WORKFLEX

The Essential Guide to Effective and Flexible Workplaces

WHEN WORK WORKS

Families and Work Institute

SHRM
SOCIETY FOR HUMAN RESOURCE MANAGEMENT

PRAISE FOR

WORKFLEX: THE ESSENTIAL GUIDE TO EFFECTIVE AND FLEXIBLE WORKPLACES

WORKFLEX *is an important benchmark resource for organizations, leaders, researchers and employees. The authors describe how work-life "fit" goes beyond work-life "balance." The skillful blend of evidence-based data, inspiring organization examples and practical guides help readers see clearly how to bring to reality this vital element of a more sustainable employment relationship.*

John W. Boudreau, PhD, Professor of Management and Organization;
Research Director, Center for Effective Organizations; Marshall School of Business,
University of Southern California

WORKFLEX: The Essential Guide to Effective and Flexible Workplaces *provides one-stop shopping for everything that you could possibly want to know about workflex—a context for understanding the specific drivers; what successful workflex looks like in organizations of all shapes and sizes; and how to implement workflex so that it aligns with your business needs and organizational objectives. A must-read primer for HR practitioners seeking to create more flexible organizations!*

Judi C. Casey, MSW, Director, Work and Family Researchers Network (WFRN)

Many leaders feel their toughest HR challenge is to recruit talent. I think it is to keep the people they get. In the global 24/7 workplace, money and traditional benefits are not differentiators. Talent driven by engaging workplace culture is the answer. Our people have two things to give us: time and talent. The new coin of the realm is flexibility in the deployment of the time, so we can get maximum access to their talent. WORKFLEX *is a "help is on the way" answer to understanding the context of this management/employee discussion. It is not for the bookshelf, it is for the book bag. It will answer core questions about flexibility: What? Why? Options? And risks of doing nothing in the face of increasing customer demand and an overworked talent pool.*

J.T. (Ted) Childs, Jr., Principal, Ted Childs LLC

FWI and SHRM's WORKFLEX: The Essential Guide to Effective and Flexible Workplaces *is a must have for any employer. Never again will a supervisor or manager be able to say, as they might have in the past, "In principle, I am in favor of workplace flexibility, but I just don't know how to put it in practice." This definitive Guide provides all that is needed to make the case for flexibility, identify best practices, understand relevant legal issues, and diagnose how and when to implement workplace flexibility.*

Kathleen E. Christensen, PhD, Director, National Workplace Flexibility Initiative,
Alfred P. Sloan Foundation; Co-Editor, *Workplace Flexibility: Realigning 20th-Century Jobs for the 21st-Century Workforce*

The importance of creativity and collaboration in designing flexible work arrangements that work for the company and the employee cannot be underestimated. It makes sense that organizations have guidelines around these options, but when managers and employees take a deep breath, take a leap and take time to innovate within those guidelines, a beautiful thing can happen. Smart organizations allow for that.

Maureen A. Corcoran, Vice President, Health, Life & Inclusion, Prudential Financial

I would give anything to have had this wealth of information at my disposal five years ago when we were figuring out how to design our flexibility initiative! This book is a treasure-trove of practical perspective and guidance that will help any *company fast-forward on its flexibility journey.*

Delta A. Emerson, Executive Vice President and Chief of Staff, Ryan, LLC

Flexibility, in my opinion, is the most important tool in the 21st century battle for the advancement of women in the workplace. WORKFLEX *from Families and Work Institute and SHRM is a must read for everyone who seeks to implement, measure, support or advance flexibility. This book is a game changer!*

Carol Evans, President, Working Mother Media

This comprehensive, clearly composed and incredibly useful guide will serve as the primary resource for the field of workplace flexibility for years to come.

Stewart D. Friedman, PhD, Director, Wharton Work/Life Integration Project, The Wharton School, University of Pennsylvania and Author, *Total Leadership*

What a wonderful resource you have created for organizational leaders everywhere on such an important topic for the future of effective workplaces! I feel excited for the leaders who will use this resource to take steps toward creating a more flexible workplace for their team members and their organizations. Your guide is so comprehensive—sharing a tremendous amount of best practices in all industries, policies, programs, diagnostic tools and metrics, even covering compliance. Coming from a manufacturing environment where flexibility has many faces, I am a true believer that flexibility really can make life work for employees, their families and, ultimately, those we serve. Flexibility is a foundational element of TURCK's movement toward a culture of well-being. Since implementing the flexibility work-life pursuit and other well-being benefits, indicators have shown improvement in team member engagement, reduced turnover, reduced levels of unhealthy stress, improved mental health, better than industry trend medical costs and a 13% increase in employees being "very satisfied" with overall benefits.

Lora Geiger, Director of Human Resources, TURCK Inc.

At Ernst & Young, we're proud to be at the forefront of advancing workplace flexibility. This book has memorialized much of what has been and is being done to create the flexible workplaces of today. It encourages us to continue to think creatively about how and what we can do in our global workplaces of the future.

Maryella M. Gockel, Flexibility Strategy Leader, Center for Expertise for Inclusiveness, Americas People Team, Ernst & Young LLP

When the Families and Work Institute and SHRM put their heads together, something great is bound to emerge. Their book is practical, forward looking and contains extremely helpful examples of how to do flexibility. Their work breaks new ground in helping businesses improve the work/life fit of their employees and is the best guide to making flexibility work that I have seen in a long, long time.

David E. Gray, JD, Director, Workforce and Family Program, New America Foundation; Author, *Practicing Balance: How Congregations Can Support Harmony in Work and Life*

This book is packed full of information and is a "must-have" for human resource managers, consultants, training developers and organizational leaders who want to advance workplace flexibility and improve work-life engagement in their companies. Innovative case studies are provided that illustrate key workflex concepts, up-to-date data are discussed from the 2012 National Study of Employers, the Workflex Diagnostic Toolkit provides an excellent assessment device, and the section on Workflex and the Laws is extremely comprehensive. Kudos to the Families and Work Institute and SHRM for an outstanding guidebook for building flexible workplaces!

Leslie B. Hammer, PhD, Professor of Psychology and Director, Occupational Health Psychology Program, Portland State University

Families and Work Institute, one of the leading and most respected organizations in the work-life field has partnered with SHRM to produce an excellent guide for practitioners on how to create a flexible workplace culture. Filled with rich tools and case examples from "best-in-class" employers, it will help any organization successfully implement flexibility which has become perhaps the most vital strategy for attracting and retaining top talent.

Brad Harrington, EdD, Executive Director, Boston College Center for Work & Family

This essential guidebook to the effective workplace is a gem, not only for the encyclopedic contents, but also because of the teamwork across our entire field that was generated to assemble it. Kudos to FWI and SHRM for launching a project so worthwhile that the best of everything we collectively know about flexibility is represented.

Kathleen M. Lingle, WLCP, Executive Director, Alliance for Work-Life Progress @ WorldatWork

Embracing flexible work practices is a business imperative for us and for any organization who wishes to maintain their competitive advantage in today's fast paced global marketplace. WORKFLEX *is the most definitive body of work to date and offers practical advice for implementing best practices or enhancing what is already in place. It is a must read for anyone who is serious about ensuring that their organization can attract, retain and engage the talent that they need to succeed.*

David H. Lissy, Chief Executive Officer, Bright Horizons Family Solutions

I'm very pleased to see this cutting-edge effort by the Families and Work Institute and the Society for Human Resource Management to help all employers to seize the competitive advantage of flexwork, and to help all workers achieve success at home and at work. This volume is the complete package—data, "how-to" information to guide implementation, tips about what to do when obstacles arise, and LOTS of ideas about ways to create flexibility.

Shelley M. MacDermid Wadsworth, PhD, Director, Center for Families; Director, Military Family Research Institute; Professor, Human Development and Family Studies, Purdue University

The transformation of work is happening fast. Companies that don't adapt risk losing out to more agile competitors. Labor laws also need to catch up. WORKFLEX *is a deeply researched guide, packed with honest case studies and comprehensive tools that will make it impossible for any company to say "flexibility is not for us" or "we don't know where to start."*

Alison Maitland, Business Author, Journalist and Speaker; Co-Author, *Future Work: How Businesses Can Adapt and Thrive in the New World of Work*

WORKFLEX *is a comprehensive "must-read" for employers who want an engaged, productive workforce. Galinsky draws on over twenty years of conducting national research and work with leading companies in this complete guide for creating effective and flexible workplaces. The authors know what works from the C-Suite to the associate and generously share their insights and expertise. The book is full of useful tools, samples of flexibility policies and numerous case examples of the seven categories of workflex practices from large and small employers in a variety of industries.*

Amy Richman, EdD, Senior Consultant, WFD Consulting

I know only too well the challenge of creating a how-to book that helps organizations understand the business case for creating a more agile workplace and workforce and one that helps them figure out how best to accomplish that goal. The culture change that's required is not insignificant. WORKFLEX *reinforces the importance of aligning business and individual needs and provides much needed examples of how it can be done. This is truly an impressive piece of work that demonstrates the power of combining the knowledge and resources of two terrific organizations and the value of leveraging their extensive research and experience.*

Karol Rose, Strategic Advisor, Center for Women and Business, Bentley University; Principal, FlexPaths, LLC

Workplace flexibility is a powerful tool for unleashing success, engagement, and productivity. It is a key component of Ryan's strategy to create the leading global talent magnet in the tax services industry.

G. Brint Ryan, Chairman and Chief Executive Officer, Ryan, LLC

How delighted we are to share our Bon Secours story, and how fortunate we are to be able to learn about workplace flexibility from other organizations. WORKFLEX: The Essential Guide to Effective and Flexible Workplaces *is a comprehensive resource highlighting how to increase productivity and employee satisfaction by going against many common perceptions of how an organization should operate. A progressive and open-minded organization that values employees' needs will be the most effective in the 21st century.*

We have learned that having flexibility in the workplace is essential for any world-class organization. And, just as there is no one perfect schedule for every employee, there is no one perfect way to ensure flexibility. WORKFLEX *captures the spirit of open-mindedness necessary for a successful workplace and offers snapshots of many successful companies and how they have adapted to meet employees' needs. The tips, insights and tools in the guide are invaluable for employers of all sizes.*

Bonnie P. Shelor, Senior Vice President, Bon Secours Virginia Health System

All savvy executives know that flexibility has become an essential workplace ingredient. But getting it done, implementing flexibility systemically, and on a large scale, can seem daunting. WORKFLEX *provides a comprehensive, yet remarkably straightforward, roadmap. From case studies to legal issues to compelling research, it's all here, and it's a book that will surely become essential reading for every 21st century manager, HR head and CEO.*

Claire C. Shipman, ABC Correspondent; Co-Author of *The New York Times* best-selling *Womenomics*

This book is extraordinary—comprehensive, data-based, but breakthrough thinking about this essential element of the effective workplace of the 21st century. It's time to stop the senseless debates about working mothers and fathers and accept that in the real world, everybody needs work-life fit. WORKFLEX *offers the vision, the business case, and practical solutions. Now let's get on with it!*

Betty Spence, PhD, President, National Association for Female Executives (NAFE)

WORKFLEX: The Essential Guide to Effective and Flexible Workplaces *came just in time. I am always looking for ways to sustain the momentum of the flexible workplace initiative I'm leading—and this guide has become my go-to resource! This guide goes in-depth on how to implement a flexible workplace and includes advice from those who've been there; it's the kind of detailed information I've only heard in my interviews with experts and benchmarking with other organizations. Thanks to FWI and SHRM for creating this indispensible resource and helping more companies make the flexible workplace a part of their workplace strategy.*

Erika Wendt, PhD, Project Manager, Smart Work, Southern California Gas Company, a Sempra Energy utility

WORKFLEX: The Essential Guide to Effective and Flexible Workplaces*, brings together all of the keys elements necessary to introduce flexibility into the workplace. Whether it's case studies that show the broad business impact or the tools and forms that guide the use of flexibility, this book gives practitioners the confidence to get started. There's no excuse to not move because you don't know where to begin. Now you do!*

Cali Williams Yost, Founder and Chief Executive Officer, Work+Life Fit, Inc. / Flex+Strategy Group

WORKFLEX

The Essential Guide to Effective and Flexible Workplaces

Families and Work Institute
New York, New York
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Alexandria, Virginia
www.shrm.org

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Mumbai, India
www.shrmindia.org

Society for Human Resource Management
Haidian District Beijing, China
www.shrm.org/cn

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The Families and Work Institute (FWI) is a nonprofit, nonpartisan research organization that studies the changing workforce, family and community. As a preeminent think tank, FWI is known for being ahead of the curve, identifying emerging issues, and then conducting rigorous research that often challenges common wisdom and provides insight and knowledge. As an action tank, FWI conducts numerous studies that put its research into action and then evaluates the results. Its purpose is to create research to live by. For more information, visit http://www.familiesandwork.org and follow us on Twitter @FWINews.

The Society for Human Resource Management (SHRM) is the world's largest association devoted to human resource management. Representing more than 250,000 members in over 140 countries, the Society serves the needs of HR professionals and advances the interests of the HR profession. Founded in 1948, SHRM has more than 575 affiliated chapters within the United States and subsidiary offices in China and India. Visit SHRM Online at www.shrm.org.

When Work Works is a national initiative, led by the partnership of Families and Work Institute and the Society for Human Resource Management (SHRM), to help organizations of all sizes and types become more successful by transforming the way they view and adopt effective and flexible workplaces. *When Work Works* is one of the foremost providers of resources, rigorous research and best practices on workplace effectiveness and flexibility in the nation. The initiative administers the prestigious Alfred P. Sloan Awards for Excellence in Workplace Effectiveness and Flexibility annually, which recognize exemplary employers for using flexibility as an effective workplace strategy to increase business and employee success. Visit www.whenworkworks.org for more information.

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TABLE OF CONTENTS

Families and Work Institute and SHRM would like to extend their sincerest gratitude to the following authors for their contributions to *Workflex: The Essential Guide to Effective and Flexible Workplaces*:

PREFACE: Effective and Flexible Workplaces—A Research Perspective on Workflex 1

– Ellen Galinsky, M.S.

INTRODUCTION: Many Paths Lead to Workflex—Voices from the C-Suite 7

– Ellen Galinsky, M.S.

SECTION I: The Status of Workflex Trends—2005 to 2012 21

– Kenneth Matos, Ph.D.
– Ellen Galinsky, M.S.

