Public Policy Platform on Flexible Work Arrangements

About Workplace Flexibility 2010

Workplace Flexibility 2010 is a public policy initiative at Georgetown Law. We view workplace flexibility as part of the solution to a myriad of intense pressures facing American employees and employers. Towards that end, we have created a deep substantive knowledge base on workplace flexibility through a systematic review of laws impacting workplace flexibility in this country. In addition, we have engaged a diverse range of stakeholders, including business and labor representatives, in thoughtful dialogue about common-sense workplace flexibility public policies. By the year 2010, we hope to develop a range of public policy solutions on workplace flexibility – including flexible work arrangements, time off, and career maintenance and reentry – that work for both employers and employees. Workplace Flexibility 2010 is the lead policy component of the Alfred P. Sloan Foundation's National Initiative on Workplace Flexibility.

www.workplaceflexibility2010.org

About The Alfred P. Sloan Foundation's National Initiative on Workplace Flexibility

In 2003, the Sloan Foundation launched the National Initiative on Workplace Flexibility, a collaborative effort designed to make workplace flexibility a standard of the American workplace. In an effort to reach that goal, the Foundation funds a variety of projects at the national, state and local levels that coordinate with business, labor, government and advocacy groups to advance workplace flexibility. Each project is driven by a common set of principles: workplace flexibility requires both voluntary employer and employee action as well as public policy reform; change must take place at the federal, state and local levels; the outcome of workplace flexibility must be proportionately fair to employees and employers; and successful flexibility efforts need to take into account the changing needs of individuals throughout the course of their professional and personal lives and across different income levels.

www.sloan.org

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Statement by Members of the National Advisory Commission on Workplace Flexibility

We, the undersigned members of the National Advisory Commission on Workplace Flexibility, came together one year ago to contribute to the development of a public policy field on workplace flexibility in a manner that takes into account the needs of both employees and employers in the 21st century.

Our understanding of the policy field of workplace flexibility is that it includes:

❖ Flexible Work Arrangements (e.g., workplace changes such as part-time and part-year work, phased retirement, compressed workweeks, telecommuting, and flexible scheduling);

❖ Time Off comprised of different lengths of time (e.g., sick days, time off to attend a parent-teacher conference, family leave, short-term disability, and military service), paid and unpaid; and

❖ Career Maintenance and Reentry (e.g., training for workers reentering the workforce and mechanisms that keep individuals connected to the workplace during long periods of absence).

In the 21st century, a strong economy demands a productive and engaged workforce. Workplace flexibility offers a means of achieving this outcome while benefitting both employers and employees.

Employees of all ages, professions, and income levels need workplace flexibility to meet the often competing demands of work and personal life. A significant number of workers report that they do not have the flexibility they need to succeed at work and still fulfill their personal obligations, whether those are caregiving obligations for a child, spouse or partner, or parent; volunteering in the community; attending religious services; or obtaining advanced training. Older workers, who often can provide expertise and experience, may require workplace flexibility to remain active in the workforce.

Many employers recognize the pressing need for workplace flexibility and are implementing effective policies and practices to succeed in a competitive economy. But too many others follow dated policies and practices that limit workplace flexibility and do not serve the interests of employers and employees.

We come from a wide variety of backgrounds, and we represent a broad range of perspectives surrounding the various ongoing debates on workplace flexibility. Our membership includes former senior policy advisers from both the Republican and Democratic parties (from previous Congresses and past Administrations); labor, consumer, and business representatives; and researchers and academics.

We all agree, however, that there is a compelling need for greater workplace flexibility and that there is an important role for public policy to play in addressing that need in a thoughtful manner.

The following Policy Platform by Workplace Flexibility 2010 addresses only one component of workplace flexibility – Flexible Work Arrangements. This is the first Policy Platform being issued by Workplace Flexibility 2010.

During our discussions over the past year, we have witnessed the deepening economic crisis in our country. We recognize that some today might question the importance of enhancing flexible work arrangements in our country, when individuals are simply trying to keep their jobs and businesses are simply trying to keep their doors open. But we believe the current crisis underscores the need for, and value of, flexible work arrangements.

Flexible work arrangements give workers a fair chance to juggle the competing demands of personal life and work successfully, particularly during a time when older workers need to work longer to secure retirement and women's labor force participation is on the rise. And employers today want to retain their best workers – both now, in order to meet their business needs and to get the job done as efficiently as possible, and in the future, when the economy improves.

In both the private and public sector today, we need to deploy the best talent management tools possible – and flexible work arrangements represent one of those tools. Employers and employees (or their representatives) should openly address these matters and should develop flexible work arrangements that best meet their respective and mutual needs.

It is critical to include creative public policy ideas around flexible work arrangements in the nation's broader economic recovery conversation so that the new economy will not suffer from the same structural mismatch as the old one. Helping to modify our workplaces so that flexible work arrangements become part of our norm will advance everyone's interests.
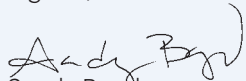
Over the course of the past year, we have reviewed a significant number of detailed policy alternatives presented by Workplace Flexibility 2010 to increase access to and utilization of flexible work arrangements in both the private and public sectors. We have critiqued these proposals – both at the macro and micro level – and we have offered input and advice to Workplace Flexibility 2010.

The following Policy Platform represents Workplace Flexibility 2010's current policy recommendations in the area of flexible work arrangements.

As members of the National Advisory Commission on Workplace Flexibility, we agree that our country needs a comprehensive public policy approach to enhancing flexible work arrangements. Moreover, we agree that the five prongs outlined in this Policy Platform represent necessary elements of such a comprehensive policy approach. Finally, we agree that the specific ideas in the attached Policy Platform are worth serious consideration.

We see the proposals contained in this platform as one phase of a comprehensive policy approach to making the provision of flexible work arrangements the normal way of doing business. We anticipate that the government will collect data on and assess the impact of any flexible work arrangement programs implemented under this Policy Platform. And we hope and expect that the data and experiences collected as a result of this effort will inform workplace policies as well as policy development, which might or might not include the following: financial incentives to encourage flexible work arrangements, technical assistance and training for employers and employees, and/or minimum labor standards to ensure that flexible work arrangements are available.
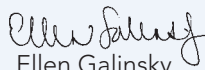
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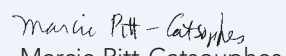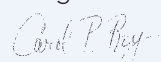|		
Sandy Boyd	Dennis Cuneo	Sharon Daly
Mary Lynn Fayoumi	Fred Feinstein	Netsy Firestein
David Fortney	Ellen Galinsky	G. William Hoagland
Carol Joyner	Craig Langford	Andrea LaRue
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Douglas Mishkin	Helen Norton	Marcie Pitt-Catsouphes
Carol Roy	Joseph Sellers	Shelley MacDermid Wadsworth
Anne Weisberg		

Workplace Flexibility 2010's Public Policy Platform
on
Flexible Work Arrangements

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The 21st century workforce is a very different one from that of the 20th century.

Dual earner couples are the norm; older workers need to work longer to save for retirement; men and women want to share caregiving responsibilities; there are many more single-parent families; many lower wage workers have nonstandard work schedules and multiple jobs to make ends meet; and more people with disabilities are working but may need a range of supports.

This increased diversity and complexity within the American workforce – combined with intensifying global competition in a 24/7 marketplace – have raised unprecedented organizational and societal challenges that impact both employers and employees.

For the past twenty years, researchers from a range of disciplines have documented and studied the tensions of this changed landscape, resulting in a rich and dynamic field of academic literature on the resulting "work-family" mismatch and conflict.

And yet, our workplaces have not caught up in a systematic or sophisticated way to these new realities. We live in a world of changing individuals and often unyielding institutions.

At Workplace Flexibility 2010, we believe that American workplaces can and should change to reflect the realities of our modern workforce. We believe that every workplace should have flexibility built into it along these three dimensions:

- ❖ Flexible Work Arrangements,
- ❖ Time Off, and
- ❖ Career Maintenance and Reentry.

We also believe there is no one single path to achieving widespread institutional change. To make workplace flexibility the normal way of doing business, we need innovative employer and employee practices in the public and private sectors, combined with thoughtful public policy by all levels of government.

The defining characteristic of Workplace Flexibility 2010 has been our commitment to conceptualizing thoughtful public policy through listening to both employers and employees describe their needs and challenges and through engaging new constituencies that have a stake in having workplaces work well.

Toward this end, we convened a series of working groups on various aspects of workplace flexibility over a period of five years. As described in the statement that precedes this policy platform, this past year we convened a National Advisory Commission on Workplace Flexibility, a high-level group of experienced political players, businesses, and researchers. We also held conversations with more than 50 stakeholders representing employer, employee, community, and issue perspectives, as well as researchers and academics. Finally, we met with business leaders and executives from a range of industries and regions across the country.

Throughout this process, we have maintained a position of "disciplined neutrality" – questioning our initial assumptions, holding off on finalizing our positions and opinions, and crafting and re-crafting the attached set of policy ideas to reflect new information, new opinions, and new insights.

We are immensely grateful to all who gave so generously of their time to this effort. We hope this document serves as the *jumping-off point for further conversation and deliberations* in the development of thoughtful public policy.

While we believe that public policy on all three components of workplace flexibility is necessary, this first policy platform begins with one component of workplace flexibility – flexible work arrangements (FWAs).

Under our conceptualization and definition, FWAs alter the time and/or place that work is conducted on a regular basis – in a manner that is as manageable and predictable as possible for both employees and employers. FWAs also must be voluntary – that is, they must be work arrangements requested by employees to help them balance work and other demands on their time, rather than work arrangements (such as reduced hours) imposed by employers in order to reduce costs.

Employees may need FWAs for any number of reasons – including, for example, child care, elder care, medical treatment, education and training, volunteerism, or faith-based practice.

FWAs provide:

❖ Flexibility in the *scheduling of hours* worked: for example, alternative work schedules (such as non-traditional start and end times, flex time, or compressed workweeks); and/or some degree of control and predictability over scheduling of hours, including overtime, shift and break schedules;

❖ Flexibility in the *amount of hours* worked: such as part time work, job shares, phased retirement, or part year work; and

❖ Flexibility in the *place of* work: such as working at home, at a satellite location, or at different locations at different times.

Our goal is to increase access to and use of FWAs by workers across income levels and across job categories. Thus, while most of the ideas in this platform could apply to workers of all income levels, some of the ideas in this policy platform focus specifically on higher and middle-income workers, while others focus specifically on the workplace flexibility needs of low-wage hourly workers.

Our policy ideas have been shaped by our years of research and conversations. Some ideas are drawn from existing efforts in the private and public sectors on both the federal and state levels, some are drawn from legislative proposals or from domestic and international initiatives, and others are new ideas that we have developed.

Our principal policy recommendation is that integrating FWAs into the workplace as standard operating procedure for doing business requires a commitment from all levels of government, and from the private sectors, in a comprehensive, not scatter-shot, campaign.

Such a campaign must assemble and effectively deploy the best the government and the private sector have to offer, with the goal of increasing both the availability and use of FWAs throughout the public and private sectors.

