



**Chair:** Shana Hazan **Vice Chair:** Dolores Canizales

**Commissioners:** Olympia Beltran, Faye Detsky Weil, Tammy Gillies, Godwin Higa, Breanne Mode, Kathleen Moehlig, Nicole Murray Ramirez, April Purcell, Jeffrey Razi-Jafari, Kristin Rizzo, Tootie Thomas, Liliana Zaragoza

**Commission Liaisons:** Jonathon Glus, Bell Reza

*This meeting will only be held via Zoom here:*

[Zoom](#)

Commissioner comment will be available by opening your chat window and typing “speak”.

## COMMISSION MEETING AGENDA

Wednesday, November 18, 2020

5:30 - 7:30 PM

Topic	Purpose	Resources	Facilitator	Time
I. I. Call to Order, Roll Call	Information		Chair Hazan	5:30
II. II. Non-agenda Public Comment	Information		Chair Hazan	5:35
III. Mayor’s Office/Public Official Comment • Complete Communities Update	Information		City of San Diego, Planning Department	5:40
IV. Communities of Concern	Action		Chair Hazan	5:45
V. Presentation: Research on Racial Inequality	Action	White Paper	Daniel Enmark, San Diego Workforce Partnership	5:50
VI. Adopt Minutes, Review Action Items	Action		Chair Hazan	6:10
VII. ICE Raids and Public Health	Action	<ul style="list-style-type: none"><li>Supervisor Ronen Letter of Support</li><li>CDPH Letter</li></ul>	Vice Chair Canizales	6:15



# Human Relations Commission

<b>VIII. Advocacy Opportunity: Family Separation at the Border</b>	Action	AP News Article	Commissioner Rizzo	6:25
<b>IX. Pronouns</b>	Action	Gender Identification YouTube Video	Commissioner Moehlig	6:30
<b>X. Chair Report</b>	Information		Chair Hazan	6:35
<b>XI. Commissioner Updates</b>	Information		Chair Hazan	6:45
<b>XII. Adjournment</b>	Action		Chair Hazan	7:00

**Next Meeting: December 16, 2020, 5:30 – 7:30 p.m.**



# Human Relations Commission

Human Relations Commission [Meeting](#)

## Minutes

Wednesday, October 21, 2020

5:30PM - 7:00PM

### **Call to Order | [View Here](#)**

The Human Relations Commission meeting was called to order by Commission Chair Hazen at 5:30p.m.

### **Roll Call | [View Here](#)**

Commissioners Present: Shana Hazan, Dolores Canizales, Tootie Thomas, Kathleen Moelhig, Faye Detsky-Weil, Kristin Rizzo, Jeffrey Razi-Jafari, Breanne Mode, April Purcell, Godwin Higa, April Purcell, Tammy Gillies (joined late)

Absent: Jeffrey Razi-Jafari, Nicole Murray-Ramirez, Olympia Beltran

City Staff: Bell Reza, Rev. Dr. Gerald W. Brown, Th.D, Jonathon Glus

### **Mayor's Office/Public Official Comment**

**Office of Race and Equity Update | Councilmember Montgomery-Steppe [View Here](#)**

### **Panel - Immigration Issues in San Diego | [View Here](#)**

- Rita Fernandez, Immigrant Affairs Manager
- Sam Tsoi, Alliance San Diego
- Kate Clark, Jewish Family Service of San Diego
- Laurel Dalstead, International Rescue Committee
- Rashid Essa, International Rescue Committee

### **ACTION: Approval of Minutes | [View Here](#)**

A motion to approve the minutes was made and passed with the following amendments:

1. Dolores Canizales was present at the September 16 meeting
2. Ad Hoc Committee was established to update bylaws

**California Ethnic Studies Requirement & Model Curriculum/AB 331 | [View Here](#)**  
Commissioner Gillies

**Hate Crimes & Anti-bias Training | [View Here](#)**

Commissioner Gillies

**Chair Report | [View Here](#)**

**Commissioner Updates | [View Here](#)**

Canizales will send handouts to all Commissioners.

**Adjournment**

A motion to adjourn the meeting was made and passed at 7:44 PM.

## The Need for Stable Scheduling in San Diego's Service Sectors

Daniel Enemark, PhD, Senior Economist

Service-sector businesses and their workers can benefit from more predictable and stable work schedules. The San Diego Workforce Partnership is working with businesses to develop innovative scheduling strategies because we believe stable schedules serve the “double bottom line”—both increasing profits (primarily through savings on turnover and absenteeism) and increasing workers’ quality of life. Below are five scheduling policy innovations that we believe will serve San Diego business owners and their employees:

1. **Stability:** Employers provide a good faith estimate of an employee’s schedule at time of hire.
2. **Predictability:** Employers provide employees seven-day schedules 14 days in advance. Employers provide “predictability pay” for short-notice changes and allow workers to decline short-notice requests.
3. **Reliability:** Employers do not employ “on-call” scheduling.
4. **Rest:** Employers pay time-and-a-half for any hours worked between closing and opening shifts separated by less than 11 hours.
5. **Opportunity:** Employers offer any needed hours to current, qualified part-time workers before hiring new workers or using contractors or staffing agencies.

### *Stability, Predictability, and Reliability*

Schedule instability is widespread in the service sector. Among retail workers, 87% experience fluctuating hours and 50% receive their schedules a week or less in advance; among food-service workers, 90% experience fluctuation and 64% receive schedules a week or less in advance.<sup>1</sup>

Unpredictable schedules negatively affect the businesses that use them. Supervisors at these businesses feel “stuck in the middle” between management’s expectations and their workers’ needs.<sup>2</sup> When front-line workers are dissatisfied with their schedules, they have lower levels of *work engagement*,<sup>3</sup> which is a major determinant of customer satisfaction and loyalty<sup>4</sup> as well as worker productivity, retention, and business profitability.<sup>5</sup> And conflict between work schedules and family obligations—plus the negative health impact of that conflict—also decreases employee performance.<sup>6</sup> In a study that collected data on employee-customer interactions, employee work–family conflict was found to negatively impact not only worker performance but customer intent to purchase.<sup>7</sup>

Just-in-time scheduling is designed to save money by adjusting workers’ schedules to customer demand, but it is often economically counterproductive. A recent experiment demonstrated that the average worker would be willing to give up 20% of wages to avoid short-notice scheduling.<sup>8</sup> In the Workforce Partnership’s own focus-group research with San Diego service-sector workers, when given a choice between a significant raise and a stable schedule, all participants agreed that they would prefer the stable schedule. Given the high priority workers place on predictable schedules, businesses might be able to save on payroll—and reduce turnover—by providing schedules in advance.

In addition to the problems it causes for employers, schedule instability does serious harm to workers. For hourly workers in the service sector, work-schedule instability is associated with housing and transportation precariousness,<sup>9</sup> psychological distress, poor sleep, and unhappiness. In fact, schedule instability is more strongly correlated with these negative outcomes than are low wages. Research shows the relationship

between schedule instability and wellbeing is driven more by work-life conflict than by economic insecurity, reinforcing the fact that the ability to plan is in many ways more important than earnings.<sup>10</sup> On-call scheduling is associated with irritation, negative mood, and decreases in social and household activities,<sup>11</sup> and has negative effects on mental and physical health.<sup>12</sup>

Working parents and their families are especially hard-hit by unpredictable schedules. Last-minute fluctuations in parents' schedules inhibit the creation of routines and schedules in families,<sup>13</sup> which are predictors of child health.<sup>14</sup> Maternal "work chaos," including unpredictable work schedules, is associated with lower child health<sup>15</sup> as well as more frequent behavioral problems and lower school performance.<sup>16</sup> Workers who report that their work schedules interfere with family obligations have less healthy diets<sup>17</sup> and higher incidences of depression, anxiety, and substance-abuse disorders.<sup>18</sup>

Unpredictable schedules also exacerbate existing race and class inequality. Black and Hispanic workers are disproportionately likely to receive schedules on short notice.<sup>19</sup> And while professional-class workers generally enjoy greater control over their schedule, working-class employees have less control and are more likely to be penalized for taking time off to address family responsibilities.<sup>20</sup>

### *Rest*

"Quick returns" (rest periods under 11 hours) are associated with short, delayed onset, and low-quality sleep, fatigue, insomnia, circadian rhythm sleep disorder, schedule dissatisfaction, and work-family conflict,<sup>21</sup> and are worse for sleep disorders and fatigue than are night shifts.<sup>22</sup> A study of Japanese nurses found that the traditional 16 hours between shifts (the amount of daily rest in a typical 9-to-5 job) was needed in order for employees to fit seven hours of sleep into their schedules.<sup>23</sup> There is some direct evidence that quick returns are associated with accidents in industrial work,<sup>24</sup> and there is very strong evidence that fatigue impairs creative decision making and communication<sup>25</sup> and results in confusion and mood disturbance,<sup>26</sup> all of which decrease the productivity of workers. We know that insufficient sleep is connected to a wide range of negative health outcomes,<sup>27</sup> and one study estimates that worker fatigue costs employers \$136.4 billion annually in health-related lost productive time.<sup>28</sup>

### *Opportunity*

Service-sector employers sometimes maintain a large staff of part-time workers because they are less expensive to employ and allow for greater scheduling flexibility.<sup>29</sup> But these arrangements can also hurt employers. Involuntary part-time employees are less committed to their employers and more likely to leave their jobs, contributing to high turnover in the retail and food-services sectors.<sup>30</sup> These workers also find it more difficult to communicate with employers,<sup>31</sup> a key determinant of job performance. Also, the overuse of part-time employment decreases the available working hours of the labor force, contributing to the service sector's labor shortages and ultimately increasing the cost of labor.

Obviously, denying workers the opportunity to work full time also hurts the workers themselves. The self-sufficiency wage for a single adult working full time in San Diego County is \$16 an hour.<sup>32</sup> Many service-sector workers do not earn hourly wages this high, and even those who do cannot support themselves if they are unable to work 40 hours a week. While some part-time workers are second earners or students who may prefer shorter hours, many San Diegans count on their service-sector wages to support themselves and must work multiple jobs to cobble together enough hours of income to do so. Because they can't get enough hours with any one employer, these workers lack health insurance and other standard benefits. Additionally, the need to work multiple jobs compounds the last-minute scheduling challenges discussed above; two fluctuating schedules are even harder to manage than one.

Involuntary part-time workers—the 8% of the workforce<sup>33</sup> that works part-time but would prefer full-time hours—experience fewer training possibilities, fewer opportunities for advancement, and lower job security.<sup>34</sup>

They are more likely to experience low self-esteem, alcohol abuse, and depression.<sup>35</sup> There are also costs to society, as these workers are more likely to rely on government assistance.<sup>36</sup> And the challenges of involuntary part-time work are not evenly felt: in the retail sector, 13% of white workers are involuntarily part time, compared to 18% of Hispanic workers and 20% of black workers.<sup>37</sup>

### *How stable scheduling policies benefit the double bottom line*

More and more retail companies are discovering that there is a labor “sweet-spot” where stable schedules help to recruit and retain experienced, talented workers who can make a wide variety of contributions toward the financial bottom line, from cultivating customer loyalty to increasing sales.<sup>38</sup> For example, through their “MySchedule” tool, CVS posts pharmacy schedules optimized for customer demand three weeks in advance.

In 2015, after a brief pilot study in the San Francisco Bay Area, Gap announced that it would eliminate on-call scheduling and require schedules to be posted two weeks in advance. At this time, a team of academic researchers worked together with the board to develop four additional changes that they randomly assigned to some stores and not others. The changes included use of a shift-swapping app, increasing stability of schedules from week to week, providing a “soft guarantee” of at least 20 hours a week to a core group of employees, and increasing the payroll hours allotted to the store. The only cost to Gap of these changes was \$31,200 spent on the increased payroll hours. Over 35 weeks, median sales increased in the chosen stores by 7%, resulting in \$2.9 million in additional revenue. Labor productivity increased by 5%, and workers’ revenue per hour increased by \$6.20.<sup>39</sup>

Last-minute scheduling is not a universal phenomenon. In Germany, retailers provide schedules six months in advance.<sup>40</sup> In Sweden, schedule changes less than a month in advance are considered “late notice” for shift workers.<sup>41</sup> Even where no laws require it, employers like Gap and CVS have discovered that predictable schedules are good not just for worker satisfaction but for the bottom line.

Many governments mandate daily rest periods because of the public health benefits.<sup>42</sup> The European Union requires 11 consecutive hours off of work every 24 hours<sup>43</sup> as does the Canadian province of Ontario<sup>44</sup> and the City of Emeryville, California.<sup>45</sup> Where governments do not set standards, private companies often find it economically advantageous to implement their own rules to avoid worker fatigue. For example, many of Japan’s largest companies have developed right-to-rest policies, including Honda, Mitsubishi, Sumitomo Mitsui Trust Bank, the telecom KDDI, diaper maker Unicharm, and supermarket chain Inageya.<sup>46</sup>

At San Diego Workforce Partnership, our vision is for every business in our region to have access to a skilled workforce and for every job seeker to have access to meaningful employment. We believe San Diego employers will find that providing stable schedules is a cost-effective means of recruiting and retaining a more skilled and engaged workforce. Moreover, a crucial part of meaningful employment is self-sufficiency, and for service-sector jobs to provide self-sufficiency, they need to have stable, predictable, reliable schedules that allow for healthy daily routines and provide pathways to full-time work.