SECTION II: Workflex in Action: Case Studies and Tools from Promising Practices 37

– Ellen Galinsky, M.S.
– Carol Bryce-Buchanan, M.A.
– Morra Aarons-Mele, MPA
– Kristin Bowl
– Kaitlyn Dowling

Chapter 1: Choices in Managing Time 39
Chapter 2: Flex Time and Flex Place 51
Chapter 3: Reduced Time 76
Chapter 4: Time Off 94
Chapter 5: Flex Careers 119
Chapter 6: Dealing with Overwork 143
Chapter 7: Culture of Flexibility 176

SECTION III: How to Create and Maintain Workflex in Your Organization 187

– Ellen Galinsky, M.S.
– Joy Bunson

Chapter 8: Understanding the Context 188
Chapter 9: Improving Workflex at Your Organization Is a Team Sport 190
Chapter 10: Getting Specific—Aligning the People Strategy with Flexibility Goals 191
Chapter 11: Drawing Conclusions—Where Do You Go from Here? 202
Chapter 12: Two Steps Forward and One Step Back 205
Chapter 13: Implementation—Moving to Action 210
Chapter 14: Develop a Communications Strategy 218
Chapter 15: Maintaining the Momentum 223
Chapter 16: Diagnostic Toolkit 226

SECTION IV: Workflex and the Laws—Understanding Compliance 249
– Kelly S. Hughes, JD
Chapter 17: Americans with Disabilities Act (ADA) of 1990 249
Chapter 18: Title VII, Pregnancy Discrimination Act of 1978 and Family Responsibility Discrimination 258
Chapter 19: The Family and Medical Leave Act (FMLA) of 1993 264
Chapter 20: The Fair Labor Standards Act (FLSA) of 1938 275
Chapter 21: The Patient Protection and Affordable Care Act (PPACA) of 2010 282
Chapter 22: The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994 287
Chapter 23: Occupational Safety and Health Act (OSHA) of 1970 295
Chapter 24: Information About Workers' Compensation Laws 298
SECTION V: How to Use Human Capital Metrics to Assess Workflex 303
– Kenneth Matos, Ph.D.
SECTION VI: Advice from Experts 323
Where is Your Organization on the Flexibility Spectrum? 323
– WFD Consulting
The ABCs of Workplace Flexibility 324
– Kyra Cavanaugh
Three Layers of a Successful, Business-Based Flexibility Strategy 328
– Cali Williams Yost, MBA
Flex In-Depth: State Street 330
– Karol Rose
– Lori Sokol, Ph.D.
APPENDIX: Sample Tools and Templates 333
ENDNOTES 355
INDEX 362

PREFACE

EFFECTIVE AND FLEXIBLE WORKPLACES—A RESEARCH PERSPECTIVE ON WORKFLEX

In our work together on *When Work Works*, Families and Work Institute and SHRM consistently use the term "**effective and flexible workplaces**." Some might think that this means that flexibility must be executed effectively, but though, of course, this is true, we have a very specific meaning for these words drawing on many years of research conducted by the Families and Work Institute.

We see flexibility as *one* component—albeit an essential one—of an **effective workplace**. In other words, flexibility in and of itself is not like a vaccine, able to have magical results all by itself. By this we mean that if employees have flexibility but no learning opportunities, they won't be as engaged as they would be if they had both. Or, if they have flexibility, but punitive bosses, they would be less likely to want to remain with their employer than if they had both flexibility and a supportive supervisor.

DEFINING AN EFFECTIVE AND FLEXIBLE WORKPLACE

What do we mean by an effective and flexible workplace? Over the past decade, Families and Work Institute has engaged in a research journey to define the elements that make up effective workplaces. Based on our 2008 National Study of the Changing Workforce data, we have identified six criteria of effective workplaces that include both work and non-work factors, all of which benefit both the employee *and* the organization. The six criteria and their respective research content are described in Table P.1.

Table P.1: Criteria of Effective Workplaces

Job Challenge and Learning
- My job lets me use my skills and abilities.
- The work I do is meaningful to me.
- My job requires that I be creative.
- I get to do different things on my job.
- My job requires that I keep learning new things.

Supervisor Task Support
- My supervisor is supportive when I have a work problem.
- My supervisor recognizes when I do a good job.
- My supervisor keeps me informed of things I need to know to do my job well.

Autonomy
- I have a lot of say about what happens on my job.
- I have the freedom to decide what I do on my job.
- I can be myself on my job.

Work-Life Fit
- My supervisor cares about the effect of work on my personal/family life.
- My supervisor is responsive when I have personal/family business.
- I have the coworker support I need to successfully manage my work and family life.
- I have the schedule flexibility I need to successfully manage my work and family life.
- My work schedule/shift meets my needs.

Climate of Respect and Trust
- I trust what our managers say.
- My managers deal ethically with employees and clients.
- My managers seek information and new ideas from employees.

Economic Security
- I am satisfied with my earnings from my job.
- I am satisfied with my benefits from my job.
- I am satisfied with my opportunities for career advancement.

Source: Families and Work Institute, 2008, National Study of the Changing Workforce (NSCW)

You will note that our definition of work-life fit includes not only access to flexibility, but also support from the supervisor, coworkers and the organization in using it—all of which are critical to its impact. We call this **workflex**.

DOES AN EFFECTIVE WORKPLACE MAKE A DIFFERENCE?

We examined the empirical relationships among these six workplace effectiveness factors, an index of overall effectiveness based on a combination of all six criteria and work and health and well-being outcomes.

WORK-RELATED OUTCOMES

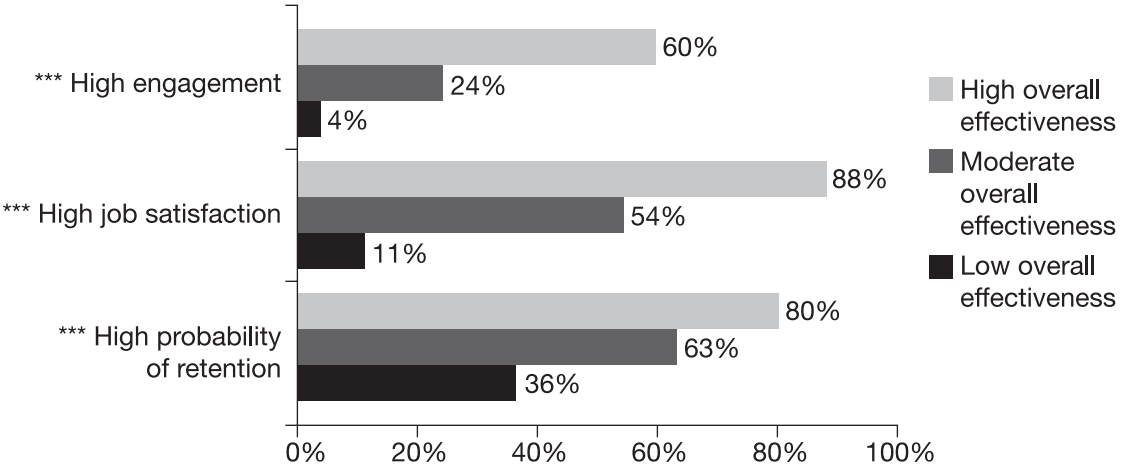
We examined the following three employee attitudes:

- employee engagement;
- job satisfaction; and
- turnover intentions.

These work-related outcomes are of immediate interest to employers because organizations with employees who are highly engaged, satisfied and plan to remain with the organization are in a better position to achieve important business goals and objectives than organizations whose workforce is disengaged, dissatisfied and likely to look for new jobs elsewhere.

The results of our analyses are summarized in Figure P.1.

Figure P.1: Relationships Between Varying Levels of Overall Workplace Effectiveness and Positive Work Outcomes



Source: Families and Work Institute, 2008 National Study of the Changing Workforce (NSCW) (N=1,952 to 2,296). Statistical significance: *** = p < .001; ** = p < .01; * = p < .05; ns = not significant.

FINDING: Some aspects of an effective workplace are more important than others in affecting work outcomes.

- As shown in Table P.2, job challenge and learning is the most important predictor of engagement relative to other effective workplace dimensions, but it is a relatively less important predictor of job satisfaction and turnover intention.
- Work-life fit is the second most important predictor of job satisfaction and intent to stay in one's job, but is ranked fourth as a predictor of engagement.

Table P.2: Effective Workplace Dimensions Significantly Predicting Work Outcomes Rank-Ordered by Relative Importance

Greater Engagement	Greater Job Satisfaction	Greater Probability of Retention
1. Job Challenge and Learning 2. Climate of Respect 3. Autonomy 4. Work-Life Fit 5. Economic Security 6. Supervisor Task Support	1. Economic Security 2. Work-Life Fit 3. Climate of Respect 4. Autonomy 5. Supervisor Task Support 6. Job Challenge and Learning	1. Economic Security 2. Work-Life Fit 3. Job Challenge and Learning 4. Supervisor Task Support 5. Autonomy

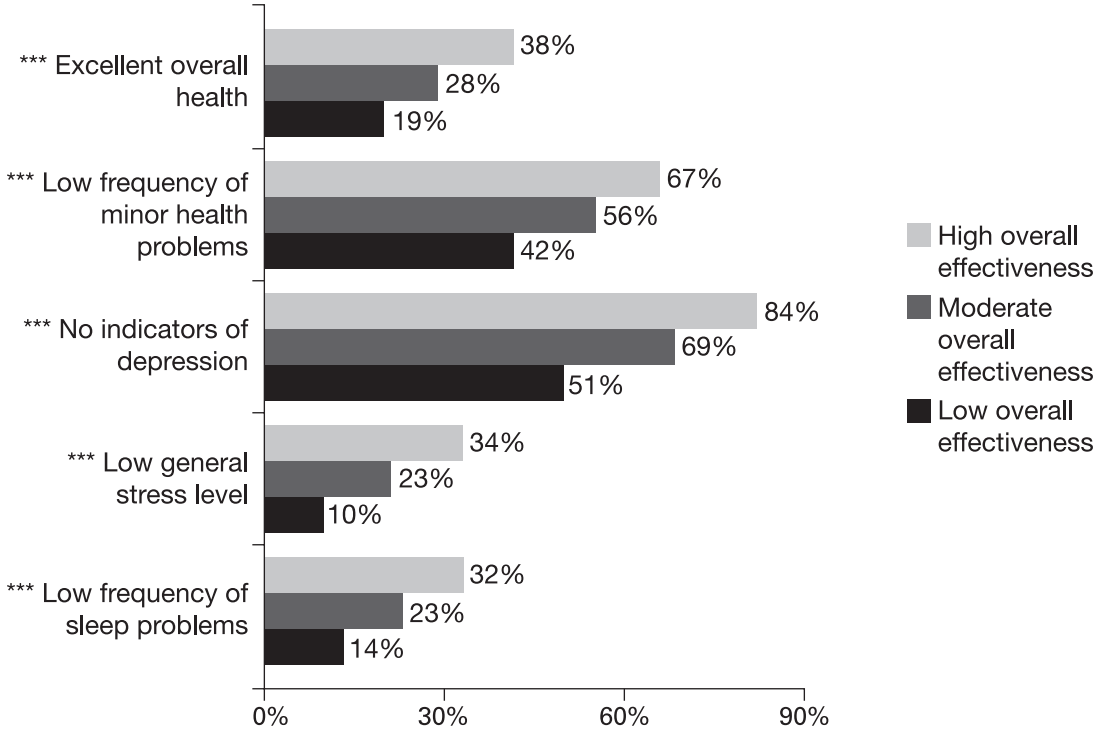
Source: Families and Work Institute, 2008 National Study of the Changing Workforce (NSCW) (N=2,470 to 2,769)

HEALTH AND WELL-BEING OUTCOMES

FINDING: Employees in effective workplaces have better health and well-being.

Figure P.2 summarizes our findings for the relationships among the six workplace effectiveness criteria, the index of overall workplace effectiveness and employee health and well-being outcomes.

Figure P.2: Relationships Between Overall Effectiveness and Positive Health Outcomes



Source: Families and Work Institute, 2008 National Study of the Changing Workforce (NSCW) (N=2,243 to 2,295. Statistical significance: *** = p < .001; ** = p < .01; * = p < .05; ns = not significant.

FINDING: Some aspects of an effective workplace are more important than others in affecting health and well-being outcomes.

Table P.3 shows significant predictors rank-ordered in terms of relative importance for the outcomes of overall health, frequency of minor health problems, signs of depression, sleep problems and stress.

- Economic security is ranked first in relative importance for all five outcomes.
- Work-life fit is the second most important predictor for better overall health, low frequency of sleep problems and low stress levels.
- Autonomy is the second most important predictor for low frequency of minor health problems and fewer signs of depression.

Table P.3: Effective Workplace Dimensions Significantly Predicting Health Outcomes Rank-Ordered by Relative Importance

Better Overall Health	Less Frequent Minor Health Problems	Fewer Signs of Depression	Less Frequent Sleep Problems	Lower Stress Level
1. Economic Security	1. Economic Security	1. Economic Security	1. Economic Security	1. Economic Security
2. Work-Life Fit	2. Autonomy	2. Autonomy	2. Work-Life Fit	2. Work-Life Fit
	3. Work-Life Fit	3. Work-Life Fit	3. Autonomy	3. Autonomy
	4. Job Challenge and Learning		4. Job Challenge and Learning	4. Supervisor Task Support

Source: Families and Work Institute, 2008 National Study of the Changing Workforce (NSCW) (N=2,471 to 2,769)

In sum, work-life fit emerges as a powerful predictor of work outcomes as well as health and well-being. Although this guide focuses on work-life fit (which we call workflex), we want the reader to keep in mind throughout that it is far more powerful in the context of an effective workplace than as a stand-alone.

Source: The analyses for the Preface come from Aumann, K. & Galinsky, E. (2009, Revised 2011). *The state of health in the American workforce: Does having an effective workplace matter?* New York: Families and Work Institute.

INTRODUCTION

MANY PATHS LEAD TO WORKFLEX—VOICES FROM THE C-SUITE

It is increasingly said that the workplace remains stuck in a model of work that was appropriate for the 19th and 20th century, but for not for the 21st. Author Alison Maitland, formerly of the *Financial Times*, and Peter Thomson, of Wisework, in their book *Future Work* describe the old normal this way:[1]

> *People are still expected to be present at their workplace for fixed periods of time and are paid by the hour, day, week or month for turning up. Long hours are often required and rewarded without any measure of the productivity involved.*
>
> *There are powerful reasons why companies and managers need to think differently about people and work. Tectonic shifts are taking place in the composition of the workforce, and in attitudes in wider society, which demand a response from any organization that wants to secure talent for the future.*

William Gibson is quoted as saying, "The future is already here; it just isn't evenly distributed."[2] That is exactly what we find with *When Work Works*—the workflex project of Families and Work Institute and the Society for Human Resource Management. All across the United States, business leaders and managers—in large companies and small, in all industries and with all kinds of workforces—are responding to the changes in the economy, the workforce and in work itself. They are creating the future, and they are creating it now—it is becoming the new normal. And workplace flexibility is a critical ingredient of the new normal.

In the Introduction of this guide, we share stories of business leaders, describing some of the many paths they have taken to arrive at workplace flexibility. Throughout the guide, we will amplify on their stories.

GLOBALIZATION AND TECHNOLOGY

When Richard T. Clark, the former CEO and Chairman of Merck, thinks back to the time when he joined Merck four decades ago, he recalls the kind of work standards that Maitlin and Thompson describe, where "presence equaled productivity." As he puts it:[3]

> *In the 70s and 80s, one of the mindsets that we had as managers [was] that in order to be productive, you had to touch your desk everyday. You had to come to work. You had to go to meetings.*

But that's not reality today:

In the modern era of what's happening with globalization and technology and business pressures, there's a blurred line now between work [and] life.

He believes that companies in the 21st century have to look for new and innovative ways to make work "work" that fit today's realities. So, he and others in top management at Merck listened to employees:

What's great about the employees in this company—they're dedicated; they're focused; they want to do well from a company standpoint and our mission standpoint.

The management team, however, found that while work may have been working for the organization, it was not working as well for employees in this era of globalization and technology—the employees were already working differently to connect to their colleagues in different time zones and parts of the world. Clark says:

What we heard from our employees is that they needed more flexibility.

While some managers may fear that workplace flexibility will harm productivity and engagement, this was not Clark's experience. He thinks that that old mindset is "a terrible way to look at productivity and engagement" in an era when work activities take place beyond the traditional times and places of work. He finds:

If you give flexibility, if you give the responsibility to the employee, if you say, "Here's the work that needs to be done; the way you do it is irrelevant to me," it improved productivity. I actually see better productivity from employees who use flextime or activities like that because they are dedicated to the company, they know they have that responsibility, and they're thankful for what the company did to be able to give them the flexibility of deciding when and how to do [their work]. The empowerment aspect of these programs is just fantastic.

The organization has been collecting data on their workplace flexibility efforts, which are increasingly effective in changing the old mindset among managers.

We have a saying within Merck: "In God we trust; everyone else must have data." And so, one of the ways you can convince managers is by showing them some of the research that we've done—that if you have flexibility around work issues and around innovative programs, your employees are more motivated; you have better retention of employees; you have less turnover.

