



UNPREDICTABLE, UNSUSTAINABLE:

The Impact of Employers' Scheduling Practices in D.C.





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I. INTRODUCTION: ERRATIC SCHEDULES AND UNPREDICTABLE INCOME

The push to boost corporate profits and keep labor costs low has led many companies to adopt scheduling practices that often result in erratic and unpredictable hours for the women and men who work for them. This report examines the scheduling practices encountered by workers in D.C.'s service sector. It highlights the results from a survey of 436 non-supervisory, hourly employees, focused especially on the retail and restaurant/food-service industries.¹ In doing so, it adds to the growing body of research on scheduling practices in the service sector.²

The survey results reveal the prevalence of “just-in-time” scheduling in D.C. workplaces, which is one way that service-sector employers try to minimize labor costs.³ Under this approach, employee schedules are changed frequently in an attempt to match customer foot traffic, reservations, or sales volumes. This means

- employees may receive their schedules just days or even hours before they are expected to report to work;
- schedules can change even after they are set;
- shifts can be cancelled at the last minute;
- shifts can be split across a single day;
- employees may get sent home early if business is slow, or be required to stick around beyond the end of their shifts if it is busy;
- employees may be required to work “call-in” or “on-call” shifts, preventing them from making other plans, but also not guaranteeing they will work any paid hours;⁴
- employees may be hired into part-time jobs, but expected to be available to work nonstandard shifts and full-time hours, even if those hours never materialize; and^{5,6}
- employers, therefore, maintain a high number of largely part-time employees on payroll, limiting options for workers to get full-time hours.^{7,8}

It should not be surprising then that existing research, and the survey conducted for this report, find that a “just-in-time” approach to scheduling negatively impacts many employees’ lives.

Common Just-in-Time Scheduling Practices:

- Split shifts are back-to-back shifts separated by more than one hour.
- Shortened shifts describe when workers are sent home before working a full shift, often without compensation.
- On-call/call-in shifts mean workers are called at the last minute, or are told to call into work at the last minute, to see if they must work certain shifts.



II. IMPACTS OF JUST-IN-TIME SCHEDULING ON SERVICE WORKERS IN D.C.—SURVEY RESULTS

The scheduling practices of retail, restaurant and food-service companies, and other service-oriented employers in the District are having a number of negative effects on their employees, most of whom earn very low wages and work part-time hours. As a result of erratic and unpredictable schedules, these employees face a tremendous challenge to make enough to support themselves while also meeting their personal needs and the needs of their families.

Employees Struggle With Low Wages, Too Few Hours, and Fluctuating Hours

A stable, predictable work schedule is not just a matter of convenience for people working in hourly service positions. It is a crucial factor in their ability to earn a living. As Table 1 indicates, the respondents in our sample earn low wages.

- The median hourly pay in early 2015 was just \$10.00, well below \$13.80, the living wage for D.C. government contractors as of January 1, 2015,⁹ which is based on what a sole earner must earn, working full time, to support a family.¹⁰
- The typical employee worked 32 hours per week.
- Put together, this means an annual income of just about \$16,000.

Table 1: Median Wages

	Hourly Pay Rate (Median)	Percent of Respondents Who Earn Tips or Commissions
Retail	\$10.00	1.40%
Restaurant/Food Service	\$10.00	24.27%
Other Service Industries	\$13.60	2.33%
Total	\$10.00	8.03%

D.C. service-sector employees earn less than, and are twice as likely to be employed part time, as other D.C. workers, according to Census Bureau data. One-third of D.C. residents working in the service sector are employed part time (34 hours or fewer per week), compared to just 15 percent of working D.C. residents as a whole. In our survey, four of five respondents said it was very important or somewhat important to get more hours.¹¹

Service-sector employees earn far less than D.C. employees as a whole. According to Bureau of Labor Statistics data, the median hourly wage for all employees employed in the District of Columbia is \$31.20, more than double the wages reported by service-sector employees in our survey.¹²

Along with working fewer than full-time hours, people in our sample **experienced significant variation in the number of hours they worked any given week**. As Table 2 indicates, for the typical employee in our sample, the number of hours they work per week rises and falls 13 hours every month, from a low of 25 hours in some weeks to as many as 38 hours in others. And as is discussed below, it is hard for individuals to predict when they will be required to report to work, causing significant challenges to their financial security and personal budgeting, particularly considering their low hourly wages.

Table 2: Fluctuating Work Weeks

Industry	Typical Work Week*	Longest Work Week, Past Month*	Shortest Work Week, Past Month*
Retail	30 hours	35 hours	23 hours
Restaurant/Food Service	35 hours	40 hours	25 hours
Other Service Industries	40 hours	40 hours	32 hours
Total	32 hours	38 hours	25 hours

*Median hours

Perhaps unsurprisingly, given the limited number of hours their primary employers make available to them, one of four service-sector employees reported working a second job, and most said they would prefer to work only one job if they could get enough hours to do so. Explains Iris Gutierrez, a mother of three who also provides for her elderly mother, “I work 25 hours a week cleaning D.C. offices for a local cleaning firm and earn \$13.60 an hour... But the money is just not enough to pay for food, transportation, or the bills. If I were boss, I would make sure that I worked 40 to 50 hours every week.”¹³

Part-Time Workers Struggle to Make Ends Meet

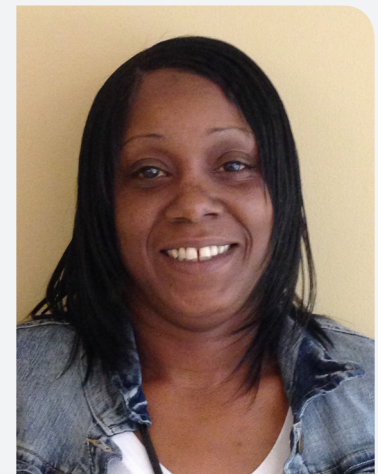
In October 2013, Stephanie Dunn was hired to work as a part-time cashier at Marshalls, the discount apparel and home goods retailer. At first, management kept its promise to schedule Stephanie for at least 25 hours of work a week. But eventually, Stephanie's boss reduced her hours to no more than 20 hours a week. And as of late May 2015, her boss cut her schedule to 15 hours per week.

On top of the infrequent hours, Stephanie's work schedule is unpredictable. She reports that management routinely posts schedules the Friday before the week they are supposed to work, and regularly makes last-minute changes. Stephanie never knows which days of the week she'll work. Sometimes she'll work a few days in a row and then have six consecutive days off, while on other days her boss will call her and ask her to come in right away.

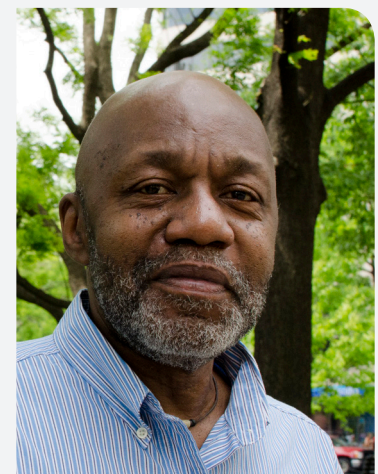
Stephanie explains that her employer's policy means she can't support herself on 15–20 hours per week. “It's frustrating and it's stressful to not get hours. The money from 20 hours a week only gets me back and forth to work but nothing more for my family.”