## References

- <sup>1</sup> Lambert, S.J., P. Fugiel, and J.R. Henly. (2014). Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot. University of Chicago.
- <sup>2</sup> Haley, A., Harknett, K., Harper, S., Lambert, S.J., Romich, J., Schneider, D. (2018.) The Evaluation of Seattle's Secure Scheduling Ordinance: Baseline Report and Considerations for the Year 1 Evaluation. University of Washington West Coast Poverty Center.
- <sup>3</sup> Swanberg, J. E., McKechnie, S. P., Ojha, M. U., & James, J. B. (2011). Schedule control, supervisor support and work engagement: A winning combination for workers in hourly jobs? *Journal of Vocational Behavior*, 79(3), 613-624.
- <sup>4</sup> Salanova, M., Agut, S., & Peiró, J. M. (2005). Linking organizational resources and work engagement to employee performance and customer loyalty: The mediating role of service climate. *Journal of Applied Psychology*, 90, 1217-1227.
- <sup>5</sup> Harter, J. K., Schmidt, F. L., & Hayes, T. L. (2002). Business-unit-level relationship between employee satisfaction, employee engagement, and business outcomes: A meta-analysis. *Journal of Applied Psychology*, 87(2), 268-279.
- Saks, A. (2006). Antecedents and consequences of employee engagement. *Journal of Managerial Psychology*, 21(7), 600-619.
- <sup>6</sup> Madsen, S. R. (2003). The effects of home-based teleworking on work-family conflict. *Human Resource Development Quarterly*, 14(1), 35-58.
- <sup>7</sup> Netemeyer, R. G., Maxham III, J. G., & Pullig, C. (2005). Conflicts in the work-family interface: Links to job stress, customer service employee performance, and customer purchase intent. *Journal of Marketing*, 69(2), 130-143.
- <sup>8</sup> Mas, A., & Pallais, A. (2017). Valuing alternative work arrangements. *American Economic Review*, 107(12), 3722-59.
- <sup>9</sup> Stolper, H. (2016). Unpredictable: How unpredictable schedules keep low-income New Yorkers from getting ahead. The Community Service Society of New York.
- <sup>10</sup> Schneider, D., & Harknett, K. (2019). Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being. *American Sociological Review*, 84(1), 82-114.
- <sup>11</sup> Bamberg, E., Dettmers, J., Funck, H., Krähe, B., & Vahle-Hinz, T. (2012). Effects of On-Call Work on Well-Being: Results of a Daily Survey 1. *Applied Psychology: Health and Well-Being*, 4(3), 299-320.
- <sup>12</sup> Nicol, A. M., & Botterill, J. S. (2004). On-call work and health: a review. *Environmental Health*, 3(1), 15.
- <sup>13</sup> Evans, G. W., Eckenrode, J., & Marcynyszyn, L. A. (2010). Chaos and the macrosetting: The role of poverty and socioeconomic status. 2010. In Evans & Wachs, eds., *Chaos and its influence on children's development*. Washington, DC: American Psychological Association.
- Agrawal, T., Farrell, T. J., Wethington, E., & Devine, C. M. (2018). "Doing our best to keep a routine." How low-income mothers manage child feeding with unpredictable work and family schedules. *Appetite*, 120, 57-66.
- <sup>14</sup> Hammons, A. J., & Fiese, B. H. (2011). Is frequency of shared family meals related to the nutritional health of children and adolescents? *Pediatrics*, 127(6), 1565-1574.
- <sup>15</sup> Dush, C. M. K., Schmeier, K. K., & Taylor, M. (2013). Chaos as a social determinant of child health: Reciprocal associations? *Social Science & Medicine*, 95, 69-76.
- <sup>16</sup> Johnson, R. C., Kalil, A., & Dunifon, R. E. (2012). Employment patterns of less-skilled workers: Links to children's behavior and academic progress. *Demography*, 49(2), 747-772.
- <sup>17</sup> Allen, T. D., & Armstrong, J. (2006). Further examination of the link between work-family conflict and physical health: The role of health-related behaviors. *American Behavioral Scientist*, 49(9), 1204-1221.
- <sup>18</sup> Frone, M. R. (2000). Work-family conflict and employee psychiatric disorders: The national comorbidity survey. *Journal of Applied Psychology*, 85(6), 888.
- Grzywacz, J. G., & Bass, B. L. (2003). Work, family, and mental health: Testing different models of work-family fit. *Journal of Marriage and Family*, 65(1), 248-261.
- <sup>19</sup> Lambert, S.J., P. Fugiel, and J.R. Henly. (2014). Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot. University of Chicago.
- <sup>20</sup> Clawson, D., & Gerstel, N. (2014). Unequal time: Gender, class, and family in employment schedules. Russell Sage Foundation.
- Dush, C. M. K., Schmeier, K. K., & Taylor, M. (2013). Chaos as a social determinant of child health: Reciprocal associations? *Social Science & Medicine*, 95, 69-76.
- <sup>21</sup> Dahlgren, A., Tucker, P., Gustavsson, P., & Rudman, A. (2016). Quick returns and night work as predictors of sleep quality, fatigue, work-family balance and satisfaction with work hours. *Chronobiology International*, 33(6), 759-767.
- <sup>22</sup> Eldevik, M. F., Flo, E., Moen, B. E., Pallesen, S., & Bjorvatn, B. (2013). Insomnia, excessive sleepiness, excessive fatigue, anxiety, depression and shift work disorder in nurses having less than 11 hours in-between shifts. *PloS One*, 8(8), e70882.



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- <sup>23</sup> Kurumatani N, Shigeki K, Shingo N, Akinori H, Kazuhiro S, Yoshio S, Hideyasu A, Makihiko D, Tadashige M. (1994). The effects of frequently rotating shiftwork on sleep and the family life of hospital nurses. *Ergonomics*, 37:995–1007
- <sup>24</sup> MacDonald, I. I., Smith, L., Lowe, S. L., & Folkard, S. (1997). Effects on Accidents of Time into Shift and of Short Breaks between Shifts. *International Journal of Occupational and Environmental Health*, 3(Supplement 2), S40-S45.
- <sup>25</sup> Harrison, Y., & Horne, J. A. (2000). The impact of sleep deprivation on decision making: a review. *Journal of Experimental Psychology: Applied*, 6(3), 236.
- <sup>26</sup> Dinges, D. F., Pack, F., Williams, K., Gillen, K. A., Powell, J. W., Ott, G. E., ... & Pack, A. I. (1997). Cumulative sleepiness, mood disturbance, and psychomotor vigilance performance decrements during a week of sleep restricted to 4–5 hours per night. *Sleep*, 20(4), 267-277.
- <sup>27</sup> Badr, M. S., Belenky, G., Bliwise, D. L., Buxton, O. M., Buysse, D., Dinges, D. F., ... & Martin, J. L. (2015). Recommended amount of sleep for a healthy adult: a joint consensus statement of the American Academy of Sleep Medicine and Sleep Research Society. *Journal of Clinical Sleep Medicine*, 11(06), 591-592.
- <sup>28</sup> Ricci, J. A., Chee, E., Lorandeanu, A. L., & Berger, J. (2007). Fatigue in the US workforce: prevalence and implications for lost productive work time. *Journal of Occupational and Environmental Medicine*, 49(1), 1-10.
- <sup>29</sup> Tilly, C. (1991). Reasons for the continuing growth of part-time employment. *Monthly Labor Review*, 114(3), 10-19.
- <sup>30</sup> Conway, N., & Briner, R. B. (2002). Full-time versus part-time employees: Understanding the links between work status, the psychological contract, and attitudes. *Journal of Vocational Behavior*, 61(2), 279-301.
- Maynard, D. C., Joseph, T. A., & Maynard, A. M. (2006). Underemployment, job attitudes, and turnover intentions. *Journal of Organizational Behavior: The International Journal of Industrial, Occupational and Organizational Psychology and Behavior*, 27(4), 509-536.
- <sup>31</sup> Gray, J., & Laidlaw, H. (2002). Part-time employment and communication satisfaction in an Australian retail organisation. *Employee Relations*, 24(2), 211-228.
- <sup>32</sup> Peace, D. (2018). The Self-Sufficiency Standard for California. Center for Women's Welfare, University of Washington.
- <sup>33</sup> Reinhart, R. J. (2017). Gallup Good Jobs Rate in U.S. Continues to Rise. Retrieved 2019/04/25 from <https://news.gallup.com/poll/215039/gallup-good-jobs-rate-continues-rise.aspx>.
- <sup>34</sup> Kauhanen, M., & Nätti, J. (2015). Involuntary temporary and part-time work, job quality and well-being at work. *Social Indicators Research*, 120(3), 783-799.
- <sup>35</sup> Dooley, D., & Prause, J. (2003). *The social costs of underemployment: Inadequate employment as disguised unemployment*. Cambridge University Press.
- Friedland, D. S., & Price, R. H. (2003). Underemployment: Consequences for the health and well-being of workers. *American Journal of Community Psychology*, 32(1-2), 33-45.
- <sup>36</sup> Wilkins, R. (2007). The consequences of underemployment for the underemployed. *Journal of Industrial Relations*, 49(2), 247-275.
- <sup>37</sup> Ruetschlin, C., & Asante-Muhammad, D. (2015). *The Retail Race Divide*. New York: Demos/NAACP.
- <sup>38</sup> Dabholkar, P. A., Thorpe, D. I., & Rentz, J. O. (1996). A measure of service quality for retail stores: scale development and validation. *Journal of the Academy of marketing Science*, 24(1), 3.
- Spake, D. F., Beatty, S. E., Brockman, B. K., & Crutchfield, T. N. (2003). Consumer comfort in service relationships: measurement and importance. *Journal of Service Research*, 5(4), 316-332.
- Kursunluoglu, E. (2014). Shopping centre customer service: creating customer satisfaction and loyalty. *Marketing Intelligence & Planning*, 32(4), 528-548.
- Sivapalan, A., & Jebarajakirthy, C. (2017). An application of retailing service quality practices influencing customer loyalty toward retailers. *Marketing Intelligence & Planning*, 35(7), 842-857.
- <sup>39</sup> Williams, JC, SJ Lambert, S Kesavan, PJ Fugiel, LA Ospina, ED Rapoport, . . . & S Adler-Milstein. (2018). Stable scheduling increases productivity and sales: The Stable Scheduling Study. University of California Hastings College of the Law, University of Chicago School of Social Service Administration, UNC Kenan-Flagler Business School.
- <sup>40</sup> Carré, F., & Tilly, C. (2017). *Where bad jobs are better: Retail jobs across countries and companies*. Russell Sage.
- <sup>41</sup> Åkerstedt, T., & Kecklund, G. (2017). What work schedule characteristics constitute a problem to the individual? A representative study of Swedish shift workers. *Applied Ergonomics*, 59, 320-325.
- <sup>42</sup> Scott, L. D., Hwang, W. T., Rogers, A. E., Nysse, T., Dean, G. E., & Dinges, D. F. (2007). The relationship between nurse work schedules, sleep duration, and drowsy driving. *Sleep*, 30(12), 1801-1807.
- <sup>43</sup> European Working Time Directive 2003/88/EC, Official Journal L299, 4 November, pp. 9-19.
- <sup>44</sup> Ontario Employment Standards Act, 2000, S.O. 2000, c. 41, Subsections 18 (1) & (2).
- <sup>45</sup> Emeryville Municipal Code, Title 5 Chapter 39 Section 6.
- <sup>46</sup> Japan Inc. moves toward minimum rest periods for workers. (2017, January). *Nikkei Asian Review*. Retrieved from <https://asia.nikkei.com/Business/Japan-Inc.-moves-toward-minimum-rest-periods-for-workers>

# TIME THEFT

## Employer Scheduling Practices and Their Impacts on San Diego County Workers



**Workers in San Diego County are facing enormous challenges due to employer scheduling practices, which interfere with employees' health, family life, financial stability, and academic pursuits.**

Scheduling practices such as short advance notice, same-day changes, and on-call shifts may be convenient for employers, but come at a tremendous cost to workers. Workers find themselves at the beck and call of their employers, unable to plan family activities, social engagements, medical appointments, shifts at second jobs, class attendance, and other important life obligations. Moreover, workers are generally not paid for on-call time they leave open for their employers. *Employers are effectively stealing workers' time.*

