁹³

Taking this into consideration, we asked our survey participants if they were able to make a special singular request for a family event or medical appointment before their schedule was posted. We found that 85% of workers said that they had made a singular special request to work a different day or shift before schedules were posted. Of those, 85% of workers had requests that were accepted without penalty, but 15% of workers who made requests were denied and/ or penalized. Many fewer workers asked for time off for a healthcare need. One-third of those with childcare needs who requested time off had their request rejected or penalized. Though the workers we surveyed may be able to request time off, most workers are vulnerable to unstable schedules and are required to be available whenever the store may need them.

TABLE 5: Scheduling Requests and Manager Responses

	Made request	Manager’s response to request:	
		Accepted without penalty	Rejected or penalized
Able to make a special scheduling request to work a different day or time before schedules were posted	85%	85%	15%
Made request for time off for healthcare need for yourself or family member, such as hospital, dentist or doctor visit	42%	91%	9%
Workers with children in their care who requested schedule changes for childcare needs	53%	67%	33%

Source: UCLA Retail Scheduling Survey 2018



Recommendations— Towards a Stable Schedule

Retail Workers Want “Good Schedules.” What Will It Take To Get There?

Retail workers in Los Angeles unambiguously reported their concerns about their volatile schedules and the insufficient hours they receive. When asked what they would change about their work lives, most replied that they wanted a *good schedule*: a schedule that gives them enough hours to make ends meet, one that is set and consistent so that they can plan their lives, a schedule that allows them to work and also care for their family, and a humane one that takes the worker into consideration.

This study attempts to capture the web of issues that follow from retail workers possessing little control over, or input into, their schedules. While some corporate employers have improved their practices around scheduling, public policy must ensure that all workers have access to jobs with decent scheduling practices. A growing national movement is pushing for local, state, and federal policy proposals that prevent or minimize many of the scheduling challenges described by retail workers in our survey. Numerous studies have outlined recommendations for future policy successes, and here we present those that propose a shift in the culture of retail scheduling that benefits both employers and employees, and contributes to a discussion about the future of work.⁹⁴

Investing in workplace practices that promote stable schedules with worker input can lead to more consistent staffing, a higher standard of work, and enhanced productivity. Employers who promote long-term schedules, provide an adequate volume of hours, and cross-train workers can rely on a steadier number of employees who possess more skills, which in turn, encourages worker morale and customer contentment.⁹⁵ And when retail workers are not struggling to balance unreliable hours, unpredictable schedules, and fluctuating incomes with other life commitments, they unsurprisingly experience a heightened quality of life.

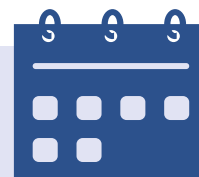
1. Better Scheduling Standards and Work Hours



Nationally, a trend in which policies such as reasonable advance notice, clearly defined shifts, hours that are stable and do not fluctuate week by week, and a minimum number of work hours that ensure a dependable weekly income, is transpiring. Developing scheduling technology that allows employees to have input and control, while also allowing employers to manage workers' hours and cover pressing business needs, can lead to better production outcomes, a more stable and satisfied workforce, and less worker turnover. When workers contribute to setting their work schedules, they can also plan for, and count on, more stable incomes.

- **Provide advance notice and estimated or guaranteed hours.** Provide three weeks advance notice of workers' schedules. Provide "predictability pay" for last-minute schedule changes. Give workers an estimated or guaranteed number of hours per week at time of hire
- **Allow for collaborative input into scheduling and the right to request changes.** Require employers to give workers the right to request schedule changes and accommodations without fear of retaliation. Limit last-minute, on-demand, and days-off scheduling, and create fair policies in which the refusal of such shifts doesn't trigger retaliation, but rather better incentivizes and compensates these hours.
- **Improve part-time worker standards and hours.** Protect part-time workers who want regular hours, more working hours, and guarantee that they are considered first for these hours before new workers are introduced.
- **Curb the practice of requiring workers to be available at all times.** We recommend a dramatic cultural shift in the workplace, a movement to remedy the pervasive assumption that low-wage retail workers can simply put their lives on hold and wait to be given whatever hours they can. Give workers predictable schedules so their incomes and work/life balance are more predictable and sustainable.

