

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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**No. 291 C.D. 2025**

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**ROBERT SIMMS, on behalf of himself and all others similarly situated,**

**&**

**CITY OF PHILADELPHIA,**

**Appellees,**

**v.**

**GRSH WINGS PA, LLC d/b/a WINGSTOP,**

**Appellant.**

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**BRIEF OF *AMICI CURIAE* NATIONAL WOMEN'S LAW CENTER,  
UNITE HERE LOCAL 274, PHILADELPHIA COUNCIL AFL-CIO, and  
COMMUNITY LEGAL SERVICES OF PHILADELPHIA**

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## TABLE OF CONTENTS

TABLE OF AUTHORITIES .....	ii
INTEREST OF AMICI.....	1
BACKGROUND AND SUMMARY OF ARGUMENT .....	3
ARGUMENT .....	4
I. Philadelphia’s Fair Workweek law seeks to address well-documented abusive scheduling practices that harm workers, families, and employers....	4
A. Unstable and unpredictable work schedules are common in the service sector.....	5
B. Volatile work schedules harm workers’ and families’ economic security, health, and well-being.....	7
C. Unstable work schedules harm employers’ bottom line. ....	12
II. Philadelphia’s Fair Workweek law benefits workers, employers, and the public at large. ....	13
A. Fair and stable work schedules benefit workers by giving them predictability to plan their lives.....	13
B. Stable scheduling has a tangible economic benefit for employers while still allowing flexibility when necessary. ....	14
C. Fair Workweek laws around the country create positive benefits for the local economy and for workers. ....	16
CONCLUSION .....	18

## TABLE OF AUTHORITIES

	<b>Pages(s)</b>
<b>Statutes</b>	
55 Pa. Code § 3042.33 .....	14
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L.A. Mun. Code §§ 185.00-.16 .....	16
N.Y.C., N.Y., Admin. Code ch. 20-12.....	16
Or. Rev. Stat. §§ 653.412-.490 .....	16
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Phila. Code § 9-4603.....	16
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## INTEREST OF AMICI

Amici are the National Women’s Law Center (“NWLC”), UNITE HERE Local 274, Philadelphia Council AFL-CIO, and Community Legal Services of Philadelphia (“CLS”).<sup>1</sup>

The National Women’s Law Center is a nonprofit organization that fights for gender justice in the courts, in public policy, and in our society, and works across issues that are central to the lives of women and girls, especially women of color, LGBTQI+ people, and low-income women. Since 1972, NWLC has worked to advance educational opportunities, workplace justice, health and reproductive rights, and income security. NWLC is a nationally recognized expert in predictable-scheduling laws and has provided expert legislative testimony in support of these policies in jurisdictions across the country.

UNITE HERE Local 274 represents 4,000 private-sector food-service and hospitality workers in Pennsylvania. The Fair Workweek law has transformed conditions for food-service and hospitality workers in Philadelphia. Before Philadelphia enacted the Fair Workweek law, UNITE HERE’s members were routinely subjected to last-minute, unpredictable scheduling. These scheduling practices regularly forced employees to hold open “on call” availability for shifts

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<sup>1</sup> Pursuant to Pa. R.A.P. 531(b)(2), *amici* state that no person or entity other than *amici*, their members, or counsel paid for the preparation of, or authored, this brief in whole or in part.

that might not ever be scheduled, disrupted working parents' ability to arrange child care, and prevented workers from forecasting their monthly income. Dismantling this law would have serious and immediate adverse consequences for thousands of low-wage workers and their families across Philadelphia.

The Philadelphia Council AFL-CIO represents over 110 different local unions and over 150,000 union members, representing nearly every sector and industry in Philadelphia. It is committed to fighting for all working people, union or not yet union. This commitment is why, over eleven years ago, it was proud to help champion Fair Workweek into law. Workers, regardless of where they work or what they do, deserve to have predictable schedules that allow them to provide stability for their families and live full and productive lives outside of the workplace. Beyond that, Fair Workweek ensures that workers will not be punished for having a life outside of work and advocating for themselves. The anti-retaliation measure ensures that when workers stand up for themselves and their rights, no matter what sector they work in or if they have a union card, they will not be punished. Laws like Fair Workweek do not just provide support and stability for working families, they allow businesses to increase productivity without jeopardizing their bottom line or at the expense of workers' legal rights and personal lives.

