West Coast POVERTY CENTER

UNIVERSITY *of* WASHINGTON

THE EVALUATION OF SEATTLE'S SECURE SCHEDULING ORDINANCE:

Baseline Report and Considerations for the Year 1 Evaluation

March 2018

Contents

Executive Summary

In September 2016, Seattle adopted a Secure Scheduling Ordinance (SSO), making Seattle an early adopter of guidelines for employer scheduling of employees designed to promote work hour and income predictability. The ordinance went into effect on July 1, 2017.

The Secure Scheduling Ordinance (SSO) calls for a baseline study, as well as impact evaluations in the first and second years after implementation. The City of Seattle's Office of City Auditor (OCA) has contracted with a team of academic researchers to conduct these evaluations for both workers and employers. The Secure Scheduling research team includes national experts on labor standards, employer practices, and the conditions of work, coordinated by a local team at the University of Washington's West Coast Poverty Center.[1] More information about the research team and team member biographies are available in Appendix A.

Baseline research activities sought to understand and document employers' practices and workers' experiences with respect to scheduling, as well as both groups' awareness of the SSO heading into implementation. Between March and June 2017, the research team collected baseline data from more than 700 workers at firms in Seattle that are covered by the Ordinance as well as from 52 frontline managers– who were responsible for scheduling more than 2,700 employees – at covered firms.

Looking forward, the Years 1 and 2 impact evaluations will investigate how employer scheduling practices change after SSO implementation; the costs and other challenges as well as supports for employer implementation across diverse, covered industries; and the effects of implementation on workers' schedules, economic stability, health, and well-being.[2]

The current report presents results of an examination of baseline scheduling conditions. It is organized in three sections:

- this executive summary, providing a brief overview of key findings and next steps for the research;

- a report from the employee experience component of the baseline evaluation, and

- a report from the employer practices component of the baseline evaluation.

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1   Additional funding for some of this research is being/will be provided by other entities including the University of Chicago and the U.S. Department of Labor.

2   From the Ordinance, Section 12.22.130, "Areas of evaluation shall include, but not be limited to the impacts to businesses, including costs, and the impacts on employees of the requirements of [the Ordinance], differences and challenges between limited and full service restaurants in implementing the ordinance, and the interplay of diversity programs and access to hours lists."

Workers' Experiences at Baseline

Data about workers' experiences with scheduling prior to implementation were collected by Professors Kristen Harknett (University of California, San Francisco) and Daniel Schneider (University of California, Berkeley) through online surveys targeting workers who would be covered by the ordinance. Survey questions sought to capture the work scheduling practices respondents experience, as well as worker characteristics, worker preferences around scheduling, and worker health and well-being. Participants were recruited through Facebook advertisements that were targeted to employees who had previously identified themselves to Facebook as affiliated with covered employers in Seattle. Respondents completed the survey on a computer, tablet, or smart phone, and were provided a modest incentive (either a chance at winning an iPad or an individual gift card worth $5, $10, or $15) for participating.

Clockwise from top right, these images show an example of a Facebook ad targeted at covered workers and the steps that potential participants would go through to access the survey; a screenshot of the survey landing page; and a sample survey question on a mobile phone interface.

APPAREL AND SPECIALTY RETAIL STORES

DEPARTMENT AND BIG BOX STORES

GROCERY AND CONVENIENCE STORES

COFFEE SHOPS

FAST-FOOD RESTAURANTS

FULL-SERVICE RESTAURANTS

TABLE 1. Distribution of Surveyed Workers by Business Category (N=706)					
RETAIL (n=474)			FOOD SERVICE (n=232)		
			Limited-service		
Apparel and specialty retail stores	Department and big box stores	Grocery and Convenience stores	Coffee shops	Fast-food restaurants	Full-service restaurants
194	58	222	115	83	34

The main sample of survey respondents, engaged between March and June 2017, includes more than 700 workers employed by 109 businesses now covered by the Secure Scheduling Ordinance[3]. **Table 1** summarizes the composition of employee respondents by employer business category.

The City of Seattle's Office of Labor Standards worked with community-based organizations to help collect a small supplementary sample of 34 covered workers with limited English proficiency (LEP). In addition, 20% of respondents who took the survey online noted that they spoke a language other than English in their homes. The researchers combined these two groups to compare LEP respondents' scheduling experiences with those of the rest of the sample.

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3   Harknett and Schneider also surveyed comparison samples from Washington State outside Seattle and other cities across the nation. The comparison samples are not included in the baseline report, but will play an important role in the future evaluation of the impacts of the Secure Scheduling legislation.

KEY FINDINGS FROM THE EMPLOYEE SURVEY

- For many workers, work hours varied a great deal from week-to-week. More than half of workers (54%) reported irregular weekly work schedules. Respondents reported working an average of 31 hours per week, but reported an average gap of 12 hours between the week they worked the most and the least hours in the past month.

- Most workers lack control over their schedules and desire more stable work schedules. Eighty-one percent reported having limited or no input into their schedules, and 75% reported wanting more stable and predictable work schedules. One-quarter reported working both part-time (less than 30 hours a week) and wanting more work hours.

- Many scheduling conditions that workers currently experience will be affected by the Secure Scheduling Ordinance. Last-minute scheduling and schedule changes imposed by employers were extremely common, with 48% reporting receiving fewer than 14 days of advance notice of their work schedule; 21% reporting working on-call[4] in the last month; 13% experiencing a shift cancellation; 39% being sent home early from a shift; and 37% having their shift timing changed after the schedule had been posted. In addition, a third of respondents indicated they had worked back-to-back or "clopening" shifts in the prior month.

- Many covered workers report that scheduling practices interfere with their non-work lives. Roughly one-quarter (26%) of survey participants said their work schedule "often" or "always" causes extra stress for them or their family; 47% reported that they "sometimes" or "never" have enough flexibility in their work schedule to handle their family needs; and among those enrolled in school, 40% reported that their work schedule makes it hard for them to attend class and complete school work. More than a third (38%) said that their income goes up and down from week-to-week.

- LEP survey respondents fared better than their primary English-speaking peers in some aspects of job scheduling, but worse in others. LEP workers were less likely to report a variable schedule (44% versus 56%), as well as less likely to report shift cancellations, being sent home early, or working a "clopening" shift. However, the LEP sample was more likely to report having less than two weeks' advance notice of work schedules compared with the English language sample (62% versus 47%), and more likely to report on-call shifts compared with the English language sample (26% versus 19%).

- Awareness of the SSO was low. Among survey respondents, 39% of the English language sample and just 29% of the LEP sample knew of the Ordinance.

38% reported week-to-week income volatility

26% reported extra stress from their work schedules

48% reported fewer than 14 days notice of schedules

75% wanted more stable or predictable work schedules
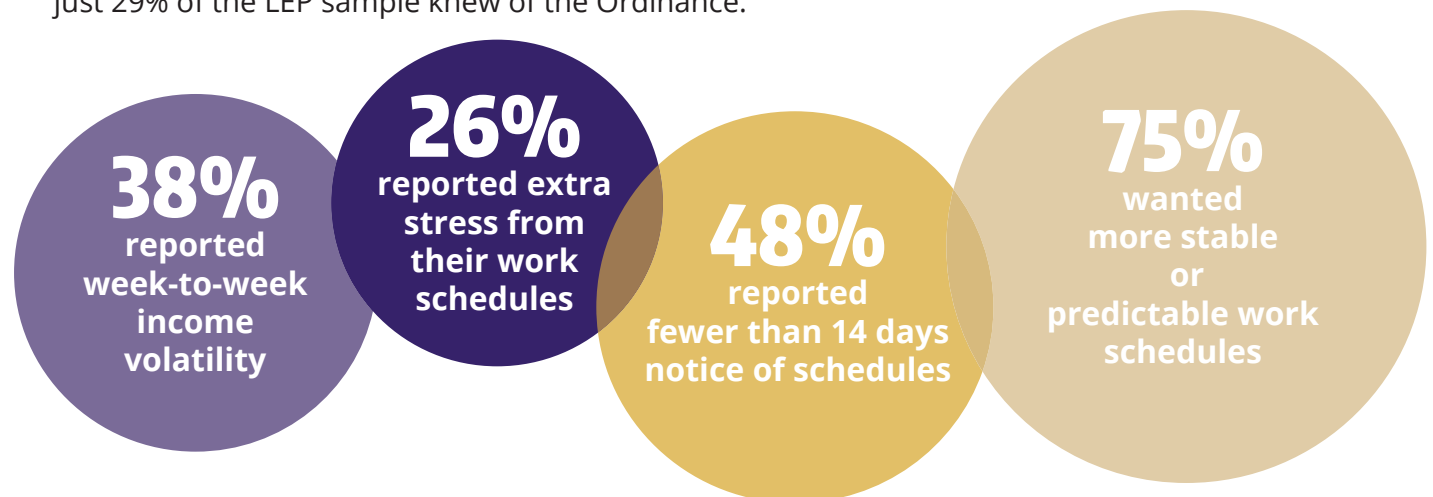
4   "On-call" shifts require employees to be available to work at a given time. Employees may either be contacted by the employer or must contact the employer shortly before the shift begins to see if they will, in fact, be working during that shift.

Employers' Practices at Baseline

Information about employers' scheduling practices and familiarity with the scheduling ordinance was gathered via surveys and in-person interviews with 52 frontline managers conducted by a team led by Professors Susan Lambert (University of Chicago) and Anna Haley (Rutgers University). As a starting point, Lambert and Haley's team generated a comprehensive set of SSO-covered businesses and worksites, and then sampled both using a strategy that incorporated intentional variation at the business level, by:

(1) covered business type (retail and food service);

(2) business subsector (e.g., apparel, specialty, grocery, fast food); and

(3) market niche (price point); and at the site level, by

(4) number of employees per site; and

(5) geographic location of the site within Seattle.

To capture diversity in customer and workforce bases, Lambert and Haley targeted the neighborhoods of Northgate, Lake City, Ballard, Downtown, Columbia City, Rainier Valley, and the area of Seattle near White Center.

At each site, the research team sought to recruit a front-line manager responsible for employee scheduling through a combination of cold- calls, personal visits to worksites, and referrals from professional contacts. If a manager declined to participate, that site was replaced with, if possible, another site of the same chain in the same neighborhood; otherwise, a site of a comparable (competing) chain in that neighborhood. Whenever a manager referred the team to a corporate contact for study approval, recruitment at that site ceased. In the few cases where corporate-level representatives declined study participation on behalf of the firm, we stopped recruitment efforts at all sites of that business.
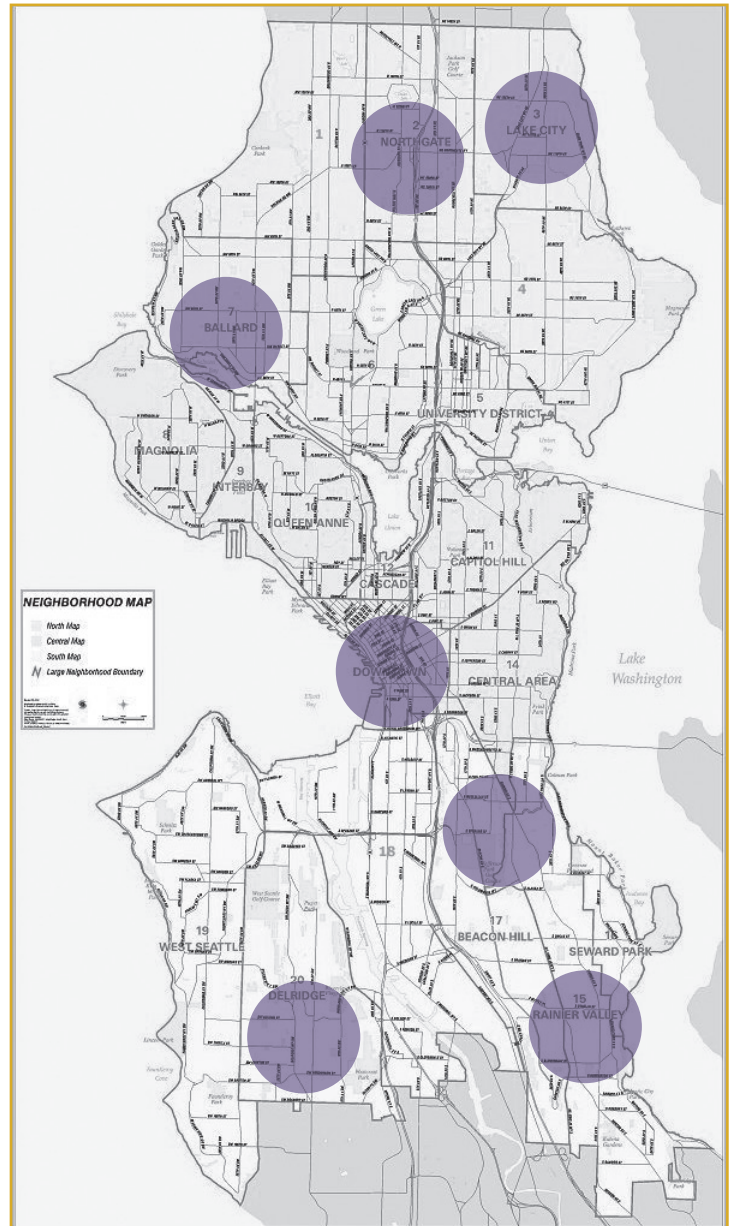
Map: Seattle City Clerk's Geographic Indexing Atlas

Data collection period March–June 2017

	Apparel and Specialty Retail
RETAIL	Department and Big Box Stores
	Grocery Stores
	Convenience Stores
FOOD	Coffee Shops
	Fast-food Restaurants
	Full-service Restaurants

TABLE 2. Distribution of Managers Across Sampled Business Sites (N=52)						
RETAIL (n=28)*				FOOD SERVICE (n=24)		
				Limited-service		
Apparel and specialty retail stores	Department and big box stores	Grocery stores	Convenience stores	Coffee shops	Fast-food restaurants	Full-service restaurants
6	5	9	8	5	11	8
* Interviews were completed with more than one manager at a few businesses.						

