**Institutional Detail on SB 828 (Oregon Predictive Scheduling Law)**

**Main Questions**

1. Who are the stakeholders?
   1. What were their priors?
      1. What arguments did business associations bring?
      2. What did workers value?
   2. Were their concerns justified? Did they continue complaining after the law was implemented?
2. How does the law work in practice?
   1. Who adjudicates claims?
   2. What recourse do workers have when the law is violated?
   3. Do unions matter here? They may protect workers from retaliation.
   4. Did the law “have teeth”?
3. Who are the winners are losers?
   1. Did the law kill certain types of businesses?
   2. How does this relate to gender equity, group differences, and other dimensions?

**Stakeholders**

* Workers
  + Sen. Kathleen Taylor [said](https://advance-lexis-com.libproxy.mit.edu/api/document?collection=news&id=urn:contentItem:5NVP-3591-JC11-12D1-00000-00&context=1516831) the legislation would allow employees to plan their lives, like childcare and medical appointments, and have a better idea of the income they can expect to earn
  + Growing [movement](https://www.huffpost.com/entry/oregon-worker-rights-schedule_n_5956b479e4b02734df325c0c?ncid=txtlnkusaolp00000603) among labor unions and other groups to scale back flexible scheduling — most notoriously on-call scheduling, in which companies ask workers to keep their days open in case they are needed
* Business
  + New Seasons Market Director of Social Responsibility [testified](https://advance-lexis-com.libproxy.mit.edu/api/document?collection=news&id=urn:contentItem:5NVP-3591-JC11-12D1-00000-00&context=1516831) that they already had a policy of providing schedules two weeks in advance, and that when employees have predictability, they are more engaged, more productive, and more likely to stay
  + Manufacturing and other industries that depend on being able to change workers’ hours on short notice were [excluded](https://www.huffpost.com/entry/oregon-worker-rights-schedule_n_5956b479e4b02734df325c0c?ncid=txtlnkusaolp00000603) to garner support from Republicans and business groups
  + Some employer representatives [contended](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that the law limited their ability to accommodate unpredictable staffing needs because of fluctuating customer demand
  + Business groups [changed](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) the law significantly in the final weeks before it passed: required 14 days advance notice of schedules to be phased in more gradually, scope of the businesses covered narrowed from 50 to 500 or more employees, and the voluntary standby list provision was added
* Advocacy groups
  + Oregon Center for Popular Democracy [provided](https://www.huffpost.com/entry/oregon-worker-rights-schedule_n_5956b479e4b02734df325c0c?ncid=txtlnkusaolp00000603) policy research and strategic advice to the Oregon Fair Workweek Coalition, which includes the Oregon Working Families Party and the regional chapter of the United Food and Commercial Workers Union

**Implementation**

* A few employer representatives said that the law was relatively easier to [implement](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) because the law and rulemaking around it included more employer input than other recent labor laws in Oregon
* Impacts
  + Managers and supervisors with scheduling responsibilities stated that the law had minimal [impact](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) on their scheduling process
    - Managers perceive the law as just an extra bureaucratic burden
  + Most workers and managers [reported](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that good faith estimates of work schedules are not always provided at the time of hire, and even when initially provided, hours often change quickly after hire
  + Many workers [already](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) had advance notice of schedules before the law, and some could better count on advanced notice now
  + Some managers [felt](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that the advance notice of schedules improved planning
  + Workers reported that managers now [expect](o%09some%20managers%20incorrectly%20communicate%20that%20shift%20trades%20are%20no%20longer%20allowed) workers to provide requests for schedule changes farther in advance (sometimes four weeks out)
  + Workers and managers [indicated](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that last-minute schedule changes are still common and that workers are not receiving compensation for changes made without 7 days notice
    - Workers often need more hours and feel loyalty to coworkers/managers so they do not turn down extra shifts
  + The [voluntary standby list](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) has been the primary way employers have avoided compensating workers for schedule changes
    - Slightly over half said employers used a standby list to fill schedule openings
    - Workers felt that signing the list was the only way to be scheduled for enough hours; workers are not told about available shifts unless they sign up
  + Managers [request](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that workers “volunteer” for schedule changes — including using waivers that workers sign to affirm the change is voluntary, so that they are not eligible for the additional compensation
* Information
  + [Workers’ knowledge](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) of the law was often limited and highly variable
    - Unionized workers are more aware
    - Slightly more than half of workers were aware of predictability pay, but most reported *not* receiving it when management changed their schedules at the last moment
    - Most of the workers who were aware of predictability pay knew they relinquished their right to additional compensation by signing on to the voluntary standby list
    - Workers are not told that signing waivers waives their rights to predictability pay
    - Some firms present the measures as if they were company policy, rather than law, so workers do not know that they can approach the state
  + Some [managers](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) also seemed to have limited knowledge of the law
    - Some managers [incorrectly communicate](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) that shift trades are no longer allowed
    - Managers incorrectly thought that they could not call workers who have not signed up for the voluntary standby list
    - One scheduling advocate noted that some franchises may not be getting clarification about whether they are required to comply with the law
* Enforcement
  + [Onus](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) is on workers to submit complaints to the Bureau of Labor and Industries (BOLI), but BOLI has resource limitations for assessing violations
    - BOLI reviews scheduling records to determine compliance
    - Record-keeping poses a difficulty for businesses
    - Compliant hotline -> investigator who calls worker and employers
    - BOLI’s Proactive Investigations and Enforcement unit targets a small portion of employers about who they receive multiple or particularly egregious complaints from employees for site visit. Most cases employers decide to not contest.
    - Noted that at this point, BOLI has focused on education and that businesses were in a “grace period”
  + Workers concerned that it would be difficult for employees to prove they had experienced retaliation for complaining to their employer about violations of the law

**Reports**

* [Excellent report](https://www.urban.org/sites/default/files/publication/102851/combating-unstable-schedules-for-low-wage-workers-in-oregon_1.pdf) by Urban with qualitative data from interviews to understand early implementation of the law
* [Follow up](https://cpb-us-e1.wpmucdn.com/blogs.uoregon.edu/dist/a/13513/files/2021/01/WorkSchedulesReport.pdf) to Urban report