To do this, our policy platform relies primarily on a wide range of incentives, supports, and models. As we developed this platform, we also explored a wide range of possible labor standards to integrate FWAs into the workplace – both ideas with roots in existing laws or bills, as well as completely new ideas.

In the end, however, we decided that **the *collective effect* of the incentives, supports, and models we describe below will have the most immediate potential for significant success in changing the nature of the workplace**.

We view these recommendations as a dynamic aspect of a developing field of public policy. A key component of our policy platform is a set of pilot projects to test innovative practices. We assume, and hope, that future proposals will grow from the grants, pilot projects, and research that we recommend in this platform.

As noted in the preceding Statement by Members of the National Advisory Commission on Workplace Flexibility, the significant economic downturn that our country is experiencing today highlights the need for FWAs. We are in the midst of dramatic changes in how we develop quality and secure jobs, create systems for life-long learning that will keep us competitive in the global market, and strengthen our health and retirement systems in a rapidly changing economic system.

The integration of FWAs into the workplace as a regular way of doing business must be a *critical component* of any new economic thinking. When done correctly, FWAs help maintain workforce attachment and achieve economic stability for caregivers, low-wage hourly workers, aging workers, and people with disabilities; enable skills training and education throughout the life course; support our military families and victims of domestic violence; and facilitate the caregiving for our children and relatives that is so necessary for a strong society and a vibrant economy.

In order to make FWAs the "new normal" in the American workplace, a public policy effort must have five complementary prongs:

❖ **Spur a national campaign to make FWAs compelling** to both employers and employees;

❖ **Provide** employers and employees with the tools and training they need to make FWAs a standard way of working;

❖ **Support innovations** in FWAs, learn from those efforts, and disseminate lessons learned;

❖ **Lead by example** by making the federal government a model FWA workplace; and

❖ **Build an infrastructure** of federal, state and community players to implement the first four prongs of the effort.

If these five prongs are implemented boldly and strategically, we will be well on our way to an American workplace equipped to meet the challenges of the 21st century.

Employees' needs for FWAs in today's workplaces are compounded by the changing demographics of our nation's workforce. For example:

In 1970, almost two-thirds of married couples, 18-64 years of age, had one spouse at home, available to handle many of the family's routine and emergency needs. By 2000, 60% of married couples had both spouses in the workforce. Indeed, even among families with very young children (i.e., less than 6 years old), well over half of parents are both now working. By the time children reach the ages of 6 through 17 that number rises to two-thirds of all families.

Total work hours for dual-earner couples are increasing. In 1970, couples worked a combined average of 52.5 hours per week. Couples now work a combined average of 63.1 hours per week and almost 70% of them work more than 80 hours per week.

Employees are increasingly likely to be both working and providing care to a friend or family member. Currently, 59% of those caring for a relative or friend work and manage caregiving responsibilities at the same time.

Expanding longevity, ongoing interest, and financial need are prompting more mature workers to stay in the workforce. By 2015, older workers will constitute 20% - or one out of every five workers - of the total workforce. Many of these individuals want more workplace flexibility.

Approximately 31 million workers – about 23% of the workforce – are low-wage. Roughly 40% of low-wage workers work non-standard hours.

Workplace Flexibility 2010, Meeting the Needs of Today's Families: The Role of Workplace Flexibility; Workplace Flexibilty 2010, Older Workers and the Need For Workplace Flexibility Fact Sheet. For these and related documents on FWAs, see www.workplaceflexibility2010.org.

I. Make the Case:
Create a National Campaign for FWAs

There is an abundance of research about how FWAs implemented effectively can redound to the benefit of employers, employees, families and communities. Families feel less stressed, men and women are able to share more equally in caregiving responsibilities, employers enjoy a more engaged and committed workforce, and everyone feels just a little bit more under control.

The first prong of a comprehensive FWA public policy strategy must be to make the adoption of FWAs *compelling* to the general public by explaining in persuasive terms why FWAs deserve to be the "new normal" in the workplace.

Employers must understand how FWAs can work well in their workplace structures (assuming they can in those structures) and employees need to understand how they can do their jobs effectively on an FWA (assuming their jobs allow for that). Both employers and employees need to truly understand the benefits of making FWAs the normal way of doing business in America.

But convincing employers and employees to make FWAs "the new normal" is going to require changing the way we think about work. We need to uproot deep-seated assumptions about how work should be structured, and plant new ideas about how

A. **Launch a Strategic Public Education Campaign**

B. **Provide Awards**

C. **Conduct Research and Disseminate Data**

restructuring workplaces to support more flexibility can benefit employees, businesses, families, communities and the nation.

The first prong of this policy platform therefore recommends that the government launch a high-profile and strategic multimedia campaign to directly engage policymakers, employees and employers around the importance of FWAs.

An effective media campaign will convince employees and employers that the rigidity of the workplace is a common structural problem that requires a structural solution for people from all walks of life. While jobs differ and the most effective FWA will often vary depending on the needs of the employee and his or her workplace, the need for more flexibility reaches across class lines, occupations, and the life course.

Like the current effective public campaign to make our country more "green," a successful media campaign would reach into all sectors of our society, deploying strategic public education, awards, and the support of research and dissemination of data.

A. Launch a Strategic Public Education Campaign

Many researchers have documented the benefits of FWAs for employers and employees, including reduced turnover, improved engagement, greater job satisfaction, reduced employee stress, and greater productivity.[1]

But this information has still not reached many employers. As one employer with roughly 100 employees in Savannah, Georgia told us, if there is a business case for FWAs, he wants to see it in print. He was not going to make what he viewed as dra-

matic changes to his workplace unless it made good business sense.

Researchers have also documented the benefits of FWAs for families and communities. Greater workplace flexibility can improve the well-being of children and families and can have a positive impact on the environment, national security, and public health.

The positive message about FWAs needs to get out to the public.

A strong public education campaign can help many different, and some new, constituencies realize how FWAs can be used to achieve their goals. These include: caregivers, older workers, people with disabilities, military families, victims of domestic violence, environmentalists, youth, low-wage workers, people who engage in faith-based practice, and people who want to encourage volunteerism.

Proposals

1. The government should issue a request for proposals to provide a national, strategic, multi-media public education campaign on FWAs.

A successful campaign would need to be multifaceted, providing access to as many points of entry into society as possible.

For example, the campaign might:

❖ Send workplace flexibility spokespeople on a national listening tour to hear about the challenges that workers and businesses face and host town hall meetings with experts and community members to talk about how FWAs might address those challenges;

❖ Encourage policymakers to make high profile speeches and to place op-eds highlighting the utility of FWAs for families and communities;

❖ Use advertising in various media (print, television, the internet, etc.) to explain how FWAs can help meet the challenges of the 21st century economy and the changing American workforce;

❖ Encourage employer recruiters at local community colleges and universities to advertise, as part of their recruiting efforts, their use of FWAs;

> "Research has revealed a profound mismatch between the antiquated setup of today's workplaces and the needs of an increasingly diverse workforce. The only way to address these problems is to rethink the way we work."
>
> Dr. Kathleen Christensen, Director, Work Force and Working Families Program, The Alfred P. Sloan Foundation

❖ Encourage public and private military organizations to work with employers of military family members to identify FWA options that might benefit employed family members of deployed or injured service members;

❖ Encourage social service providers who work with victims of domestic violence to undergo training on FWA options that their clients might use to address some of the consequences of domestic violence;

❖ Encourage major environmental organizations to promote FWAs such as compressed workweeks, commuting during off peak hours, and telework from home and Telework Centers, as ways of reducing energy consumption, pollution and traffic congestion;

❖ Encourage high school guidance counselors to talk with teens who will enter the workforce after high school, and with teens who will pursue higher education, about FWA options;

❖ Encourage job search engines like monster.com, simplyhired.com, retirementjobs.com, and careerbuilder.com to provide a definition of FWAs on their websites and to make FWAs a searchable term; and

❖ Incorporate FWAs into television and radio talk shows and other programs, such as partnering with a television network to develop a new reality television show, "Extreme Makeover: Job Edition," that uses FWAs to help struggling employees and their employers make changes that will allow the employees to succeed at work and in the rest of their lives.

2. The federal government should issue a request for proposals to state and local actors, both public and private, to conduct initiatives that demonstrate the importance of FWAs to solving problems their particular communities face.

A strategic educational campaign about the benefits of FWAs should respond to the particular needs and interests of local communities.

For example, Step Up Savannah,[2] a community-wide poverty reduction initiative of social service providers, government officials, businesses and local residents in Savannah, Georgia, held

a conference in conjunction with Workplace Flexibility 2010 to consider how FWAs might be used to reduce poverty in Savannah. Federal funding could provide the resources for local initiatives like Step Up Savannah to engage in public education about the role that workplace flexibility could play in addressing a community's particular needs.

Flex in the City,[3] in Houston, Texas, provides another successful example of a local effort to tailor the workplace flexibility message to the needs of the local community. Through Flex in the City, the Mayor's office has promoted FWAs – including start and end times during off peak hours, compressed workweeks, and telework – in order to reduce traffic congestion and pollution.

State and local actors will play an essential role in tailoring a public campaign to meet the needs of local communities. Towards that end, the federal government should issue a request for proposals to:

❖ convene a conference that would bring together relevant community players in the fields of workforce development, public benefits, social services, and energy policy to discuss how FWAs can be used to address the community's biggest challenges; and

❖ convene state and local leaders to market to each other FWA best practices that they have implemented in their own workforces and to discuss how they have overcome specific challenges.

B. Provide Awards

Winning isn't everything. But competition can be a great catalyst for innovation and positive change.

At the most basic level, awards reinforce employer actions by recognizing and rewarding those employers who have effectively integrated FWAs into their workplaces. Awards also foster a healthy competition among employers who wish to be known as "employers-of-choice."

At a deeper level, the application process for an award is itself an effective educational tool that allows employers to assess what FWAs they are currently providing and form new ideas about what possible FWAs they might adopt.

Finally, even for those employers who never apply for the awards, the existence of a well-publicized award can play an important role. The information compiled from these awards programs often provides the best means for benchmarking and identifying best practices and innovation.

For example, the Families and Work Institute, in conjunction with the Twiga Foundation and the Institute for a Competitive Workforce, an affiliate of the U.S. Chamber of Commerce, offers

the Sloan Award for Business Excellence in Workplace Flexibility.[4] The awards are one component of an overall community mobilization project in which educational forums and tools are provided to community partners. Employers in the private, public and non-profit sectors submit applications. If the employer ranks in the top 20% of employers in providing flexibility nationally (based on FWI's National Study of Employers), employees of that employer are also surveyed. The application process itself provides employers a self-assessment of how well flexibility is working in that applicant's workplace by providing all applicants with a benchmarking report. Winners of the award are included in an annual Guide to Bold New Ideas for Making Work Work.

Similarly, during the process of applying for the Top Small Workplaces Award,[5] employers send Winning Workplaces, the non-profit award sponsor, a vast quantity of information about their workplace practices. Winning Workplaces compiles that information into a benchmarking report that it uses to evaluate applicants. It also publishes that report so that other employers can both see whether they are meeting those benchmarks and get new ideas.