The types of business sites at which interviewees work are shown in **Table 2**.

The surveys and interviews completed by recruited managers asked them about their pre-Ordinance scheduling practices and their businesses' policies, the forces that shape how they schedule employees and the tools they use to do so. Interviews also asked about challenges employers anticipated and changes they were expecting to make as they implemented the Ordinance. Interviews averaged an hour in length. The sampled firms average a payroll size of 55, ranging from 4 to 430 employees in Seattle; all met the Ordinance definition of having 500 or more worldwide employees within the corporate or franchise structure.

KEY FINDINGS FROM THE EMPLOYER SURVEY AND INTERVIEWS

Scheduling practices

- Many managers try to give employees estimated hours, but can't always heed those estimates. A majority (62%) of managers reported formal policies for providing employees with estimates of hours they can expect each week and the intention to try to honor those. But managers varied both in how formal and specific their estimates were, as well as how close to those estimates workers' hours ultimately stayed. Some managers described conversations with new employees in which they were clear about offering no guarantee and no hours estimate.

- On the survey, managers reported an average of 12 days of advance notice of work schedules, ranging from 2 to 21 days of notice (averaging 12 days in retail, 10 days at full-service restaurants, and 14 days at limited-service, or "fast-food," establishments). When detailed information on posting practices was collected in person, however, it became clear that some managers had been overestimating the length of advance notice provided to employees pre-Ordinance.

- Changes to posted schedules were fairly rare according to many managers (58% reported on the survey that changes happen at most once a week), though frequent among others (40% indicated changes occurred a few to "several" times weekly). In general, the in-person interviews revealed more frequent adjustments than managers reported on the survey. Managers explained that changes most often involved adding or extending shifts rather than shortening shifts. Some took steps to help ensure that their employees felt free to decline changes, while others implemented changes unilaterally.

- Few managers reported using on-call shifts, though 4 of the 8 full-service restaurant managers interviewed did and expressed concern that they may eliminate the practice given the additional compensation on-call shifts will incur post-SSO implementation.

- Managers all had processes for handling employee requests for short-term and long-term schedule changes but how they handled those varied, ranging from verbal to paper to computer- or mobile phone-based systems, or sometimes a combination of these. Larger chains and full-service restaurants commonly used shift-swap apps (software) that made it easier to incorporate employee-driven schedule changes.

- More than half (60%) of the managers surveyed reported that their companies had a policy in place about the minimum time required between work shifts, but several managers provided examples of employees who regularly work back-to-back shifts, some by choice.

- Almost half (45%) of managers reported that their companies already had a policy of offering current employees more hours before hiring new employees. At the same time, roughly one quarter of managers interviewed also reported having policies limiting the number of workers who could be hired or moved into full-time positions.

Managers' perspectives about the Ordinance

- As with covered workers, participating managers' awareness of the Ordinance was low: 22 out of the 52 managers interviewed were unaware of the SSO until contacted by the research team.

- Frontline managers responsible for scheduling are feeling "stuck in the middle." They discussed how they seek to honor the scheduling requests and non-work lives of their employees while addressing business needs. Some explained how the Ordinance would make that balance more difficult for them to achieve, while others articulated the merits of complying with both the letter and spirit of the law.

- Some SSO provisions are not well-understood. Even when managers knew about the SSO, interviews revealed misunderstandings of the Ordinance's provisions. In particular, frontline managers expressed various incorrect assumptions about premium pay requirements and when schedule changes required additional compensation. Some managers reported that they were already making changes to their scheduling processes, but it appeared that some of those changes were based on incorrect information and may not be SSO-compliant.

- Managers reported uneven access to SSO implementation supports. Some managers reported ample support from the larger corporation. But for many small-footprint establishments, and even larger chains with just a few sites operating in Seattle, there were limited resources to help them with the process. Managers highlighted shift-swap apps, colleagues in San Francisco who had implemented a similar scheduling law, and the City's information sessions as particularly helpful in making the transition to implementation.

Considerations for the Ongoing Evaluation

Baseline data collection efforts revealed several challenges and considerations that will inform future evaluation activities.

Engaging employers. Although Lambert and Haley exceeded their initial goals for interviews with frontline managers, recruitment was challenging. Understandably, businesses and their frontline managers want to be thoughtful about how their information might be used. The research team will continue to be sensitive to the concerns of employers about maintaining their confidentiality and transparent that their goal is to document the range of experiences employers have and the strategies frontline managers use as they implement the Secure Scheduling provisions.

Capturing the experiences of workers from Limited English Populations. Efforts to recruit covered LEP workers through community organizations likely provided access to individuals who would not have been reached by web-based recruitment. However, that recruitment process was affected by common routine data collection challenges such as allowing sufficient time and resources for recruitment of a small and very specific segment of a population (i.e., LEP workers at covered firms). The research team will continue to support seeking out the experiences of workers from LEP populations in future data collection efforts and will be ready to provide additional guidance for recruitment as well as more lead time for those efforts.

Awareness of the Ordinance and Implementation. Many employers and workers lacked information or seemed to be misinformed about the Ordinance on the eve of its implementation. The interview data revealed that some employers had already begun making changes to their scheduling policies to try to comply with the SSO, and future data collection efforts will attempt to assess whether the policy changes accurately reflect the Ordinance's provisions. Any information about impacts on covered workers' experiences will be interpreted in that context.

Importance of multi-method data collection. Frontline managers revealed various areas where there were gaps between formal policies reported in the surveys and day-to-day site practice around scheduling described in the interviews. This is not necessarily a matter of manager confusion or obfuscation, but reflects the complexity of scheduling and business realities. The divergence underscores the importance of differentiating corporate policy and workplace practice and the value of multiple methods of gathering data.

Value of hearing from workers and employers. Similarly, collecting data from workers and employers will be valuable for understanding and contextualizing the impacts of the Ordinance. For example, several managers invoked employee preferences as a driver of scheduling practices such as back-to-back or condensed shifts. The research team will work together to try to understand these and other worker preferences from both employers' and employees' perspectives and explore whether the Ordinance affects employers' responsiveness to those preferences.

Understanding variation across employers. The interviews with frontline managers revealed substantial variation across sites on the structure and size of their workforces and their perceived scheduling needs; in their pre-Ordinance policies and practices related to scheduling; and in their resources for implementing the provisions of the Ordinance. The researchers anticipate a comparable or even greater range of variation among employer practices a year from now, corresponding in part to the variation in employers' familiarity with and supports for implementing the Ordinance at baseline, as well as differences in their business strategies and operating challenges. The interview sample was designed to help capture some of these axes of variation and the research team will explore this further in future reports.

Next Steps

In the coming months, the research team will continue to analyze the data collected throughout the fall and spring to address more nuanced research questions and themes and to prepare for the first round of post-implementation data collection in early 2018. As part of that process, the team will seek feedback and input from policymakers and other key stakeholders about other dynamics or patterns that the evaluation might attempt to capture.

The research teams plan Year 1 data collection activities in Spring 2018.

Researchers Harknett and Schneider will again collect detailed information on work schedule experiences, as well as outcome data in the areas of economic security, health, work/family conflict, and parenting and child wellbeing from workers in Seattle and in comparison sites. They plan to analyze and report on changes in schedule experiences between baseline and the year 1 follow-up, and examine whether changes in schedules lead to improvements in economic security, health, and family outcomes.

Researchers Haley and Lambert will refine their interview questions to gather detailed data on employers' scheduling practices, general SSO compliance efforts, and the challenges and costs of implementation, expanding recruitment efforts to gather survey and interview data for Year 1 from baseline and additional sites. In doing so, they hope to identify promising strategies developed by managers responsible for implementing Seattle's Secure Scheduling Ordinance that balance the needs of employers for labor flexibility with the needs of employees for schedule predictability and stability.

A Year 1 evaluation report is anticipated in late 2018.

Part I: Worker Survey Baseline Data Analysis

Kristen Harknett and Daniel Schneider

In the Spring of 2017, we collected survey data from a sample of Seattle workers in jobs that would be covered by the Secure Scheduling Ordinance once it took effect. Using targeted advertisements on Facebook, we recruited Seattle workers to complete an on-line survey between March and June 2017, before the new scheduling ordinance went into effect. The survey collected detailed information on employment conditions, including features of work schedules such as advance notice and on-call work. This report summarizes descriptive information from this baseline survey for the Seattle workers who (a) were employed at a workplace within Seattle city limits, (b) were paid hourly, and (c) worked for an employer that will be covered by the Seattle Secure Scheduling ordinance.

The survey sample includes workers employed at 109 different covered employers. **Figure 1** shows a breakdown of survey respondents by employer category.

figure 1

> *The survey collected detailed information on employment conditions, including features of work schedules such as advance notice and on-call work.*

Tables 1 through 7 present descriptive information from the responses reported by Seattle workers in an on-line survey. Then, Tables 8 through 11 compare Seattle workers with Limited English Proficiency (LEPs) or who speak a language other than English at home to Seattle workers who are English speakers.

Respondents had an incentive to complete the survey to qualify for an iPad or a gift card incentive. Nevertheless, some respondents dropped out of the survey before reaching the end. For that reason, the number of valid responses to individual questions vary somewhat. For the questions about work schedules, somewhere between about 600 and 700 workers provided responses. In the tabulations in the tables below, we indicate both the average response and the number of Seattle workers who provided a response.

Baseline Information for Seattle Workers

TABLE 1. Job Characteristics of Seattle Workers		
	Percent	**Valid N**
Job Tenure - Years		**814**
less than 1 year	**26**	
1 year	**15**	
2 years	**17**	
3 years	**10**	
4 years	**5**	
5 years	**5**	
6 or more years	**22**	
Schedule Type		**740**
Variable schedule	**38**	
Regular daytime	**27**	
Regular evening	**8**	
Regular night	**6**	
Rotating shift	**16**	
Split shift	**1**	
Other	**2**	
Don't know/refused to answer	**1**	
Who Decide Hours?		**607**
Employer only	**43**	
Employer, with some worker input	**38**	
Worker, within limits	**11**	
Worker free to decide	**2**	
Other	**4**	
Works a Second Job	**13**	**578**

Tables 1 and 2 present some basic job characteristics for the sample of Seattle workers in jobs that will be covered by the Secure Scheduling Ordinance.

Table 1 shows that many workers reported irregular work schedules and fluctuating work hours, and few reported having control over their work schedules. Table 1 shows that more than half of Seattle workers (54%) had either a "variable" job schedule or a "rotating" schedule. Many workers (81%) reported having only limited input (38%) or no input (43%) into their assigned work schedules.

Workers also reported a great deal of change from week to week in their number of work hours. **Table 2** shows that, on average, workers experienced wide fluctuations of 12 hours between the week they worked the most and the least hours in the past month.

*Notes: Survey data **in all tables** was collected between March and June 2017. The tabulations are limited to workers who are paid hourly and hold jobs that will be covered by the Seattle Secure Scheduling Ordinance.*

TABLE 2. Wages and Hours for Seattle Workers			
	mean	**median**	**Valid N**
Hourly Wage ($)	**15.70**	**15**	**784**
Usual Hours	**31**	**34**	**727**
Most/Least Hours Gap	**12**	**10**	**687**

Notes: The "Most/Least Hours Gap" is the difference between the week worked the most hours and week worked the least hours over the last month.

Table 3 describes the prevalence of a variety of work scheduling conditions that will be regulated by the Secure Scheduling Ordinance. These tabulations show that many workers in the sample reported work schedules that would have to change to meet the requirements of the Secure Scheduling Ordinance:

1. Almost half of workers reported receiving fewer than 14 days of advanced notice of their work schedule (19% receive less than 1 week's notice, and 29% receive between 1 and 2 weeks' notice)

2. In the past month, 21% of Seattle workers reported working on call. Of those who had an on-call shift, about half were not called in to work. Of those who kept their availability open for an on-call shift but were not called in to work, 2/3 were not paid.

3. In the past month, sizable proportions of Seattle workers reported shift changes: 13% experienced a shift cancellation, 39% were sent home early, and 37% had their shift timing change. In each of these cases, the vast majority of these changes were made with little advance notice, and almost none of the workers received any compensation for these last-minute changes.

4. In the past month, 34% of Seattle workers reported working back-to-back closing then opening shifts ("clopenings"). Of those who worked these clopening shifts, fewer than 1 in 10 received any premium pay for working these consecutive shifts.

5. One-quarter of workers were "involuntary part-time," defined as working part-time hours (fewer than 30 hours per week) and expressing a desire for more work hours.

TABLE 3. Secure Scheduling Conditions of Seattle Workers		
	Percent	**Valid N**
Advance Notice of Work Schedule		710
One week or less	19	
Between 1 and 2 weeks	29	
Between 2 and 3 weeks	34	
Between 3 and 4 weeks	12	
4 weeks or more	4	
Experience of Schedule Instability in "Past Month or So"		
Worked On Call	21	657
Had Shift Cancelled	13	653
Sent Home Early	39	647
Shift Timing Changed	37	641
Worked "clopening" shift	34	630
Would like to work more hours	55	602
Would like a work predictable schedule	75	601
Involuntary Part-Time (works less than 30 hours per week and expressed preference for more hours)	25	602

TABLE 4. Work-Life Conflict Reported by Seattle Workers		
	Percent	**Valid N**
My shift and work schedule cause extra stress for me and my family		
Always true	**10**	**600**
Often true	**16**	
Sometimes true	**46**	
Never true	**28**	
In my work schedule, I have enough flexibility to handle family needs		
Never true	**8**	**584**
Sometimes true	**39**	
Often true	**35**	
Always true	**18**	
Went to Work Sick	**54**	**605**
Among those enrolled in school, work schedule makes it difficult to attend school and study	**40**	**160**

The work schedules reported by Seattle workers seemed to pose challenges for family life. **Table 4** presents some information on experiences of work-family conflicts reported by Seattle workers. About one-quarter of Seattle workers expressed that their work schedule "often" or "always" causes extra stress for them or their family. Almost half of Seattle workers report that they "sometimes" or "never" have enough flexibility in their work schedule to handle their family needs. Among those enrolled in school, 40% reported that their work schedule makes it hard for them to attend class and complete schoolwork.