### Key Findings

**Our survey of nearly 2,800 hourly workers in San Diego County found that *among our participants*:**

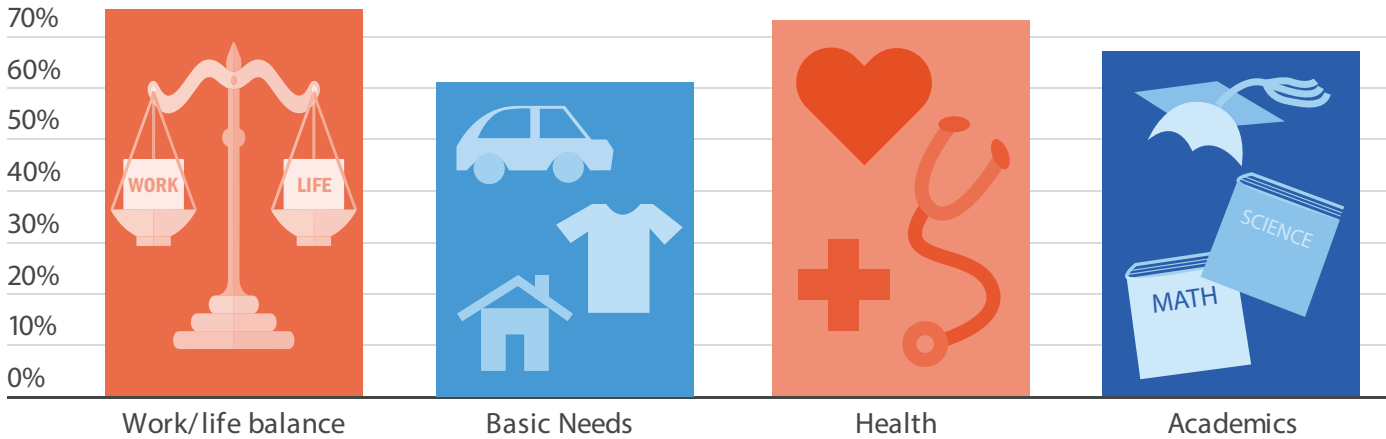
- 1)** Unpredictable work schedules have widespread direct impacts on workers' personal lives, family time, financial security, and health.
- 2)** Two of every three students who work, reported that unpredictable schedules negatively impact their school performance, prevent them from attending classes and exams, and/or cause them to take longer to graduate.
- 3)** Over 85% of survey participants are facing unpredictable scheduling practices implemented by employers, and this rises to more than 95% among food service, grocery, and retail workers.
  - a)** Most workers are not given accurate information about their schedule at the time of hire.
  - b)** Over half of workers receive their schedule with less than two weeks' notice.
  - c)** For nearly two-thirds, management changes their schedule after posting, and half experience same-day schedule changes.
  - d)** Almost one in five work on-call shifts, with three out of every four of these workers being pressured or required to do so.
- 4)** Four of every ten participants reported that their employers ignore workers' need for adequate rest by leaving fewer than 10 hours in between shifts.
- 5)** More than one in four participants reported that they have been subject to employer retaliation for making special scheduling requests.

**Policies have been proposed and adopted across the country to address these issues. We need local Fair Workweek policies to provide San Diegan workers with more socially and financially stable lives, and to create more equitable, sustainable, and positive employer-employee relationships.**

# IMPACTS OF UNPREDICTABLE SCHEDULES

We found that in San Diego County, as in other parts of the country, unpredictable schedules have harmful consequences for workers and their families. For the vast majority of survey participants, their work schedules have negative impacts on their work/life balance, basic survival, and health. For students, their work schedules are also detrimental to their academic performance and ability to graduate in a timely manner.

## Unpredictable Schedules Have Widespread Negative Impacts on Workers' Lives



Note: Percentage of participants saying their schedule affected at least one facet of these areas; for academics the percentage is of workers who are students.

### Impacts on Work/Life Balance:

The most ubiquitous impact that scheduling practices have on the workers we surveyed was the resulting inability to plan social time. Three of every four participants reported the inability to schedule time with friends and family. Not only is such time important for family stability, it also contributes to the mental and physical health of workers and their families.

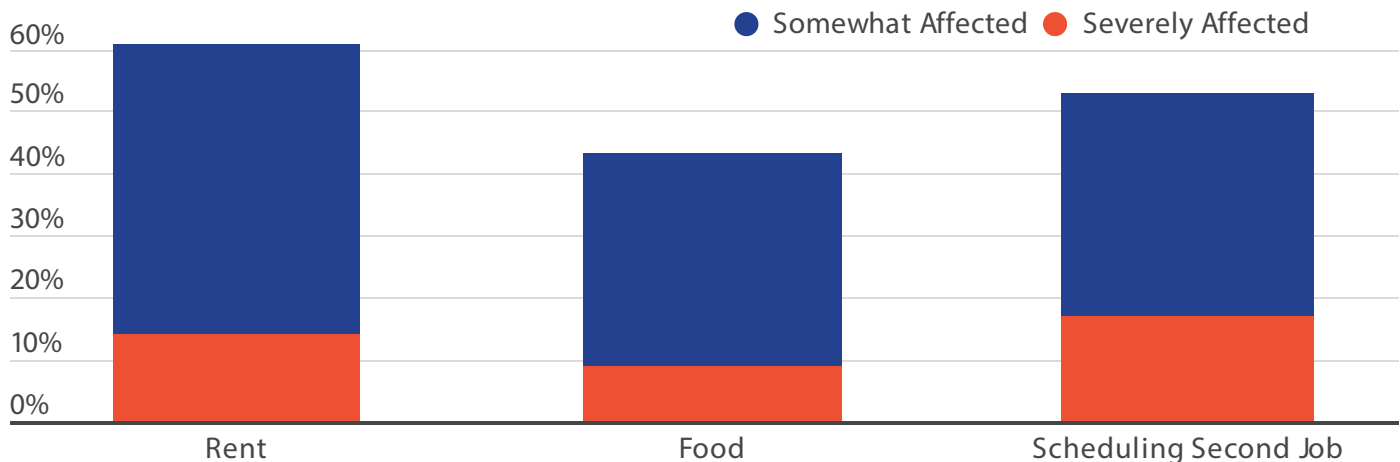
A worker at a coffee shop explained, "We get our weekly schedule on Saturday or Sunday for the following Monday. No set days off, so each week is different. It is really difficult to plan for my life outside of work: making plans with friends, scheduling appointments, and things like this."

### Impacts on Basic Needs:

Unstable schedules make it impossible to manage basic finances. Sixty-one percent of our participants reported that their work schedule affects their ability to cover basic needs in terms of paying for housing or food, or scheduling work at a second job

One survey participant explained, "My schedule times and days changed every week. The total hours also varied every week. Never the same, never consistent. This makes budgeting time and resources extremely difficult."

## Unpredictable Schedules Make it Difficult for Workers to Get By



Note: Percentages are of those whose income is used for these expenses or who said the second job question applied to them.

Of those who say that they use their income to pay rent and housing expenses, 60% reported that their work schedule impacts their ability to meet these payments.

*As a worker at the San Diego Zoo explained, “I assumed at the beginning of the job I would always be getting around the same paychecks every two weeks. Yet I had periods where I would barely work and wasn’t able to get enough money to support myself. During those periods it was extremely difficult to pay my bills and rent.”*

Unstable schedules can lead to food insecurity as well. Of those who use their income for food, 43% reported that their work schedule impacts their ability to purchase enough food.

*An employee of a well-known retail brand wrote, “[T]he reality is that I can’t even afford my food sometimes. It is embarrassing when you have a lunch time, but you don’t actually have money for lunch.”*

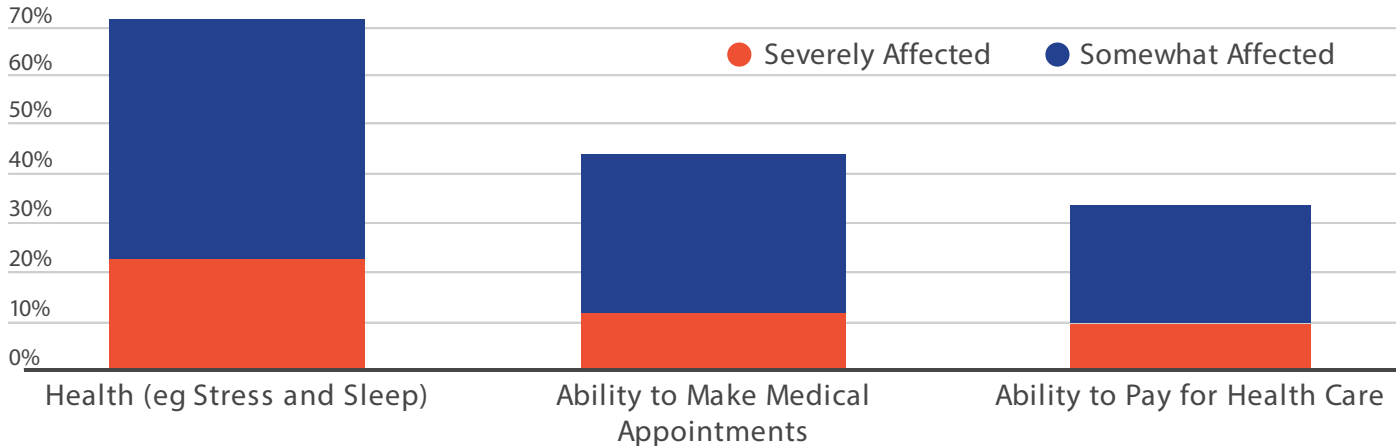
Many low wage workers rely on a second job to make ends meet. For those who said the question applied to them, more than half (53%) reported that the work schedule at their primary job affects their ability to schedule work at another job. The irony is that unpredictable schedules drive workers to pick up extra jobs and then make it difficult to schedule hours at those jobs.

## Impacts on Health:

Our survey included three measures of how work schedules affect employees’ health: self-reported health (like stress and sleep), ability to schedule medical appointments, and ability to pay for health care.



### Unpredictable Schedules Harm Workers’ Health



*Note: Percentages are of those who said the question was applicable to them.*

Work schedules have widespread impacts on workers’ health, including stress levels and sleep. Seven of every ten survey participants reported that their health is affected by their work schedules.

*As a grocery store worker described their schedule: “Never consist[ent] week to week . . . I can work 6 am-2:30 pm and turn right around 10 hrs. later and work midnight-8:30 am . . . It’s very difficult on the human body to constantly have a[n] inconsistent schedule! Trying to juggle when to eat, sleep, and family time doesn’t exist!!!!”*

Moreover, when workers do have medical issues, it is very difficult to seek treatment because of work schedules. Forty-four percent of participants reported that their schedule affects their ability to make medical appointments.

*As another grocery store worker described, workers feel unable to assert their need to make and keep appointments: “I’m unable to schedule appointments for specific places due to the repercussions at work if I called in . . . I’m tired and I have health problems.”*

Another barrier to seeking medical care is the inability to pay for it. We asked survey participants if their schedule affects their ability to pay for medical care. One in three reported that it does, among those who said it was applicable.<sup>1</sup>

# IMPACTS OF UNPREDICTABLE SCHEDULES

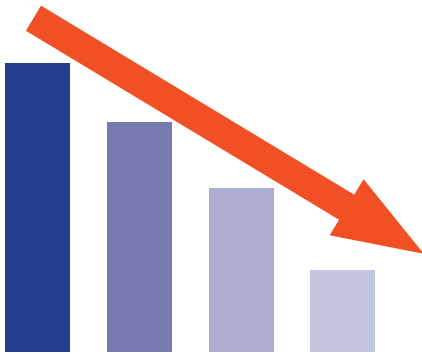
## Impacts on Academic Performance

We found that the great majority of students in our survey reported that their work schedule interferes with their academic performance. Two of every three students who worked and went to school simultaneously reported that their work schedule caused them to do worse in school, miss classes, miss exams, and/or delay their time to graduation.

Ninety-five percent of students who work do so during the school year. Sixty-three percent of these students reported that their work schedule affected their academic performance.

### Students' Performance Suffers from Unpredictable Schedules

#### Worsened Performance



#### Missed Classes



#### Missed Exams



In their testimonials, students described how their work hours interfered with both studying and sleeping, essential elements of the learning process. Moreover, the volatility of their work schedules made time management - a crucial tool for academic success - almost impossible.

A retail worker who goes to City College explained how hard a variable schedule can be, especially at crucial times during the semester, like fall finals that are given just as holiday consumer traffic is at its peak: *"I normally get scheduled to work a lot of hours around finals time which results in me going to class, then straight to work, then going home at ten o'clock at night and still needing to study and do homework. This has resulted in my grades falling due to exhaustion . . . if they do drop too much, my grant will be taken away from me, which would leave me with another huge problem, other than burning out at the age of eighteen."*

A skilled nursing assistant, studying at SDSU, expressed how supervisors disregard the need to attend professor's office hours or study groups: *"As the semester progresses . . . I sometimes need help and need to talk with my professors or conduct group work . . . My supervisor often makes it clear that I already have Tuesdays off and should be able to conduct group work/other school related activities on my day off."*



Moreover, one in three students reported that their work schedule causes them to miss classes, and almost one in ten reported having to miss exams or presentations, which can result in failing the class.