Today's economy provides a very different stage for work-life issues to play out. It has moved beyond its industrial roots to become more knowledge- and service-based. It is global, fast-paced, and competitive and calls for creativity. Furthermore, it is volatile, plunging in and out of downturns, including the slow recovery from the 2007-2009 recession. Technology enabling employees to be connected to their work at any time and any place (or at every time and every place), as well as the high cost of real estate, have called the vision of work as primarily "place-based" or "time-based" increasingly

into question. These are the changes in the economy that led Dick Clark and Merck to increase the flexibility they provide, changes which were also experienced at IBM.

Today, 42% of IBM employees work remotely, and global teams form[4,5] and reform, with members sometimes only knowing each other virtually. These teams have to figure out when they can have "live" conversations across the world's time zones. The organization now uses social media to connect employees, including "world jams" where employees suggest solutions to business problems and Second Life strategies where IBM employee avatars have relationships with other IBM employee avatars across the globe. Flexibility is a key business tool. And it is a tool that is paying off. When IBM surveys its employees, it continues to find that work-life assistance is among the top three reasons that employees take jobs with and remain at IBM. This is especially salient for its top performers.

THE RETENTION OF WOMEN—AND, INCREASINGLY, MEN

Another path that has led to flexibility is the need to retain women, who now constitute virtually half of the workforce and have been earning more bachelor's degrees than men since 1982 and more master's degrees than men since 1981.

Deloitte LLP, an audit, consulting, financial advisory and tax firm with 37,000 employees in the U.S, became concerned about the turnover of women more than two decades ago. Sharon Allen, former Chairman of the Board, describes what they found:[6]

> *Nearly 20 years ago, many of the talented women that we had brought into our organization as future leaders were deciding to leave. At first, we assumed that they were staying home to raise their children—which is a perfectly acceptable alternative. But when we took the time to ask, they told us very clearly that what they needed were more mentors, more substantial and meaningful assignments—and far greater flexibility. That marked a major turning point in our culture.*

In response, Deloitte created a Women's Initiative to help women have more mentors, better assignments and more workplace flexibility. But then they found out that men are also being affected by the changes in work and family lives today. In fact, Families and Work Institute's 2008 National Study of the Changing Workforce has found that men now experience more work-family conflict than women. They want to and are more involved with their families and yet need to work long hours to support their families. Many men today are under pressure to try to "do it all to have it all," a phenomenon we label "the new male mystique."

According to Sharon Allen, Deloitte discovered that men see flexibility as a solution to reduce this pressure:

> *It wasn't just women who wanted greater flexibility. Men did, too. So, we designed an equitable and scalable way to equip all of our people with options to grow their careers—in a way that helped them better fit their work into their lives and lives into their work.*

Deloitte LLP recognized that "business as usual" was no longer an option, that not all employees wanted the same career progression—up or out—but rather wanted careers that provided opportunities to move up, down or sideways at their own pace. Flexibility not only involves changes in time- and place-based ways of working. It also involves changes in how careers are developed. Allen says:

> *An old approach to career development, the "Corporate Ladder" model from the industrial era, kept getting in our way. Its premise—that employees were essentially similar and, therefore, had similar needs—no longer fits new realities.*
>
> *So, Deloitte adopted a much more agile "Corporate Lattice" that better fits the world we find ourselves in today. Just like plants on a garden trellis that can find growth up, across, diagonally, down and then back up again, our colleagues can choose to move their careers in many directions to align their career, personal needs and aspirations at varying points in time. The result is greater flexibility and a more customized talent experience for each of our colleagues.*

As a part of every employee's performance appraisal, Deloitte's Mass Career Customization (MCC) process has created a guided discussion between employees and their supervisors around four major dimensions of career progression: role, pace, location/schedule and workload. Allen describes how this process works:

> *In collaboration with their manager, each of our colleagues can choose to "dial up," "dial down," or pursue a more traditional path throughout different stages of their career … across the variables of pace, workload, location, schedule and role.*
>
> *The MCC offers a new, scalable and flexible approach to today's workplace realities—an approach that we believe "The Corporate Ladder" model can no longer provide with its never-ending pressures of "up or out."*

Allen describes the results of this initiative as leading to increased loyalty from employees, decreased workforce acquisition and retention costs and increased productivity through greater employee satisfaction and career fit. She says:

> *Satisfaction with career-life fit has increased 25%, and confidence in future career-life satisfaction has increased 28%. Furthermore, nearly 90% of our people report greater flexibility in, when and where they work.*

REDUCING JOB PRESSURES AND IMPROVING HEALTH AND RETENTION

Another path to flexibility adds improved health to this equation. This is of concern to employers because studies show that the health of the American workforce is declining. According to the 2008 National Study of the Changing Workforce, less than one third of employees (28%) in 2008 say their overall health is "excellent"—a significant decline of 6% from 2002. In addition, more than one in five employees (21%) say that their health is either fair or poor. Between 2002 and 2008, the average stress level of the American workforce has also increased significantly, and 41% of employees are now experiencing

three or more of five indicators of stress sometimes, often or very often—a finding that does not bode well for the physical health of the American workforce.[7] And health care costs continue to rise.

Among the contributing factors to declining health and well-being is the nature of work. Employees increasingly report that their work is demanding and hectic—73% of employees in 2008 report that their jobs require that they work fast compared with 55% in 1977.

In the past few years, Ryan LLC, the seventh largest corporate tax firm in the U.S., has changed the ways its employees work to help reduce job pressure and, at the same time, to retain talent. Brint Ryan, the co-founder and CEO of Ryan LLC describes the path he took that has led to change:[8]

> *I started the company in 1991 [with] another individual who felt like I was working him too hard, and he retired. In that twenty-year period of time, we've grown from two people to approaching 1,000 people today. We serve primarily Fortune 500/Fortune 100 companies, solving complex tax problems, and I think by most measures, people would agree, that that's a pretty successful track record.*
>
> *We thought so, too, but we started experiencing in 2007 a rapid increase in the loss of talent. And I'm not talking about just general talent—I'm talking about the stars. The tipping point for me was when one of our brightest and shining stars came into my office and said, "Brint, I love this company. I love my work here, and here's my resignation." I was shocked! She told me, "I want to start a family, and it's not conducive to the very rigid set of rules that you have at the company for me to be able to do that."*

Ryan realized his firm had developed a "sweatshop reputation," and, as a result, they were losing top talent. The work culture of the firm had to change. To do so, they created a program that's called *myRyan*, which Brint Ryan describes:

> *It's a results-based work environment that says: if you meet financial results and you meet client service scores—we take those through independent surveys on an ongoing basis—you can work whenever you want, wherever you want … work when you're most productive, when you're most engaged. And we'll change the culture to where what really matters are results.*

Ryan called himself a "lab rat" when he began to institute these changes. He describes his partners and himself as being "scared to death" to change the culture and create workplace flexibility. He says:

> *We really believed that there was a chance that the day after this program was announced nobody would show up to work. No client work would be done. If you don't do the work, they will not pay your bills and we'd just close up shop and go home.*

But the results tell a very different story: their turnover rate dropped, and their client service scores increased dramatically. Brint Ryan explains:

Our voluntary turnover rate in 2008, before we shifted to the **myRyan** *program, was 18.5%. We reduced it in 2009 to 6.5%. Our total turnover rate was 22.9%—which is good in the financial services industry. It [went down] in 2009 to a total of 13.3%. After all, these are the most talented people we can recruit; we want to keep them. Our client service scores went to the highest they've been in the history of our company: 97% of our clients ranked us either good or excellent in the performance of our services.*

Probably the most remarkable statistic—the one that I think I would share if I had one thing to share with any CEO thinking about workplace flexibility—is this: in 2009, in arguably the worst economic conditions in my generation, we posted record profits and record revenue. And then again this year, in 2010, we beat it again ... So, clearly, this has had a phenomenal impact from a financial perspective. I'll admit I'm a rabid capitalist: I didn't go down this path just to provide another employee benefit. I wanted to make money.

INCREASING THE RETENTION OF HOURLY WORKERS

The stories of Ryan LLC and Deloitte LLP focus on the need to retain top talent as the path they took to flexibility, but other employers have focused on hourly workers. These employees are often seen as the backbone of the American economy, but there has been less focus on their retention because they have also been seen as more replaceable. This is not the case at 1-800 CONTACTS.[9]

Founded in 1995, 1-800 CONTACTS sells disposable contact lenses directly to two million active consumers through, phone, Web and mail channels and sells more replacement contact lenses than 2,500 optical retail stores combined. They have 850 associates, with 450 directly related to the call center or to call center support.

They see their key differentiator as providing the kind of exceptional customer experience that keeps customers coming back. Calls are answered live so the customer experience depends on employees at the call centers—their satisfaction and their retention.

A decade ago, retention was a problem. When turnover in the call center peaked at over 140% in 2000, the organization turned to associates, asking them what would improve things. Flexibility was listed high among their responses. As a result, a number of initiatives were introduced to give employees more control over where and when they work. Among the changes they made are:

- Investing in technology, which allows call center staff to handle even the most complex orders at home. As a result, almost half of all call center employees work at home.
- Creating an innovative attendance system where call center employees can earn over 100 unpaid days or over 30 paid days off per year. Unlike standard PTO or vacation policies, it works by awarding points for positive attendance behavior, like coming to work on time. Then to take time off, employees simply spend the

points they have—the more advance notice they give, the fewer points it "costs" to take time off.

"It is a real win-win situation," Josh Nielsen of the call center says. The organization reports that turnover in the call center has dropped consistently from its highs to about 35% in 2009—below one third of the national average for the call center industry.

INCREASING THE RETENTION OF OLDER EMPLOYEES

Addressing the issues caused by the aging of the workforce has been another path that has led to flexibility. According to the National Study of the Changing Workforce, the percentage of employees 40 years old and older was 39% in 1977, climbing to 53% in 2008.[10,11] Furthermore, the largest growth in the labor force is among older employees.[12] Bon Secours Health System, with 20,000 employees in the U.S., serves as a good example of this.

Bon Secours—meaning "good help" in French—was founded in Paris after the French Revolution by Catholic nuns who defied tradition by caring for sick and dying compatriots in their own homes. The Sisters of Bon Secours came to the U.S. in 1881 and built a multi-state health care organization.

Bonnie Shelor, Senior Vice President of Bon Secours Virginia Health System, says that the past has continued to guide their values, mission and vision. Today, this includes the fact that the Sisters of Bon Secours are aging themselves:[13]

Many of the Sisters are 50 plus and continue to work with us until they are no longer physically able. For us, workers of this age are common, and their vision, wisdom and contributions are celebrated.

In addition, the overall Bon Secours workforce is aging, with nearly 40% of their workforce in Richmond aged 50 and older. According to Shelor:

Across Bon Secours Virginia, we have many dedicated employees who keep me and my Human Resources team focused on creating a work environment that attracts, values and retains our 50+ workers.

Bon Secours, like many of those in the health services industry, has looked ahead and seen that this trend will continue: Shelor says:

Our nation is currently facing a nursing shortage that will reach severe levels by 2015. The incoming generation of workers in America is 6% smaller than the generation that is retiring. At the same time, people are living longer, healthier lives. And the majority of U.S. workers are interested in delaying retirement.

Among the initiatives Bon Secours offers are flexible schedules, job sharing, telecommuting and compressed workweeks. Managers are encouraged to work with employees who are interested in these options, and have license to be inventive in crafting solutions. For example, employees caring for dependents (their children, their

grandchildren or their elders) can move from full- to part-time to on-call status and back in most job categories without penalty. Compressed workweek options include four 10-hour shifts or three 12-hours shifts per week. Other shift options include: weekends only with an enhanced rate of pay; four-hour shifts, eight-hour shifts or 12-hour shifts; and seven days on, seven days off. All benefits—including tuition reimbursement and employer-assisted housing—are available to employees who work at least 16 hours per week, effective on their start date.

Bon Secours is also redefining retirement. Data from the Families and Work Institute's National Study of the Changing Workforce in 2008 indicate that 75% of employees 50 and older intend to find retirement jobs.[14] To Bon Secours, employees should not have to leave their organization for retirement jobs elsewhere. So, they have created three options, which Shelor describes:

> *Option No. 1 allows employees to cut back to part time (working less than 24 hours per week) and continue to receive a pension check.*
>
> *Option No. 2 allows employees older than 70 to begin receiving their retirement check the following April, regardless of their employment status.*
>
> *Option No. 3 allows an employee to retire and then be rehired at a later date while still collecting their retirement check. An employee younger than age 65 who has retired must leave employment for three months before returning. Upon returning, the employee would continue to receive the same level of retirement and also would be eligible for medical, dental and vision coverage and other valuable perks, like tuition reimbursement, if he or she works a minimum of 16 hours per week.*

Shelor thinks of 91-year-old Hattie Davis when she thinks of why Bon Secours values the retention of older employees. Hattie Davis says:

> *I am the oldest employee at Bon Secours Richmond. I've spent my entire career here, and I don't have any plans of stopping soon. As long as I am able, I will keep on working.*

CREATING A CULTURE OF TRUST

Like Richard Clark of Merck, Doug Conant, the retired President and CEO of the Campbell Soup Company, and now Founder and CEO of DRC LLC, joined the workforce in the 1970s. His first job was at General Mills. He worked to fit into a structure that, as he describes it:[15]

> *… was hierarchical in nature, and there was a standard expectation of 9 to 5 to work. You put on your [suit], and you go and you perform your duties. It was very structured and very traditional.*

But his life began to veer from that pattern:

> *We started a family when I worked in General Mills. My wife, who was an actress, was working when people don't work, which is nights and weekends so that people*

could come watch her perform. As we had a young son, that was a challenging situation, so the juggling between her work and my work and raising our son in a community that was very caring, but where we had no family, was a bit of a push.

Life became even more of a push when they had a second child and then a third:

We moved on to my next job. We had another child, and she was still acting, and I was still working. All of a sudden we had two children, which was okay because we had one for each hand.

We ended up relocating to Chicago, where I was working for Kraft, and then we had our third. All of a sudden—as some of our basketball friends would say, we went from playing man-to-man defense to zone defense.

Doug Conant says he doesn't need to be convinced about the *need* for workplace flexibility:

We lived through this period where it was clear that we were going to have to be very resourceful to meet our family needs within the structure of a traditional work environment. So, for me, the challenge of work-life flexibility—I lived it. But, interestingly, I didn't realize I had choices at first.

All of that changed when he went to work for the CEO of Nabisco:

I started working for John Greeniaus, who really helped me get to higher ground on this issue. The prevailing wisdom at the time was if we compromise on workplace flexibility, we're going to compromise on business performance. He wouldn't accept that.

I saw the company develop flexibility in how it worked with employees to help them meet their life needs and maintain high standards for performance, and it was a breakthrough for me.

When he was appointed the CEO and President of the Campbell Soup Company in 2001, Conant was, as he puts it, able to bring that philosophy there.

The language I use to describe my work philosophy, my life philosophy, is to be tough-minded on standards and tenderhearted with people.

At Campbell, we created something that is foundational to what we do here. We call it the Campbell Promise. I told a large employee gathering that I didn't expect that we could ask them to value our agenda as a company until we tangibly demonstrated to them that we value their agenda as people.

Although Conant had lived the need for flexibility, he saw it as serving a different purpose than some others have. Flexibility has been a tool to create a culture of trust at Campbell's, which he felt was necessary for the organization to prosper.

We found when we came to Campbell a decade ago that we needed to create a sense of true north for Campbell leaders. So, we created what we call the Campbell Leadership Model.

This model defines what is expected of leaders:

They do six things: they have to inspire trust, create direction, once they've inspired trust. Then they have to align the organization to get things done. Then they have to build organization vitality, and give people the energy and the resources to do the work. Then they have to ensure that we execute with excellence, and ultimately, the sixth expectation is that they have to produce extraordinary results.