TABLE 5. Economic Stability Reported by Seattle Workers		
	Percent	**Valid N**
Income Volatility		**560**
Basically the same	**57**	
Goes up and down	**38**	
Don't know/refused to answer	**4**	
Difficult to Pay Bills		**560**
Very difficult	**17**	
Somewhat difficult	**51**	
Not at all difficult	**28**	
Don't know/refused to answer	**4**	
Ability to handle unpredictable financial strain		**546**
I am certain I could come up with the $400	**36**	
I could probably come up with $400	**30**	
I could probably not come up with $400	**18**	
I am certain I could not come up with $400	**13**	
Don't know/refused to answer	**3**	
Used SNAP in last 12 months	**9**	**559**
Banked	**93**	**553**
Own Car	**60**	**554**

Table 5 presents descriptive information on measures of economic stability reported by Seattle workers. Given that workers experienced wide variation in their scheduled work hours from week-to-week, it is not surprising that 38% of Seattle workers reported that their income goes up and down from week-to-week. Difficulty paying bills was prevalent among Seattle workers, with two-thirds reporting that it is somewhat or very difficult to pay their bills. Many Seattle workers are vulnerable to income shocks: one-third do not anticipate being able to handle an unexpected $400 expense, for instance from a car breakdown, home repair, or medical emergency. Although many in the sample had low wages and volatile incomes, just 9% reported using the SNAP program to help with their food expenses. Most of the sample had a bank account, and 60% reported owning a car.

TABLE 6. Knowledge of Secure Scheduling Ordinance Reported by Seattle Workers		
	Percent	**Valid N**
Aware of Seattle Secure Scheduling Ordinance	37	513
Among those aware, how did you hear about ordinance?		170
from Manager	**36**	
from Posting at Work	**21**	
from Coworker	**23**	
from Friend	**10**	
from Media	**50**	
from Community Organization	**4**	
from Union	**12**	
from Other	**4**	

At the end of our survey, we asked Seattle workers if they were aware of the Secure Scheduling ordinance, and 37% reported that they were. For those workers who were aware of the ordinance, we followed-up with a question that asked them how they learned about it. Workers were permitted to mark as many categories as were applicable. The most common way that workers learned about the ordinance was through the media (50%), followed by learning about it from one's manager (36%). Sizeable portions learned about the ordinance from a coworker (23%), a posting at work (21%), from their union (12%), or from a friend (10%).

TABLE 7. Sample Demographics of Seattle Workers		
	Percent	**Valid N**
Race		576
White	**63**	
Black	**3**	
Hispanic	**8**	
Asian/Pacific Islander	**12**	
Other/Multi-Racial	**14**	
Age		575
18-19 years	**13**	
20-29 years	**48**	
30-39 years	**18**	
40-49 years	**9**	
50-59 years	**8**	
60-69 years	**2**	
70+ years	**0**	
Gender		578
male	**33**	
female	**65**	
other	**2**	
Education		574
No degree	**5**	
High school diploma/GED	**24**	
Some College	**36**	
AA	**10**	
BA	**22**	
Master's/Advanced degree	**3**	
Cohabitation Status		571
Married, living with spouse	**22**	
Living with a partner	**25**	
Not living with a spouse or partner	**54**	
Has Children	24	566
Speaks Non-English Language at Home	20	573

Table 7 describes sample demographics of the Seattle workers who responded to our survey. The workers who responded to the survey were mostly White (63%) with the next largest groups being Asian/Pacific Islander (12%), Hispanic (8%), and Black (3%). Almost half the sample were between the ages of 20 and 29 years, and about two-thirds were female.

About one-half of Seattle workers reported living with a spouse or partner, and almost one-quarter were parents with dependent children. A sizeable minority – 20% - speak a language other than English at home.

Baseline Information for the Limited English Proficiency sample

To ensure that the perspectives and experiences of workers with limited English proficiency (LEP) were represented in the study, several steps were taken. The survey instrument was translated and made available in seven languages: Amharic, Chinese, Oromo, Somali, Spanish, Tigrinya, and Vietnamese. All survey respondents recruited through Facebook were offered this menu of language options. In addition, Facebook targeted advertisements were placed in Chinese, Spanish, and Vietnamese. Because the Facebook recruitment approach is not well suited for targeting groups that are small in size, we anticipated that these recruitment methods would yield only a small number of responses. For this reason, the City of Seattle engaged several community organizations in the effort to recruit LEP workers into the study: Alnoor Islamic Center, Casa Latina, Chinese Information Services, El Centro de la Raza, Eritrean Association, Fair Work Center, Got Green, Latino Community Fund, Partner in Employment, Restaurant Opportunity Center, and Somali Community Services.

Identifying LEP workers who would be covered by the Secure Scheduling ordinance proved challenging. The community organizations recruited 34 LEPs who worked in jobs that will be covered by the Secure Scheduling ordinance to complete surveys. (The community organizations recruited another 51 LEPs who worked in jobs that will not be covered.)

Because of the small sample size of LEP workers, we draw on survey data for additional Seattle workers who report that a language other than English is spoken at home. We then present tabulations that describe the group of workers who either were LEPs or reported non-English language at home, and compare this group with another group of workers who were English-proficient and spoke English only at home.

TABLE 8. Job Characteristics for Seattle Workers by English Proficiency or English Spoken at Home

	LEP or ESL at home	English-proficient sample
Job Tenure - Years	**Percent**	**Percent**
less than 1 year	23	26
1 year	14	15
2 years	21	17
3 years	8	11
4 years	5	5
5 years	3	5
6 or more years	26	21
	(N=154)	(N=693)
Schedule Type		
Variable schedule	27	40
Regular daytime	37	27
Regular evening	9	7
Regular night	6	6
Rotating shift	17	16
Split shift	1	1
Other	2	2
	(N=154)	(N=620)
Decide Hours		
Employer only	39	44
Employer, with some worker input	34	38
Worker, within limits	14	11
Worker free to decide	3	1
Other	5	3
	(N=152)	(N=489)
Has Second Job	16	14
	(N=152)	(N=460)

Note: In Tables 8 through 11, "ESL at home" refers to sample members who reported speaking a language other than English at home. The "English proficient" sample is defined as (a) completed the survey in English, (b) were not recruited through community organizations serving LEP individuals, and (c) do not speak a language other than English at home.

Tables 8 and 9 present basic job characteristics for the LEP and English language samples. In some ways the LEPs and English language samples were similar – for instance in their job tenure and low levels of schedule autonomy (**Table 8**) and in their wages and hours (**Table 9**).

The LEPs were more likely to report a stable day time schedule (37%) compared with the English language sample (27%) and the LEPs were also less likely to report a variable schedule.

Notes: The "Most/Least Hours Gap" is the difference between the week worked the most hours and week worked the least hours over the last month.

TABLE 9. Wages and Hours English Proficiency or English Spoken at Home

	LEP or ESL at Home		English-proficient sample	
	mean	N	mean	N
Hourly Wage ($)	15.89	147	15.61	669
Usual Hours	31	154	31	607
Most/Least Hours Gap	11	147	12	574

TABLE 10. Secure Scheduling by English Proficiency or English Spoken at Home		
	LEP or ESL at home	English-proficient sample
Notice	percent	percent
One week or less	30	19
Between1 and 2 weeks	32	28
Between 2 and 3 weeks	23	36
Between 3 and 4 weeks	9	12
4 weeks or more	3	4
	(N=154)	(N=590)
Schedule Instability		
Worked On Call	26	19
Had Shift Cancelled	10	13
Sent Home Early	34	40
Shift Timing Changed	26	38
Worked "clopening" shift	29	34
	(N~150)	(N~530)
Would like to work more hours	64	52
	(N=149)	(N=484)
Would like a more predictable schedule	83	74
	(N=149)	(N=484)
Involuntary Part-Time	29	24
	(N=149)	(N=484)

Table 10 turns to comparisons of work schedule conditions that are targeted by the Secure Scheduling Ordinance. Here, we see some noteworthy differences. The LEP sample is more likely to have less than two weeks' advance notice of work schedules (62%) compared with the English language sample (47%). The LEP sample is also more likely to report on-call shifts (26%) compared with the English language sample (19%). At the same time, the LEP sample is less likely to report shift cancellations, being sent home early, or working a clopening shift compared with the English language sample. The LEP sample is more likely to desire more hours and more likely to desire a more stable and predictable schedule, and somewhat more likely to be an involuntary part-time worker.

TABLE 11. Knowledge of Secure Scheduling Ordinance by English Proficiency or English Spoken at Home		
	Limited English Proficiency or ESL at home **Percent**	**English-proficient sample** **Percent**
Aware of Seattle Secure Scheduling Ordinance	29	39
	(N=99)	**(N=414)**
Among those aware, how did you hear about ordinance?		
from Manager	**41**	**35**
from Posting at Work	**30**	**20**
from Coworker	**25**	**23**
from Friend	**14**	**9**
from Media	**37**	**52**
from Community Organization	**0**	**5**
from Union	**17**	**11**
from Other	**5**	**3**
	(N=29)	**(N=162)**

Table 11 presents some evidence to suggest that the LEP sample is less aware of the Secure Scheduling ordinance. Among the LEP sample, 29% were familiar with the Secure Scheduling Ordinance compared with 39% of the English language sample. The LEP sample was much less likely to have learned about the ordinance through the media (37%) compared with the English language sample (52%).

Future Work

In future work, we will refine the tabulations of the baseline data by applying survey weights to reflect the demographic composition of the Seattle retail and food service workforce. In addition, our baseline data collection in Spring 2017 included data from a large sample of comparison workers, who work at similar employers just outside of Seattle city limits or in other cities. We will tabulate characteristics of comparison groups and refine these comparison groups so that they align with the characteristics of Seattle workers and serve as an appropriate benchmark against which to compare Seattle workers.

In Spring 2018, we plan to collect survey data from covered workers in Seattle and a comparison sample for the year 1 follow-up. We will again collect detailed information on work schedule experiences. We will also collect outcome data in the areas of economic security, health, work/family conflict, and parenting and child wellbeing. We then plan to analyze and report on changes in schedule experiences between baseline and the year 1 follow-up, and examine whether changes in schedules lead to improvements in economic security, health, and family outcomes.

Part II: Analyses of Surveys and Interviews with Managers

Susan Lambert and Anna Haley[5]

Professors Lambert and Haley and their research team collected data from 52 frontline managers about their pre-Ordinance scheduling practices and their businesses' policies, as well as the forces that shape how they schedule employees and the tools they use to do so. Interviews additionally asked about challenges employers anticipated and changes they were expecting to make as they implemented the Ordinance. For this report of early findings, we concentrate our analyses on survey and interview data from retail and food service managers directly responsible for scheduling employees.

Given the extensive amount of detailed qualitative data we collected this spring, coding and analysis are ongoing, and it is somewhat premature for us to comment about patterns in the data. Our aim with this document is to give a sense of variation in managers' scheduling practices. Future analyses will deepen our examination of managers' practices and challenges. In addition, we are also continuing to interview complementary stakeholders (software vendors, representatives of industry and labor associations, business personnel in operations and HR) who are providing further insight into employer scheduling practices and their own efforts to facilitate implementation of the Ordinance. Drawing on these combined data, our completed baseline-year analyses will ultimately provide a context for understanding the specific practices frontline managers adopt as they implement the Ordinance over the next year and the challenges they face in doing so.

> *52 frontline managers provided data about their pre-Ordinance scheduling practices, policies, tools, and challenges*

In this early report, we summarize managers':

1. pre-Ordinance scheduling practices and how close to compliance they are on the Ordinance's key provisions; and

2. awareness of the ordinance and its provisions and how they anticipate implementing the different provisions, given their current practices. We pay particular attention to variation within and across types of firms in managers' reports of the challenges they face and the resources they can draw on in implementing the Ordinance.

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5   This research would not be possible were it not for the generosity of time that so many managers showed us in thoughtfully, and in great detail, sharing their experiences with and perspectives on scheduling their employees. We encountered a group of very competent and committed managers who are simultaneously accountable to their firms and to their employees for balancing profits with predictability and stability. These individuals are literally "in the middle" and doing their best to navigate the complex, uncertain, and sometimes conflicting imperatives of their jobs.

We are also indebted to the rest of our research team, excellently shepherded by Erin Devorah Rapoport and featuring three Seattle-based field interviewers extraordinaire, in addition to five other diligent assistants based in Chicago and New Brunswick who have helped with data collection, coding, and analysis.

Summary of Methods

SAMPLE

As a starting point to recruitment of frontline managers, Lambert and Haley's research team compiled a sampling frame of all workplaces in Seattle operated by employers covered by the Secure Scheduling Ordinance. The research team compiled the sampling frames by vetting a list of all potentially covered companies provided by the Office of Labor Standards and examining the full listing of all businesses holding City of Seattle Business Licenses, as well as conducting extensive independent research to complement these two lists. In the end, we believe these efforts generated as comprehensive a list as possible of employers and worksites covered by the Secure Scheduling Ordinance.

Covered firms were sampled using a strategy that incorporated intentional variation, at the business level, by (1) covered business type (retail and food service); (2) business subsector (e.g., apparel, specialty, grocery, fast food); and (3) market niche (price point); and at the site level, by (4) number of employees per site (4); and (5) geographic location of the site within Seattle. To capture diversity in customer and workforce bases, Lambert and Haley targeted the neighborhoods of Northgate, Lake City, Ballard, Downtown, Columbia City, Rainier Valley, and the area of Seattle near White Center.

At each site, the research team sought to recruit a front-line manager responsible for employee scheduling through a combination of cold calls, personal visits to worksites, and introductions to managers facilitated by corporate personnel, Seattle's Office of Labor Standards, and industry professionals known to the researchers. If a manager declined to participate, that site was replaced with, if possible, another site of the same chain in the same neighborhood and otherwise, a site of a comparable (competing) chain in that neighborhood. Whenever a manager referred the team to a corporate contact for study approval, recruitment at that site ceased. In the few cases where corporate-level representatives declined study participation on behalf of the firm, we stopped recruitment efforts at all sites of that business.