Marshalls recently hired another cashier for full-time hours after repeatedly telling Stephanie she couldn't have more hours because “they didn't have any money.” Asked what she would like to see changed, Stephanie said she would want everyone who wants more hours to have eight-hour shifts, five days per week: “With 40 hours I would feel appreciated, and I would cover more bills,” she said.¹⁴

Syid Abdulla, a native Washingtonian, works as a part-time janitor for Able Services, a national cleaning services firm that operates in the D.C. area. Able has not placed Syid in a full-time position in the four years of his employment. The father of three only works 20 hours a week and earns \$13.60 an hour, so despite with his wife's two jobs the couple doesn't earn enough to pay the rent or buy food for their family. “I make around \$900 a month and my rent is around \$917 a month. And that's a struggle,” Syid laments. These issues are driving him to organize with his co-workers for a new contract with Able Services that guarantees a minimum of 30 hours a week.



Stephanie Dunn



Syid Abdulla

Part-Time Work, Full-Time Availability

“Open availability” undergirds the just-in-time scheduling system. Employers can only move employees’ schedules around in an attempt to match consumer patterns if they know that employees will always be able to fill a timeslot in the schedule. Without people being always ready and available to work, the whole system falls apart, and employers must return to assigning people to shifts not contingent on customer demand. Open availability is different than on-call/call-in shifts; it is an expectation that employees hired into part-time jobs fulfill any assigned work schedule, regardless of the days or hours.

Employers in D.C.’s service sector appear to expect such open availability. We asked individuals if they must always be available to work to get full-time hours or best shifts—60 percent of surveyed employees responded in the affirmative.

In following these practices, employers are passing on business risks, but not business rewards, to the people who work for them. It is the employees who must hold time each week without compensation for the possibility, but not the guarantee, of work. Meanwhile, employers dodge the costs of overstaffing their stores during non-peak times.

D.C. Service Employees Face Unpredictable Schedules as a Result of Corporate Practices

One of the most significant challenges facing service-sector workers in D.C. is the lack of advance notice of their weekly work schedule, which makes it hard to manage non-work responsibilities.

- **One-third of surveyed employees receive their work schedules with less than three days’ notice.**
- Nearly 50 percent of respondents said that they usually first learn what days and hours they must work less than one week in advance (see Figure 1).
- **These schedules are regularly subject to change once set.** Nearly 40 percent of surveyed employees reported that their initial schedules change at least once per month, and just under **one-fourth of respondents reported schedules changing once or more per week after initial posting.** Changing schedules after initial posting once or more per week appears common in the retail and restaurant/food service.
- And as Figure 2 indicates, **employees appear to receive even less advance notice of schedule changes made after initial posting,** particularly in the retail and restaurant/food-service industries. In both industries, when employees’ schedules change after initial posting, there is a nearly 50-50 chance that they will likely get as little as two days’ notice of the change. **Nearly 30 percent of employees in each of these industries can expect to receive less than 24 hours’ notice of such changes.**

Figure 1: Initial Notice of Work Schedules

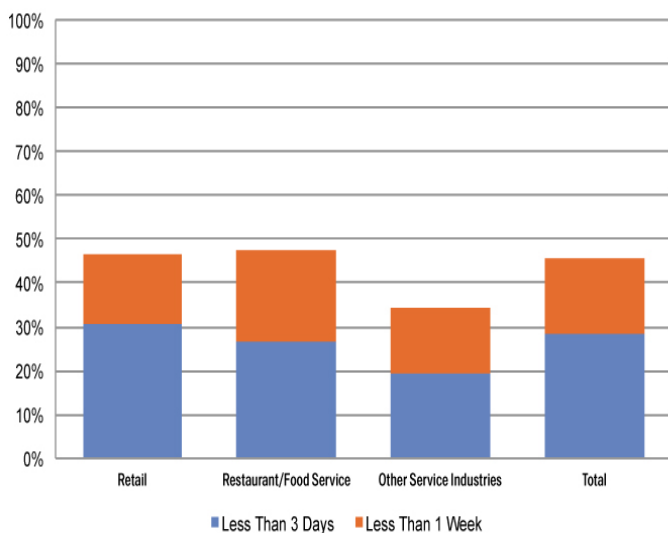
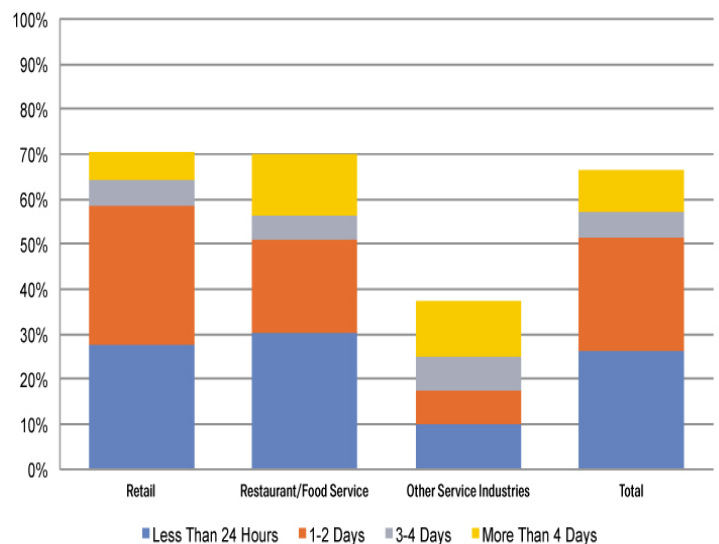


Figure 2: Advance Notice Given to Employees of Schedule Changes After Initial Posting



Many Workers Must Be On Call But Don't Actually Get Work Hours

Just-in-time scheduling practices, including split shifts, shortened shifts, and on-call/call-in shifts,¹⁵ are a regular feature of many respondents' lives. This is expected, given the reported variation in hours and limited notice of work shifts previously discussed.

Table 3 displays the reported use of these three scheduling techniques across industries. Across the sample,

- nearly 20 percent of respondents reported their employers use at least one of the just-in-time practices, and for those respondents, on-call/call-in shifts (30.75 percent) are the most frequently used;
- **half of those working in the restaurant/food-service industry have been sent home before working their full shifts**, just over one-third of these individuals report working split shifts, and just over 40 percent of them report they have been scheduled for on-call or call-in shifts; and
- on-call work is common, but half the time workers end up not getting any work hours. Half of D.C. service workers who reported working on-call/call-in shifts said that this occurs at least several times per month. And 49 percent of workers facing on-call shifts reported that they rarely end up actually working.

Table 3: Just-In-Time Scheduling Practices Across Industries

	Split Shifts	Sent Home Before Working Full Shift	On-Call/Call-In Shifts
Retail	10.23%	19.53%	25.12%
Restaurant/Food Service	34.95%	50.00%	43.69%
Other Service Industries	20.93%	9.30%	27.91%
Total	18.56%	26.94%	30.75%

These findings suggest that across the service sector, people assigned on-call/call-in shifts have about the same odds as a coin flip of getting paid to work. This dynamic creates enough uncertainty to dissuade individuals from scheduling appointments or making other short- or long-term plans—including school or a second job—during the time they may be called into work, but without any guarantee of being paid. When employees clear their schedules of other obligations and opportunities in case they are called into work, they do so for the benefit of their employer, even when a paid shift does not materialize. It is for this reason that on-call/call-in shifts that pass without the opportunity to get paid look a lot like uncompensated work.