Community Legal Services of Philadelphia is a non-profit legal services organization founded in 1966 that represents thousands of low-income

Philadelphians every year in a variety of civil legal cases, including employment cases. CLS advocates for workplace rights of its mostly non-union, low-wage worker clients on the federal, state, and local levels on matters including unemployment compensation, wage and hour rights, anti-discrimination, and other areas that impact poverty and economic inequality. CLS's clients who work in retail and hospitality struggle to balance work, school, and family obligations when they do not get advance notice of scheduling; for this reason, CLS worked in coalition with others on the Fair Workweek legislation and its implementation, and CLS continues to work on its enforcement.

### **BACKGROUND AND SUMMARY OF ARGUMENT**

Unstable work schedules harm workers, employers, and the broader community and economy. Philadelphia has a substantial interest in addressing these harms and promoting high-quality jobs. Academic research details the widespread scheduling volatility in low-paid service-sector jobs—disproportionately held by women and workers of color—and the cascading harms to health, caregiving, education, transportation, and economic security that result. As more jurisdictions pass laws to guarantee fair work schedules, evidence has mounted that stable schedules benefit workers and employers alike.

## ARGUMENT

### **I. Philadelphia’s Fair Workweek law seeks to address well-documented abusive scheduling practices that harm workers, families, and employers.**

Every job should allow workers and their families to thrive. But far too often, jobs do not provide the wages, hours, or benefits that people need to gain economic security and stability. And millions of workers—particularly women—struggle to make ends meet, let alone prosper. Higher-paid workers can smooth over shocks to their job schedules by paying for child care, or by buying a car to escape the vicissitudes of public transportation schedules, or by paying their bills from savings in a month when their income dips. But workers who live from paycheck to paycheck cannot gracefully absorb the blow of a surprise late shift one week, or a yanked shift (and lower paycheck) the next week. Nor do they have the bargaining power to force their employers to treat them with more regularity.

Unstable and unpredictable scheduling is widespread in low-paid service-sector jobs, which are disproportionately held by women and people of color.<sup>2</sup> Some of these jobs require working nights, weekends or even overnight, and many offer only part-time work, despite many workers’ need for full-time hours. Volatile schedules harm workers’ economic security, health, and well-being; and they can

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<sup>2</sup> *Inequities in the Service Sector*, Harv. Kennedy Sch. Malcolm Wiener Ctr. For Soc. Pol’y, <https://shift.hks.harvard.edu/inequalities-in-the-service-sector/> (last visited June 25, 2026).

also harm employers' bottom lines. Philadelphia's Fair Workweek law is designed to mitigate these harms.

**A. Unstable and unpredictable work schedules are common in the service sector.**

Modern workforce-management systems have facilitated a rise in employers' use of "just-in-time" scheduling practices, altering shifts on a weekly or daily basis according to perceived consumer demand. These last-minute changes maximize flexibility for employers at the expense of hourly employees. These practices rarely take employee needs or preferences into account and typically produce very little advance notice of work schedules, with frequent last-minute changes.<sup>3</sup>

Unpredictable schedules are particularly acute in the service sector. In a 2025 survey of workers across industries, more than four in ten workers reported that they have little or no control over their work schedules.<sup>4</sup> In some hourly jobs, particularly in the service sector, workers are even less likely to have a say in when they work.<sup>5</sup>

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<sup>3</sup> See generally, e.g., Daniel Schneider & Kristen Harknett, *Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being*, 84 Am. Soc. Rev. 82 (2019); Nancy C. Cauthen, *Scheduling Hourly Workers*, (Dēmos 2011), [http://www.demos.org/sites/default/files/publications/Scheduling\\_Hourly\\_Workers\\_Demos.pdf](http://www.demos.org/sites/default/files/publications/Scheduling_Hourly_Workers_Demos.pdf); Lonnie Golden, Econ. Pol'y Inst., *Irregular Work Scheduling and Its Consequences*, at 4 (Apr. 9, 2015),

<https://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>.