When they produce extraordinary results, they inspire more trust, and we create this flywheel of performance that's all around a trust-based model.

Flexibility has been a key tool in creating this trust-based model, and it is yielding results:

Interestingly, the more flexible we've been, the more caring we've been, the more supportive we've been of creating work options that work for people while maintaining high standards of performance, the better we've performed!

Conant describes the process of building trust through an environment that is tough-minded on standards and tenderhearted with people a 24/7, 365-day job that he did for 11 years and that now is falling to the next generation of leaders:

Stephen Covey has a great line. He says, "You can't talk your way out of something you behaved your way into. You have to behave your way out of it."

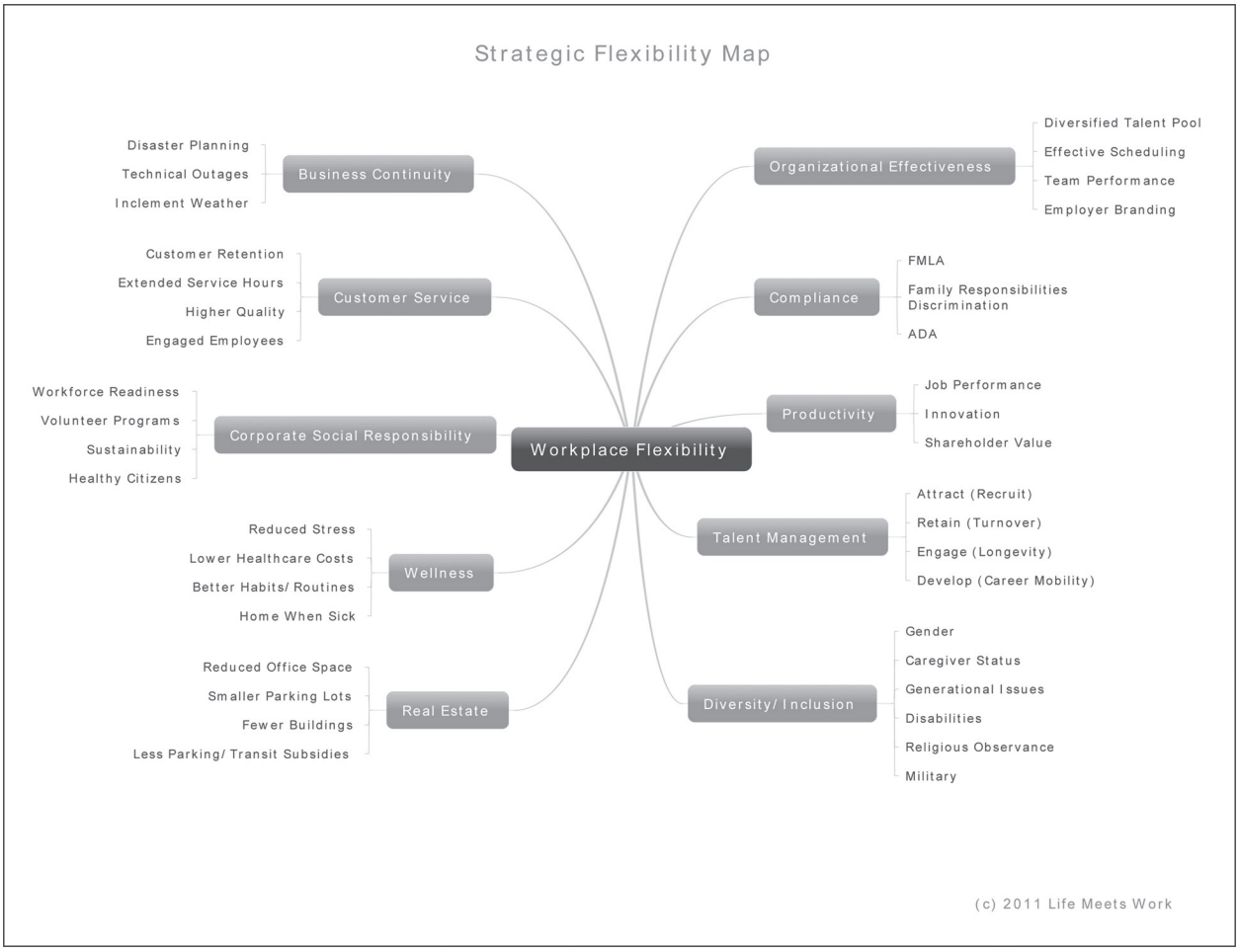
IMPROVING THE ENVIRONMENT

The El Paso Corporation is a Fortune 500 natural gas organization headquartered in Houston, Texas with 5,200 employees in the U.S. It has instituted a variety of programs that reduce traffic during peak commute times, saving time for employees, reducing travel congestion and contributing to a greener environment. El Paso encourages employees to telecommute, provides subsidies for those who use a bus, vanpool or carpool and has even secured bicycle parking. A Flex Forty program lets employees leave early on Friday afternoon or choose another afternoon off once they've completed 40 hours of work and met all business requirements. Employees can also choose flexible work hours or a part-time arrangement. All departments and managers evaluate whether the flex schedules are working for their teams, and they create metrics to ensure that productivity and customer service measure up to high expectations.[16]

This organization is a part of a larger community effort that was spearheaded by former Houston Mayor, Dennis White, called Flex in the City, now run by Flexworks. Every year the City of Houston encourages area employers to adopt new flexible workplace policies for at least two weeks, and conducts mobility studies during this time to see the impact of these policies on traffic. Observations on local freeways have shown a savings of peak commute hours. This reduction in peak commute hours translates to significant increases in annual user cost savings.[17]

IN SUM

These are just a few of the many paths to flexibility. More are depicted in the chart below.



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The sum is larger than any or all of these paths to flexibility because it yields the promise of a new view of work—one that could be quite different than work in the past. The world of work in the past was replete with many divisions—managers versus employees, work versus family. In the world that is emerging, there is the possibility of creating workplaces that work for managers and for employees, that work for "work" and work for families. Whether this potential is realized is up to all of us, but the future that is emerging, as seen in these stories, is showing us that this is possible.

Source: Portions of this chapter were drawn from similar source material that appeared in Galinsky, E. & Matos, K. (2011). The future of work-life fit, *Organizational Dynamics, 399*, 1-14. doi:10.1016/j.orgdyn.2011.07.004

CHANGES IN THE ECONOMY, THE WORKFORCE AND WORK—AT A GLANCE

The Workforce Is Changing[18,19]

Age. The U.S. workforce is aging, with 53% (up from 39% in 1977) of employees representing the cohort of age 40 and older.

People of color. In 1977, people of color represented only 12% of the workforce, a value that nearly doubled to 27% in 2008. It is expected that this value will continue to rise given that among employees under age 29 the percentage of people of color increased from 13% in 1977 to 44% in 2008.

Gender. Women are an increasingly vital part of the workforce, comprising approximately half of the wage and salaried workforce—and their earnings are not insignificant. While past generations may have discounted women's earnings as "pin money," women in dual-earner couples today are contributing more to family income.

Family structure. Dual-earning couples are now the norm—up from 66% in 1977 to 80% in 2008—and reflect a "three-two family," in which three jobs (each parents' paid job, taking care of the family and household) are negotiated by two parents. Additionally, one in five employees *currently* provides elder care, and one in two employees *expect to provide* elder care within the next five years.

Time famine. Employees increasingly experience a time famine. Three in four employed parents (75%, up from 66% in 1992) feel that they don't have enough time with their children, and 61% (up from 50% in 1992) of employees in couple relationships feel that they don't have enough time with their husbands, wives or partners. Finally, 59% (up from 55% in 2002) of all employees feel they don't have enough time for themselves

Work Is Changing

In addition to the workforce and workplace, work itself is changing. As we move from the 20th to the 21st century economy, "business as usual" has to respond in order to address the needs of the changing economy, changing technology and changing workforce demographics.

To remain competitive in the global economy, the U.S. will need to invest in and cultivate the skills and engagement of every worker. And, as is clear from the success of companies that are managing and moving forward differently, one key to getting the best out of every individual is a flexible work environment—one that allows people to have great autonomy over how, where and when they excel for their organizations.

Employers have learned that to motivate their best workers, reduce turnover and keep health care costs under control, they must adopt policies and implement programs that reflect the reality of today's workers. An increasing number of employers are turning to workflex as a strategic way to navigate dramatic changes in the workforce and workplace over the past decades. As described previously, employers have found that giving employees more flexibility leads to better business results.

SECTION I

THE STATUS OF WORKFLEX TRENDS—2005 TO 2012

INTRODUCTION

"What are our competitors … leaders in the field … other offices … the rest of the country doing about workplace flexibility?" This is naturally one of the first questions asked when an organization starts following a path to flexibility. It is also a difficult question for an organization to answer on its own. Though there are a number of surveys by employer membership organizations, consulting firms and government agencies that examine workflex, they tend to be narrowly focused in terms of the aspects of workplace flexibility and the populations that they examine.

The ***National Study of Employers*** (NSE), created by Families and Work Institute and conducted in partnership with SHRM, is the only study of employers in the United States that comprehensively assesses a broad array of programs, policies and benefits designed to address the changing need of employees among a nationally representative group of employers.

This section uses data from the **2005 NSE**[20] and the **2012 NSE**[21] to answer the question *"What is the rest of the country doing about workplace flexibility?"* The NSE data provide the status of workflex—a nationally representative picture of the practices, policies, programs and benefits provided by U.S. employers to address the changing needs of today's workforce and workplace. In addition, the NSE data show how the workplace flexibility landscape differs between 2005 and 2012 and between small (50-99 employees) and large (1,000 or more employees) employers.

It is important to note that the NSE does not ask employers to report on whether they have "written policies," but rather whether their organization "allows employees to …" use specific forms of workplace flexibility or provides the following benefits or programs …" This wording is used for two reasons. First, employers may have written policies, but not "allow" employees to use them. Second, smaller employers may be less likely to have written policies than larger ones. Thus, this wording enables the NSE to obtain the most realistic picture of how employers are addressing the needs of the changing workforce and workplace today.

The findings in this chapter are a small slice of the information contained in the NSE data and its companion survey of U.S. employees, **The National Study of the Changing Workforce**.[22] The full **2012 NSE** report, as well as other reports about workplace flexibility in specific industries and studies of today's changing workplaces, families and communities, are available for free download at www.familiesandwork.org.

FLEXIBLE WORK OPTIONS

PREVALENCE OF WORKPLACE FLEXIBILITY 2012

Of the 17 ways to work flexibly we consider in this chapter (Table I.1), employers with 50 or more employees most frequently allow at least some groups of workers to:

- have control over when they take breaks (93%);
- take time off for important family and personal needs without loss of pay (87%);
- periodically change their starting and quitting times within some range of hours (77%);
- return to work gradually after leaves for childbirth and adoption (73%); and
- work some of their regular paid hours at home occasionally (63%).

The proportion of employers offering these same options for working flexibly to all or most workers is significantly lower, ranging from 2% to 62%. On average, the proportion of employers offering flexible work options to all or most employees is 30 percentage points lower than the proportion who offer the same options to some employees. Again, control over when employees take breaks (62%) and a gradual return to work after childbirth or adoption (44%) are the most prevalent options offered to all or most employees, while work-at-home (6% and 2%) and reduced time (6% and 2%) options are the least likely to be offered to all or most employees.

Table I.1: Prevalence and Extent of Workplace Flexibility in 2012

Type of Flexibility	Organization allows at least some employees to …	Organization allows all or most employees to …
Flex Time and Place		
Periodically change starting and quitting times within some range of hours	77%	27%
Change starting and quitting times on a daily basis	39%	9%
Compress workweek by working longer hours on fewer days for at least part of the year	36%	7%
Work some regular paid hours at home occasionally	63%	6%
Work some regular paid hours at home on a regular basis	33%	2%
Choices in Managing Time		
Have control over when to take breaks	93%	62%
Have choices about and control over which shifts to work	36%	7%
Have control over paid and unpaid overtime hours	44%	20%

Table I.1: Prevalence and Extent of Workplace Flexibility in 2012 (continued)

Type of Flexibility	Organization allows at least some employees to …	Organization allows all or most employees to …
Reduced Time		
Move from full time to part time and back again while remaining in the same position or level	41%	6%
Work part year i.e., work reduced time on an annual basis	18%	2%
Time Off		
Return to work gradually after childbirth or adoption	73%	44%
Take time off during the workday to attend to important family or personal needs without loss of pay	87%	55%
Do volunteer work during regular work hours	49%	20%
Flex Careers		
Phase into retirement by working reduced hours over a period of time prior to full retirement	53%	17%
Take sabbaticals, i.e., leaves (paid or unpaid of six months or more) and return to a comparable job	29%	9%
Take extended career breaks for caregiving or other personal or family responsibilities	52%	30%
Receive special consideration when returning to the organization after an extended career break	21%	11%

Sample size for percentages of employers "allowing at least some employees …" ranged between 729 and 1,126. Sample sizes for percentages of employers allowing all or most employees ranged between 198 and 1,044. Percentages do not add to 100% because some response categories are omitted (allows no employees) or duplicated (all or most are included in both columns). Percentages offering all or most are of the total sample of employers, not just those who offer at least some employees a type of flexibility.

TRENDS FROM 2005 TO 2012

Except for the item asking about allowing employees to do volunteer work during regular work hours, all the questions about working flexibly asked in 2012 were also asked in 2005. Since 2005, employers have become less likely to provide:

- reduced time;
- caregiving leaves; and
- flex careers.

On the other hand, employers are more likely to provide flexibility around:

- flex time and place;
- choices in managing time; and
- time during the workday to attend to important family or personal needs without loss of pay.

The forms of flexibility that have increased allow employees to work longer hours or adjust their work times to take care of daily concerns while still getting their work done. The forms of flexibility that have declined all represent time that employees are not actively working for the organization or have reduced their overall work hours (moving to part time).

Considering that these changes have occurred over the course of the recession, they may be a result of employers attempting to make the most of smaller workforces and a reduced focus on the long-term retention of employees who need longer periods away from work.

Table I.2: Workplace Flexibility from 2005 to 2012

Flexibility Options	Organization allows at least some employees to …		
	2005	Statistical Significance	2012
Flex Time and Place			
Percentage allowing (at least some) employees to periodically change quitting times within some range of hours	68%	***	77%
Percentage allowing (at least some) employees to change starting and quitting times on a daily basis	34%	ns	39%
Percent allowing (at least some) employees to compress their workweek by working longer hours on fewer days for at least part of the year	39%	ns	36%
Percentage allowing (at least some) employees to work some of their regular paid hours at home on an occasional basis	34%	***	63%
Percentage allowing (at least some) employees to work some of their regular paid hours at home on a regular basis	31%	ns	33%

Table I.2: Workplace Flexibility from 2005 to 2012 (continued)

Flexibility Options	Organization allows at least some employees to …		
	2005	Statistical Significance	2012
Choices in Managing Time			
Percentage allowing (at least some) employees to have control over when they take breaks	78%	***	93%
Percentage allowing (at least some) employees to have choice and control over which shifts they work	39%	ns	36%
Percentage allowing (at least some) employees to have control over their paid/unpaid overtime hours	28%	***	44%
Reduced Time			
Percentage allowing (at least some) employees to move from full-time to part-time work and back again while remaining in the same position or level	54%	***	41%
Percentage allowing (at least some) employees to work part year on an annual basis	38%	***	18%
Time Off			
Percentage allowing (at least some) employees to return to work gradually after childbirth or adoption	86%	***	73%
Percentage allowing (at least some) employees to take time off during the workday to attend to important family or personal needs without loss of pay	77%	***	87%
Flex Careers			
Percentage allowing (at least some) employees to phase into retirement	50%	ns	53%
Percentage allowing (at least some) employees to take sabbaticals	49%	***	29%
Percentage allowing (at least some) employees to take a career break for personal/family responsibilities	73%	***	52%
Percentage allowing (at least some) employees to receive special consideration after a career break for personal/family responsibilities	43%	***	21%

Sample sizes range within survey year from 738-875 for 2005 and 588-988 for 2012.
Statistical significance: *** = $p < .001$; ** = $p < .01$; ns = not significant.
Because of rounding errors, when findings are presented as percentage distributions across several response categories, they do not always add to 100%. Fractional percentages are not reported in order to simplify the presentation.

