

STOLEN WAGES, STOLEN LIVES: A CRITICAL ANALYSIS OF THE FAIR
WORKWEEK POLICY

BY

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THESIS

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ABSTRACT

Unpredictable and irregular work schedules are a well-known aspect of labor conditions in the retail and food service sectors of the US economy (Lambert, Fugiel, & Henly, 2014). This issue is now being addressed by advocates of what is commonly known as the Fair Workweek policy. Despite the variance among the policies that have passed in different municipalities, the goals of this policy are threefold: first, to provide clear guidelines for the scheduling of workers, second, to promote wage stability, and third, to generate a more socially just work-life balance for workers these industries. This paper aims to investigate what protections subsequent versions of this policy attempts to create in relation to what workers in these industries are experiencing. In order to investigate this burgeoning policy initiative, in-depth semi-structured interviews with retail and food service workers were conducted over the summer of 2017 in the Southern California region. While initial findings suggest that features of the Fair Workweek policy can lead to more stable wages, there are aspects of social reproduction that the policy has not or cannot address.

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CHAPTER 1: TIME, PLACE, AND WORK

“Time is the longest distance between two places.”

— Tennessee Williams, *The Glass Menagerie*

1.1 INTRODUCTION

In 2010, I moved to Baton Rouge, Louisiana from my home state of California. After two months of looking for work, I managed to receive two part-time jobs offers on the same day, one at a grocery store and one at a full service restaurant. I was happy to have any job and was willing to work whatever hours they gave me. Although both jobs were located less than 5 miles from my apartment, I found myself distanced not only from my friends and family back home but from my now husband and the friends we were making in our new city. I found myself separated from the larger community through the process of time.

At the grocery store, my shift often began at 4am, long before sunrise and only a few hours after my husband went to bed (he was a new graduate student at the time and was often up late reading or working on course deadlines). I would leave the grocery store at noon, while my husband was on campus, and would rush home to shower and try to catch a couple hours of sleep before my dinner shift at the restaurant would begin at 5pm. Often, I would not leave the restaurant until 10pm or later and rush home again to try to unwind and fall asleep before midnight, only to wake up by 3:30am to rush back to the grocery store. These hours were grueling and physically taxing. I was on my feet for the better part of seven and a half hours at the grocery store, then again for 5 or more hours at the restaurant. Most of my free time was spent sleeping or attempting to sleep or, when I did attempt to engage in social activities, I was often exhausted. I once fell asleep in the stands at a football game of the university that my husband was attending. If I did get to go to party or a social gathering, we often left early

because of my work schedule. The week of my husband's birthday, I requested the weekend off from both my employers and found myself working both jobs the weekend before and the Monday through Friday leading up to that weekend. For six days straight, I went to the grocery store at 4am, left at noon, went to the restaurant at 5pm and left at 10pm or later, one night even staying until 1 am. When that Saturday came, I slept. I slept for nearly 24 hours straight. I slept through the entire day of his birthday and most of the next day. I did not take him to the restaurant I had planned to. I never baked him the cake I had wanted to. I didn't make arrangements to go out with our friends as I had intended. Even though, through out that weekend, my husband was right next to me in bed or just in the next room, I had never felt farther from a person than I did that weekend.

Time shapes our lives. Not only in the temporal nature but also spatially. We regiment our days around schedules, tasks, and responsibilities. We schedule our weeks and months around the duties of work and the social events of our friend, families, and communities. We plan our years not only in relation to the changing seasons but also around the cultural and religious holidays that define our identities. Time also has the ability to makes places feel farther and closer than they are. The beginning of a work day can make home feel miles away whereas the end of workweek can make home feel right around the corner. For those with a high degree of autonomy over their schedules, these differences may go unperceived. For shift workers, the demands of their time due to conflicting schedules and responsibilities can infiltrate their everyday existence.

1.2 RETAIL AND FOOD SERVICE WORKERS

Choosing to study retail and food service workers was not only personal but also beneficial to understanding the issues in the larger economy. In 2018, there were over 23 million

workers in the retail and food service industries when you consider the aggregate of the occupational categories (see figure 1) of the Standard Occupational Classification (SOC) (Bureau of Labor Statistics, 2019).

Aggregated Retail and Food Service Employees and Standard Occupational Classification (SOC) Codes 2018	
SOC Codes	Occupation Titles
00-0000	All Occupations
11-9051	Food Service Managers
35-1011	Chefs and Head Cooks
35-1012	First-Line Supervisors of Food Preparation and Serving Workers
35-2011	Cooks, Fast Food
35-2012	Cooks, Institution and Cafeteria
35-2014	Cooks, Restaurant
35-2015	Cooks, Short Order
35-2019	Cooks, All Other
35-2021	Food Preparation Workers
35-3011	Bartenders
35-3021	Combined Food Preparation and Serving Workers, Including Fast Food
35-3022	Counter Attendants, Cafeteria, Food Concession, and Coffee Shop
35-3031	Waiters and Waitresses
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers
35-9021	Dishwashers
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop
35-9099	Food Preparation and Serving Related Workers, All Other
41-1011	First-Line Supervisors of Retail Sales Workers
41-2011	Cashiers
41-2021	Counter and Rental Clerks
41-2022	Parts Salespersons
41-2031	Retail Salespersons

*Source: Bureau of Labor Statistics. (2019).
SOC Codes at 6 digit, detailed level*

Figure 1: Retail and Food Service Employees, 2018

To understand the extent of the amount of these workers, one can compare the aggregate of retail and food service workers to those in engineering occupations both examined at the SOC 6-digit detailed level. Retail and food service workers made up 16.1% of the total workforce share versus 1.8% for all occupations with “engineer” in the occupational title (see appendix, table 1). However, this retail and food service worker composite does not include the logistics workers, truck drivers, warehouse workers, human resource managers, CEOs, and other workers that also contribute to these industries as a whole. The availability of jobs in these industries is not the only way the contributions are felt in the larger economy. People are reliant upon these

industries to maintain their livelihoods. From the need to feed, shelter, and cloth ourselves to the need to socially reproduce aspects of our culture, we must consume goods, especially via retail and food service establishments. These combined industries garnered over \$5 trillion in 2017 up from \$2 trillion in 1992 (see figure 2). The contributions that these workers and industries make show how crucial they are to the financial well-being of the US economy but also to social health of the people who live there.

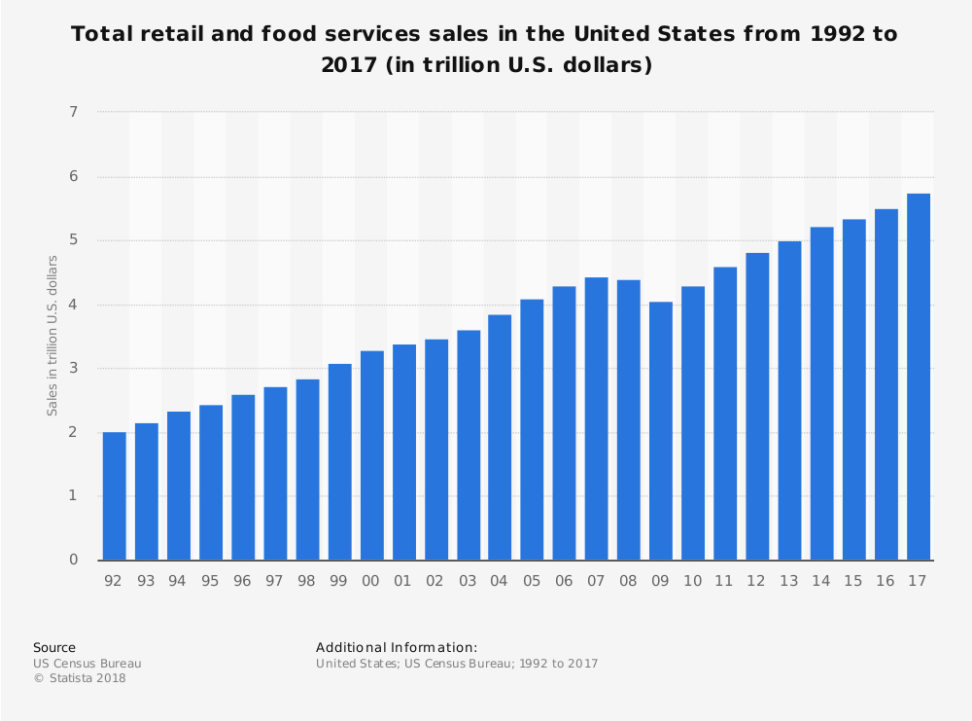


Figure 2: US Census Bureau. (n.d.), not adjusting for inflation

1.2.1 The Great Recession and Widening Inequality

The Great Recession, which began in December of 2007 and lasted until June of 2009 was one of the biggest economic downturns in US history (Rich, 2013). Despite indicators of economic recovery, many gains have not been felt by low-wage workers. Stock market and corporate profits have surpassed pre-recession numbers but this has not necessarily helped the majority of working households (Sheirholz, 2014). Wealth in the stock market has little effect on

the majority of Americans as 84% of all stock owned by Americans belongs to the top 10% of all households, including pension plans, 401(k)s, trust funds, and mutual funds (Cohen, 2018).

Between the years of 1983 and 2016, income inequality rose by 24.5% (Wolff, 2017).

During the recovery period following the Great Recession, a National Employment Law Project (NELP) Report (2013) found that hourly wages declined by 2.8% over all occupations. Part of this may be attributed to the employment growth in these retail and food service industries. Lower-wage occupations, defined as a median hourly wage falling between \$7.69 to \$13.83, were contributed to 58% of recovery growth (National Employment Law Project, 2012). These lower-wage occupations accounted for 58% of recovery growth whereas mid-wage and higher-wage occupations accounted for 22% and 20% respectively and it is noteworthy that these mid and higher-wage jobs accounted for 79% of recession losses (National Employment Law Project, 2012). The NELP (2012) also cited retail salespersons, food preparation workers, and waiters and waitresses as part of their top 10 occupations that grew during the recovery. Current projections also show some food service workers occupations, including food service managers, cooks, and combined food preparation and serving workers, including fast food, are expected to grow above national projections for all occupations (Bureau of Labor Statistics, 2019).

Retail and food service workers are integral to the larger economy. The jobs gained during the recovery and still held currently warrant further study. As the divergence of income continues to grow in the US, understanding these workers that fall into low-wage categories can give better insight into both how their work is structured not only through wages but also how their time is contorted to keep them subjugated.

1.3 THE CASE OF CALIFORNIA

The study site for this project was conducted in the Southern California region, in and around the city of Riverside. The interviews for the study were conducted in the counties of Los Angeles, Orange, and Riverside. This region provided a breadth of people who work in the retail and food service industries. The state of California employed over 14 million workers in the aggregated occupations in 2010 and that number rose to over 17 million by 2018, (Bureau of Labor Statistics, 2019). Over this 8 year period, the average percent of employment of the total work was 16.1% (see appendix, table 2). This remains consistent with the national numbers as well. The location quotient for the state compared to the nation falls between 0.98 and 1.01 between the years of 2010 and 2017 (see appendix, table 3) (Bureau of Labor Statistics, 2019).

To study the region, I combined the metropolitan statistical areas (MSA) of Los Angeles-Long Beach-Glendale, Riverside-San Bernardino-Ontario, and Santa Ana-Anaheim-Irvine. The total combined region employed nearly 7.5 million workers in the aggregated occupations in 2017 (Bureau of Labor Statistics, 2019). The MSA with the highest concentration of was the Riverside-San Bernardino-Ontario which averaged 18.5% (see appendix, table 4) of its total employment between 2010 and 2017 (Bureau of Labor Statistics, 2019).

The access and availability of the retail and food service workers in this region made the study site feasible but also, due to the area's high population, this contributed to the abundance of workers from whom sampling was available. In the entirety of the larger Southern California region, the participants for this study were concentrated in the Los Angeles, Orange, and Riverside counties (see figure 3). Although the economic analysis was conducted at the MSA level, this was in large part due to the availability of data at specific geographic levels. Despite

this seeming mismatch, county boundaries are rarely felt by the constituents navigating them as goods, services, and people flow between them.

The southern California region not only provides a substantial amount of workers from which to sample from but is also a compelling site to study time. The region is well known for its massive sprawl as cities and counties flow into each other seamlessly via the extensive freeway network. This sprawl contributes to longer commute times. These commutes and the high population make both work and leisure travel difficult and time consuming both in public transit and private vehicle ownership. For retail and food service workers, whose time is already mistreated by the unpredictable scheduling practices of their employers, the added issues of sprawl and congestion make this region an appealing site for study.

Study Site

Map By
Adrienne Cooke
April 22, 2019

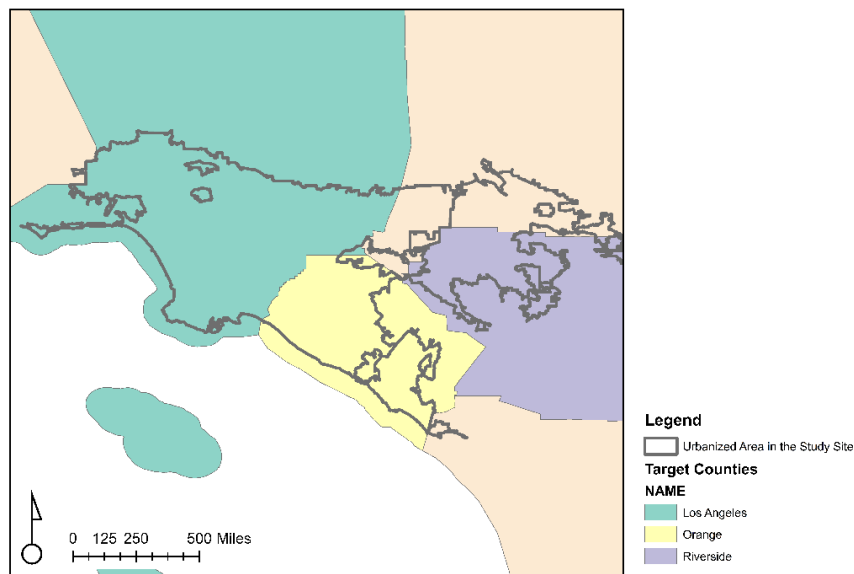
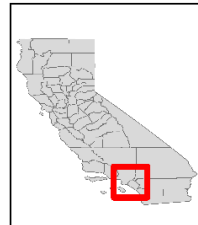


Figure 3: Study Site, (Cooke, 2019)

1.4 CONCLUSION

There is a growing concern regarding the widening of economic inequality and the availability of good jobs in the US. These concerns are evident in the increasing dialogue surrounding low-wage work as evidence by the number of organizing campaigns since the Great Recession. Much of the literature on worker organizing and labor campaigns focuses on how various union leaders, community based organizations, churches, and advocacy groups are able to build coalitions that seek to change working conditions for their members (Milkman, Bloom, & Narro, 2010). Much of this academic work not only focusses on the issues of income inequality but also speaks to workers problems specific to retail and food service work in grocery stores, restaurants, and big box retailers (Becker, 2014; Ikeler, 2014; Doussard, 2015; Shapiro, 2014; Jayaraman, 2013). This literature not only contributes to the growing to the knowledge regarding how income inequality is becoming pervasive in the US but also sheds light on the specificities of how retail and food service workers are experiencing oppression in these industries.

Looking specifically at California, the workers in these industries may be experiencing more austerity as the wealth gap continues to grow. A 2018 report lists California as 4th of US states with the highest levels of income inequality and 2nd with the fastest growing income inequality (Martin, 2018). Although this paper does not seek to look specifically at the economic hardships faced by low-wage workers in these industries, I hope to add to these concerns by looking at the way scheduling practices in retail and food service can not only result in wage theft but also inhibit their ability to be part of their social circles thus losing the ability to impact their larger communities.

CHAPTER 2: OVERVIEW OF THE FAIR WORKWEEK POLICY

“Too many of us are either saddled with workweeks that never end or are working too few hours to make ends meet. Without enough say into our work hours, we juggle the demand for constant availability and work schedules that change unpredictably. Whether just scraping by hour-by-hour or hardly getting a good night’s sleep, America’s scheduling crisis has reached a breaking point.”

- Fair Workweek Initiative (Fair Workweek Initiative, n.d.)

2.1 HISTORY AND ORIGINS

The Fair Workweek policy had its beginnings in San Francisco, CA where scheduling issues were addressed as part of a bigger set of ordinances aimed at protecting “formula retail employees” (City and County of San Francisco, n.d.). Section 303.1 of the San Francisco Planning Code defines formula retail as:

“a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a service mark.” (City and County of San Francisco, Planning Department, n.d.)

This definition not only includes retail establishments that sell goods but also retail establishments that sell food and beverages, generally referred to as “retail” and “food service.” Hailed as “ground breaking labor policy” (Jobs with Justice San Francisco, n.d.), it is comprised of five provisions in two sets of legislation, the “Hours and Retention Protections for Formula

Retail Employees” and the “Fair Scheduling and Treatment of Formula Retail Employees,” that were proposed by Supervisor Eric Mar and Supervisor David Chiu of the San Francisco County board of supervisors respectively. Although typically regarded as a city, San Francisco is the only consolidated city-county in California but operates primarily as a city (National League of Cities, 2011). Collectively, these two pieces of legislation have become known as the “Retail Workers Bill of Rights” and these have become the basis for much of the Fair Workweek initiatives being fought for today.

2.2 PLACES OF ADOPTION AND POLICY MUTATIONS

Since 2014, several places have adopted policies similar to San Francisco and although this paper does not aim to delve into the politics of passing around policy, it is beneficial to look at the variances among these policies as it has moved and mutated between the municipalities. One of the main resources promoting the Fair Workweek policy is Fair Workweek Initiative (FWI) through their website www.fairworkweek.org. Municipalities that have passed a fair workweek policy are listed on a timeline in the “Policy Innovations” section of the website (Fair Workweek Initiative, n.d.). However, after further analysis of these listed municipalities, only six of the nine listed impact retail and food service workers. Adding these six, plus the recent win in Philadelphia, PA constitute seven municipalities to study in relation to food service and retail workers under the Fair Workweek policy. Of these policies, all but one are city ordinances with Oregon being the only state wide bill. None of these policies are identical and from the table (see appendix, tables 5a-5d), one can see that this policy has mutated in many of its provisions as it moved across jurisdictions. However, many of these mutations are slight in nature. The major segments of these bills are still very much intact despite the variances. For example, one item of these measures that has been covered by all municipalities with fair workweek legislation is the

requirement to offer available hours to current part-time workers before hiring new workers.

Another issue that six of the seven municipalities has dealt with, cover the issue of giving notice and compensation to these workers when schedule changes are made. This shows that sturdiness of this bill and the ease of its mobility while still maintaining its original intent or purpose.

2.2.1 Intrinsic Mutation

According to Peck and Theodore (2015), intrinsic factors in policies that seem necessary to the securitization of favorable outcomes are less likely to be relinquished or “unbundled” from the policy. Because this policy is often influenced by the framing of the issues in the campaigns that are backing them it is essential to look at the campaigns and the policies relationally. The initial policy in San Francisco aimed to promote five points in the two ordinances that were passed (Jobs With Justice San Francisco, n.d.):

1. Promoting full-time work and access to hours
2. Encouraging fair, predictable schedules
3. Discouraging abusive on-call scheduling practices
4. Equal treatment for part-time workers
5. Encouraging worker retention and job security

Although these points are quite specific, the overall goal that the Fair Workweek policy is trying to address is the complicated intersection of home-life and work-life.

Home and work are not bounded entities, the intersection of these realms is porous and the responsibilities within each of these domains can often find themselves in conflict. As time is a bounded entity, the functions of each of these worlds enforce a certain amount of pressure upon a worker through which time is stretched at the detriment to the individual and their families (Moen, 2003). These tensions are not easily addressed through policy, hence the five points in

the San Francisco ordinances. These points are expressed in nine segments of these ordinances that I have named here (see figure 4).

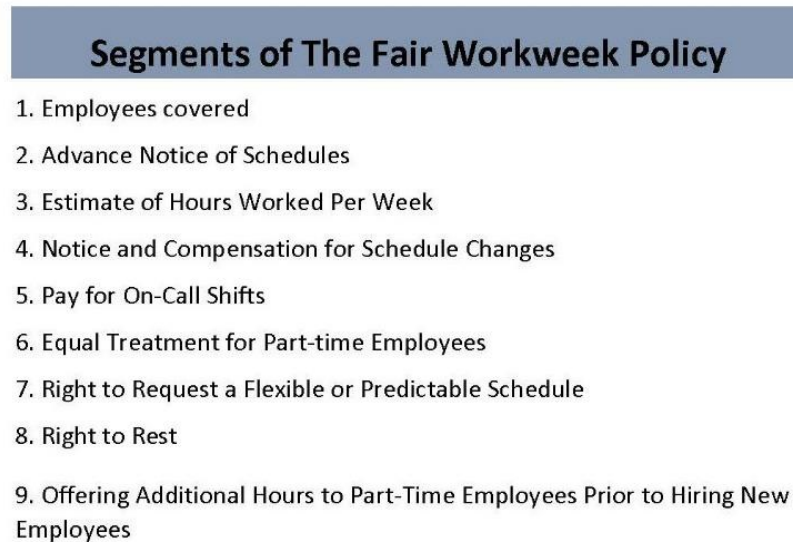


Figure 4: Sources- 79th Oregon Legislative Assembly (2017), City of Philadelphia (2018), American Legal Publishing Corporation (2014), City of Emeryville (2016), City of San José (n.d.), City of Seattle (n.d.), New York City (2017)

These many segments may initially make the policy look weak and highly susceptible to mutation but all of these segments address the issues of scheduling and speak to the overall message of the policy, the fact that retail and food service workers need more control over their schedules. Municipalities can choose to adopt bits and pieces of the policy and change certain characteristics of each segment while still acknowledging the underlying issue of unpredictable schedules.