<sup>4</sup> Julie Ray, *Work Schedules Fail Millions of U.S. Employees*, Gallup (June 10, 2025), <https://news.gallup.com/poll/690881/work-schedulesfail-millions-employees.aspx>.

<sup>5</sup> See Daniel Schneider & Kristen Harknett, *It's About Time*, The Shift Project, at 1 (2019), <https://shift.hks.harvard.edu/files/2019/10/Its-About-Time-How-Work-Schedule-Instability-Matters-for-Workers-Families-and-Racial-Inequality.pdf> (finding in a survey of retail and food service workers that 80% have little to no input into their schedules).

Additional studies have found that workers in retail, restaurant, and hospitality jobs commonly receive just a few days' notice of a scheduled shift.<sup>6</sup> Sometimes notice is even shorter: employees scheduled for “call-in” or “on-call” shifts must be available to work, but will find out just hours before their shifts whether they must actually report to work.<sup>7</sup> Last-minute changes to scheduled shifts and variable shift length are also common. On a busy day, employees may be told to extend their shifts without prior notice<sup>8</sup>—and if business is slow, they might be sent home without pay soon after they arrive, forcing them to bear transportation and child care costs that can amount to more than that day's pay.<sup>9</sup> Black and Hispanic workers are more likely than white workers to have less than two weeks' notice of their work schedules.<sup>10</sup>

The practice of “clopening”—requiring an employee to work the closing shift one night and the opening shift the next morning—is also common in many service

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<sup>6</sup> E.g., Elizabeth O. Ananat & Anna Gassman-Pines, *Work Schedule Unpredictability*, 83 J. Marriage & Fam. 10, 11 (2021); Susan J. Lambert, *Passing the Buck: Labor Flexibility Practices that Transfer Risk onto Hourly Workers*, 61 J. Hum. Rels. 1203, 1217 (2008).

<sup>7</sup> E.g., Aditi Sen & Connie Razza, *Hour by Hour: Women in Today's Workweek*, Ctr. for Popular Democracy 5 (2015), [http://populardemocracy.org/sites/default/files/HourbyHour\\_final.pdf](http://populardemocracy.org/sites/default/files/HourbyHour_final.pdf); Stephanie Luce & Naoki Fujita, *Discounted Jobs*, 13 (2012), <https://search.issuelab.org/resources/14888/14888.pdf>.

<sup>8</sup> Liz Watson & Jennifer E. Swanberg, *Flexible Workplace Solutions for Low-Wage Hourly Workers*, 3 Am. U. Lab. & Emp. L.F. 380, 405-06 (2013).

<sup>9</sup> See, e.g., Sen & Razza, *supra* note 7, at 5.

<sup>10</sup> Colin B. Hawkinson et al., *A Cross-Sectional Analysis of Work Schedule Notice and Depressive Symptoms in the United States*, 22 SSM Population Health no. 101413, at 4 (2023).

sector jobs.<sup>11</sup> Clopening shifts may leave workers without enough time to travel home and get sufficient rest before returning to work.

**B. Volatile work schedules harm workers’ and families’ economic security, health, and well-being.**

Unpredictable and unstable work schedules yield unpredictable and unstable incomes, making it difficult for families to budget and to pay the bills.<sup>12</sup> This income volatility is as significant a source of poverty and economic instability as low wages.<sup>13</sup> More than one third of all households who report volatile incomes also report that they have trouble paying bills as a result—and among low-income households with volatile incomes, around two-thirds struggle to pay their bills because of this volatility.<sup>14</sup> In a 2019 survey, six in ten hourly retail and food service workers reported experiencing at least one material hardship—such as hunger,

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<sup>11</sup> *E.g.*, Joshua Choper, Daniel Schneider & Kristen Harknett, *Uncertain Time: Precarious Schedules and Job Turnover in the US Service Sector*, 75 ILR Rev. 1099, 1102 (2022).