SMALL VERSUS LARGE EMPLOYERS

We define small employers as those with 50 to 99 employees nationwide and large employers as those with 1,000 or more employees nationwide. To simplify the presentation and interpretation of employer-size comparisons, we exclude medium-size employers (100 to 999 employees nationwide) from the comparisons reported below. Previous research indicates that, in almost every case, the responses of medium-size employers fall between those of small and large employers (indicating that relationships with size are linear).

Since larger employers will likely have a greater diversity of job types, they may be more likely to have *at least some employees* who are able to work flexibly, if only due to the sheer size of the organization. It is therefore misleading to compare small and large employers on the basis of whether at least some employees work flexibly.

We therefore compare small and large organizations using a more conservative standard: are *all or most* of their employees allowed to access each flexibility option. This provides a more realistic picture of the degree to which flexibility is in use within organizations rather than the prevalence of flexibility across organizations.

In 2005, small employers were more likely to provide flexibility than large employers in about half of the types of flexibility investigated. Between 2005 and 2008, we found that large employers increased some types of flexibility (e.g., periodic flextime, control over breaks, phased retirement) and smaller employers reduced other types (e.g., part-time positions, time off for education or training). As a result, the differences between employers of small and large sizes all but disappeared during that time period. Thus in 2008, there was only one significant difference between small and large employers. Small employers were more likely to offer a compensatory time off program—in other words, salaried employees who work overtime are allowed to receive compensation in the form of extra time off rather than monetary compensation.

In 2012, there are four statistically significant differences (Table I.3) between small and large employers. When compared with larger employers, small employers are more likely to:

- allow employees to change starting and quitting times within some range of hours (32% and 16%);
- have control over when to take breaks (70% and 42%);
- return to work gradually after childbirth or adoption (48% and 29%); and
- take time off during the workday to attend to important family or personal needs without loss of pay (62% and 38%).

As time passes since the start of the recession in December of 2007, the decreases in workplace flexibility that developed in small organizations may be reversing itself with small employers once again emerging as leaders in workplace flexibility in 2012.

Table I.3: Comparison of Workplace Flexibility between Small and Large Employers

Flexibility Options	Employer Size Organization allows all or most employees to …		
	Small (50-99 employees)	**Statistical Significance**	**Large** (1,000 or more employees)
Flex Time and Place			
Percentage allowing (at least some) employees to periodically change quitting times within some range of hours	32%	**	16%
Percentage allowing (at least some) employees to change starting and quitting times on a daily basis	10%	ns	3%
Percent allowing (at least some) employees to compress their workweek by working longer hours on fewer days for at least part of the year	9%	ns	5%
Percentage allowing (at least some) employees to work some of their regular paid hours at home on an occasional basis	10%	ns	3%
Percentage allowing (at least some) employees to work some of their regular paid hours at home on a regular basis	3%	ns	0%
Choices in Managing Time			
Percentage allowing (at least some) employees to have control over when they take breaks	70%	***	42%
Percentage allowing (at least some) employees to have choice and control over which shifts they work	8%	ns	11%
Percentage allowing (at least some) employees to have control over their paid/ unpaid overtime hours	20%	ns	16%

Table I.3: Comparison of Workplace Flexibility between Small and Large Employers (continued)

Flexibility Options	Employer Size Organization allows all or most employees to …		
	Small (50-99 employees)	**Statistical Significance**	**Large** (1,000 or more employees)
Reduced Time			
Percentage allowing (at least some) employees to move from full-time to part-time work and back again while remaining in the same position or level	7%	ns	7%
Percentage allowing (at least some) employees to work part year on an annual basis	2%	ns	2%
Time Off			
Percentage allowing (at least some) employees to return to work gradually after childbirth or adoption	48%	***	29%
Percentage allowing (at least some) employees to take time off during the workday to attend to important family or personal needs without loss of pay	62%	***	38%
Flex Careers			
Percentage allowing (at least some) employees to phase into retirement	21%	ns	10%
Percentage allowing (at least some) employees to take sabbaticals	11%	ns	6%
Percentage allowing (at least some) employees to take a career break for personal/family responsibilities	33%	ns	20%
Percentage allowing (at least some) employees to receive special consideration after a career break for personal/family responsibilities	12%	ns	7%

Sample sizes for comparisons of small and large employers ranged from 97-554 for small employers and 19-94 for large employers. Percentages do not add to 100% because some response categories are omitted. Percentages offering all or most are of the total sample of employers, not just those who offer at least some employees a type of flexibility. Statistical significance: *** = $p < .001$; ** = $p < .01$; ns = not significant.

CULTURE OF FLEXIBILITY AND SUPPORT

An organizational culture that penalizes employees for working flexibly will not benefit from even the most generous flexible work options because employees won't feel safe enough to use those options. For workplace flexibility to contribute to an effective workplace, there must be both policies that allow flexible work and a culture of flexibility that encourages employees to improve their outcomes by using those policies without negative side effects.

The NSE asked organizational representatives to assess the supportiveness of their workplace cultures (Table I.4). Although one can certainly question whether organizational representatives will accurately assess their own cultures, we present the findings with this caveat: we know from studies we have conducted—where employer representatives and employees are both answering the same questions—that employer representatives are more positive about their organizations' cultures than employees are.

PREVALENCE

The majority of employers responded "very true" to statements assessing whether supervisors are encouraged to assess employees' performance by what they accomplish rather than "face time" (69%) and whether supervisors are encouraged to be supportive of employees with family needs by finding solutions that work for both employees and the organization (58%). Far fewer, however, responded "very true" to statements asking whether management rewards those within the organization who support flexible work arrangements (12%) and whether their organization makes a real and ongoing effort to inform employees of the availability of work life assistance (25%).

SMALL VERSUS LARGE EMPLOYERS

In 2005, we found that smaller employers were more likely to report being supportive, but these differences disappeared in 2008, as did the differences in the provision of various types of flexibility by small and large organizations (reported in Table I.4).

When we consider 2012 (Table I.4), it is important to note that although the percentage differences between small and large organizations are sometimes rather large, our test for significance is quite stringent so these differences are not statistically significant. However, we do see a greater proportion of large organizations than small organizations making a real and ongoing effort to inform employees of available assistance for managing work and family responsibilities. This may be because large organizations have more resources and infrastructure to sustain a coordinated communications campaign than a small organization.

Table I.4: Culture of Flexibility and Supportiveness

Organizational Representatives' Statements about Culture of Flexibility	Total Sample "Very True"	"Very True" by Employer Size		
		Small (50 to 99 employees)	**Sig.**	**Large** (1,000 or more employees)
Supervisors are encouraged to be supportive of employees with family needs by finding solutions that work for both employees and the organization	58%	62%	ns	49%
The organization makes a real and ongoing effort to inform employees of available assistance for managing work and family responsibilities	25%	24%	**	32%
Supervisors are encouraged to assess employees' performance by what they accomplish and not just by "face time"—that is the number of hours they spend at the workplace	69%	72%	ns	69%
Management rewards those within the organization who support effective flexible work arrangements	12%	15%	ns	10%

(Sample sizes: total=1,102-1116; small employers=546-590; large employers=94-98.) Read percentages left to right. Percentages do not always add to 100% because of rounding errors. Statistical significance: *** = $p < .001$; ** = $p < .01$; ns = not significant.

TRENDS FROM 2005 TO 2012

Though most measures of the culture of flexibility and supportiveness have not changed significantly between 2005 and 2012, we do find that fewer employers report that management rewards those within the organization who support effective flexible work arrangements in 2012 (11%) than in 2005 (31%).

Table I.5: Culture of Flexibility and Supportiveness (Percentage Reporting Very True from 2005 to 2012)

Benefits, Policies and Practices	2005	Sig.	2012
Supervisors are encouraged to be supportive of employees with family needs by finding solutions that work for both employees and the organization	63%	ns	58%
The organization makes a real and ongoing effort to inform employees of available assistance for managing work and family responsibilities	27%	ns	25%
Supervisors are encouraged to assess employees' performance by what they accomplish and not just by "face time"—that is the number of hours they spend at the workplace	72%	ns	69%
Management rewards those within the organization who support effective flexible work arrangements	31%	***	11%

(Sample sizes range within survey year from 828-870 in 2005 and 849-899 in 2012.) Statistical significance: *** = $p < .001$; ** = $p < .01$; ns = not significant.

CAREGIVING LEAVES

PREVALENCE

Except for employers meeting the legal exemption of having fewer than 50 employees within a 75-mile radius of all worksites, the employers interviewed in the NSE are mandated to comply with the federal Family and Medical Leave Act (FMLA) of 1993 at some or all sites. This law requires that at least 12 weeks of unpaid, job-guaranteed leave for childbirth (maternity and paternity leave), adoption, foster care placement, a serious personal medical condition or care of a child or spouse with a serious medical condition be granted to employees who have worked at least 1,250 hours during the preceding year.

Between 10% and 25% of employers with 50 or more employees provide fewer than 12 weeks of leave of different types, while 15% to 30% provide more than 12 weeks (Table I.6). Seventy-four percent of employers with 50 or more employees provide full Family and Medical Leave Act coverage—12 or more weeks of all four types of leave listed in Table I.6—while 26% do not. By comparison, these values are unchanged from 2005 when 74% of employers offered full FMLA leave and 26% did not.

Table I.6: Maximum Length of Caregiving Leaves

Leave Policies	Fewer than 12 Weeks	12 Weeks	More than 12 Weeks
Maternity leave	10%	61	30
Paternity leave	25%	60	15
Adoption or foster care leave	15%	65	19
Care of seriously ill family members	13%	67	19

(Sample size = 1100.) Read percentages left to right. Percentages do not always add to 100% because of rounding errors.

SMALL VERSUS LARGE EMPLOYERS

There is no statistically significant difference between the proportion of small employers (50 to 99 employees) and large employers (over 1,000 employees) that offer at least 12 weeks of caregiving leaves as required by the FMLA (68% and 79%).

We further investigated the extent to which employers are in compliance with the law. When we compare small employers (50-99 employees) that have only *one* location (and thus are most likely covered by the federal FMLA) with small employers that have multiple locations (and may be much less likely to be covered by the FMLA), we find no difference in the proportions offering full FMLA coverage (67% and 69%). This strongly suggests that FMLA policies are becoming more of a norm among U.S. employers. On the other hand, even some large employers with more than 1,000 employees (about 21%) do not appear to comply fully with the FMLA at this time.

TRENDS FROM 2005 TO 2012

When we compare the provision of caregiving leaves in 2005 and 2012 (Table I.7), we find that more employers are now offering at least 12 weeks of leave for women following the birth of a child (79% in 2005 compared with 91% in 2012) and for employees caring for seriously ill family members (78% in 2005 compared with 86% in 2012).

On the other hand, we find that the average job-guaranteed leave for the spouses/partners[23] of women following the birth of their child, for employees who have adopted a child and for employees caring for seriously ill family members have all declined between 2005 and 2012.

Considering that employers have reduced the availability of flexibility associated with time away from work (Table I.7), the fact that three out of four types of caregiving leave have lower average maximums than in the past appears to reflect a similar trend.

Table I.7: Caregiving Leaves from 2005 to 2012

Leave Policy/Benefit	2005	Sig.	2012
Maximum job-guaranteed leave for women following the birth of a child Fewer than 12 weeks 12 weeks More than 12 weeks	 22% 50 29	***	 10% 61 30
Average maximum job-guaranteed leave for women following the birth of a child	15.2	ns	14.2
Maximum job-guaranteed leave for spouse/partners of women who give birth following the birth of their child Fewer than 12 weeks 12 weeks More than 12 weeks	 29% 52 19	ns	 25% 60 15
Average maximum job-guaranteed leave for spouses/partners of women following the birth of their child	12.7	***	10.6
Maximum job-guaranteed leave for employees following the adoption of a child Fewer than 12 weeks 12 weeks More than 12 weeks	 22% 58 19	ns	 15% 65 19
Average maximum job-guaranteed leave following the adoption of a child	13.5	***	11.9
Maximum job-guaranteed leave for employees to care for seriously ill family members Fewer than 12 weeks 12 weeks More than 12 weeks	 21% 59 19	**	 13% 67 19
Average maximum job-guaranteed leave for employees to care for seriously ill family members	13.6	**	12.2

Sample sizes range within survey year from 650-720 in 2005 and 886-887 in 2012. Statistical significance: *** = $p < .001$; ** = $p < .01$; ns = not significant. Because of rounding errors, when findings are presented as percentage distributions across several response categories, they do not always add to 100%. Fractional percentages are not reported in order to simplify the presentation.

CONCLUSION

When we look at the workplace flexibility landscape for the nation, we see several trends emerging. Flexibility that enhances an employee's ability to decide when and where they accomplish their work tasks is on the rise with increases in the proportion of employers allowing at least some employees access to flex time and place and choices in managing time since 2005. On the other hand, flexibility around reduced time, caregiving leaves and flex careers has declined since 2005.

These trends present two strategic considerations for organizations. First, as flexible scheduling and workplaces become more common, organizations that fail to adopt these options run the risk of being out performed by competitors who benefit from lower real estate costs and better adaptation to a global-knowledge- and service-based economy. Second, organizations that can offer more flexibility around reduced time, caregiving leaves and flex careers will have a competitive edge in recruiting and retaining employees as the aging workforce and dual focus on personal and professional lives among younger employees become major drivers in the labor market.

SECTION II

WORKFLEX IN ACTION: CASE STUDIES AND TOOLS FROM PROMISING PRACTICES

When we discuss workplace flexibility in this guide, we are referring to a way to define how, when and where work gets done and how careers are organized. Most importantly, it is essential that flexibility is mutually beneficial—that it work for both the employer *and* the employee for it to be effective.

> *One of the things that is very important to understand is the difference between how we [at Ernst & Young] view flexibility and how we view flexible work arrangements. We've got a large number of people on formalized flexible work arrangements, both women and men. And those are incredibly important. They're custom built; they're shared responsibilities—the organization and the individual; but they're not for everybody. What is right for everybody is the kind of flexibility that comes with being able to control your own personal life and professional life. Getting that dichotomy right internally and having our people understand that has been very important.*
>
> —James S. Turley, Chairman and CEO, Ernst & Young

A Word about Work-Life Fit and Workflex

As we discussed in the Preface, it is important to understand the concept of "work-life fit." Using the mindset of fit rather than "work-life balance" helps shift the thinking behind workplace flexibility from an employee accommodation to a strategic and effective way for us all to work. Not only can balance imply that the employer is "giving" this benefit or perk to employees, but it also can spell guilt to employees who see balance as requiring a 50/50 split between work and personal life. (Otherwise, the balance scale will be heavily tipped in one direction versus another). Fit implies a dynamic changing equation that shifts as employees' needs and employers' needs change and that is designed to benefit the employer and employee alike. We also don't use the word "integration," because it implies that employees need to integrate their work into their lives and their lives into their work, whereas some employees prefer to compartmentalize these various aspects of their lives. Finally, the mindset of fit implies "fitness" where continuing to find the right fit is an ongoing process, akin to fitness and health.