2.2.2 Extrinsic Mutations

Extrinsic mutations (Peck & Theodore, 2015), though not well defined, can be thought of as the conditions in and around a locality where the passing of a policy is being attempted. Because the Fair Workweek policy is a bundle of different segments and the segments are not

dependent upon one another for the policy to function, it is highly sensitive to extrinsic mutation as well as intrinsic mutation. Social, political, and economic conditions can influence what parts of the original policy get adopted and how they change under current conditions.

Similarly to how things are changed via intrinsic mutation, extrinsic mutations may do the same thing by either changing a specific segment of the ordinance or completely leaving a segment off the bill that does get adopted. One of the segments in the policy that is highly variable in its adoption is 5) procedures for on-call shifts. Only two of the municipalities, San Francisco and New York City, have adopted this segment. Although other municipalities may have addressed on-call shifts, they do not penalize business for having them. Some only address on-call shifts in 3) estimate of hours, mandating that employees should be notified at hiring whether or not they can expect to work on-call shifts and how many they may work in a week or month. San Francisco's ordinance requires employers to pay employees for on-call shifts and New York has made them illegal. However, it must be noted that New York's retail workers are governed differently under their policy where retail workers must be given their schedule no later than 72 hours in advance and food service workers are required to receive their schedule 2 weeks in advance. One would only have to speculate what retail and food service industry groups bargained for in order to have these differing distinctions.

Interestingly, extrinsic mutations in the way, or lack of way, that Peck & Theodore (2015) have described extrinsic mutations does not seem that different from the general idea of "politics." John Kingdon's *Agendas, Alternatives, and Public Policies* (2014) describes a similar phenomenon that he calls "the political stream" (p. 145). Kingdon lists things such as "public mood, pressure group campaigns, election results, partisan or ideological distribution... and changes in administration" (p. 145). Politics is not easily defined and the conceptualization of

politics moves across space, place, and scale. Although Kingdon is considering them at the national level, the concepts and structures creating the idea of politics also exist at the local level. For the Fair Workweek Policy, looking at a successful campaign in a local context may tell us more about how the local political conditions create extrinsic mutations of the policy.

2.3 CAMPAIGN FRAMING OF THE ISSUES

Prior the adoption of the “Retail Workers Bill of Rights,” several institutions and individuals fought for the passing of these bills. An NPR story spoke to workers, County Supervisor David Chiu, and Jim Lazarus with the Chamber of Commerce in San Francisco (Ludden, 2014). This story discussed these workers financial insecurity, child care issues, and the inability of these workers to get ahead along with Lazarus’ input regarding the difficulty of businesses to comply and the possible loss of jobs. This issue that this Ludden (2014) touches on in this piece is repeated and expanded on in many news stories throughout the country that have fought for similar policies. Perhaps the most common issue addressed in these articles is the difficulty of being able to afford basic needs and trying to get ahead when the job, already being low wage, also has inconsistent hours. The latest win in Philadelphia, PA framed their workers as “struggling to make ends meet, trying to go to school and gain new skills, juggling multiple jobs, and scrambling for affordable childcare” (Gym, 2018). These articles also discuss the difficulty of having or getting a second job for these low-wage workers who may need to rely on another source of income to supplement their basic needs. A second common thread throughout many of these articles is the issues of childcare. News stories and professional reports consistently discuss the issues of not only being able to afford childcare but also attain it when a worker’s schedule is unpredictable. One employer focused aspect related to current scheduling practices is the shifting of risk from employers to workers. Susan Lambert of the University of Chicago believes that

changing these scheduling practices can reverse this and remove some of the risk from the employee and place it back on the company (Ludden, 2014).

2.3.1 Reports

Policy campaigns often partner with academics and researchers to interrogate the way the issue is occurring within a given locality. The reports produced from this research are often used to frame an issue in order to persuade policy makers to adopt or discard a given policy. These reports, often produced jointly by academics, unions, and political organizations, do well to show the amount of people in retail and food service, their demographics including race and gender, and even familial responsibilities such as child and elderly care (Jayaraman, S. and the Food Labor Research Center, 2014; Corser, Deutsch, Gleason, & Wang, 2017; Fair Workweek PHL; One Pennsylvania; Keystone Research Center, 2018). Many of these policies report on the economic impact that workers in retail and food service face. These economic challenges considered range from affording groceries and rent to paying for childcare, housing, and transportation (Center for Law and Social Policy, Retail Action Project, and Women Employed, 2014; Jayaraman, S. and the Food Labor Research Center, 2014). These publications also focus on the larger economic issues that impact society at larger through public assistance (Corser, Deutsch, Gleason, & Wang, 2017; Jayaraman, S. and the Food Labor Research Center, 2014; Razza & Friedman, 2016). Another topic that is tackled in these reports is the effects of unpredictable and unstable scheduling having health impacts including fatigue, stress, and poor mental health (Corser, Deutsch, Gleason, & Wang, 2017; Human Impact Partners; The Center for Popular Democracy, 2016; Ben-Ishai, McHugh, & McKenna, 2015). These reports highlight important quantifiable issues and provide valuable data that is important to political campaigns

and can be convincing to policy makers looking to implement changes in their respective municipalities during their tenure.

2.3.2 In the News

Since the adoption of the Retail Workers Bill of Rights in San Francisco, local and national news stories have been integral in the shaping the issues that the policy is tackling but also why municipalities should be adopting a Fair Workweek policy. This discourse has helped to further the discussion across the nation.

The way the issues of scheduling is framed in the news is through a variety of methods. Many stories discuss specifics of ordinances that have been passed in San Francisco and hail the strength of the bill to protect workers (Figueroa, 2014; Badger, 2014; Chen, 2014). The majority of the stories examined use personal stories of workers in these industries to point to childcare issues, food insecurity, keeping a second job, and educational attainment in the wake of part-time work with highly inconsistent hours and attempt to change the discourse of who these workers are demographically (Chen, 2014; Dean, 2014; Meyerson, 2014; Turck, 2014; Ramos, 2014; DePillis, 2015; Examiner Staff, 2014; Sun-Times Editorial Board, 2018; Elejalde-Ruiz, 2019; Roosevelt, 2019). Along with the issues noted, some of these publication also work to point to the failure of federal level policies to protect and provide low-wage workers in these industries a decent standard of living and note the burden the employers create on tax payers (Dean, 2014; Meyerson, 2014; Turck, 2014; DePillis, 2015). Noting the rise of the “part-time economy” (Krasny, 2014), many of these stories also frame scheduling practices, especially on-call or just-in-time scheduling, abusive and inhumane and exploitative (Chen, 2014; Meyerson, 2014; Turck, 2014; Sun-Times Editorial Board, 2018). The way the issues of scheduling are framed by these

news adds to the political stream as discussed by Kingdon (2014) and does much to add to the “political mood” via its contribution to public discourse surrounding Fair Workweek policies.

In a much less noted but still perceptible way, these stories also call attention to the organization behind the passing of Fair Workweek policies and the organization and academics behind it, shedding light on the vast and often opaque coalition behind the policy. These stories point to the same academics such as Susan Lambert of the University of Chicago, Jobs with Justice, local chapters of United Food and Commercial Workers (UFCW), Carrie Gleason of the Fair Workweek Initiative, the National Employment Law Project, and the Center for Popular Democracy among many other organization working at both the local and national level (Krasny, 2014; Figueroa, 2014; Chen, 2014; Dean, 2014; Meyerson, 2014; Ramos, 2014; Badger, 2014; Examiner Staff, 2014; DePillis, 2015; Sun-Times Editorial Board, 2018; Elejalde-Ruiz, 2019; Roosevelt M. , 2019). For organizers, this may give insight into how to run and pass a successful campaign at the local level and how this vast coalition building would work across space and scale.

2.3.3 Fair Workweek LA Campaign

For the purpose of this study, it was important to look at the current Fair Workweek campaign in Los Angeles as the passing of the policy in this city may lead to the passing of similar policies in the region of study. One of the main differences in the Los Angeles campaign and other past and current campaigns is the focus on only retail workers and it does not seek to provide coverage to food service workers (Wagner D. , 2019). However, the methods of the Fair Workweek LA campaign is not vastly different from campaigns in other cities but does give insight into the demographics specific to Los Angeles and issues that the workers in the city face.

Like many other campaigns, the Fair Workweek LA campaign utilizes a website, <http://fairworkweekla.org/>, that contains the objectives of the campaign, the members of their coalition, press releases, and a report jointly produced with academics. The leader of this coalition is the Los Angeles Alliance for A New Economy (LAANE). This is noted by the only link to the website is through the main LAANE website (Los Angeles Alliance for a New Economy, 2018). Following the link to the above mentioned website leads one to further links that connect to news stories, the research publication, personal stories of retail workers, and their list of the coalition's members. These all work to frame the issue in the local context with the intention that can be construed as being available for local government, interested parties, and the public writ large.

The listed coalition members of the Fair Workweek LA campaign is considerably large but not out of sync with other past and current campaigns. The current campaign in Chicago lists 8 coalition members (Chicago Jobs with Justice, n.d.) and the recent win in Philadelphia, PA lists 20 endorsing organization (One Pennsylvania, n.d.). Fair Workweek LA also boasts a large and broad number of coalition members (Fair Workweek LA, n.d.). The 20 listed partners include local organizations such as the Koreatown Immigrant Workers Alliance (KIWA) and LA Fed and local chapters of national organization such as the Human Impact Partners and the National Council of Jewish women. These organization are also diverse in their own right. Some are labor unions or labor focused community groups such as LA Fed, KIWA, LAANE, United Food and Commercial Workers (UFCW) Local 770, the Southern California Coalition for Occupational Safety and Health, and the Organization United for Respect at Walmart (OUR Walmart). These groups are also health focused such as Clinical Romero, Prevention Institute, and St. John's Well Child and Family Center. Others work through legal channels like the ACLU Los Angeles and

Public Counsel. Additional groups are family focused community groups such as First 5 LA and the California Work and Family Coalition. The diverse and large group of partners speaks not only the extent of the impact of adverse scheduling in the industry but also the possible amount of human capital behind the campaign.

Back pedaling to the home page of Fair Workweek LA, the LAANE website initially frames the issue via the breadth of retail workers in the city. With over 140,000 retail workers, the industry is noted as being the second largest employer and goes on the state that these workers deal with not only low wages but other “challenges, including last-minute scheduling changes, no time off for emergencies or special events, and unpredictable schedules from week to week” (Los Angeles Alliance for a New Economy, 2018). They continue to establish the issues with news stories and reports by linking these scheduling practices and their effects as spilling over into families, educational attainment, second jobs, and health. Conception of the problems continues most notably by the *Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector* (2018) report that was jointly produced by LAANE and the UCLA Labor Center. Although other reports are available via the website, this is the only publication that is specific to Los Angeles. This report used data gathered from 818 survey respondents which was then weighted based on census data on workers. This 70 page report is extremely comprehensive in the way that it outlines the demographics of the retail workers including statistics regarding workers who are head of house hold (1 in 3), who support children (33%), and who are renters (59%). It also delves into the age (68% above 25 versus 32% under 25), race (57% Latinx, 22% White, 11% Asian, 8% Black), and sex (52% female) of these workers (p. 16) . These statistics are integral to attempts to change the discourse that retail workers are not dominated by young workers and are, in fact, people who are reliant upon these jobs to support their livelihoods. The

report also collected valuable data on the types of scheduling practices these workers are subjected to and the pervasiveness of these customs. Some of these practices include the lack of a set schedule (8 out of 10), working different days (72%), working a varying amount of hours (69%), working different shifts (66%) and the expectation to have open availability (62%) (pp. 24-25) The report also notes the problem of scheduling changes with little notice, the issue of on-call shifts, difficulties in obtain work schedules, and the satisfaction with the schedules they received (pp. 26-29). This and other reports do much to not only create valuable data on these workers but also give policy makers guidelines of the scheduling practices that can be tackled via the adoption of the policy.

The local news stories available from the Fair Workweek LA website not only help to frame the issue in the greater public discourse but also help to highlight the personal stories of these workers in the city's community. These stories, like many others, include issues of obtaining enough hours, being scheduled for last minute shifts, the inability to spend time with family and friends, and the inability to take part in cultural practices such as church (Blum, 2019; Roosevelt M. , 2019; Wagner D. , 2019; Khouri, 2018). Strategically using images impactful quotes from these workers helps to support the finding from the *Hour Crisis* report and also give a humanistic lens to not only the workers but to the overall campaign.

“Your hours fluctuate, but what doesn’t fluctuate is your rent, your phone bill, your college loans.” – Alissa Harris, (Roosevelt M. , 2019)

“Valentina said she recently scheduled a doctor's appointment around one of her shifts. But her hours are only posted in the break room, and they're often changed without her knowledge. At the last minute she found out that her manager had scheduled her for a shift during her appointment.” - (Wagner D. , 2019)

"I would like to go back to school ... but it's not possible with the hours I get."-

Noemi Castro, (Khouri, 2018)

These stories can add to the political stream and contribute to the political mood (Kingdon, 2014) in the local context. If policy makers in the local government of Los Angeles “feel” a shift empathy towards these workers from constituents the likelihood of the passing of a Fair Workweek policy may increase exponentially.

2.4 CONCLUSION

The way the concerns of retail and food service workers has primarily been articulated is mostly in regards to the economic hardship these workers encounter. These vary from basic needs, to family needs, and even personal attempts to get ahead through education. Like most people, they are constrained by finances and the feasibility of affording a certain life style, however simple that life style may be. And like these accounts note, the scheduling practices of these industries constrains these workers even further by placing the added difficulty of unpredictable and inconsistent scheduling.

The Fair Workweek policy that has been passed is quite diverse among all the municipalities that have adopted a version of the policy. Despite the unevenness and the variance among the polices, the passing of these polices and the forward momentum that the policy is gaining shows that many people are acknowledging that these scheduling practices are an issue and that policy is a way to address them. The mutations by either not adopting or changing a segment of the policy emphasizes the ability for the various stakeholders to reach agreements on the most important aspects of the policy at the negotiation table. The strength or weakness of each policy segment shows who may hold more of the power at the point in which the policy has

passed. Policy wins and expansion into the hospitality industries (City of Philadelphia, 2018; 79th Oregon Legislative Assembly , 2017) helps to continue the growing momentum for policy makers to address the lives of low-wage workers experiencing atypical and unpredictable scheduling, despite strengths or weaknesses of each policy adopted.

The news stories and reports are extremely valuable and have obviously influenced the current forms of the Fair Workweek policies. However, like many issues, the lives of these workers are more complex than what these news stories and survey data have been able to obtain. Although this policy and the reports are new and fresh in the sense that they are considering many aspects of these people's work lives in relation to their home lives, these aspects are almost entirely economic in nature. Addressing the financial struggles associated with low-wage work not only in relation to their income but also scheduling is recurrent in the continuing discourse regarding these workers. However, the scheduling practices being discussed only in regards to monetary issues can conceal other ways scheduling impacts the negotiations and the navigations these workers make in their lives that are not related to their financial decisions. In what other ways are scheduling practices in retail and food service impacting workers lives that the Fair Workweek policy and subsequent campaigns are overlooking or unable to address? How do these workers manage the constraints of their time with their need to work and the needs of their families? How do workers in these industries structure and restructure their lives in attempt to meet the dual needs of their employers and their families? Looking at the ways that these workers are navigating their lives through qualitative, in-depth interviews and will reveal the way scheduling practices contribute to processes and experiences that create the environment through which negotiations and sacrifices are made in their attempts to sell their labor, engage with their family, and participate in larger communities.

CHAPTER 3: METHODS

"Telling someone about your experience breathes new life into it, moving it out of the inchoate swirl of unconsciousness into reality. It takes on form and allows us to examine it from all angles." - Mandy Aftel, author

I walk through the door of a single-story home in Riverside County, California. I enter into a family room that is well lit with two beige-colored couches angled perpendicularly in a corner that face a TV positioned on the opposite diagonal wall. The house has clear signs of the occupancy of a family with children. There is a sense of controlled clutter where the halls and walkways are clear, but toys, books, pictures, and memorabilia are collected in corners, counters, and table-tops as if hurriedly placed there during the continuous effort to contain the chaos. Theresa is an attractive Mexican woman in with dark, expressive eyes that shine when she talks about her family and her favorite professional sports teams. She speaks quickly and authoritatively, a byproduct of being a mother of two young children and a girls' softball coach. She is clearly the primary caregiver of her family, evidenced by the number of times our interview is interrupted by phone calls from her husband and children. She tasks switches effortlessly between our interview and her family's needs, deftly maneuvering between humor and solemnity. She is 38-years-old and has worked in retail since graduating high-school, holding part-time, full-time, and management positions. Although she is a unique individual, her experience is, in ways, typical to the low-wage, service work experience. Her difficulty with finishing a college education, her strong work ethic leading to middle-management positions, her struggle to balance work and family needs, and her determination to provide a financially

adequate and healthy life-style for her children are common endeavors for many workers in these sectors.

Quantitative methodology and statistical analysis often miss these stories, nor are they designed to collect them. Quantitative research has historically focused on cause and effect relationships in the physical world which subsequently swayed research agendas in the social sciences as well. This led to a focus on finding causal relationships within social phenomena and as such there is a breadth of research that uses this positivist epistemological approach. The push for this kind of quantifiable data has led to an increased velocity in the amount and speed of data collection and research publication. Though this has been helpful in creating a better understanding of the conditions of our physical world both in the natural and built environment, the lack of long-term investigation into the processes and experiences that contribute to the social understanding of our environments has been lacking in the quantitative approach. Although there is much justification for seeking causal effects in a research paradigm, this paper does not aim to find cause and effect relationships within these labor sectors. Rather, the goal of this paper is to investigate the way these workers experience scheduling and its consequences in their every-day lived reality.

Work, home, schedules, and even time are social constructs that have genuine physical effects on our material reality. Rather than debate the importance or insignificance of the nature of social constructs, this paper accepts these as truth and looks to find the concrete consequences of the processes that perpetuate these constructions.

3.1 QUALITATIVE METHODS

The primary questions of this paper are to uncover how retail and food service workers experience scheduling practices in these industries and if the emerging Fair Workweek policy

can address the issues that arise from the data. Work life and home life are not in fact separate spheres with defined, impermeable boundaries. These boundaries are porous through which pressures and responsibilities from one flow through and affect the pressures and responsibilities in the other resulting in a messy and complicated lived experience where places, processes, and people become decontextualized and recontextualized as the focus shifts back and forth between home and work. Because qualitative methods seek to “elucidate human environments, individual experiences, and social process,” using these methods is more conducive to answering my research questions (Winchester & Rofe, 2010, p. 3).

Stories are one way of knowing our world and telling them helps to create a meaning-making exercise through which processes and experiences can unfold to give us greater clarity of the activities that construct our society (Seidman, 2006). One technique researchers use to engage and gather people’s stories is through the process of collecting interviews. Interviews allow us to delve deeper into the lived experience while forcing us to question and put aside our own assumptions. Checking our own egos and allowing the voices of the participants to guide the direction of the interview process allows new avenues of understanding and new questions to emerge.

3.2 RESEARCH DESIGN

To investigate the lived experiences of retail and food service workers in relation to current scheduling practices, I conducted in-depth, semi-structured interviews. This interview style has some predetermined order and structure while allowing me the flexibility in the way the issues of scheduling were addressed by the individual participant (Dunn, 2010). The interviews allowed me to delve into a variety of avenues regarding the way participants’ view the scheduling practices of their employers as well as their ability to negotiate aspects of their non-

work life in relation to said scheduling practices. The semi-structured nature of the interview provided a focus on topics related to their experiences with scheduling but also the flexibility to delve deeper into individual issues that were more pertinent to a specific participant's circumstances.

3.2.1 Study Site

Over the summer of 2017, I conducted 22 interviews with retail and food service employees in the Southern California region. I chose to focus on Los Angeles megapolis due its large breadth of retail and food service establishments and employees, my ability to gain access to workers in these industries, and because there are no current Fair Workweek ordinances at any municipality level in the region. Having worked previously in these industries in the region ensured not only a certain amount of already established access to these workers but also a continued exposure to more workers by having already established trust with primary contacts. Further reasoning for this site is due the fact that my research questions do not lie on whether the policy works or not, but rather if the policies that have been passed are matching up to the issues that these workers are experiencing. Choosing a place that I had a certain amount of familiarity with and lacked a Fair Workweek policy was key to not only being able to investigate my research questions but was also key to the viability of my thesis in relation to time and monetary constraints I face as a graduate student.