<sup>12</sup> *See, e.g.*, Peter Ganong et al., *Earnings Instability* (Univ. of Chi. Becker Friedman Inst. for Econ., Working Paper No. 2025-114), [https://bfi.uchicago.edu/wp-content/uploads/2025/09/BFI\\_WP\\_2025-114-1.pdf](https://bfi.uchicago.edu/wp-content/uploads/2025/09/BFI_WP_2025-114-1.pdf).

<sup>13</sup> *See, e.g.*, Kathryn Anne Edwards & Griffin Murphy, *Economic Security for the 21st Century*, Nat’l Acad. of Soc. Ins., 33 (June 2022), <https://www.nasi.org/wp-content/uploads/2022/06/Economic-Security-for-the-21st-Century.pdf>; Stephen Roll et al., *Responses to and Repercussions from Income Volatility in Low- and Moderate-Income Households*, Aspen Inst. (2017), [https://www.aspeninstitute.org/wp-content/uploads/2025/05/ASPEN\\_RESEARCH\\_CIV\\_03\\_digital.pdf](https://www.aspeninstitute.org/wp-content/uploads/2025/05/ASPEN_RESEARCH_CIV_03_digital.pdf) (families with volatile incomes are far more likely to rely on payday loans, defer medical care, miss a housing payment, and experience food insecurity than families with equal but more stable income).

<sup>14</sup> *See* Lauren Bauer, Chloe East & Olivia Howard, *Low-Income Workers Experience—By Far—the Most Earnings and Work Hours Instability*, Brookings Inst. (2025), <https://www.brookings.edu/articles/low-income-workers-experience-by-far-the-most-earnings-and-work-hours-instability/>.

trouble paying bills or securing housing, or forgoing needed medical treatment—over the prior year, and workers with more variable and unpredictable hours faced an elevated risk of hardship.<sup>15</sup>

An unexpected reduction in hours can mean not only a loss of pay, but also the loss of employer benefits that are tied to work hours, including health insurance and paid and unpaid time off,<sup>16</sup> as many employer policies, or state and federal laws, guarantee these benefits only to workers above a certain threshold of weekly hours. And while public programs like child care subsidies, SNAP, Medicaid, and unemployment insurance are especially important to enable working people who are paid low wages and offered too few hours to make ends meet, erratic schedules and incomes can also make it difficult to maintain eligibility for these critical supports.<sup>17</sup> Workers’ inability to pursue or complete education and workforce-training programs as a result of work-schedule conflicts also makes it much more difficult for them to move up into higher-paying jobs.<sup>18</sup>

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<sup>15</sup> Daniel Schneider & Kristen Harknett, *Hard Times: Routine Schedule Unpredictability and Material Hardship Among Service Sector Workers*, 99 Soc. Forces 1682 (2021).

<sup>16</sup> See, e.g., Gabriella Aboulafia & Daniel Schneider, *Employer-Sponsored Health Insurance for Workers in the Hourly Service Sector*, 6 JAMA Health F. art. no. e254747 (2025).

<sup>17</sup> Elizabeth Ananat, Anna Gassman Pines & Olivia Howard, *Work Requirements Penalize Workers in Volatile Occupations* (May 22, 2025), <https://www.hamiltonproject.org/publication/post/work-requirements-penalize-workers-in-volatile-occupations/>; Liz Ben-Ishai, *Volatile Job Schedules and Access to Public Benefits*, Ctr. for Law & Social Pol’y (2015), <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/2015.09.16-Scheduling-Volatility-and-Benefits-FINAL.pdf>.

<sup>18</sup> See, e.g., Choper, Schneider, & Harknett, *supra* note 11, at 1124 (“[W]orkers with the most unstable schedules churn between employers without experiencing upward mobility.”).

People working in low-paid jobs—especially women—often face competing demands at home and work. Many of these workers are single parents, have children with disabilities, care for elderly or sick relatives, or juggle multiple caregiving responsibilities. Low-paid workers also have higher rates of illness themselves.<sup>19</sup> At the same time, these workers are likely to have fewer resources to pay for child and elder care than other workers, and are far less likely to have paid sick days, paid vacation days, or job-protected leave under federal or state law.<sup>20</sup> But with little to no control over their work schedules, planning for the exigencies of daily life—for example, ending a shift on time to pick up a child from school or scheduling time to take an aged parent to a doctor’s appointment—is simply not an option.