There is no specific right answer as to what is the best type of FWA award. Based on our review of many awards, we believe some important factors to consider are:

❖ the extent to which the award will successfully **engage** the local employer and employee community;

❖ the extent to which the award is **visible** to businesses;

❖ and the extent to which the award application process itself **deepens understanding** by employers and employees about FWAs.

Nor is there a specific right answer as to whether such awards should be given by the government, the private sector, or through a joint effort.

For example, the Malcolm Baldrige National Quality Award[6] is a highly competitive national award administered by the Department of Commerce and given by the President to business, education, health care and nonprofit organizations. The Baldrige Award is envisioned as a standard of excellence that helps U.S. organizations achieve world-class quality.

Australia boasts a specific National Work-Life Balance Award[7] that relies on a public-private partnership between the Australian Chamber of Commerce and Industry, the Business Council of Australia, and the Australian Government. The award is given to public and private sector employers that have identified and implemented FWAs in their workplaces. Award recipients may display a symbol indicating their receipt of the award for up to three years.

Sometimes a simple seal of approval, either from the government or from a private source, can itself act as a catalyst. For example, the federal government has pioneered the EPA Energy Star,[8] which singles out household products and new homes that meet energy-efficient guidelines.

Proposal

The government (or government-supported private entities) should establish awards to recognize and honor employers with FWA best practices using some or all of the following models:

❖ **A new governmental award for workplace flexibility.** These awards would specifically focus on employers who have made great strides in integrating FWAs into their workplaces. Awards would be given to employers who have demonstrated excellence in providing FWAs to low-wage workers (for example, by having techniques that minimize unpredictable scheduling), as well as to employers that have

demonstrated excellence in providing FWAs to middle-income and higher-income workers.

❖ **A revised Malcolm Baldrige National Quality Award.** The Baldrige Award could be modified to highlight the importance of FWAs in achieving quality in the Workforce Focus and Process Management categories.

❖ **A governmental or private seal of approval.** Employers that meet certain minimum workplace flexibility standards could apply for a "Workplace Flexibility Seal of Approval" from the Department of Labor or Department of Commerce. Or the government could support meetings among business leaders, non-profit organization leaders, unions and academics to develop a voluntary set of workplace flexibility benchmarks, together with a symbol that could be displayed by employers who meet those benchmarks.

❖ **Governmental funding for privately-administered awards.** The government could support privately-administered awards for business excellence in workplace flexibility.

C. Conduct Research and Disseminate Data

Research is the engine that can drive a compelling national narrative about the need to adopt FWAs.

The Bureau of Labor Statistics and other federal agencies currently collect some information on workplace flexibility. But they need to be collecting more. We need data on access to specific FWAs and usage of specific FWAs, broken down by industry, employer size, and employee status (e.g., full-time v. part-time, low-income v. higher-income, hourly v. salaried).

Effective and comprehensive data collection is the only way to determine whether an overall "big push" for FWAs is having any significant impact on access to and use of FWAs. Data can tell us where this campaign is successful and where it is lagging.

Widely disseminating this data will also allow employers to evaluate how they compare to others in their industry, including what types of FWAs their industry competitors are offering.

A critical aspect of research will be targeted case studies. For FWAs to be implemented effectively, managers and executives must understand why implementing FWAs will make sense for a business' bottom line, as well as how to manage someone working on an FWA. Some supervisors simply do not know how to manage employees if their assessments of such employees must be based on product outcomes, rather than time spent in an office.

Case studies can provide insights into both bottom lines and management techniques. Such case studies need to be integrated into the curricula of business schools, universities, and

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The Malcolm Baldrige National Quality Award recognizes business and nonprofit organizations in seven areas: leadership; strategic planning; customer and market focus; measurement, analysis, and knowledge management; workforce focus; process management; and results.

The application process for the Baldrige Award is quite rigorous and all applicants receive a 50-page detailed, individualized feedback report, assessing the organization's strengths and opportunities for improvement. The Workforce Focus and Process Management categories of the Baldrige Award focus on a range of employee issues.

Congress established the award program in 1987 to recognize U.S. organizations for their achievements in quality and performance and to raise awareness about the importance of quality and performance excellence as a competitive edge. The criteria for the Baldrige Award have played a major role in achieving the goals established by Congress. They now are accepted widely, not only in the United States but also around the world, as the standard for performance excellence – and a broader national quality program has evolved around the award and its criteria.

A report, *Building on Baldrige: American Quality for the 21st Century,* by the private Council on Competitiveness, said, "More than any other program, the Baldrige Quality Award is responsible for making quality a national priority and disseminating best practices across the United States."

community colleges and used to train future managers and executives. Targeting a wide range of academic institutions will ensure that the case studies can be used to train managers and executives in a variety of industries, and at a variety of levels. Both a Fortune 500 CEO and a fast food franchise owner should have the opportunity to learn how to manage people on FWAs during their coursework.

Research offers the opportunity to focus on specific populations, such as low-wage workers, military family members, older workers, victims of domestic violence, and people with disabilities. For example, predictable scheduling is a tool that could be used to help low-wage workers move out of poverty, because more predictable schedules can lead to decreases in job loss and increases in hours worked. But very little research has been done to date to establish the link between predictable scheduling and improvements in economic stability for low-wage workers. Research also provides the opportunity to measure the impact of FWAs on specific social problems.

Proposals

1. The Bureau of Labor Statistics (BLS) should collect targeted and effective data on private employers' use of FWAs.

The BLS data should include how many private and public sector employees have access to FWAs, as well as how many employees use FWAs, broken out by type of FWA, type of industry, size of employer, employee work status (full or part-time), and employee income.

> **"The United States and, indeed, nations around the world stand in a whirlwind of demographic, economic, technological and social change. But policies and practices remain caught in a time warp."**
>
> Dr. Phyllis Moen, Professor
> McKnight Presidential
> Chair in Sociology,
> The University of Minnesota

2. The government should provide grants to researchers to develop case studies for business schools, universities, and community colleges on FWA implementation.

The case studies should be developed for a wide range of academic institutions to ensure they are used to train managers and executives in a variety of industries and managerial levels.

3. The government should provide grants to researchers to document and report on the impact of FWAs on specific populations.

The specific populations studied should include, at a minimum: low-wage workers, military family members, older workers, victims of domestic violence, and people with disabilities.

4. The government should provide grants to researchers to document and report on the impact of FWAs on specific social problems.

The specific social problems studied should include, at a minimum: environmental pollution, traffic congestion, poverty, child development, and family health and well-being.

5. The government should provide grants to researchers to document and report on the positive impacts of FWAs on business operations.

The impacts studied should include, at a minimum: employee engagement, employee recruitment and retention, employee health outcomes, productivity, shareholder value, and stock prices.

II. Lay the Groundwork:

Provide Employers and Employees with Tools to Develop and Sustain Effective FWAs

Many employers today realize that workplace structures are often not well-matched to the realities of their diverse workforces. But they are not quite sure what to do about it.

The second prong of a comprehensive FWA public policy strategy must be to support employers and employees in integrating FWAs into their workplaces as standard operating procedure.

While many American employers today are implementing FWAs with great success, less than half of employers provide all, or even most, of their employees with access to most types of FWAs.[9]

There are a number of reasons for this. Sometimes employers do not offer FWAs at all or they offer them only to particular employees in an ad hoc fashion. Sometimes employers who wish to implement FWAs do not know where to turn for information and support. Sometimes middle managers are simply accustomed to the "old way of doing things," and are reluctant to implement FWAs, even when it is an employer's policy to offer them. And sometimes laws impede, or simply appear to impede, the provision of FWAs.

In other instances, employees have not requested FWAs – because they do not know how to make such a request, because there is no easy structure through which to make such a request, or because they are afraid that requesting an FWA will have a negative impact on their jobs. Or an employee may

have tried an FWA but was unable to make it work, because the proper supports were not in place.

The second prong of this policy platform provides the support that employers and employees need to fully integrate FWAs into their workplaces – by providing technical assistance, training, and information; clarifying perceived legal obstacles; and removing actual legal obstacles to FWA implementation.

The bottom line is that it is **not particularly difficult** to integrate FWAs into a workplace if employers and employees have the necessary *information, support, and attitude*. The government can help them access all three.

A. **Provide Information, Training, Technical Assistance, and Implementation Tools**

B. **Clarify Perceived Legal Obstacles**

C. **Remove or Consider Removing Actual Legal Obstacles**

A. Provide Information, Training, Technical Assistance, and Implementation Tools

There are a number of resources that currently exist to help employers and employees implement FWAs more effectively. Indeed, much of the available guidance is based on strategies in the private sector that have already been proven to work.

Unfortunately, many employers and employees do not know where to find this information.

Employers have told us that they are hungry for helpful information on how to implement FWAs. Many have expressed interest in attending trainings, receiving technical assistance, and/or being able to access a "one-stop clearinghouse" of information. A number of employers were interested in learning about the types of FWAs that their industry peers were offering.

Employers appeared to be particularly interested in training that is provided in conjunction with a government-accredited and trusted third party provider, such as a human resources organization, a trade association, a business school, or a labor organization.

The government would not be starting from scratch. There are a number of excellent resources in this area, including some excellent websites.[10]

Information is power. Good information on FWAs can be transformative.

Proposals

1. Provide Training and Technical Assistance

The government should provide training and technical assistance to employers and employees on how to implement FWA policies and programs effectively, possibly in conjunction with select third-party providers.

Managers interviewed in the CitiSales Study, a large multi-method research case study of a Fortune 100 retail company, report that FWAs not only improve employee recruitment, retention, and engagement, but also the productivity of workers, as well as customer service.

Rather than viewing FWAs as a perk for employees, these managers view FWAs as a "business imperative." They report that flexible work arrangements:

• Help attract quality employees by giving them control of their work schedules;

• Create a work culture in which employees feel valued and want to stay with the company longer;

• Improve morale, and thus productivity;

• Establish a "quid pro quo" environment in which employees become more engaged, because "when employees are given the requested flexibility, they are more willing, in turn, to be flexible with the company and assist the manager when asked to help out";

• Improve customer service by improving employees' satisfaction and attitudes; and

• Reduce operational costs associated with turnover, and thus with training and recruitment.

Swanberg, Jennifer et al., Can Business Benefit by Providing Workplace Flexibility to Hourly Workers?, www. citisalesstudy.com/_pdfs/IB3-HourlyWorkers.pdf.

Training and technical assistance should take many forms, including regional conferences, on-site trainings, webinars, conference calls, and distance learning courses.

Technical assistance should also include a **real-time technical assistance hotline** for **both** employers and employees to ask government representatives questions on-line or by dialing a 1-800 number.

For employers, the technical assistance should include assistance with: creating and implementing processes for responding to FWA requests, soliciting employee input on scheduling, managing expectations from employees on FWAs and their co-workers, and determining how to respond to specific employee requests.

For employees, the technical assistance should include assistance with: formulating an FWA request, responding to an initial denial of an FWA request, mitigating any potential negative consequences that an FWA might pose for an employer, and working with teams of employees on scheduling.