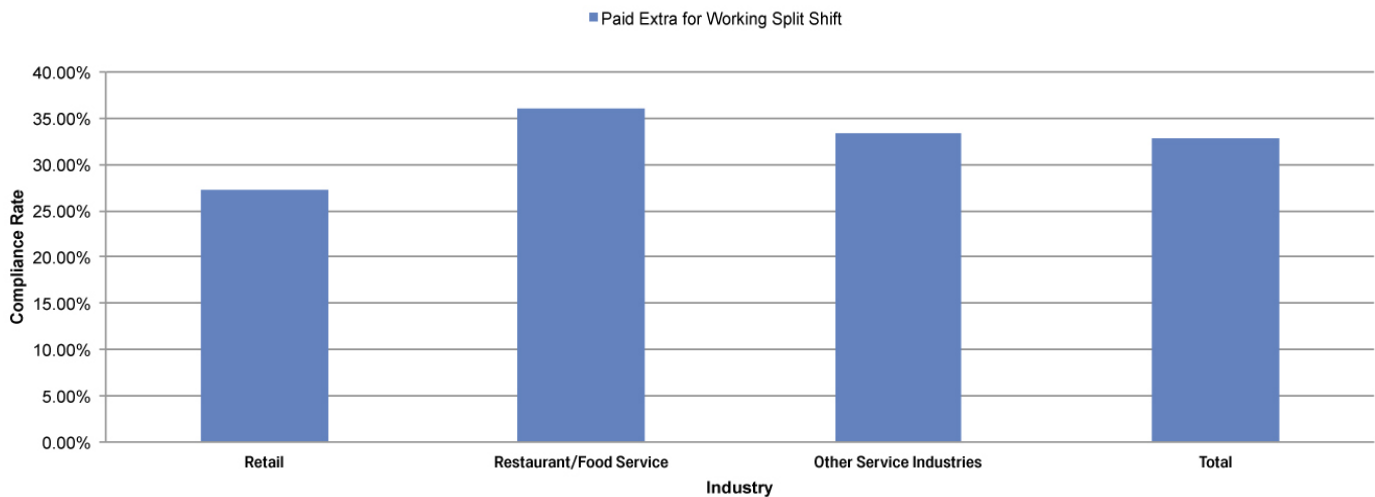
Daily Schedule Changes at Forever 21

"I have worked for Forever 21 for three and a half years. My biggest issue with my job is scheduling and the lack of raises. Co-workers have been leaving because they can't get a raise or get enough hours to live. Our schedule is supposed to be posted every Wednesday. In the last three months it has never been posted on Wednesday. Just this last week it was posted one and a half hours before my shift on Sunday. I didn't know I had to work but I was prepared to come in just in case. I check my schedule daily because I don't know when and if there's going to be a change. It is difficult for everyone because even when they post the schedule sometimes they still make changes to it and have to repost a day or two later. So what I thought was my day to work isn't and I could end up being sent home after showing up for work.

"We all have tried to complain and even attempted to mention [these issues] to the manager but she said if you don't like it here, you can move on, and handed out resignation letters for anyone who may had [sic] a problem. Most people just end up leaving."¹⁶

—Anonymous employee, Forever 21

Figure 3: Reported Compliance with Existing D.C. Scheduling Regulations



Employers Not Complying With Existing D.C. Scheduling Laws

Our research finds that employers are not in regular compliance with laws in the District addressing certain just-in-time practices. Most notably, workers do not often get paid fully when they have to work a split shift.

Under D.C. law,¹⁷ covered employers are required to pay employees one additional hour at the current minimum wage for each day that employees work a split shift. Employers also must pay employees for at least four hours for each day employees report to work as instructed, but are given no work or given less than four hours of work.¹⁸ In such circumstances, the employer can pay them for unworked hours at the minimum wage rate.

Across the total sample, as Figure 3 indicates, only one-third of respondents who worked a split shift were paid extra, with the lowest rate (27 percent) reported in the retail sector.¹⁹

Unpredictable Scheduling Is Enforced Through Employer Retaliation

Just over 23 percent of individuals, and 28 percent of those in the restaurant/food-service industry, said they feared consequences for requesting a scheduling change. And 18 percent of surveyed employees reported being penalized for requesting a different schedule or for limiting their availability. **In the restaurant/food-service industry, nearly 25 percent of employees were disciplined for requesting an alternative schedule or limiting when they could work.**

The Cost of Speaking Up About Erratic Scheduling

Elsa Ramirez has worked at a Washington, D.C. branch of a national supermarket chain for 12 years. During her first years there, Elsa had a regular schedule. She worked 6 a.m. to 2 p.m., five days a week, which left her enough time to work as a babysitter in the afternoons. But in 2014, Elsa's new manager started to assign her erratic schedules that caused havoc in her life. Elsa would often arrive at work only to see that her shift had been changed to start hours later. She says her schedule was often posted only one day in advance, and that she would be asked explicitly why she needed to take days off when she requested leave.

Elsa would often arrive at work only to see that her shift had been changed to start hours later.

Elsa eventually sought the help of the Employment Justice Center, which intervened with her employer on her behalf. As a result, some things have changed for the better. She now gets her schedule one week in advance and has been assigned her regular 6 a.m. shift. However, her hours—and the hours of her co-workers in the kitchen—have been systematically cut, and she now gets 35 hours per week at most. And because of the unpredictable scheduling she once faced, she was unable to hold down her second job as a childcare provider in the afternoons. Now, her bosses warn co-workers not to talk with her.

She has a daughter in her first year of college, and her father is ill, and she worries how she'll earn enough to provide for each of them. Despite all that she's been through, Elsa is quick to say she loves her job—she just wants to be treated with the respect she has earned over a decade of service with the company. And she's more hopeful than ever that she and her co-workers can obtain stable full-time schedules.²⁰

Discipline for requesting a different schedule or limiting availability can take different forms. Surveyed employees report:

- assignment of fewer hours;²¹
- assignment of less desirable shifts and less desirable tasks; and
- being threatened with job loss for requesting a different schedule or for limiting the hours they were available to work.

As Figures 4 and 5 illustrate below, women reported experiencing far higher rates of discipline related to scheduling compared to men. Women reported being more than twice as likely to receive fewer hours, and nearly five times as likely to be threatened with job loss, after asking for a different schedule or limiting their availability.