Challenging work schedules compromise low-paid workers’ access to child care.<sup>21</sup> When parents are unable to find child care or their arrangements fall through, sometimes they must miss work and lose pay—but with work schedules and incomes that fluctuate from week to week, many have no choice but to cobble together child

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<sup>19</sup> E.g., Katrina L. Kezios et al., *History of Low Hourly Wage and All-Cause Mortality Among Middle-Aged Workers*, 329 JAMA 561 (2023).

<sup>20</sup> Thirteen states have law creating paid family and medical leave programs, but not Pennsylvania. National Conference of State Legislatures, *Paid Leave: State Family and Medical Leave Laws*, <https://www.ncsl.org/labor-and-employment/state-family-and-medical-leave-laws> (last visited June 11, 2026).

<sup>21</sup> E.g., Dani Carrillo et al., *Instability of Work and Care: How Work Schedules Shape Child-Care Arrangements for Parents Working in the Service Sector*, 91 Soc. Serv. Rev. 422 (2017).

care at the last minute.<sup>22</sup> Because many centers require caregivers to pay a weekly or monthly fee, regardless of how often the child attends, holding a spot in a child care center is often infeasible for workers who do not know when, or even whether, they will work that week.

As a result, parents in low-paid jobs frequently must rely on family, friends, and neighbors or seek out lower-cost—and often lower-quality—care for their young children.<sup>23</sup> While some families may have a reliable relative, neighbor, or friend available who can provide nurturing care for their children, other families may be forced to settle for much less. Volatile work schedules take a toll, too, on child care providers, who are also mostly women, and who often must scramble to be available for families with little notice.

This volatility can undermine children’s well-being and healthy development.<sup>24</sup> Parents with volatile work schedules may not be available for their children’s meals, homework help, and other routines, or for engagement in their children’s education. For example, in one survey, few professional workers, but

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<sup>22</sup> See *id.*; Kristen Harknett, Daniel Schneider & Kristen Luhr, *Who Cares If Parents Have Unpredictable Work Schedules?: Just-in-Time Work Schedules and Child Care Arrangements*, 69 Soc. Probs. 164 (2020).

<sup>23</sup> See, e.g., Carrillo et al., *supra* note 21; Harknett, Schneider & Luhr, *Who Cares If Parents Have Unpredictable Work Schedules?*, *supra* note 22.

<sup>24</sup> See Daniel Schneider & Kristen Harknett, *Maternal Exposure to Work Schedule Unpredictability and Child Behavior*, 84 J. Marriage & Fam. 187 (2022); Allison Logan & Daniel Schneider, *Parental Exposure to Work Schedule Instability and Child Sleep Quality*, 39 Work, Emp. & Soc’y 64 (2025).

many low-paid workers, reported not participating in children’s school activities due to a lack of flexibility, advance notice of work schedules, and paid time off.<sup>25</sup> Challenging work schedules also make it more difficult for workers to get the health care they need for themselves and their families.<sup>26</sup> Doctor’s visits—particularly visits for routine, preventive care—often need to be scheduled long before low-paid workers receive their work schedules.<sup>27</sup> When parents have more control over their work hours, their children may be less likely to have behavioral and developmental challenges.<sup>28</sup>

Challenging work schedules can also undermine workers’ upward mobility by making it nearly impossible to pursue further education or training while holding down a job. One of the most commonly cited challenges to completing a college degree is the inability to balance work and school.<sup>29</sup>

Just-in-time scheduling also complicates transportation for people in low-paid jobs, who often rely on friends or family for rides to and from work, or on public

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<sup>25</sup> A. Haley-Lock & L. Posey-Maddox, *Fitting It All In: How Mothers’ Employment Shapes Their School Engagement* 19 Cmty., Work & Fam. 302 (2016).

<sup>26</sup> Daniel Schneider & Kristen Harknett, *Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being*, 84 Am. Socio. Rev. 82 (2019).