In-depth trainings and technical assistance should be targeted to different audiences and should include, at a minimum:

❖ Training and technical assistance for employers to conduct self-assessments to determine what FWAs might work in particular workplaces. This would enable employers to determine what types of FWAs their employees need, what the employer's capacity is to provide FWAs, and the extent to which the employer is currently meeting its employees' FWA needs.

❖ Information for human resources professionals on how to devise FWA programs (such as telework programs, phased retirement programs, and compressed workweek programs) and how to establish appropriate policies and procedures for each. Such professionals would receive information on best practices, "how to" manuals, model policies, and information on industry-specific concerns and challenges.

❖ Training and technical assistance for middle managers to address what are sometimes seen as the challenges of managing a flexible workforce, including managing employees who are not on-site or who are working part-time.

❖ Training and technical assistance for employees on how to negotiate for an FWA and how to make the arrangement a "win-win" for the employee and employer. Trainings would include role-playing exercises. Employees would receive model request language and questionnaires that would assist employees in evaluating how their request would impact their employers.

2. Provide Tax Credits

Currently, some third-party training providers offer courses and certification for managers about how to implement FWA programs and policies effectively, such as the HR certification preparation classes available through the Society for Human Resource Management's Learning System.[11] To encourage managers to get the training they need to implement FWAs successfully, the government should provide a tax credit to an employer that obtains certification from a government-accredited third-party training provider for a human resources officer to implement FWA programs and policies.

3. Provide One-Stop Shopping for FWA Information: A Comprehensive Website

The government should issue a request for proposals to create a website that would be a one-stop clearinghouse for employers and employees about FWAs.

A smartly designed website effectively transmits information in today's fast-paced world.

Creative minds in website design can partner with the government to create a comprehensive website that would:

a. Provide Information About the Need for and Benefits of FWAs

❖ Information about the benefits of FWAs for employers, such as lower overhead costs and increased employee retention and productivity.

❖ Information on how FWAs can benefit specific types of employers such as small business and retailers.

❖ Data sheets on the changing demographics of the labor force that drive the need for business to implement FWAs.

b. Provide Information About Best FWA Practices

❖ Information describing the different types of FWAs and uptake in various industries, answers to frequently asked questions and fact sheets.

❖ Information about best practices specific to particular industries, including highlighting companies on a "best practices" page. Best practices would be searchable by type of industry and size of employer, so that employers could find successful models in their own industry and of similar employer size.

❖ Information about best practices within the federal government, allowing private employers to learn lessons from the government's experience.

❖ Links to resources from the private sector and unions on workplace flexibility, such as the Sloan Work and Family Research Network,[12] and the Labor Project for Working Families' LEARN Work*Family* website.[13]

c. Provide Information About Federal Laws, Grants and Programs

❖ Comprehensive information about federal grants and programs regarding workplace flexibility, including information about awards, grants and technical assistance.

Information about federal laws that affect workplace flexibility in the public and private sectors, as well as information about relevant bills and regulations being considered by Congress and the Administration. For example, the Equal Employment Opportunity Commission (EEOC) could issue best practice guidance explaining FWAs that might be provided as accommodations to people with disabilities under the Americans with Disabilities Act or to people who engage in faith-based practice under Title VII of the Civil Rights Act of 1964. Such guidance could be made available on the website.

The WorldatWork Society of Certified Professionals, an affiliate of WorldatWork, has introduced a new Work-Life Certified Professional designation program.

Designed to meet the growing need to develop strategies and implement effective work-life programs to improve organization's bottom-line and the lives of their employees, the new Work-Life Certified Professional designation supports a comprehensive understanding of work-life effectiveness.

To obtain the designation, candidates are required to complete four courses and certification exams, including:

- Introduction to Work-Life Effectiveness: Successful Work-Life Programs to Attract, Motivate and Retain Employees

- The Flexible Workplace: Strategies for Your Organization

- Health and Wellness Programs: Creating a Positive Business Impact

- Organizational Culture Change: A Work-Life Perspective.

As Anne Ruddy, President of WorldatWork, observes: "Both employers and employees alike now know that compensation and benefits have been joined by work-life considerations, recognition programs, and career development opportunities to form the concept of total compensation - or as we call it, total rewards."

www.worldatwork.org/waw/home/html/society_home.html

d. Provide Model Policies and Procedures

❖ Recommended processes for employers to use when considering FWA requests from employees, including a "how-to" manual that would include model language and forms for employers to use when creating written FWA polices, and information addressing managers' concerns about implementation of FWAs.

e. Provide Downloadable Tools

❖ Data security training modules and protocols for employees that telework.

❖ An on-line telework cost-benefit analysis tool to help businesses assess the costs and benefits of starting up and maintaining a telework program,[14] and sample cost estimates and descriptions of technology that enable telework (such as the cost study documents available from the GSA's Telework Library).[15]

❖ Flexibility self-assessment tools that employers could use to analyze their current FWA practices, which of their job categories are most amenable to FWAs, the types of FWAs most appropriate for those job categories, and what the specific FWA needs are of their workforces.

❖ Flexibility self-assessment tools for employees that could be used to analyze what types of FWAs might be well-suited to their particular jobs and personal needs.

❖ Information for employees about how to negotiate for an FWA, including how to address repercussions for the employer that might result from the requested FWA. This could be available both in written form and on video.

❖ Employee scheduling software to allow shift work employees to indicate scheduling needs and that could create schedules that accommodate employees' scheduling needs when possible.

❖ Video containing testimonials from managers and employees working for businesses that have successfully implemented FWAs.

❖ Posters that employers could post (in break rooms, etc.) providing information to employees about different types of FWAs, such as compressed workweeks, reduced hours, and predictable scheduling.

B. Clarify Perceived Legal Obstacles

To support employers' and employees' implementation of FWAs, the government cannot merely provide information and assistance. The government also needs to ensure that any *misperceptions* of legal obstacles to the effective implementation of FWAs are *dispelled*.

For example, research indicates that "results-oriented" workplace teams that allow employees to set their own schedules are one of the most effective methods of implementing FWAs, especially among low-wage workers. Under existing workplace team models, each team sets its own performance goals, consistent with the employer's requirements and business objectives. Based on the individual needs of team members, the team then formulates a schedule to produce the required results – while still providing employees with as much predictability and control over their schedules as is possible in that specific workplace.

Some employers, however, have expressed the concern that a workplace team approach might lead to an unfair labor practice charge against the employer of interference with or domination

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Employers and employees in Australia can access a broad range of online resources that outline practical, innovative workplace flexibility solutions.

Information on flexibility fundamentals is provided on www.workplaceflexibility.com.au, a website run by the government and created in consultation with Aequus Partners. This site includes practical articles on creating a flexible work practices policy and how to bridge the gap between policy and practice – as well as monthly updates by international experts and demonstrations of on-line learning tools.

The Flexibility Works website (www.flexibilityworks.dewr. gov.au) developed by the national government in partnership with the National Retail Association and Aequus Partners – promotes the expansion of workplace flexibility within the retail industry. The website provides a comprehensive overview of how flexibility is defined and why employers should use it.

The Ways2Work website (www.ways2work.business.vic. gov.au) – created by the State of Victoria to support the region's working families and employers – is designed to help parents and other caregivers transition back into the paid workforce, as well as to help employers create family-friendly workplaces to attract and retain the best workers.

As Juliet Bourke, Partner at Aequus Partners, observes: "When we acknowledge that implementing flexibility is a challenge, especially for managers who have not gone through their own flexibility experience, we can create a space for a more open conversation about what managers need to implement flexible work practices."

www.aequus.com.au

of a labor organization. But such fears are misplaced given that workplace teams can be structured in ways that do not violate the National Labor Relations Act (NLRA).

Similarly, some employers have described adhering to rigid scheduling approaches because they fear running afoul of the Fair Labor Standards Act (FLSA). The FLSA requires employers to pay non-exempt workers time-and-a-half for any hour worked over 40 in one workweek. A number of employers have told us that they wanted to offer more flexibility to their employees, but believed their hands were tied by the FLSA.

The majority of flexible scheduling arrangements, however – including alternative start and end times, core hours, and a compressed workweek within one week – are all generally permissible under the FLSA. For example, a non-exempt employee can work a compressed workweek of ten-hour days, four days per week (e.g., Monday-Thursday, 8:00 am – 6:00 pm) without incurring any overtime liability for the employer. While some state laws require overtime pay for more than eight hours worked per day for non-exempt workers, the federal law does not. Similarly, the FLSA does not preclude an employer from providing modified start and end times during the same day.

Proposals

1. Clarify Perceived Legal Obstacles to Team Scheduling

The National Labor Relations Board (NLRB) should issue guidance for employers about how they can implement workplace teams for scheduling purposes, without risking or fearing an NLRA violation.

The NLRB should issue a General Counsel Memorandum and/or informal public documents providing examples of acceptable workplace team structures for scheduling purposes to provide employers with a clear understanding of lawful workplace teams.

2. Clarify Perceived Legal Obstacles Under the FLSA

The Department of Labor should provide written guidance, technical assistance, and training on how the majority of flexible scheduling arrangements comply with the requirements of the FLSA. Such guidance should provide examples of FWAs that comply with the FLSA, examples of FWAs that do not, and an explanation of the underlying analysis.

C. Remove or Consider Removing Actual Legal Obstacles

In some cases, there may be actual legal obstacles to providing certain FWAs.

For example, many employers face legal uncertainty about the

tax consequences of allowing an employee to telework – in particular, whether the employer and/or employee will incur additional tax liability associated with the employee's work in more than one state. Each state has its own unique tax laws, and the potential for double taxation exists for teleworkers in some states.

For example, an employee who resides in and teleworks from Connecticut, but is employed by an office located in New York, can potentially be taxed on his or her income by both New York and Connecticut. Indeed this double tax liability has been the subject of several lawsuits in New York.

In addition, the FLSA can make it more costly to allow a non-exempt worker to work a *bi-weekly* compressed workweek. For example, an individual might wish to work 9-hour days, Monday through Thursday of each week, and then take every other Friday off. (That is, the employee may work an 8-hour day on the Friday of the first week, but not work at all on the Friday of the second week.) In that case, the employee would work more than 40 hours in the first week, and the employer would be required to provide overtime pay for those additional hours. While employers could pay individuals on bi-weekly compressed workweeks an effectively higher salary (and hence, this is not actually a legal obstacle), the requirement of extra pay can be a significant disincentive for some employers.

To remove the roadblock to bi-weekly compressed workweeks for non-exempt workers, a proposal has been floated to amend the FLSA to permit biweekly work programs consisting of a basic work requirement of not more than 80 hours over a two-week period – in which more than 40 hours, but *no more than* 50 hours, could occur in any given week.

The reality, however, is that some employers are violating the FLSA overtime requirements right now. In FY 2007, the Department of Labor collected more than $220 million in back wages on behalf of over 341,000 employees in overtime violation cases.[16] Even if most employers do not exploit their workers, the purpose of the FLSA is to provide protection against those employers who might do so.

Thus, any modification to the FLSA must be crafted in a way that would allow good employers to use the change to provide bi-weekly compressed workweeks to employees who *affirmatively* want such FWAs, but not to allow unscrupulous employers to exploit the statutory change to deny employees legitimate overtime pay or to make employees work long hours involuntarily.