For the analyses in this report, we include data from 52 managers; the business sites at which they work are indicated in the categories and sub-categories listed in **Table 1**. Our *survey* data analyses are derived from 49 managers, one of whom – at a fast-food establishment – did not complete an interview. In addition, our *interview* data analyses are drawn from 51 managers, including one department store manager, a big box retail manager, and an apparel retail manager who did not complete a survey. A total of 48 managers finished both a survey and interview.

TABLE 1. Distribution of managers across sampled business sites (n=52)						
RETAIL (n=28)*				FOOD SERVICE (n=24)		
Apparel and specialty retail stores	Department and big box stores	Grocery stores	Convenience stores	Limited-service		Full-service restaurants
				Coffee shops	Fast-food restaurants	
6	5	9	8	5	11	8
Interviews were completed with more than one manager at a few businesses.						

MANAGER SURVEYS AND INTERVIEWS

Managers were asked to complete the 50-item survey prior to the interview, though in a few cases the survey was completed as part of the interview. With the consent of frontline managers, interviews were audio recorded. In addition, interviewers wrote descriptive memos to both summarize the content of each interview and make notes of any nonverbal communication and the interview setting. Interviews averaged an hour in length.

The research team created an initial coding scheme for the interview data informed by themes that had emerged during the interviews, as well as priorities identified by the City of Seattle and the researchers' own knowledge of work scheduling strategies and challenges. The research team then applied this scheme to an initial interview, which was coded by seven members of the team, including study directors Lambert and Haley. After coding this first interview, the team met to discuss any discrepancies in coding, refine code definitions, and add additional codes as needed. This process was then repeated with two other interviews in order to establish inter-coder reliability. During weekly meetings the team continued to discuss emerging themes and adjust the coding scheme accordingly.

Transcriptions of the interview recordings, additional notes, and analytical memos were uploaded to a qualitative data analysis program, Dedoose, to conduct coding and analysis. The survey data were analyzed using the quantitative data analysis program, SPSS. The manager surveys were analyzed alongside the qualitative interview data, with some survey items and other descriptors added to the qualitative dataset to assist with comparative analysis, including the number of employees at the business site, how far in advance the site posts schedules, business type, and business subsector.

SUMMARY OF ESTABLISHMENTS

Table 2 provides a summary of key characteristics of the sites operated by the 49 surveyed managers. Included in the survey are 25 managers from retail stores, 16 from limited-service establishments, and 8 from full-service restaurants. According to managers, the sites average 55 employees both on payroll (with a range of 4 to 430 employees) and who were included in weekly schedules; fast-food restaurants exhibited notably smaller numbers, with a mean of 15 total employees on the payroll, 13 of whom were typically included on the weekly schedule (Table 2). More than 90 percent of workers across the three business types were paid hourly; roughly half were female and half non-white; approximately one-quarter were age 18 to 22; and between 42 percent (full-service restaurants) to 65 percent (limited-service establishments) had been employed at their sites for less than two years.

Reports of managerial staff sizes varied somewhat across the establishments studied. Sites reported from 1 to as many as 45 managers who are responsible for supervising employees, with an average of 6 (Table 2). Typically, a handful of managers are involved in scheduling employees at each site: an average of just one at limited-service sites, two in full-service restaurants, and four at retail stores. The managers we interviewed were directly responsible for scheduling staff at a covered employer site.

TABLE 2. Summary of surveyed managers' site characteristics (n=49)				
	Retail (n=25)	Limited-Service Establishments (n=16)	Full-Service Restaurants (n=8)	Total (n=49)
Number of employees...				
On payroll	(n=25)*	(n=16)	(n=8)	(n=49)
Mean (standard deviation)	79 (120)	15 (19)	60 (32)	55 (91)
Range	5-430	4-70	17-106	4-430
On weekly schedule	(n=25)	(n=14)	(n=6)	(n=45)
Mean (standard deviation)	76 (121)	13 (17)	63 (35)	55 (95)
Range	4-430	3-65	17-106	3-430
Paid hourly	93% (n=25)	95% (n=16)	99% (n=8)	95% (n=49)
Range	5-100%	25-100%	90-100%	5-100%
Number of managers who...				
Help supervise employees	(n=24)	(n=16)	(n=7)	(n=47)
Mean (standard deviation)	8 (9)	3 (2)	4 (2)	6 (7)
Range	1-45	1-10	1-6	1-45
Are responsible for scheduling employees	(n=24)	(n=14)	(n=7)	(n=45)
Mean (standard deviation)	4 (6)	1 (0.4)	2 (1)	3 (5)
Range	0-25	0-2	1-5	0-25
Hourly employees who are...				
Female	49% (n=24)	59% (n=15)	45% (n=8)	52% (n=47)
Non-white (reversed)	54% (n=21)	59% (n=11)	49% (n=8)	54% (n=40)
Age 18-22	21% (n=16)	26% (n=11)	24% (n=6)	23% (n=33)
Have site tenure < 2 years (reversed)	57% (n=24)	65% (n=11)	42% (n=7)	57% (n=42)

Source:
Manager survey (includes one fast-food restaurant manager survey respondent who was not interviewed).

*(n) is the number of valid responses to the survey question.

Employer Scheduling Practices Related to the Ordinance

Table 3 provides a summary of scheduling practices and policies reported by surveyed managers during the baseline period of the evaluation. Below, we present results of analyses of both these and manager interview data to provide initial insight into variation in scheduling practices pre-Ordinance and how close their practices were to provisions in the Ordinance.

TABLE 3. Summary of surveyed managers' scheduling practices & policies related to Ordinance (n=49)				
	Retail (n=25)	**Limited-Service Restaurants (n=17)**	**Full-Service Restaurants (n=8)**	**Total (n=49)**
General Schedule Characteristics				
Written schedule:				
Is distributed to workers	**90% (n=21)**	**94% (n=16)**	**all (n=8)**	**93% (n=45)**
Includes exact start and end times	**all (n=20)**	**all (n=15)**	**75% (n=8)**	**95% (n=44)**
Hours Estimate:				
Have policy on providing estimated weekly hours	**(n=23)**	**(n=16)**	**(n=8)**	**(n=47)**
Yes (Don't know)	**74% (13%)**	**44% (19%)**	**63 (0)**	**62% (13%)**
Advance notice				
Have policy on providing advance notice of work schedule	**63% (n=24)**	**63% (n=16)**	**100% (n=8)**	**69% (n=48)**
Amount of advance notice of schedule	**(n=13)**	**(n=10)**	**(n=7)**	**(n=30)**
Mean (standard deviation)	**12 days (8)**	**14 days (5)**	**10 days (5)**	**12 days (6)**
Range	**2-21**	**7-21**	**3-14**	**2-21**
Schedule Changes	**(n=24)**	**(n=16)**	**(n=8)**	**(n=48)**
How often adjustments made to posted schedule				
Daily	**none**	**none**	**13%**	**2%**
A few to several times a week	**54%**	**19%**	**38%**	**40%**
Once a week or less	**46%**	**81%**	**50%**	**58%**
Sites including on-call shifts on written schedules	**none (n=20)**	**13% (n=15)**	**50% (n=8)**	**14% (n=43)**
Right to Request:				
Have policy for employee requests for long-term schedule change	**(n=23)**	**(n=16)**	**(n=8)**	**(n=46)**
Yes (Don't know)	**74% (9%)**	**63% (19%)**	**86% (14%)**	**72% (13%)**
Right to Rest:				
Have policy on minimum amount of time between shifts	**(n=23)**	**(n=16)**	**(n=8)**	**(n=47)**
Yes (Don't know)	**65% (13%)**	**50% (31%)**	**63% (none)**	**60% (17%)**
Access to Hours for Existing Employees				
Have policy on offering current employees more hours	**(n=23)**	**(n=16)**	**(n=8)**	**(n=47)**
Yes (Don't know)	**48% (9%)**	**38% (25%)**	**50% (none)**	**45% (13%)**
Have policy limiting full-time employees	**(n=23)**	**(n=16)**	**(n=8)**	**(n=47)**
Yes (Don't know)	**44% (22%)**	**6% (19%)**	**25% (none)**	**28% (17%)**
Hourly workers classified as part-time	**57% (n=25)**	**51% (n=16)**	**58% (n=7)**	**55% (n=48)**

ESTIMATE OF HOURS

In their survey responses, a modest majority of managers from the sampled businesses reported that their sites have some type of policy in place requiring that each newly hired employee receives an estimate of the hours for which they can expect to be scheduled. There is notable variation across the three main business types, with only 44% of managers at limited-service establishments reporting a policy, but roughly three-quarters of those from retail stores doing so (Table 3). That said, in the course of our interviews many more managers described practices, though not formal policies, for discussing and even promising new employees a weekly hours target. How these up-front estimates played out in day-to-day and week-to-week scheduling practices varied according to our interviewees.

Managers reported having conversations about the hours an employee would want and their business could realistically provide. The idea of providing an estimate of hours at point of hire was not new to managers; in fact, most gave the impression that discussing potential hours with prospective workers was an important part of establishing the employment relationship. But managers varied both in how formal and specific their estimates were, as well as how close to those estimates workers' hours ultimately stayed. Some managers described conversations with new employees in which they were clear about offering no guarantee, and no hours estimate even, as this manager explained:

> **Manager (fast-food restaurant):** I tell them when I hire them, "This is based on business need. I might send you home early. I might then go home early. Take a day off." If there's no business, there is no business.

Other managers did supply estimated hours to their new hires, but those estimates were either given in a wide range or – by the managers' acknowledgement – were not highly indicative of the hours employees ultimately received, as reflected in these managers' reports:

> **Manager (full-service restaurant located near two major event venues):** [T]ypically when I'm out of show, I can give them between 18 and 24 hours a week. When I'm in show, they're going to average more like 30 to 34. Not more. They know right off the bat.

> ……………………………………………………………….

> **Manager (convenience store):** We kind of talk to them about, you know, you can work anywhere from 30 to 40 hours.

> **Interviewer:** [H]ow often are you able to stick to that 30 to 40 hours?

> **M:** We're usually pretty good at that. That's usually not a problem at all.

> **I:** And is this in a company policy?

> **M:** No.

> ……………………………………………………………….

> **Manager (full-service restaurant):** I say [to the new employee] "I can generally just schedule 28 hours."

> **Interviewer:** And then are they generally sticking to that 28?

> **M:** No, it can change…. It changes all the time…. Just depending on the business.

Other managers depicted fairly formal discussions with employees in which they extended more specific weekly hours estimates that they aimed - and were fairly able - to heed in subsequent scheduling

practice. These represented informal verbal practices rather than company policy, however, as these three managers explained:

> **Manager (coffee shop):** If they say, 35 [hours], then I'll say, "Honestly, I could probably commit to about 25. I could definitely work with you on getting you those additional 10, but [25 hours] is what I can give you my in-store commitment on." And then we kind of converse about that. But I would say, when they walk away from the conversation, they know I know how many they're looking for, and they know how many I'm committing to.

> **Interviewer:** And do you feel like that generally stays consistent within a person's job?

> **M:** Yes.

> ……………………………………………………………….

> **Manager (grocery store):** They're told right up front what they're going to work…. The person we interviewed yesterday, I told her she'd be working five days a week, seven and a half hours a day.

> **Interviewer:** Are you generally able to keep the commitments that you're providing them in terms of the hours?

> **M:** Oh, yeah.

> ……………………………………………………………….

> **Manager (grocery store):** I always stand behind whatever I say in an interview. I'm not going to hire somebody and say, "Hey, we're going to give you 38 hours a week," and then we give them 20. That's horrible.

Finally, a few managers described sharing hours estimates with new employees that were anchored in formal business policy and hewed faithfully to in scheduling practice, as reflected by this interviewee:

> **Manager (big box retail store):** Yeah, we actually sign a contract with our employees here…. [W]e tell them it's a contract, we tell them how much an hour they're gonna get, it tells them the minimum hours they're gonna get per week. Most of our employees do like a minimum of 20 hours.

ADVANCE NOTICE

Among managers responding to our survey, roughly two thirds in retail stores and limited-service establishments reported that their businesses had policies in place relating to how far in advance schedules were to be issued before the workweek; all eight of the full-service restaurant managers indicated this (Table 3). The average length of advance notice for the sample was 12 days, slightly higher among limited-service sites (14 days) and lower at full-service restaurants (10), though it should be noted that these averages are not necessarily the product of formal corporate policy and instead possibly a matter of routinized personal manager practice.

Several managers who reported short advance notice – three or four days before the start of the work week – said that these were lengths of time specified in company policy. For example, a full-service restaurant manager noted that the "three working day" minimum was set by the "corporate office." Another retail manager said that the four-day minimum advance was also set by his company.

Numerous other managers in our sample reported considerably longer advance notice practices, not always formalized in policy, that extended to two or three weeks. These cases were somewhat complex to "unpack", however, because managers often confounded number of schedules with number of days'

notice. For example, they might post two weekly schedules at one time, but with the first schedule starting only a few days after they posted the two. Alternately, some managers reported posting tentative schedules several weeks in advance but then continually changing them after posting, all multiple weeks' worth of them. The following description by a retail manager, who had reported a three-week advance notice practice in our survey, illuminates some of this dynamic:

> **Interviewer:** When would you post the subsequent week?
>
> **Manager (retail store):** We'll start the [third] week, writing it, essentially tomorrow, and then it will be posted on Friday.
>
> **I:** It's like by the end of the week you have …
>
> **M:** The next one's up.
>
> **I:** It's actually more like 16 days [of advance notice]?
>
> **M:** Yeah.

SCHEDULE CHANGES AND ON-CALL SCHEDULING

In responding to the survey question of how often changes are made to the posted schedule, over half of managers (58%) said changes occur at most once a week, 40% said a few to several times a week, and 2% said changes occurred daily (Table 3). Although managers in full-service restaurants were most likely to report frequent schedule changes, 50% reported only weekly changes to the schedule, and it is important to remember that we interviewed only 8 managers in full-service restaurants. Key to understanding the context into which the Ordinance is being implemented are the reasons driving schedule changes, the type of changes being made, and whether employees can decline changes once the schedule has been posted.

