



Legislative Testimony
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**Written Testimony Supporting House Bill 6859, An Act Concerning
Predictable Scheduling**

Senator Kushner, Representative Sanchez, Ranking Members Sampson and Ackert,
and distinguished members of the Labor Committee:

My name is Jess Zaccagnino, and I am the policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am writing to testify in support of House Bill 6859, An Act Concerning Predictable Scheduling.

The ACLU-CT believes in a society where all people have equal opportunity to contribute to society and build successful and fulfilling lives. This includes access to stable jobs that provides opportunity and security. Tens of thousands of workers in Connecticut begin their work week without knowing their schedule. They work with unpredictable, fluctuating work weeks that they cannot control. These workers cannot rely on their jobs to provide stability or a consistent paycheck. Their employers deny them full-time hours, meaning that they do not receive the benefits that come with full-time employment, like health insurance, retirement plans, and other services. At the same time, they cannot seek another job because their schedule at their primary job is not fixed. This is devastating for working families, and these harms have been even more devastating for low-wage workers, especially workers of color.

People who are working these highly unpredictable jobs are more likely to be justice-impacted. One of the biggest injustices faced by people living with a criminal record is the myriad of collateral consequences flowing from that criminal record, which persist for years, even lifetimes, after a person finishes the punishment they were

sentenced to. Collateral consequences turn any sentence into a life sentence. In Connecticut, people living with a criminal record face over 550 legal barriers to full societal participation, a large majority of them related to employment.¹ These barriers prevent people from obtaining housing, education, and other services. These harmful employment effects are not distributed equally across society. Racial disparities in Connecticut's criminal legal system² are also replicated when people return home from incarceration. Because of systemic racism, Black and Latino men are disproportionately incarcerated.³ This means they are likewise disproportionately rejected when they return to the community and seek to build a life worth living.

When formerly incarcerated people do find employment, it is usually through the most insecure and lowest-paying jobs,⁴ like the ones covered by House Bill 6859. The Brookings Institution found that the majority of people recently released from prison make well below the poverty line.⁵ Intersectionality plays a clear role in the breakdown of who is able to get a full-time position upon return from prison. A Prison Policy Initiative survey of people who are formerly incarcerated and also employed found that the vast majority of white men were in full-time positions, whereas Black and Latinx women were most likely to work in part-time or occasional jobs.⁶

This bill would provide workers with stability, ensuring that more than 140,000 food service, retail, long-term care, and hotel workers have more predictable schedules

¹ National Inventory of Collateral Consequences of Conviction, *available at* https://niccc.csgjusticecenter.org/database/results/?jurisdiction=260&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1; see also Kelan Lyons, *Council Begins Study of Discrimination Against People with Criminal Records*, CT MIRROR (Aug. 22, 2019), *available at* <https://ctmirror.org/2019/08/22/council-begins-study-of-discrimination-against-people-with-criminal-records/>.

² U.S. Commission on Civil Rights, *Briefing on Racial Disparities and Prosecutorial Practices in the Connecticut Criminal Justice System* (Apr. 2019), *available at* <https://www.usccr.gov/press/2019/03-25-Flyer-Criminal-Justice.pdf>.

³ According to the Sentencing Project, Connecticut is the fifth-worst state for Black men, with 1 in 19 incarcerated, making them 9.4 times likelier to be incarcerated than white men. Latino men in Connecticut are 3.9 times more likely to be incarcerated than white men. Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project (June 14, 2016), *available at* <https://www.sentencingproject.org/publications/color-of-justice-racial-andethnic-disparity-in-state-prisons/>.

⁴ Lucius Couloute & Daniel Kopf, *Out of Prison and Out of Work: Unemployment Among Formerly Incarcerated People*, PRISON POLICY INITIATIVE (July 2018), <https://www.prisonpolicy.org/reports/outofwork.html>.

⁵ Adam Looney & Nicholas Turner, *Work and Opportunity Before and After Incarceration*, BROOKINGS INST. (Mar. 2018), https://www.brookings.edu/wp-content/uploads/2018/03/es_20180314_looneyincarceration_final.pdf.

⁶ Couloute, *supra* note 4.

and paychecks. Part-time employees would have the opportunity to work more hours, as this bill requires employers to offer extra shifts to current workers before hiring additional staff. House Bill 6859 would ensure that employers treat their employees with respect by setting their schedules ahead of time and compensating for late schedule changes. One study of Seattle workers after their predictable scheduling law went into effect suggested that “eliminating all forms of schedule unpredictability would measurably increase the share of workers reporting good sleep and would reduce the share of workers experiencing material hardship.”⁷

The human benefits of this bill are immeasurable, but businesses would benefit, too. A study published in the *Harvard Business Review* found that stores with predictable scheduling experienced increased sales and labor productivity.⁸ Unstable scheduling often contributes to lower “process conformance,” which means how well individual stores conform to larger company processes.⁹ Workers appreciate stability, and reducing their stress helps everyone.

When people cannot rely on their job for security, it is impossible to pay for bills and childcare, stay healthy, and thrive. These harms are magnified when workers are also formerly incarcerated, and Connecticut’s collateral consequences prevent them from accessing assistance like social services and housing. Workers in our state cannot wait any longer. The ACLU-CT supports House Bill 6859 and urges this Committee to do the same.

⁷ James F. Smith, *Research Finds that More Predictable Worker Scheduling Improves Health and Well-Being*, HARV. KENNEDY SCH. (Oct. 12, 2021), <https://www.hks.harvard.edu/faculty-research/policy-topics/social-policy/research-finds-more-predictable-worker-scheduling>.

⁸ Joan C. Williams, Saravanan Kesaan & Lisa McCorkell, *Research: When Retail Workers Have Stable Schedules, Sales and Productivity Go Up*, HARV. BUS. REV. (Mar. 29, 2018), <https://hbr.org/2018/03/research-when-retail-workers-have-stable-schedules-sales-and-productivity-go-up>.

⁹ *Id.*