Finally, employers who wish to develop phased retirement programs may also face actual legal obstacles under the Employee Retirement Income Security Act (ERISA) and the Internal Reve-

nue Code (Tax Code) – primarily in workplaces where employers offer defined benefit plans. Both ERISA and the Tax Code restrict employees from receiving distributions from their defined benefit plans until they have fully severed employment or have reached the age of 62. This prevents individuals from partially retiring and working an FWA of reduced hours, and receiving a portion of their pension benefit to supplement their reduced income.

Proposals

1. Remove Actual Legal Obstacles to Telework

The federal government should adopt policies that prevent states from taxing the portion of income that a nonresident employee earns while working out of state because of telework, thus preventing the potential for double taxation.

2. Consider Removing Actual Legal Obstacles to Bi-Weekly Compressed Workweeks under the FLSA

Given the legitimate desire on the part of some non-exempt workers for biweekly compressed workweeks and the complexities of this issue, the Department of Labor should study the issue to determine whether a narrowly tailored statutory change to the FLSA, which would not result in the loss of legitimate overtime for some, could be crafted.

3. Consider Removing Actual Legal Obstacles to Phased Retirement

The Department of Labor, the Treasury Department, and the EEOC should work together to develop a balanced approach to phased retirement that would allow a worker to reduce hours and income and receive a distribution from a defined benefit plan, but still ensure such worker's final retirement security.

III. Invest In Innovation:

Take FWAs to the Next Level

While many workplaces currently offer some types of FWAs, very few are on the cutting edge of restructuring the workplace in a manner that would truly make FWAs the "new normal" for our workplaces.

The third prong of a comprehensive FWA public policy strategy must be to invest government money and ingenuity in piloting on-the-ground innovative FWA approaches, learning from those efforts, and then disseminating the lessons learned.

There are a number of excellent innovations in the effective implementation of FWAs that have come from private industry, nonprofit organizations, unions, academia and the public sector. Many of these promising innovations present real possibility for scaling up to apply to new categories of workers and new industries.

The variety of innovation confirms what we have learned from employers and employees across the country about FWAs: one size does not fit all, and what works for one industry, or an organization of a particular size, may or may not work in a different industry, a different size organization, or even different parts of the same organization.

The third prong of this policy platform recommends a range of pilot projects to experiment with new ideas; research and analyze the outcomes; and offer approaches for exporting the best ideas to new industries and employers.

Obviously, the expenditure of government money must be done in a smart and strategic manner. In addition, there must be strict adherence to accountability and transparency to ensure that our federal resources are well spent.

A. Pilot a Process Requirement in the Federal Workforce

A "process requirement" is an innovative idea for making conversations about FWAs the "new normal" within the workplace. Such a requirement is established through laws that require employers to have a process through which supervisors and employees discuss requests for FWAs.

A process requirement is embodied in the "right to request" legislation that has been introduced in the United States Congress, as well as in laws enacted in the United Kingdom, Australia and New Zealand.

While the process requirement idea has promise for creating an environment in which employees feel comfortable requesting FWAs, and in which employers feel better-equipped to respond to such requests, we have heard criticism about the idea from both employee and employer representatives.

Some employee representatives told us that a requirement that provides only a right to *request* an FWA, without a concomitant right to *receive* one, renders the right to request meaningless. Employer representatives, on the other hand, told us that a process requirement is burdensome on employers – creating unnecessary paperwork and imposing additional administrative and litigation costs. And still other employer and employee representatives told us that having a process to negotiate FWAs is the key variable in shifting institutional culture to a more flexible framework.

Given the support for a process require-

A. **Pilot a Process Requirement in the Federal Workforce**

B. **Pilot FWAs with Federal Contractors that Employ Low-Wage Workers**

C. **Pilot Other Select Projects and Invest Strategically**

D. **Ensure Accountability and Transparency**

ment on the one hand, and the concerns about the effectiveness and costs of a process requirement on the other hand, we recommend that a number of pilot projects be launched within the federal government to assess the utility of this approach.

The federal workforce encompasses employees with diverse job duties and agencies with diverse business needs. Thus, the federal government has the capacity to test-run and evaluate the success of these initiatives to determine if they are appropriate to export to the private sector and other portions of the public sector.

We propose piloting **three different types of process requirements** in the federal workforce:

❖ a bare-bones process requirement for requesting FWAs;

❖ a structured process requirement for requesting FWAs; and

❖ a right to request and receive FWAs.

We expect that the Office of Personnel Management (OPM) and other stakeholders would work together to identify and recruit the agencies that would participate in each of these pilot programs. For each variation, we expect that OPM, in consultation with federal managers and union representatives, would determine the appropriate enforcement mechanism. Each program would be evaluated to determine its success and its appropriateness for application to the private sector.

Proposals

1. Pilot a Bare-Bones Process Requirement

A bare-bones requirement would require each participating division within the agency to establish a process of its own choosing to respond to employee requests for FWAs.

Each division would establish its own guidelines designed to spur meaningful conversations between supervisors and employees. The guidelines might be quite general: for example, a requirement to respond to a request (orally or in writing) within a reasonable period, and a requirement to reconsider an employee's FWA proposal within a reasonable period of time, if that employee has made changes in response to concerns expressed by the supervisor. A request may be denied for any reason and the supervisor need not state the reason for the denial.

Employees making FWA requests would also be subject to some general guidelines: a requirement to explain (orally or in writing) to the supervisor how the employee's job duties would be performed and/or may need to be modified if the request is granted, and a requirement to propose how to mitigate any negative unintended effects of working on an FWA.

2. Pilot a Structured Process Requirement

A structured process requirement would be similar to the bare-bones process requirement, but would place more specific requirements on both the supervisor and the employee at the outset.

This approach would more closely resemble the laws adopted in the United Kingdom, Australia and New Zealand. Employees would be required to put their requests in writing, supervisors would be required to respond to initial requests within 15 days, and supervisors would have an additional 15 days to respond to an appeal. Supervisors would be required to explain whether the request was denied for one of several enumerated business reasons, or if denied for some other reason, the reason for that denial.

3. Pilot a Right to Request and Receive

A right to request and receive FWAs would give employees an actual right to receive the requested FWA, unless doing so would impose an undue hardship on the agency.

This approach would resemble the reasonable accommodation requirement of the Americans with Disabilities Act in the United States and the accommodation requirement in the New South Wales Carers' Responsibilities Act and the Victorian Equal Opportunity (Families Responsibilities) Act in Australia.

Under this pilot project, the agency would create a process that employees who wished to request FWAs would have to follow. Supervisors would be required to grant the requested FWA, or an FWA substantially similar to the one requested, unless the supervisor could establish that providing the FWA would impose an undue hardship on the agency. "Undue hardship" would be defined as a "significant difficulty or expense."

The overall goal of these three pilot approaches would be to determine the utility, effectiveness, and consequences of a "right to request" process requirement (bare-bones or structured), as well as a "right to request and receive" requirement.

B. Pilot FWAs with Federal Contractors that Employ Low-Wage Workers

Many low-wage hourly workers face unique scheduling challenges. Many hourly workers receive their weekly work schedules with only a few days' notice. They may be called in, sent home, or asked to stay late at the last minute, as managers adjust their staffing levels to respond to consumer and production demands (called "just-in-time scheduling"). The days and shifts worked may change daily, weekly or monthly.

The amount of hours that low-wage hourly workers are scheduled to work may also fluctuate dramatically, with some workers being temporarily taken off the schedule entirely. Unpredictable work schedules make it difficult for hourly workers to: arrange last-minute child care and transportation so that they do not miss work; hold down more than one job, which is often critical to household income for low-wage workers; get and maintain important work supports since eligibility for such supports is

often conditioned on keeping a series of mandatory scheduled appointments with caseworkers; pursue education and training opportunities; and get enough work hours to make ends meet.

The federal government contracts with various businesses to provide services such as janitorial, customer service, commissary staffing, and public safety. Many of the employees of such businesses are paid on an hourly basis and are subject to scheduling challenges.

There is no magic bullet FWA that will solve all the scheduling problems faced by low-wage workers and their employers. Not all low-wage workers have the same scheduling problems and not all FWAs will work for every employer.

But innovative ideas for reducing the scheduling burdens on both low-wage hourly employees and their supervisors exist in the research world and some have been put into practice. Piloting projects with federal government contractors can test those innovative ideas.

Proposal

As a pilot project, the federal government should require that federal contractors that have hourly workers working on federal contracts provide at least two of the FWAs from the list below.

This list of options, most of which are drawn from current innovations in the private sector, union contracts, non-profits and academia, is intended to allow a contractor to decide what FWAs make sense for its particular business and employees. The government can then analyze these pilots to determine which FWAs might have the most potential for success in a broader context.

A federal contractor that employs hourly workers must adopt at least two of the following FWA options:

❖ **Implement scheduling procedures that accommodate shift preferences.** Implement a scheduling procedure that allows employee preferences for particular shifts to be taken into account, such as a software program that allows employees to indicate scheduling preferences and matches staffing needs to those preferences, to the extent possible. Participating employers would be required to show that employees' hours were not reduced unnecessarily in retaliation for indicating scheduling preferences.

❖ **Allow for employee shift-swapping.** Permit employees to swap shifts with other employees in the same job classification, unless the employer can show that doing so would impose an undue hardship on the business or that doing so would require the employer to provide overtime compensation that the employer would not otherwise be required to provide.

❖ **Seek volunteers for overtime first.** Rather than requiring particular employees to work overtime (often assigned at the last-minute), seek volunteers for overtime first to increase the likelihood that overtime will go to those who want it and not to those for whom it will create child care or other logistical problems.

❖ **Provide advance notice of schedules for 80% of employees' work time.** For employees whose schedules regularly vary, provide 80% of each employee's weekly schedule (including overtime) two weeks in advance. To deal with last-minute needs for either greater or lesser employee coverage, last-minute scheduling would be permitted for 20% of each employee's schedule.

❖ **Cross-train employees.** Cross-train employees to ensure that the maximum number of employees possible are eligible to fill available overtime shifts and swap shifts.

❖ **Use employee focus groups.** Convene focus groups of employees to receive their input on significant schedule changes.

❖ **Partner with public benefits offices and community-based organizations.** Partner with public benefits offices and community-based organizations to provide access to work supports (e.g., applications and continuing eligibility appointments for Medicaid, food stamps, child care assistance and the Earned Income Tax Credit) at or near the work site. Existing public-private partnerships to improve employees' access to work supports can provide a model for this option.

IKEA is committed to providing all employees – regardless of their position or income level – the flexibility they need to balance work and family.

IKEA's Savannah Distribution Center is leading the way in developing a workplace environment that encourages employees and managers to work together to develop meaningful, effective flexibility solutions. It now ranks as one of the top ten IKEA Distribution Centers in the world.

Many of the Distribution Center's 110 employees work on shift schedules. Last year, when gas prices skyrocketed, employees approached managers about the possibility of moving to a compressed work schedule. Under the leadership of Distribution Center Manager Ed Morris and Human Resources Manager Jill Fitzgerald, focus groups were held to discuss how this change might impact both employees and business outcomes. Now, the Center works on a four-day, 10-hour work week – but employees who could not make the change work, including parents with child care responsibilities, maintained their old schedules.