A City College student working in healthcare explained, *"I put in my schedule based on my school hours and many times it's changed without notification, causing me to miss class or show up late."*

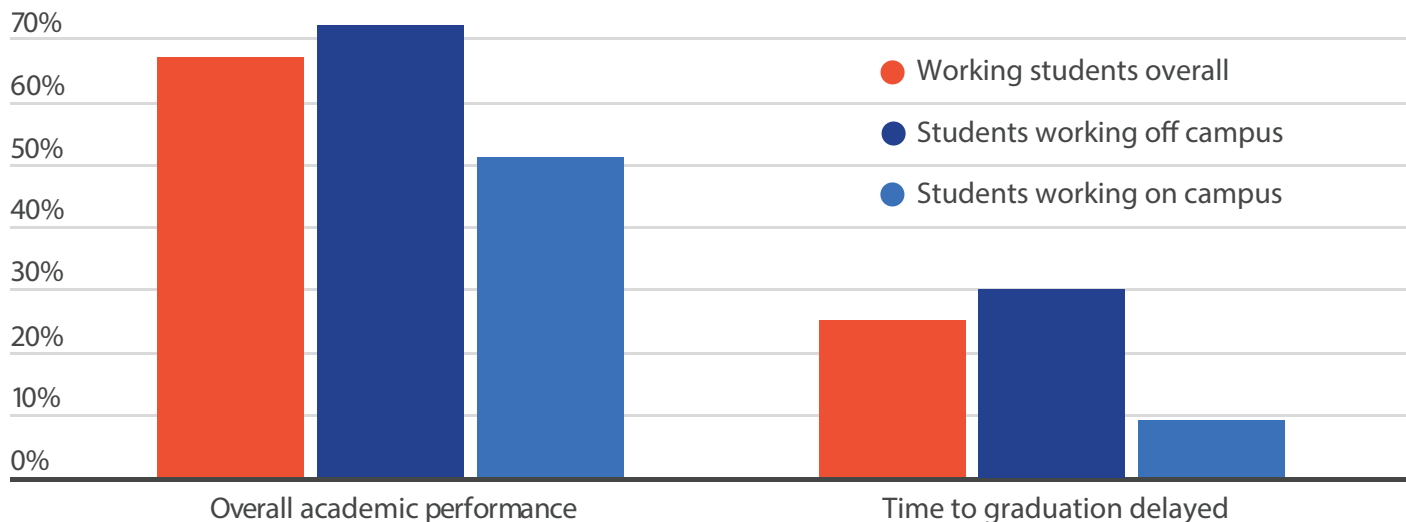
In their testimonials, students also described shifts that unexpectedly lasted until the wee hours of the morning, causing them to sleep through their morning classes.

The conflict between work schedules and school can also cause students to extend their time to graduation, costing students both time and money and putting more strain on public higher education budgets. When asked if it will take them longer to graduate due to their work schedule, one in four answered yes.

Working off campus was particularly detrimental to timely graduation. Almost 80% of students reported that their main job was off campus. For these students, 30% reported it would take longer to graduate, vs 9% for students whose main job was on campus. In fact, working off campus raised all barriers to academic success. Off campus workers were 50% more likely to miss classes due to their work schedule (37% vs 25%) and were two-and-a-half times as likely to miss exams and presentations (10% vs 4%).



### Unpredictable Schedules Interfere with Students' Progress



Note: Overall refers to a combination of worsens performance, makes students miss classes or exams, and/or delays time to graduation.

The financial instability caused by inconsistent schedules can also impact students' ability to pay for school. Thirty-eight percent reported that their schedule impacts their ability to pay for tuition and books.

An SDSU student working at SeaWorld wrote, "The scheduling during the off season really affected me financially because my hours were significantly cut, which . . . hindered me from buying school material on time."

Furthermore, it should be noted that students often have a difficult time even finding jobs that will accommodate their commitment to school, limiting their employment options. Employers often prefer to hire candidates with open availability, rather than students with fixed class schedules.

As one City College student, working in food services, lamented: "I often find that I have to be dishonest on my resume and not disclose that I am a current college student if I hope to get hired . . . I have resorted to, in the past, working in the sex industry with escorting in order to make ends meet while being a college student because employers will not hire me and I have to be able to survive."

### Impacts on ability to obtain more education

Of the non-students in the survey, we asked if their work schedule had prevented them from going to school because of time conflicts and if their schedule had made it difficult for them to afford school. More than one in four (28%) answered yes to one or both of these questions.

A 66-year-old SDSU student explained how employers' expectations that workers maintain open availability had previously barred them from attending university: "I did not begin my college career until I had the privilege of making my own schedule. Being in retail requires flexible availability, which makes it difficult going to school. That is one of the reasons why I took a long break from school. Life happens and managers expect to have reliable employees that will help cover any absences."



## UNPREDICTABLE SCHEDULING PRACTICES

*How much knowledge were survey participants given about their work schedule? Are workers told at the time of hire what their hours, days and shifts will be? Does their schedule conform to these agreements? Are workers given a set schedule? If not, how far in advance are they notified of their weekly schedule?*

### Lack of advance knowledge of schedule:

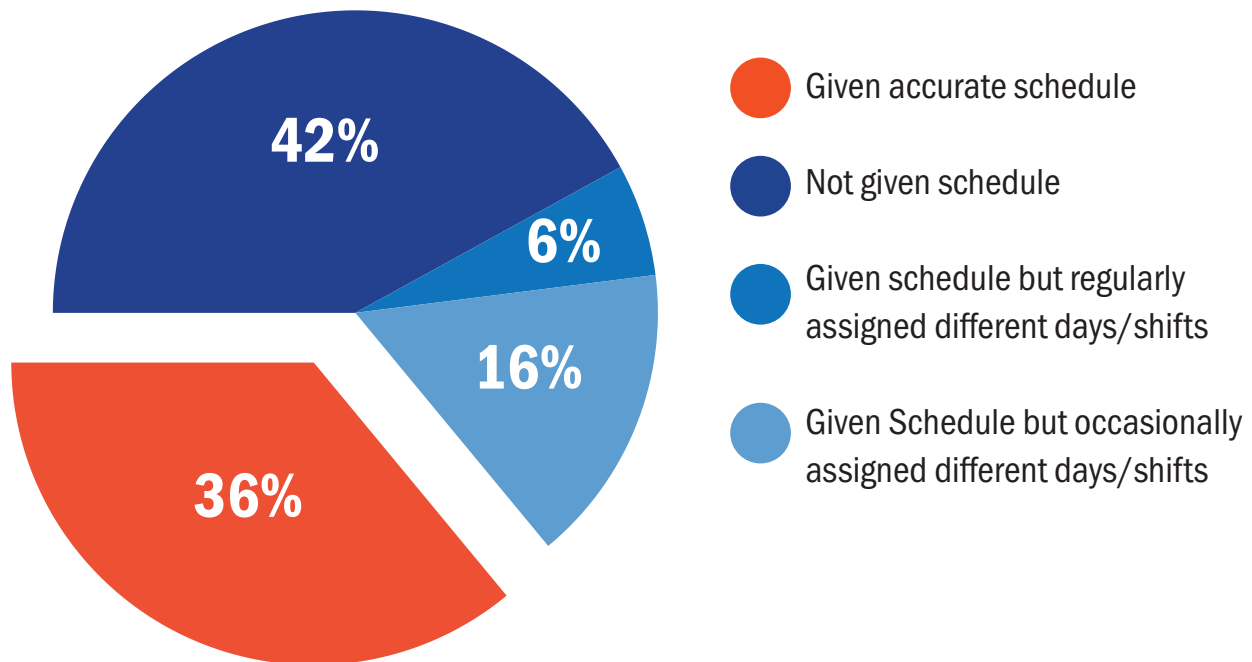
Hiring agreements often fail to include information about the number of hours, the specific days, and the particular shifts workers are being hired for. If there is no agreed-upon schedule, employers often expect workers to have open availability. While the concept of open availability is attractive to employers, it strips workers of any control over their own time and impinges on their ability to make other commitments – to family, school, second jobs, civic duties, and more. In addition, most hourly workers do not have a set schedule, nor are they given advance notice of their schedule.

*A Sea World worker explained, “[I]n the summer it is mandatory to have an open availability, an open availability schedule was from 5 am – 2 am Monday through Sunday, no exceptions. When it came to what one’s schedule was, it varied week to week.”*

### Failure in provision of time-of-hire agreements

There is often no formal agreement at the time of hire about workers’ schedules, and when there is, it is not guaranteed. Almost two-thirds (64%) of workers reported that they were not told what days and shifts they would be working at the time of hire or they were told but were scheduled for different days and shifts.

#### Most Workers Are Not Given Accurate Schedule Information at Time of Hire



Forty-two percent of participants were not given any schedule at time of hire. Only 37% of participants were given their days and shifts in writing at the time of hire, with another 21% given only verbal confirmation of this information. Of those who were given a schedule at time of hire, 38% were assigned different shifts, with 10% regularly assigned different shifts.

*A City College student working as a sales representative explained that workers are often expected to take whatever hours they are assigned despite the hours agreed upon at the time of hire: “I was only hired to work on the weekends but then I was told I was needed full time. I am a college student and I can’t work full time so I was threatened by them, saying they were going to hire another girl to take my hours.”*

*Similarly, a City College student who works at Denny’s wrote, “2 weeks in I spoke to my managers because they were giving me too many hours and I started falling behind in school. They told me that was life, if I wanted a job I had to work with what I get.”*

In terms of the number of hours, one in four workers were not given any estimation of how many hours they would be working when hired.

Of the 56% that were given a specific number of hours at time of hire, nearly one in four (23%) were regularly scheduled for a different number of hours, about half for more hours and half for fewer hours. About a quarter were given a minimum guarantee of hours, and of these, 7% were regularly scheduled for fewer hours.

A UCSD student working retail explained, “I was promised at least 20 hours a week when I started in January; I have been scheduled for 11 hours or less the past month.”

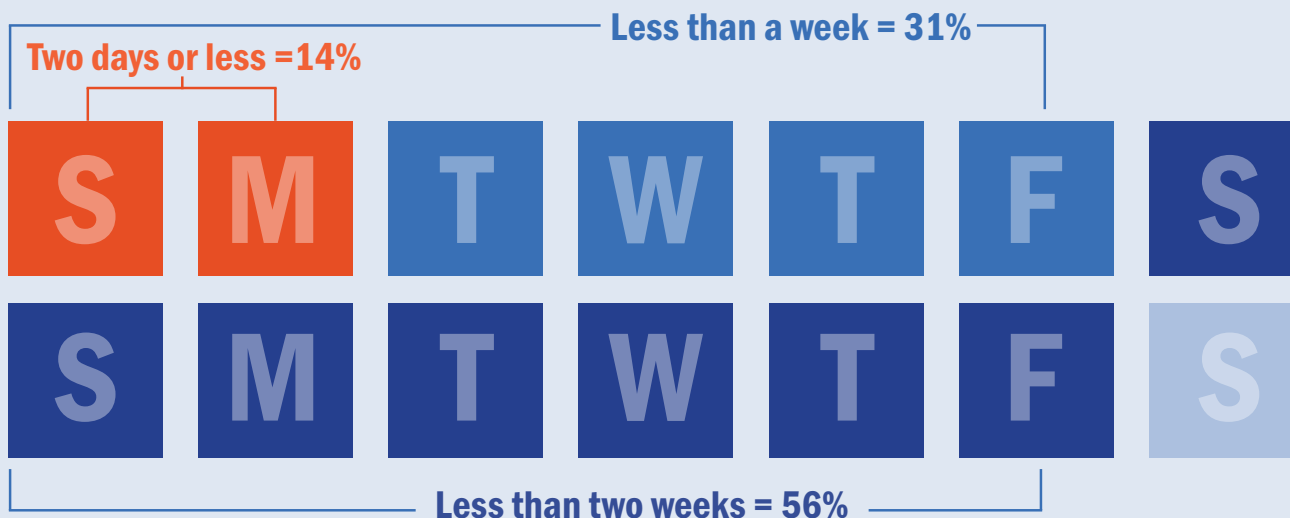
An SDSU student working at a mobile communications company described how they are overscheduled but always just below the benefits threshold, “I was hired as part time and told them I could work 20-25 hours a week. They consider someone full time who can receive benefits to work 30 hours a week. This company would often keep me at 28 or 29 hours a week so that they would not have to give me benefits.”



## Little advance notice

The ability to plan family, school, and social activities is entirely dependent on whether workers know their work schedule in advance. Only one in four of our participants had a set schedule at work. Over half (56%) of survey participants received their schedule with less than two weeks' notice, with 31% having less than a week's notice and 14% having two days' notice or less.

### Most Workers Get their Schedule Less Than Two Weeks in Advance



An SDSU student working in retail stated, “Schedules put out only a few days in advance for the following week make it challenging to schedule appointments such as: dentist, doctors, car repair, etc.”

A food service worker explained how they had to offer complete flexibility, while their employer did not reciprocate: “A lot of times managers don't give you the schedule until Sunday night and that's super annoying especially when you can potentially work on [M]onday. What's also annoying is how they force you to request days off 2+ weeks in advance but they don't give you the schedule 2+ weeks in advance, seems kind of hypocritical.”