3.2.2 Recruitment

Having previously worked in retail and food service in the region, I was able to maintain professional contacts in these fields over the years. I used these personal contacts as the starting point of my recruitment process. By having already established trust with my personal contacts, I was able use snowball sampling from those in my personal network that consented to participate

into a path to gain access to more participants. The trust of my personal contacts along with imparting the fact that I had previously worked in retail and food service to new contacts allowed them to view me as more of insider in the field rather than a complete outsider.

Although snowball sampling was my primary recruitment tool, I was also able to recruit participants through my regular, every-day interactions with retail and food service establishments. To these participants not only did I impart that I had worked in the industries, but I also used language and jargon specific to food service and retail. Through the use of specific terms and conversing with a reasonable amount of knowledge, I was able to impart my insider status as a previous worker and build trust with relative strangers. Though these participants were fewer in number than my personal network and snowball sample, they still provided value data into the ways these workers experience current scheduling practices in these industries.

3.2.3 The nature of the interviews

Of the 22 interviews conducted, 16 were in-depth, semi-structured, and took place at a location of the participants choosing. These varied from coffee shops, restaurants, mall food courts, and personal residences. Allowing the participants to set up the meeting time and place helped to ensure the least amount of complication or conflict with these workers daily and often erratic schedules. Since the interviews occurred during summer, this also helped me gain access as there were little or no school activities to conflict with schedules of the participants who have children. Before I conducted the interviews, all the participants were made aware of the nature of the study and my focus on scheduling issues and the Fair Workweek policy. None of the participants with whom I conducted in-depth interviews with had any comprehensive knowledge of the policy and only 2 of these participants had previously heard of the policy. All participants' interviews were conducted after verbal consent was obtained and all of participants declined

written consent forms. Of the 16 in-depth interviews conducted, 14 were audio recorded and all attempts were made to avoid recording signifying features including names. I initially aimed for no more than a one-hour interview for these participants, however of the 14 interviews, 8 went over the one-hour mark and 3 went over the one-and-one-half hour mark.

The remaining 6 of the 22 participants were recruited through my everyday interactions with food service and retailers. These participants were unable or unwilling to commit to an in-depth interview but did allow me to ask questions about their work during breaks, lunches, or while working on the floor. These participants were also made aware of my position as a graduate student and my exploration of scheduling practices in the food service and retail industries and the Fair Workweek policy. Despite the cordial response I was able to gain, I was only able to conduct interviews with these workers at their earliest convenience, i.e. break or lunch, or while working. These interviews lasted from 10 minutes to 30 minutes depending on the participants' availability or length of their break. I also attempted to be sensitive to these workers needs for a break from being at and even thinking about their labor and left before the completion of their break to minimize my imposition into their time. Due to the informal and time sensitive nature of these interviews, I did not focus on gaining demographic data or obtaining recordings but rather gaining the information on the scheduling practices of their employers and their subsequent experiences. Despite the brevity of these interviews, these workers imparted valuable information in relation to their schedules and work experiences.

3.2.4 Research Analysis and Thematic Coding

The interviews conducted for this research resulted in over 15 hours of recorded data and a subsequent 134 pages of transcription from recorded interviews and 6 pages from unrecorded interviews. The data obtained via a qualitative methods approach has the ability to capture the

complexity of the participants garnering a deeper understanding of social processes (Vaughn & Turner, 2016). To interpret this data, I took an inductive approach rather than a deductive approach though which I reduced the amount of data into items or “chunks” of text. Continuous reading and analyzing of text resulted in two major profiles of data, relating emerging thematic categories in which experiential data was grouped. To understand and find commonalities of participant responses to the semi-structured interviews, I applied a thematic network analysis. This method is a way to organize qualitative data around common themes in a hierarchical structure (Attride-Stirling, 2001). The hierarchical structure has three levels, the basic theme, the organizing theme, and the global theme. To develop this hierarchy, I started at the basic theme and worked toward a global theme. Although Attride-Stirling (2001) described only three levels, due to the complexity of the way scheduling practices in retail and food service effect the everyday lived-reality of these workers, I created sub-organizing themes to further frame the data (see figure 5).

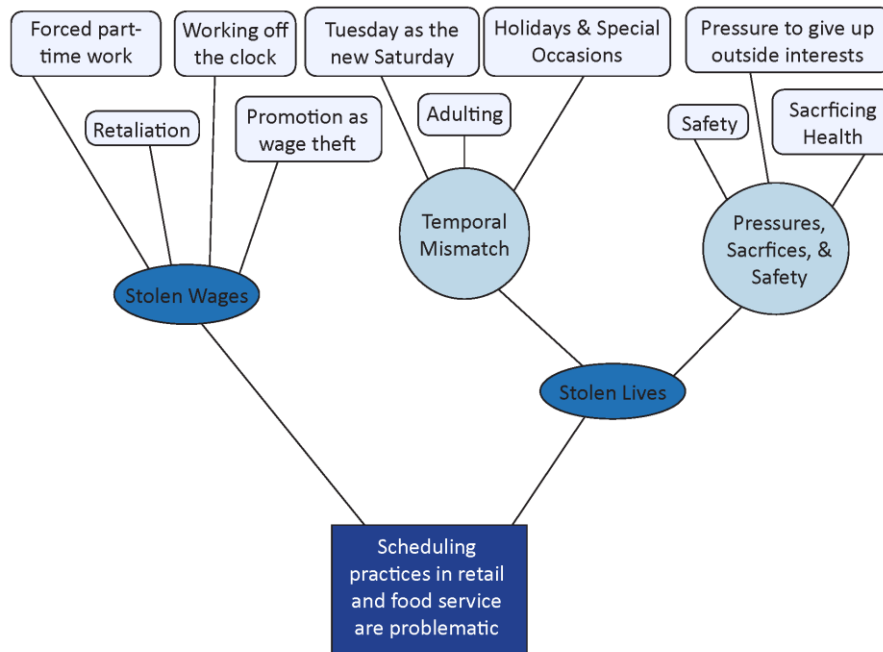


Figure 5: Thematic Network Analysis

These thematic categories were valuable in linking these participants everyday lived experiences into more generalizable accounts of working in retail and food service. The majority of these participants were given aliases in my attempt to humanize them and breathe life into their stories. Findings of the data will be discussed in later sections.

3.3 CONCLUSION

Choosing to do qualitative research can be tedious and time consuming but the value of the data obtained from this type of research is unequivocal in its ability to show multiple perspectives and self-awareness. Qualitative approaches also have the ability to garner stories that may be overlooked or may appear banal in nature but can provide insight into everyday occurrences and processes. Participants who engage in the interview process with researchers may also gain a cathartic experience as they divulge their stories and experiences in a meaningful setting. I aim to view and present workers as complete beings with lives and responsibilities unrelated to their jobs. My effort to frame these workers in such light would not be achievable via quantitative methods. This is not to say that quantitative methods have no value to the social sciences but that the processes, experiences, and insights related the human condition may not be as easily discernable through a realist, positivist approach.

CHAPTER 4: STOLEN WAGES

“Time is the most valuable thing that a man can spend.”

– Diogenes, Greek Philosopher

4.1 INTRODUCTION

In the US wages and time are regulated by the 1938 Fair Labor Standards Act (FLSA) that set guidelines for minimum wages, hours, and overtime (Milkman & Ott, 2014). Thus, time and wages are irrevocably linked. For all workers, wages are a growing issue especially in the era of the mounting student debt crisis, immense increases in the housing costs, and the narrowing of good paying jobs available in the current labor market. From educated, white collar workers in tech industries to undocumented workers in agriculture, wages are debated, negotiated, or accepted as a condition of selling their labor. For low-wage workers in retail and food service, studies have shown that their hourly wage is not typically enough to keep up with cost of living, especially for part-time workers (Fair Workweek PHL, 2018). These industries do not only keep wages low through the devaluation of their labor but also through scheduling practices that keep these workers from obtaining enough hours to support themselves or benefits.

Wage theft has been documented in a variety of ways. *Wage theft in America: Why millions of working American are not getting paid and what we can do about it* (Bobo, 2011) documents a variety of ways employers steal wages from workers across various industries. Bobo describes this as,

“Unscrupulous employers are stealing money from workers by cheating them out of wages owed or not paying them at all and lying to public agencies about having employees.” (p. xi)

These ways include paying less than minimum wage, not paying overtime, illegal deductions from wages, workers being paid by piece, working off the clock, being paid less than agreed upon, delaying due wages, and not paying wages at all (Bobo, 2011). Some retail and food service workers experience these kind of violations but an under investigated aspect of wage theft can be related to how the scheduling practices of these industries suppress and ultimately steal wages from these workers. What the orthodox definition of wage theft is missing is how employers, through legal means, is subjugating workers to insufficient wages or stealing wages through adverse scheduling practices.

4.2 EMERGING THEMES

4.2.1 Forced Part-Time Work

Forced part-time work is one way to conceptualize underemployment. According to the Bureau of Labor Statistics (BLS), in 2018, 16.5% of workers 16 years of age and older were engaged in part-time work which is defined as working 1 to 34 hours per week (Bureau of Labor Statistics, 2019). These part-time workers are broadly classified into working part-time for economic reasons which the BLS defines as “unfavorable business conditions, inability to find full-time work, or seasonal declines in demand” and non-economic reasons defined as “childcare problems, family or personal obligations, school or training, retirement or Social Security limits on earning, and other reasons” (U.S. Bureau of Labor Statistics, 2019). A time series in the trend of part-time workers shows high levels post-recession and a current return to pre-recession levels (see appendix, table 6). Despite the importance of these figures for the overall picture of the US

economy, it does little to explore how the desire to work full-time is both constrained by economic and non-economic reasons. Retail and food service workers may desire to not only work full-time hours and are unable to find such positions because the nature of these industries do not allow such positions to exist.

“In most restaurants and bar life you work 4 to 5 hour shifts. I work 28 hours a week and then some. You have to work 32 hours a week to be considered full-time and unfortunately, I am 4 hours short of that. They have no full-time employees [at my work].” –Warren, Bartender

“Most part-timers get 10 to 15 hours a week. Only lead cashiers are guaranteed 20 hours a week.” –Anonymous, Retail Manager

“I get like 12 to 16 hours [a week]. I would like more hours but it’s not too bad. [The managers] said that once more people hear about [the coffee shop] and business picks up, I’ll get more hours.” –Anonymous, Barista

“I’m part-time. They don’t give full-time [hours] other than the manager position.” – Blair, Retail Worker

Many companies in food service and retail are dependent upon part-time workers and often have few, if any positions that offer full-time hours. In order to avoid offering benefits such as healthcare or retirement benefits, the rise of part-time work has prevailed since 1990 (see figure 6).

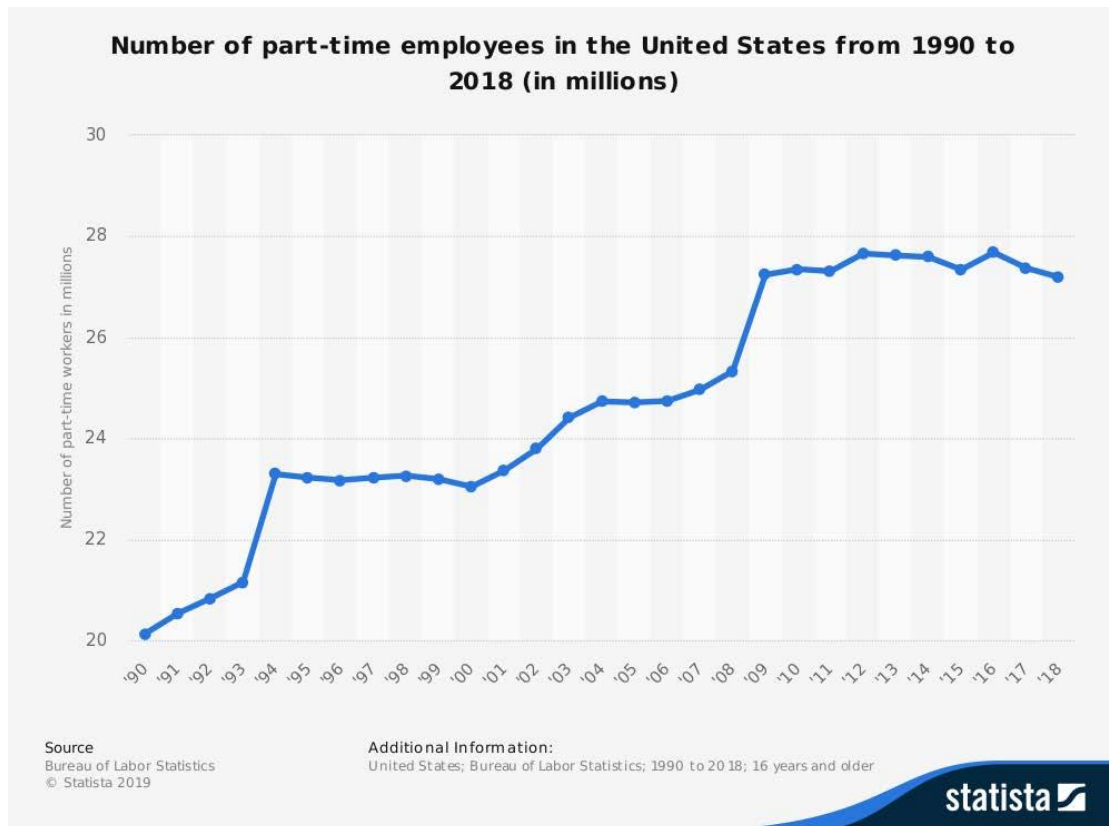


Figure 6: Part-time Employment, Retrieved from <https://www.statista.com/statistics/192338/number-of-part-time-employees-in-the-us-since-1990/>

Many of those working in food service and retail may desire full-time status but acknowledge that most positions at the entry level do not allow for these forcing them to be underutilized in the work force via hours worked. Although forced part-time work may not be discursively considered wage theft, to consider the inability to obtain wages and ensuing benefits that are only available to full-time to workers, the inability to obtain these from the lack of positions available, or the inability to full-fill open availability requirements ultimately results in wages lost, unrealized, or stolen from workers wanting full-time status.

4.2.2 Working off the clock

Another way workers in retail and food service experience wage theft is through working off the clock, meaning they are not receiving wages during this time despite engaging in activities that would typically require one to be paid. Typically “off-the-clock” violations have

been considered in terms of coming in early or staying late that resulted in not being paid for that time or when workers were forced to work during breaks despite being off the clock (Bernhardt, et al., 2009). However, working off the clock for these participants include feeling obligated to being available to their coworkers or places of employment despite being a shift worker or being pressured to engage in certain types of work off the clock.

“When you’re a manager, you have to be available all the time. That’s one thing that, at one point in my life, I was able to do. You get calls all day when you’re off. If there’s an emergency or the power went off or if we had a theft, they call. Because [the associates] don’t know what to do or they get scared. They just know who to call that they can count on to tell them what to do next.” – Theresa, Retail Worker

“Even when I’m not there, I message to check in to see how everything there is [going]. Because right now, that’s my main source of income so I want to make sure everything is going okay.” – Warren, Bartender

“[The managers] *made* you sign up [at this website] so you could watch [training] videos, but they wanted you to watch them at home! Like, ‘go home and train yourself.’ It would take, like, 10 minutes. It was short but I’m like, ‘this is my time!’” – Lewis, Former Fast Food Worker

For some workers, the pressure to continue working despite being off the clock continues and becomes invasive into activities where they are not at work or being scheduled to work. This can be related to the need of the business to continue operating so that these workers may receive more work and thus wages. For some, the nature of the activities that their employer is assigning is not place bound. Traditional discourse about wage theft can overlook these activities. The

pressure to be available to your employer off hours, whether self-induced or not, continues the invasion of the work into time where wages are not being paid.

4.2.3 Scheduling as Retaliation

For most workers in retail and food service, their store level supervisors or managers are the people in charge of their schedules. The ability to schedule others creates an interesting power dynamic where workers become subjugated to will of others where not only their time but their wages become even more precarious at the whim of their superiors. These managers or supervisors may not have the direct ability to make formal means of discipline or even termination of an employee and scheduling becomes an opportunity for them to retaliate against these workers. Using scheduling as a practice to control or discipline workers results in lost wages for these workers.

“[After requesting a weekend off], I would have one day on the schedule, like that random Wednesday and then I would go in and be like, ‘Yo, what’s going on?’ It was a random lunch shift instead of a dinner shift and I would go in and make like twenty bucks.” –Keith, Server/ Bartender

“[The manager] forced one guy down to one day a week. That’s how they get you to quit. There’s some reason why they won’t fire people, they just try to get you to quit.”
– Gabriel, Server

“I’ve seen people cut down to six 4-hour shifts.” – Peter, Grocery Store Worker

The scheduling examples seen here show how managers are able to use their ability to make subordinates' schedules as a method to discipline these workers that result in lost wages. At times, some of these retaliations do not include lost wages but rather shifts that may be detrimental to one’s ability to take care of responsibilities at home or one’s personal health.

Doussard (2015) notes how labor in mid-size grocery retailers is devalued in these smaller unit-sized urban locals via intense workloads, a sped up work pace, creating the pressure to work while sick, and the ignoring safety standards. However, retaliations also come in the form of scheduling that can not only reduce your hours but also create unhealthy or unmanageable work conditions.

“If they were mad at you, they would schedule all closings. Like, one time, the alarm was malfunctioning, [the managers] didn’t believe me and the cops showed up, so they didn’t let me open anymore, so I was always closing. And then, they found out that the alarm *wasn’t* working, but they didn’t care. They didn’t apologize to me. The mood of the managers dictates when you work.” –Diego, Retail Sales Associate

The scheduling in this example can make it difficult to take care of responsibilities at home. Working all closing shifts is typically unsuitable to take part in typical patterns of family life, especially if one has children who are structured by school schedules.

“The worst thing that I’ve seen is... you used to have to have 10 hours off between shifts and so, if they get really mad at you, they’ll schedule you every 10 hours. I’ve only seen that happen twice, but you would be working twice in the same day. It was their way of getting you quite because they didn’t have anything serious enough to fire you.” –Peter, Grocery Store Worker

The lack of rest time between shifts creates can contribute to health problems for workers. Fatigue and sleep deprivation have been linked to “decreased reaction time, psychomotor coordination, memory, and decision making skills” (Human Impact Partners; The Center for Popular Democracy, 2016, p. 2). These unhealthy conditions may force workers to access healthcare resources which may not have been needed. Accessing healthcare can be costly for

these workers and the linking these costs to scheduling practices is another way in which scheduling is resulting in lost wages for these workers.

Retaliation against these workers results in a variety of losses, including wages. For workers already engaged in low-wage labor, loss of income can greatly contribute to difficulties of financially maintaining their households and is another way time and scheduling exemplifies another avenue of wage theft for further research.

4.2.4 Promotions as Wage-Theft

For retail and food service workers the ability to get full-time work is largely dependent on one's willingness to forgo their personal time or preferred schedule and be available for their employer. In many retail establishments, management positions are the only positions with guaranteed full-time hours and open availability is typically required. In food service, it is also management positions that have guaranteed full-time hours, but these not only require open availability but are also typically salaried employs where the worker goes from being underutilized in hours to over-employed and required to work more than a 40-hour work week. For these workers in food service, these promotions allow the employer to exclude them from time-and-half wage requirements and allow for the labor hours to become highly extended and undervalued from the workers perspective. In California, the median annual salary for a food service manager was \$52,830 (Bureau of Labor Statistics, 2019). If you take into account the number of hours worked, a 40-hour workweek would result in \$25 per hour wage where as a 60-hour workweek results in \$16 per hour.

“[The managers] are salaried. You make more and it's more steady, but you work hella, hella, *hella* more hours. I, for example work 6 hours a day, 5 shifts a week, and I usually pick up an extra shift. So that's like 36 hours tops. [The managers] usually work

like 70-hour weeks. Regularly. I don't want to work more hours and then have less time.”

– Amanda, Server

“[As a manager], I was [working] 55 hours a week at [my former restaurant].”-

Gabriel, Server

These time requirements make it difficult for many to move into management positions or even further up in these companies. Time needed for family obligations or school can be difficult to manage when open-availability is required. The following examples show how some participants had to forgo management positions in order to take care of their families or attend school.

“I did go into [my current] company as an assistant manager, I just had to step down when I realized my family needed me more at home...When you have kids and a husband that just came back from deployment, diagnosed with PTSD, and he needs more of your help at home, you can't do it, [have open availability]. -Theresa, Retail Worker

“I've been in retail for 15 years and I can only go so far without a degree. It's actually my last day. I'm going back to school to get my [bachelor's] degree. Probably in business administration or something like that. I know want a business degree.” –

Anonymous, Former Retail Assistant Manager

These workers constraints on their time resulted in lost wages through scheduling mechanisms where the need to available for their employer highly conflicted with their personal needs.

Forgoing a manager positions and giving up work entirely due to required open-availability shows how the notion “flexible” work schedules in these industries only supports employers' needs. This specific scheduling practice results in lost hours and thus stolen wages for these workers.

For some, the wages along with the time requirement was also not enough to justify taking a management position.