Figure 4: Reported Fear of Consequences and Work Penalties by Gender

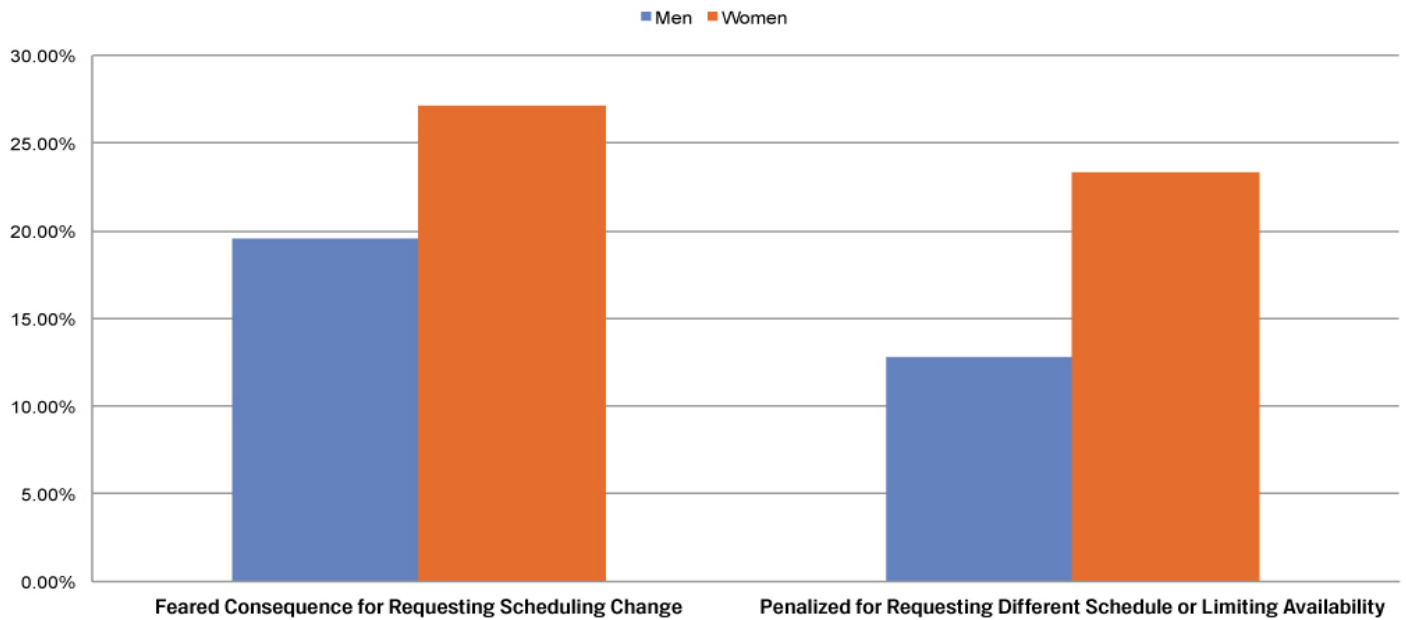
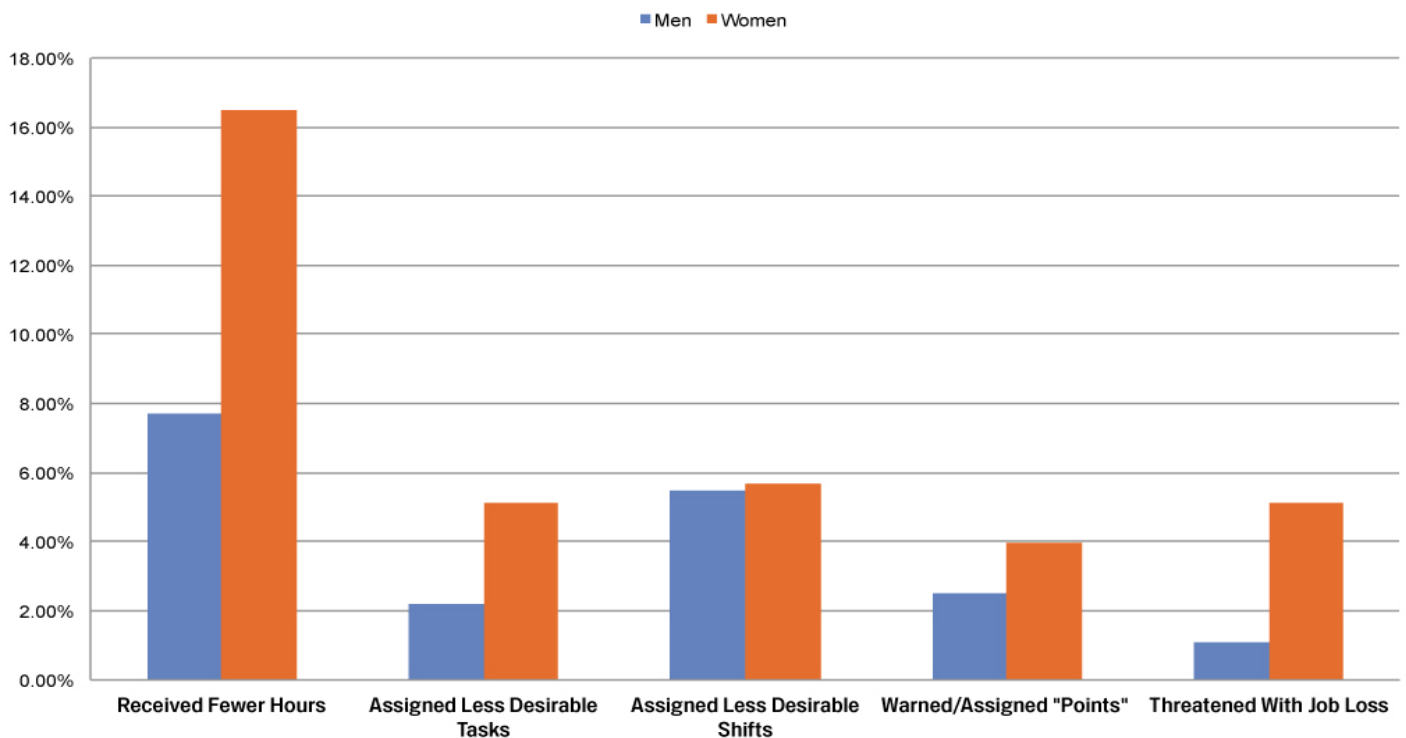


Figure 5: Forms of Reported Discipline Related to Scheduling by Gender



After Decades of Service, Manager Is Fired Soon After Requesting a Schedule Change

Fikirte Atlaw, a native Ethiopian and recently widowed single mother, worked at Parking Management Inc. (PMI) for nearly half her lifetime, and as a manager for the last 15 years of her tenure. She recalls that she rarely asked for days off and was always on time. But in January 2015, after she had worked at PMI for 25 years, her boss fired her.

When Fikirte's husband was diagnosed with lung cancer in 2013 and died in January 2014, Fikirte was left with the full responsibility of caring and providing for her son. Since she couldn't find an affordable babysitter and she needed to take her son to school every morning, Fikirte requested a slight schedule change, to start work at 8 a.m. instead of 7 a.m. Initially, her boss accepted her request. Months later, however, he called her to his office, fired her, and told her to look for another job. "He didn't say why and he didn't even warn me."

"Now I am struggling even more. I am taking unemployment, but it's still not enough," she says. To make ends meet, Fikirte receives food stamps and Medicare. And although Fikirte has enrolled in a certified nursing assistant program to find decent employment at a hospital later this year, she has not forgotten PMI. She sees her termination as a punishment for asking for a schedule change and as something that no one else should ever have to go through.²²

Corporate Scheduling Practices Impact Families and Communities

According to surveyed individuals, erratic, unpredictable work schedules affect several facets of their lives, both at work and away from it, consistent with previous research on the effects of erratic hours.²³ Notably, erratic and unpredictable schedules

- **Result in unstable family incomes.** Recent research indicates erratic work schedules contribute to household income volatility.²⁴ Incomes of U.S. households became more volatile between the 1970s and late 2000s, influenced in part by notably less stable annual hours worked by household heads.²⁵ This is evident in D.C. as well. **Just over 17 percent of surveyed employees overall, and 21 percent of employees in the restaurant/food-service industry, reported that their work schedule negatively impacted their ability to budget.**
- **Negatively impact the ability to hold a second job.** Some 12 percent of D.C. service workers said they could not pursue a second job despite wanting to do so.
- **Disrupt child care planning.** Research also suggests that employees, particularly those earning low hourly wages, often must make suboptimal childcare decisions, guided by job demands rather than their children's best interests, due in part to unpredictable work schedules.²⁶ Such job-driven childcare decisions may have serious consequences for childhood development.²⁷ **Among surveyed D.C. service-sector employees with dependents age 13 or younger,²⁸ 28 percent reported that their work schedules negatively impacted childcare arrangements.**
- **Affect employees' ability to seek education or training.** Among the surveyed individuals, **12 percent said their work schedules negatively impacted their ability to attend classes or job training.** This finding suggests that work schedules are interfering with opportunities to gain requisite skills for more advanced, higher-paying jobs. This means that scheduling practices contribute to a vicious cycle in which employees are trapped in the low-wage jobs they want to leave by the demands of those very same low-wage jobs.

