

# Bills take aim at irregular scheduling, on the rise in Oregon's service industry

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As a bartender in Lake Oswego, Kayleigh Game was promised 25 hours a week but averaged only 15.

"Many times I was expected to hang out at the restaurant until it got busy enough to clock on for my shift," Game said. "I found I was spending more on childcare expenses and gas than I was making."

Emerson Wood had the opposite problem. As kitchen manager at a newly expanded restaurant, he was asked to work 80 to 100 hours a week.

"Often I even slept at work because it wasn't worth it driving home only to come back so soon," Wood said.

When Hali Anderson worked at Starbucks, she said, she was scheduled to close two days a week, leaving at 1 a.m., and open another two, starting at 2:30 a.m. The hours came at a cost to her health.

"I could not keep a consistent sleep schedule and I became constantly ill and depressed," Anderson said.

The three are victims of "irregular scheduling," a growing employment practice that Mary King, Portland State University economics professor emerita, calls "a poverty trap."

King coauthored a recently released report on the topic that concludes new scheduling software has encouraged employers to manage employees as they do inventory — on a just-in-time basis. That can mean:

» Sending employees home early on a scheduled shift if business is slow.

» Scheduling employees for consecutive shifts that allow little time for rest, such as a closing and then an opening shift — also known as "clopens."

» Providing short notice of work schedules — sometimes less than 24 hours.

» Scheduling extremely variable total hours from week to week.

"Our findings were that all elements



Hali Anderson holds back tears at a Thursday news conference in the Oregon State Capitol press room as she describes how she became ill and depressed after working irregular shifts at Starbucks.

of irregular scheduling practices are prevalent here in Oregon," King said at a Thursday news conference in support of two scheduling bills under consideration in the Oregon Legislature.

Irregular scheduling "...prevents people from obtaining adequate hours at work, it prevents them from taking a second job, and it prevents them from pursuing further education and training," King said.

Senate Bill 828 and House Bill 2193 are identical. They would, among other things:

» Require employers to pay workers for at least four hours if the employee is scheduled or called in to work but, due to the employer, does not work an entire shift.

» Require large employers in specified industries to provide new employees with an estimated work schedule, and

provide current employees with work schedules two weeks in advance.

» Prohibit large employers in specified industries from scheduling shifts that don't allow a sufficient break in between unless the employee earns 1.5 times scheduled rate of pay.

The Oregon Restaurant and Lodging Association is opposing the bills, said Greg Astley, its director of government affairs.

"We think they fail to take into account some of the factors that are really beyond the restaurant owner's or lodging owner's control," he said.

Those could include having to close for weather, such as during recent ice storms; closing for large protests like the ones recently held in Portland; or staffing up quickly for large sporting events.

A recent survey of Seattle-area restaurant workers showed that three of

four did not want to be chained to a 2-week schedule, Astley said.

"They would prefer the flexibility," he said.

SB 828 is scheduled for its first hearing on Feb. 27 in the Senate Committee on Workforce. HB 2193 has been assigned to the House Committee on Business and Labor.

At least 23 other cities or states have adopted scheduling policies over the past three years, King said.

"Our state and federal labor laws don't address these issues," she said. "We strongly believe Oregon should adopt legislation along these lines. We need an economy that works for everyone, not just the wealthy and the well connected."

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# Oregon pot tax revenue continues decline

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The trend line for Oregon's marijuana tax revenue gains is starting to look like one of the state's many mountains: It went up first, then plummeted down.

Marijuana tax revenue in Oregon continued a steady decline from late last year, a marked departure from the strong upward trend that defined early months of tax collection of the state's legal pot industry.

Buffeted by reportedly strained supplies, the amount of money flowing into the state has tumbled consistently month-over-month since a high last October of \$7.83 million, with January's figure falling more than \$2.5 million short of that number.

On Tuesday, the state reported \$5.26 million in tax payments for the first

month of the year. January tax collection figures released by the Oregon Department of Revenue were off a few hundred thousand dollars from last December and more than \$1 million from November.

But January's figures mean the state has made \$65.4 million since collection started, and not everyone is a critic.

"The (marijuana tax) numbers ... suggest very strong collection," Mazen Malik, a senior economist with the Oregon Legislature, told the Associated Press. "Thus it suggests that the transition is being implemented successfully and the consumers are continuing to buy at the rate we saw last year."

Send questions, comments or news tips to jbach@statesmanjournal.com or 503-399-6714. Follow him on Twitter @JonathanMBach.



In this Sept. 30, 2016, file photo, a marijuana harvester examines buds going through a trimming machine near Corvallis, Ore.

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