Our initial analyses suggest that, among our interviewees, adding or extending shifts is a more common practice than shortening them. Several managers reported that they rarely if ever shorten shifts. When business is slower than anticipated, they ask employees to transition from customer-facing and support roles to other tasks:

> **Manager (coffee shop):** We have a running list of all the things that often don't get done that we wish we had time for. So if we ever run into a situation where we're slower than normal, [employees] start checking off work from that list.
>
> ………………………………………………………………….
>
> **Interviewer:** Then in terms of decreasing hours, does it ever happen where you have to send somebody home early because things are just really slow, or anything like that?
>
> **Manager (retail apparel store):** No. Usually there's other things to do in the store.

Some managers said that they did not have to ask staff to leave early because staff would regularly request to go home when they saw that business was slow:

> **Manager (coffee shop):** I have a lot of students, so they know that they're more than welcome to … If it feels slower than normal, they can tell me, "I got a test tonight. If you don't need me, I'm happy to go home."

The majority of managers we interviewed emphasized that working additional shifts not on the original schedule was voluntary, and that they did not require or even expect employees to come in on a day they were scheduled to be off:

> **Interviewer:** How hard is it to get people to cover if you need them to?
>
> **Manager (convenience store):** Sometimes it's hard because you give them last minute notice… It's possible if you have a week or a couple days ahead, you can prepare for it… But things … [happen] last minute, so those [employees who are] available [get the hours]. I won't be mad at [employees who] … can't cover it, because everybody makes plans for their days off.
>
> ………………………………………………………………….
>
> **Interviewer:** How do you go about increasing staffing coverage once the schedule has already been published?
>
> **Manager (retail apparel store):** First I look at availability and see who's actually able to work that day, then … I kind of ask the people who have the best work ethic and the want for more hours.

Some businesses post available shifts on a scheduling app or on a Facebook page for employees to pick up. Managers state that one advantage of posting shifts rather than calling individual workers is that several employees then have the chance to get extra hours and managers can in turn be more confident that employees do not feel pressured to take additional shifts. As one manager in a limited-service establishment commented, "I don't do it [contact specific employees to work] because I just feel like if it comes from the manager, it sounds more official, and … I don't want them to feel like they're required [to work]."

Other managers did state that they regularly cancel and shorten shifts, providing workers with as much advance notice as they can:

> **Manager (full-service restaurant):** I will also just call people off in general, even if they were scheduled. If the weather turns and it's not going to be sunny, I would simply call them and say, "Hey, I do not need you tonight." And they would know that two hours before they were actually scheduled in.
>
> **Interviewer:** And how often was that happening would you say?
>
> **M:** A lot. A specific number or percentage, probably half the days of the week I would call someone off. It's always better for us to over-schedule a little bit and be prepared for the sunniest of weather.

On-call shifts. Only six managers (none in retail; two in limited-service establishments, and four in full-service restaurants) reported on the survey that they include on-call shifts on the work schedule (Table 3). These managers viewed on-calls as an important tool, however, both for maintaining the flexibility needed to provide good customer service without incurring what they thought of as unnecessary labor costs and for wasting their employees' time. The four full-service restaurants identified the elimination of on-call shifts as one of the provisions of the ordinance they expected to be most challenging for their business to implement while remaining profitable. An additional manager from a limited service establishment reported using on-call shifts less formally and only once or twice a year.

The managers at the four full-service restaurants in the sample that used on-call scheduling spoke in further detail about relying heavily on on-call shifts due to unpredictable traffic, weather, and employee call-offs, yet trying to spread them out fairly across their staff so that no single employee ended up with too many. For example, most of these managers reported that the number of on-call shifts per person per week was limited to two. As one restaurant manager stated, "we never want more than two on-

call shifts per server [per week] because it is kind of unfair." Most of these managers also indicated a preference for using on-call shifts to extend regular shifts and not as stand-alone shifts, as explained by this manager:

> **Manager (full-service restaurant):** [I]f we're going to do an on-call, we try to do it with somebody that's already here so that it's not a special trip ... That way you don't have to sit at home all day wondering ... if they're going to come in or not.

Restaurant managers stated they gave workers scheduled for on-call shifts one to four hours of notice about whether or not they would be working the shift. Whereas some managers would put the start time for the (possible) shift on the schedule and then request employees to call in one to four hours before that time to see if they were needed, other managers put the time employees were to call in on the schedule:

> **Manager (full-service restaurant):** Their shift would be scheduled for 3 o'clock in the afternoon. That's when they would call in to me and ask me if I needed them that evening, and I would inform them ... if I needed them. Typically if I did need them, they would come in around 4:30 or 5. They would have an hour and half notice, at least an hour notice, somewhere in that. And that's how that just worked. If I didn't need them, I'd say, "No," and they would have the night off.... They were completely ... content with that because typically if I'm calling them off, we're not going to be busy... [T]hey didn't want to work if they weren't going to make money because most of their money is off tips."

As this manager notes, the desirability of on-call shifts in the restaurant industry may be different than in other industries due to the large proportion of earnings comprised of tips. Another manager also noted that some workers view the potential for overtime from on-call shifts as a benefit:

> **Manager (full-service restaurant):** The policy of the company [is] not to schedule anyone for overtime, but we do have a handful of individuals that want overtime every week. A lot of times we'll give them those on call shifts so that if an emergency happens and we have to cover it, then they can pick it up and get the overtime that they want. And we can get around the policy of not scheduling overtime, so then everybody is happy.

The repercussions for missing an on-call shift are often similar to missing a regular shift, as one manager explains, "It's a shift. If you don't call in for it or if you don't show, we could use you and like you're hung-over and you can't come in, then you're gonna be probably documented."

One manager at a retail store reported that the company had stopped using on-call shifts a year prior to the Ordinance, noting that although it had been nice to use them for shift extensions, the on-call shifts had been an extra issue for managers to worry about:

> **Manager (retail store):** I think it was also just one more thing you had to deal with while managing the floor. Do you need them? Do you not? ... It was stressful. And I think for the staff, too. To have an on-call at noon on Saturday, that sucks. No plans, then you have to call at 9:00.

Most managers reported on the survey that their company did not have a policy about on-call shifts; their company simply did not schedule them. Some of the managers who did not use on-call shifts took pride in this fact, as illustrated by this quote from a grocery manager:

> **Manager (grocery store):** To believe that your employee has nothing better to do in their life but wait by their phone for you to call them is misguided. If you want to have a well-functioning team that's happy, that gets along with each other, that gets along with your customer, is good to your customer, then you need to treat them like they're a human being.

Several managers felt that even though they did not use on-call shifts, they themselves were always on-

call as managers. In a similar vein, a few managers from family-owned fast-food and convenience store franchises spoke about themselves or other relatives being "on call" to help when they needed an extra hand. As a convenience-store manager explains, "Mostly [it's] just me, and my brother, and my cousin that are family, because it's a family business. So, we're always on call. If one guy doesn't do it, another guy will do it."

RIGHT TO REQUEST: EMPLOYEE SCHEDULE INPUT

According to our manager survey, a fairly strong majority of sites have policies in place related to how employee schedule requests should be handled, including nearly three-quarters overall, ranging within the three business categories from about two-thirds of limited-service establishments to 86 percent of full-service restaurants (Table 3). Yet we found that managers, both of their own choosing and at company direction, varied strikingly in the practices they oversaw and tools used for accepting and responding to employee requests for scheduling input, as well as in their perspectives on whether to approve such requests. We also heard from some managers that they combine formal company policy with their own approach, often one they found more personal and supportive of their workers.

Tools for taking requests. The sampled sites had adopted a range of methods for employees to submit schedule-related requests (including for time off and for adjusting their availability more generally). A subset utilized only verbal communication, including a drugstore (whose manager noted, "We don't have anywhere to write [requests] down") and a fast food restaurant ("they can just ask us" according to its manager, who also reported that in most cases employees wind up resolving scheduling issues among themselves, which they are authorized by managers to do independently).

Solely paper-based requests were somewhat more common, involving employees' needing to complete an "availability form" (grocery), entry into a "request book" (another grocery), "writing it down and posting it in the store" where the manager can see it (fast- food site), writing it on a Post-It note and placing it on the manager's keyboard to be entered into the manager's written planner, putting their written request in the "request box" whose contents were reviewed by managers weekly (full-service restaurant), and for servers at another restaurant, "put[ing] it in their money bag after they turn in a shift" for the managers to review.

Use of computer- and online-based programs, including Excel and varied software programs, was fairly common, particularly among full-service restaurants and large chains in the other business categories. Some of these programs were provided by scheduling and shift-swap vendors whereas others were proprietary to their companies. Managers using these tools reported that it was easier to receive and accommodate employee requests when compared to other managers who relied on verbal or paper options. A full-service restaurant manager noted that with the software tool that site uses, nearly all schedule changes are handled expeditiously online: employees communicate with each other about changing or covering shifts and also submit requests for time off to managers, which managers respond to within the program.

In numerous cases, however, multiple modes of request-making were used due both to managerial preference and company rules. Sometimes there were different approaches used for short-term schedule requests versus long-term availability changes. In other cases, different modes were used depending on how far in advance the employee was submitting the request. Some managers simply sought to give employees multiple ways to convey their requests regardless of type or timing. One grocer uses a personal spreadsheet, a scheduling software program, and a paper wall calendar to accept and track requests, short-term and beyond, as does a full-service restaurant manager who takes requests through a software program and a "request off book," and a coffee store manager whose employees

can submit requests online or via a paper form. At two full-service restaurants, a third-party software app is used if an employee is submitting a request at least two weeks in advance, and if not, a verbal conversation with a manager is required, as it is for all requests asking for more than three days off.

Some managers, though, preferred a "personal" approach. As one of our interviewees at a grocery explained, "[W]e're still kind of old-fashioned, so [employees submit requests] on paper. We'll just grab a printed schedule, ... and just make changes with a pencil, rather than necessarily using the computer program."

Advanced notice requirements for employee requests. Managers also varied in the amount of advance notice they required of employees making schedule requests, both short- and long-term. Some noted that they were able to absorb last-minute requests, as a convenience store manager described: "We're usually able to accommodate sudden changes, but if it's more a permanent change to the schedule, then generally a week." This manager uniquely facilitated this quick turnaround in response by being vastly present at the store ("I have intersecting shifts with all of the employees, or I come in all the time") and providing his cell phone number, encouraging employees to call to request changes if needed. Others noted the need to grant "spur of the moment" changes for employees in certain situations, like the full-service restaurant manager who stated, "You have people that you have to consider, they have kids, and maybe one day the babysitter can't do it."

Several other managers reported an official, and more firmly implemented, two- to as long as four-week advance notice requirement for employees. A subset appeared to have proactively gravitated to the aspect of the "Right to Request" component of the new Ordinance requiring that employers resolve the requesting process within three weeks.[6] For these managers, three weeks has newly become a minimum advance notice by which employees are required to submit scheduling requests, extended often from two weeks' advance these employers had previously followed. Other managers noted that they required employees to submit their requests three or four weeks in advance for approval in order to be able to post the schedule as far in advance as they had promised their employees. A drugstore manager offering a three-week advance notice on posting schedules said he instructs his employees, "[Y]ou let me know before I post the schedule. I'll make the change for you. After that point, you need to find another associate to cover the shift." After the manager's deadline, then, employees might still receive their desired schedule change but only by finding their own shift replacement.

Reasons to say no and yes. Managers also showed substantial variation in their reasons for granting employee scheduling requests net of when or how requests were submitted. Not surprisingly, business demands featured greatly here. At several sites, increased customer traffic over the summer months meant that no vacation requests were accepted (much less approved) from early June through the end of August, though a full-service restaurant manager noted, "[I]f it's just a day, they need a day off, that's not a problem." Some managers explained that an employees' changes to their long-term availability may lead to termination if their job tasks are time-dependent, or else result in reduced future hours if the employer was unable to free up shifts that fell during their adjusted availability. And still other managers were hesitant to grant schedule requests that were based on employee preference. As one retail store manager put it, "Situations where someone just says 'I don't want to work weekends anymore' won't really be approved."

Managers also spoke extensively about the conditions under which they were most likely to approve scheduling requests. Like other managers, a big box retail manager emphasized the role of both seniority and performance in deciding on employee scheduling requests, noting his attention to "work track

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6   "The employer shall conclude the interactive process within three weeks of receiving the employee's request" (2.b., page 11 of final Administrative Rules).

records." Many of our interviewees also stressed their desire to accommodate their employees' personal obligations, including second jobs, child care, and school (said one grocery manager, "I've never said no to any school requests, or anything like that"). Still other managers viewed granting employees' requests for at least shorter-term schedule changes as a sort of employment benefit, as did this manager:

> Manager (grocery store): [I]n our interview process, we let [applicants] know that one of the benefits that we provide, because we're a small business…. We actually don't provide a medical benefit right now, but the benefit we provide is we've never denied a requested day off. We let them have a life outside the store.

With regard to this Ordinance-related scheduling practice in particular, it became clear across our interviews that many of our sampled sites are well underway with plans to change at least their tools and timelines for processing employee schedule requests. While our questions aimed to focus on past, or pre-Ordinance, practice, many managers reported having recently transitioned or being in the process of moving over to new or more streamlined systems for employee requests.

SHIFT SPACING AND RIGHT TO REST

Among managers surveyed, roughly 60 percent reported that their companies had a policy in place regarding the minimum amount of time required between work shifts; somewhat fewer full-service restaurant managers – about half – indicated such. Our interviews with these managers revealed that a diverse array of businesses have adopted such policies, from a big box retail store, to a full-service restaurant, to grocery stores and a coffee shop. The coffee shop manager stated, "[The company] sent out a communication [several] months ago that said, 'We'd prefer it if you did 10 hours between shifts,' because eight hours isn't a whole lot of time for our employees to get home, relax, wind down, and then go to sleep. One of the grocery managers explained that they are required by the company to provide a minimum of 10 hours between shifts, continuing that, "My policy, whenever possible, is 12 hours." A restaurant manager observed that "the company standard is 8 hours minimum between shifts. And if [employees are] working a double, like a day shift and a night shift, we're supposed to give them at least an hour between shifts."