2. New Ways of Thinking about Scheduling



Workers, employers, policy makers, legislators, and technology firms need to equitably convene and reimagine the ways in which workers' schedules are set. This not easily accomplished, especially in the world of low-wage service sectors, but it is possible. And this study exemplifies the ways in which some essential principles and values might move key stakeholders in this direction.

- **Shift the dynamics of schedule control, consent, and power.** Create practices in which workers and employers collaborate on how best to conjoin workforce capacity and business need and establish fair terms for schedule negotiation. By investing in refining how low-wage worker schedules are set, employers can improve morale, reduce turnover, and enhance company efficiency.
- **Create reasonable notice and promote workers' voices in scheduling.** Establish fair terms within which workers can engage in schedule negotiations that are free of both favoritism and the threat of retaliation. Allow people to work when they can be most efficient. These practices can boost motivation and morale, confer a positive image of a company that promotes family-friendly schedules, and improve customer, worker, and supervisor relations.
- **Integrate scheduling into other areas of workers' rights.** Position scheduling within workers' rights policy discussions around involuntary part-time work, income volatility, and occupational segregation, so that advocates and stakeholders will be better able to leverage reforms to respond to the present crisis around retail scheduling.

3. Use Technologies to Support Fair Hours and Workweeks



Much of the control of new technological tools for scheduling shifts, such as “Just-In-Time” workforce optimization software, are in the hands of companies and employers and leave workers entirely outside of the process. These changes, however, impact the lives of retail workers dramatically. This report details the ways in which scheduling technologies are used to increase some areas of efficiency and to respond to immediate flows in customer traffic, but do so to the detriment of worker schedules, stability, and livelihoods. As technology advances in this sector, there is a vital need to envision, and persistently re-envision, a worker-centered approach to new tools.

- **Organize shared planning and strategizing around workplace technology.** Technology that equitably positions workers alongside employers and that they can jointly utilize is a pressing requirement. Create a multi-stakeholder space that includes workers, business, government, and researchers to create systems and tools that are fair for all constituents.
- **Create worker-side components in technology.** Allow for workers to use technology to advocate for themselves, communicate with each other, and use as a tool for organizing.
- **Ensure worker protections and enforcement of new software and application development.** Policymakers should institute checks and balances to ensure the technology is being used in equitable ways, rather than for more efficient exploitation of workers. These practices can apply not just to scheduling tools, but to new technologies and approaches as they enter retail and other sectors.



4. Promote a Viable Work and Life Balance for Workers

Most workplace regulations are still organized around a Monday-to-Friday, 9-to-5 schedule. A retail worker often works nonstandard schedules, and responding to unpredictable job demands makes balancing school, caregiving, and other life responsibilities extraordinarily difficult. Accommodating the work/life balance of workers is a prudent business decision in that it boosts morale both in, and out, of the workplace, and leads to better health outcomes and mental well-being.

- **Continue to support policies that improve labor conditions for workers and their families.** Support policies such as stable wages, wage increases, the right to request changes to a schedule, the right to give input, time off, health insurance and other benefits, and counter ongoing attacks on existing benefits.
- **Ensure that employees have work lives that allow adequate time away from work.** Protect workers' time for family, life and educational commitments and do not penalize workers. A satisfied and productive workforce is able to meet family needs, personal obligations, and life responsibilities.
- **Consider expanding public investment in programs.** Support families, including access to childcare and homecare resources that serve seniors and people with disabilities.

5. Ensure Strong Enforcement of Policies and Support Worker Voices



The one-sided management of schedules through on-demand hours gives retail workers little power to decline mandated last-minute schedule assignments. And when workers advocate for their own preferred schedules and needs, whether for school, caregiving, or personal health, the prospect of retaliation looms.