"Our managers believe taking employees' scheduling needs into account just makes sense. If our employees can't make it to work because of schedule conflicts, we can't get the job done. This approach has allowed us to reduce turnover and increase efficiency."

Jill Fitzgerald, Human Resources Manager, IKEA's Savannah Distribution Center

C. Pilot Other Select Projects and Invest Strategically

Researchers, work-life professionals, and visionaries in the private and public sectors have been experimenting with ideas to address everything from the unpredictability of hourly work schedules to a basic restructuring of how we think about work and time.

For example, innovative partnerships between leading researchers and businesses have identified and tested scheduling practices that give low-wage workers more predictability and control. In one such project, the Scheduling Intervention Study,[17] Professors Susan Lambert and Julia Henly, with cooperation and assistance from a major retail chain, are investigating the effects of posting workers' schedules one month at a time and improving communications between employees and managers about employees' availability.

Partnerships between researchers and businesses can draw on the strengths of researchers in implementing policy interventions that can produce objectively quantifiable and measur-

Sun Microsystems Open Work platform is an integrated suite of technologies, tools and workplace practices that enable Sun employees to work effectively virtually anywhere, anytime, using any device.

Recognized by the Environmental Defense Fund as an innovative example of eco-responsibility, the platform allows nearly 19,000 employees around the world, representing more than 56% of Sun's employee population, to work from home or in a flexible office.

To ensure that the Open Work platform actually saved energy rather than shifting energy costs to employees working at home, Sun conducted the Open Work Energy Measurement Project, an in-depth study of more than 100 participants in its progressive, award-winning flexible work program. The study concluded that:

- Employees saved more than $1,700 per year in gasoline and wear and tear on their vehicles by working at home an average of 2.5 days a week.

- The office equipment energy consumption rate at a Sun office was two times that of home office equipment energy consumption, from approximately 64 watts per hour at home to 130 watts per hour at a Sun office.

- Commuting was more than 98% of each employee's carbon footprint for work, compared to less than 1.7% of total carbon emissions to power office equipment.

- By eliminating commuting just 2.5 days per week, an employee reduces energy used for work by the equivalent of 5,400 Kilowatt hours/year.

Open Work is for Everyone, www.sun.com/aboutsun/openwork/index.jsp

able results, and on the strengths of businesses in identifying FWAs that can meet their business needs. The avenues of both research and business can then also be deployed to market positive results of innovation to the public and other businesses.

Government has often recognized the utility of funding joint ventures between private industries and leading research institutions. For example, the Small Business Technology Transfer Program[18] provides grants for such joint ventures for research and development that will assist small businesses.

The world of collective bargaining can also be mined for useful lessons. Many unions have successfully negotiated for FWAs through their collective bargaining process. The Labor Project on Working Families has compiled those examples on a user-friendly website, LEARN Work*Family*.[19] Pilot projects could track and report on the relative success of FWAs negotiated through the collective bargaining process to determine how well the particular provisions work in practice for both unions and management.

There are also a number of bold approaches in private industry that seek to restructure the way we think about "work and time," how we think about career advancement, and how we foster effective team scheduling.

For example, the Results-Only Work Environment (ROWE)[20] approach, pioneered at Best Buy headquarters in Minnesota, rejects what it views as the limited nature of FWAs and replaces the concept of "face time" with that of "business results." Employees are allowed to work "whenever they want, wherever they want, so long as the work gets done."

The Mass Career Customization (MCC)[21] approach, pioneered at Deloitte, also views FWAs as too narrow a concept to capture the structural changes needed in our workplaces. The MCC approach operates on the assumption that a workplace should offer every employee the opportunity to customize his or her career to include periods of change along four dimensions of work: pace; workload; location & schedule; and role.

Finally, the Business Opportunities for Leadership Diversity (BOLD) Initiative[22] supports participating companies in test running a "team approach" to scheduling and productivity. BOLD's team-based, outcomes-oriented approach to workplace flexibility gives employees more control over their schedules, changes the orientation of performance management to outcomes, rather than hours spent at work, and changes supervisors' orientation toward FWAs from a perk for employees to a tool for enhancing employee performance.

Pilot projects that would apply ROWE, MCC or BOLD team scheduling to other industries, and that structured those projects from the outset with research plans to assess the outcomes of the projects, could help determine whether such innovations can suc-

cessfully be exported to other industries and occupations.

Proposals

1. Pilot Projects on Hourly Work Schedules

The government should fund several joint ventures between private industry and leading research institutions to pilot interventions and conduct research on ways to give low-wage workers more predictability and control over their schedules in a manner that meets the bottom-line fiscal needs of employers.

2. Pilot Projects on Collective Bargaining

The government should fund several joint ventures between unions and leading research institutions to track and report on the relative success of FWAs negotiated through the collective bargaining process at particular work sites and to determine whether lessons from those negotiations can be exported to other industries.

3. Pilot Innovative Private Sector Programs

The government should provide funds for pilot projects to design interventions based on the Results-Only Work Environment (ROWE) approach, the Mass Career Customization (MCC) approach, and the team-based approach of BOLD. The projects should determine what types of workplaces are best suited to such interventions.

Apart from pilot projects, there is also a role for direct government investments in the development and support of FWAs. During a period when the government is seeking to inject federal capital into private and public markets to stimulate the economy, federal funding should be used to embed FWAs into workplace structures.

For example, federal government investments would be appropriate in the areas of telework, personnel infrastructure for states and localities, and small businesses.

Telework is widely acknowledged to have significant benefits for both employers and employees. Yet only roughly 15% of employees telework even once per week.[23]

The American Reinvestment and Recovery Act should be a key source of funding to increase telework. At the most basic level, the law's provision of funds for access to broadband technology in rural areas will be an important step in creating a telework infrastructure across the country. Some funding should also be available to allow state and local governments to create new, or support existing, Telework Centers for employees who want to work from a satellite

"*A culture of flexibility is a tremendous competitive advantage, so we pioneered mass career customization (MCC)™, a structured approach for organizations and their people to identify career-life options, make choices, and agree on trade-offs to ensure that value is created for both the business and the individual. For companies, MCC fosters greater loyalty and employee retention, and for employees, more satisfaction by being able to fit their life into their work and their work into their life. By providing a more flexible workplace, everyone can win.*"

Sharon Allen,
Chairman, Deloitte LLP

location near their homes. And funding should be made available to support technological advances in safeguarding data and computer use that would redound to the benefit of teleworkers.

The federal government should also provide funding to state and local governments to train and support a corps of flexible work officers, whose mandate would be to design and implement flexible work programs within the state and local public sector workforce. This could be part of the broader federal initiative to support the greening of public buildings since many FWAs result in reduced energy use. (Telework, compressed workweeks and job sharing can lead to reduced real estate costs, reduced traffic congestion and pollution, and reduced energy costs in public buildings).

These forms of government investments make sense because technological infrastructures and personnel policies that support telework and other FWAs can help states and localities achieve critical goals such as promoting continuity of operations during a pandemic, natural disaster, or national security crisis and reducing carbon emissions and traffic congestion.

Finally, small employers would benefit from targeted government grants. Small employers often report not having sufficient time or resources to develop FWA policies, as well as experiencing specific challenges in offering FWAs – such as ensuring adequate staff coverage with only a few employees if several employees want to work the same shift. Australia has pioneered a "Fresh Ideas for Work and Family"[24] grant that provides grants of $5,000 to $15,000 for small businesses to defray start-up expenses of family-friendly programs that are tailored to the needs of the particular business.

4. Promote Telework and Personnel Infrastructure

The federal government should provide a one-time tax credit of up to $1000 per teleworking employee, up to a $25,000 cap, to defray expenses associated with the purchase of telework equipment. The tax credit would be available only to employers that document a 5% increase in the number of employees who voluntarily telework one or more days per week for at least 26 weeks in the preceding tax year.

The government should provide funding for state and local governments to create new, or support existing, Telework Centers for employees who want to work from a satellite location.

The government should provide funding to allow local governments to provide transportation vouchers to employees of companies that permit flexible start and end times, thus reducing traffic congestion.

The government should provide funding to state and local governments to train and support a corps of flexible work officers, whose mandate would be to design and implement flexible work programs within the state and local public sector workforce.

5. Provide Grants to Small Employers

The government should provide funds to small employers to develop FWA programs that work well for small employers and to disseminate the results of those programs to other small employers in that industry.

D.   Ensure Accountability and Transparency

The various pilot projects described above are intended to be strategically targeted investments to foster creativity and innovation as part of a larger movement to embed FWAs into our workplaces.

> **In an effort to develop effective flexible work arrangements, The Chubb Group of Insurance Companies created a team-based pilot project within its Claims Service Center.**
>
> Three teams were created, each including employees with a diverse range of needs around workplace flexibility. The goal of the pilot was to meet those needs, while improving business performance by increasing productivity goals and streamlining tasks.
>
> All members of the team took advantage of flexible schedules, which included variations on compressed workweeks, and varied daily start/end times and length of lunch hours. Flexibility was tailored to each employee's needs, while still ensuring adequate work coverage during work hours. The pilot results included:
>
> - An 18% increase in the number of claim files handled without a decrease in quality
> - A 7% increase in calls handled directly rather than sent to voicemail, and increases in claims payments processed within 24 hours
> - A 50% reduction in unscheduled paid time off
> - A 40% reduction in overtime hours
> - A reduction in the number of requests to adjust work hours to accommodate outside commitments
> - An increase in employee engagement, consciousness of performance and workload demands, and willingness to pitch in when needed.
>
> *Chubb Workplace Flexibility Initiative Boosts Employee Productivity, www.chubb.com/corporate/chubb3897.html*

These investments must operate, however, with strong internal and external oversight to ensure **accountability and transparency** in the expenditure of federal resources.

Key components of accountability and transparency include:

❖ a strategically designed pilot selection process;

❖ coordination by knowledgeable federal staff; and

❖ ongoing testing, reporting, and evaluation requirements.

A competitive pilot selection and design process will ensure clear front-end expectations for all pilot projects, including specific statements of purpose and goal, measures of performance, costs, desired effects, plans for post-grant exportability to other employers, and roles and responsibilities to which pilot administrators and participants will be held accountable. The pilot process should be phased, such that subsequent rounds of funding will be contingent on recipients meeting initial goals.

A Coordinating Board, Review Panel, or other federal entity or staff should coordinate all the FWA pilot programs funded by the federal government. Such central administration will assist with accountability, federal review of individual pilots, and exportability of lessons learned to other federal organizations and to public and private sector entities.

Experts in the field of workplace flexibility – including representatives from business, labor and academia – should be selected for peer review panels to review applications for pilot funding. In selecting funding recipients, reviewers should consider proper program design; participation from a variety of public and private institutions of various sizes, geographic locations, industries, and job functions; and how the funding recipient proposes to report on the results of the pilot program.