“[The store] had a position that they wanted me to apply for, key holder, but it was only like [25 cents] more [an hour] and I would be closing all weekend. My friend had that position and she was moving up and they call her in all the time... It’s not worth the extra quarter an hour to do it, to me.” – Blair, Retail Worker

“[I was offered] a key-holder position. Which is... you come in at 9 o’clock in the morning, then you set up the entire restaurant... Once the restaurant opens at 11[am] you’re a server. So the first 2 hours, you getting the place opened and then you’re serving until they don’t need you anymore. But you, being the first in, you’re also the first out when things slow down. Like, 1:30, 2:00, that would be me. And you only get that small window to make money. That’s not good enough for me. I’d rather come in at noon. When you come in at noon, you stay until 6 o’clock. And you’re making that killer money because there’s a good hour and half, two hour block where you’re by yourself. And you’re getting hours and you’re getting a ton of tables thrown at you. So, to me, the promotion is not worth my time at all. I mean it looks good, it’s cool that they offered me that, but I’m not taking on that responsibility and not making money.”- Gabriel, Server

These workers show both ends of the issue. For Blair, the time away from her family was not worth the “promotion” and the wage increase, if one can call 25 cents an increase. The needs of her family and her ability to be available at the times the promotion would have required were at odds resulting in lost wages through the lack of an accommodating schedule. For Gabriel, the promotion would have ultimately resulted in lost wages. As servers tend to be reliant on tips from patrons, less time on the service floor would have meant a pay decrease for him. Despite

the idea that the positions offered to Blair and Gabriel were consider “promotions,” they were in name only. The added responsibility with little or no wage increase and more demands on time actually result in a form of wage theft that has not been considered previously.

4.3 CONCLUSION

The dialogue for wage theft is well noted and, in most cases, quite obvious. Scheduling practices, especially when falling inside any noted labor laws, is less visible in consideration. Being forced into part-time positions, feeling pressured to perform work duties during non-work hours, using schedules as retaliation against workers, and promotions that end up with time conflicts or insufficient wages are all ways in which scheduling practices contribute to the understanding of how wage-theft has and is working. The emerging themes here show that our current conceptions of wage theft can be expanded on and new linkages to scheduling practices can be made to better understand how these workers can be further subjugated by the exploitation of their time. The most prevalent jobs available in retail and food service are not considered “good jobs” as they typically provide low-wages and strenuous working conditions but the added manipulation of these workers times adds to this “bad job” discourse. Certain segments of the Fair Workweek policies are attempting to address some of the issues but may not be able to address the less visible issues that occur.

CHAPTER 5: STOLEN LIVES

“Lost time is never found again.”

-Benjamin Franklin

5.1 INTRODUCTION

The schedules of retail and food service workers dictates a different rhythm of life compared to those who have a typical 9am to 5pm, Monday through Friday schedule. The rhythm that society is typically raised in is so drastically changed that many negotiations are made for these workers to involve themselves in the family life, social life, and the cultural reproductions related to their identities. These negotiations do not only result in atypical daily practices, but also in weekly, yearly, and lifetime practices. In some ways these negotiations between work and life result in losses not only in wages as discussed previously, but in the way these workers take care of themselves, their families, and engage with their communities. This section uses the experiential data obtained from in-depth, qualitative interviews to find common themes among these participants. The following themes discussed relate to the negotiations these workers make to sell their labor and the loss experienced in their everyday lived realities.

5.2 LIFE AND THE TEMPORAL MISMATCH

Diego is a 45-year-old Mexican-American man. He is of average height with thinning, dark brown hair and a fresh, clean shaven face. His large, weary eyes peer through small wire-rimmed spectacles that are framed by high cheekbones and full lips that smile faintly. When we meet at a local coffee shop, he is still in his work clothes, a blue button-down shirt matched with black, creased slacks and black dress shoes. His large hands idly turn his cup round and round as he speaks slowly and thoughtfully during the course of our interview. We discuss the dissolution of his marriage, lost time with his children, and the lack of self-care he sacrificed in order to

financially provide for his family. Diego has been working in retail sales for over 20 years. He is divorced with 2 daughters currently in their 20s one of whom is presently living with him. His time in retail and having been married with a family has allowed him to be retrospective and reflective about how his work schedules have conflicted with social expectations of having a family. He can look into his past and contemplate on the time lost with his loved ones:

“Once my girls got a little older, there was less of that one-on-one time because no 13-year-old girl is going to [say], ‘where’s my dad?’ I missed all that... I missed a lot of the time they would have *wanted* to be with me.” -Diego, Retail Sales Associate

I use the term *temporal mismatch* to define the way retail and food service workers experience work schedules that are out of sync with normative schedules of family, social circles, and other life pursuits. The timing of shifts during the work week and during the calendar year greatly affect the ways in which these workers are able to partake in the social reproduction related to family, home life, social life, and cultural practices that define any given society, societal subgroups, or family units. Temporal is used in the relation to the concept of time and how construction of time and agency in one’s ability to manage their own time is mismatched with the way larger societal practices are timed though out any given measurement ranging from a 24-hour day to a 365-day calendar year and beyond.

Time mismatch or hours mismatch has been previously applied in occupational studies, however, studies have looked at the number of hours worked in relation to the preferable number of hours any given employee wants to work (Wooden, Warren, & Drago, 2007; Wunder & Heineck, 2013; van Echtelt, Glebbeck, & Lindenberg, 2006). These studies do well to highlight the issues of over and under employment connected to the issues of job satisfaction, personal well-being, and interpersonal relationships within couples. The book, *It’s about Time: Couples*

and Careers (Moen, 2003), goes further to investigate the work-life balance of dual-earner couples and their time constraints related to work and family obligations. Following middle-class households, the authors of this edited edition probe into the ways that these couple negotiate the pressures to work via career demands and occupational rewards with home life, especially the choices around child-bearing and child-rearing. In Chapter 1, Moen (2003) discusses the nature and infrastructure of time and its ability to dictate daily, weekly, yearly, and life courses and how this construct is deeply embedded in our psyches that it becomes hidden in the ways meaning making occurs for us as individuals and families. Thus, working time become the “bedrock of social organization, social advancement, and security” (Moen, 2003, p. 7). Although, Moen does well to deconstruct and clarify the way time wholly constructs our realities, the analysis is focused on middle-class and dual-income couples and does little to garner the lived experiences of those in industries whose income does not constitute the middle-class. Furthermore, Moen does little investigate further into the everyday, lived realities of how the constructs of time are experienced for a worker whose schedule is mismatched with the typical temporalities of larger societal constructions.

The temporal mismatch this work investigates delves into the lives of workers who have little agency over their own schedules and the mismatched timing of not only their daily shifts but also their weekly shifts, their work over the course of a calendar year, and further still into the life cycle. Retail and food service workers typically have little agency over when their shifts take place and also are more pressured by financial factors to sell their labor during times that larger societal groups may not be working.

5.2.1 Tuesday as the new Saturday

“I just need Tuesdays off. That’s when [my partner is] off too. That’s the one day we both have off together.” -Armando, Retail Sales Associate.

Several participants discussed typically having Tuesdays off. Although having this day consistently off is beneficial to these workers ability to make plans and engage with their friends and family, it can be limited if these larger social groups are scheduled in a more typical manner. Of the participants who discussed having Tuesdays off, their engagement with social groups was limited to one or two people, a spouse or partner and a child in the family who was either not of school age or not in school at the moment.

“[My partner] usually has Tuesdays off which is one reason I made myself unavailable on Tuesday.” – Keith, Server/ Bartender

“We’ll take our niece out to places in [surrounding counties on Tuesdays] –
Amanda, Server

Having Tuesdays off only allows a retail or food service worker to engage with those who are not working those days or with close, immediate members of their household. Long term work in these industries can also change the meaning of what the social construct of what the weekend is.

“Weekend trip! Like, what is that?” – Theresa, Retail Worker

“Sometimes I look at all the people that come out on the weekend and I’m like, ‘that’s so weird.’ This is like their date night and they’re like dressed up and they’ve been waiting for this and I’m like, this my busiest time... I’m like ‘come on Tuesday!’” -

Amanda, Server

This change in the idea of weekends or even two days off in a row diminishes engagement in the temporal nature of what a workweek and weekend is, thus contributing to the temporal mismatch of these larger social constructs and how the majority of society are planning their seven day weeks.

Tuesdays is typically regarded in the retail and food service industry as being a slow day, during which it is easy to have fewer staff. For some participants, having this day has been beneficial to engage with their families and social groups, not only for emotional well-being but also financially and temporally.

“With the kids out of school for the summer, I’ve been finding things for us to do during the week. We’ve been doing movies every Tuesday. It’s only like five bucks so we’ve been doing that.” – Theresa, Retail Worker

“[Having Tuesdays off] is also nice because it’s not crowded when we go out. Like to the movies, the matinee, there’s no one there...it doesn’t take that long [to go out of town] because it’s not like [there is] weekend traffic.” -Amanda, Server

Regularly having Tuesdays off clearly has its benefits and drawbacks. Avoiding crowds and traffic is common place in the consciousness of a typical Southern California resident. Relegating more mundane social activities to Tuesdays and other weekdays is in many ways beneficial when planning out a week or month. Even the most seemingly banal times with friends and family is known to have physical and mental health benefits (Human Impact Partners; The Center for Popular Democracy, 2016). However, most major social events, such as wedding, birthdays and holidays, tend to occur on weekend or at times when these workers are most pressured to work.

5.2.2 Holidays and Special Occasions

Holidays and special occasions contribute not only to an individual's personal conception of their identity but also allow them engage with larger social groups in these practices of meaning making. These events create a better understanding of their own identities and also help to foster "cooperation between individuals, families and societies" (Luboshitzky & Gaber, 2001). As Luboshitsky and Gaber note (2001), holidays and special occasions also give most people a break from the daily or weekly routine and gives a person the psychological capacity to engage with personal or group level exchange and religious participation. The ability to participate is not only beneficial to the worker but also the creation and continuation of the larger social fabric. However, many people, individuals, families, and organizations, depend on the labor of food service workers and retail employees to create the space and ability to engage in these affairs. The dependency on these business and establishments for labor during these times help to create the environment in which workers must negotiate their own practices of holiday and special occasion involvement with the needs of their employers. In essence, the temporal mismatch created through these structures limits these workers involvement with their own families and social groups during the holidays in the course of a calendar year.

"[The store] used to close at 5pm [on Thanksgiving] but every year it just keeps getting later and later. And I understand the reasoning for it. I know everyone has their last minute thing that they're going to buy that you can't go buy at the 7-Eleven or whatever and [the company] wants to make the money. But at the same time you still have your employees [who want the time off]. They always put a sign-up sheet for those who want to work that day but it doesn't fill up so there's still those people who have to work that didn't sign up." – Peter, Grocery Store Worker

“I can never go and enjoy 4th of July (Independence Day). I can never go and enjoy a Christmas vacation. Even Christmas because I’m working the day before and I’m working the day after.” – Dean, Retail Sales Associate

“The holidays are the worst! They (the company) make you miss everything! I haven’t gotten to do a lot of the holiday stuff with my family. They have so many black out days.” –Anonymous, Retail Sales Manager

These negotiations not only disrupt these workers experience of holidays and special occasions but also change their former ideations of how holidays and special occasion should be spent. While their labor helps to reinforce the social practices of holidays and special occasions that contribute to the larger social fabric, it also changes their own social belonging through which these workers become accustomed to not participating or participating through working.

“I do it now because I’m used to it from working all the holidays before and everything. So, I’m just used to carrying on that some old position where I’m working holidays.” Warren, Former Retail Sales Associate, Current Bartender

“You get used to working the holidays and you start to realize that you don’t have to celebrate the holiday on that day. So for me and [my partner], both of us could care less if worked on our birthdays or Valentines... Because it stops being as important, your priorities lie differently. And you get used to it and sometimes you make more money [working the holidays]. – Daniella, Former Server and Bartender

“I didn’t get to see [my parents out of state] on the holidays. I did go up to see them four to six times a year, but it would just be for like three to five days but not on the holidays. We just called on the holidays.” – Armando, Retail Sales Associate

Special occasions and holidays contribute the temporal experience in the annual sense creating times and spaces that break from the mundane realities of the everyday. Engagement with extended families and social groups may only occur at these times in which the ability to reminisce about the past and create new memories for future retrieval are made. For many workers with typical schedules that include extended time off or the agency to take time off from work, these occasion also contribute to the ability to partake in a change of scenery either spatially or temporally. Retail and food service workers are typically unable to or limited in their participation of these socio-cultural productions and thus the temporal mismatch occurs for them during the calendar year at times when family and friends may matter most.

5.2.3 Adulting

The transition from youth to adulthood is not as clear or defined as previously thought (Arlin, 1975). The US has legal classifications that can be understood as defining adulthood such the legal age of voting, consuming alcohol, job participation, entering into the military, and consenting to sexual relationships (Valentine, 2003). Despite these discrete ages that are prescribed for these behaviors, the sociocultural ideations of adulthood are more opaque. Performative goals of adulthood are varied and can depend on an individual's socialization in the larger context of any given population. Some assumptions of these behaviors that define adulthood include finishing formal education, obtaining full-time work, entering into marriage, and childbearing (Arnett & Galambos, 2003). Despite a number of my participants being married, financially independent, and having or desiring children, they still verbalized the lack of sense of participating in society as an adult.

“[The idea of a family] is something that's wearing on me now that I'm getting a little older, especially once you're 30 [years-old]. You want somethings that's pretty

stable so I'm getting to the point now where I'm done closing a restaurant four nights a week but then if I do the day shifts, I'm not making any money." – Keith, Bartender/Server

"Everyone never seems to grow up in a restaurant. Like, it's not that professional. Even though the managers want it to be like that, servers still sleep with each other and party together." – Amanda, Server

"I still drink too much. And I just never grew up. I'm still going to concerts and watching cartoons and going to bars." – Armando, Retail Sales Associate

Conceptualizing the temporal nature of the life cycle, these workers feel as if they lack the ability to obtain these goals. The scheduling and the perceived status of these jobs reduce their ability to engage with certain constructs of adulthood. The structural and psychological barriers experienced by these workers create more long-term negotiations of how the life cycle must be structured in order to work to financially maintain a household and plan for future endeavors that we typically identify with adulthood. The idea of long-term career goals, home ownership, and childrearing become obfuscated in their realities as they negotiate time in their daily existence.

The scheduling of workers in food service and retail highlight the temporal mismatch of a weekly, a yearly, and the life cycle participation in their larger communities. Time, in all of these constructions, dictates many of our choices and choice constraints. The timing of the engagement in these industries change the temporal realities creating a mismatch in which the typical avenues of time spent is modified so vastly that the lived reality in a day, week, year, and life cycle can be ultimately changed in its entirety.

5.3 PRESSURES, SACRIFICES, AND SAFETY

The pressure and sacrifices associated with work is not unique to the retail and food service industries. For Marx, the sentiment of the work day was related more the length of time spent laboring rather than the specificities of the timing of work (Harvey, 2010). All those who are not of the bourgeoisie class must sell their labor so that they may take part in the reproduction of civil society. Marx, having written over 150 years prior to this thesis, the length of time working was of greater concern as factories and shift work dominated the industrial landscape. Today, the current work terrain has changed considerably through the global division of labor where factory work has largely left the US and is taking place in nation-states on other continents giving rise to a highly uneven service based economy. For retail and food service workers the length of shifts or working throughout the week exhibits pressures differently through which the pressure to work is not only related to the length of the shift but also at atypical times from that of the larger society. In this section, I examine the way the pressure to work exhibits itself and what sacrifices are made in order to attain their wages.

5.3.1 Pressure

The pressure is exhibited differently for retail and food service workers. The need to pick up shifts or stay later is largely related to the need to earn more wages as discussed in the previous section. However, these pressures also manifest in the negotiations of how these workers engage with their families, social groups, and personal interests. The timing of these shifts or hours remains in the atypical realm outside of the Monday through Friday, daytime hours. Once again, this timing has an effect on the way these workers engage in social activity.

“[My music endeavors], that all fell by the wayside for some time just because I wanted to work.” – Gabriel, Server

“[My current manager] didn’t block off Labor Day weekend or Memorial Day weekend but, out of respect, I’ll only ask for the Friday/ Saturday or the Sunday/ Monday off. That way, I’m still working some of that sale weekend.” – Theresa, Retail Worker

Families and couples are also affected by the pressure to work. These relationships are often the beginning links of the social fabric. These units are considered central the ability to engage in social reproduction. Social reproduction refers processes and real and symbolic resources that ensure the self-perpetuation of a social class or class structure over time (Nash, 1990). These workers often make a variety of negotiations with their time that affect their romantic relationships, time engaging with their children, and their relationships with other immediate families members.

“[Working fast food] did [affect my relationship with my partner]. Especially working graveyard hours. [My partner] works bankers’ hours, like 7am to 3pm, Monday through Friday. It was almost like opposite, like vampire schedule.” –Leonard, Former Fast Food Worker

“There are days when we only see each other right before we’re going to bed, or I’m already asleep and she’s waking me up when she’s getting in [from her job], or just to say hi for a minute in the morning...Our schedules are just so all over the place.” – Keith, Server/ Bartender

“Sometimes I can’t take [my daughter] to some of her karate tests or sometimes there are certain school events that I can’t attend. Because I’m working. It’s a constant thing. I don’t know if I can go or not because I’m working. Nothing is a guarantee.” – Dean, Retail Sales Associate

“I missed a lot of small stuff with my family. I missed a couple of my brothers’ birthdays... I was supposed to take my little sister trick-or-treating but then I got called in [to work].” –Carmen, Former Retail Worker

“I wish I had had more time to spend with [my daughter]. There were mommy groups. I couldn’t do the mommy groups. I couldn’t put her in little league... and I played [soft] ball for 12 years.” –Theresa, Retail Worker

These workers describe how they will sacrifice their personal interests or their time with friends and family in order to work. These sacrifices are also not only related to their agency over their ability to make decisions regarding their own leisure time, but also directly influence their health and safety.

5.3.2 Health

Scheduling in these industries forces these workers to be available at odd hours that may not be conducive to their health. Retail and food service workers are generally most pressured to work at night. Evening shifts, when most people are engaging in typical rhythms of life that are instilled in us during our childhood, are when these workers are mostly likely to be working. The effects of these shifts are known to disrupt sleeping patterns, interfere with the intake regular and healthy meals, and decrease the ability to partake in regular exercise (Bohle, Quinlan, Kennedy, & Williamson, 2004). These can increase stress related tension and exhaustion (Human Impact Partners, 2016). However these workers know that their wages are dependent on this kind of shift work and so health becomes sacrificed in order to work.

“I wasn’t getting enough sleep and it felt dangerous driving. I was falling asleep at the wheel on my way home from [work] and going to work [at my other job] the next morning.” – Graciela, Retail Worker

“It’s so hard to work out and cook when you get off at 10pm and have to be back at 10am.” –Anonymous, Retail Manager

“I could get out of [work] at 4:30 [in the morning], which sucks because I had to get the kids to school at 7 in the morning the next day.” – Mia, Bartender

“For a long time I just ate whatever I wanted. I gained a lot of weight...When you gain weight, you’re depressed, you stop caring. I looked terrible. I felt terrible. It affected my [marriage] and I ended up hiding out behind my schedule.” –Dean, Retail Sales Associate

“It wasn’t until I started working in restaurants that I started bolting down food. I can’t stop it now. Even when I’m off or on vacation, I just scarf it down. I don’t know how to eat any other way now.” – Amanda, Server

These unhealthy behaviors are interpolated into these workers regular life patterns as a product of their schedules. The schedules associated with these industries are accepted and despite these workers being aware of these negative consequences. Many of these workers find it difficult the change because the same pattern of scheduling must be continued in order for them to sell their labor.

5.3.3 Safety

Safety also becomes an issue, especially for those working late into the night. Many retail and food service establishments’ close at 9pm or 10pm and some fast food and grocery establishments are open 24 hours of the day. For those working in the later shifts or overnight, their safety becomes comprised leaving these establishments or even at their respective working places.

“The last [general manager] was really strict on always getting a walk out. Always. So, he makes sure all the women walk out with, like, a busser or in pairs, and he would walk them out. [Employees are] always looking around the parking lot because, unfortunately, there’s a lot of homeless people coming into this area right now. And there have been issues. One of my coworkers got robbed in the parking lot.” – Amanda, Server

“There was a time we didn’t [feel safe leaving the store at night] because the [shopping center] owners wouldn’t turn the lights on in the parking lot. We had to fight for them to do that because people were getting mugged.” –Blair, Retail Worker

Establishments such as bars or fast food restaurants, which can be open considerably later than typical full-service restaurants or retail stores, can be particularly dangerous for these workers. These workers are selling their labor at times that can be considered at the very fringes of a typical work day if at all. Participants who worked in bars or overnight had particularly harrowing stories of how their safety was compromised during their shifts.

“It was a bar and it was a dive bar and I don’t have anyone [working with me]. There were times I got people that got in there that worried me and I would feel like had to be ready to call 9-1-1 or think like which bottle is the best one for me to grab right now. And drunk people are dicks. And drunk guys are dicks. And I’m a woman. There’s just many reason for me to worry.” – Daniella, Former Server and Bartender

“The first two weeks I worked at [the bar] I had someone slice my wrist open and I had a gun held on me. I had [police] come out with guns drawn. It really was a rough place and with no security. And we were all ladies that worked there. You really had to be tough. You had to take the risk and be tough.” – Mia, Bartender

Lewis, a former fast worker, reveals this story. At the time Lewis was working graveyard shifts at a local fast food chain. A position he took in order to get stable and regular hours.