“You Can Work or Attend School, You Can’t Do Both”

When Laura Bautista first applied to work at McDonald's in 2013, the manager promised her a full-time position as a cashier and a stable schedule that would allow her to attend school. But, according to Laura, when she started working at McDonald's this manager failed to provide her with a consistent schedule, forcing her to miss classes. “My manager told me, ‘You can work or attend school. You can’t do both.’”

When Laura continued to insist on a more secure schedule, her manager cut her work days from six days a week to four days a week. On a busy day, Laura may work up to 12 hours a day without a lunch break. And on a slow day, she may work as few as four hours a day. Her erratic schedule, combined with her low hourly pay, makes it impossible for her to budget, so she relies on food stamps and subsidized housing to make ends meet. “This is America. I think someone here can do something to address this abuse.”²⁹

“This is America. I think someone here can do something to address this abuse.”

Unpredictable Schedules Cause Havoc in Personal Lives

Jenny Johnson works part-time in the stock room at Ross Dress for Less at Hechinger Mall. When she started about two years ago, she was hired as a part-timer but sometimes worked as many as 40 hours a week, and regularly clocked more than 25 hours weekly. Now, she says, Ross enforces a 25-hour cap on her weekly hours, forcing her to pick up a second part-time job in the evenings. What is most frustrating to her is the unpredictability of her shifts. Jenny's schedule gets posted on Saturdays for the following week. Sometimes the company cancels deliveries to the store—this happens about twice a week—but Jenny still gets called in to work. On those days, she is likely to be sent home earlier, making her hours and paychecks totally unpredictable while her transportation costs stay the same. Usually the length of her shifts depends on how big a truck delivery is, which makes it difficult to predict how long each shift will be or how much she'll take home each week. Jenny has worked in retail for more than 10 years and wants to stay in the industry. But she's discovered that full-time retail jobs with benefits are just not available. Working two part-time jobs with unsteady hours has taken its toll: “I wish they would get rid of the on-call hours that my co-workers and I have. “It really affects my personal life, being able to take time to relax, spending time with my family.”³⁰

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Katana Jefferson, a native Washingtonian, has worked as a dishwasher, cashier, cook, and stocker for various restaurants and retail venues in Washington, DC. By and large, her employers weren't able to provide her with secure hours. While working at Shake Shack, Katana was forced to work extra hours after her shift ended, to complete last-minute tasks assigned by the manager. Then, during her initial interview for a job at another local restaurant, Katana's future employer led her to believe that she would work 30 hours a week. The restaurant ended up assigning her only 16 to 20 hours a week, which made it difficult for Katana to budget and forced her to closely watch her expenses. She later ended up leaving this job when her boss suggested she should quit instead of taking a day off to take care of her sick brother. That was the last straw for Katana—taking care of her family was her priority, and she knew her boss did not respect that.



Katana Jefferson

D.C. Service-Sector Employees Are Mostly Adults Supporting Themselves and Their Families

There is a common misconception that part-time employees earning low wages are mostly teenagers working on weekends or after school for extra spending money. However, data from the U.S. Census Bureau on D.C. residents working in the service sector—defined here as jobs in retail, food service, cleaning/maintenance, and hospitality/personal services—look a lot like the D.C. workforce as a whole. Service-sector employees stand out from other D.C. workers in two ways: they are more likely to work part time and more likely to be people of color.

The majority of D.C. service-sector employees are adults, not high school students working after school jobs. The median age for D.C. residents employed in the service sector is 36, exactly the same median age as employed D.C. residents overall. There is substantial variation in age between sectors. D.C. residents working in cleaning/maintenance, for example, are considerably older, with a median age of 47, while those working in retail and food service are younger, with median ages of 34 and 31, respectively.

D.C. service sector employees are as likely to be parents raising a family as working D.C. residents as a whole. About 19 percent of D.C. residents working in the service sector have dependent children, compared to 18 percent of all working D.C. residents. D.C. residents working in the service sector are only slightly more likely to be students (14 percent) than working D.C. residents overall (12 percent).

D.C. service-sector employees are as likely to be women as D.C. employees overall. Half of D.C. residents employed in the service sector are women, just slightly lower than the share of all employed D.C. residents who are women (52 percent). Women make up a slightly above-average share of D.C. residents working in retail (56 percent) and cleaning/maintenance (54 percent), while they make up a smaller share of D.C. residents working in food service (42 percent) and hospitality/personal services (46 percent).

D.C.'s Black and Latino working residents are overrepresented in the service sector. While only 37 percent of employed D.C. residents are black, more than half of the D.C. service-sector workforce is black. Black residents make up an even greater share of retail employees (55 percent) and hospitality/personal-services employees (64 percent). Similarly, Latino employees make up just 10 percent of all employed D.C. residents, but nearly a quarter of service-sector employees. Meanwhile, 46 percent of employed D.C. residents are white, but only 20 percent of service-sector employees are white.

A Five-Year Comparison: Results From a 2010 Georgetown Survey of D.C. Retail Workers

In 2010, Georgetown University's Kalmanovitz Institute for Labor and the Working Poor conducted an unpublished survey of 427 employees (91 managers and 336 non-supervisory employees) in Washington, D.C.'s non-food retail sector. Comparing their results with our survey suggests that working conditions, particularly wages and hours, have gotten a bit worse for D.C.'s retail employees in the past five years.

The Georgetown survey found that across the retail sector, respondents earned a median wage of \$9.19 per hour (\$9.89 in 2015 dollars) while working a median workweek of 35 hours. Our survey suggests D.C.'s employees today are earning a median wage of \$10.00 per hour while working a median typical workweek of 30 hours.³¹ The shorter typical workweek may be indicative of the service sector's elevated level of post-recovery involuntary part-time employment, which itself may be due in part to the scheduling practices described in this report.³² A loss of five hours per week of employment at \$10 an hour works out to a \$2,500 drop in annual income for workers who earn very little in the first place.

Nearly 80 percent of individuals in the 2010 Georgetown survey reported having experienced changes in work schedules on a week-to-week basis (with varying degrees of frequency). These often-changing work schedules interfered with other life commitments for approximately 40 percent of individuals.