Collection and analysis of data on the FWA programs funded with federal dollars is critical to an effective assessment of those programs. The federal government should collect data from these pilot projects (including project abstracts, annual progress reports and assessments, final summary reports, and any other appropriate reports) and should measure the impact of the projects.

Federal agencies, such as the Department of Commerce, the Environmental Protection Agency, the Department of Health and Human Services, and the Department of Labor, should also partner with social science researchers to measure the effects of federally funded policy interventions on particular communities, and to measure community outcomes, such as: employee health, environment, and child health and well-being.

Timely, accurate, and public reporting by grant recipients, the administering federal body, other federal agencies, and external reviewers are all vital oversight mechanisms for a robust federal FWA pilot program.

IV. Lead By Example:

Create a Flexible Fed

Over the past several years, private employers have consistently told us that they should not be expected to take the federal government's public education and technical assistance efforts seriously unless the federal government is effectively implementing FWAs in its own workforce.

The fourth prong of a comprehensive FWA public policy strategy must be to make the federal government a model employer for FWA implementation and utilization.

The federal government was an early leader on workplace flexibility, implementing new laws and policies to adapt to the needs of a changing workforce in the 1970s and 1980s.

But the federal government needs to hit the "refresh button" on its FWA programs – approaching FWAs with renewed vigor, improving on existing programs, test-running new ideas, becoming the "best and brightest" employer, and being a bully pulpit for FWAs for other employers. The federal government must take the lead on a full scale, national conversation on FWAs by transforming its workplace into an example of the "new normal."

As in the private sector, there is no one size fits all policy solution for the federal workforce. The federal government is the largest employer in the country. With approximately 1.9 million employees working in different agencies across the world,

the federal government is also a compilation of decentralized work sites with various personnel systems and policies, all led by the White House and supported by the Office of Personnel Management (OPM) in Washington, DC.

The fourth prong of this platform recommends that the federal government "lead by example" – by including FWAs as a key component of its human capital management agenda; providing training, technical assistance, and resources to support FWAs; and regularly assessing how FWAs are working.

The federal government is the largest and most varied employer in the United States. The new head of the OPM, John Berry, has announced that the federal government should become "the best place to work in America." Making FWAs standard operating procedure in the federal government will help achieve that goal.

A. Make FWAs an Integral Component of the Administration's Agenda

A leadership commitment to FWAs is crucial to instilling a common vision across the government and creating an environment that is receptive to innovation.

President Obama has pledged to "make the federal government a model employer in terms of adopting flexible work schedules and permitting employees to petition to request flexible arrangements." In order to fulfill that promise, leadership across all the federal agencies will need to fully integrate FWAs into their broader workforce development strategies. Agency leaders must not only articulate a strong commitment to increasing access to

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A. Make FWAs an Integral Component of the Administration's Agenda

B. Provide Information, Training, Technical Assistance, and Implementation Tools

C. Conduct Regular Assessments of How FWAs Impact Employees, the Workplace, and the Broader Community

FWAs – they must also demonstrate their commitment by encouraging the use of FWAs within their own offices and throughout their agencies.

Proposals

1. Demonstrate High-Level Support for FWAs in the Federal Workforce

All human capital leaders in the government should establish, implement, and model a clear vision of effective integration of FWAs in the federal government – including the White House, the Director of OPM, the Chief Human Capital Officers, the Federal Executive Boards, and directors of individual agencies, regions, divisions, and offices. Each of these leaders needs to embrace FWAs as a viable and vital part of workforce management, supporting employees and communities.

OPM should act as a strategic partner with agencies as they implement this clear leadership vision and further embed FWAs in their human capital management systems.

One way this can be done is by **designating 2010 as the "Year of the Flexible Fed."** Similar to OPM's current HealthierFeds Initiative,[25] such a campaign would provide intensive technical, design and implementation assistance to encourage management and employees to pilot new FWA programs and improve administration of existing programs. Following the jumpstart of the "Year of the Flexible Fed," OPM should continue with an ongoing "Flexible Fed" Initiative that provides user-friendly technical assistance and information about FWAs to federal government managers, unions, and employees.

In addition, managers at all levels within the agencies should be encouraged to participate in FWAs, as appropriate to their jobs. And the White House and OPM should demonstrate the importance of full FWA integration via their actions as well as their words – these offices should be models for others in the government (and private sector) to emulate.

2. Further Embed FWAs into the Human Capital Management Agenda

To commit to the needs of the 21st century American workforce, OPM should fully integrate FWAs into all aspects of its human capital agenda. For example:

❖ Agencies should be required to include FWAs as part of the human capital segment of their 5-year plan and annual

> **"[W]e must ensure effective approaches to encouraging, evaluating, and rewarding superior performance, as well as correcting shortfalls. In exchange, we need to provide competitive pay and benefits, healthy model workplace environments and sensitivity to employees' responsibility to their families and loved ones."**[27]
>
> John Berry, Director, Office of Personnel Management

performance report to the President and Congress under the Government Performance and Results Act. This approach would require agencies to incorporate FWAs into their human capital plans, set aside funds for implementation of FWAs, regularly assess the progress of the FWA implementation programs, and publicize the results of FWA programs for other agencies to model. Using this measured process would make FWAs an integral part of every agency's strategic plan.

❖ FWAs should be included in the metrics for evaluating agency success in each of the five standard areas of OPM's Human Capital Assessment and Accountability Framework:[26] strategic alignment, workforce planning and deployment, leadership/knowledge management, performance culture, and talent management and accountability.

B. Provide Information, Training, Technical Assistance, and Implementation Tools

Many federal managers still do not have the information and training they need to implement FWAs effectively. As in the private sector, a supervisor's uncertainty with regard to managing employees on FWAs remains one of the biggest barriers to effective FWA implementation.

Over the years, the government has created various training models, tools, assessments, reports, and other materials geared toward one or more stakeholder efforts to implement one or more FWAs. But for employees, union leaders or managers who seek information on how to ask for, learn about, manage, or compare various FWAs in the government, there is no easy access to all of the relevant information. There is simply no one-stop shopping in this area.

Proposals

1. Share Information and Best Practices on FWAs in the Federal Workforce

As part of the "Year of the Flexible Fed" (and continuing thereafter), OPM should educate managers, employees, and union leaders that FWAs are a strategically smart and socially responsible way to work.

One way to achieve this goal is to create a clearinghouse of information on the wide range of FWAs and how they benefit federal employees. Modeled on Telework.gov, this clearinghouse should take the form of a website to educate work-life coordinators, employees, unions, and employers about FWAs, including how to negotiate, manage, operate, and/or realize benefits from such arrangements.

The OPM clearinghouse should also contain information on the relevant laws, regulations, and inter- and intra-agency initiatives on FWAs, as well as any impact assessments conducted by the government on the effectiveness of such programs. It should highlight specific FWAs for specific populations, job functions, or locations, and shine a spotlight on individual managers and other employees that have demonstrated leadership on FWAs.

In addition, OPM should encourage innovation and replication of a broad range of FWAs as part of its human capital flexibilities to meet management and employee needs. Agencies should be encouraged to replicate the proven successes of other agencies.

For example:

❖ The Chief Human Capital Officers (CHCO), through the CHCO Council, should share FWA best practices, including ways to address management concerns and any actual or perceived barriers to greater FWA implementation. The CHCO Council should be a key facilitator of OPM and inter-agency collaboration in the development of clear, transparent, and model guidelines for negotiating, supervising, approving, and encouraging all types of FWAs, as well as the communication of those guidelines between DC and regional offices.

❖ The Federal Executive Board Human Capital Council should be tasked with facilitating support for FWAs throughout the entire federal workforce by integrating flexibility into its human capital readiness services.

2. Provide Training and Support for Managers

The government should:

❖ Train managers in the development of FWA programs and policies and in the assessment of jobs to determine their suitability for FWAs.

❖ Provide managers with the skills and the security they need to integrate FWAs into their workplaces through both training sessions and on-site consultations.

❖ Ensure ongoing support for managers by having a full-time dedicated FWA Program Director within each agency. The

> **"Increased flexibility in the federal workforce is a "win-win" for both federal employees and employers."**
>
> Max Stier
> President and CEO,
> Partnership for Public Service

FWA Program Director should monitor and support FWA programs and policies throughout the agency and should be integrated into existing human capital structures.

❖ Appoint an FWA Coordinator at OPM as a central coordinating figure, ensuring both leadership and communication among the agency-level FWA Program Directors and their agency-specific programs.

3. Establish Awards to Recognize and Honor FWA Leadership

Similar to the private sector proposals above, a governmental award of administrative excellence for workplace flexibility should be created, or existing awards should be revised, to encourage additional FWAs. (While federal agencies should be eligible to compete for the awards available to employers generally, there is also a utility in crafting awards specifically for federal actors.)

OPM should:

❖ Develop an award for agencies with excellent FWA programs.

One existing award that could provide a template is the Presidential Award for Leadership in Federal Energy Management,[28] which honors federal agencies for their support, leadership, and effort in promoting and improving federal energy management. Using this model, a "Presidential Award for Leadership in Workplace Flexibility" would honor federal agencies that use innovative strategies, promote and improve existing FWA policies, and model best practices to institute, facilitate, and support FWAs in their workplaces.

❖ Revise existing awards to specifically incorporate a focus on the effective use of FWAs.

One example is the Presidential Award for Management Excellence - the President's Quality Award ("PQA"),[29] which recognizes management excellence in the Executive Branch based on criteria similar to the Malcolm Baldrige National Quality Award described above.

❖ Reward individual managers who manage FWAs well.

For example, the Federal Competency Assessment Tool - Management ("FCAT-M")[30] could incorporate FWAs as analytical components. The FCAT-M should include inquiries into whether managers: (1) suggest FWAs to their employees during the performance coaching process; (2) respond favorably to FWA requests by employees; (3) work with their employees to determine what FWAs will fit their employees' needs and job functions; and (4) enhance the visibility of FWAs by recognizing employees who use them productively.

Results from the FCAT-M should be used to recognize and reward individual managers who do particularly well on the new FWA assessments.

4. Develop and Support Additional FWA Infrastructures

Full-scale implementation of certain FWAs will require some agencies to obtain additional resources. For example, concerns with regard to IT security for telework can be addressed, mitigated, and/or alleviated with the right tools and technology. But money must be budgeted for those efforts.

The government should:

❖ Collaborate with private companies that can develop the robust technology platforms necessary to effectively support teleworkers and other workers on FWAs who would benefit from such tools (e.g., part-time workers who would benefit from PDA connectivity during off hours).

❖ Collaborate with cutting-edge technology companies to address the concerns of agencies that demand the highest level of security. This should include funding the development of the next generation of security technology and using highly secure agencies such as the Department of Defense as a model for the public and private sectors.

❖ Provide funding to agencies that need computer technology to facilitate FWAs. This funding is necessary for agencies to build secure infrastructures, provide the equipment needed for employees to work efficiently and securely, and acquire the technical expertise to develop and apply the most appropriate and cost-effective solutions.

❖ Provide funding to agencies and the USAJOBS on-line database to ensure that job posting systems indicate what types of FWAs are available to applicants for particular jobs. (The Career Patterns Initiative already provides agencies with a useful matrix along these lines.)