## UNPREDICTABLE SCHEDULING PRACTICES

*Does the posted schedule reflect the hours workers end up being asked to cover? Are workers assigned on-call shifts? Are schedules changed after posting or at the last minute?*

### Changes to schedule

While workers' ability to plan their lives is limited by how much advance knowledge they have of their schedule, their ability to actually carry through with those plans – to attend classes, appointments, meetings, family gatherings – is undermined by such practices as on-call shifts and schedule changes.

*As a sales associate, and student at SDSU, explained, "The uneven scheduling also caused my social life to become erratic. I wasn't sure how many hours a week I was going to work, making it hard to make plans, and I was called in on my days off a lot, also hindering any plans I would make."*

### On-call shifts

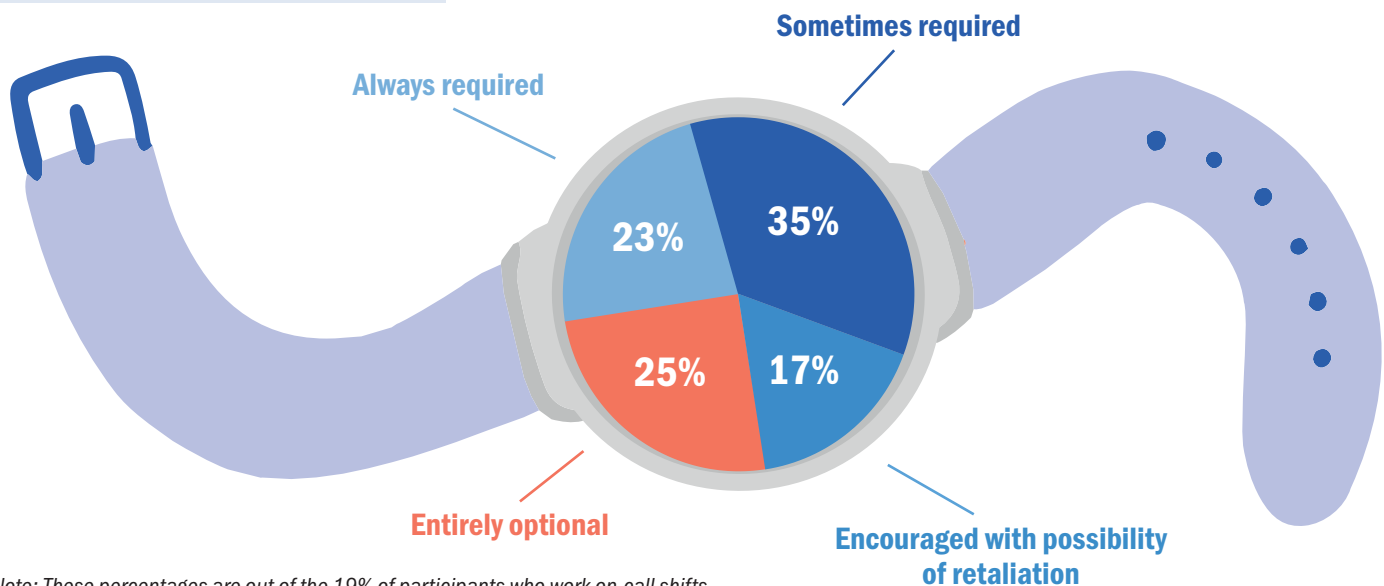
Another systematic practice that makes it impossible for workers to have prior knowledge of their schedule is on-call work. One of every five participants said they were scheduled for on-call shifts.

*An SDSU student explained, "So our on call shifts meant that we would have to be awake from 8 a.m.-9 a.m. to wait for a phone call from the office. If they called they would tell me what time to come in and what location."*

*A City College student described their schedule at Subway, "After my two weeks of training at work I did not have an assigned schedule, I was called an hour before the shifts my manager wanted me to cover. And I had to be pending on my phone even on class time to make sure I wasn't being called to work after school."*

Three of every four people who worked on-call shifts reported being pressured into doing so. Fifty-eight percent reported that they were required to take such shifts, and another 17% reported that they were encouraged with the possibility of retaliation (e.g. fewer hours or worse shifts) if they did not accept.

### Workers Pressured into On-call Work



*It should be noted that another common way employers get workers to "voluntarily" accept on-call work is assigning too few regular hours. An SDSU student who works at a pizza restaurant described how "I soon became dependent on the amount of hours with the addition of on-call hours . . . If there was no on-call hours given for the week then I would not get paid the same amount as consistently as I desired."*

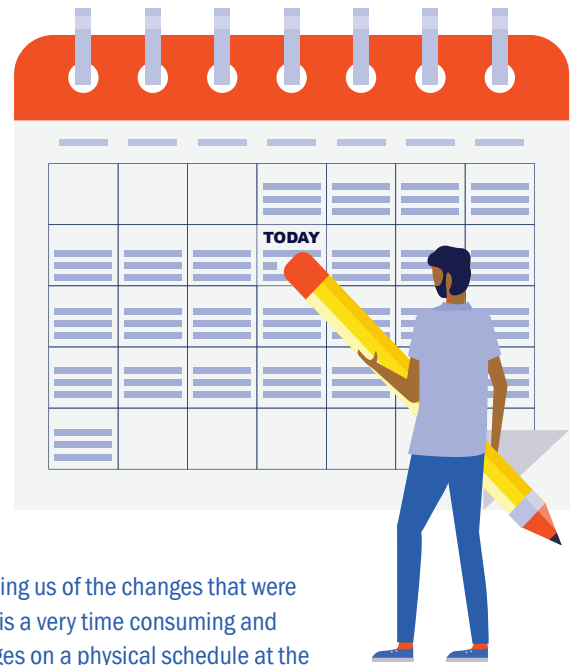
Of those assigned on-call shifts, 69% said they were paid nothing for the time they spent waiting to see if they were called in. On the other hand, 22% said they were paid their regular wages, with 7% reporting they were paid some lesser compensation. It is clear that companies can and sometimes do offer compensation for the time they demand that workers keep open.

## Changes to schedule after posting

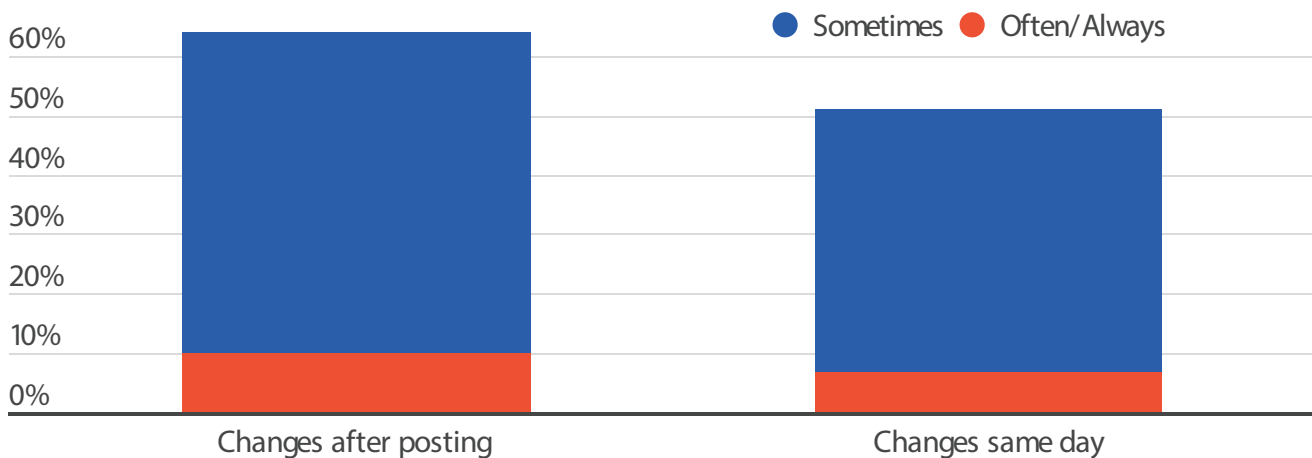
Compounding the late notice workers get of their schedules is the common employer practice of altering schedules that have already been distributed to workers. Almost two-thirds (64%) of participants reported that their schedules are sometimes changed after posting, with 10% saying they are regularly changed.

Last minute schedule changes can mean unexpected loss of income when they involve cancelled shifts. A department store worker, who goes to City College, described the lack of control they had over changes to their schedule, “[T]here was the sudden schedule changes. Maybe about ten times I was taken off of the schedule the day before. And instead of being given an explanation for doing this, my manager would just text me the day before and say ‘Check the schedule for changes. Thank you.’”

An SDSU student explained how keeping up with schedule changes became the workers’ responsibility, as the employer put “all last-minute scheduling change[s] on the Facebook crew page. Instead of reaching out to us professionally, and informing us of the changes that were made. . . Having to read through the Facebook page posting every day I have a shift is a very time consuming and irritating process.” Another participant complained that their employer put all changes on a physical schedule at the worksite that workers had to constantly check.



### Management Making Schedule Changes Is Common



## Same-day changes to schedule

Sometimes the schedule is so volatile that workers’ shifts are cancelled, added or modified on the very day they are supposed to work. Half of our participants (51%) reported dealing with same-day schedule changes.



An SDSU student who works in a restaurant explained, “Things always changed without notifying the employees. I would get random shifts added if larger parties were coming in.”

A New York & Company employee described how minimal staffing adds to the unpredictability in her schedule, “[B]ecause there was a short on girls there was constantly last-minute changes. I would get hours, lose hours.”

Some of the same-day changes are built into a schedule that relies on open-ended shifts. As a movie theater employee wrote, “I would start my shift at 5 pm, and depending on how the night went, my ending times would drastically range. On a good night, I would be off of work at around 2 am. On a bad night, I would be off of work at 7 am.”

# UNFAIR SCHEDULING PRACTICES

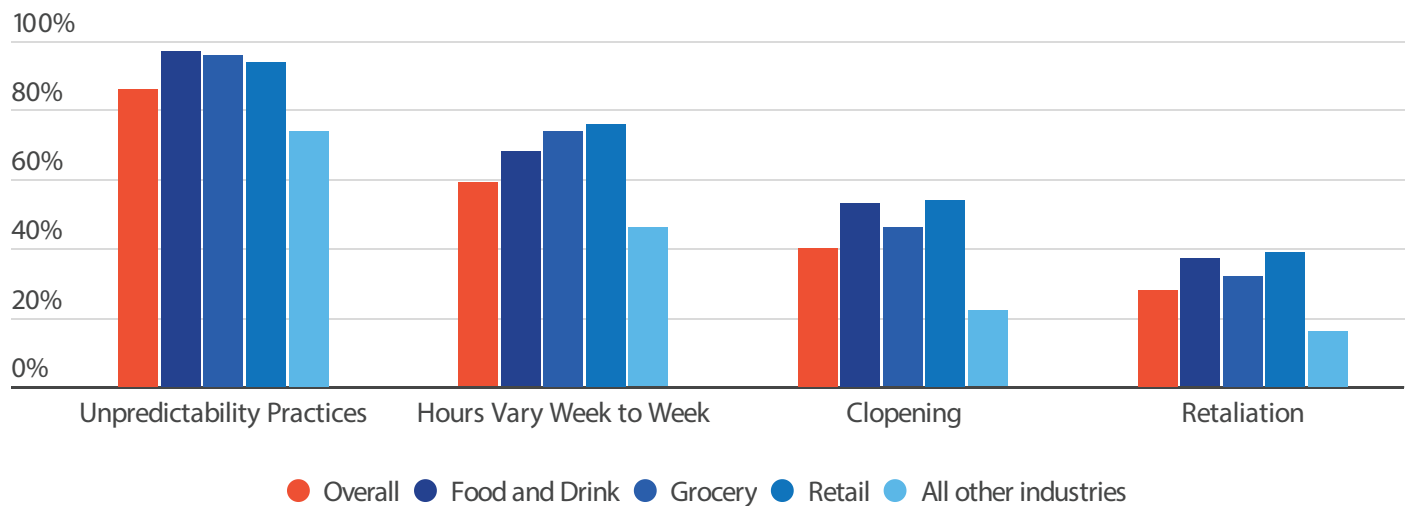
## UNPREDICTABILITY INDEX

When taken together, these practices – employers giving no or inaccurate schedule information at the time of hire, providing less than two weeks’ notice of the schedule, assigning on-call shifts, and making late schedule changes – leave employees with little predictability of their work hours and thus little control over their supposed personal time. We found that 86% of all workers in the survey reported being subjected to at least one of these unpredictability practices. In the food service, grocery, and retail industries the percentage subject to these practices jumps to 96%.

Below we cover other unfair scheduling practices, such as a variation in weekly hours, “clopening,” and retaliation. For each of these, workers in the food service, grocery, and retail industries reported considerably higher rates of unfair practices than other industries.