In the Preface of the guide, we describe our research measure of work-life fit as including both access to flexibility *and* support from the supervisor, coworkers and the organization in using it—all of which are critical to its impact. We call this **workflex**.

Throughout the guide, we discuss workflex as being composed of seven categories of flexibility that help employees and employers achieve the best work-life fit.

- **Choices in Managing Time** includes control over an employee's own schedule and agreeing that the schedule or shift meets his or her needs.
- **Flex Time and Flex Place** includes traditional flexibility, daily flexibility (short-notice schedule changes), compressed workweeks and working at home.
- **Reduced Time** includes full-timers who could arrange to work part time in their current position and part-timers who could arrange to work full time in their current position as well as part-year work.
- **Time Off** includes a lack of difficulty in taking time for personal or family matters; paid days off for personal illness; paid days off to care for sick children; time off for elder care without fear of losing one's job; paid vacation time; paid holidays; time off for volunteering without the loss of pay; and caregiving leaves for birth, adoption and seriously ill family members.
- **Flex Careers** enable employees to dial up or dial down their careers by taking extended time off for caregiving or sabbaticals. They also enable employees to phase into retirement.
- **Dealing with Overwork** includes efforts to create reasonable work demands, to reduce unnecessary work and to create boundaries between life on and off the job.
- **Culture of Flexibility** includes not having to choose between advancement and devoting attention to family life, not having advancement jeopardized by asking for flexibility and overall supervisor support when work-life issues arise.

In this Section, we provide in-depth case studies of organizations with programs, policies, and administrative tools that illustrate the potential of each of the seven categories of flexible work options.

All are winners of the Alfred P. Sloan Awards for Excellence in Effective and Flexible Workplaces. Because this award includes an employee survey and two-thirds of the score comes from employee data, all have assurance that these employers walk the talk.

All of the case studies follow the same format. They are based on interviews with organizational representatives who discussed the history and results of their workflex efforts. The case studies review some of the obstacles the organizations overcame while developing workflex options that fit their specific organizational and employee needs. In addition, the case studies include advice for other practitioners and organizational leaders considering workflex options that will fit their unique circumstances. Each case study closes with a look into the organization's plans to improve or expand the organization's workflex efforts in the future.

CHAPTER 1: CHOICES IN MANAGING TIME

Choices in managing time include enabling employees to have some control over their work schedules. When employees have some control—even if it's just a modest amount—it makes it easier for them to arrange their time to meet their responsibilities at work *and* away from work.

Choices in managing time also include some choice about shifts. Employers use a wide variety of shift schedules to meet their organizational needs. The most common schedules include regular daytime, evening and night shifts. In addition, "rotating" shifts change by time or day, "split" shifts consist of two distinct periods in each workday and flexible or variable shifts have no set hours (often described as being "on call"). Our definition of flexibility includes how well an employee's shift meets his or her needs.

Delta Air Lines, Inc.

Initiative	Telework, Choices in Shifts
Industry	Airline
Employees with Access to the Initiative	80,000
Location of Initiative	At HQ in Atlanta, GA and throughout the U.S.
Number of Employees Using Initiative	All employees
Name of Contact	John Early, Benefits Manager – Absence Plans

ORGANIZATION DESCRIPTION

Delta Air Lines is an international airline headquartered in Atlanta, Georgia that serves more than 160 million customers each year. With an industry-leading global network, Delta and the Delta Connection carriers offer service to 343 destinations in 62 countries on six continents. Delta employs 80,000 employees worldwide and operates a mainline fleet of more than 700 aircrafts. In 2011 Delta ranked #1 by *Fortune* as the world's most admired airline, was named domestic "Airline of the Year" by the readers of *Travel Weekly* magazine and won the Business Travel News Annual Airline Survey. Delta was named the "Top Tech-Friendly U.S. Airline" by *PCWorld* magazine in 2012 for its innovation in technology.

PROGRAM

Providing choice in employees' ability to manage their time at Delta varies by work-force population—from pilots and flight attendants to ground crew and mechanics. While something is available to all employees, not all employee groups are offered the same options. Flight attendants and pilots, for example, can set their schedules based on the number of trips that they want to work, choosing anything from short, two-day trips to ones that may last over a week. Airport Customer Service agents enjoy a generous shift-swapping policy that allows them to complete shift swaps with for minimal restrictions.

In corporate and administrative work groups, many employees may work from home. Employees who wish to work from home are asked to complete an 8-question self assessment (as shown in the following tool).



Delta Air Lines, Inc.

8-QUESTION SELF-ASSESSMENT
Teleworker Questionnaire

This questionnaire provides an opportunity to evaluate whether teleworking will be an effective tool for meeting organizational and personal objectives. Teleworking can be a productive scheduling practice, although it may not be feasible for employees whose job duties and home environment may not be conducive to working away from the office. Teleworking is successful when an employee's work responsibilities and personal work style is well matched with working away from the office.

Your responses will help you and your manager assess if teleworking can work for Delta and you. Once you have completed the self-assessment, please set aside time to discuss with your manager.

1. **Do you meet the minimum eligibility requirements needed to apply for a teleworking schedule?**
   Review page 2 of the Employee Toolkit or HRPM 1126 for more details on eligibility criteria.

   ☐ (a) Yes ☐ (b) No

If your answer was "no," you are not eligible for Delta's Teleworking Program. This completes your self-assessment. Thank you.

2. **Describe your current job tasks.**

3. **The following two groups of characteristics relate respectively to your existing work and to you as an employee. Please rate each characteristic as high (H), medium (M), or low (L).**

   Existing Work Characteristics - Please rate the following according to your existing job requirements and characteristics.

   _____ Amount of face-to-face contact required
   _____ Degree of telephone communications required
   _____ Autonomy of operation
   _____ Ability to control and schedule work flow
   _____ Amount of in-office reference material required

   Employee Characteristics - Please rate the following according to your own characteristics as an employee, and as a teleworker.

   _____ Need for supervision, frequent feedback
   _____ Importance of co-workers' input to work function
   _____ Disciplined regarding work
   _____ Desire/need to be around people
   _____ Level of job knowledge
   _____ Quality of work

4. **Considering the nature of your job, how much would you want to telework? *(Choose one)***

   ☐ (a) About once every 2 weeks
   ☐ (b) About once a week
   ☐ (c) Two days a week
   ☐ (d) Occasionally for a special project
   ☐ (e) Other: _____

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5. Do you have adequate space in your home to dedicate to working?

☐ (a) Yes ☐ (b) No

6. What kinds of work would you expect to do while teleworking? *(Choose as many as apply)*

☐ (a) Writing/typing
☐ (b) Word processing
☐ (c) Data management/ computer programming
☐ (d) Administrative
☐ (e) Reading
☐ (f) Research
☐ (g) Phone Calls
☐ (h) Sending/receiving electronic mail
☐ (i) Field visits
☐ (j) Planning/strategizing

☐ (k) Other (please specify): _____

7. Given the amount of teleworking you want to do, and the kinds of work you would do while teleworking, what equipment/services would you need, and which of those do you currently have? *(Check appropriate box)*

	Need	Have
Computer/terminal	☐	☐
Modem	☐	☐
Desk, filing space, other furniture	☐	☐
More than one phone line	☐	☐
Fax machine	☐	☐
Voice mail	☐	☐
Other (please specify) _____	☐	☐

8. Are there any distractions/obligations that will make working at home difficult or impossible? If yes, please explain.

☐ (a) Yes ☐ (b) No

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The employee is responsible for initiating a conversation about teleworking with his or her manager. If the manager agrees on the arrangement, the employee completes an Office Safety Checklist and the Home Office Ergonomic Evaluation (as shown in the following tools).



Delta Air Lines, Inc.

TELEWORK HOME OFFICE SAFETY CHECKLIST

This checklist is designed to assess the safety of the telework site. Telework applicants should inspect their desired work site for adherence to all safety requirements of this document. The checklist must be completed and documented affirmatively prior to the Employee commencing work from home.

After completing this checklist, provide the completed form to your Manager, along with all other documents required on the Telework Implementation Checklist.

Telework site address_____

Description of work area

_____

_____

1. Is the work space free from excessive noise? ☐ Yes ☐ No

2. Is adequate lighting provided at the work station? ☐ Yes ☐ No

3. Is all electrical equipment free of recognized hazards that could cause physical harm (for example, frayed wires running through walls or exposed wires fixed to the ceiling)? ☐ Yes ☐ No

4. Is electrical system adequate for office equipment? ☐ Yes ☐ No

5. Is electrical equipment grounded? ☐ Yes ☐ No

6. Are surge protectors available and properly installed? ☐ Yes ☐ No

7. Are aisles, doorways and floors free of obstructions to permit visibility and movement? ☐ Yes ☐ No

8. Are phone lines, electrical cords and extension wires secured under a desk or along a baseboard? ☐Yes ☐ No

9. Is the office space neat and clean? ☐ Yes ☐ No

10. Are working smoke detectors installed at the work site? ☐ Yes ☐ No

11. Is the work area private and free of intrusion? ☐ Yes ☐ No

12. Are files and data able to be appropriately secured? ☐ Yes ☐ No

13. Are office furniture and equipment ergonomically correct? (Reference Home Office Ergonomic Evaluation Checklist) ☐ Yes ☐ No

14. Are work materials and equipment in a secure place that can be protected from damage or misuse? ☐ Yes ☐ No

15. Are there security requirements in place to protect confidentiality and security of company information and computer systems? ☐ Yes ☐ No

Home Office Ergonomic Evaluation Checklist | **Name:** _____ | **Date:** ___ / ___ / ___

Keyboard

- ☐ The height of the keyboard places forearms at 90 degrees to your body
- ☐ Positioned directly in front of you
- ☐ Wrists straight or slightly angled
- ☐ Wrists are not resting on wrist rest while typing
- ☐ Utilize gel wrist rest

Comments: _____

Monitor

- ☐ Top of screen at eye level
- ☐ Directly in front of you
- ☐ Minimal tilting needed to view
- ☐ 18"-30" away from you
- ☐ Brightness and clearness adjusted correctly
- ☐ Glare minimized
- ☐ Screen is clean

Comments: _____

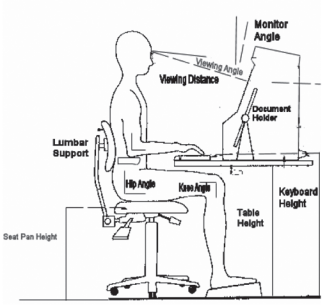
Chair

- ☐ Height adjusted so feet are flat and upper leg is parallel to floor
- ☐ Backrest is supporting lower back
- ☐ Armrests adjusted to allow arms to be at 90 degree angle
- ☐ Armrest low enough to allow shoulders to drop in a neutral position

Comments: _____

Lighting and Glare

- ☐ Desktop or task lighting provided for low lit areas
- ☐ Shades or blinds are adjusted to prevent glare



Desk or Work Surface

- ☐ Contains enough room for equipment and work area
- ☐ Arms can bend at 90 Degrees
- ☐ Horizontal clearance for knees

Mouse

- ☐ Positioned same height or slightly higher than keyboard
- ☐ Positioned as close as possible to keyboard
- ☐ On your dominant side
- ☐ Base of hand and wrist supported
- ☐ Utilize gel mouse pad

Foot Rest

- ☐ Feet flat on floor or on foot rest
- ☐ Positioned at a 0-15 degree angle

Comments: _____

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DELTA

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To formalize their arrangement, they sign a Teleworking Agreement form. They are issued laptops, and their telephone calls are forwarded from the office.

Employees can also work with their direct supervisors if they want a flexible work schedule or compressed time.

Delta has devised online bid boards where employees may submit the shifts they want to swap or the shifts they are looking for. Among the pilots, flight attendants and customer service agents, there are thousands of employees willing to swap schedules, and the electronic bid boards enable employees to have more choices in their shifts.

HISTORY

Delta has a long history of positive employee relations. Founder C.E. Woolman created a very participatory culture where employees may bring issues directly to the attention of the top leadership of the organization. Delta has always been responsive to employee feedback and adjusts benefits and programs the company offers, often based on employee suggestions.

The process Delta has developed to implement a participatory worldwide culture begins with Employee Involvement Groups (EIGs). Most frontline employee groups—flight attendants, ticket counter and gate agents, mechanics, reservation agents, cargo and baggage handlers—have an EIG. Employees in each division may nominate themselves and are elected by their peers. The EIG members gather information from their fellow employees about their needs and meet with the HR leaders and top business leadership and channel questions, concerns and other feedback to find solutions.

Issues or ideas that apply organization-wide may be taken up by another group, the Delta Board Council (DBC). The DBC consists of employees who have been approved by their peers and work full time in their roles on the Council. The DBC provides employees a direct voice with senior leaders and Delta's Board of Directors. The Council was created by the Board in 1996. From the initial charge of representing Delta employees at Board meetings, the DBC's role has expanded to include that of employee advocates, a sounding board for the Board and management on HR and other issues and a means to address cross-divisional issues. The DBC also communicates to employees on new business developments and decisions or policy changes, and so, is a vehicle for gauging the effect of policies on Delta's employees and customers. The DBC, along with HR, is a conduit for broad change and employee communications.

New initiatives involving workplace or scheduling flexibility can emanate from the divisional HR leaders with the EIGs or from the DBC depending on the route the employees wish to take and whether the focus is primarily divisional or applies across employee groups.

Workplace flexibility has evolved as an important part of Delta's overall work structure. In fact, through employee surveys, interview sessions and focus groups the company has found that workplace flexibility is consistently associated with a better work environment on metrics such as job satisfaction, confidence in leadership and having the tools needed to succeed on the job.

OBSTACLES

Three obstacles Delta faces involve the legal regulatory framework, technology challenges and difficulties overcoming the status quo.

The regulatory constraints revolve, for example, around overtime laws, which in some states do not allow employees to add shifts for the purpose of deferring or banking the money earned (though Delta allows this in states where it is not prohibited.) Additionally, state laws can be based on where the employee works, not lives. Because of the nature of the airline business, it is not uncommon for employees to commute to the airports where they're based. Many live and work in different states—a factor that can complicate schedule flexibility.

A second constraint that hampers Delta's ability to give employees even more control of their schedules is technology. The organization has an ongoing list of initiatives

that are dependent on the cost and time involved in the technological changes required. For instance, the company would consider allowing employees to use vacation time and Paid Personal Time (where they receive full pay) before they go on disability (at reduced pay), but different time and attendance systems do not coordinate with those of their disability vendor. Any change would require substantial funding to execute.

Finally, leaders have found that it is important to design "roll-out" communications that fully describe the scope of any change and effectively build buy-in across the 80,000 employees of the organization. To make employees aware of new policies and how they work, Delta uses multiple channels to connect with employees—often disseminating the message multiple times. In addition, communication strategies vary by division. For example, in the corporate offices, e-mail can be effective. To convey information to flight attendants, who are often literally in the air, it is more productive to "set up shop" in the flight attendant lounges. Airport Customer Service and Cargo divisions conduct daily employee briefings where leaders review safety, customer service and operational goals as well as updates from the company. These briefings also allow time for leaders to recognize their team members for exemplary job performance. Delta also plans "road shows" where HR leaders talk directly to employees and help them overcome any resistance to change.

RESULTS

One indication of the company's successful employee engagement strategy, though a subjective one, is the open communication between top management and employees. Most employees in large companies are cautious about approaching the CEO, but at Delta, the CEO's e-mail address is common knowledge and employees regularly e-mail him.

Another confirmation comes from benchmarking with others in the industry. Compared to other airlines, Delta generally has a better package of benefits and a higher level of applicants wanting to work at the company.