- **Continue enforcement of workers' rights, benefits, and scheduling policies.** Continue to provide enforcement of existing worker policies and continue to expand protections to create safe and equitable work conditions. Furthermore, the integration of scheduling protections into the current enforcement regime is critical.
- **Raise awareness and increase education about workplace laws and benefits.** Ensure education among employers and workers about the full range of rights and benefits for both current policies, and new ones as they develop.
- **Create partnerships with community organizations to strengthen enforcement.** Community partners and unions have relationships with workers and can bolster education and enforcement initiatives.

6. Expand Research of Scheduling Practices and Enforcement in Retail and Related Industries



- **Conduct further research on scheduling practices.** Continue research projects around retail, particularly as the industry shifts and develops new sales, production, and distribution models.
- **Expand research to related sectors.** This study should function as further motivation to explore the current work conditions and shifts within related industries such as warehouses, fulfillment centers, and transportation, as they each have sectoral relationships with retail.
- **Evaluate and monitor current and future scheduling practices.** Conduct evaluations in these industries as necessary steps to support the enforcement of future legislation. We also believe that further examination on how nonstandard scheduling impacts low-wage working families will inform scheduling scholarship and draw attention to social policies like child or senior care that could help families cope with economic instability.

Appendix

Study Methodology

a. Survey Data

The UCLA Retail Scheduling Survey consisted of 62 questions and focused on a multitude of topics such as scheduling practices, scheduling requests, and work and life balance. We focused our surveys on larger chain stores chains with at least three locations in the city of Los Angeles. We also focused on “frontline floor” staff — those who most directly interact with retail sales, such as cashiers, salespeople, stockers, and food prep staff in the store. We did not include other frontline workers, such as janitors, security, gardeners, etc.

The survey was developed in both English and Spanish, and we held several workshops that trained multilingual community members on how to conduct surveys. The project used a research justice approach that centered retail workers in the design and implementation of the study. We trained student researchers and community members to collect 818 surveys over a 6-month period, between December 2016 and June 2017. Survey fielding was done in collaboration with community partners including Clinica Romero, Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), First 5 LA (Best Start Wilmington), Los Angeles Alliance for a New Economy (LAANE), National Council of Jewish Women, Los Angeles, North Hills Methodist Church, OUR Walmart, and St. John’s Well Center and Family Center, and students from the UCLA Labor and Workplace Studies program.

To qualify for the survey, participants needed to be 18 and over, work in a non-management position at a retail store in the city of Los Angeles and work in a chain store or a store with at least three locations. Our study utilized a mixed-sampling methodology including convenience, availability, and stratified sampling. Student researchers and community members collected surveys through their social networks. Additionally, surveyors canvassed stores seeking potential participants. To create quotas, we developed a database of all the chains or stores with three or more location through google map and YELP searches. We split the city into the following eight regions: Central Los Angeles, East Los Angeles, Northeast Los Angeles, San Fernando Valley, South Bay, South Los Angeles, West LA, and the Harbor. We then created quotas for the number of surveys based on the percentage of stores in each region.

Though we utilized various sampling methods, there were limitations in the data. We oversampled women, Latino workers and black workers and students, and undersampled Asian American and white workers. To compensate for this, we used the American Community Survey 5-year estimate 2011-2015 sample, retrieved from IPUMS-USA (www.usa.ipums.org) to weight the data so that it better represented the population demo-

graphics (See Table 6). All data for weighting is based on Los Angeles County, which is the geographical level available for demographics based on place of work. We do not believe that this introduces undue bias as the demographic proportion in the city of L.A. is roughly equivalent to those in the county of L.A. The majority of the stores we surveyed were non-food retail stores such as clothing, shoes, electronics, etc. We slightly oversampled grocery and drug stores so that we could compare scheduling practices, though we found very little difference in scheduling by type of store.⁹⁶

TABLE 6: Census and Sample Demographics of Frontline Retail Workers

		Los Angeles County Census	Our sample unweighted	Our sample weighted
Sex	Female	53%	63%	53%
	Male	47%	37%	47%
Race/ethnicity	Latino	56%	71%	56%
	Black	7%	6%	7%
	Asian	12%	3%	12%
	White	23%	12%	23%
	Other	2%	8%	2%
Student status	Student	23%	31%	23%
	Non-student	77%	69%	77%
Educational attainment	High school or less	47%	54%	53%
	Some college	33%	23%	22%
	Associate’s degree	6%	15%	11%
	Bachelor’s degree	11%	7%	9%
	Advanced degree	2%	2%	2%
Sector	Non-food retail	70%	57%	58%
	Grocery	27%	32%	31%
	Pharmacy	3%	10%	11%

* Weighting categories included sex, race/ethnicity, and student status based on the ACS 2011-2015 5-Year Estimates. Significance tests revealed insignificant differences by education and sector.