This last interviewee's blending of the terms "double shift" and "day shift and night shift" identifies a potential source of confusion in how the new Ordinance regulates shift spacing: the new minimum 10-hour rest period pertains to two shifts that fall between two calendar days, while "split" shifts – which may sometimes be referred to as "doubles" – are not currently regulated with respect to a minimum rest period between.[7] We aimed to collect and analyze data intentionally on the two-day spread of shifts and rest periods between them, but note that this distinction was not always entirely clear.

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7   Seattle Office of Labor Standards / FINAL Secure Scheduling Rules (Chapter 120) – Updated 04-12-17., pp. 13-14. *Requirement to provide compensation*. The employer shall provide the compensation required by SMC 14.22.035.B regardless of whether the employee requested or consented to work shifts separated by less than ten hours.
    SHRR 120-190 Compensation Double shift. A "double shift" occurs when the employee works consecutive work shifts. The employer shall provide the compensation required by SMC 14.22.035.B when a double shift is a. Less than ten hours after the end of the previous calendar day's work shift; or b. Less than ten hours following the end of a work shift that spanned two calendar days.
    SHRR 120-200 Split Shifts 1. In general. The requirement to pay additional compensation to the employee who works hours described in SMC 14.22.035.B shall not apply for work hours that constitute a split shift.
    2. Split-shift. A "split shift" occurs when the employee's work shift hours are not consecutive and are interrupted by one or more employer-required, unpaid, non-working periods that are between one to four hours and that are not bona fide rest or meal periods.

Managers of a few sites we studied reported that back-to-back shifts were a pretty standard part of doing business. For example, a manager of an apparel retail store explained that the site's employees work back-to-back shifts "maybe like once a week, like a cashier shift…. It kind of just depends on, again, availability, or if someone is requesting a certain day off. It just kind of happens…." A convenience store manager stated that his employees do a combined back-to-back of sorts, explaining that "one day is [a] 15-hour [shift], and the next day they get off." And a full-service restaurant manager explained that his site utilized back-to-back shifts "the majority of the time. [Employees] like working doubles. They enjoy it…. They work less days when they do that. They can work three days a week and get their 40 hours instead of working five days a week, so they enjoy it normally."

The restaurant manager above raised an issue repeated across several discussions of "right to rest": employees' preference for "back-to-back" or condensed work shifts. As a manager in a fast-food restaurant explained:

> **Manager (fast-food restaurant):** I have one lady [who works a back-to-back shift]. She's a single mom. She only works Saturday-Sunday because she has somebody else to take care of the kids. She prefers work[ing] Saturday from 12 to 10 and open [the] next day, like 8:30 in the morning to 4. It's how she works with the kids. If she's fine with that, we're fine with it, too.

Similarly, an apparel store manager said that back-to-back shifts are "very rarely" scheduled, and that "Often it's the employee's choice because they're like, 'I traded with someone because I had something,'… But I would definitely not schedule them [for a clopening]." And a grocery manager noted that "[Back-to-back shifts are] never scheduled that way unless the employee desires it. There are a couple of guys that actually want to do that 'cause they're working second jobs."

The employee group most frequently noted in our interviews to work back-to-back shifts was actually supervisors, including the managers with whom we spoke. Those from grocery stores (two reported working "turnarounds" one or more times weekly with a 10-hour gap between), a convenience store (the only one allowed to work a "clopening" at that site), and restaurants all reported regularly scheduling themselves in this manner, or defaulting to such a schedule whenever the need arose, as this manager explained:

> **Manager (full-service restaurant):** Managers … get stuck with [less than 8 hours between shifts]. But we're salaried. We try not to do that to servers or anyone, because that's not good. It's counterproductive. If they're tired, that's not good for us.

ACCESS TO HOURS

Across industries, managers reported staffing their place of business within a tight labor budget that was driven by customer demand, for example number of diners, store traffic, or sales. By definition, the more employees on the payroll, the fewer hours available on average for each. When asked in the survey to choose between one of two staffing strategies, 63% chose the statement "I like to keep my staff on the small side to help ensure that employees get hours, whereas 37% chose the statement, "I like to keep my staff on the large side so that I have several employees I can tap to work when needed" [results not in table]. Managers in all three Ordinance-covered business categories thus expressed both strategies, but the majority of managers in full-service restaurants (6 out of 8) chose the strategy of keeping a large staff to maintain labor flexibility, whereas the majority of managers in both retail (15 out of 24) and limited-service establishments (13 out of 16) chose the strategy of keeping a small staff on which to concentrate available hours.

Almost half (45%) of the managers who completed the survey reported that their business already had a policy of offering current employees additional hours before hiring new employees (Table 3). As reflected

in the following three managers' reports, however, our interviews suggest that these policies tend to be unwritten, and more a matter of informal manager practice:

Manager (fast-food restaurant): The thing is that if we don't need people, we're not going to hire, because that means we've got to give them some more hours and then we have to cut hours to the people who have been working here for more than two years…. [I]f [those more senior employees] see, "Hey, they're hiring somebody [and] they're cutting my hours," [they may leave]. I just don't want to cut somebody unhappy.

Manager (full-service restaurant): We have a couple guys who are just here to work the shift and go home, and don't really care about the money. Other people were just like fighting for every [hour]…. We rarely hire …, because people always want more hours.

Manager (coffee shop): If I find myself having difficulty writing schedules, before I go to hire I try to work with my team, see if … any of my current members looking for hours, [I ask employees] "Are you picking up in a bunch of other stores, and I could just have you open your availability and work more with me?"

Several managers reported that a large share of their employees would like additional hours, whereas others indicated that they thought everyone was already getting the number of hours they wanted:

Manager (specialty retail store): [T]hey'll come up to me and say, "Is there any way I can get more hours?" Most of them, yes, would like more hours. They're younger.

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Interviewer: What proportion do you think are actively wanting more hours?

Manager (apparel retail): Oh, I would say maybe a good 80 to 90%.

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Manager (full-service restaurant): I don't think any of them want any more hours right now…. But you do have those moments in the slower months, I would say maybe 15 to 20% of them occasionally are like "Hey, can I get a few more shifts?" But that's not often. … And that's when I try to accommodate week vacations or … longer trips. And that way, you don't have to demote shifts or hours 'cause you let people go on vacation.

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Manager (grocery store): We're lucky enough to be able to schedule everybody the amount of hours that they want, so if someone only wants four days, they're getting four days. If someone wants five days, we can get them five days. I doubt there's many people that want to work more than five days a week, but 90% of our team is part-time employees, meaning they can work up to 40 hours. There's no guarantee of hours, but [if an employee] that has the availability and wants the hours, we'll schedule about 38 hours a week.

About a quarter (28%) of managers reported in the survey that their company limits the proportion of workers who could be hired or moved into a full-time position (Table 3). This was especially the case in retail, where 44% reported that their company limited the percentage of full-timers. The interview data reveal, however, that official employment status (part-time versus full-time) does not always map onto the number of hours employees work. For example, one manager of a coffee shop explained, "They're all labeled as part time, but I'll typically schedule 40 hours for a couple weeks or whatever." Other managers worked in companies where there were rigid restrictions on how hours were distributed among employees, as these three managers attest:

Manager (retail store): I have to schedule [whoever's been here the longest] first, give them the most amount of hours, and then whoever was the last one hired, I have to make sure they have fewer than everybody else…. Typically it's around 38, and the second person will be around 36, and then the next one down is getting about 26.

Manager (full-service restauraunt): We don't really do a lot of full-time hiring. Not to say that once you get here you won't work the 40 hours, depending on business. But, at one point, we were only allowed to schedule 28 hours, but they took that away. You can schedule more than that.

Manager (specialty retail store): We don't give a lot of eight hour shifts to the associates. We usually give them to department heads and supervisors. Obviously, the associates can only have a certain amount of hours per week. Twenty-five hours, I think, is like the top per week…. I guess with healthcare, if you schedule so many hours on average, then you have to offer the medical benefits…. Again, this week, I had an extra 50 hours so I gave some people some extra hours. It just has to be on average under 25 hours.

EMPLOYERS' GENERAL PERSPECTIVES ON SEATTLE'S SECURE SCHEDULING ORDINANCE

Regardless of industry, all of the frontline managers we interviewed expressed a dual commitment to providing decent jobs for their employees and earning a decent profit for their companies. As one specialty retail manager expressed, "In the grand scheme of things, yeah, I'm sure if we didn't get 100% [compliant with Ordinance requirements] right at the get-go, we would probably be okay, but I don't want to do that to my staff, and I'm not comfortable with that for my store." Managers varied a great deal, however, in their familiarity with the Ordinance and its different provisions, the challenges they foresee emerging in the implementation process, the supports to which they have access to facilitate implementation, and the implementation strategies they are developing.

Employers' Familiarity with and Possible Misunderstandings of the Ordinance

Overall, 22 of the 52 front-line managers interviewed, all of whom by sampling design were responsible for scheduling employees at their sites, were unaware of the Secure Scheduling Ordinance until contacted by our research team. Twenty others were well informed about the Ordinance, and the remaining interviewees had heard about the Ordinance but knew few of its details. Most of the managers unfamiliar with the Ordinance were in limited-service establishments (n=10) or convenience stores (n=10). Among the managers we interviewed, those in large retail stores and full-service restaurants were the best informed about the new regulation.

In the course of asking managers how they anticipated implementing the different provisions of the Ordinance, even the well-informed were unclear about some of its provisions. Notably, several managers stated that the Ordinance would require them to post the schedule three weeks in advance of the workweek, rather than the required 14 days advance notice, and others stated that they didn't know what they would do when they "could no longer make any changes to employees' schedules." Our initial analyses further suggest common misconceptions among interviewees concerning the circumstances under which employees are to be compensated for schedule changes. Several interviewees stated that it was their understanding that their business will not be responsible for compensating workers for working additional hours or shifts as long as these additional shifts are offered via mass communication and employees voluntarily pick them up, regardless of the reason the shift becomes available. The Ordinance specifies, however, that additional compensation is not required only when the additional

shift becomes available due to the inability of the originally-scheduled employee to work it.[8] Similarly, several interviewees indicated that their understanding is that their business will not have to compensate employees for shortened shifts if they present more than one employee with the opportunity to leave work early; the Ordinance does not include exceptions to schedule change compensation for changes that result in reduced hours.[9] In addition, although the Ordinance specifies that communications announcing available shifts can be restricted to qualified employees, several managers believed that they will have to offer all of their employees the chance to pick up additional shifts, expressing concern that this will impinge negatively on the mix of skills at their location and ultimately on the customer experience.[10]

ANTICIPATED CHALLENGES FOR IMPLEMENTATION

Within and across the covered business categories, employers identified numerous barriers to smooth adoption of the new ordinance. Many of these challenges related to managers' sense of their companies' business strategies and realities as well as established employer-employee dynamics, as identified by these two grocery store interviewees:

> **Manager (grocery store):** Probably the hardest part is just the uncertainty of retail in general. It doesn't have to do with the uncertainty of my employees, because I have great, loyal employees. It's the uncertainty of just the nature of this business, and scheduling. We treat our employees like family…. So I completely understand the need for wanting to have this ordinance. We're in favor of having our employees having a more secure lifestyle. It's just as an employer, it's very difficult to kind of wrap my head around how that would work.

> …………………………………………………………………….

> **Manager (grocery store):** The challenge is for the team. It will get tough because it's not fair to the rest of the team if somebody doesn't have their outside life in order 14 days ahead of time, and they want to change the schedule. The rest of the team has the schedule, they know what it is, and then they're going to have to adjust their life because someone is late to the party.

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8 Seattle Office of Labor Standards / FINAL Secure Scheduling Rules (Chapter 120) – Updated 04-12-17, p. 20. *Practices for administering Secure Scheduling requirements for employees working in Seattle* (i.e. Secure Scheduling Ordinance) under SMC 14.22: *Exceptions to compensation for work schedule changes*: SHRR 120-270 Mass communications 1. In general. Compensation for work schedule changes, required by SMC 14.22.050.A, shall not apply when the employee volunteers to work additional hours in response to the employer's written mass communication about the availability of additional hours, provided that the mass communication is a. Only used for additional hours that are the result of another employee being unable to work scheduled hours, and b. Is clear that accepting such hours is voluntary and the employee has the right to decline such hours. SMC 14.22.050.B.2.

9 There are no comparable exclusions for shortened hours similar to that for additional hours, which is stated here: *Ibid*, p., 19. SHRR 120-*270 In-person group communications* 1. In general. Compensation for work schedule changes, required by SMC 14.22.050.A, shall not apply when the employee consents to work additional hours in response to the employer's in-person group communication among currently working employees, so long as such hours are consecutive to the hours the employee is currently working. SMC 14.22.050.B.3.

10 *Ibid*, Exceptions to compensation for *work schedule changes*, SHRR 120-270. *Mass communications*. b. Scope. The employer may choose to limit a mass communication to available employees who, to a reasonable employer acting in good faith are qualified with the skills and experience to perform the work; and to employees who would not incur premium pay required by law (e.g. overtime) or the employer's usual and customary policy

Full-service restaurants provided compelling examples of specific challenges to implementation. Six of the eight managers we interviewed expressed unease that the provisions of the Ordinance would map onto their business in ways that could disadvantage their employees and their bottom line. Some of the issues they raised, but certainly not all, seem to stem from a misunderstanding of the administrative rules. For example, managers were apprehensive that the dining experience would be disrupted and servers would lose out on tips when, per their sense of an Ordinance requirement, the restaurant began specifying shift end times on the schedule and enforcing them, before all of a server's tables may have closed out; the current practice at several full-service restaurants we sampled is to either leave end times blank on the schedule or extend a server's shift until all of their tables are finished. The administrative rules for the Ordinance present the scenario of an employee's asking to stay to complete customer service and collect tips as an example of an employee-initiated schedule change that is exempt from schedule change compensation.[11]

Other concerns presented by managers of full-service restaurants are not a matter of clarity about the law, but instead focus on unique business operations issues such as staffing an outside patio and catering events that occur either at the restaurant or at other venues. In terms of having to change employee schedules because of weather, two full-service restaurant managers indicated on the survey that this happened at least once a week, but the rest said once a month or less (not in table). Restaurant managers were especially concerned with the potential implications of major event cancellations within a two-week window, after the work schedule has been issued. Under the Ordinance, employers will have to pay restaurant staff (servers, cooks, hosts, bartenders) assigned to the event one-half of their scheduled hours. Because such events can be large, the payroll bill for this cancelled labor scenario could be substantial. This provides an incentive for restaurant managers to schedule few staff for events and then, only when it is clear the event will be held, ask more to come in. Such practices could undermine schedule predictability for restaurant staff.