C. Conduct Regular Assessments of How FWAs Impact Employees, the Workplace, and the Broader Community

The government currently collects data on various human capi-

> **"The business of the federal government is no longer conducted on a strictly 9 to 5 basis and [alternative work schedules] increase agency flexibility to respond to emerging issues."** [31]
>
> Colleen M. Kelly, President, National Treasury Employees Union

tal components of its workforce. But not all (or even close to all) of the data points regarding FWAs are collected. In addition, much of the existing data is collected in scattershot samplings in a non-standardized manner, which fail to provide cross-agency or cross-time evaluations.

OPM and the Government Accountability Office (GAO) should each perform annual assessments of FWA usage across the federal workforce. These assessments should be made available to agencies and the public, thus increasing and improving accountability and transparency in the government's FWA efforts and expenditures.

Proposals

1. OPM Should Conduct Annual Measurements

OPM should conduct an annual measure of the availability and utilization of various types of FWAs to employees of various agencies and the uptake of these programs.

OPM has a key role to play in benchmarking and understanding the status of FWAs for federal employees, the federal workforce, and communities. OPM should use its "Annual Employee Survey"[32] to add questions related to the availability and utilization of a range of FWAs. OPM should also fully integrate FWAs into its Human Capital Standard for Success.

OPM should assist agencies as they create action steps based on the results of these measurements. OPM should collect and analyze results across agencies on a government-wide basis.

2. GAO Should Conduct an Annual Impact Assessment

A comprehensive annual impact assessment by the GAO of FWAs in the federal workforce, and the public dissemination of such assessment, should be a centerpiece of the government's effort to be a model employer on FWAs.

GAO's annual assessment should measure the impact of FWAs across a wide range of measures including, among other things, employee health; employee productivity, engagement, recruitment, and retention; reduced real estate costs and energy consumption; and improved continuity of operations.

V. Build a Support System:

Develop A Public-Private Infrastructure

Incentivizing, modeling and marketing strong FWA programs in both the private and public sectors will be key components in making FWAs the "new normal" in the American workplace. But these activities will have an impact only if they occur in a strategic, coordinated way.

The fifth prong of a comprehensive FWA public policy strategy must be to ensure that a sustainable public-private partnership exists to carry out the first four prongs of the strategy.

Smart strategy and effective coordination require engaging all the players who will be key to a successful effort. Those key players are in the federal government, in the state governments, and in businesses, unions, and other employee and community-based groups across the country.

At the federal level, there must be an infrastructure through which key players on labor, health, pensions, women's issues, child welfare, and economic and workforce development issues in the federal agencies and the White House can all be actively involved in making workplace flexibility the "new normal" for American workers.

Likewise, state level infrastructures must be created that can tap into and strengthen existing networks of state, county and local leaders. A robust state infrastructure is an essential component for mapping this very big idea onto the political and industrial landscape of particular states, counties and localities.

Finally, to embed these ideas into the very structure of our workplaces, we must have significant buy-in and engagement from employers, employees, and community groups representing various interests and groups.

The fifth prong of this platform recommends that an effective partnership between key federal, state and community players be established to carry out the activities suggested in this policy platform.

A. **Develop a Federal Infrastructure**

B. **Develop State and Local Infrastructures**

Public-private partnerships of this kind are not new. The challenge will be to determine whether a new structure is required or whether existing structures can be effectively molded to take on this new responsibility.

Proposals

A. Develop a Federal Infrastructure

The government should establish a federal infrastructure for making FWAs the "new normal." This can be an existing entity or a new entity:

❖ The White House Task Force on Middle Class Working Families,[33] in conjunction with the White House Council on Women and Girls[34] and the First Lady's Office, can engage in these issues in a high-profile way, making itself the focal point for federal level discussions about workplace flexibility programs and practices.

❖ A Commission on Workplace Flexibility could be created with an ideologically diverse membership (similar to those who serve on the National Council on Disability), and with a national advisory group composed of public and private stakeholders and representatives from various federal agencies.

❖ A new division within an existing agency such as the Department of Labor or the Department of Commerce could be created. The division could have an advisory board composed of members from federal agencies with workplace flexibility programs and members from the private sector.

❖ A Presidential Committee on Workplace Flexibility could be created by executive order. The committee would not administer any programs, but would provide visibility in advising federal agencies about the direction, coordination and content of workplace flexibility policy and programs. A Citizens' Advisory Council could be created by executive order as well, composed of employee and employer interests, and other stakeholders to advise the Presidential committee.

B. Develop State and Local Infrastructures

The government should support the creation of state and local infrastructures. These can likewise take many different forms:

❖ New workplace flexibility councils. A new set of state councils or boards composed of major stakeholders – government, business, labor, academic institutions, nonprofits and others – could take responsibility for implementing many of the activities discussed in this platform. The boards could be federally funded to oversee and administer many of the grants, technical assistance, training, awards and marketing discussed in the platform.

❖ Workforce Investment Boards (WIBs). WIBs, charged with administering programs under the Workforce Investment Act, currently focus on issues of workforce development. Locating responsibility for implementation of many of the FWA programs described in this platform within WIBs might be a way to ensure that FWAs become a mainstream element of workforce development.

❖ Existing coalitions. Some states and cities have existing coalitions that bring together employer, employee, and community representatives. For example, the "When Work Works" program, funded by the Alfred P. Sloan Foundation, has encouraged the formation of such coalitions in thirty cities. Step Up Savannah, described above, provides an interesting example of a community-based coalition composed of major stakeholders – business, government, nonprofits, and residents – that have come together to address the problem of persistent poverty.

Determining the best structure for a public-private partnership requires additional research and engagement by those who would participate in such structures. But for purposes of this document, the key recommendation is that some thoughtful structure must be in place to implement, in a comprehensive and systematic manner, the host of activities recommended in this policy platform.

The White House Task Force on Middle Class Working Families

On January 30, 2009, President Obama announced the creation of a White House Task Force on Middle Class Working Families.

Chaired by Vice President Joe Biden, the Task Force is a major initiative targeted at raising the living standards of middle-class, working families in America. The Task Force has the following goals:

- Expanding education and lifelong training opportunities
- **Improving work and family balance**
- Restoring labor standards, including workplace safety
- Helping to protect middle-class and working-family incomes
- Protecting retirement security

www.whitehouse.gov/strongmiddleclass

Arizona is one of the fastest growing states in the country – and the needs of its workforce are changing dramatically.

Recognizing that workplace flexibility could help strengthen Arizona's workforce, the Chandler Chamber of Commerce has built partnerships with the Department of Labor's Women's Bureau, the Governor's office, the Business Journal, Intel, and a range of other organizations to promote innovative workplace flexibility solutions.

Charlotte Hodel, Vice President of Business & Economic Development at the Chandler Chamber of Commerce, says that interest in workplace flexibility solutions is still growing. "We are extremely proud that what started as a local effort has grown into a statewide initiative, with participation from organizations from all over Arizona. We look forward to engaging even more employers, and sharing flexibility strategies that can really make a difference."

In addition, the Chandler Chamber has now taken this flexibility initiative statewide through nurturing a broader coalition of Chambers of Commerce from across the state. Chandler leaders are promoting the Sloan Award for Business Excellence in Workplace Flexibility and developing comprehensive coalition documents and strategic employer trainings – as well as a new publication showcasing Arizona's most flexible employers.

Conclusion

Changing the structure of the American workplace so that FWAs become the "new normal" is not conceptually difficult or even politically difficult. But it is pragmatically and practically difficult. Our workplaces are like large battleships used to a particular way of navigating the waters. Turning a battleship is not easy.

But "not easy" is not the same as "impossible." A battleship can be turned. Particularly when it is in everyone's interest to turn the battleship, success is certainly within reach.

Success in this area will require forceful thinking, effective coordination with public and private partners, and commitment. But if the federal government commits to the bold, thoughtful and strategic actions laid out in this policy platform, we believe we will be on our way to making FWAs the "new normal" in the American workplace.

Endnotes

1 For an extensive sampling of the positive effects of integrated flexible work arrangements, *see, e.g.*, Barnett, Rosalind, "When Your Work Arrangements Work for You: A Study of Employed Women with School-aged Children," Community, Families & Work Program Women's Studies Research Center, Brandeis University, 2007, *available at* http://www.brandeis.edu/centers/cfwp/barnett_presentations/2835.pdf; Jacobs, Jerry and Kathleen Gerson, "The Time Divide: Work, Family and Gender Inequality," Harvard University Press, 2004; Alliance for Work-Life Progress, "Work-Life Business Impact Matrix," *available at* http://www.awlp.org/awlp/library/html/businessimpact.jsp; WorldatWork, "Workplace Flexibility Innovation in Action," 2008 *available at* http://www.worldatwork.org/mypeers/ebook/WorkplaceFlexBook2_08.pdf; Corporate Voices for Working Families, "Business Impacts of Flexibility: An Imperative for Expansion," November 2005, *available at* http://www.cvworkingfamilies.org/system/files/Business%20Impacts%20of%20Flexibility.pdf; When Work Works, "2008 Guide to Bold New Ideas for Making Work Work," *available at* http://familiesandwork.org/3w/boldideas.pdf; Healy, Cathy, "A Business Perspective on Workplace Flexibility: An Employer Strategy for the 21st Century," When Work Works, *available at* http://familiesandwork.org/3w/research/downloads/cwp.pdf. For a listing of other sources for work-family research and information see http://www.law.georgetown.edu/workplaceflexibility2010/resources.cfm.

2 Step Up Savannah, *available at* http://stepupsavannah.org/.

3 City of Houston, "Flex in the City," *available at* http://www.houstontx.gov/flexworks/flexinthecity/index.html; City of Houston, "Flexible Workplace Initiative (Flexiworks)," *available at* http://www.houstontx.gov/flexworks/index.html.

4 When Work Works, *available at* http://familiesandwork.org/3w/index.html.

5 Winning Workplaces, "Top Small Workplaces 2007, 2008, 2009," *available at* http://www.winningworkplaces.org/topsmallbiz/index.php.

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Acknowledgements

We embarked on our Workplace Flexibility 2010 initiative with three goals: enhancing the policy field of workplace flexibility through deepening the substantive knowledge base regarding different components of workplace flexibility; creating new grooves of conversation on issues of workplace flexibility between employers and employees and Democrats and Republicans; and expanding the number of constituency groups who would view workplace flexibility policy as within their agendas.

This Public Policy Platform on Flexible Work Arrangements is one outcome of the work we began six years ago.

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In our second stage, we convened a Legal Working Group on Workplace Flexibility. Consisting of a balanced group of litigators representing employer and employee interests, this group helped us imagine the range of policy possibilities for each component of workplace flexibility: Flexible Work Arrangements, Time Off, and Career Maintenance and Reentry. We greatly appreciate the generosity of time and thought displayed by members of the Legal Working Group from 2005 through 2007: Sam Bagenstos, George Cohen, Ruth Eisenberg, David Fortney, Abbey Hairston, Adam Klein, Jessica Hughes, Doug Mishkin, Glen Nager, Helen Norton, Carolyn Osolinik, Joe Sellers, Eric Siegel, and Grace Speights.

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