The research team analyzed the data using SPSS, and developed infographics based on frequency and crosstab runs, which were presented at five participatory data analysis workshops to community organizers, union and non-union retail workers, students, and other key stakeholders for their feedback. Over 100 participants attended the workshops and contributed to the analysis of the report. Quotes in the report are from participant responses to the data as well as from open ended questions in the survey.

We then conducted subsequent analyses, constructing new categories, including or-

dinal categories, and ran frequencies, crosstabs, chi-squared tests of association, and binary logistic regressions. The final report was developed by the UCLA Labor Center research team. An advisory board of academics, workers, and key stakeholders provided guidance and support throughout the project.

b. Census and Literature Review

We also analyzed government data and conducted an extensive literature review that focused on scheduling practices, technology, and workweeks in the retail industry.

We used U.S. Census Bureau American Community Survey 2012—2016, obtained through IPUMS-USA, to gather worker characteristics, wages, and industry data. We used the industry code *Retail (44-45)*. For census runs, we wanted to capture those that work in the Los Angeles area, which is only available at the county level.

Workers Included:

We ran the data for non-management frontline floor workers only. We defined workers as those aged 16 and above, who are employed, who were not self-employed or unpaid family workers, and who worked in Los Angeles County. Frontline floor workers were defined using Occupation codes within the industry *Retail (44-45)* as follows:

- **Cashiers:** 4720-Cashiers
- **Sales Staff:** 4760-Retail Salespersons
- **Stockers:** 5620-Stock Clerks and Order Fillers
- **Food workers in retail stores:** 4020-Cooks 4030-Food Preparation Workers, 4050-Combined Food Preparation and Serving workers, Including Fast Food, 4060-Counter Attendants, Cafeteria, Food Concession, and Coffee Shop, 4120-Food Servers, Non-restaurant, 4130-Miscellaneous Food Preparation and Serving Related Workers, Including dining room and cafeteria attendants and bartenders, 4150-Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop

Defining Low Wages:

We calculated the hourly variable for the ACS⁹⁷ and created a low-wage variable, defined as two-thirds of the median hourly wage for full-time workers.⁹⁸ The Los Angeles County median hourly wage for full-time workers was \$20.44 in 2016, and two-thirds of that wage is \$13.63.

About the Organizations

UCLA Labor Center

For more than 50 years, the UCLA Labor Center has created innovative programs that offer a range of educational, research, and public service activities within the university and in the broader community, especially among low-wage and immigrant workers. The Labor Center is a vital resource for research, education, and policy development to help create jobs that are good for workers and their communities, to improve the quality of existing jobs in the low-wage economy, and to strengthen the process of immigrant integration, especially among students and youth.

675 S. Park View St.
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UCLA Labor Center

Los Angeles Alliance for a New Economy

Combining dynamic research, innovative public policy, and strategic organizing of broad alliances, LAANE promotes a new economic approach based on good jobs, thriving communities, and a healthy environment. For the past 25 years, LAANE has been at the forefront of Los Angeles' progressive movement, transforming conditions in key industries and improving the lives of hundreds of thousands of working families in southern California.

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This report is dedicated to the frontline retail workers in Los Angeles.

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- **First 5 LA (Best Start Wilmington)**
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 - Pastor Fred Morris, Miguel Munoz, Amanda Escobar Romero, Jaqueline Zamora, Frank Zelayandia
- **Organization United for Respect at Walmart (OUR Walmart)**
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- **St. John's Well Child and Family Center**
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