“We got robbed. It was like 5 o’clock in the morning and the sun was barely coming up. Like before anybody’s really up. We were really slow, there were three of us [working]. I worked with these two older ladies, like seniors. They had me doing all the heavy lifting. One lady would do the front and register and do all that and the other lady would clean the taco bar and I was on grill and I did everything else, like trash and floor and dishes. I did all the heavy prep and stuff like that and I would bring in all the stuff to stock up for the day, then I would take the trash out. It was then, like 5 o’clock in the morning and I was taking the trash out. I saw this black car in the back parking lot and it’s kind of secluded, it’s hard to see. I didn’t really think of it because it was near a house that was kind of like a party house and so there would be cars parked there from time to time. But that night was quiet and I didn’t really think about and we had the back door open and we were rinsing the floor off. I was getting ready to leave because I would sometimes have a shorter shift and leave around 5[am]. I went to make a burrito and I was going to leave. Right when I was going out the back door, and I thought it was one of the ladies from the morning shift, but it was just this dark figure coming at with his hood up and his hand under his hoodie and he [said] “Get on the fucking ground!” He had come in through the kitchen and he forced me and one of the ladies on the ground and he had the other lady open up the register and get all the money out. We were all pretty shaken up. I mean, it could have been his fingers but you don’t know, you have to assume it’s a gun. We did fear for our lives a little bit.”

These encounters highlight not only some of the dangers related to working in these industries but also how the issues of safety are especially highlighted during the times when these workers must be available.

5.4 CONCLUSION

The way time creates our temporal realities is messy. Spatial boundaries are negotiated and renegotiated through the demands of our time with real effects on our social networks. The needs of home are able to invade into our works spaces and the pressure to work seeps into the way we manage our households. Work-life boundaries are not discreet nor are they wholly synced by the experience of time. Scheduling practices of retail and food service industries create a temporal mismatch through which the demand of workers' time creates pressures to forgo personal obligations because of the need to earn wages, thus creating a variety of losses for these workers. Returning to Diego's experience of working in retail for the past 20 years, his story exemplifies how these losses can and have occurred:

As we sit at the small, circular table in the local coffee shop, I question Diego about his working experiences and its subsequent effects on his marriage, ex-wife, and daughters. Though calm and acquiesced, I feel a sense of melancholy and remorse when discussing his marriage and his daughters.

“The biggest thing was, I think [my schedule] ruined my marriage. Because we had so much time apart. [My ex-wife] chose a job in education to be with [our daughters], to devote her life to the girls. It was great because I was able to provide a good living, so she could do stuff, and she earned good money too, so... I mean, it sucked because...vacation, they would go off and do things and I couldn't go most of the time. Maybe one out of the several holidays that come up during the year. The time away from

my wife though, that was the hardest thing because eventually we grew apart. We didn't have time to bond, reflect on [our] differences, do all the things that you're supposed to do...It's [about] putting work into your marriage. So if you're both real tired, and you're both on real different schedules, it makes it harder to put effort into it. Especially if you've had a bad day and you're not getting along... You've got time with your wife and then time with the family. We became people that had a family and not a couple anymore and I didn't prioritize it because I didn't know any better I guess. And you make time for work because that's how you feed your family but it erodes the family."

"One time my daughter told me, 'you weren't ever home.' That really shocked me because I thought I was, but not to them. I was never home to them because I wasn't home enough."

"The holidays aren't really mine anymore. My ex-wife is remarried. She had a daughter [with her new husband], so my daughters go and hang out with her... [my oldest daughter] and her mother are pretty tight. All the holidays are based around that. So, for me, I don't really have a holiday that I do anything with or with anybody... The past 5 years, I've spent the holidays alone."

Diego's story exemplifies how the scheduling practices of the retail and food service industry have the ability to create a magnitude of loss. The need to work and the odd hours that create the temporal mismatch builds over the days, weeks, months and years, to significantly change the planned course of a person's life cycle. Although Diego's story may be at the extreme end of what retail and food service workers typically experience, aspects of his experiences are applicable to many others working in these industries. The pressures to work and

the sacrifices they negotiate in order to engage in this work creates an environment where, through scheduling practices, lives are essentially stolen.

CHAPTER 6: A WAY FORWARD

“Time is what we want most, but what we use worst.”

-William Penn

6.1 INTRODUCTION

I park along the curb of a quiet apartment complex on Tuesday morning. It’s already unbearably hot despite the time being 9am. Not unusual for this part of Southern California. I step through the door into a 1-bedroom apartment that feels cramped with over-sized furniture. Lewis is a large, jovial man with an open, smiling face and deep-set laughing eyes. His two-and-half-year-old son sits on the couch and barely notices me as he can’t seem to bear to tear his eyes away from an episode of Paw Patrol. We sit at a small bar-height table in the kitchen area where we can be a little bit farther from the TV but where Lewis can still see his son. This interview takes nearly two hours as we are interrupted by his child who loses and refocuses interest in the shows. The interview recording is punctuated by interruptions for food or attention and at several points Lewis’ son sits in my lap and draws all over my notebook with his crayons. We talk about his work history and his dream of being a music teacher. He has recently graduated with his bachelor’s degree in music education from a university in the Cal-State system. He plays several instruments and has been in local ska and punk bands since high school. Throughout the interview, Lewis is able to joke and laugh about his work and his life. There are only a couple of points where the reflection on his experience in fast food quiets his normally cheerful demeanor.

“I needed [a Saturday] off for a class concert. Being in music education, you have to do these things. I requested it off, but the general manager scheduled me anyway. So, when the schedule came out, I talked to two shift managers and told them I couldn’t be here. I

asked if there was anyone to call in, any way to get it covered. There wasn't a lot of people at the time to call in and I told them I wasn't going to be there. So, when that time came, and I went back to work, me and the general manager got into it. She was like, 'Where were you? Why weren't you here?' and I told her everything and that I had told the other shift managers that I couldn't come it. She said they never told her. Most of these managers are like, texting, there's no formal communication. Everything is face-to-face. There was no request form, you just wrote a note. They have all these people that can work cashier, but not enough people who can make tacos. That was the big thing that led up to me leaving there. Because after that, the general manager purposefully took me off the schedule because I was trying to tell her, 'No, I asked for that day off and I told everybody to let you know and I left a note!' This was right in the middle of December, right before Christmas, because she (the general manager) knew [when she took me off the schedule] that the way the pay period worked, I would get nothing right before Christmas. I got a big fat goose egg. I was pretty upset. I went to another store's general manager and tried to transfer and told her how my current general manager was gouging my hours and how I didn't get a Christmas. I was really upset, I mean, I was welling up. I'm [talking to this other manager] trying to hold it together."

Lewis's story shows how the issues surrounding scheduling in retail and food service came together affecting not only his wages but his family and his ability to celebrate Christmas, possibly the most notable holiday for the majority of the US. His story also shows how life and work are not bounded entities and never truly can be. The changes in your household can affect your ability to work or, for shift workers, work the times your employer wants you to work can enhance or exacerbate your ability to maintain your household. The issues of scheduling and the

mismatch of the needs of an individual or family and the desire for a 24/7 economy continue to be at odds for those in the retail and food service industries. The fight surrounding the Fair Workweek policy continues into the present and has some ability to address the issues faced by these workers.

6.2 REPORTS ON THE EFFECTS OF THE FAIR WORKWEEK POLICY

A report by the Economic Policy Institute found the current fair workweek and “right-to-request” laws in New York City, San José, Oregon, Seattle, San Francisco, Emeryville, New Hampshire and Vermont are covering 1.8 million workers regarding scheduling practices (Wolfe, Jones, & Cooper, 2018). This does not include the recent win in Philadelphia that would cover an estimated 130,000 workers increases that number to over 1.9 million (Reyes, 2018). These workers, ideally would have more set schedules, better rest time between shifts, and the possibility of increased hours for part-time workers. Although no comprehensive study has been done to date on the effects these laws have on workers, initial findings differ among studies.

A report from the Employment Policies Institute suggest adverse effects for workers under San Francisco’s “Formula Retail Employee Rights Ordinance” (Yelowitz & Corder, 2016). This report found that employers' response to the ordinance include offering less flexibility to make changes, scheduling fewer employees per shift, and offering fewer part-time positions and fewer jobs overall. Yelowitz and Corder (2016) frame their finding as being “at odds with the preferences of the employees” (p. 8). However, this report surveyed 52 employers and did not take into account how employees were impacted by the policy. Along with the issue of only interviewing employers, the Employment Policies Institute has a record of producing questionable research. It has been noted that the non-profit group is overseen by a public

relations firm that also represents the restaurant industry and has consolidated efforts to suppress increasing the federal minimum wage (Lipton, 2014).

Despite employers’ gloomy response to these fair workweek laws, an experiment conducted to stabilize scheduling in the retail sector uncover a different story. The report *Stabling Scheduling Increases Productivity and Sales: The Stable Scheduling Study* (Williams, et al., 2018) found that increased stability in scheduling led to increased sales. Running an experiment at Gap Stores in San Francisco and Chicago, they implemented seven different interventions related to scheduling (see figure).

Stable Scheduling Study Interventions (2018)	
Two-week Advance Notice	All stores were required to finalize and publish schedules two weeks in advance.
Elimination of On-Calls	All stores were required to ceaset he practice of scheduling tentative shifts that may be cancelled only a few hours before they are scheduled to start.
Tech-enabled Shift Swapping	Through an app called Shift Messenger, associates could swap shifts without requiring manager involvement, and managers could post additional shifts as the need arose.
Stable Shift structure	Managers endeavored to increase the consistency of shift start and end times in their store across days of the week.
Core Scheduling	Managers aimed to improve the consistency of their associates’ shifts (days and times) from week to week.
Part-Time Plus	Managers offered a core team of associates a soft guarantee of 20 or more hours a week.
Targeted Additional Staffing	The research team analyzed store data to identify which stores would be likely to increase their sales by adding additional staff to the sales floor at consistent specified times, and these stores received additional staffing hours at no cost to the store budget.

(Source: Williams, et al., 2018, *The Stable Scheduling Study*)

Figure 7: Stable Scheduling Study Interventions, 2018

This trial included a total of 28 stores with 15 in the San Francisco Bay Area and 13 in the Chicago metropolitan area. The trial had 19 treatment stores that implemented the changes and 9 control stores for comparison. After a 35-week trial the findings included improved customer service, improvements in on-time arrivals by employees and less theft. The authors also found that during the trial, median sales increased by 7% “in and industry in which companies often

work hard to achieve increases of 1-2%” (Williams, et al., 2018, p. 6). This study linked better scheduling practices to employees' ability to effectively plan their lives outside of work and also to increases in productivity and sales at the store level.

6.3 IT'S NOT ALL BAD

Despite the framing of jobs at the frontline of retail and food service as “bad jobs” the workers in these industries are still able to build communities inside their jobs that can translate to positive impacts on their overall lives. Many of us, not only in shift work but in many if not all occupations, become close with people we work with. We become intimate through shared experiences and the kind of solidarity that only comes with working in the same field, working at the same place. We become friends.

“My favorite thing is working with people that I liked working with, that I became friends with.” – Lewis, Former Fast Food Worker

“It’s kind of funny because a lot of us will hang out after work. We close at 10 and there’s a bar down the street that we’ll go to.” – Keith, Server

“I made friends with the people I worked with and we went out after work and did things. That’s mainly when I did most of my golfing was when I worked stock crew. I would get off at 7:30 in the morning and [we would] be one of the first people out [at the course].” – Peter, Grocery Store Worker

These coworkers become interwoven into our daily lives in meaningful ways. These relationships can transition into long-term friendships that span years even after leaving a job.

“I’ve made really long-lasting friendships with people who understand my retail life. I built those friendships [with previous co-workers and managers].” –Theresa, Retail Worker

These workers become attached not only to each other but to patrons of the business and even the place itself.

“My biggest concern is because I work with a lot of vets, I work with a lot of older vets, and my biggest concern is making relationships and just loving these people, and as old as they are, losing them. That’s really all that I’m concerned with.” – Mia, Bartender

“I do [love this bar]. It was a safe haven for me when I was younger. When I was just coming into the whole gay scene. It was a place I found to be like home. I found the realization that I could be me there. So, it will forever have a place in my heart and I want to make sure that it succeeds. The thing that I love the best there, the thing that keeps me coming is that those four walls are up and that everyone can keep coming and experiencing the same thing. – Warren, Bartender

Life and work come together in jumbled, messy ways that can cause conflict and distress but they can also collide in ways that create benefits and comforts through the communities that these workers build despite low-wages, unsafe working conditions, and adverse scheduling practices. Blair is a 35-year-old mother and partner. She is tall wisp of woman. She is soft-spoken and her large, expressive eyes bespeak the sensitive and artistic qualities she possesses. She takes care of her elderly grandmother and home schools her daughter during the day and works part-time in retail at nights and on the weekends. During the course of our interview, she reveals her battle with social anxiety that has plagued her since her teen years and imparts this story:

“If I didn’t do this job... like working at [my job] has really helped because I’m forced to deal with people on a daily basis and I found a way to deal with it to where I’m not

stressed out when I go home. [Before], it would send me to this place where I would be like, 'did I say something wrong?' That's a lot of where my social anxiety is at. So working there has saved my life honestly or else I wouldn't even hang out with people. It makes me deal with people and it makes me realize it's not as scary I think it is. It would be like, if I had a conversation with somebody, I would go home and think about what I said and how I said it and how I looked and everything for like *10 hours*. This job has helped me so much. Like when I was cleaning offices, it was really easy because I could avoid everyone and everything. But this job has helped me so much and my coworkers helped me too. When they had me at [a certain work station], they saw how much it was stressing me out because of my social anxiety and so they accommodated me and they would ask, 'Are you ready today? Are you ready today?' and I would go. People watching me do things would get me nervous and I would start shaking and couldn't [work] or anything. But the fact that they did that and let me ease into it, helped me a lot...The think I like the most [about my job] is the relationships I'm making with people and that I'm actually making friends."

Retail and food service work, like any job, brings together people and places in meaningful ways that is not only beneficial to the patrons of these establishments but also the workers that put their time in effort into creating the ambiance of the stores and restaurants that they work at. These workers, despite being excluded in many ways from the larger communities, are able to navigate their time and these spaces that contribute to the way they make meaning of the places they need to be, home and work, and people they encounter in their daily lives, both customers and co-workers.

6.4 THE FAIR WORKWEEK POLICY: POSSIBILITIES AND LIMITATIONS

6.4.1 Expansion of Campaigns and Organizing

The campaigns and reports supporting the passing of the Fair Workweek policy are important to addressing the economic issues and the financial stability of these workers. The *Hour Crisis* report also does well to address the imagined demographics of these workers (UCLA Labor Center; Los Angeles Alliance for a New Economy, 2018). The issues of paying bills, the role of being a care giver, and educational attainment for adults over 25 reveal how these workers are attempting to navigate multiple roles. However, the added matters of social cultural engagement leave much room to expand on in campaigns. Acknowledging how these workers must surrender their own interests and time to support themselves financially but also support the larger society in their own cultural practices can help to garner added interest or sympathy from policy makers and the general public.

For organizers, recognizing how these workers are experiencing loss in their lives can help to expand their coalitions and worker involvement in campaigns. Data from the previous chapter, *Stolen Lives*, can help organizers engage with workers to create a cathartic experience of having someone who understand your work experience in meaningful way. Understanding that the work is not entirely bad because of friendships and work communities but that it could be better under scheduling practices that minimize loss can help activists and organizers who are interested in engaging with workers directly. Rather than engaging with individual workers, finding how these work communities interact, where they are able to spend time together outside of work, and how they build their work-based communities through social practices can be contemporary avenues that organizers can investigate to further construct coalitions that involve these workers.

6.4.2 Moving Towards Shift-based Hiring and Religious and Cultural Accommodations

The Fair Workweek policy is modern in its attempts to aid workers in their home and work realms through its potential impacts on the way time is used in the industries it is regulating. There are many possibilities that the different segments strive to regulate. The right to rest between shifts, giving workers an estimation of hours they can expect to work each week, compensation for on-call shifts, and advance notice of schedules can all contribute to addressing economic hardship and better communion between work and home. Despite all the positive impacts the policy can make, whether through the policy itself or the public discourse it is contributing to, there is still ways to strengthen current versions of the policy. Much of our lives has been shaped around a specific time frame. We often think of these as business hours and they are typically thought of as 9am to 5pm. However, the concept of hiring for a specific shift is prevalent in other industries. Healthcare, especially those in settings where 24-hour care is provided, typically hires workers for specific shifts. Historically, these shifts have existed in three various time frames, days, evening, and over-nights (Coffey, Skipper Jr, & Jung, 1988). Some of the Fair Workweek policies that have been passed attempt to cover the issue of variable shifts but they are often done through a “good faith” agreement between the employer and employee. The strengthening of this segment would benefit many employees who would like to have second jobs as part-time work is not often financially adequate to cover increasing costs of living. Moving to shift-based hiring would also benefit employers. Opening and closing duties at any store or restaurant differ and having stable shift starting and stopping times for employees would allow them consistently know their duties and give more time to managers to focus on other tasks (Williams, et al., 2018). For full-time workers, this could be attempted to be regulated

through the right-to-rest segment by extending guaranteed time between shifts to 12 hours or higher. For part-time workers, these could be written guarantees rather than “good faith” estimates or agreements. These industries are reliant on workers to be available during atypical working hours but the requirement of open availability is not a necessity. The change of these practices from open availability, requiring mornings, afternoons, nights, and weekends can be easily changed to a shift-based model where employers can offer a standard morning or evening shift to workers that would likely alleviate turnover and increase efficiency in the various duties associated with the temporalities of the work place.

Because of the temporal mismatch, the Fair Workweek policy could also be strengthened through the addition of a religious or cultural accommodation. Often in these industries, black-out dates are applied and workers are not allowed to request time off or are retaliated against if accommodations are given. The data shows that it is not only stable weekly schedules that are needed but also compromises and adjustments to larger seasonal events are also important to these workers. Many of these workers already know that the atypical times that they are needed to work will likely not change, but the agency to allow them a shift-based employment agreement and accommodations to partake in religious or cultural events may alleviate some experienced seclusion. Noting that it is important not only for workers and the larger community to bond in meaningful ways may also have the added bonus to business through lower turnover rates and higher sales.

The intrinsic and extrinsic mutability of the Fair Workweek policy allows for expansion on the segments that can help to address some issues not only in the unpredictability of scheduling but also in the temporal mismatch that these workers experience. The many segments in the policy can be changed to further accommodate workers and the overall policy can have

segments added to it. The original San Francisco policy did not address the issue of rest between shifts but the subsequent ordinances that passed did with the exception of San José, CA.

Strengthening of the existing segments along with the addition of segments is an aspect of the Fair Workweek policy that speaks to its strength and durability.

6.4.3 Regulation and Enforcement

Like any regulation, a lot of benefits that could be secured by these workers will depend on enforcement. Regulation is quite difficult in the US and, for many small business, the lack of digitized records can make it easy to avoid new ordinances. California, despite having strict rest and meal break laws, violations continue.

“At the bar, I need to have a relief. What I mean by relief is that I work an 8-hour shift and I don’t a break. At all. I don’t get a break, or a lunch break, if I have to go the bathroom, if I get a bathroom break I run and I go but I don’t get a lunch break, I don’t get a 15-minute break, nothing. I’m standing at that bar for 8 hours straight.” – Warren, Bartender

“In the 4 years that I’ve worked [at the restaurant] I’ve gotten 6 letters about class action lawsuits and they all are regarding break violations.” – Keith, Bartender/ Server

“At [my job], you clock out for your 30-minute break, but you work during it. Everybody does it. It’s because if you go on your 30-minute break and you have tables, which is the majority of the time, somebody has to cover your tables plus their own and that’s just a lot of work for somebody, it’s too stressful and if they take your tables, they get your tips. That’s their policy, so you got to work through your break if you want that money.” – Gabriel, Server

Despite these regulations dating back to 1937, violations continue especially in the food service industry (State of California, 1937). Considering the age of the labor code and the continued inability to enforce it may mean that any new restrictions on work time will continue to be violated without adequate enforcement or harsh backlash to business that violate these ordinances.

Without enforcement of labor laws can be easily disregarded by employers. Unenforced wage and hour laws can create a race to bottom by municipalities in effort to attract businesses which can negatively impact workers and the community writ large (Meyer & Greenleaf, 2011). Typically state wage protection laws are stronger than federal laws, however, the commitment to enforce those laws vary extensively (Bobo, 2011). Enforcement entities of labor law violations also varied but the majority of states refer to labor to labor agency that may also be supported by the attorney general's office (Meyer & Greenleaf, 2011). Funding to these agencies may also be an issue. Meyer and Greenleaf's (2011) report, *Enforcement of State Wage and Hour Laws: A Survey of State Regulators* found that "policy choices, economic growth and retraction, or the perception of greater or lesser compliance by employers" may be factors that influence funding (p. 20).