<sup>27</sup> See, e.g., AMN Healthcare, *2025 Survey of Physician Appointment Wait Times and Medicare and Medicaid Acceptance Rates*, at 5 (2025), <https://online.flippingbook.com/view/83050962/> (in the 15 largest metropolitan areas in the country, patients waited more than 23 days to see a family physician for a routine physical).

<sup>28</sup> See, e.g. Daniel Schneider & Kristen Harknett, *Maternal Exposure to Work Schedule Unpredictability and Child Behavior*, 84 J. Marriage & Fam. 187 (2021).

<sup>29</sup> E.g., Avery M. D. Davis, *Is Working in College Worth It? How Hours on the Job Affect Postsecondary Outcomes*, 47 Educ. Evaluation & Pol’y Analysis 329 (2025).

transportation that may run infrequently or erratically.<sup>30</sup> Workers may spend hours and precious resources commuting to and from work, to work a shift that winds up lasting only a few hours, or to be sent home unexpectedly when work is slow.<sup>31</sup>

### **C. Unstable work schedules harm employers' bottom line.**

Unpredictable and low-quality work schedules have a cascade of negative consequences that impact employers as well as workers. Employees who lack input into, or sufficient notice of, their work hours face more work-life conflict—and sometimes, life has to win, making an employee late for a last-minute shift because of a non-reschedulable medical appointment or absent altogether because child care was unavailable. Studies consistently show that unpredictability in weekly work hours and last-minute schedule changes make employees more likely to want to leave a job,<sup>32</sup> whereas accommodating employees' needs in their work schedules markedly decreases turnover.<sup>33</sup> Back-to-back closing and opening shifts, or pressure

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<sup>30</sup> See, e.g., Cauthen, *supra* note 3, at 7.

<sup>31</sup> See, e.g., *id.*

<sup>32</sup> See, e.g., Joshua Choper, Daniel Schneider & Kristen Harknett, *Uncertain Time: Precarious Schedules and Job Turnover in the US Service Sector*, 75 ILR Rev. 1099 (Oct. 2022); Jennifer E. Swanberg et al., *Working on the Frontlines in U.S. Hospitals: Scheduling Challenges and Turnover Intent Among Housekeepers and Dietary Service Workers*, 5 J. Hosp. Admin. 76 (2016).

<sup>33</sup> See, e.g., Sarah Kalloch, Amanda Silver & Zeynep Ton, *Give Service Workers Stable Schedules*, Harv. Bus. Rev. (March 29, 2022), <https://hbr.org/2022/03/give-service-workers-stable-schedules>; Liz Ben-Ishai, *Job Schedules that Work for Businesses*, Ctr. for L. & Soc. Pol'y at 1 (2014), <http://www.clasp.org/resources-and-publications/publication-1/Job-Schedules-that-Work-for-Businesses.pdf>.

to accept unscheduled hours, may compromise workers' ability to rest, and thereby threaten workplace safety.<sup>34</sup>

## **II. Philadelphia's Fair Workweek law benefits workers, employers, and the public at large.**

The Fair Workweek law provides a more equitable framework for workers and employers to manage the risks of last-minute scheduling changes. It gives workers the predictability they need to plan their lives and remain employed and lets employers benefit from increased productivity and lower turnover rates. The law does not fully prohibit last-minute scheduling changes when necessary; rather, it shifts the burden of inconsistent scheduling from low-wage workers to large employers who are better able to bear the cost. By limiting its application to employers with at least 250 employees and 30 or more locations,<sup>35</sup> the Fair Workweek law focuses on large employers that can most readily handle its requirements.

### **A. Fair and stable work schedules benefit workers by giving them predictability to plan their lives.**

Inconsistent schedules lead to financial instability for workers because they cause fluctuations in weekly earnings. Fair workweek laws allow workers the opportunity to establish a consistent, clear budget for themselves. They also enable

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<sup>34</sup> See generally Indira Gurubhagavatula et al., *Guiding Principles for Determining Work Shift Duration and Addressing the Effects of Work Shift Duration on Performance, Safety, and Health*, 17 J. Clinical Sleep Med. 2284 (2021).