Resources and Supports for Implementation Efforts

The extent to which frontline managers are being supported in transitioning scheduling practices to comply with the Ordinance varies greatly, suggested most basically by the fact that about 40% of those we interviewed had not heard about the Ordinance prior to our contact. We define support as having access to information about the Ordinance itself, strategies for implementation, and tools that make it easier to post work schedules further in advance, track changes to posted schedules, and ensure employees are properly compensated as required by the law. Examples of valued supports that managers noted in our interviews include:

- *Shift-swapping "apps" (both computer- and mobile phone-based)* that managers use to post additional shifts for employees to voluntarily pick up and employees use to voluntarily post and pick up shifts. Managers saw the value of such apps not only for helping with mass communication of available shifts and approving shift swaps, but also in establishing an auditable trail of shifts offered and accepted, thus reducing the need for documentation through written or other informal systems.

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11 *Ibid*, p. 16. *Employee-requested changes*. "Employee-requested changes" are changes to the work schedule that are initiated by the employee after the employer's advance notice of work schedule required by SMC 14.22.040. Employee-requested changes take a wide variety of forms, including but not limited to, requests due to emergencies (e.g. flat tire) or major life events (e.g. childcare is unavailable); tardy arrivals; food service employee requests to stay past the scheduled work shift to close out a customer's bill and collect the tip; and requests to stay past the scheduled work shift or leave early.

- **Colleagues in San Francisco** with relevant experience to help them prepare for the implementation of the Seattle Ordinance. Several Seattle managers in firms with locations covered by the San Francisco scheduling law began implementing provisions of the Ordinance several weeks prior to July 1st :

    Manager (coffee shop): [I]t's just more documentation for my guys to use because of the schedule change log. I used that in San Francisco, so it's not anything new for me.

In fact, it was from such a connection to staff at a site of the chain in San Francisco that one of our managers learned the Ordinance may not be that difficult to implement:

> **Manager (specialty retail store):** [W]hen the scheduling ordinance in San Francisco was coming out, [HR there] just planned the worst situations possible. …When the San Francisco ordinance came about, they had no problems at all, which I found funny. Just the worst possible scenario for every situation, and none of it happened."

- **The City of Seattle's Office of Labor Standards' information sessions** on the Ordinance were frequently referred to as helpful for understanding and planning for implementing the regulation, though many still have questions about compliance issues at their location. Several of the managers we interviewed did not know about the sessions.

Numerous managers interviewed, particularly those based in small foot-print sites such as convenience stores and some limited-service establishments, had few if any resources or supports on which to draw in transitioning their scheduling practices to Ordinance compliance. Notably, these were also establishments following scheduling practices that we observed as being very far from compliance. More fundamentally, as noted above, some convenience stores do not post schedules. They were unsure how they would be able to add compensation for schedule changes through their payroll processing systems or how they would establish a system to track schedule changes.

At sites of major national chains with few Seattle locations, a challenge came from the limited attention that some corporate headquarters were paying to Ordinance implementation. Numerous managers at these sites told us that their corporations were not making changes to scheduling and payroll systems, in spite of the sophisticated features of the software, to align with the requirements in the Seattle law. Instead, these managers were planning to set up separate, informal systems at the local level to track the nature of schedule changes, communications to employees about them, and any resulting compensation. As one manager explained,

> **Manager (specialty retail store):** A lot of it is going to come from the backend as far as how people are going to be compensated and what systems are going to change to ensure that people are compensated correctly. HR has [hundreds of] stores to manage and care about. [A few Seattle] stores is a tiny drop in the bucket to them. They haven't really been all that up on it.

IMPLEMENTATION STRATEGIES: POSSIBLE UNEXPECTED CONSEQUENCES AND PROMISING DIRECTIONS

Though, as noted above, many managers were entirely or largely unfamiliar with the Ordinance at the time of our baseline interviews, most of the others had done dedicated thinking about how to adjust their practices, as needed, to the new requirements of the law. In some cases, we estimate that these changes are unintentionally incorrect based on misunderstanding of those requirements; in others, there is a concerted effort to balance compliance with protecting business performance and established relations with employees. And in some cases, employers are devising approaches to implementation that stand to offer models for shifting scheduling to a "win-win-win" model for the City, company, and employees. Readers are cautioned that managers may not follow through on the practices they talked

about implementing or may refine them as they gain more experience with the new regulations. The second round of data collection one year after the Ordinance has been in effect will provide information on how managers ultimately responded to the new regulations. These early views offer insight into the challenges managers foresee and into their initial understanding of the law's provisions.

Misconceptions of aspects of the Ordinance appear to have led some managers to change current practices that would not be subject to additional compensation, and to change other practices in ways that will still require additional compensation. On the one hand, some restaurant managers talked about how, before the law, some staff would voluntarily work two shifts (double shifts) during the same day during the peak season when tips are good. One manager said that the restaurant planned to discontinue this practice because the two shifts were usually only 2 to 3 hours apart, not the "10 hours as specified" in the Right-to-Rest provision of the Ordinance and thus, the restaurant would have to pay additional compensation for the entire second shift. But as noted earlier, split (double) shifts do not require additional compensation under the law. On the other hand, several managers who thought that businesses will not have to compensate employees for any shifts conveyed via mass communication spoke about limiting the number of shifts they include on the posted schedule and then later announcing additional shifts for employees to voluntarily pick up. Similarly, several interviewees indicated their plans to present more than one employee with the opportunity to leave work early as a way to avoid compensating employees for shortened shifts. These latter practices still risk incurring the schedule change premium.

Among the managers who had begun thinking concretely about implementation, most were concerned about paying additional compensation for schedule changes. The strategies they shared for addressing this element of the Ordinance provide an example of the range of implementation approaches being developed by managers responsible for scheduling hourly employees working in Seattle's covered businesses.

Several managers said that they would try to comply with both the letter and spirit of the law and would willingly compensate employees for schedule changes when in the best interests of the business and its employees:

> **Manager (specialty retail store):** [It's] really important [that the study] highlight that we're trying to avoid schedule changes, but we still need to run a business and if we're paying a little bit extra that's fine. But knowing what is going to be an in-person communication versus a mass communication and how to balance those two is probably going to be the biggest challenge for us. [We want to avoid] not getting so tied up in the language that we forget what the goal of the law is.

Other managers were contemplating ways to comply with the letter of the law but not necessarily its spirit:

> **Manager (grocery store):** [M]y biggest challenge that I see with this is if I have to write the schedules so far out, which would add another week or more to what I'm already doing now. What I would have to do, and this is where it gets really tricky, …. I would have to create a way to keep everybody super hungry for hours. I would have to over-hire and keep everybody at 32 hours. So when something happened, an injury, a family emergency, sickness, all I would have to say is, I'm not gonna change it, but I have these shifts available… I don't want to do that, but as soon as this all started happening, I got to thinking about how I would do it and that's probably how I would.

> **Manager (apparel retail store):** If I know that this employee has availability, and I know that this [other] employee does not, in order to get around that mass scheduling, I will text both of those people to ask them if they can come in for a particular shift knowing the person that's going to be able to come in. So that's the way around that. Which, I think, is unfortunate, but at the same time, it's easier to text two people than it is to text 10 and get all the responses back, just from a time management perspective.

Conclusion

Across both the survey and interview data we found a wide range of scheduling practices as managers headed into Ordinance implementation. This variation cut across as well as emerged within the three covered business categories; in some cases, we found variation in practices across sites of the same chain, as we have documented in our past studies. While the level of variation in employer practices we found in the data is noteworthy, it is in our estimation typical – and it also reflects points of opportunity for businesses to begin (or continue) to align their practices with the Ordinance's requirements, as well as for the City to take further steps to support that alignment.

As has been our experience in our past research, we observed a disjuncture between managers' survey answers and their responses to in-person interview questions asking about the nuts-and-bolts of the scheduling process. This is not necessarily a matter of respondent confusion or obfuscation, but reflects the complexity of scheduling and business realities. This disjuncture also highlights what we have found to be the distinct value of conducting in-person interviews for generating in-depth understanding of how and why businesses and the managers within them operate as they do, and where points of leverage may lie.

Our research team will continue coding and analyzing the wealth of baseline manager data. We will look more closely in coming weeks at variations across the business categories and sub-categories (e.g., specialty, apparel, big box, within retail). We are also conducting interviews with scheduling and shift-swapping vendors and operations staff in covered businesses to learn about their experiences in helping businesses implement the Ordinance, as well as with other stakeholders about their roles in crafting, passing, and implementing the law.

Looking forward to the "Year 1" evaluation, we will refine our interview questions to gather more detailed data on posting practices and other aspects of compliance, and expand our recruitment efforts to gather both survey and interview data from our baseline sites and additional ones as our budget allows. We anticipate a comparable or even greater range of variation among employer practices a year from now, corresponding in part to the variation in employers' familiarity with and supports for implementing the Ordinance at baseline, as well as differences in their business strategies and operating challenges. We look forward to capturing an array of new insights and identifying promising strategies developed by managers responsible for implementing Seattle's Secure Scheduling Ordinance that balance the needs of employers for labor flexibility with the needs of employees for schedule predictability and stability.

Appendix A: Research Team Structure and Biographies

The Secure Scheduling Working Group includes national experts on labor standards, employer practices, and the conditions of work. Working Group members include:

- Professors Anna Haley from Rutgers University and Susan Lambert from the University of Chicago, who are conducting interviews with frontline managers and other key stakeholders;

- Professors Kristen Harknett from the University of California at San Francisco and Daniel Schneider from the University of California at Berkeley, who are leading efforts to collecting survey data from workers; and

- Professor Jennie Romich from the University of Washington, who is contributing contextual data.

Although individual researchers/teams will be working on discrete parts of the study, the full team will be meeting regularly to ensure that the research projects are complementary and contribute to a full picture of the impacts of the Ordinance.

The West Coast Poverty Center (WCPC) at the University of Washington is coordinating these research efforts and will be the City's point of contact for the evaluation. In the role, the WCPC will organize meetings of the Secure Scheduling Research Team/Working Group; draft reports for City stakeholder review; incorporate feedback from City stakeholders; and present findings at City forums and to community stakeholders, as requested.

Team Biographies

Anna Haley is an Associate Professor at the School of Social Work at Rutgers, the State University of New Jersey. Her research falls within the organizational and management area, investigating influences on employers' choices about designing, managing, and rewarding jobs; the implications of those choices for workers, families and communities; and the interplay between public policy and both employer practices and worker outcomes. Using survey, interview, and mixed method case study approaches, Haley has studied low-wage jobs and the workers occupying them in for-profit, nonprofit and public settings, including retail stores, restaurants, human services agencies, and the US Postal Service. Her research helps to identify and assess "upstream" strategies for changing workplaces and public employment policies to promote economic and social wellbeing. She has previously served on the social work faculties of the University of Washington (2003-9) and University of Wisconsin-Madison (2009-16).

Kristen Harknett is an Associate Professor at the University of California, San Francsico, an Adjunct Associate Professor of Sociology at the University of Pennsylvania, and a Visiting Scholar at UC Berkeley's Institute for Research on Labor and Employment. Harknett's research focuses on how policies impact the lives of low-income families. She has an expertise in policy and program evaluation, having been a lead researcher in assessing impacts of welfare-to-work programs in the U.S. and earnings subsidies in Canada in the 1990s, and is currently leading the impact analysis of a federally-funded responsible fatherhood intervention. She received her Ph.D. in Sociology and Demography from Princeton in 2002.

Shannon Harper is the Research Director at the West Coast Poverty Center at the University of Washington. She works on the Center's student training activities, including the Social Policy Research Fellowship program; authors written products including the Poverty Flash Series and the Dialogues on Research and Policy; and works to convene academic researchers, policymakers, practitioners, and funders through the WCPC Roundtables and the WCPC's annual Poverty Summit. Prior to joining the WCPC, Shannon worked in Washington, D.C. and Oakland, California, doing research on the effects of welfare reform at the state and national levels. She holds an M.A. in Sociology from the University of Washington.

Susan J. Lambert is a Russell Sage Visiting Scholar (2016-17), Associate Professor in the School of Social Service Administration at the University of Chicago, and co-Director of the Employment Instability, Family Well-Being, and Social Policy Scholars Network (EINet). Lambert studies how employer practices shape the quality of low-level jobs, the lives of low-paid workers, and inequality in society. The sites for Lambert's research span both production and non-production industries, including retail, hospitality, financial services, transportation, and manufacturing, and both publicly-held and family-owned firms. Her research includes comparative organizational case-studies and randomized workplace experiments as well as analyses of national data on the prevalence of precarious scheduling practices in today's US labor market. Lambert's research appears in leading journals, including the *Academy of Management Journal, Human Relations,* and *Social Service Review,* edited volumes, and policy briefs, and is supported by grants from the Russell Sage Foundation, Robert Wood Johnson Foundation, Kellogg Foundation, Ford Foundation, Annie E. Casey Foundation, and Washington Center for Equitable Growth. Lambert regularly advises policy advocates, labor groups, employers, and government officials on strategies to improve scheduling practices in hourly jobs.

Jennifer Romich is an Associate Professor in the UW School of Social Work. Romich studies resources and economics in families, with a particular emphasis on family budgets and interactions with public policy. Her current and recent poverty-related projects include ongoing research into effective marginal tax rates created by means-tested benefit schedules and the tax system; a study on the effects of highway tolls on low-income households; research into financial services used by low-income consumers; and an ethnographic study of financial well-being among families served by the Seattle Housing Authority. Romich is the Director of the West Coast Poverty Center and an active member of the Center for Studies of Demography and Ecology. She earned a doctorate in human development and social policy from Northwestern University.

