

Is Predictive Scheduling Coming To Connecticut?

Working Together

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In certain businesses where work volume cannot be known in advance, such as outdoor maintenance work that is dependent on the weather and delivery of materials, or service work that is dependent on the volume of customers, employers try to keep labor costs under control by using “call-in” or “just-in-time” scheduling; i.e., having employees call to find out if they are to work that same day or the following day.

Obviously, what may be a good model for business can be a bad model for workers with family responsibilities and a need for steady income, which has led to the adoption of state and local laws requiring predictive scheduling. For example, by city ordinance in San Francisco and by Department of Labor regulation in New York State, employers must post schedules at least 14 days in advance, and must provide extra pay for workers who are called to work without compliance with the posted schedule.

A more modest requirement for predictive scheduling has now been introduced in the Connecticut legislature. Entitled [An Act Stabilizing Working Families By Limiting “On Call” Shift Scheduling](#), Raised Bill No. 321, the proposed law would require most employers to provide not less than 24 hours’ notice to an employee of the employee’s shift. If enacted by the General Assembly, the law would take effect on October 1, 2018.

The bill contains two exemptions. It exempts health care employees (which includes employees involved both in direct patient care and in registration and escorting of patients or family members), seeming to recognize a major industry where minimum staffing levels are required by law but actual needs are unpredictable, and where over-staffing can be very expensive. The other exemption is for per diem and occasional or irregular employment, recognizing that some people choose to be on per diem or on call lists, and can usually decline a last-minute assignment without penalty.

Unlike legislation in other states, the bill punts the issue of enforcement, merely providing that the Labor Commissioner may adopt regulations to provide for implementation and enforcement.

As noted in Mark Sommaruga’s recent post on this blog [Latest Developments From the Connecticut General Assembly: March 8th Public Hearing], this bill was referred to the General Assembly’s Committee on Children rather than the Labor and Public Employees Committee, even though the bill obviously regulates employers rather than children. The Committee on Children held a public hearing on the bill on March 6, 2018.

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