The state of California has large system that is set up to enforce wage and hour laws. The Department of Industrial Relations (DIR) houses the Labor Commissioner's Office, also known as the Division of Labor Standard Enforcement (DLSE) which contains the Bureau of Field Enforcement (BOFE) (Meyer & Greenleaf, 2011). Along with these state entities exists the Labor Enforcement Task Force (LETF) that partners with local agencies and targets the underground economy (Su, 2018). Along with state and local agencies the California State Attorney General's office has the authority to pursue criminal and civil suits for wage and hour

violations (Meyer & Greenleaf, 2011). Despite this seemingly strong amalgamation of state and local bodies, enforcement of these labor law violations are still inadequate. The *Enforcement of State Wage and Hour Laws: A Survey of State Regulators* (2011) report found that in 2009 there were over 42,000 filed complaints regarding wage violations, approximately 9,000 inspections, and just under 4,500 citations. The most recent BOFE annual report on the 2016-2017 fiscal year showed that 2,181 inspections lead to 3,236 citations, however, this did not extrapolate the amount of wage violations but did note that 1,434 were for failure to carry worker's compensation insurance nor did it divulge the number of complaints (Su, 2018). For restaurant and retail industries, the 2009 BOFE annual report showed that the combined inspections for these industries amounted to 2,064 that resulted in 1,189 citations (Bradstreet, 2010). However, the most compelling aspect of these reports is the wages found due compared to the wages collected. In 2009, the BOFE annual report showed that in the restaurant and retail industries approximately \$1.9 million wages were found due and of that, \$590,000 in wages were collected, about 30% (Bradstreet, 2010). For the 2016-2017 report, wages due in the industries amounted to \$7.9 million and wages collected were \$311,000, a paltry 4% (Su, 2018). This may be due in part to funding for BOFE as California Governor for 2017, Jerry Brown, proposed an increase \$6.9 million dollar or 13% increase to DLSE budget and a 66% investigative staff through 2020 for BOFE (Legislative Analyst's Office, 2017).

Adding labor standards related to scheduling may increase the workload for these agencies and without the added budgeting or man power, these issues may go on unresolved, under reported, and unenforced. Although a Fair Workweek policy will add needed protections, for workers under non-compliant employers, without strong enforcement, things may not change.

6.5 CONCLUSION

The Fair Workweek policy despite its many potentials is still limited. These participants reveal that there are some aspects that we have yet to broach via policy. The need for these workers to be available at times outside typical working hours is essential to these industries. The need to work these atypical schedules means that workers may never spend the holidays the way many other families do or must continue to prioritize and negotiate which events they will or will not attend that occurs in their larger communities. This temporal mismatch related to atypical times of work will continue in many of these businesses. However, employers that are willing to switch to a shift-based with cultural and religious accommodations model can help alleviate some of this loss. Those interested in advancing the labor movement must consider how the exploitation of time is occurring in all industries. The pressure to work is ingrained in the American imaginary and many are finding it difficult to cease working after business hours and advances in technology have made it even easier to continue working at any time.

What is most interesting, is the way that communities continue to be built in spite of these exploitations. These micro communities that are existing at these stores and food and beverage establishments are thriving. Perhaps the bigger question is if policy can address how to help these workers become part of the larger community or if the larger community can realize who missing out.

At times, it is not the community writ large that needs to show accommodation to these workers. Many times, it is those closest to them, friends and family that lack a certain amount of understanding about how these workers must structure their lives.

“If I know something is coming up, like a birthday or something, I have to keep bugging my friends or family for plans. Like, ‘hey, are we doing something that weekend? Are we going

to do something of Friday or Saturday?’ and sometimes they’re like, ‘I don’t know yet. Maybe. I think so.’ And I’ll have to keep bugging them and remind them that I have to request off or I’ll get scheduled. I have to keep bugging them until I get an answer.” – Carmen, Retail Worker

“[Friends and family will] let me know the Friday the week before but I can’t ask for time off now. They’ll say, ‘But we asked you in advance.’ But it won’t be far enough. So it just makes it hard. I don’t know if they got mad at me but they just kind of stopped asking. I would say something later about it and they would say, ‘Oh, well you can never get the time off.’ We’ll you don’t give me notice. I tell you when I need to know by but you don’t do it... Unless, people have worked those hours, they don’t really understand. The majority of the people I’ve been around have always had weekends off, they’ve always had Monday through Friday jobs so they don’t get it.” – Peter, Grocery Store Worker

The Fair Workweek policy shows a lot of promise to change the material reality for these workers. Knowing when you will work and being able to budget your expenses based on a good estimation of your paycheck each month can generate tangible changes for retail and food service workers. These stories and facts of economic hardship are essential to passing policy. However, having friends and family that understand your lifestyle, that understand how many negotiations you have to make in order to spend time with them, and empathize with the lack of agency and control you have over your time, can create more benefits than any given policy can construct.

REFERENCES

- 79th Oregon Legislative Assembly . (2017). *Enrolled Senate Bill 828*. Retrieved from Oregon State Legislature: Retrieved on 3/2/2019 from <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB828/Enrolled>
- American Legal Publishing Corporation. (2013, October 9). *California, San Francisco Administrative Code, Chapter 12:7 San Francisco Family Friendly WorkPlace Ordinance*. Retrieved from American Legal Publishing Corporation: Retrieved on 3/1/2019 from [http://library.amlegal.com/nxt/gateway.dll/California/police/article33gpredictableschedulingandfairtr?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sanc=JD_Article33G](http://library.amlegal.com/nxt/gateway.dll/California/police/article33gpredictableschedulingandfairtr?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_Article33G)
- American Legal Publishing Corporation. (2014, December 5). *California, San Francisco Police Code, Article 33F: Hours and Retention Protections for Formula Retail Employees, Sec. 3300F.3 Offering Additional Work to Part-time Employees*. Retrieved from American Legal Publishing Corporation: Retrieved on 3/1/2019 from [http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sanc=JD_Article33F](http://library.amlegal.com/nxt/gateway.dll/California/police/article33fhoursandretentionprotectionsfo?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_Article33F)
- American Legal Publishing Corporation. (2014, December 5). *California, San Francisco Police Code, Article 33G: Predictable Scheduling and Fair Treatment for Formula Retail Employees, Sec. 3300G.4*. Retrieved from American Legal Publishing Corporation: Retrieved on 3/1/2019 from [http://library.amlegal.com/nxt/gateway.dll/California/police/article33gpredictableschedulingandfairtr?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sanc=JD_Article33G](http://library.amlegal.com/nxt/gateway.dll/California/police/article33gpredictableschedulingandfairtr?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_Article33G)
- Arlin, R. K. (1975). Cognitive development in adulthood: A fifth Stage? *Developmental Psychology*, 602-606.
- Arnett, J. J., & Galambos, N. L. (2003). Culture and conceptions of adulthood. *New Directions for Child and Adolescent Development*, 91-98.
- Attride-Stirling, J. (2001). Thematic networks: an analytical tool for qualitative research. *Qualitative Research*, 385-405.
- Aun, S., Lee, S. Y., & Shin, Y. (2017). Industrial and occupational employment change during the Great Recession. *Federal Reserve Bank of St. Louis Review*, 307-317.
- Badger, E. (2014, November 26). San Francisco just created some of the country's toughest protections for retail workers. *The Washington Post*, pp. Retrieved on 4/9/2019 from <https://www.washingtonpost.com/news/wonk/wp/2014/11/26/san-francisco-just-created->

some-of-the-countrys-toughest-protections-for-retail-workers/?noredirect=on&utm_term=.756ce321cdaa.

- Becker, B. (2014). Taking Aim at Target: West Indian Immigrant Workers Confront the Difficulties of Big-Box Organizing. In R. Milkman, & Ott, E (Eds). *New Labor in New York: Precarious Workers and the Future of the Labor Movement* (pp. 25-48). Ithica: Cornell University Press.
- Ben-Ishai, L., McHugh, R., & McKenna, C. (2015). *Out of Sync: How Unemployment Insurance Rules Fail workers with Volatile Job Schedules*. New York; Washington DC: National Employment Law Project (NELP); Center for Law and Social Policy (CLASP).
- Bernhardt, A., Milkman, R., Theodore, N., Heckathorn, D., Mirabai, A., DeFilippis, J., . . . Spiller, M. (2009). *Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in American's Cities*. Chicago; New York: Los Angeles: Center for Urban Economic Development; National Employment Law Project; UCLA Institute for Reasearch on Labor and Employment.
- Blum, S. (2019, March 11). How a Fair Workweek Could Change the Lives of L.A.'s Retail Workers. *Los Angeles Magazine*, pp. Retrieved on 4/9/2019 from <https://www.lamag.com/citythinkblog/fair-workweek-los-angeles-retail/>.
- Bobo, K. (2011). *Wage theft in America: Why millions of working Americans are not gettin paid and what we can do about it*. New York: The New Press.
- Bohle, P., Quinlan, M., Kennedy, D., & Williamson, A. (2004). Working hours, work-life conflict and health in precarious and "permanent" employment. *Rev Saúde Pública*, 19-25.
- Bradstreet, A. (2010). *2009 Annual Report on the Effectiveness of the Bureau of Field Enforcement*. San Francisco: State of California Department of Industrial Relations.
- Buhl, L. (2019, March 4). Can an L.A. Ordinance Give Workers Shcedule Stability? *Capitla & Main*, pp. Retrieved on 4/9/019 from <https://capitalandmain.com/can-a-los-angeles-ordinance-give-workers-schedule-stability-0304>.
- Bureau of Labor Statistics. (2019, April 12). *Employment Projections*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/13/2019 from <https://www.bls.gov/emp/tables/occupations-most-job-growth.htm>
- Bureau of Labor Statistics. (2019, January 18). *Labor Force Statistics from the Current Population 2010-2018*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/14/2019 from <https://www.bls.gov/cps/tables.htm>
- Bureau of Labor Statistics. (2019, January 18). *Labor Force Statistics from the Current Population Survey*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/14/2019 from <https://www.bls.gov/cps/tables.htm>

- Bureau of Labor Statistics. (2019, March 29). *Occupational Employment Statistics*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/12/2019 from <https://www.bls.gov/oes/home.htm>
- Bureau of Labor Statistics. (2019, March 29). *Occupational Employment Statistics, May 2005*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/11/2019 from <https://www.bls.gov/oes/tables.htm>
- Bureau of Labor Statistics. (2019, March 29). *Occupational Employment Statistics, May 2010 to May 2017*. Retrieved from Bureau of Labor Statistics: Retrieved on 4/11/2019 from <https://www.bls.gov/oes/tables.htm>
- Bureau of Labor Statistics. (2019, March 29). *Occupational Employment Statistics, May 2018*. Retrieved from Bureau of Labor Statistics: Retrieved on 2/11/2019 from <https://www.bls.gov/oes/tables.htm>
- Cain, R. H. (2014, July 28). Will San Francisco Adopt a Retail Workers Bill of Rights? *RACKED San Francisco*, pp. Retrieved on 3/4/2019 from <https://sf.racked.com/2014/7/28/7584381/will-san-francisco-adopt-a-retail-workers-bill-of-rights>.
- California Work & Family Coalition; Next Generation. (2014). *Summary: The San Francisco Predictable Scheduling and Fair Treatment for Formula Retail Employees Ordinance*. San Francisco: California Work & Family Coalition; Next Generation.
- Casselmann, B. (2014, June 6). The job market's five-year recovery in 10 charts. *ABC: FiveThirtyEight*, pp. Retrieved on 4/11/2019 from <https://fivethirtyeight.com/features/the-job-markets-five-year-recovery-in-10-charts/>.
- Center for Law and Social Policy, Retail Action Project, and Women Employed. (2014). *Tackling Unstable and Unpredictable Work Schedules*. Washington, DC; New York; Chicago: Center for Law and Social Policy, Retail Action Project, and Women Employed.
- Chen, M. (2014, December 5). Want to exploit retail workers? In San Francisco, it'll cost you: The city now has a Retail Workers Bill of Rights. *The Nation*, pp. Retrieved on 4/9/2019 from <https://www.thenation.com/article/retail-workers-rising-bay/>.
- Chicago Jobs with Justice. (n.d.). *Chicago Fair Workweek Coalition*. Retrieved from Chicago Jobs with Justice: Retrieved on 4/10/2019 from <http://www.chicagojwj.org/chicago-fair-work-week>
- City and County of San Francisco. (n.d.). *Formula Retail Employee Rights Ordinances*. Retrieved from Office of Labor Standards Enforcement: Retrieved on 2/16/2019 from <https://sfgov.org/olse/formula-retail-employee-rights-ordinances>

- City and County of San Francisco. (n.d.). *Formula Retail Employee Rights Ordinances*. Retrieved from Office of Labor Standards Enforcement: Retrieved on 3/1/2019 from <https://sfgov.org/olse/formula-retail-employee-rights-ordinances>
- City and County of San Francisco, Planning Department. (n.d.). *San Francisco Planning Code. Article 3: Zoning Procedures, Section 303.1 Formula Retail Uses*. Retrieved from American Legal Publishing Corporation: Retrieved on 2/16/2019 from [http://library.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/planning/planningcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)
- City News Service. (2019, March 1). Fair Scheduling Ordinance for Retail Workers Proposed for Los Angeles. *NBC Channel 4*, pp. Retrieved on 3/6/2019 from <https://www.nbclosangeles.com/news/local/Fair-Scheduling-Ordinance-Retail-Workers-Los-Angeles-506540521.html>.
- City of Emeryville. (2016, November 1). *Ordinance No. 16-007*. Retrieved from Emeryville California: Retrieved on 3/2/2019 from <https://www.ci.emeryville.ca.us/DocumentCenter/View/10190/16-007FairWorkWeek110116?bidId=>
- City of Emeryville. (2017, October 17). *Resolution No. 17-160*. Retrieved from Emeryville California: Retrieved on 3/2/2019 from https://www.ci.emeryville.ca.us/DocumentCenter/View/10182/17-160FairWorkweek101717Signed_Final-Regulations?bidId=
- City of Emeryville, CA. (2017, October 17). *Ordinance No. 17-013*. Retrieved from Fair Workweek Ordinance: Retrieved on 3/1/2019 from <https://www.ci.emeryville.ca.us/DocumentCenter/View/10181/17-013FairWorkweek101717signed-ordinance?bidId=>
- City of Emeryville, CA. (n.d.). *Fair Workweek Ordinance*. Retrieved from Emeryville California Government: Retrieved on 3/1/2019 from <https://www.ci.emeryville.ca.us/1136/Fair-Workweek-Ordinance>
- City of New York. (n.d.). *Worker Rights: Fast Food and Retail Workers*. Retrieved from NYC Consumer Affairs: Retrieved on 3/2/2019 from <https://www1.nyc.gov/site/dca/workers/workersrights/fastfood-retail-workers.page>
- City of Philadelphia. (2018, December 20). *Bill No. 180649-A; An Ordinance*. Retrieved from City Council: Retrieved on 3/2/2019 from file:///E:/Thesis%20Files/Section%203/CertifiedCopy180649-A02_Philadelphia_FairWorkweek.pdf
- City of Philadelphia. (2018, June 14). *Legislation, Philadelphia Code and Charter, File #: 1806049-A*. Retrieved from City Council, City of Philadelphia: Retrieved on 3/2/2019 from

<https://phila.legistar.com/LegislationDetail.aspx?ID=3529951&GUID=18AD5BAB-1BFE-4D7D-B1B2-53F0C06A7648&FullText=1>

- City of San Jose Department of Public Works. (2017, March 10). *San José's Opportunity to Work Ordinance Preliminary Frequently Asked Questions*. Retrieved from sanjoseca.gov: Retrieved on 3/1/2019 from <http://www.sanjoseca.gov/DocumentCenter/View/66822>
- City of San José. (n.d.). *Opportunity to Work*. Retrieved from sanjoseca.gov: Retrieved on 3/1/2019 from <http://www.sanjoseca.gov/index.aspx?NID=5360>
- City of Seattle. (1995- 2019). *Secure Scheduling*. Retrieved from Seattle City Council: Retrieved on 3/1/2019 from <https://www.seattle.gov/council/issues/past-issues/secure-scheduling>
- City of Seattle. (n.d.). *Legislation Details Record No: CB118765*. Retrieved from Office of the City Clerk: Retrieved on 3/1/2019 from <http://seattle.legistar.com/LegislationDetail.aspx?ID=2813153&GUID=F61A4199-EBA1-4521-87D7-647C7ADBB099&FullText=1>
- Clawson, L. (2018, December 1). Philadelphia may be the next city to pass a fair workweek law: This week in the war on workers. *DAILY KOS*, p. Retrieved on 3/6/2019 from .
- Coffey, L., Skipper Jr, J. K., & Jung, F. D. (1988). Nurses and shift work: effects on job performance and job-related stress. *Journal of Advanced Nursing*, 13(2), 245-254.
- Cohen, P. (2018, February 8). We all have a stake in the stock market, right? Guess again. *The New York Times*, pp. Retrieved on 4/14/2019 from <https://www.nytimes.com/2018/02/08/business/economy/stocks-economy.html>.
- Corser, M., Deutsch, R. (., Gleason, C. (., & Wang, L. (. (2017). *Job Quality and Economic Opportunity in Retail*. Brooklyn: Fair Workweek Initiative; The Center for Popular Democracy.
- Dean, A. B. (2014, December 10). US retail workers need a new bill of rights. *Aljazeera America*, pp. Retrieved on 4/9/2019 from <http://america.aljazeera.com/opinions/2014/12/us-retail-workersnewbillofrightslowwages.html>.
- DePillis, L. (2015, May 8). The next labor fight is over when you work, not how much you make. *The Washington Post*, pp. Retrieved on 4/9/2019 from https://www.washingtonpost.com/news/work/wp/2015/05/08/the-next-labor-fight-is-over-when-you-work-not-how-much-you-make/?utm_term=.db9c6024a68c.
- D'Onofrio, M. (2018, November 30). City Council tinkers with proposed 'fair workweek' legislation in runup to final vote. *The Philadelphia Tribune*, pp. Retrieved on 3/6/2019 from https://www.phillytrib.com/news/city-council-tinkers-with-proposed-fair-workweek-legislation-in-runup/article_4e4ecfdb-7fea-5655-975c-1fa097126f13.html.
- Doussard, M. (2015). *Degraded Work: The Struggle at the Bottom of the Labor Market*. Minneapolis; London: University of Minnesota Press.

- Dunn, K. (2010). Interviewing. In I. Hay, *Qualitative methods in human geography, 3rd edition* (pp. 101-138). Ontario, Canada: Oxford University Press.
- Elejalde-Ruiz, A. (2019, April 9). Chicago's proposed predictable scheduling law. 'You never know what your paychecks are going to be like.'. *Chicago Tribune*, pp. Retrieved on 4/9/2019 from <https://www.chicagotribune.com/business/ct-biz-fair-workweek-ordinance-20190409-story.html>.
- Examiner Staff. (2014, November 9). Beyond the minimum wage: Fair work schedules offer real economic security. *San Francisco Examiner*, pp. Retrieved on 4/9/2019 from <https://www.sfexaminer.com/opinion/beyond-the-minimum-wage-fair-work-schedules-offer-real-economic-security/?oid=2911475>.
- Examiner Staff. (2014, November 26). SF strengthens labor law on predictive scheduling, equal pay. *San Francisco Examiner*, pp. Retrieved on 4/9/2019 from <https://www.sfexaminer.com/news/sf-strengthens-labor-laws-on-predictive-scheduling-equal-pay/?oid=2912850>.
- Fair Workweek Initiative. (n.d.). *Mission & Vision- About the Fair Workweek Initiative*. Retrieved from Fair Workweek Initiative, Powered by the Center for Popular Democracy: Retrieved on 3/4/2019 from <http://www.fairworkweek.org/what-we-do>
- Fair Workweek Initiative. (n.d.). *Policy Innovations*. Retrieved from Fair Workweek Initiative: Retrieved on 3/4/2019 from <http://www.fairworkweek.org/policy-innovations>
- Fair Workweek LA. (n.d.). *About US: Our Partners*. Retrieved from Fair Workweek LA: Retrieved on 4/10/2019 from <http://fairworkweekla.org/aboutus/>
- Fair Workweek PHL. (2018). *Certain Uncertainty: Why Philadelphians Need a Fair Workweek*.
- Fair Workweek PHL; One Pennsylvania; Keystone Research Center. (2018). *Certain Uncertainty: Why Philadelphians Need a Fair Workweek*. Washington, DC; Pittsburgh; Harrisburg: Fair Workweek PHL; One Pennsylvania; Keystone Research Center.
- Figuroa, A. (2014, December 5). How workers in one city won the fight against too few hours on too short notice. *AlterNet*, pp. Retrieved on 4/9/2019 from <https://www.alternet.org/2014/12/how-workers-one-city-won-fight-against-too-few-hours-too-short-notice/>.
- Franco, R., & Berberian, R. (2019, January 23). Proposed policy would improve working conditions for Westwood retail employees. *Daily Bruin*, pp. Retrieved on 4/9/2019 from <https://dailybruin.com/2019/01/23/proposed-policy-would-improve-working-conditions-for-westwood-retail-employees/>.
- Gym, H. (2018, September 3). Fair Workweek first step in better working conditions for Philadelphians | Opinion. *The Philadelphia Inquirer*, pp. Retrieved on 3/6/2019 from <https://www.philly.com/philly/opinion/commentary/labor-day-philadelphia-fair-workweek-20180903.html>.