Airlines analyze the CASM (cost per available seat mile) and RASM (revenue per available seat mile) to benchmark efficiency in comparable units. As HR initiatives can impact both cost and revenue, it is important to look at both of these measures to get a more complete picture of operations. Delta compares very favorably with other airlines on CASM and RASM analyses. And, as Delta employees have enjoyed a profit-sharing plan since 2007, these favorable industry comparisons are particularly meaningful to employees and can have a direct impact on their pay.

Finally, Delta's lost time incidence rates are among the lowest in the industry. Delta believes that workplace flexibility policies and an engaged workforce contribute to these lower rates.

ADVICE

Of course employees don't have complete choices in their schedules because schedules have to work for the organization as well as for the employees. For instance, some Delta employees asked for Veterans Day as a holiday in 2011. The airline compared its packet of benefits against the industry and learned that they already offered two to three more holidays than its competitors.

Delta has also learned that it is essential to ascertain that a change in programs or policies being considered is really what employees want. They talk to employees through focus groups, surveys and their EIGs. They give employees options to consider, they check in at intervals while programs are being designed and they allow initiatives to evolve over time.

FUTURE

One of the priorities for Delta going forward is to streamline its technology to provide greater ability to implement future initiatives. The organization is always reviewing new ideas and opportunities for flexible scheduling, which, in turn, will allow employees to be even more productive and effective.

WellStar Health System

Initiative	Choices in Managing Time / Self Scheduling
Industry	Health Care
Employees with Access to the Initiative	12,000+
Location of Initiative	Marietta, GA
Number of Employees Using Initiative	75%
Name of Contact	Karen Mathews, Director of Work Life Services

ORGANIZATION DESCRIPTION

WellStar Health System is a not-for-profit system recognized as a national leader in comprehensive care. Serving a population of more than one million residents of northwestern metropolitan Atlanta, WellStar consistently looks at total patient wellness and works to ensure that all systems support that focus. Specialists and primary care providers work in a multi-disciplinary environment with more than 12,000 diverse team members throughout its five hospitals, outpatient centers and physician offices. With industry awards ranging from Integrated Delivery Networks to *Working Mother* Magazine's Best Places to Work, WellStar strives to provide the best care possible with Atlanta's top medical professionals.

PROGRAM

WellStar's flexibility program, FlexWorks, provides a range of flexibility options to fit the range of jobs that WellStar employees have. As a health care organization, there is such variety in jobs that "flexible" staffing models is the way to give employees in different types of jobs choices in managing their time. Director of Work Life Services Karen Mathews explains:

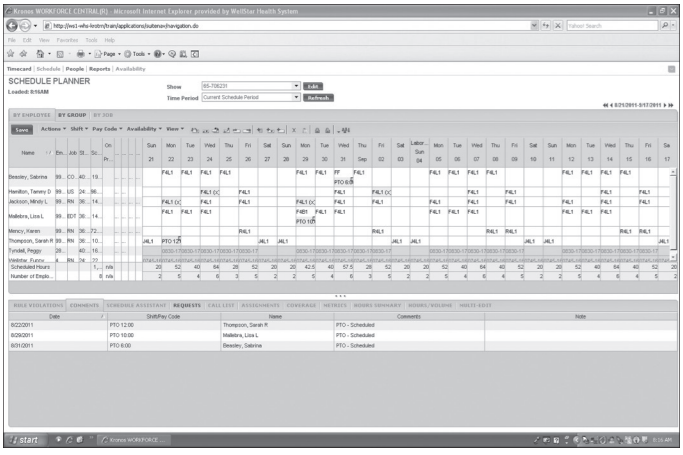
> *We are a very results-oriented organization. We're more focused on team members achieving performance metrics and meeting goals than maintaining traditional schedules and work models.*

FlexWorks provides different options for flexibility for non-clinical and clinical employees. Both clinical and non-clinical employees have access to compressed workweeks, daily schedule flexibility, as well as remote self-scheduling. Although the duties of clinical employees sometimes preclude telecommuting, these employees can work compressed workweeks, which they have been doing for many years. However, a review of the flex options at WellStar revealed that clinical employees had little choice over scheduling their shifts. One of the goals of FlexWorks was to change that, and it did.

Caregivers are now able to log onto a Web-based scheduling tool 24/7 from any location and view available shifts for the upcoming month (as shown in the following tool). Working together with their team, caregivers select their preferred shift schedules. Clinical employees have adjusted well to this new system and work together to fill coverage gaps while taking on shifts that work for them. In addition, over 200 unique schedules have been created within the scheduling tool, reflecting how leaders and employees are finding innovative ways to fill staffing gaps.



WellStar Health System



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WellStar's coding team members work exclusively from home. When coders log on or off of their work computers, they are officially clocking in or out, which allows them to easily work in short intervals throughout the day and night. Mathews explains, "The only measure of success is in their effectiveness in improving accuracy and efficiency of coding time because that's what drives revenue."

HISTORY

In 2007, Mathews began looking into what makes great workplaces unique. "I realized that of the common threads among great places to work, one of those was workplace flexibility." Through Internet research and speaking with flexibility consultants, Mathews discovered that few organizations in the health care industry seemed to have comprehensive flexibility programs. She says, "There weren't a lot of health care organizations that seemed to be doing much with [flexibility]."

Mathews utilized resources from *When Work Works* in her research. WellStar has applied to the Sloan Awards for the past four years, though it did not win the first year. Mathews admits she knew WellStar would not win, but she "did know we would learn a lot from the process" and from the survey data. What she learned was that informal flexibility was already happening throughout the organization. From flexible scheduling to occasional telecommuting, managers were using flexibility in their teams. She states, "Good leaders who have good, strong performers will accommodate them. They trust them, and they know they'll get their work done."

In advance of applying for the Sloan Awards, Mathews had sent out an e-mail asking managers if they were using flexibility. She received a huge amount of feedback from across the organization—leaders were, in fact, providing flexibility within their teams. She used feedback from these e-mails and the survey data to help build the business case for increasing the use of flexibility at WellStar:

> *I leveraged what was happening to build momentum, affirm leader behavior and used that as a foundation for moving forward. Based on current practice, interest level, benchmarking against other great places to work [including] their focus on workplace flexibility, we were able to make the business case.*

Until 2011, WellStar's flexibility program had been informal. Mathews felt that it was time to formalize the program and has implemented specific training programs for leaders, human resource consultants and other employees. After receiving awards such as *Working Mother's* 100 Best Companies, AARP's Best Employers for Workers over 50, Honor Roll for Companies That Care, and the Sloan Award, WellStar senior leaders felt it was time to "affirm the value of workplace flexibility and to take a formal stance. We wanted to ensure sustainability, consistency and alignment to our goals across WellStar regarding FlexWorks."

WellStar worked with a flexibility consultant to create a plan that "married our initiative for scheduling with our flexibility initiative." This resulted in a strong philosophy of

"Right People, Right Place, Right Time," which ensures that how, when and where work is done results in the best care for WellStar's patients.

OBSTACLES

Since WellStar formalized its flexibility policy, employees expect all managers to be willing to implement flexibility on some level in their departments. Flexibility training has also encouraged more employees to have conversations about flexibility with their managers. Mathews says that some managers have feared having to deny flexibility requests to those employees whom they believe will have trouble meeting their goals if they work flexibly. These managers do not want to create inequities in their departments but want to be able to extend flexibility to those employees who are able to use it well.

During this transition period, Mathews is focusing on training managers to help them have these conversations in a fair and productive manner. Mathews explains that since the formal program is so new, they are still working to train all leaders on the program and how to handle difficult situations like these. Managers can also schedule flexibility trainings for their entire team.

In addition, a FlexWorks Website on the organization Intranet has been established, providing tools, self-assessments for both leaders and front line employees, best practice stories and more to assist in applying flexibility in the workplace.

RESULTS

FlexWorks has enjoyed positive results across the organization, according to Mathews, who is looking at the results anecdotally. In one department, two employees who were leaving the organization to start families were able to arrange a job share that allowed them both to work part-time schedules. Instead of the department having to recruit and train two new employees, the department was able to retain two of its star employees and allow the women to take the time they needed with their families.

Employees in the coding department have also enjoyed their transition to telecommuting. When asked if they would ever want to go back to working in an office with traditional hours, Mathews says many of the coders rolled their eyes. Being able to work flexibly allows many of these employees to better manage their family responsibilities and to work around household chores and caring for children.

In addition to these anecdotal success stories, WellStar is now evaluating the impact on performance in revenues, patient satisfaction, productivity, employee engagement, and other metrics since formalizing FlexWorks. This will allow them to quantify exactly how flexibility has improved the organization. In addition, the scheduling tool provides reports on utilization at every job level.

ADVICE

Mathews advises, “Don’t wait for the perfect world to start [implementing flexibility] because it’s never going to be there.” She also recommends selecting an employee who is interested in implementing flexibility and asking this person to conduct research on existing problems within the organization and how they might be alleviated by flexible work options. However, Mathews says it is important not to rush the process. “If you try to be in a hurry and push things too quickly, you’ll end up killing it, and it’s very hard to resurrect it. It’s worth taking the time to do it right.”

Implementing programs that haven’t been vetted and aren’t ready for use could create more problems. Skeptical leaders might squash the program if it creates more work and problems than previously existed.

Mathews also recommends finding organizations—inside and outside one’s own industry—that are successful in the broader work-life arena. She says:

> *These companies are building a culture of wellness, of flexibility, of focus on the family, of being transparent and being open to ideas from employees ... That whole culture is what creates the fertile soil to make flexibility become a reality.*

These good examples can be used as role models and often provide important lessons learned for organizations just starting a flexible work program.

FUTURE

Although Mathews feels WellStar is now ahead of the flexibility curve in the health care industry, she believes the organization still has room to improve. Now that FlexWorks has been formalized, WellStar is incorporating questions into its employee engagement survey to measure employee satisfaction with the program in a quantifiable way. In addition, the organization will be comparing productivity measures from all departments from before and after FlexWorks’ implementation. Mathews says, “My goal is that a year from now, two years from now, we don’t talk about this as an initiative; this is just the way WellStar works.”

CHAPTER 2: FLEX TIME AND FLEX PLACE

Flex time arrangements—which include traditional flex time, daily flex time, shift options and compressed workweeks—exist for a variety of reasons. Some are driven by the needs of the business, such as expanding hours of operation. Others are primarily driven by employees' needs to take care of responsibilities at home and at work. By our definition, flex time and flex place work arrangements are designed to work well for both employees and employers.

Traditional flex time allows employees to vary when they start and end their work days within a range of hours surrounding fixed core operating hours. For example, an employer might establish core hours between 10 a.m. and 4 p.m., a period of time when all employees must be present at work. An employee could then choose to "flex" his or schedule around this block, by beginning work anytime between 7 a.m. and 10 a.m. and ending the workday between 4 p.m. and 6 p.m. Traditional flextime arrangements typically require employees to commit to a schedule for a period of time.

Daily flex time allows employees to change their starting and quitting times on short notice when unexpected or special needs arise.

Compressed workweeks involve the redistribution of weekly hours into fewer days, such as ten hours per day for four days per week instead of eight hours per day for five days. While some employees may have this option any time during the calendar year, other employees may have access only during the summer, an option often called "summer hours."

Flex place is defined as working some or most of one's regularly scheduled hours at a location other than the main location of one's employer, including at the employee's home. It includes both primary and occasional arrangements.

Turner Construction Company

Initiative	Overall Flexibility / Flex Time
Name of Organization / Industry	Construction
Employees with Access to the Initiative	5,000 organization-wide, 235 in the Chicago/ Indianapolis unit
Location of Initiative	Chicago, IL and Indianapolis, IN
Number of Employees Using Initiative	All employees within the unit to some degree
Name of Contact	Tracy Hagen, SPHR, HR Director, Great Lakes Region

ORGANIZATION DESCRIPTION

Turner Construction Company provides building services to clients through a network of offices, nationally and around the globe. Turner has a staff of 5,000 employees who work on more than 1,200 projects each year with $8 billion in annual construction volume.

PROGRAM

Turner Construction Company's Chicago/Indianapolis business unit has implemented an approach to creating an effective and flexible workplace with the underlying theory that, because each employee's needs are different, the organization's flexible solutions must also be flexible. Thus, Turner has not rolled out flex options across the board. Rather, employees are asked to offer solutions to manage their own workload and to create a schedule tailored to fit their needs.

The organization supports options like flex time, job sharing and compensation days as appropriate, and it offers full benefits for people who work as few as 20 hours per week, providing flexibility to adjust schedules to meet employees' personal needs while also fulfilling their professional obligations. The organization also considers flex place in limited instances, such as when an engineer comes back from maternity leave and needs some flexibility to return gradually to a normal schedule.

Technology enables this flexibility. For example, Turner's project management software, "TurnerTalk," allows employees to access project records from anywhere, greatly improving the organization's effectiveness and the ability of employees to work remotely.

Stephen Fort, Turner's Senior Vice President for the Chicago/Indianapolis unit is dedicated to fostering an environment that allows employees to feel comfortable knowing that they have the organization's support in attaining their personal and professional best. To that end, managers receive training in building staff relationships and developing open lines of communication to be able to address employees' personal and professional needs. The message that Turner wants to engage staff and create an environment where they want to come to work is communicated from the top down on a regular basis.

For example, work and life integration is discussed at length during the annual development appraisal sessions with employees and those they may supervise, to ensure that work-life integration is being practiced and communicated. Supervisors are encouraged to find out what is important to employees in their personal lives and help ensure they have adequate time to pursue those interests. Supervisors are also encouraged to have informal "check-ins," such as a chat over lunch, with staff members throughout the year to talk about work and life issues. Senior managers will also make time for impromptu coffee breaks with employees to let them know they are appreciated and valued. When staff members are on travel and away from their families for work—or on "suitcase status," as Turner leaders call it—HR and senior managers often contact them to let them know they are not forgotten by their home office, and that the sacrifice they are making for the organization is appreciated. Turner often recognizes employees for those sacrifices at the end of the year with a monetary Appreciation Bonus.

Among the flexibility options that Turner offers are:

- a five-day parental leave for moms and dads, in addition to a woman's short-term disability and maternity leave for bonding and care of newborns. During the

12 weeks of FMLA leave, employees who regularly work at least 20 hours per week are eligible for short-term disability leave and receive up to 100% of base pay dependent upon years of service. For example, an employee with five years of service would receive five weeks of leave paid at 100% of base pay. Any remaining weeks are paid at 50%. Turner guarantees at least two weeks of leave to employees with more than three months' service at 100% of base pay. Use of vacation and other accrued paid leave is available to supplement as well during the 12 weeks;

- a gradual and/or flexible return to work after the birth of a child offered on a case-by-case basis, as needed. For example, one "up and coming" engineer was offered the opportunity to move into a position as a Cost Manager following the birth of her second child to ensure a more predictable schedule that would allow her to better meet family needs. Turner was also keeping her career progression in mind as the new position provides experience to prepare her for a future position as a Project Manager;
- unpaid sabbaticals to pursue a personal goal—such as a mission trip in China or pursuing studies;
- summer hours, in which staff may leave at 2 p.m. on Fridays to jumpstart weekend time with their families and come back rejuvenated;
- a day off on one's birthday (for the business unit) and for staff who contribute a minimum of $20 per month to the United Way;
- opportunities to create groups and clubs that provide a sense of camaraderie and personal growth and to participate in sports leagues or a organization-sponsored team; and
- a health club reimbursement program to help with employee wellness.

Fort believes it is important to show appreciation for employees' families as well. Among other efforts, he encourages managers to send letters, dinner gift cards or flowers to spouses/significant others thanking them for their patience when an employee is away on assignment for an extended period of time or when tight deadlines have taken the employee away from their family.

HISTORY

In 2003, employees in the Chicago business unit were obviously disgruntled. The voluntary turnover rate there was 21%. The results of an employee survey further drove home the need to make major changes in the way the unit was managed, especially regarding communication and leadership engagement.

