

Workers' next big fight: Fairer scheduling

The [Fight for \\$15](#) is still being waged, but the movement is adding "Fight for a Fair Workweek" to its agenda.

Americans at the lowest rung of the wage ladder are looking forward to hourly pay hikes in cities and states including [New York and California](#). Yet there's a troubling and escalating trend of underemployment and scheduling hurdles that make it next to impossible for many workers to get ahead, worker advocates say.

A defining feature of the post-recession recovery has been a surge in part-time workers. And despite an improving labor market, with [unemployment at 5 percent](#), more than 6 million people in the U.S. who would rather work full-time remain stuck in part-time jobs.

California represents a large chunk of that underemployment, with more than 1 million working involuntary part-time jobs. In Silicon Valley, more than four out of every 10 hourly workers are now part-time, according to research due to be released Thursday.



California bill would force some employers to give at least two weeks notice for schedules

The findings, based on data compiled by the Bureau of Labor Statistics and written by the Center for Popular Democracy and Working Partnerships USA, found insufficient and inconsistent hours leave hourly workers struggling in San Jose, where the minimum hourly rate currently stands at \$10.30.

Of San Jose's total workforce, 47 percent, or an estimated 162,000, work hourly jobs, with 43 percent of those hourly workers employed part-time or on variable schedules as their main job, up from 26 percent a decade earlier, according to the report.

"Employers have restructured employment so that the work week is shrinking for low-wage workers," Carrie Gleason, director of the Center for Popular Democracy's Fair Workweek Initiative. "The minimum wage is finally catching up, and now we're going to see more and more policymakers pay attention to hours. They recognize \$15 isn't enough if you're only working part-time."

What's occurring in San Jose helps relay "an important national story about a very prosperous region with a very low unemployment rate, yet one out of three workers isn't making it every month," said Derecka Mehrens, executive director at Working Partnerships USA. "From what we've seen, the wage fight cannot be separated from the hour fight."

Mehrens' group is gathering signatures to put an initiative on the November ballot that would require employers in San Jose offer more hours to existing qualified part-time workers before hiring new part-time or temporary workers.



Many finding jobs are making less than before

Opponents to scheduling mandates include [the National Restaurant Association](#), or NRA, which has lobbied against measures under consideration in state and local legislatures, as well as [one proposed](#) in Congress. The trade association says such measures have already caused "[confusion](#)" for restaurant owners in San Francisco and could result in fewer workers being hired.

Advocates for workers have a more sympathetic ear, if not a solution, at Starbucks ([SBUX](#)), which has drawn its share of [negative attention](#) for creating havoc with the lives of its baristas through its scheduling practices. At the company's annual meeting in Seattle last month, barista Darrion Sjoquist asked CEO Howard Schultz about addressing the scheduling issues that he and his colleagues routinely face.

"It's at the top of our list to create some balance between the pressure that exists on some people who are having a difficult time with the schedule and our ability to schedule thousands of people," [said Schultz](#). "We understand the issues and we think they are critical," he said, adding that Starbucks believes a technological tool is needed to address the issues involved with scheduling 300,000 people around the world.

The scheduling issue last week had attorneys general from California, Connecticut, the District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, New York and Rhode Island expanding a probe into the use of unpaid on-call shifts and other scheduling practices in the retail industry.

"On-call shifts are unfair to workers who must keep the day free, arrange for child care, and give up the chance to get another job or attend a class -- often all for nothing," New York Attorney General Eric Schneiderman [said in a statement](#). "On-call shifts are not a business necessity, as we see from the

many retailers that no longer use this unjust method of scheduling work hours."

American Eagle Outfitters ([AEO](#)), Uniqlo, Aéropostale ([ARO](#)), Payless ShoeSource ([PSS](#)), Coach ([COH](#)), and the Disney Store ([DIS](#)) are among the 15 retailers sent [letters](#) asking about their use of on-call shifts, which can involve mandating workers to be available for work without a guaranteed shift. The practice is a potential violation of state reporting pay laws, which require employers give workers minimum pay when a shift is canceled or shortened.

Maryland, Minnesota and Illinois don't have reporting pay laws, but they've signed onto the letters to express concern about the impact of on-calling scheduling on workers and their families.

The inquiry follows a similar one by Schneiderman last year that resulted in six brands including the Gap ([GPS](#)), Victoria's Secret ([LB](#)) and Abercrombie & Fitch ([ANF](#)) ending on-call scheduling, a move impacting a quarter million workers.

Scheduling protections were adopted last year in San Francisco and Santa Clara County, while conversely, Indiana and Alabama are among the states that have preemptively passed legislation prohibiting cities within their borders from [enacting such measures](#).

In Seattle, which has passed paid sick-time standards and a higher minimum wage, the city council is considering legislation that would require companies offer workers more livable schedules.

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