- Halt, R. (2018, July 5). Philly moms need more control over their work schedules | Opinion. *The Philadelphia Inquirer*, pp. Retrieved on 3/6/2019 from <https://www.philly.com/philly/opinion/commentary/fair-work-week-helen-gym-schedules-maternity-leave-20180705.html>.
- Harvey, D. (2010). *A companion to Marx's Capital*. London: Verso.
- Hernandez, C. S., & Stepick, C. (2012). *Wage Theft: An Economic Drain of Florida*.
- Holder, S. (2018, November 28). Philadelphia Service Workers Could Be Next to Get a Fair Workweek Law. *Citylab*, pp. Retrieved on 3/6/2019 from <https://www.citylab.com/equity/2018/11/philadelphia-fair-workweek-on-call-scheduling-workers-fight-for-15/576709/>.
- Human Impact Partners. (2016, August 16). *#HealthyHours: Fair Workweek Advocacy*. Retrieved from Human Impact Partners: https://humanimpact.org/wp-content/uploads/2016/07/Emeryville_testimony_2016.pdf
- Human Impact Partners; The Center for Popular Democracy. (2016). *Scheduleing Away Our Health: How Unpredictable Work Hours Affect Health and Well-Being*. Oakland: Human Impact Partners; The Center for Popular Democracy; We are Workign Washington; Fair Workweek Initiative.
- Ikeler, P. (2014). Infusing Craft Identity into a Noncraft Industry: The Retail Action Project. In R. Milkman, & Ott, E. (Eds). *New Labor in New York: Precarious Workers and the Future of the Labor Movement* (pp. 113-133). Ithica: Cornell University Press.
- Jayaraman, S. (2013). *Behind the Kitchen Door*. Ithica: Cornell University Press.
- Jayaraman, S. and the Food Labor Research Center. (2014). *Shelved: How Wages and Working Conditions for California's Food Retail Workers Have Declined as the Industry has Thrived*. Berkeley: United Food and Commercial Workers, Western States Council.
- Jobs with Justice San Francisco. (n.d.). *Learn More*. Retrieved from Retail Workers Bill of Rights: Retrieved on 3/15/2019 from <http://retailworkerrights.com/get-the-facts/>
- Jobs with Justice San Francisco. (n.d.). *Retail Workers Bill of Rights*. Retrieved from Jobs with Justice San Francisco: Retrieved on 2/16/2019 from <http://retailworkerrights.com/get-the-facts/>
- Jobs With Justice San Francisco. (n.d.). *Retail Workers Bill of Rights*. Retrieved from Jobs With Justice San Francisco: Retrieved on 3/4/2019 from <http://retailworkerrights.com/get-the-facts/>
- Jobs with Justice San Francisco; San Francisco Labor Labor Council; United Food and Commercial Workers; Young Workers United. (2015). *Formula Retail Sector Economic Opportunity Project*. San Francisco: San Francixco Bay Area Regional Prosperity Plan.

- Khouri, A. (2018, March 14). Erratic schedules a part of life for L.A. retail workers. *Los Angeles Times*, pp. Retrieved on 4/9/2019 from <https://www.latimes.com/business/la-fi-retail-scheduling-20180309-story.html>.
- Kingdon, J. (2014). *Agendas, Alternative, and Public Policies, Second Edition*. Essex, England: Pearson Education Limited.
- Krasny, M. (. (2014, July 23). The Debate Over Part-Time Work. *KQED News*. San Francisco: Retrieved on 4/9/2019 from <https://www.kqed.org/forum/201407230900/the-debate-over-part-time-work-2>.
- Lagos, M. (2014, September 5). 'Retail Workers Bill of Rights' gains traction in S.F. *San Francisco Chronicle*: www.sfgate.com, pp. Retrieved 3/4/2019 from <https://www.sfgate.com/bayarea/article/Retail-Workers-Bill-of-Rights-gains-traction-in-5734849.php>.
- Lagos, M. (2014, July 29). Supervisors to address tenant buyouts, retail chains' workers. *San Francisco Chronicle*: www.sfgate.com, pp. Retrieved on 3/4/2019 from <https://www.sfgate.com/politics/article/Supervisors-to-consider-retail-workers-bill-of-5652198.php>.
- Lambert, S. J., Fugiel, P. J., & Henly, J. R. (2014). Scheule unpredictability among early career workers in the US labor market: A national snapshot. *University of Chicago: Employment Instability, Family Well-being, and Social Policy Network*, Retrieved on 4/15/2019 from http://ssascholars.uchicago.edu/einet/files/lambert.fugiel.henly_.executive_summary.b.pdf.
- Legislative Analyst's Office. (2017). *The 2017-18 Budget: Increased Staffing for Labor Standards Enforcement*. Sacramento: Legislative Analyst's Office.
- Levitt, D. (2016, January 29). *Final Rules Implementing the Formula Retail Employee Rights Ordinances (FREROs)*. Retrieved from City and County of San Francisco Office of Labor Standards Enforcement: Retrieved on 3/2/2019 from <https://sfgov.org/olse/sites/default/files/Document/FRERO%20Final%20Rules.pdf>
- Lipton, E. (2014, February 9). Fight Over Minimum Wage Illustrates Web of Industry Ties. *The New York Times*, pp. Retrieved on 4/20/2019 from <https://www.nytimes.com/2014/02/10/us/politics/fight-over-minimum-wage-illustrates-web-of-industry-ties.html>.
- Los Angeles Alliance for a New Economy. (2018). *Grocery & Retail: Fair Workweek LA*. Retrieved from LAANE: A New Economy for ALL: Retrieved on 4/10/2019 from <https://laane.org/blog/campaigns/grocery-retail/>
- Lowrey, A. (2014, April 27). Recovery has created far more low-wage jobs than better-paid ones. *The New York Times*, pp. Retrieved on 4/11/2019 from <https://www.nytimes.com/2014/04/28/business/economy/recovery-has-created-far-more-low-wage-jobs-than-better-paid-ones.html>.

- Luboshitzky, D., & Gaber, L. B. (2001). Holidays and celebrations as a spiritual occupation. *Australian Occupational Therapy Journal*, 66-74.
- Ludden, J. (2014, November 21). San Francisco Proposes Predictable Scheduling to help Hourly Worker. *NPR: All Things Considered*, p. Retrieved on 3/4/2019.
- Martin, E. (2018, March 12). US states with the highest levels of income inequality. *CNBC: Money*, pp. Retrieved on 4/14/2019 from <https://www.cnbc.com/2018/03/12/us-states-with-the-highest-levels-of-income-inequality.html>.
- McIntosh, D. (2017, June 29). Fair Work Week: Oregon will be the first state to curb schedule abuses. *Northwest Labor Press*, pp. Retrieved on 3/2/2019 from <https://nwlaborpress.org/2017/06/fair-work-week-oregon-will-be-the-first-state-to-curb-schedule-abuses/>.
- Meyer, J., & Greenleaf, R. (2011). *Enforcement of State Wage and Hour Laws*. New York: National State Attorneys General Program, Columbia Law School.
- Meyerson, H. (2014, December 10). Employees shouldn't be treated like products. *The Washington Post*, pp. Retrieved on 4/9/2019 from https://www.washingtonpost.com/opinions/harold-meyerson-employees-shouldnt-be-treated-like-products/2014/12/10/28491678-808f-11e4-81fd-8c4814dfa9d7_story.html?utm_term=.b0ed613f58a0.
- Milkman, R. & Ott, E. (Eds). (2014). *New Labor in New York: Precarious Workers and the Future of the Labor Movement*. Ithica: Cornell University Press.
- Milkman, R., Bloom, J., & Narro, V. (Eds.). (2010). *Working for Justice: The LA Model of Organizing and Advocacy*. . Ithica: Cornell University Press.
- Moen, P. (Ed). (2003). *It's about Time: Couples and Careers*. Ithica; London: Cornell Univeristy Press.
- Moen, P. (2003). Introduction. In Moen, P. (Ed). *It's about Time: Couples and Careers* (pp. 1-14). London; Ithica: Cornell University Press.
- Moen, P., & Sweet, S. (2003). Time Clocks: Work-Hour Strategies. In P. Moen (Ed). *It's about Time: Couples and Careers* (pp. 17-34). Ithica; London: Cornell University Press. Retrieved from <http://www.jstor.org/stable/10.7591/j.ctv3s8s4j.6>.
- Nash, R. (1990). Bourdieu on education and social and cultural reproduction. *British Journal of Sociology of Education*, 431-447.
- National Employment Law Project. (2012). *The Low-Wage Recovery and Growing Inequality*. New York: National Employment Law Project.
- National Law Employment Law Project. (2013). *The Inequality of Declining Wages During the Recovery*. New York: National Law Employment Law Project.

- National League of Cities. (2011, March 18). *List of Consolidated City-County Governments*. Retrieved from www.nlc.org: Retrieved on 2/18/2019 from <https://www.nlc.org/list-of-consolidated-city-county-governments>
- New York City. (2017, November). *New York City Administrative Code, Title 20: Consumer Affairs, Chapter 12: Fair Work Practices*. Retrieved from NYC Consumer Affairs: Retrieved on 3/2/2019 from <https://www1.nyc.gov/assets/dca/downloads/pdf/about/FairWorkweek-LawRules.pdf>
- Office of the City Attorney. (2016, February 8). *Official Opportunity to Work Ordinance*. Retrieved from sanjoseca.gov: Retrieved on 3/1/2019 from <http://www.sanjoseca.gov/DocumentCenter/View/54088>
- Office of the City Clerk. (2016, September 30). *Seattle City Council, Legislative Summary, CB 118765*. Retrieved from City of Seattle, Office of the City Clerk: Retrieved on 3/1/2019 from <http://seattle.legistar.com/View.ashx?M=F&ID=4706942&GUID=93513A97-92F2-4E76-A7E3-9A5F14761B6A>
- One Pennsylvania. (n.d.). *Fair Workweek PHL*. Retrieved from www.onepa.org: Retrieved on 3/6/2019 from <http://www.onepa.org/fairworkweekphl/>
- One Pennsylvania. (n.d.). *Fair Workweek PHL: Endorsing Organizations*. Retrieved from OnePA: Retrieved on 4/10/2019 from <http://www.onepa.org/fairworkweekphl/sponsors/>
- oregon.gov. (2018, August). *Technical Assistance for Employers: Employee Work Schedules*. Retrieved from oregon.gov: Retrieved on 3/2/2019 from <https://www.oregon.gov/boli/TA/Pages/Predictive-Employee-Scheduling.aspx>
- Paquette, D., & Van Dam, A. (2019, January 4). U.S. Economy added 312,000 jobs in December and wage growth gained steam marking a strong finish to 2018. *The Washington Post*, pp. Retrieved on 4/11/2019 from https://www.washingtonpost.com/business/2019/01/04/saw-strong-job-growth-looks-riskier/?utm_term=.0524bac313c2.
- Peck, J., & Theodore, N. (2015). *Fast Policy: Experimental Statecraft at the Thresholds of Neoliberalism*. University of Minnesota Press.
- Plumer, B. (2013, February 28). How the recession turned middle-class jobs into low wage jobs. *The Washington Post*, pp. Retrieved on 4/11/2019 from https://www.washingtonpost.com/news/wonk/wp/2013/02/28/how-the-recession-turned-middle-class-jobs-into-low-wage-jobs/?noredirect=on&utm_term=.4ad48c50ce61.
- Ramos, D. (2014, December 21). Rage against the scheduling machine. *The Boston Globe*, pp. Retrieved on 4/9/2019 from <https://www.bostonglobe.com/opinion/2014/12/21/rage-against-scheduling-machine/UxNEG1QJhV6La9Dp6E5ReP/story.html>.

- Razza, C., & Friedman, A. (. (2016). *Minimum Hours for Maximum Impact: Creating Family-Sustaining Building Service Jobs in Today's Economy*. Brooklyn: The Center for Popular Democracy, Local Progress, and Fair Workweek Initiative.
- Reyes, J. F. (2018, December 20). Mayon Kenney signs Philly's 'Fair Workweek' law. *The Philadelphia Inquirer*, pp. Retrieved on 4/14/2019 from <https://www.philly.com/news/fair-workweek-philadelphia-law-20181220.html>.
- Rich, R. (2013, November 22). *The Great Recession*. Retrieved from Federal Reserve History : Retrieved on 4/13/2019 from https://www.federalreservehistory.org/essays/great_recession_of_200709
- Roosevelt, M. (2019, March 2). Erratic hours are the norm for workers in retailing. Can Los Angeles buck the trend? *Los Angeles Times*, pp. Retrieved 3/6/2019 from <https://www.latimes.com/business/la-fi-retail-scheduling-20190302-story.html>.
- Roosevelt, M. (2019, March 11). Retail workers struggle with erratic schedules. *Boston Herald*, pp. Retrieved on 4/9/2019 form <https://www.bostonherald.com/2019/03/11/career-26/>.
- San Francisco Planning Commission. (n.d.). *San Francisco Planning Code, Article 3: Zoning Procedures, Sec. 303.1*. Retrieved from American Legal Publishing Corporation: Retrieved on 3/12/2019 from [http://library.amlegal.com/nxt/gateway.dll/California/planning/article7neighborhoodcommercialdistricts?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$anc=JD_703.3\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/planning/article7neighborhoodcommercialdistricts?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_703.3$sync=1)
- Santa Clara County. (2014, December 15). *Ordinance No. NS-300.881 An Ordinance of the Board of Supervisors of the County of Santa Clara Adding Division B36 of the Santa Clara County Ordinance Code Relating to the Living Wage*. Retrieved from Santa Clara County,CA: Code of Ordinances: Retrieved on 3/1/2019 from https://library.municode.com/ca/santa_clara_county/ordinances/code_of_ordinances?nodeId=688814
- Seidman, I. (2006). *Interviewing as qualitative research: a guide for researchers in education and the social sciences* . New York, NY: Teachers College Press, Columbia University.
- Shapiro, B. (2014). Organizing Immigrant Supermarket Workers in Brooklyn: A Union-Community Partnership. In R. Milkman, & Ott, E (Eds). *New Labor in New York: Precarious Workers and the Future of the Labor Movement* (pp. 49-69). Ithica: Cornell University Press.
- Sheirholz, H. (2014). *Six years from its beginning, the Great Recession's shadow looms over the labor market*. Washington DC: Economic Policy Institute.
- State of California. (1937). LABOR CODE; Section 512. *Legislative Counsel Bureau*. California: Retrieved on 4/20/2019 from http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=512.

- Statista. (2019). *Number of part-time employees in the United States from 1990 to 2018* . Retrieved from Statista: Retrieved on 4/7/2019 from <https://www.statista.com/statistics/192338/number-of-part-time-employees-in-the-us-since-1990/>
- Su, J. A. (2018). *2016-107 Fiscal Year Report on the Effectiveness of the Bureau of Field Enforcement*. Oakland: State of California Department of Industrial Relations.
- Sun-Times Editorial Board. (2018, August 21). Editorial: A fair work week is the fair price of doing business right. *Chicago Sun Times*, pp. Retrieved on 4/9/2019 from <https://chicago.suntimes.com/opinion/fair-workweek-ordinance-price-do-business-right/>.
- The Inquirer Editorial Board. (2018, June 29). Give shift-bound workers a break: predictable schedules| Editorial. *The Philadelphia Inquirer*, pp. Retrieved on 3/6/2019 from <https://www.philly.com/philly/opinion/editorials/shift-workers-predictable-hours-employment-work-schedules-philadelphia-helen-gym-20180629.html>.
- Thompson, D. (2014, November 9). The rise of invisible unemployment. *The Atlantic*, pp. Retrieved on 4/11/2019 from <https://www.theatlantic.com/business/archive/2014/11/no-wage-growth-but-why/382519/>.
- Timiraos, N. (2014, November 12). Elevated level of part-time employment: Post-recession norm? *The Wall Street Journal*, pp. Retrieved on 4/11/2019 from <https://www.wsj.com/articles/post-recession-legacy-elevated-level-of-part-time-employment-1415808672>.
- Turck, M. (2014, December 22). Workers' rights are human rights. *Aljazeera America*, pp. Retrieved on 4/9/2019 from <http://america.aljazeera.com/opinions/2014/12/workers-rights-humanworkingconditionshumanrights.html>.
- U.S. Bureau of Labor Statistics. (2019, April 5). *Economic News Release*. Retrieved from Bureau of Labor Statistics: https://www.bls.gov/news.release/empsit.t08.htm#cps_empsit_a05.f.4
- UCLA Labor Center; Los Angeles Alliance for a New Economy. (2018). *Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector*. Los Angeles: UCLA Labor Center; Los Angeles Alliance for a New Economy.
- US Census Bureau. (n.d.). Total retail and food service sales in the United States from 1992 to 1997 (in trillion U.S. dollars. *Statista- The Statistics Portal*. Retrieved on 4/1/2019 from <https://www.statista.com/statistics/197569/annual-retail-and-food-services-sales/>.
- Valentine, G. (2003). Boundary Crossing: Transitions from Childhood to Adulthood. *Children's Geographies*, 37-52.
- van Echtelt, P. E., Glebbeck, A. C., & Lindenberg, S. M. (2006). The new lumpiness of work: explaining the mismatch between actual and preferred working hour. *Work, employment and society*, 493-512.

- Vaughn, P., & Turner, C. (2016). Decoding via Coding: Analyzing Qualitative Text Data Through Thematic Coding and Survey Methodologies. *Journal of Library Administrations*, 41-51.
- Wagner, D. (2018, March 14). Most LA retail employees don't have a predictable work schedules, study finds. *KPCC*, pp. Retrieved on 4/9/2019 from <https://www.scpr.org/news/2018/03/14/81643/study-most-la-retail-employees-don-t-have-a-predic/>.
- Wagner, D. (2019, February 28). LA Will Consider Giving Retail Workers a Break from Hectic Schedules. *LAist*, p. Retrieved on 4/9/2019 from https://laist.com/2019/02/28/la_will_consider_giving_retail_workers_a_break_from_hectic_schedules.php.
- Wagner, D. (2019, February 28). *LA Will Consider Giving Retail Workers a Break From Hectic Schedules*. Retrieved from laist.com: Retrieved on 3/6/2019 from https://laist.com/2019/02/28/la_will_consider_giving_retail_workers_a_break_from_hectic_schedules.php
- Williams, J., Lambert, S. J., Kesavan, S., Fugiel, P. J., Ospina, L. A., Rapoport, E. D., . . . Adler-Milstein, S. (2018). *Stable Scheduling Increases Productivity and Sales: The Stable Scheduling Study*. San Francisco; Chicago; Chapel Hill: WorkLife Law, Univeristy of California Hastings College of the Law; The University of Chicago, School of Social Service Administration; University of North Carolina at Chapel Hill, Kenan-Flagler Business School.
- Winberg, M. (2018, October 10). City Council might set regular hours for every McDonald's employee in Philly: Everything you need to know about Philadelphia's fair workweek bill. *Billy Penn*, pp. Retrieved on 3/1/2019 from <https://billypenn.com/2018/10/10/city-council-might-set-regular-hours-for-every-mcdonalds-employee-in-philly/>.
- Winchester, H. P., & Rofo, M. W. (2010). Qualitative reserach and its place in human geography. In I. Hay, *Qualitative research methods in human Geography* (pp. 2-23). Oxford: Oxford University Press.
- Wolfe, J., Jones, J., & Cooper, D. (2018). *'Fair workweek' laws help more than 1.8 million workers: Laws promote workplace flexibility and protect against unfair scheduling practices*. Washington, D.C.: Economic Policy Institute.
- Wolff, E. N. (2017, November). Household wealth trends in the United States, 1962 to 2016: Has middle class weath recovered? Working Paper 24085. *NBER Working Paper Series*. Cambridge: National Bureau of Economic Research.
- Wong, J. (2014, August 5). *A "Bill of Rights" for San Francisco's Retail Workers*. Retrieved from In These Times: Retrieved on 2/16/2019 from http://inthesetimes.com/working/entry/17036/retail_workers_bill_of_rights

- Wooden, M., Warren, D., & Drago, R. (2007). Working time mismatch and subject well-being. *British Journal of Industrial Relations*, 147-179.
- Wunder, C., & Heineck, G. (2013). Working time preferences, hours mismatch and well-being of couples: Are there spillovers? *Labour Economics*, 244-252.
- Yagan, D. (2016). The Enduring Employment Impact of Your Great Recession Location. *Unpublished*.
- Yelowitz, A., & Corder, L. (2016). *Weighing Priorities for Part-time Workers: An early evaluation of San Francisco's Formula Retail Scheduling Ordinance*. Washington, DC: Employment Policies Institute.

APPENDIX A: TABLES

Table 1: Work Force Share of Retail and Food Service Occupations Compared to Engineers.