### Unfair Scheduling Practices Are Commonplace

Most Rampant in Food Service, Grocery and Retail Sectors

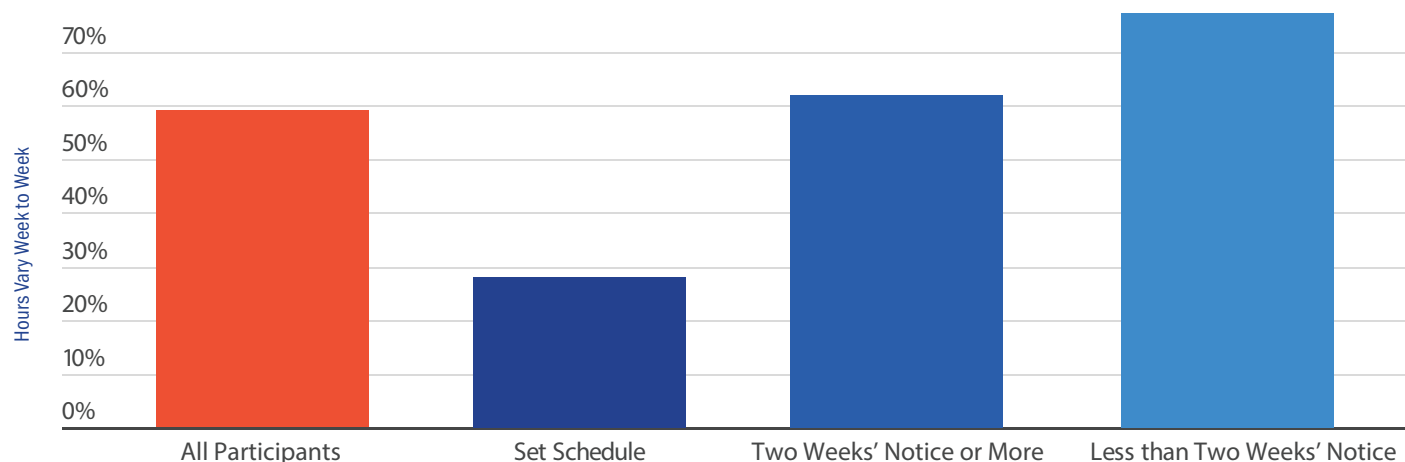


## VARIABILITY IN HOURS

All of the practices described in this report result in fluctuations of workers’ hours from week to week, which leads to unstable income and insecurity about how workers will pay their bills. Nearly 60% of all participants reported that their hours vary from week to week.

A department store worker described how companies’ scheduling only considers corporate needs, not employee survival: “My schedule could change significantly from week to week due to store demands. One week I could be scheduled for 24 hours and the next week I could be scheduled for 8 hours.”

### As Advance Notice Declines, Variability of Hours Increases



Significantly fewer workers with set schedules report variations in hours from week to week, 28% vs 75% of those with less than two weeks' notice. As advance notice of work schedule diminishes, the likelihood of variability rises, as does the likelihood of management changing workers' schedules.<sup>2</sup>

## CLOPENING

Another problematic scheduling practice is assigning workers a night shift and then a morning shift with fewer than 10 hours rest in between. This practice, known as "clopening," denies workers sufficient rest, given the need to commute back and forth to their home, eat, shower, change, and sleep. Four of every ten participants reported that they clopen at their jobs, with the percent rising to over half in the restaurant (52%) and grocery industries (54%).

An SDSU student working at the YMCA described how their supervisor "would have me close the building at 10:30 pm, and open the next morning at 5 am."

A City College student working as a fast food cashier wrote, "Eventually I got an extremely crazy three-day back to back shift. I would start at 2 pm-10 pm, then 6 am-2 pm, then later that same day 10 pm-6 am. This would leave me having sleepovers at the restaurant sometimes."



## RETALIATION

For some workers, the intensity of these practices is exacerbated by the fact that they experience retaliation if they make scheduling requests. Twenty-eight percent of survey participants reported that their employers have retaliated against them (e.g. giving fewer or worse shifts) in response to special scheduling requests. This number rose to 37% of those working in the restaurant industry and 39% of those working in retail. Such punishment has a broader impact, as retaliation against one employee has a chilling effect on other workers who then do not make requests for fear of reprisals.

A food service worker, who goes to SDSU, explained, "I work 2 jobs. One is more flexible but my main job cuts my hours if I request time off."

As a grocery worker described, "I work 6 days a week with 6 different shifts a week, day off is different every week. I never get a weekend day off and if I request one, I get my hours severely cut."

## POLICY RECOMMENDATIONS

**There is widespread support for fairer scheduling practices.** A 2016 nationally representative poll found that three out of every four Americans supported the concept of fair work week legislation. A majority supported specific policies guaranteeing predictability pay, advance notice of schedules, and requiring compensation for on-call work.<sup>3</sup>

**Cities and states across the country are taking action.** The state of Oregon and several cities across the country, including San Francisco, New York, Philadelphia, Chicago, and Seattle, have adopted Fair Workweek policies, and many more cities and states are considering such regulations. The policies vary in terms of which employees are covered and what provisions are included, but all guarantee workers some stability in scheduling practices. New Hampshire, Vermont, and San Francisco have also passed right-to-request laws that prohibit employer retaliation against workers who make scheduling requests. Together these laws are improving the lives of millions of workers and their families.<sup>4</sup>

**San Diego workers deserve fairness in employer scheduling practices.** It is our hope that San Diego workers, their families, and the businesses they work for can also enjoy the benefits of Fair Workweek policies. Based on this report, we offer the following policy recommendations:

- 1) Time-of-hire agreements:** a written good faith estimate of weekly hours to include the days and shifts to be worked and location of work.
- 2) Access to hours:** current workers must be offered available hours, up to 40 hours a week, before new employees are hired.
- 3) Advance notice:** workers who do **not** have a set schedule should be given their schedule in writing at least two weeks in advance.
- 4) Predictability pay:**
  - a) If shifts are canceled:** workers must be compensated for any shift canceled after the schedule is posted.
  - b) If employers add shifts after posting the schedule:** workers have the right to decline those shifts or must be paid premium pay if they work those shifts.
  - c) If shift is extended:** workers must agree and should be paid premium pay for additional hours.
  - d) Exceptions:** employee-initiated shift swaps, closures due to natural disasters, and other certified emergencies.
- 5) On-call compensation:** on-call shifts should be compensated at the same rate as regular pay whether or not the worker is called in.
- 6) Right to rest:** right to decline work with fewer than 12 hours between shifts and right to premium pay for any hours accepted with fewer than 12 hours rest.
- 7) Right to request/refuse:** employers are prohibited from retaliating against workers (e.g. giving fewer or worse shifts, demoting, firing) who make special scheduling requests or who refuse shift changes.

## Unfair Practice

## Fair Workweek Policy

<b>Varying hours; lack of information about schedule</b>	<b>Requirement to provide written schedule at time of hire</b>
<b>Involuntary part-time</b>	<b>Access to hours</b>
<b>Short advance notice</b>	<b>2 weeks advance notice of schedule</b>
<b>Schedule changes</b>	<b>Predictability pay: premium pay for changes after posting</b>
<b>On-call shifts</b>	<b>On-call compensation</b>
<b>Clopping</b>	<b>Right to rest: minimum of 12 hours between shifts</b>
<b>Retaliation</b>	<b>Right to decline hours; consent for changes; right to request schedule</b>

## METHODS

In 2019, we surveyed over 4,400 adults. Of those, 2,770 had been employed as hourly workers in San Diego County within the previous 12 months and were not in charge of scheduling or payroll at their jobs. These workers were asked about their experience over the previous 12 months. The statistics in this report are taken from an analysis of those 2,770 survey responses.

This survey is based on a convenience sample and we do not claim that it is representative of all workers in San Diego County. Most participants, almost 2000, are not only workers but students as well. We found virtually no difference between the percentage of students and non-students experiencing any of the unpredictable and unfair practices. As a result of concentrating our recruitment among students, our sample was also largely made up of younger workers. We also found no significant difference in practices experienced by age group. However, because young workers tend to be concentrated in the food service and retail industries, our sample was also skewed toward these industries.<sup>5</sup> Fifty-four percent of workers surveyed were in the food service and retail (including grocery) industries as compared to the 20% of hourly workers in San Diego County. Our study, like studies in other parts of the country, shows that unfair scheduling practices tend to be higher in these industries.

**Although the survey was not representative, the report is indicative of how unfair practices have become normalized, especially for food service and retail workers. This is especially concerning because young workers at the beginning of their work lives may come to see these practices as standard. The survey results also demonstrate which practices are relatively most prevalent. Finally, the results give us a fuller picture of how these practices impact workers, especially in the food service and retail industries.**

We gathered the online surveys through various channels. A core of seven student researchers made in-person presentations in more than 80 college classes and administered the survey during the presentations. These presentations took place at 11 different universities and community colleges in the San Diego area, with the majority conducted at San Diego State University. Community organizations including the Employee Rights Center, the United Food and Commercial Workers, and the Center on Policy Initiatives also helped recruit survey participants. Almost 80 student researchers also recruited participants through their own social networks, postings at worksites and on worker-oriented group chats and Facebook groups.

The survey concluded with an open-ended question asking if participants had any additional information they wanted to share about their work schedules. We received 295 comments related to schedules and their impacts, some of which are included as quotes in this report.

To supplement our quantitative research, we also gathered testimonials from six classes, half at SDSU and half at City College. Students were asked to write 2-3 page essays about the scheduling practices at their jobs and the impacts their work schedule had on their lives. These students were required to fill out a consent form where they could choose whether to have their essay included in this study. Professors gave extra credit to students whether or not they authorized the use of their essays. Seventy-four students submitted their essays to the study. Names were then blacked out and we analyzed the essays for the themes found in the survey. Most quotes in this report are taken from these essays.

## BACKGROUND

It has become increasingly common for employers to use “just-in-time” scheduling to calculate the “optimum” number of workers for any given shift. Corporate software and managers create ever-changing workers’ schedules based on predictions of customer demand – a number that fluctuates by the week, day, and hour.<sup>6</sup> The results for workers are unstable, unpredictable, and last minute schedules.

**In the last two decades, unpredictable scheduling has become common practice in service industries across the US.** According to General Social Survey data, just over one in five US workers faces unstable work schedules.<sup>7</sup> Low-wage workers are most affected,<sup>8</sup> particularly in food service and retail sectors, where the percentage of workers struggling with unstable schedules soars to 60%.<sup>9</sup> Jobs within these industries tend to be filled by younger workers and a UCLA study found that 96% of these young workers navigated issues of unpredictable scheduling, when practices of on-call shifts and little advance notice were added to fluctuating hours.<sup>10</sup> According to the Shift Project, a large survey conducted by UC Berkeley on retail and food service workers throughout the US, workers of color in these industries are 16% more likely to experience unstable schedules, with some practices such as shift cancellations being 30% more common for workers of color.<sup>11</sup> Even when employed in comparable positions by the same employers, workers of color, and particularly women of color, still suffer unpredictable practices more frequently than white workers.<sup>12</sup>

**Unstable scheduling is detrimental to American families.** Employers prefer workers who offer open availability.<sup>13</sup> Employers can thus schedule workers for as few or as many hours as they find convenient, severely impeding workers’ ability to attend to family obligations. Twice as many workers with irregular schedules and on-call shifts report work-family conflict as those with regular schedules.<sup>14</sup> This conflict is particularly problematic as non-standard schedules are more prevalent among single mothers.<sup>15</sup> One study reports that over half of fathers and almost 40% of mothers “had to cancel an event or appointment in the past three months that was important to their child because of their schedule at the Gap.”<sup>16</sup>

**Unpredictable schedules are detrimental to the well-being of workers’ children.** Parents’ unpredictable work schedules have been shown to have demonstrably negative effects on toddlers’ cognitive development and expressive language and to result in poorer academic engagement and increased levels of behavioral disorders in older children.<sup>17</sup> The developmental delays stem from both parental absence and increased parental stress.<sup>18</sup> Fluctuating work hours also result in low-wage workers and their children facing disruptions in government subsidized childcare.<sup>19</sup>

**Unpredictable work schedules also have adverse effects on income stability and consumer spending.**<sup>20</sup> In a survey conducted by the Federal Reserve Board, almost half of workers who responded that their income varied from month to month reported that it was due to an irregular work schedule.<sup>21</sup> UC Berkeley’s Shift Project found that 60% experienced some sort of material hardship, such as food insecurity or housing hardship. Those who experienced irregular scheduling practices were more likely to face material hardship than other workers who made similar wages.<sup>22</sup>

**Irregular work schedules are correlated to negative health outcomes for workers.** Studies have found a link between unstable work schedules and self-reported poor health,<sup>23</sup> higher levels of stress,<sup>24</sup> inadequate sleep,<sup>25</sup> and lower levels of happiness.<sup>26</sup> According to the Shift Project’s research, these poor health outcomes correspond more to volatile scheduling practices than to low wages, which are typically associated with retail and service sector work.<sup>27</sup>

**Unstable schedules interfere with academic performance for workers who are also students.** Given the rising cost of tuition and living expenses, most students work through college.<sup>28</sup> A UCLA study found that 43% of students who work sacrificed classroom attendance due to shifting work schedules.<sup>29</sup> Faced with too few hours between work and school demands, students often do not get adequate sleep, which is detrimental to learning.<sup>30</sup> Conflicts between students’ work and school schedules are cited more often than the cost of tuition as the reason for dropping out of college.<sup>31</sup>

**Stable scheduling would not only improve the lives of workers and their families but has benefits for employers as well.** Contrary to many employers’ beliefs, experiments with stable scheduling practices have shown that advance notice and elimination of on-call shifts, along with other complementary measures, results in significant increases in productivity. The findings of a study conducted by the Gap were revelatory: stable scheduling “sharply increased median sales by 7% . . . in an industry in which companies often work hard to achieve increases of 1-2%.”<sup>32</sup> Stable scheduling also has the potential to reduce turnover, a big expense for employers.<sup>33</sup> Managers cite unstable scheduling and fluctuating hours, along with low wages, as the two main reasons workers leave their jobs.<sup>34</sup>

**While wages have been rising in many cities and states, without also stabilizing hours, incomes will remain unpredictable and workers’ lives disrupted.** Cities and states around the country are considering or have adopted legislation to guarantee workers’ more predictable schedules. Given what this report documents about practices in San Diego, it is imperative we consider some of these measures in our city and county.



