



PRESS RELEASE

Attorney General Frosh Announces Agreements with Major Retailers to Stop Mandatory On-Call Shift Scheduling for Employees

Disney, Aeropostale Among Retailers that Agree to Cease Burdensome Scheduling Practice Following Probe by AGs; Three Companies Further Pledge to Provide Workers with Schedules One Week in Advance

BALTIMORE, MD (December 20, 2016) – Maryland Attorney General Brian E. Frosh, along with attorneys general from seven other states and the District of Columbia, announced that a number of national retailers doing business in Maryland have agreed to stop using on-call shift scheduling following an inquiry by the multi-state coalition of attorneys general. Employees assigned to on-call shifts are required to call their employer, typically an hour or two before a scheduled shift, to find out if they will be assigned to work that day. If they are not assigned work, they receive no pay. An estimated 50,000 workers nationwide will benefit from the agreements to end the burdensome scheduling practice.

“On-call shifts impose unnecessary hardships on retail workers and their families,” said Attorney General Frosh. “The commitments made by these companies will result in fairer treatment and more predictable schedules for many Maryland retail workers, allowing employees to make additional commitments to their families and to advance their personal and careergoals.”

The companies – Aeropostale, Carter’s, Disney, PacSun, and Zumiez – were among 13 large retailers that received joint inquiry letters from the 9 attorneys general in April of this year seeking information and documents related to their use of on-call shifts. These five companies reported that they were using on-call shifts, but after discussions with the attorneys general’s offices, all agreed to stop doing so, and none are currently using on-call shifts. The remaining companies responded that they did not use the practice or had recently ended it.

In addition to ending the use of on-call shifts, three of the companies – Carter’s, Disney, and Zumiez – all committed to providing workers with their work schedules at least one week in advance of the start of the workweek. Such advance notice increases employees’ ability to plan ahead and to maximize the use of their off-hours.

The collaboration among attorneys general stemmed from their collective concern about the impact of on-call shifts on employees and their families, as well as the national scope of the retail companies involved.

The April letter states, “Unpredictable work schedules take a toll on employees. Without the security of a definite work schedule, workers who must be ‘on-call’ have difficulty making reliable childcare and elder-care arrangements, encounter obstacles in pursuing an education, and in general experience higher incidences of adverse health effects, overall stress, and strain on family life than workers who enjoy the stability of knowing their schedules reasonably in advance.”

It continues, “Our letter today is prompted by the concerns outlined above and by our shared interest in the well-being of workers nationwide,” and notes that certain states have laws regarding reporting or call in pay laws applicable within those jurisdictions.

Attorney General Frosh’s Office sent letters to the following 13 retailers: American Eagle, Aeropostale, Payless, Disney, Coach, PacSun, Forever 21, Vans, Justice Just for Girls, BCBG Maxazria, Tilly’s, Inc., Zumiez, and Carter’s.

In addition to Maryland, the letters were signed by representatives of the attorneys general of California, Connecticut, the District of Columbia, Illinois, Massachusetts, Minnesota, New York, and Rhode Island.