Nearly 10 percent of Georgetown's survey respondents reported working split shifts at least sometimes, practically identical to the 10.23 percent of retail employees in our survey reporting they work split shifts. Of those Georgetown survey respondents working split shifts, 13.4 percent reported doing so without pay. Another 7.7 percent of survey respondents reported being sent home early without pay. Approximately 72 percent of retail employees in our survey reported not being paid extra for working split shifts, and nearly 80 percent of retail employees said they were not paid for the remaining hours of their shifts when sent home early.³³



III. CONCLUSION AND POLICY RECOMMENDATIONS: STEPS D.C. CAN TAKE TO IMPROVE SCHEDULING PRACTICES FOR SERVICE-SECTOR WORKERS

Across key segments of D.C.'s service sector, too many hourly employees are in a position where their lives must be planned day to day, week to week around unpredictable work schedules that provide too few hours for jobs that pay too little. A substantial percentage of employees report that their work schedules make it harder to budget, arrange childcare, continue with their education, or hold down a second job so they can earn enough to make ends meet. More than 80 percent of those individuals who do hold an additional job report doing so because their primary job does not provide enough hours.

That is bad for D.C.'s workers, and it is bad for our communities. Erratic, unpredictable schedules lead to parents who cannot plan to be there for their kids, strivers who cannot get the education needed to expand their economic outlook and employment opportunities, and families who may not consistently be able to pay the bills. Such outcomes unnecessarily inhibit the growth of the local economy and limit the tax base funding for D.C.'s essential services.

Fortunately, policymakers can join their counterparts in places like San Francisco and take common-sense actions tailored to D.C.'s economy that will help workers gain access to fair, predictable schedules without burdening employers. Washington, D.C., does have limited-scheduling laws on the books, but we believe workers will not realize the protections of these laws until they are adequately augmented and fully enforced. The D.C. Council can do this by passing new standards to give workers sufficient advance notice of their schedules. It can also encourage stable work schedules in place of just-in-time practices that require workers to hold time for their employers without a guarantee they will be called to work. That is time, according to the survey results, many people would likely otherwise use for childcare, school, or additional employment.

Doing so may benefit businesses at the same time, since it is not clear that erratic, unpredictable schedules are a business necessity. Just-in-time scheduling practices may be touted as a cost-saving tool for employers,³⁴ but these practices also are associated with increased employee turnover, which drives up costs. Evidence suggests employees with schedules that can be adapted to better align with life responsibilities are more productive and more engaged in their work, while having lower rates of absenteeism.³⁵ These positive outcomes are good for businesses' bottom lines.

The survey results also suggest a substantial percentage of employees in D.C.'s service sector want to work full time, but do not regularly receive enough hours. The D.C. Council can explore policies to promote full-time employment and protect part-time employees from being discriminated against with regard to starting pay, paid and unpaid leave, or access to promotion opportunities.

These policies will better protect D.C. families from the worst scheduling practices, which can negatively impact their work-life balance and economic security. Employers will simply need to use their sophisticated scheduling software in a more responsible manner—an adjustment, according to scheduling software makers, that is already possible.³⁶



IV. ENDNOTES

- 1 See Appendix A for a discussion of the survey methodology.
- 2 For examples, see Stephanie Luce and Naoki Fujita, “Discounted Jobs: How Retailers Sell Workers Short,” City University of New York Murphy Institute and Retail Action Project, 2012 <http://retailactionproject.org/wp-content/uploads/2012/03/7-75_RAP+cover_lowres.pdf>; Stephanie Luce, Sasha Hammad, and Darrah Sipe, “Short Shifted,” City University of New York Murphy Institute, Retail Action Project, and Retail, Wholesale, and Department Store Union, 2014 <http://retailactionproject.org/wp-content/uploads/2014/09/ShortShifted_report_FINAL.pdf>.
- 3 Nancy K. Cauthen. “Scheduling Hourly Workers: How Last Minute, “Just-In-Time” Scheduling Practices Are Bad for Workers, Families and Business,” Demos (Mar. 2011) <http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf>.
- 4 National Women’s Law Center, “Reporting Time Pay: A Key Solution to Curb Unpredictable and Unstable Scheduling Practices,” Jan. 2015 <http://www.nwlc.org/sites/default/files/pdfs/reporting_time_pay_fact_sheet_jan_2015.pdf >.
- 5 Susan J. Lambert, Julia R. Henly, and Alexandra B. Stanczyk, “The Role of Manager Practices and Employee Work-Life Responsibilities in Explaining Fluctuating and Scarce Hours in Part-Time Retail Jobs,” Annual Conference of the Society for Social Work and Research, San Antonio, 2014.
- 6 Cauthen, “Scheduling Hourly Workers.”
- 7 Ibid.
- 8 Susan J. Lambert and Julia R. Henly, “Scheduling in Hourly Jobs: Promising Practices for the Twenty-First-Century Economy,” The Mobility Agenda, May 2009, <<http://www.mobilityagenda.org/home/file.axd?file=2009%2f5%2fscheduling.pdf>>.
- 9 See “Living Wage Act of 2006 Fact Sheet”, http://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/Living%20Wage%20Act%20Fact%20Sheet%202015.pdf
- 10 Chapman, J. & Thompson, J. (2006, Feb. 15). The Economic Impact of Local Living Wages. Washington, DC: Economic Policy Institute. Retrieved from: <http://www.epi.org/publication/bp170/>.
- 11 Critics of the Affordable Care Act often suggest that the ACA’s employer mandate, which requires employers with at least 50 full-time-equivalent workers to provide health insurance to employees who work 30 or more hours per week, is responsible for elevated levels of involuntary part-time employment. It is important to recognize that the empirical evidence does not support this argument. See, for instance, Paul N. Van de Water, “Health Reform Not Causing Significant Shift to Part-Time Work,” Center on Budget and Policy Priorities, 6 Jan. 2015 < <http://www.cbpp.org/research/health-reform-not-causing-significant-shift-to-part-time-work>>; Bowen Garrett and Robert Kaestner, “Little Evidence of the ACA Increasing Part-Time Work So Far,” Urban Institute, 3 Sept. 2014 < <http://www.urban.org/research/publication/little-evidence-aca-increasing-part-time-work-so-far>>.
- 12 Refer to Appendix B for further information.
- 13 Iris Gutierrez, DC cleaning firm janitor, personal interview, by Diana A. Torres, 11 May 2015.