## CITATIONS

- 1) It should be noted that this question is not applicable to many students who get medical care through the schools' clinics and/or from their parents' medical insurance. Of all survey participants, one in four said their schedule affected their ability to pay for medical care.
- 2) Workers with less than two weeks advance notice of their schedule are more than twice as likely as those with set schedules to experience changes after posting (77% vs 36%) and same day changes (63% vs 29%).
- 3) <https://populardemocracy.org/sites/default/files/Fair%20Workweek%20Poll%20Memo.pdf>
- 4) Wolf, J J Jones & D. Cooper. 2017. "Fair Work Week Laws Help More than 1.8 Million Workers," Economic Policy Institute. This study was done prior to adoption of the Chicago and Philadelphia ordinances.
- 5) Ben-Ishai, L. et al. (2016). *Juggling Time: Young Workers and Scheduling Practices in the Los Angeles County Service Sector*. Center for Law and Social Policy (CLASP) and UCLA Labor Center, p. 6.
- 6) Corser, M. (2019). *Technology and Disruption: Workers' Predictions on the Future of Retail*. The Center for Popular Democracy, Fair Workweek Initiative, Organization United for Respect.; Luce, S., Hammad, S., & Sipe, D. (2014). *Short Shifted*. Retail Action Project.
- 7) This reflects respondents who answered with "an irregular schedule" or "a rotating shift" in response to the question, "Thinking of your main job, which of the following best describes the hours you usually work?". Golden, L. (2015). *Irregular Work Scheduling and Its Consequences*. Economic Policy Institute.
- 8) Golden, L. (2015).
- 9) Unstable scheduling, which included "variable schedules" and "rotating shifts" was reported by nearly 60% of respondents. Schneider, D., & Harknett, K. (2019a). "Consequences of Routine Work-Schedule Instability for Worker Health and Well-Being," *American Sociological Review*.
- 10) Young workers are those between the ages of 18-29. Unpredictable scheduling practices included "on-call work, lack of advance notice, or fluctuating schedules." Ben-Ishai, L. et al. (2016).
- 11) Schneider, D., & Harknett, K. (2019b). *It's About Time: How Work Schedule Instability Matters for Workers, Families, and Racial Inequality*. Shift Project, UC Berkeley, p. 2.
- 12) Schneider, D., & Harknett, K. (2019b), pp. 3-4.
- 13) Ben-Ishai, L. et al. (2016). Shaddock-Hernández, J. et al. (2018). *Hour Crisis: Unstable Schedules in the Los Angeles Retail Sector*. UCLA Labor Center.; Luce, S., Hammad, S., & Sipe, D. (2014).
- 14) Golden, L. (2015).
- 15) Joshi, P., & Bogen, K. (2007). "Nonstandard Schedules and Young Children's Behavioral Outcomes Among Working Low-Income Families," *Journal of Marriage and Family*.
- 16) Williams, J. C. et al. (2019). *Stable Scheduling Study: Health Outcomes Report*. Center for WorkLife Law, p. 4.
- 17) Morsy, L., & Rothstein, R. (2015). *Parents' Non-Standard Work Schedules Make Adequate Childrearing Difficult: Reforming Labor Market Practices Can Improve Children's Cognitive and Behavioral Outcomes*. Economic Policy Institute.; Han, W. J. (2005). "Maternal Nonstandard Work Schedules and Child Cognitive Outcomes," *Child Development*.; Hsueh, J., & Yoshikawa, H. (2007). "Working Nonstandard Schedules and Variable Shifts in Low-Income Families: Associations with Parental Psychological Well-Being, Family Functioning, and Child Well-Being," *Developmental Psychology*.
- 18) Joshi, P., & Bogen, K. (2007).
- 19) Lambert, S. J., Fugiel, P. J., & Henly, J. R. (2014). *Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot*. Employment Instability, Family Well-being, and Social Policy Network.
- 20) Golden, L. (2015).
- 21) Federal Reserve Board. (2014). *Report on the Economic Well-Being of U.S. Households in 2013*.
- 22) Schneider, D., & Harknett, K. (2019b).
- 23) Human Impact Partners, & Center for Popular Democracy. (2016). *Scheduling Away Our Health: How Unpredictable Work Hours Affect Health and Well-Being*.
- 24) Golden, L. (2015).; Schneider, D., & Harknett, K. (2019a).
- 25) Human Impact Partners, & Center for Popular Democracy. (2016).; Schneider, D., & Harknett, K. (2019).; Williams, J. C. et al. (2019).
- 26) Schneider, D., & Harknett, K. (2019a).
- 27) Schneider, D., & Harknett, K. (2019a).
- 28) Center for Law and Social Policy. (2017). *Yesterday's Non-Traditional Student is Today's Traditional Student*.
- 29) Shaddock-Hernández, J. et al. (2018).
- 30) Ben-Ishai, L. et al. (2016).
- 31) Human Impact Partners, & Center for Popular Democracy. (2016).
- 32) Williams, J. C. et al. (2015), p. 6.
- 33) Boushey, H., & Glynn, S. J. (2012). *There Are Significant Business Costs to Replacing Employees*. Center for American Progress.
- 34) Boushey, H., & Ansel, B. (2016). *Working by the Hour: The Economic Consequences of Unpredictable Scheduling Practices*. Washington Center for Equitable Growth.



# TIME THEFT



## Employer Scheduling Practices and Their Impacts on San Diego County Workers

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### ACKNOWLEDGEMENTS

We would like to thank Alor Calderon for his assistance in conceptualizing this project. We would like to thank Dr. Derrick Robinson and Ana Laura Martínez for their assistance in thinking through our report findings and recommendations. Thanks to all of the following for assistance with survey recruitment: the staff of the Employee Rights Center, United Food and Commercial Workers Local 135, and the students of Dr. Beck's Spring and Fall 2019 Sociology 407 classes. We would like to thank professors Paul Lopez, Jessica White, Michael Roberts, and Audrey Beck and their students for collaborating with us on the testimonial portion of the research. Finally, thanks to all the thousands of San Diego workers who took the time to share their experiences with us.

We gratefully acknowledge the San Diego State University Service Learning and Community Engagement Program for funding this research, and the California Endowment, California Wellness Foundation, Irvine Foundation, Marguerite Casey Foundation, and the Satterberg Foundation for funding this research and other CPI programs.



**Center for Community Research and Engagement (CCRE) of the  
San Diego State University Department of Sociology**



**Center on Policy Initiatives**

**This report is available online at: [cpisandiego.org/time-theft/](https://cpisandiego.org/time-theft/)**



## **Human Relations Commission**

November 18, 2020

Mayor Kevin L. Faulconer  
Office of the Mayor of San Diego  
Civic Center Plaza  
San Diego, CA 92101

Mayor-Elect Todd Gloria  
10405 San Diego Mission Rd.  
San Diego, CA 92108

Dear Mayor Faulconer and Mayor-Elect Gloria,

As the San Diego City Human Relations Commission (HRC), we are deeply disturbed by the reports of the hundreds of migrant children that continue to remain separated from their parents following the deportation and/or separation of their families after crossing the United States - Mexico Border as a result of the 2018 "zero tolerance" policy and the prior pilot program. The most current reports indicate that 666 children remain separated because the government is unable to locate their parents. As advocates to the Mayor and representatives of San Diego, a border city, and one of the busiest and largest land border crossings in the world, we request prompt and effective reunification of the children with their families and to cease any further attempts to separate immigrant families.

The Mission of the San Diego City HRC is to conduct and promote activities that foster mutual respect and understanding, to protect basic human and civil rights, and to create an atmosphere that promotes amicable relations among all members of the San Diego community. As a Commission, we appreciate and recognize the efforts being done to reunify these children with their families as quickly as possible, especially U.S. District Judge Dana Sabraw's judicial efforts in the reunification process wherein on October 22, 2020 at the San Diego hearing, he requested the Justice Department explore ways in which the administration make it easier to locate the parents of the separated children.

As San Diego's HRC, we request the City of San Diego do everything in its power to swiftly reconnect these separated migrant families, to support the requests to provide these families with any needed assistance, and support to end the process of migrant family separation. This includes employing all the resources at our City's disposal to assist with the search and reunification efforts, including perhaps, enlisting the services of the San Diego Police Department. The HRC also supports the request made by the American Civil Liberties Union (ACLU) to provide funding for the search efforts, which the HRC believes is vital. The HRC also supports Rep. Joaquin Castro's call for a special Human Rights Commission formed to investigate the harm done through the mass separation of families, and to provide funding for the services these children and families might need once they have been reunited, which the HRC also believes is critically important.

As San Diego's Strategic Plan on Immigrant and Refugee Integration notes, San Diego is a "welcoming community" that embraces immigrants. The City of San Diego's HRC is strongly committed to this principle, to the prompt and effective reunification of the migrant children with their families, and to any necessary action to remedy the situation. If there is anything the HRC can do to support these efforts, or to assist you in your endeavors toward these goals, please call on us.

Sincerely,

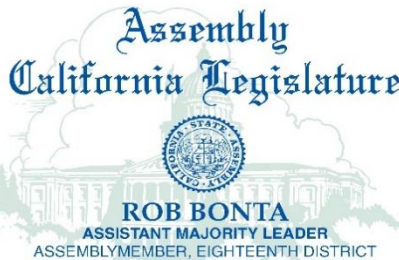
The San Diego City Human Relations Commission

cc:     Manager of Immigrant Affairs, City of San Diego  
          County of San Diego, Human Relations Commission  
          Lee Gelernt, Esq., American Civil Liberties Union  
          U.S. Representative Joaquin Castro

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HEALTH

October 12, 2020

Acting Director Sandra Shewry, MPH, MSW  
California Department of Public Health  
Sacramento, CA 95814

Re: ICE Raids Public Health Concern

Dear Acting Director Shewry,

As members of the State Legislature, we are contacting your office with respect to a public health concern that presents a unique and ever-growing challenge to our community during the COVID-19 pandemic.

According to reports in the press Immigration and Customs Enforcement (ICE) is preparing to conduct an "enforcement blitz" in the month of October, which targets U.S. cities and jurisdictions that have adopted "sanctuary" policies. According to reports, this operation has already commenced.

While we very clearly understand that the enforcement of immigration laws and the operation of detention facilities used to house immigrants is within the jurisdiction of the federal government, we are also aware that all ICE detention facilities are subject to certain mandatory requirements, including but not limited to the following:

- Each facility should "comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements."<sup>1</sup>
- Each facility should actively engage with local health departments to understand in advance which public health entity has jurisdiction over public health measures for COVID-19 in the facility. <sup>2</sup>
- Each facility must develop a COVID-19 mitigation plan. Administrators should plan and prepare for COVID-19 by "[c]oordinating with public health and correctional partners." As

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<sup>1</sup> ICE Performance-Based National Detention Standards (PBNDS) for 2008 and 2011

<sup>2</sup> This requirement is from CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities pg 5, guidance which is mandatory for all ICE detention facilities.

well as “[i]dentify points of contact in relevant state, local, tribal, and/or territorial public health departments before cases develop.”<sup>3</sup>

Our offices are particularly concerned that this operation is in direct contradiction with state public health laws and mandates, and in fact ICE’s Enforcement and Removal Operations COVID-19 Pandemic Response Requirements. This guidance issued by ICE requires mandatory compliance with CDC’s Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities. The CDC guidance on detention specifically requires detention facilities to limit transfers of individuals to and from facilities unless absolutely necessary.

According to two officials cited in press reports, the planned operation is intended to be a “political messaging campaign” by ICE. This raises very serious questions about whether ICE is choosing to violate mandatory and specific guidance to achieve political objectives as an agency.

There have been COVID-19 outbreaks in four of the five detention facilities in the state of California, and transfers into two of these facilities have been halted as a result of litigation focused on ICE’s inability to properly address the health and safety of those detained.