<sup>35</sup> Phila. Code § 9-4601(4).

employees without cars to build their schedules around available public transportation, which may not run frequently enough, particularly at off-peak times. Even employees who drive may be part of a carpool and thus lack flexibility around travel schedules.

For working parents, advance-notice requirements enable workers to access a larger variety of caregivers, including family members, paid babysitters, and before- and after-school programs. Further, to access subsidies for child care under Pennsylvania's Child Care Works program, a parent must work for twenty or more hours per week, or work for ten hours plus attend school or training for ten hours per week.<sup>36</sup> Stable schedules under the Fair Workweek law ensure that parents are able to remain in compliance with these requirements for child care subsidies.

**B. Stable scheduling has a tangible economic benefit for employers while still allowing flexibility when necessary.**

Consistent hours and advance notice of schedules make it easier for employees to plan transportation, child care, doctor's appointments, and other obligations so that they can consistently be and stay at work. This predictability creates a more stable, reliable workforce for businesses, and it generates cost savings from reduced turnover and absenteeism. Relative to their peers with lower-quality schedules, workers with more input, stability, and predictability in their work hours

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<sup>36</sup> 55 Pa. Code § 3042.33.

report greater job satisfaction and less work-family conflict,<sup>37</sup> which improves productivity and job retention.<sup>38</sup>

A study of one major retailer showed that the more hours employees work, and the more consistent those hours are, the longer employees stay with the company.<sup>39</sup> At another retailer, improving schedule stability increased productivity by up to 24%.<sup>40</sup> When Gap Inc. worked with managers to pilot strategies to improve consistency and worker-driven flexibility in shift scheduling, employees reported enthusiasm for these changes and the stores that implemented them saw higher productivity as well as notable increases in sales.<sup>41</sup>

The Fair Workweek law does not eliminate employers' ability to make last-minute changes to work schedules. Rather, it requires employers to share in some of the costs of last-minute changes, instead of imposing all such costs on low-wage

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<sup>37</sup> See, e.g., Lonnie Golden et al., *Do Unpredictable and Unstable Work Hours Reduce Subjective Wellbeing?*, 183 Soc. Indicators Rsch. 11 (2026); Julie Ray, *Work Schedules Fail Millions of U.S. Employees*, Gallup (June 10, 2025), <https://news.gallup.com/poll/690881/work-schedulesfail-millions-employees.aspx>; Sigrid Luhr, Daniel Schneider & Kristen Harknett, *Parenting Without Predictability*, 8 Russell Sage Found. J. Soc. Sciences 24 (2022).

<sup>38</sup> See, e.g., Kalloch, Silver & Ton, *supra* note 33; Steve Prokesch, *You've Got to Set Your People Up to Succeed*, Harv. Bus. Rev. (May-June 2023), at 56, 57.

<sup>39</sup> Susan J. Lambert & Julia R. Henly, *Work Scheduling Study: Key Findings*, Univ. of Chi. Sch. of Soc. Serv. Admin., <https://ssascholars.uchicago.edu/work-scheduling-study/content/key-findings> (last visited June 3, 2026).

<sup>40</sup> Mahdi Hashemian, Zeynep Ton & Hazhir Rahmandad, *The Effect of Unstable Schedules on Unit and Employee Productivity* (MIT Sloan Research Paper no. 6056-19, last revised Sept. 2021), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3839673#](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3839673#) (finding that increasing workers' weekly time from 13 hours to 24 hours is associated with the significant productivity gains).

<sup>41</sup> Saravanan Kesavan et al., *Doing Well by Doing Good: Improving Retail Store Performance with Responsible Scheduling Practices at the Gap, Inc.*, 68 Mgmt. Sci. 7818 (2022).

workers. *See* Phila. Code § 9-4603. The overall benefits of this rebalancing of burdens far outweighs the cost.

**C. Fair Workweek laws around the country create positive benefits for the local economy and for workers.**

Philadelphia is not alone in passing a fair workweek law. Oregon has passed similar legislation at the state level,<sup>42</sup> and municipal ordinances are in effect in cities across the country including Chicago,<sup>43</sup> Los Angeles,<sup>44</sup> Seattle,<sup>45</sup> and New York City,<sup>46</sup> among others.