- 14 Stephanie Dunn, Marshalls cashier, personal interview, by Ari Schwartz, 22 May 2015.
- 15 Split shifts are back-to-back shifts separated by more than one hour. Shortened shifts describe when workers are sent home before working a full shift, often without compensation. On-call/call-in shifts mean workers are called at the last minute, or are told to call into work at the last minute, to see if they must work certain shifts.
- 16 Anonymous employee of Forever 21, personal interview, by Don Cash Jr., 7 Apr. 2015.
- 17 District of Columbia Municipal Regulations, Wage-Hour Rules, Title 7, Sections 906 and 907 <http://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/DOES_wage_hour_rules.pdf>.
- 18 When workers are regularly assigned fewer than four hours of work per day, employers need only pay the workers for the regularly scheduled hours at the minimum wage rate.
- 19 We also asked individuals if they were paid for the remaining hours of shifts when they were sent home early. This question is not ideally worded since employers need only pay employees for up to four hours, and only when employees are regularly scheduled to work a shift longer than four hours. However it does suggest that employers may not be complying with the existing law.
- 20 Elsa Ramirez (a pseudonym), Whole Foods kitchen worker, personal interview, by Ari Schwartz, 7 Apr. 2015.
- 21 There is an alternative explanation for why these individuals received fewer hours. It is possible that people who limit their availability are assigned fewer hours because it is simply easier and faster for managers to construct schedules by prioritizing workers who have the most availability. In this instance, workers who have requested fewer hours are not necessarily punished; they are experiencing an unintentional consequence of the service sector's systematic hyperfocus on limiting labor costs in an environment with lax wage and hour protections. Supervisors, many earning barely more than their direct reports without overtime protections, are authorized to assign only a very limited number of labor hours each month. This means they must balance their own time between administrative tasks like putting together work schedules with coverage of tasks that would otherwise be assigned to subordinates. It is easier and quicker to take hours from employees requesting a scheduling accommodation, rather than working with them to find alternative hours. This does not excuse the practice; rather, it demonstrates how employers can currently shift business risks on to both managerial and non-managerial employees.
- 22 Fikirte Atlaw, Parking Management Inc. manager, personal interview, by Diana A. Torres, 29 Apr. 2015.
- 23 Lonnie Golden, "Irregular Work Scheduling and Its Consequences," Economic Policy Institute, 9 Apr. 2015 <<http://s2.epi.org/files/pdf/82524.pdf>>.
- 24 Board of Governors of the Federal Reserve System, "Report on the Economic Well-Being of U.S. Households in 2013," July 2014 <<http://www.federalreserve.gov/econresdata/2013-report-economic-well-being-us-households-201407.pdf>>; Diana Farrell and Fiona Greig, "Weathering Volatility: Big Data on the Financial Ups and Downs of U.S. Individuals," J.P. Morgan Chase Institute, May 2015 <<http://www.jpmorganchase.com/content/dam/jpmorganchase/en/legacy/corporate/institute/document/54918-jpmc-institute-report-2015-aw5.pdf>>.
- 25 Karen Dynan, Douglas Elmendorf, and Daniel Sichel, "The Evolution of Household Income Volatility," *The B.E. Journal of Economic Analysis & Policy* 12:2 (2012).
- 26 Ajay Chaudry, Juan Pedroza, and Heather Sandstrom, "How Employment Constraints Affect Low-Income Working Parents' Child Care Decisions," Urban Institute, 22 Feb. 2012 <<http://www.urban.org/research/publication/how-employment-constraints-affect-low-income-working-parents-child-care>>; Liz Ben-Ishai, Hannah Matthews, and Jodie Levin-Epstein, "Scrambling for Stability: The Challenges of Schedule Volatility and Child Care," Center for Law and Social Policy, Mar. 2014 <<http://www.clasp.org/resources-and-publications/publication-1/2014-03-27-Scrambling-for-Stability-The-Challenges-of-Job-Schedule-Volat-.pdf>>; Restaurant Opportunities Centers United, "The Third Shift: Child Care Needs and Access for Working Mothers in Restaurants," July 2013 <<http://www.scribd.com/doc/161943672/The-Third-Shift-Child-Care-Needs-and-Access-for-Working-Mothers-in-Restaurants>>.

- 27 JoAnn Hsueh and Hirokazu Yoshikawa, "Working Nonstandard Schedules and Variable Shifts in Low-Income Families: Associations With Parental Psychological Well-Being, Family Functioning, and Child Well-Being," *Developmental Psychology* 43:3 (2007) 620-632.
- 28 Under most circumstances, federal childcare funding is available for children under age 13. See Sarah Minton, Christin Durham, and Louise Giannarelli, "The CCDF Policies Database Book of Tables: Key Cross-State Variations in CCDF Policies as of October 1, 2013," The Urban Institute, 2014, 10 <<http://www.acf.hhs.gov/programs/opre/resource/the-ccdf-policies-database-book-of-tables-key-cross-state-variations-in-ccdf-policies-as-of-october-1-2013>>.
- 29 Laura Bautista (a pseudonym), McDonald's cook, personal interview, by Diana A. Torres, 21 May 2015.
- 30 Jenny Johnson (a pseudonym), Ross Dress for Less stocker, personal interview, by Ari Schwartz, 14 May 2015.
- 31 Differences in the subsectors where respondents to the two surveys are employed likely influences these results.
- 32 Council of Economic Advisors, "Economic Report of the President Transmitted to the Congress," 2015, Chapter 3 <https://www.whitehouse.gov/sites/default/files/docs/2015_erp_chapter_3.pdf>.
- 33 Differences in wording between the two surveys, in addition to the subsectors where respondents are employed, likely influence these results.
- 34 Susan J. Lambert and Julia R. Henly, "Scheduling in Hourly Jobs."
- 35 Liz Ben-Ishai, "Job Schedules That Work for Businesses," Center for Law and Social Policy, Nov. 2014 <<http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>>.
- 36 "Dayforce Human Capital Management Delivers Hourly Employee Engagement With Schedule Predictability & Fairness," MarketWatch, 5 Jan. 2015 <<http://www.ceridian.com/about-us/news-room/news-releases/2015-pr/dayforce-hcm-support-of-san-francisco-labor-rules.html#sthash.nTK4jsOr.dpbs>>.
- 37 The Fair Labor Standards Act excludes from its overtime protections those workers who theoretically hold enough bargaining power, as determined by their pay level and work assignments, that they do not need these protections. However, the U.S. Department of Labor has only once increased the salary threshold, which is not indexed to inflation, since 1974. The current rate of \$455 per week is less than the poverty threshold for a family of four. The U.S. Department of Labor has announced its intention to raise the salary threshold, but has not settled on a final number. Raising the threshold from \$455 per week to \$984 per week would afford overtime protections for 6.1 million workers, a significant percentage of whom are women, blacks, Hispanics, workers under age 35, and workers with lower levels of education. For more information, see Heidi Shierholz, "Increasing the Overtime Salary Threshold Is Family-Friendly Policy," Economic Policy Institute, 20 Aug. 2014, <<http://www.epi.org/publication/increasing-overtime-salary-threshold-family/>>.
- 38 DC Fiscal Policy Institute analysis of ACS microdata.
- 39 See, for example, Luce and Fujita, "Discounted Jobs"; Luce, Hammad, and Sipe, "Short Shifted."
- 40 See Appendix B for how service sector is defined for purposes of this study.
- 41 DC Fiscal Policy Institute analysis of ACS microdata.

Appendix A: Survey Methodology

Our survey focuses on non-supervisory, hourly employees in the retail and restaurant/food-service industries. For purposes of this study, our use of the term “retail” incorporates employees of clothing stores, department and discount stores, and grocery stores, while “restaurant/food service” incorporates both restaurants and subcontracted food-service companies, such as those found on university campuses and in government buildings.

DC Jobs With Justice staff and volunteers collected survey responses primarily through direct workplace canvassing from January through April 2015. Canvassers focused on collecting responses from non-supervisory, hourly employees in the aforementioned segments of the retail and restaurant/food-service industries. They also surveyed a smaller number of non-supervisory, hourly employees in other personal services (e.g., parking lot attendants); other amusement, gambling, and recreation industries (e.g., movie theaters and gyms); traveler accommodations; services to building and dwellings; and investigation and security services. These employees are grouped as working in “Other Service Industries” in the results. Potential respondents were identified by their visible job duties (e.g., is this person performing non-supervisory work?). Canvassing primarily occurred in the District’s densest business districts. Specific areas included Chinatown, Metro Center, Tenleytown, H Street NE, Union Station, Columbia Heights, Georgetown, Barracks Row, L’Enfant Plaza, Dupont Circle, Farragut North, Hechinger Mall, Minnesota Avenue/Benning Road NE, and the U Street/14th Street corridor.

