

ASSEMBLY BILL

No. 357

Introduced by Assembly Members Chiu and Weber
(Principal coauthor: Senator Leyva)
(Coauthors: Assembly Members Bonta, Chu, Gonzalez, and Roger
Hernández)

February 17, 2015

An act relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 357, as introduced, Chiu. Employment: work hours: scheduling.

Existing law, with certain exceptions, establishes 8 hours as a day's work and a 40-hour workweek, and requires payment of prescribed overtime compensation for additional hours worked.

This bill would make legislative findings and declarations relating to work hour scheduling for employees of food and general retail establishments.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Fair Schedule and Pay Equity Act.
- 3 SEC. 2. The Legislature finds and declares the following:
- 4 (a) More than one-half of food and general retail store
- 5 employees nationally receive their work schedules one week or
- 6 less in advance.

1 (b) According to a recent survey of employees at chain stores
2 and large stores, only 40 percent of those surveyed have consistent
3 minimum hours per week and the vast majority of employees find
4 out from a supervisor if they are needed for the on-call shift a mere
5 two hours before the shift starts. Retail industry research in New
6 York City found that more than one-half of family caregivers in
7 the retail industry are required to be available for on-call shifts,
8 forcing them to arrange for child or elder care at the last minute.

9 (c) Women are also more likely than men to work part time and
10 experience unpredictability in their work schedules; one study
11 found that women were 64 percent of the frontline part-time
12 workforce among retail workers.

13 (d) Unpredictable scheduling practices and last-minute work
14 schedule changes cause workers who are already struggling with
15 low wages to live in a constant state of insecurity about when they
16 will work or how much they will earn on any given day. These
17 practices also make it hard for employees to plan their finances
18 and to plan for and obtain child care. These practices also prevent
19 part-time employees from pursuing educational opportunities or
20 holding a second or third job that those workers may need to make
21 ends meet.

22 (e) According to census data, since 2006, the number of
23 “involuntary part time employees” in California nearly tripled to
24 1,100,000 employees. According to the federal Bureau of Labor
25 Statistics, less than one-half of the retail workforce nationwide
26 works fulltime, and the number of those working fewer than 20
27 hours per week has grown by 14 percent in the past decade.

28 (f) According to a survey conducted in 2014 of workers who
29 sell food in California, the largest producer of food in the United
30 States, they are twice as likely as the general populace to be unable
31 to afford sufficient quantities of the food they sell or the healthy
32 kinds of food their families need, despite the financial health of
33 the food retail industry. According to this same survey, workers
34 who were Black or Latino were far more likely to be sent home
35 early with no pay, to have a shift canceled on the same day it is
36 scheduled, to not be offered a lunch break, or not be paid for all
37 hours worked.

38 (g) For these reasons, to ensure family and financial stability
39 for a vast segment of California’s workforce, those employed by

- 1 food and general retail establishments should be afforded some
- 2 predictability and dignity in how they are scheduled to work.

O