These laws have a proven track record of benefiting covered employees and the broader community. A rigorous study of Seattle’s ordinance found that it “worked as intended to increase work schedule predictability and induced positive downstream improvements in workers’ subjective wellbeing, sleep, and economic security.”<sup>47</sup> A study in Emeryville, California, found that after the city’s fair workweek ordinance<sup>48</sup> went into effect, covered workers reported a significant decrease in work-schedule instability, along with improvements in family well-

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<sup>42</sup> Or. Rev. Stat. §§ 653.412-.490.

<sup>43</sup> Chi., Ill., Mun. Code ch. 6-110.

<sup>44</sup> L.A. Mun. Code §§ 185.00-.16.

<sup>45</sup> Seattle, Wash., Mun. Code ch. 14.22.

<sup>46</sup> N.Y.C., N.Y., Admin. Code ch. 20-12.

<sup>47</sup> Kristen Harknett, Daniel Schneider & Véronique Irwin, *Improving Health and Economic Security by Reducing Work Schedule Uncertainty*, 118 PNAS no. e2107828118, at 7 (2021).

<sup>48</sup> Emeryville, Cal., Mun. Code ch. 5-39.

being.<sup>49</sup> And new research examining the impact of fair workweek laws across three jurisdictions—Seattle, New York City, and Chicago—affirms that workers in jobs covered by these laws report better outcomes than their peers in uncovered positions across many measures, including more predictable schedules.<sup>50</sup> To the extent these cities’ ordinances have not led to full compliance by employers, a need remains for increased enforcement,<sup>51</sup> which is precisely what the this lawsuit represents.

Opponents of these laws have sometimes argued that they would result in job losses and would offer no real-world advantages for workers. But research has debunked such alarmist claims. After New York City passed its fair workweek ordinance, an empirical analysis of the fast-food sector found that there was no negative impact to overall employment numbers.<sup>52</sup> And a nationwide study of tourism and hospitality workers found that “predictive scheduling laws have a significant positive effect on employee satisfaction, particularly among vulnerable workers—i.e., those with lower skill levels and shorter job tenure—who are more

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<sup>49</sup> Elizabeth O. Ananat, Anna Gassman-Pines & John A. Fitz-Henley II, *The Effects of the Emeryville Fair Workweek Ordinance on the Daily Lives of Low-Wage Workers and Their Families*, 8 Russell Sage Found. J. Soc. Sciences 45 (2022).

<sup>50</sup> Susan J. Lambert et al., *How are Municipal-Level Fair Workweek Laws Playing Out on the Ground?* (Wash. Ctr. Equitable Growth Working Paper, 2025), <https://equitablegrowth.org/wp-content/uploads/2025/07/120925-WP-How-are-Municipal-Level-Fair-Workweek-Laws-Playing-Out-on-the-Ground-Experiences-of-Food-Service-and-Retail-Workers-in-Three-Cities-Lambert-Henly-Cho-Swanson-Varner-and-He.pdf>.

<sup>51</sup> *Id.* at 30.

<sup>52</sup> Joseph Pickens & Aaron Sojourner, *Effects of Fair Workweek Laws on Labor Market Outcomes*, 65 Indus. Rels. 132, 133 (2025).

susceptible to scheduling instability.”<sup>53</sup> More stable schedules can strengthen morale, job sustainability, and service quality.

## CONCLUSION

The Fair Workweek law is a vital tool for leveling the playing field for low-wage workers in Philadelphia, and the Court should affirm the judgment below.

Dated: June 25, 2026

Respectfully submitted,

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<sup>53</sup> Yang Yang, Karen Pei-Sze Tan, & Yi Vanessa Liu, *Balancing the Clock: How Predictive Scheduling Laws Influence Employee Satisfaction in the U.S. Tourism and Hospitality Industry*, 116 *Tourism Mgmt.* no. 105419, at 12 (2026).

## **CERTIFICATION OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the United Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

I further certify that the foregoing brief contains 5,533 words, in compliance with the 7,000-word limit established by Pa. R.A.P. 531(b)(3).

Dated: June 25, 2026

/s/ Olivia Mania  
Olivia Mania