In addition to the threat posed to those inside detention we are seriously concerned about the impact this has on public health as a whole. A study published in the [Journal of Urban Health](#) on the spread of COVID-19 in immigrant detention facilities estimates that coronavirus outbreaks among a minimum of 65 ICE facilities (59%) would overwhelm ICU beds within a 10-mile radius and outbreaks among a minimum of 8 ICE facilities (7%) would overwhelm local ICU beds within a 50-mile radius over a 90-day period, provided every ICU bed was made available for sick detainees.<sup>4</sup>

**To that end, we would kindly like to have the following questions addressed in writing:**

- 1.) What, if any, coordination or collaboration has taken place between ICE detention operators and your office?
- 2.) Which state health agency is responsible for coordination with ICE detention facilities or operators? Are you willing to request information from relevant state agencies regarding their coordination or lack thereof with ICE on public health grounds?
- 3.) Are ICE detention facilities currently in compliance with state and federal COVID-19 reporting requirements?
- 4.) The ICE Enforcement and Removal Operations (ERO) COVID-19 Pandemic Response Requirements requires coordination with public health partners. Is this operation being coordinated with these partners at the state and local level?
- 5.) Does your office have an assessment of the potential impact a statewide enforcement operation may have on public health resources and community safety?

---

<sup>3</sup> *Id.* at pg 6

<sup>4</sup> Modeling COVID-19 and Its Impacts on U.S. Immigration and Customs Enforcement (ICE) Detention Facilities, 2020 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7228433/>

6.) What steps has ICE taken to coordinate with California local and state public health authorities, as required by the ERO COVID-19 Pandemic Response Requirements?

Please contact Assemblymember Bonta's Legislative Director Maheen Ahmed at [maheen.ahmed@asm.ca.gov](mailto:maheen.ahmed@asm.ca.gov) or 916.319.2018 to provide the answers to the questions above or if you have any questions.

Sincerely,



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**Rob Bonta**

Assemblymember, 18<sup>th</sup> Assembly District



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**Miguel Santiago**

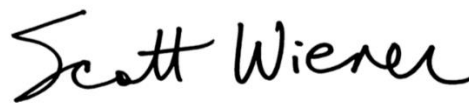
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**Autumn Burke**

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**Scott Wiener**

Senator, 11<sup>th</sup> Senate District



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**David Chiu**

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**Cecilia Aguiar-Curry**


Assemblymember, 4<sup>th</sup> Assembly District



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**Phil Ting**

Assemblymember, 19<sup>th</sup> Assembly District



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**Jose Medina**

Assemblymember, 61<sup>st</sup> Assembly District



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**Marc Levine**  
Assemblymember, 10<sup>th</sup> Assembly District



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**Wendy Carrillo**  
Assemblymember, 51<sup>st</sup> Assembly District



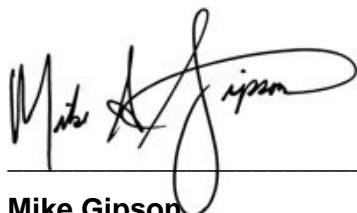
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Assemblymember, 52<sup>nd</sup> Assembly District



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**Bill Quirk**  
Assemblymember, 20<sup>th</sup> Assembly District



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**Mike Gipson**  
Assemblymember, 64<sup>th</sup> Assembly District



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**Buffy Wicks**  
Assemblymember, 15<sup>th</sup> Assembly District



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**Cristina Garcia**  
Assemblymember, 58<sup>th</sup> Assembly District



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**Monique Limon**  
Assemblymember, 37<sup>th</sup> Assembly District



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**Nancy Skinner**  
Senator, 9<sup>th</sup> Senate District



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**Ash Kalra**  
Assemblymember, 27<sup>th</sup> Assembly District



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**Sydney Kamlager**  
Assemblymember, 54<sup>th</sup> Assembly District

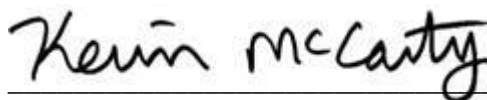


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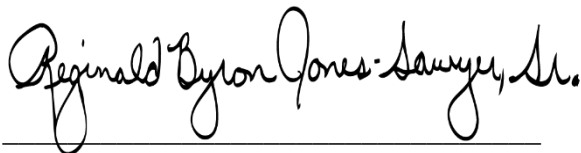
**Luz Rivas**  
Assemblymember, 39<sup>th</sup> Assembly District



**Kansan Chu**  
Assemblymember, 25<sup>th</sup> Assembly District



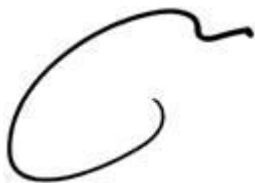
**Kevin McCarty**  
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**Reggie Jones-Sawyer**  
Assemblymember, 59<sup>th</sup> Assembly District



**Maria Elena Durazo**  
Senator, 24<sup>th</sup> Senate District



**Mike McGuire**  
Senator, 2<sup>nd</sup> Senate District



**Steven Bradford**  
Senator, 35<sup>th</sup> Senate District

CC: Monica Wagoner, Deputy Director



Member, Board of Supervisors  
District 9



City and County of San Francisco

HILLARY RONEN

Sandra Shewry, MPH, MSW  
Acting Director  
California Department of Public Health  
1415 L Street #820  
Sacramento, CA 95814

### **Re: Sanctuary Op**

My name is Hillary Ronen and I am an elected member of the San Francisco Board of Supervisors. My District comprises the neighborhoods of the Mission, the Portola, Bernal Heights, and St. Mary's Park. I am writing with respect to a public health concern that presents a unique and ever-growing challenge to our community during the COVID-19 pandemic.

According to reports in the press Immigration and Customs Enforcement (ICE) is preparing to conduct an "enforcement blitz" in the month of October which targets U.S. cities and jurisdictions that have adopted "sanctuary" policies. According to reports this operation is set to commence as early as this week.

While we very clearly understand that the enforcement of immigration laws and the operation of detention facilities used to house immigrants is within the jurisdiction of the federal government, we are also aware that all ICE detention facilities are subject to certain mandatory requirements, including but not limited to the following:

- Each facility should "comply with current and future plans implemented by federal, state or local authorities addressing specific public health issues including communicable disease reporting requirements."<sup>1</sup>
- Each facility should actively engage with local health departments to understand in advance which public health entity has jurisdiction over public health measures for COVID-19 in the facility.<sup>2</sup>
- Each facility must develop a COVID-19 mitigation plan. Administrators should plan and prepare for COVID-19 by "[c]oordinating with public health and correctional partners." As well as "[i]dentify points of contact in relevant state, local, tribal, and/or territorial public health departments before cases develop."<sup>3</sup>

My office is particularly concerned that this operation is in direct contradiction with state public health laws and mandates, and in fact ICE's Enforcement and Removal Operations COVID-19 Pandemic Response Requirements. This guidance issued by ICE requires mandatory compliance with CDC's Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities. The CDC guidance on detention specifically requires detention facilities to limit

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<sup>1</sup> ICE Performance-Based National Detention Standards (PBNDS) for 2008 and 2011

<sup>2</sup> This requirement is from CDC Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities pg 5, guidance which is mandatory for all ICE detention facilities.

<sup>3</sup> *Id.* at pg 6

transfers of individuals to and from facilities unless absolutely necessary.

According to two officials cited in press reports, the planned operation is intended to be a “a political messaging campaign” by ICE. This raises very serious questions about whether ICE is choosing to violate mandatory and specific guidance to achieve political objectives as an agency.

There have been COVID-19 outbreaks in four of the five detention facilities in the state of California, and transfers into two of these facilities have been halted as a result of litigation focused on ICE’s inability to properly address the health and safety of those detained.

In addition to the threat posed to those inside detention we are seriously concerned about the impact this has on public health as a whole. A study published in the [Journal of Urban Health](#) on the spread of COVID-19 in immigrant detention facilities estimates that coronavirus outbreaks among a minimum of 65 ICE facilities (59%) would overwhelm ICU beds within a 10-mile radius and outbreaks among a minimum of 8 ICE facilities (7%) would overwhelm local ICU beds within a 50-mile radius over a 90-day period, provided every ICU bed was made available for sick detainees.<sup>4</sup>

**To that end my office would kindly like to request a meeting in order to address our concerns and the questions.**

- 1.) What, if any, coordination or collaboration has taken place between ICE detention operators and your office?
- 2.) Which state health agency is responsible for coordination with ICE detention facilities or operators? Are you willing to request information from relevant state agencies regarding their coordination or lack thereof with ICE on public health grounds?
- 3.) Are ICE detention facilities currently in compliance with state and federal COVID-19 reporting requirements?
- 4.) The ERO COVID-19 Pandemic Response Requirements requires coordination with public health partners. Is this operation being coordinated with these partners at the state and local level?
- 5.) Does your office have an assessment of the potential impact a statewide enforcement operation may have on public health resources and community safety?
- 6.) What steps has ICE taken to coordinate with California local and state public health authorities, as required by the ERO COVID-19 Pandemic Response Requirements?

We look forward to your response and discussing how we can partner to protect the health and safety of San Francisco community members, including those in immigration detention.

Sincerely,



Hillary Ronen, San Francisco Board of Supervisors

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<sup>4</sup> Modeling COVID-19 and Its Impacts on U.S. Immigration and Customs Enforcement (ICE) Detention Facilities, 2020  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7228433/>

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# Judge urges US to help find parents deported without kids

By JULIE WATSON    October 22, 2020



SAN DIEGO (AP) — A federal judge on Thursday urged the Trump administration to do more to help court-appointed researchers find hundreds of parents who were separated from their children after they crossed the U.S.-Mexico border beginning in 2017.

A court filing revealed this week that researchers have been unable to track down the parents of 545 children — a number much larger than previously

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known and that drew outcry. Most of the parents were deported to their Central American homelands, and their children were placed with sponsors in the U.S., often relatives.

U.S. District Judge Dana Sabraw refrained from issuing an order during a hearing in San Diego and instead asked Justice Department attorneys to explore ways the administration can make it easier to find the parents.

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Attempts to find families separated from their children have been underway since Sabraw ordered the government in 2018 to end the much-criticized practice under its “zero tolerance” policy for people who cross the border illegally.

Sabraw initially ordered the government to reunite more than 2,700 children with their families, believing that to be the total number who were separated. But it was later discovered an additional 1,556 children were taken from their parents going back to summer 2017, including the 545 kids who are still separated.

Attorney Lee Gelernt of the American Civil Liberties Union, which sued over the practice, said the government could provide funding for the search, which now is being conducted by a handful of human rights defenders in Central America.

When the issue was originally brought to their attention, U.S. officials were not interested in looking for the parents, he said, but that changed when outcry spread about the number of parents deported without their children.

“In light of the backlash, the government is now claiming it wants to assist us in finding these families,” Gelernt said.

The administration’s foot-dragging has made it even tougher to find the parents

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because of how much time has passed, he said.

Coronavirus restrictions prevented researchers from going into many areas from March until August, but as those measures ease up, researchers hope to make more progress in coming weeks.

U.S. authorities have provided telephone numbers for 1,030 children to a court-appointed steering committee, which tracked down the parents of 485 of those children.

The committee has advertised toll-free phone numbers in Spanish on billboards and other places in Central America to reach families.

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Volunteers have searched for their parents by going door to door in Guatemala and Honduras and combing public records, the ACLU said in a court filing.

The judge called for an update on Dec. 2 and set another hearing for Dec. 4 to discuss the progress.

“This, of course, is the most significant piece remaining” in terms of the family separations, Sabraw said.

U.S. Rep. Joaquin Castro, a Texas Democrat who chairs the Congressional Hispanic Caucus, said the government needs to allow parents deported without their children to come back to the U.S. and give them a chance to become legal permanent residents and eventually citizens.

Just nine parents separated from their children were allowed back in January.

Castro also called for a special committee, perhaps in the form of a human rights commission, to investigate the harm done through the mass separation of families in 2017 and 2018.

**AP NEWS**

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“This was coordinated cruelty, coordinated abuse, at the highest and the lowest levels of the American government,” Castro said.

Associated Press writer Nomaan Merchant in Houston contributed to



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## SUPERVISOR FLETCHER SUPPORTS ACCURATE GENDER IDENTIFICATION

[https://www.youtube.com/watch?v=lZ\\_icgVq-wY&fbclid=IwAR1LL8LcSnZsTLW\\_zGo8zGDo8HgSHCj5kWMQKbVeMb6npUNRI4bPQ5nwb00](https://www.youtube.com/watch?v=lZ_icgVq-wY&fbclid=IwAR1LL8LcSnZsTLW_zGo8zGDo8HgSHCj5kWMQKbVeMb6npUNRI4bPQ5nwb00)

## JUDGE URGES US TO HELP FIND PARENTS DEPORTED WITHOUT KIDS

<https://www.nbcnews.com/politics/immigration/lawyers-can-t-find-parents-666-migrant-kids-higher-number-n1247144>