This effort generated 436 responses, of which 415 responses identified a targeted industry. We then removed from these 415 responses those that appeared to come from supervisory employees, who were identified by job title and whether they reported earning about the current overtime exemption salary threshold of \$455 per week, or \$23,660 for someone who works year-round.³⁷ This left us with a sample size of 361.

We compared our sample with U.S. Census and Bureau of Labor Statistics data to ensure it was representative of the population working jobs in targeted service-sector industries within Washington, D.C. Throughout the data collection process, we attempted to calibrate our sample so that the percentage of respondents in the targeted industries was proportional to the percentage of D.C.’s service-sector employees employed in them. Table 4 compares our survey sample with targeted segments of the District’s service-sector workforce. Our sample appears to be proportional to the percentage of D.C.’s service-sector employees employed in the

Table 4: Percentage of Lower-Wage Service-Sector Workforce Employed by Industry

Industry, All Targeted Occupations	D.C. Service Sector ³⁸	Survey Sample
Clothing Stores	3.00%	9.97%
Department and Discount Stores	2.00%	24.93%
Grocery Stores	5.00%	24.65%
Investigation and Security Services	5.00%	0.28%
Restaurants and Other Food Services	24.00%	28.53%
Services to Buildings and Dwellings	8.00%	7.48%
Traveler Accommodation	6.00%	1.11%

restaurant/food-service and building-services industries. The survey oversamples employees in the clothing store, grocery store, and department and discount store industries, which we call “retail” in the results. This may be useful, though, for understanding scheduling practices in the service sector, as employees in these industries have been the most vocal about problematic scheduling practices.³⁹ At the same time, it is worth noting that D.C.’s grocery store industry is highly unionized. Given the ability for unionized employees to directly address scheduling practices with their employer through collective bargaining, our results for this industry may be understating the scheduling issues that exist for grocery store employees in other parts of the country with lower union density. Low sample sizes necessitate a more cautious interpretation of the results for other industries identified within the survey sample. It is one reason why we grouped them together in the results as “Other Service Industries.”

As Table 5 illustrates, our sample’s demographics are also fairly representative of D.C.’s service sector.⁴⁰ As in the D.C. service sector, nearly half of the individuals in our sample are women, and a majority of the individuals in the sample and D.C.’s service sector are black. Our sample has a younger median age than the population of employees in D.C.’s service sector, and it underrepresents the white employees in D.C.’s service sector. As previously noted, though, in the segments of D.C.’s service sector on which our study is focused, retail and food service, employees are younger, with respective median ages of 34 and 31.

The demographic differences between the population of employees in D.C.’s service sector and the respondents in our sample may impact our findings. For instance, the sample’s younger median age could lead to results understating the work-life balance challenges created by erratic, unpredictable scheduling practices, presuming younger employees are less likely to have dependents and family obligations. Despite the younger median age, however, our sample appears to slightly overrepresent employees with dependent children. While we believe these demographic differences ultimately have little or no impact on our findings, it is important to be mindful of them when interpreting the results.

Table 5: Demographic Comparison: D.C. Service Sector vs. Survey Sample

	Gender	Median Age	Dependent Children	Race/Ethnicity
D.C. Service Sector Population⁴¹	51.31% Female	36	19%	57.9% Black, 18.35% Hispanic, 19% White
Survey Sample, Total	49.44% Female	28	24%	68.25% Black, 18.94% Hispanic, 5.29% White

Appendix B: D.C. Service-Sector Analysis Methodology

Two data sets were used to analyze D.C. employees in retail, food-service, cleaning/maintenance, and hospitality/personal-services sectors. For the analysis of wages in each sector, we used the Bureau of Labor Statistics' May 2014 State Occupational Employment and Wage Estimates for the District of Columbia (available at http://www.bls.gov/oes/current/oes_dc.htm). The BLS data reflect workers employed in the District, but not necessarily D.C. residents. We used the "Sales and Related Occupations" major category to define retail employees, the "Food Preparation and Serving Related Occupations" major category to define food-service employees, the "Building and Grounds Cleaning and Maintenance Occupations" major category to define cleaning/maintenance employees, and the "Personal Care and Service Occupations" major category to define hospitality/personal-services employees. A few occupations of interest did not fit within any of these major BLS categories, including Hotel, Motel, and Resort Desk Clerks; Laundry and Dry-Cleaning Workers; Parking Lot Attendants; and Security Guards.

For the demographic information on retail and food-service employees, we used 2008–2013 American Community Survey data. The five-year data was needed to get adequate sample sizes for most estimates. The ACS data reflect employed D.C. residents, but these workers may be employed outside the District. We included the following occupations to define retail employees in the ACS data: First-line Supervisors of Retail Sales Workers; First-Line Supervisors of Non-Retail Sales Workers; Cashiers; Counter and Rental Clerks; Parts Salespersons; Retail Salespersons; Sales Representatives, Services, All Other; Sales Representatives, Wholesale and Manufacturing; Models, Demonstrators, and Product Promoters; Telemarketers; Door-to-Door Sales Workers, News and Street Vendors, and Related Workers; and Sales and Related Workers, All Other.

We included the following occupations to define food-service employees in the ACS data: First-line Supervisors of Food Preparation and Servicing Workers; Cooks; Food Preparation Workers; Bartenders; Combined Food Preparation and Serving Workers, Including Fast Food; Counter Attendants, Cafeteria, Food Concession, and Coffee Shop; Waiters and Waitresses; Food Servers, Non-Restaurant; Miscellaneous Food Preparation and Serving Related Workers, Including Dining Room and Cafeteria Attendants and Bartender Helpers; Dishwashers; Hosts and Hostesses, Restaurant, Lounge, and Coffee Shop; Bakers; Butchers and Other Meat, Poultry, and Fish Processing Workers; Food and Tobacco Roasting, Baking, and Drying Machine Operators and Tenders; Food Batchmakers; Food Cooking Machine Operators and Tenders; and Food Processing Workers, All Other.

We used the following occupations to define cleaning/maintenance employees in the ACS data: First-Line Supervisors of Housekeeping and Janitorial Workers; First-Line Supervisors of Landscaping, Lawn Service, and Groundskeeping Workers; Janitors and Building Cleaners; Maids and Housekeeping Cleaners; Pest Control Workers; and Grounds Maintenance Workers.

We used the following occupations to define hospitality/personal-services employees in the ACS data: Security Guards and Gaming Surveillance Officers; First-Line Supervisors of Gaming Workers; First-Line Supervisors of Personal Services Workers; Nonfarm Animal Caretakers; Gaming Services Workers; Motion Picture Projectionists; Ushers, Lobby Attendants, and Ticket Takers; Miscellaneous Entertainment Attendants and Related Workers; Barbers; Hairdressers, Hairstylists, and Cosmetologists; Miscellaneous Personal Appearance Workers; Baggage Porters, Bellhops, and Concierges; Tour and Travel Guides; Recreations and Fitness Workers; Personal Care and Service Workers, All Other; Hotel, Motel, and Resort Desk Clerks; Laundry and Dry-Cleaning Workers; Tailors, Dressmakers, and Sewers; and Parking Lot Attendants.

Although most of the occupations used to identify the retail and food-service sectors are the same in the two data sets, they are not identical.