Daniel Schneider is an Assistant Professor of Sociology at UC Berkeley where he is also an affiliate of the Institute for Research on Labor and Employment, the Berkeley Population Center, and the Berkeley Opportunity Lab. His research focuses on social demography, inequality, and the family. His current work examines how economic inequality and precarious employment affect family formation, health, parenting, and child wellbeing. He received his Ph.D. in Sociology from Princeton in 2012 and was a Robert Wood Johnson Scholar in Health Policy Research at Berkeley from 2012-2014.

Appendix B: Feedback from Stakeholders

The City of Seattle would like to ensure that interested stakeholders, including businesses, business organizations, and worker organizations, have an opportunity to provide feedback on draft reports prepared by the Secure Scheduling Ordinance Evaluation Study Team. On November 13, 2017, the City of Seattle's Office of Labor Standards convened the Secure Scheduling Stakeholder Rules Group to gather input from the Group on a preliminary draft Baseline Report prepared by the research team.

Over 30 members of the Stakeholder Rule Group reviewed the draft report and/or attended the November 13, 2017 meeting. Researchers from the Secure Scheduling Ordinance Study Team described the methodology, presented the baseline data, answered questions, and received direct feedback from the stakeholders in attendance.

In addition, the City received the attached two documents comprising the formal written comments from six member organizations of the Stakeholder Group:

- May 4, 2017 letter from the Seattle Restaurant Alliance, the Seattle Metropolitan Chamber of Commerce, and the Retail Industry Coalition of Seattle; and

- November 22, 2017 comments on the preliminary draft Baseline Report from Working Washington, the Restaurant Opportunities Center-Seattle, and United Food and Commercial Workers Local 21.

The input from the members of the Stakeholder Group has been helpful to the City of Seattle and to the Secure Scheduling Ordinance Study Team in identifying necessary clarifications to the Baseline Report and considerations for the next report that will be drafted by the Study Team covering the first year of the Secure Scheduling Ordinance's implementation. Below are comments from the researchers describing how the stakeholder input will be incorporated in the evaluation.

Response from Daniel Schneider (University of California Berkeley) and Kristen Harknett (University of California San Francisco) regarding the Worker Survey:

We appreciate the stakeholder input on the "Worker Survey" portion of the baseline report. As we note in the report and as suggested by Working Washington (WW), the Restaurant Opportunities Center (ROC)-Seattle, and United Food and Commercial Workers Local 21 (UFCW 21) in their letter, in future work we will weight the survey data to reflect the demographics of workers in the target population (drawing on the American Community Survey) and to account for the actual industrial composition of the sector (drawing on the Reference USA database). This work will be reflected in the one-year follow-up report that will also assess how work hours and schedules change between baseline and follow-up. As we note in our discussion of future work in the Baseline Report and as raised by WW/ROC/UFCW 21, it will be important to construct a reasonable comparison group. We will be constructing comparison groups from neighboring areas, and also from other cities nationally.

Response from Susan Lambert (University of Chicago) and Anna Haley (Rutgers University) regarding the Frontline Manager Interviews:

The researchers greatly appreciate the feedback received and are pleased that stakeholders are invested in helping to ensure the study accurately captures employers' scheduling practices and experiences. With respect to recruitment of managers for study participation, achieving a balanced and non-biased sample is indeed difficult, and we spent many weeks developing our sample of businesses and recruiting their frontline managers. It was not our goal to precisely represent the percentage composition of various types of covered businesses within Seattle but, rather, to reveal the range of variation in current

scheduling practices in the different types of covered businesses. Thus, in the baseline study, we created a sample of firms that prior research and theory suggested would likely vary in their current scheduling practices. We then systematically sampled specific workplaces in different neighborhoods in Seattle that would illuminate variation not only across the three types of covered businesses– retail, limited-service and full-service restaurant – but also variation within each category (e.g., retail: apparel, big-box/department store, and grocery stores; limited-service restaurants: coffee shops and fast food restaurants; full-service restaurants: family and fine dining). We expect to make only modest modifications to this sampling strategy in the Year 1 evaluation.

We, too, are concerned about issues of bias in recruitment – the possibility, for example, that managers with more favorable practices, or stronger opinions, may be more likely to participate in a study of this kind. We take some confidence in the fact that 22 of the 52 managers we interviewed had not heard of the ordinance before we interviewed them (and so had no opportunity to formulate an opinion). But we will be especially mindful of potential participant bias moving into the second phase of this study, that is, after implementation when both familiarity and opinions about the ordinance will be predictably more widespread and varied. We hope that others in the community will encourage managers to participate in the study so that their voices are incorporated in the evaluation of Seattle's Secure Scheduling Ordinance. A high participation rate is the best defense against this type of bias.

Finally, with respect to the focus of the report's section on frontline managers' "intentions" to comply with different provisions of the ordinance, we understand that managers' plans will not necessarily correspond with actions ultimately taken. On the one hand, good intentions for compliance may fall short of actual practice; on the other hand, concerns that seemed insurmountable at the outset may turn out to be easily overcome. These are exactly the kinds of issues we seek to address in the Year 1 evaluation. We look forward to gathering data on how managers were ultimately able to respond in the first year of implementation of the Ordinance.

Office of City Auditor
David Jones, Auditor
P.O. Box 94729
Seattle, WA 98124-4729

May 4, 2017

Dear Mr. Jones:

Our organizations and members have recently been contacted by a research assistant at the University of Chicago on behalf of Professor Susan Lambert and Professor Anna Haley-Lock to participate in the Seattle Secure Scheduling Ordinance Study. Our organizations will not be participating in this study as currently structured, nor will we recommend participation of our members.

We support the collection of data about impacts of the Secure Scheduling Ordinance. In fact, we believe it is critical the City collect this data. However, an objective assessment cannot be carried out by individuals who have advocated for the passage of scheduling legislation across the nation.

Professor Lambert, through her writings and presentations before legislative bodies across the country, (including before the Civil Rights, Utilities, Economic Development and Arts Committee) has advocated for scheduling legislation. This advocacy includes an op-ed in *The New York Times* (https://www.nytimes.com/roomfordebate/2014/07/23/new-rules-for-part-time-work/stability-is-good-for-employees-and-bosses). Professor Anna Haley-Lock participated in a panel hosted by Working Washington, advocating for the Seattle scheduling ordinance.

To hire researchers who have publicized beliefs on the issue to be analyzed, regardless of the side on which they fall, makes it impossible for anyone to believe the results will be unbiased. If the tables were turned and the researchers were decidedly against scheduling legislation based on previous advocacy, we would expect scheduling legislation advocates to feel the same.

The ordinance directs the City Auditor, in collaboration with the Office of Labor Standards, "to contract with academic researchers who have a proven track record or rigorous analysis of the impact of labor standards regulations to conduct an evaluation of the impacts of the ordinance." See S.M.C. Chapter 14.22.130. This requirement can, and must, be accomplished by contracting
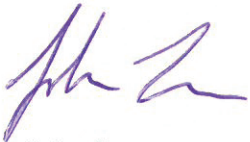
with academic researchers with not only a proven track record of rigorous analysis, but a proven track record in objectivity.
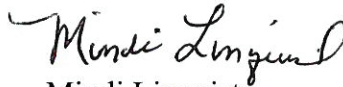
The mission of your office states "we serve the public interest by providing the City Council, the Mayor, and City department heads with accurate information, *unbiased analysis, and objective recommendations* on how best to use public resources in support of the well-being of the residents of Seattle."

The most casual review of Professor Lambert and Professor Haley-Lock's work shows that it is not possible for them to provide unbiased and objective recommendations on the topic of scheduling legislation. The Secure Scheduling Ordinance could have a major impact on Seattle restaurants and retailers, as well as on the people who count on those businesses for their employment. If the results of the study are to be used by the City to make determinations about alterations to the Secure Scheduling Ordinance in the future, it is imperative your office contract with neutral, third-party researchers.
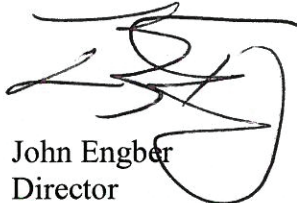
Sincerely,

John Lane
Director of Local Government Relations
Seattle Restaurant Alliance

Mindi Linquist
VP of External Relations
Seattle Metropolitan Chamber of Commerce

John Engber
Director
Retail Industry Coalition of Seattle

Cc:

Honorable Edward Murray, Mayor

Honorable Lisa Herbold, Chair, Civil Rights, Utilities, Economic Development and Arts Committee

Dylan Orr, Director, Office of Labor Standards

Brian Surratt, Director, Office of Economic Development

SECURE SCHEDULING BASELINE STUDY FEEDBACK – NOVEMBER 22ND, 2017

Working Washington, Restaurant Opportunities Center–Seattle (ROC–Seattle), and UFCW 21

Employee baseline study

- Compare demographics of survey compared to actual demographics of foodservice and retail workers: one of the issues that the Secure Scheduling Ordinance attempts to address is some of the inequity present among women and people of color in hourly retail and food service jobs. The percentage of responders who identify as Black or Hispanic seem low compared to previous data. The Seattle minimum wage report from 2014 indicates 10-13% of low-wage workers are Black, and the overlap for employees covered by this ordinance likely overlap significantly. Yet only 3% of survey responders identified as Black. Additionally, a significant number of covered workers may be undocumented, and this may be worth noting when attempting to identify the overall impact of the ordinance.

- Break down statistics by industry: The amount of changes that must be made to workplace policies in order to comply with the ordinance will vary significantly by employer and industry. If the workers surveyed do not represent the industries present in Seattle proportionally, then results that are purported to reflect all covered workers may be skewed. Additionally, if these proportions change in future surveys, these errors could be compounded as different industries will see varying impacts after implementation. When breaking down by industry, researchers should be mindful of trends while categorizing (e.g. if coffee shops have 0% reported clopening, and they are categorized with restaurants with 30% reporting clopening, then the category may require additional granularity to accurately capture the baseline).

- E.g. Suppose 50% of SSO covered workers are restaurant workers, and 40% of restaurant workers experience clopenings; and 50% of covered workers are retail, and 0% experience clopenings. In this example, 20% of all covered workers experience clopenings. If restaurant workers only make up 25% of the surveys, and 75% were retail, then clopenings would be underreported, and the survey results would indicate only 10% of covered workers experience clopenings.

- Include union density in industry when possible, or impact of SSO by employer: The SSO allows for union contracts to have modified scheduling provisions that may not precisely reflect the provisions within the ordinance, and so it may be difficult to measure the impact of the ordinance in follow-up surveys. Additionally, union contracts may have already included some scheduling provisions before the ordinance passed. For survey responders, a large number appear to be grocery workers, an industry with high union density in Seattle. If these workers are overrepresented in the surveys, it could skew the baseline statistics. If sample size permits, include a measure of impact within individual employers or union vs. non-union comparison.

- Include questions to determine part-time to fulltime: One of the components of the SSO is access to full-time hours. One of the reasons a survey responder may answer that they do not want additional hours is that they work two jobs already. The employee could maintain the same number of hours, but move to full-time at one employer. In addition to tracking how many hours an employee works overall, also include data on the shift to full-time in the future.

- Include controls for comparison cities to account for scheduling practices "bleeding" over to surrounding areas: One of the ways the researchers intend to measure the impact of the ordinance is to compare Seattle with neighboring cities. As the researchers stated, scheduling practices are changing nationwide without legislation already. For areas near Seattle, due to competition for

workers, and some shared franchises with locations in and out of the city enacting provisions outside of Seattle, researchers should take caution when comparing these data sets. Improvement in scheduling practices in the region surrounding Seattle cannot be separated from this "bleed-over" effect, and we expect some businesses in nearby cities to adopt better scheduling practices, and for union contracts outside of Seattle to include these provisions as well.

Employer survey

- Employer sampling concerns: The researchers took good steps to try to interview managers from a range of establishments and locations, though similar concerns as the worker survey exist here regarding whether the employers represent the covered industries in Seattle as a whole. The study indicates some difficulty in setting up these interviews with managers. There is a concern that there might be some participation bias among management, specifically those with knowledge of the ordinance and who have an opinion they would like to share, or feel they already provide good schedules. While the researchers feel that this was not a concern for the baseline study, and they felt that management was adequately candid with their responses, it is possible that management response might differ when the stakes are higher. Now that the law is in effect, managers would be responding with whether or not they are in compliance with the law rather than just their initial opinions. This may make it more difficult to get responses from employers with scheduling practices that do not comply with the ordinance.

- Remove section or include an analysis of employers stated intentions in response to the ordinance: Anticipating employer response to legislation is difficult. The stated response of what businesses intend to do does not typically reflect what actually occurs. For example, many employers stated they would cut jobs before the minimum wage was raised, which is not reflected in actual data. Instead, responses to what businesses will do in response to the Secure Scheduling Ordinance may serve as a measure of how businesses feel about the law, but there does not seem to be any merit to these responses from an impact standpoint. If the researchers feel inclined to keep these responses included, then an analysis of business intentions as a research tool in general should be included. I.e. how accurate were survey questions from businesses preceding other labor standards? This should help guide the reader in interpreting this information, whereas the reader might take the employer's stated intentions at face value, which provides a skewed perception of the impact on business that frequently overstates the difficulties in enacting new standards. In addition, many of the ways employers stated they would attempt to minimally comply with the law "to the letter but not the spirit" are in fact in violation of the law. Therefore, either the predictions of the impact and changes that will be made by employers are inaccurate as reported, or the managers have admitted they will be violating the law. It is more likely that they will not, for example, chronically under-schedule as one example stated, rather they will simply find a way to make it work without the downside that they presented.

- For follow-ups employer interviews, include how the researchers will prevent participation bias: It is plausible that the sample could be skewed in the baseline study; managers with bad practices seem less likely to come forward, and managers with an opinion on the new ordinance seem more inclined to be interviewed. The researchers are best able to determine the merits of this concern—though some challenge in setting up interviews was acknowledged. However, once the ordinance is in effect, the stakes are higher for employers. Employers who know or believe they may be in violation of the ordinance would be highly incentivized to decline an interview.