Occupational Titles		SOC		Occupational Titles		Total Estimated Employees
SOC	Occupational Titles	Total Estimated Employees	SOC	Occupational Titles	Total Estimated Employees	
11-9051	Food Service Managers	219,160	17-2011	Aerospace Engineers	63,960	
35-1011	Chefs and Head Cooks	128,600	17-2021	Agricultural Engineers	1,630	
35-1012	First-Line Supervisors of Food Preparation and Serving Workers	964,400	17-2031	Biomedical Engineers	18,970	
35-2011	Cooks, Fast Food	487,510	17-2041	Chemical Engineers	32,060	
35-2012	Cooks, Institution and Cafeteria	400,320	17-2051	Civil Engineers	306,030	
35-2013	Cooks, Private Household	460	17-2061	Computer Hardware Engineers	60,750	
35-2014	Cooks, Restaurant	1,340,810	17-2071	Electrical Engineers	186,490	
35-2015	Cooks, Short Order	155,840	17-2072	Electronics Engineers, Except Computer	134,110	
35-2019	Cooks, All Other	18,570	17-2081	Environmental Engineers	53,070	
35-2021	Food Preparation Workers	814,600	17-2111	Health and Safety Engineers, Except Mining Safety Engineers and Inspectors	26,230	
35-3011	Bartenders	631,480	17-2112	Industrial Engineers	279,550	
35-3021	Combined Food Preparation and Serving Workers, Including Fast Food	3,676,180	17-2121	Marine Engineers and Naval Architects	11,350	
35-3022	Counter Attendants, Cafeteria, Food Concession, and Coffee Shop	473,860	17-2131	Materials Engineers	26,930	
35-3031	Waiters and Waitresses	2,582,410	17-2141	Mechanical Engineers	303,440	
35-9011	Dining Room and Cafeteria Attendants and Bartender Helpers	455,700	17-2151	Mining and Geological Engineers, Including Mining Safety Engineers	5,780	
35-9021	Dishwashers	504,770	17-2161	Nuclear Engineers	15,980	
35-9031	Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop	416,950	17-2171	Petroleum Engineers	32,510	
35-9099	Food Preparation and Serving Related Workers, All Other	55,980	17-2199	Engineers, All Other	142,030	
41-1011	First-Line Supervisors of Retail Sales Workers	1,181,530	11-9041	Architectural and Engineering Managers	188,290	
41-2011	Cashiers	3,635,550	25-1032	Engineering Teachers, Postsecondary	37,530	
41-2021	Counter and Rental Clerks	426,700	27-4014	Sound Engineering Technicians	13,510	
41-2022	Parts Salespersons	254,870	41-9031	Sales Engineers	65,720	
41-2031	Retail Salespersons	<u>4,448,120</u>	47-2073	Operating Engineers and Other Construction Equipment Operators	383,480	
			51-8021	Stationary Engineers and Boiler Operators	31,710	
			53-2011	Airline Pilots, Copilots, and Flight Engineers	82,890	
			53-4011	Locomotive Engineers	34,850	
			53-4013	Rail Yard Engineers, Dinkey Operators, and Hostlers	5,690	
			53-5031	Ship Engineers	<u>8,740</u>	
00-0000	Aggregated number of Retail and Food Service Workers	23,274,370		Aggregated number of Engineers	2,553,280	
	All Occupations	144,733,270	00-0000	All Occupations	144,733,270	
	Percent of Total Employees	16.1%		Percent of Total Employee	1.8%	

*Source: US Bureau of Labor Statistics (2019)
Occupations at 6-digit detailed level.*

Table 2: Average Workforce Share of Retail and Food Service Workers, 2010-2018

Retail and Food Service Workers California 2010-2018				
<u>Year</u>	<u>Retail and Food Service Employees</u>	<u>Total Employees</u>	<u>Percent</u>	
2010	2,216,850	14,001,730	15.8%	
2011	2,239,910	14,038,950	16.0%	
2012	2,312,500	14,303,630	16.2%	
2013	2,412,220	14,714,530	16.4%	
2014	2,486,190	15,119,730	16.4%	
2015	2,536,700	15,496,600	16.4%	
2016	2,590,270	15,966,580	16.2%	
2017	2,651,750	16,695,010	15.9%	
2018	2,693,810	17,007,690	15.8%	
8-year average			16.1%	

*Source: Bureau of Labor Statistics. (2010-2018).
Occupational Employment Statistics.*

Table 3: Location Quotient for California, 2010-2017

Location Quotients of California for Retail and Food Service, 2010-2017						
California			US			
<u>Year</u>	<u>Retail and Food Service</u>	<u>Total Employees</u>	<u>Retail and Food Service</u>	<u>Total Employees</u>	<u>LQ</u>	
2010	2,216,850	14,001,730	20,306,200	127,097,160	0.99	
2011	2,239,910	14,038,950	20,592,970	128,278,550	0.99	
2012	2,312,500	14,303,630	21,017,230	130,287,700	1.00	
2013	2,412,220	14,714,530	21,554,410	132,588,810	1.01	
2014	2,486,190	15,119,730	22,054,030	135,128,260	1.01	
2015	2,536,700	15,496,600	22,491,290	137,896,660	1.00	
2016	2,590,270	15,966,580	22,884,150	140,400,040	1.00	
2017	2,651,750	16,695,010	23,041,560	142,549,250	0.98	

Source: Bureau of Labor Statistics. (2010-2017).

Table 4: Work Force Share by Metropolitan Statistical Areas.

Work Force Share of Retail and Food Service Workers 2010 to 2017												
LosAngeles-LongBeach-Glendale			Riverside-SanBernardino-Ontario			SantaAna-Anaheim-Irvine			Combined Region			
Year	Retail and Food Service		Retail and Food Service		Retail and Food Service		Retail and Food Service		Retail and Food Service		Retail and Food Service	
	Workers	Percent	Workers	Percent	Workers	Percent	Workers	Percent	Workers	Percent	Workers	Percent
2010	574,560	15.1%	207,020	18.1%	218,280	15.9%	999,860	15.8%	6,332,710	15.8%	6,332,710	15.8%
2011	585,020	15.3%	210,910	18.5%	219,530	15.8%	1,015,460	16.0%	6,351,130	16.0%	6,351,130	16.0%
2012	603,550	15.6%	219,370	18.9%	225,610	16.0%	1,048,530	16.3%	6,442,510	16.3%	6,442,510	16.3%
2013	626,890	15.8%	228,300	19.0%	237,170	16.3%	1,092,360	16.5%	6,628,820	16.5%	6,628,820	16.5%
2014	646,070	15.9%	236,340	18.9%	240,350	16.2%	1,122,760	16.5%	6,790,870	16.5%	6,790,870	16.5%
2015	663,760	16.2%	242,120	18.5%	247,310	16.2%	1,153,190	16.6%	6,937,670	16.6%	6,937,670	16.6%
2016	680,410	16.1%	247,260	18.1%	251,690	16.1%	1,179,360	16.5%	7,146,140	16.5%	7,146,140	16.5%
2017	694,020	15.7%	255,010	17.8%	261,890	16.2%	1,210,920	16.2%	7,482,250	16.2%	7,482,250	16.2%
8-year average		15.7%		18.5%		16.1%		16.1%		16.1%		16.3%

Source: Bureau of Labor Statistics. (2010-2017). Occupational Employment Statistics.

Table 5a: Fair Workweek Policy Municipalities and Segments

Municipality	Name of Ordinance(s)	Date Passed	Date Effective	Employees covered	Advance Notice
San Francisco, CA	Formula Retail Employee Rights, San Francisco Police Code Article 33F and Article 33G	11/25/2014	3/1/2016	Food Service, Retail (Formula Retail Employees, establishment with 20 or more employees in the city, also cover contracted janitorial and security contractors)	2 weeks/ 14 days
Seattle, WA	Secure Scheduling, Ordinance No. 125135	9/19/2016	7/1/2017	Food Service, Retail (500 or more employees world wide)	2 weeks/ 14 days
Emeryville, CA	Fair Workweek Employment Standards Ordinance No. 16-007	11/1/2016	7/1/2017	Fast Food (56 or more employees globally or 20 or more employees in Emeryville), Retail (56 or more employees globally)	2 weeks/ 14 days
San José, CA	Opportunity to Work, Ordinance No. 2016.1	11/8/2016	3/13/2017	All non-government employers of 36 or more employees	
Oregon (statewide)	Fair Workweek Bill, Senate Bill 828	6/22/2017	7/1/2018	Food Service, Retail, Hospitality (500 or more employees world wide)	7 days, 14 days in 2020
New York, NY	Fair Workweek Law, Title 20: Consumer Affairs, Chapter 12: Fair Work Practices	5/1/2017	11/26/2017	Food Service, Retail	Fast food-14 days/ 2 weeks; Retail- 72 hours
Philadelphia, PA	Fair Workweek Employment Standards, Bill No. 180649-A, Philadelphia Code Title 9, Chapter 9-4600	12/6/2018	1/1/2020	Food Service, Retail, Hospitality (retail, hospitality or food service establishment that employs 250 or more employees and has 30 or more locations worldwide; employees counted include full-time, part-time or temporary basis)	10 days by January 1, 2020; 14 days by January 1, 2021

Table 5b: Fair Workweek Policy Municipalities and Segments (cont.)

Fair Workweek Policy Mutations (cont.): Policy Segments			
Municipality	Estimate of Hours	Notice and Compensation for Schedule Changes	
San Francisco, CA	<p>Prior to the start of employment, an Employer shall provide a new Employee with a good faith estimate in writing of the expected minimum number of scheduled shifts per month, and the days and hours of those shifts.</p> <p>Good faith estimate of the employees work schedule shall including the median number of hours and whether or not to expect on-call shifts shall be provided at time of hire.</p>	<p>More than 7 days and less than 24 hours: 1 hour of pay, regular rate; Less than 24 hours: 4 hours pay, regular rate; If employee is required to come into work they must receive regular pay plus previous compensation scale.</p>	
Seattle, WA		<p>1 hour of regular rate pay for adding hours of work, changing the date, start, or end time of a work shift with no loss of hours; 1 and 1/2 rate of pay for any scheduled hours the employee does not work for the following reasons- subtracting hours from a regular work shift before or after the employee reports for duty, changing the date, start, or end time of a work shift, resulting in a loss of hours, cancelling a work shift, scheduling for an on-call shift for which the employee does not need to report for work.</p>	
Emeryville, CA	<p>Prior to or on commencement of employment, employer shall provide each employee with a good faith estimate in writing of the employee's work schedule.</p>	<p>Compensation per shift for each previously scheduled shift that the employer adds or subtracts hours, moves to another date or time, cancels, or each previously unscheduled shift that the employer adds to the employees schedule (1) less than 14 days but more than 24 hours notice- 1 hour of predictability pay, (2) less than 24 hours- four hours or the number of hours in the employees schedule shift which ever is less, when hours are canceled or reduce; 1 hour of predictability pay for all other changes. (predictability pay = hourly regular rate of pay)</p>	
San José, CA	<p>An employer shall provide a new employee with a written good faith estimate of their work schedule at the time of the hire, including the median number of hours the employee can expect to work in an average one-month period.</p>	<p>Compensation for each change without advanced notice: 1 hour of regular rate pay when the employer adds more than 30 minutes of work to the employee's work shift, changes the date, start, or end time of the work shift with no loss of hours, or schedules the employee for an additional work shift or on-call shift; 1 and 1/2 times regular pay rate for each scheduled hour that the employee does not work when the employer subtracts hours from the work shift after the employee reports for duty; subtracts hours from the work shift before or after the employee reports for duty or changes the date, start, or end time of the work shift, resulting in a loss of hours; cancels the work shift or does not ask the employee to perform work when the employee is schedule for an on-call shift.</p>	
Oregon (statewide)		<p>Fast food: No later than when a new employee receives the first work schedule, an employer shall provide the employee with a good faith estimate in writing the number of hours an employee can expect to work per week for the duration of their employment and the expected dates, times and locations of those hours; if a long-term or indefinite change is made to the good faith estimate, the employer shall provide an updated good faith estimate to the affected employee as soon as possible and before such employee receives the first work schedule following the change.</p>	<p>Fast food: \$10 for each schedule with less than 14 days but at least 7 days with no loss of hours; \$20 for each change with less than 14 days but at least 7 days where hours are subtracted from a regular or on-call shift or a regular or on-call shift is cancelled; \$20 for each change to the work schedule with less than 14 days but at least 7 days notice when hours are subtracted from a regular or on-call shift or a regular or on-call shift is cancelled; \$15 for each change to the work schedule with less than 7 days notice in which additional hours or shifts are added, the date or start or end time a regular or on-call shift is changed with no loss of hours; \$75 for each change to the work schedule with less than 24 hours notice where hours are subtracted from a regular or on-call shift or a regular or on-call shift is cancelled.</p>
New York, NY	<p>Upon hiring an employee, an employer shall provide the employee with a written, good faith estimate of the employee's work schedule. The employer shall revise the good faith estimate when there is a significant change to the employee's work schedule due to changes in the employee's availability or the employer's business needs. The good faith estimate shall contain the average number of work hours the employee can expect to work each week over a typical 90-day period; whether the employee can expect to work any on-call shifts; a subset of times or shifts that the employee can typically expect to work; or the days of the week and times or shifts on which the employee will not be scheduled to work.</p>	<p>1 hour of regular pay rate when the employer adds time to a work shift or changes the date, time, or location of a work shift with no loss of hours; 1 and 1/2 times the regular pay rate for any scheduled hours the employee does not work when hours are subtracted from a regular or on-call shift or a regular or on-call shift is cancelled.</p>	
Philadelphia, PA			

Table 5c: Fair Workweek Policy Municipalities and Segments (cont.)

Fair Workweek Policy Mutations (cont.): Policy Segments		
Municipality	Pay for On-Call Shifts	Right to Request a Flexible or Predictable Schedule
San Francisco, CA	<p>Equal Treatment for Part-time Employees Same hourly wage must be paid for part-time and full-time employees starting at the same time and in the same position; Same access to employer- provided paid and unpaid time off; Same eligibility for promotion</p> <p>Pay for On-Call Shifts 2 hours of pay at regular rate for on-call shift of 4 hours or less; 4 hours of pay at regular rate for on-call shift of 4 hours or more</p>	<p>Employee who has been employed by Employer for six months or more and works at least 8 hours/ week on a regular basis may request a Flexible or Predictable Working Arrangement to assist with caregiving responsibilities</p> <p>At time of hire and during employment, the employee may identify any limitations or changes in work schedule availability; Right to request to not be scheduled for work shifts during certain times or at certain locations; Right to identify preferences for hours or locations of work</p>
Seattle, WA		<p>At time of hire and during employment, the employee may identify any limitations or changes in work schedule availability; Right to request to not be scheduled for work shifts during certain times or at certain locations; Right to identify preferences for hours or locations of work</p>
Emeryville, CA		<p>Right to request a modified work schedule, including but not limited to additional shifts or hours; changes in days of work or start and/or end times for the shift and limitations on availability</p>
San José, CA		<p>At time of hire and during employment, an employee may identify any limitations or changes in the employee's work schedule availability; employee may also request not to be scheduled for work shifts during certain times or at certain locations</p>
Oregon (statewide)		
New York, NY	<p>Retail: a retail employer shall not schedule a retail employee for any on-call shift, cancel any regular shift within 72 hours of the schedule start of such shift, require an employee to work with fewer than 72 hours notice unless the employee consents, or require an employee to contact the employer to confirm whether or not the employee should report for a regular shift fewer than 72 hours before the start of such shift; Fast food: 14 days</p> <p>A fast food or retail employer may not post or disclose to other employees the work schedule of a fast food or retail employee who has been granted an accommodation based on the employee's status as a survivor of domestic violence, stalking, or sexual assault, where such disclosure would conflict with such accommodation.</p>	
Philadelphia, PA		<p>At the time of hire and during employment, the employee has the right to make work schedule requests. The requests protected under this Section include but are not limited to: requests not to be scheduled for works shifts during certain days or times or at certain locations; requests to not work on-call shifts; requests for certain hours, days or locations of work; requests for more or fewer work hours.</p>

Table 5d: Fair Workweek Policy Municipalities and Segments (cont.)

Fair Workweek Policy Mutations (cont): Policy Segments	Right to Rest	Offering Additional Hours to Part-Time Employees Prior to Hiring New Employees
Municipality		
San Francisco, CA	10 hours between shifts, compensation at 1 and 1/2 pay rate for hours worked that are less than 10 hours apart	Before hiring new employees, using contractors, a temporary services, or staffing agency to perform work in a Formula Retail Establishment, an employer shall first offer the additional work to existing part-time employees (subject to limitations)
Seattle, WA	Right to decline work hours that occur less than 11 hours after the end of the previous day's shift or during the 11 hours following the end of a shift that spanned 2 days.	Before hiring new employees from an external applicant pool or subcontractors, an employer must offer additional hours of work to existing employees when those hours become available
Emeryville, CA	Any employee who agrees in writing to work hours described shall be compensated at 1 and 1/2 times the employees regular rate of pay for any hours worked less than 11 hours following the end of a previous shift	Before hiring new employees or contract employees, including hiring from temporary services or staffing agencies, a employer shall first offer additional hours of work to existing part-time employees if the the part-time employees are qualified to do the additional work
San José, CA	10 hours	Before hiring additional employees or subcontractors, including hiring through the use of temporary services or staffing agencies, an employer must offer additional hours of work to existing employees who have the skill and experience to perform the work
Oregon (statewide)	10 hours	Voluntary Standby List: An employer may maintain a standby list of employees whom the employer will request to work additional hours to address unanticipated customer needs or unexpected employee absences
New York, NY	Fast food: 11 hours between shifts, \$100 penalty paid to employee who works with less hours between the end of 1 shift and the beginning of another	Fast food: Before hiring new employees, including hiring through the use of subcontractors, an employer shall offer regular shifts or on-call shifts, that would otherwise be offered to a new employee, to the employer's current employees at all establishments owned by the employer, or at a subset of such fast food establishments
Philadelphia, PA	9 hours	Before hiring new employees from an external applicant pool or subcontractors, including hiring through the use of temporary services or staffing agencies, a Covered Employer shall, subject to the terms and conditions of this Section, offer work shifts to existing employees. The employer shall provide written notice of available work shifts for at least 72 hours, unless a shorter period is necessary in order for the work to be timely performed.

Table 6: Part-time Work Force Share, Time Series

Part-time Work Force, Time Series 2005, 2010, 2015 and 2018										
16 Years and Older										
Year	Total Full-Time Workers	Part time for economic reasons (Involuntary)		Part time for noneconomic reasons		Total part-time		Total Employed		percent part-time
		economic reasons (Involuntary)	noneconomic reasons	noneconomic reasons	Total part-time	Employed	involuntary	percent part-time		
2005	117,016	2963	20229	23192	141,730	2.1%	16.4%			
2010	111,714	6965	18876	25841	136,064	5.1%	19.0%			
2015	121,492	5143	20750	25893	148,833	3.5%	17.4%			
2018	128,572	3,564	22,072	25,636	155,761	2.3%	16.5%			
20 years and over										
Year	Total Full-Time Workers	Part time for economic reasons (Involuntary)		Part time for noneconomic reasons		Total part-time		Total Employed		percent part-time
		economic reasons (Involuntary)	noneconomic reasons	noneconomic reasons	Total part-time	Employed	involuntary	percent part-time		
2005	115,206	2,698	16,489	19,187	135,754	2.0%	14.1%			
2010	110,622	6,552	16,138	22,690	134,686	4.9%	16.8%			
2015	120,199	4,822	17,771	22,593	144,100	3.3%	15.7%			
2018	127,095	3,320	18,822	22,142	150,635	2.2%	14.7%			
25 years and over										
Year	Total Full-Time Workers	Part time for economic reasons (Involuntary)		Part time for noneconomic reasons		Total part-time		Total Employed		percent part-time
		economic reasons (Involuntary)	noneconomic reasons	noneconomic reasons	Total part-time	Employed	involuntary	percent part-time		
2005	105,335	2,102	13,323	15,425	121,960	1.7%	12.6%			
2010	110,622	6,552	16,138	22,690	134,686	4.9%	16.8%			
2015	120,199	4,822	17,771	22,593	144,100	3.3%	15.7%			
2018	127,095	3,320	18,822	22,142	150,635	2.2%	14.7%			

Source: US Bureau of Labor Statistics (2019)

APPENDIX B: IRB LETTER



OFFICE OF THE VICE CHANCELLOR FOR RESEARCH

Office for the Protection of Research Subjects
805 W. Pennsylvania Ave., MC-095
Urbana, IL 61801-4822

Notice of Approval: New Submission

July 26, 2018

Principal Investigator	Marc Doussard
CC	Adrienne Cook
Protocol Title	<i>Scheduling Policy for Retail and Food Service Workers</i>
Protocol Number	19034
Funding Source	Unfunded
Review Type	Exempt
	Category 2
Status	Active
Risk Determination	No more than minimal risk
Approval Date	July 26, 2018

This letter authorizes the use of human subjects in the above protocol. The University of Illinois at Urbana-Champaign Institutional Review Board (IRB) has reviewed and approved the research study as described.

Exempt protocols are approved for a five year period from their original approval date, after which they will be closed and archived. Researchers may contact our office if the study will continue past five years.

The Principal Investigator of this study is responsible for:

- Conducting research in a manner consistent with the requirements of the University and federal regulations found at 45 CFR 46.
- Requesting approval from the IRB prior to implementing modifications.
- Notifying OPRS of any problems involving human subjects, including unanticipated events, participant complaints, or protocol deviations.
- Notifying OPRS of the completion of the study.

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

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