Making change became the priority of Fort, who was new to his position at the time as Vice President and General Manager. He wanted to build a supportive organizational culture that allows staff members to be the best they can be and that grows their personal attachment to the organization. He undertook a variety of initiatives that

he believed would improve the engagement and culture of the unit and make employees feel that Turner's leaders truly cared about them.

Fort began hiring managers who could look at each individual—at their different styles, goals and needs—and motivate them to achieve excellent performance. Fort hired an SPHR-level HR professional with the expertise to prepare management for the ever-changing work environment while gaining the trust and respect of staff.

Next, Fort worked to dramatically increase the flow of communication between management and employees, including hosting town hall meetings for senior management to hear staff concerns and establishing quarterly employee pulse surveys to measure engagement and provide feedback.

Fort knew that employees felt undervalued and unappreciated, the costs of which he believed were high to the business unit in lost talent, intellectual capital and business relationships. To address this, he aimed to show employees they were valued by creating a more flexible environment in which employees are encouraged to achieve their goals and aspirations in their work setting as well as in their personal lives.

During this period of time, Turner combined the Chicago business unit with the business in Indianapolis, Indiana. Fort is in charge of the new combined unit, and the practices he has implemented are across the entire combined unit.

Turner Construction Company management believes that its position as an industry leader depends almost entirely on attracting, developing and retaining the most talented and diversified employees. The construction industry is highly competitive with demanding project requirements and clients, resulting in long hours and working on weekends.

Turner's leaders know that the economy has been difficult on employees on many levels, but especially because the organization has to ask people to travel more and take on more responsibility. Consistent with Turner's people-focused culture, senior management has considered more flexible work schedules for staff, such as part-time work, job sharing and furloughs whenever possible, rather than terminate staff.

According to Tracy Hagen, HR manager for Turner's Great Lakes region:

> *We devote a lot of time and energy and money into the careers and professional goals and training [of our employees], and we want a happy, engaged workforce. No matter what the economy is, we still have to be able to keep our workforce happy. And, it's not enough to just give them a job.*

OBSTACLES

Not all staff members are able to participate in the flexibility that Turner offers. Hagen reports that Turner leaders have a very good working relationship with union leaders, but states that the organization's flexibility offerings primarily benefit professional, salaried staff because unionized employees are governed by collective bargaining agreements that determine their working conditions.

Turner HR leaders also acknowledge that the summer hours program requires coordination on job sites because laborers and subcontractors remain on the job after others have gone for the day. They emphasize that it is not impossible; that there are ways to make flexible schedules work. For example, Turner can use a skeleton crew that covers a site one week and then takes off the next week while a different crew provides coverage.

Some might question whether resentment from coworkers exists toward employees who take advantage of different flexibility options. Hagen says that in general:

> *People know that they don't necessarily have the same situation or the same needs as the person next to them. So, they tend to believe that "what one person may need in a flexible work schedule doesn't necessarily apply to me, but at least I know that if a situation came up and I needed to approach my supervisor with it, he or she would be open to discussing it."*

Thus, they see flexibility like an insurance policy—there for them if and when they need it.

RESULTS

Though Turner does not have an assessment tool that specifically measures employee reaction to the new workforce approach, the employee turnover numbers are very persuasive.

In 2003, Turner's Chicago unit had a 21% voluntary turnover rate. According to Compdata Surveys, voluntary turnover in 2004 was 17.2% for the construction and real estate sector. By 2010, the turnover rate for Turner's Chicago unit had improved dramatically to 3.8%, compared with 6.9% for the overall construction and real estate sector. Even though turnover dropped for the sector as a whole, most likely in response to the economic downturn, Turner still outperforms comparatively.

Employee satisfaction is also impressive. According to Turner's internal data, overall satisfaction rating in Chicago increased from 59% in 2005 to 72% in 2008. Turner expects those numbers to be even higher the next time they conduct a survey.

An indication that the changes are positive is that the organization employs many multiple generations within the same families, in some cases third and fourth generations. Turner leaders attribute this family loyalty to the culture—a supportive environment that allows employees to be "the best of who they are" and be rewarded for it.

ADVICE

Flexibility doesn't have to be complicated or costly. Hagen notes that it is okay to experiment and to think outside the box. Trial periods can be very effective. If you have an employee who wants more workplace flexibility, implement a trial period and assess the effectiveness afterwards. Even if the trial period does not work, at least the employee knows you are listening and care about his or her situation.

Hagen also suggests:

Let the employee help solve problems. People may be surprised how easy this process can be.

FUTURE

Hagen says the organization is well positioned for whatever the future holds. Though the organization is operating in a difficult economic environment that often forces staff to handle more responsibility, Hagen believes that the environment leaders have created at Turner means that staff members are willing to give more because they appreciate what Turner leaders give in return.

Hagen believes that, as the economy improves, companies that treated employees badly and took them for granted may experience higher levels of turnover when these employees have the opportunity to move on to a better work environment. Hagen says, "We have mitigated that occurrence because staff knows that they are valued and appreciated. No doubt there will be some who leave, but we are better positioned than most because of the genuine efforts we put in place along the way."

Ernst & Young

Initiative	Informal day-to-day flexibility and formal Flexible Work Arrangements (FWA)
Industry	Advisory, Assurance, Tax and Transactions Services
Employees with Access to the Initiative	24,000
Location of Initiative	Nationwide
Number of Employees Using Initiative	All Ernst & Young employees have an opportunity to use formal or informal flexible arrangements.
Name of Contact	Maryella Gockel, Flexibility Strategy Leader, Center of Excellence for Inclusiveness, Americas People Team

ORGANIZATION DESCRIPTION

Ernst & Young is a global professional services leader in advisory, assurance, tax and transactions services.

PROGRAM

Making flexibility real falls on the shoulders of all of Ernst & Young's people. To help execute their programs, Ernst & Young deploys Inclusiveness and Flexibility Leaders (IFLs) in each of their geographic areas to coach leaders, managers, teams and employees on flexibility. IFLs also work hand-in-hand with local leaders to set the tone at the top with respect to the importance not only of flexibility, but also of diversity and inclusiveness. Each business unit also has Inclusiveness Steering Committees that

comprise partners and business unit leaders who, on top of their other responsibilities, focus on flexibility, diversity and inclusiveness, especially with regard to their contribution to client service.

Ernst & Young has also harnessed technology to support flexibility across geographic regions. A comprehensive "flex site" is embedded in the overall diversity and inclusiveness Intranet (as shown in the following tool). It features documents, presentations, success stories, the latest programs and responses to frequently asked questions. An online educational series for teams to help navigate day-to-day flex, formal flex, virtual teaming and technologies are also located here.

Ernst & Young



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All of this is essential to executing both the informal and formal flexibility programs at Ernst & Young.

Informal: Flexibility for Everyone

Flexibility for Everyone is Ernst & Young's informal day-to-day flexibility "program," the firm-wide cultural acceptance of the need to work flexibly for people to succeed both personally and professionally. This "flexible" flexibility doesn't require permission at a higher level because teams and colleagues collaborate to "figure it out." Employees work with their clients to fulfill their responsibility to provide high-quality service while working flexibly. Schedules might vary from day to day as might the employee's work location.

The *FORTUNE Battle of the Corporate Bands*[24] is one great example of the acceptance of flexibility at Ernst & Young. Taking advantage of informal flexibility, "American PI" was formed at the firm and won the 2011 *Battle of the Corporate Bands* competition. The 12-member band consists of 11 Ernst & Young employees and one spouse. "What made this experience so important to all of us is that the firm allowed us to pursue our passion for music and provided the flexibility and support to make this a reality," said Thomas Cucuzza, band leader, vocalist and keyboard player. Not only did the band make good use of Ernst & Young's opportunity for flexibility, but it also helped raise money for the Rock and Roll Hall of Fame's music education programs.

Formal: Flexible Work Arrangements (FWA)

Ernst & Young's second program is a more formal one. This more programmatic solution is typically built on reduced hours (i.e., a reduced client load), teleworking, compressed workweeks and such. All employees can apply for a Flexible Work Arrangement (FWA) and can access a variety of Ernst & Young tools designed to make their requests a success for themselves, the client, the team, the team managers and the firm as a whole.

Employees requesting an FWA must complete a business case consisting of a series of questions the employee must ask him or herself, the team and the team's managers to help everyone focus on such concerns as coverage, team expectations, employee accessibility, dependent care needs, client and team emergencies and so forth. An FWA requires sign-off by the employee's direct manager.

Gwen Jorgensen, a Tax staff person in the Milwaukee office, as well as a U.S. elite triathlete headed for the 2012 London Olympics, is a good example of how formal flexibility works at Ernst & Young. Jorgensen credits the firm's flexibility—and her teammates—for her triumph. She recently started working a reduced schedule, about 22 to 30 hours per week, to accommodate her training and travel schedule for the triathlon. "Before that, I was working around 70 hours and training," says Jorgensen. "I love being busy, but that was tough. The partner at my job is so supportive. He wants me to succeed just as much as I do, so he and my team have been really understanding."

HISTORY

Ernst & Young dates its systemic flexibility initiatives to 1996, when the leadership recognized that women were leaving the firm at a faster rate than men. While flexibility is now viewed as an option for all, regardless of gender, generation, age or stage of life, it was viewed at the time as primarily a women's issue. In response, Ernst & Young approached Catalyst, a nonprofit organization dedicated to expanding opportunities for women in business. The organization assisted the firm's Office for Retention (OFR) to establish a mechanism for helping women to see a future with Ernst & Young, develop their skills and experiences and succeed, particularly after they had had a child. Specifically, Ernst & Young asked Catalyst to help determine what a firm that encouraged women to succeed personally and professionally would look like.

Ernst & Young and Catalyst launched many pilots, including one on the West Coast designed to deal with employees' long and often difficult commutes. The firm wanted to assess whether encouraging employees to work from home in the early mornings and then to commute into work when travel times were shorter would reduce the travel burden on employees and still allow the firm to meet clients' needs. This pilot induced Ernst & Young to think about such possibilities, and a focus on "work life," now referred to as flexibility, began.

The OFR also sought examples of best practices within the firm to help understand what works and what does not in retaining women. The first promotion of a woman to partner on a reduced-schedule flexible work arrangement was in New York City in 1993. The OFR quickly discovered important examples in New Jersey as well. There, women were moving up the ranks and being promoted to partner and director. These successes seemed to be related to the leadership of this New Jersey business unit (BU).

The senior person was a man who believed that "you take your brain with you everywhere you go, and you can put it to use anywhere and anytime." Additionally, the BU's clients were facing the same concerns and wanted some flexibility for their own people. Working with those clients and the Ernst & Young engagement teams assigned to them, the teams collaborated to provide coverage and support for each other and thus created more possibilities for women working on FWAs as well. The New Jersey group became the model for the first firm-wide FWA "program" at Ernst & Young.

In 2001, Jim Turley became Chairman and CEO of Ernst & Young. He has been with the firm throughout his career, a fact that he attributes to the quality of its people. He says, "For me, the sticking power was always the people."

In thinking about how to translate his personal experiences to his new role, he focused on investing in Ernst & Young's people. Turley says:

> *I started talking shortly after I was announced [as CEO] about the importance of moving our people thinking from being programmatic—comp and benefit programs, vacation policies and the like —to more of a philosophy around delighting our*

people. If we absolutely delight our people and put their thinking first, then it is clear to me, and it is clear to our organization, that our people will delight our clients.

This is a critical business imperative to Turley. He continues:

We're a business whose only asset are our people. A lot of companies have inventory and intellectual property and buildings and machinery and equipment. We have people. And every night, every one of our assets goes home. And we've got to be the kind of place that they want to come back to the next day.

We started focusing—as I think you know—on the issue of flexibility years and years ago because we recognized that flexibility is really central to delighting our people. So, it really all circles back on what we were heading toward. And it's not a one-gender issue. It actually impacts everybody. I can tell you, when I was growing up, I was as focused on having flexibility in my life and being able to succeed both personally and professionally as the women are in our firm today or as Gen Y is. So, I think flexibility was the biggest focus we had.

Maryella Gockel, Ernst & Young's Flexibility Strategy Leader, notes that the firm believes that language is important. Whenever he speaks about these issues, Jim Turley mentions *personal* and professional success. The fact that he places the personal before the professional sends a very important message to employees and clients alike, Gockel says.

The firm began to look at how it could help employees manage their lives on and off the job, beginning with a focus on working mothers and now including all employees. Ernst & Young believes that flexibility is important not just to women, but also to men, to younger employees and to leaders—in short, to all employees.

OBSTACLES

It is customary to work long hours in professional services firms, particularly for those who serve clients. Determining pay by the number of scheduled hours is complex because most people are salaried exempt professionals and get paid for the job they do, not the hours they work. Over the years, Ernst & Young had to work out this issue when instituting various flexibility options and, particularly, reduced schedules. Employees and managers have to co-develop a schedule that meets the needs of the individual, appropriately serves his or her clients and teams and is based on what his or her peer groups are doing. Adjustments must then be made from time to time so that employees feel "fairly compensated" and are developing the necessary skills and experiences to advance.

Finally, flexibility for nonexempt employees is still challenging due to the restrictions of the Fair Labor Standards Act (FLSA). Because in most states, nonexempt professionals get paid for time in excess of 40 hours per week, shifting hours and work from one week to another is not allowed. But again, team innovation prevails. One team of administrative assistants worked out a schedule in which each person got a weekday off in the summer by compressing all their hours and covering for the member who was off that day.

RESULTS

While the firm continues to measure the number of employees on Flexible Work Arrangements, flexibility overall has become so much a part of the fabric at Ernst & Young that this metric is no longer seen as the only measure of success. Instead, Ernst & Young conducts an annual Global People Survey (GPS) that includes questions on diversity, inclusion and flexibility. The firm looks at the question: "I have the flexibility I need to meet my personal and professional goals" as a strong indicator of how professionals feel about the impact flexibility has had on their lives and its relationship to engagements and retention.

ADVICE

In hindsight, Ernst & Young believes it would have been better to launch *Flexibility for Everyone* and *Flexible Work Arrangements* simultaneously and to have had them run on parallel tracks rather than to launch the formal program first because it is really the informal program that makes flexibility part of the firm's people culture. The firm hopes to use this learning as it expands the use of flexibility in its global business.

FUTURE

Ernst & Young is beginning to offer flexibility globally. A focus on flexibility will have implications for real estate costs and technological advancements. The firm also plans to support virtual, global teams in an effort to have them work more effectively. For example, all new firm laptops will be equipped with the necessary technology—such as live video conference capabilities—to support these virtual teams.

Ounce of Prevention Fund

Initiative	Managing Flex Time and Flex Place by Reflective Supervision and Work Group on Flexibility
Industry	Nonprofit
Employees with Access to the Initiative	120 at HQ, 230 overall
Location of Initiative	Chicago, IL
Number of Employees Using Initiative	All encouraged to use Reflective Supervision, 90% of positions are eligible for flex place
Name of Contact	Carlissa Crawford, Human Resources Director

ORGANIZATION DESCRIPTION

The Ounce of Prevention Fund is a nonprofit organization serving more than 3,600 children, families and teachers through programs for children ages birth to five. The Ounce's work encompasses training, advocacy, consultation and policy development and the operation of a center-based early learning program.

PROGRAM

Leaders at the Ounce have incorporated flex time and flex place into their organizational culture in a variety of ways, including the concept of "reflective supervision." This means that employees at all levels meet with their supervisors on a regular basis to discuss work priorities, as well as any obstacles and challenges. The supervisor and his or her supervisee reflect on how to make improvements, take next steps and get the support needed to address those challenges. There is training for staff upon hire and periodic group training for new and promoted supervisors on Reflective Supervision. While not used by all staff and supervisors, the reflective practices are encouraged and referred to throughout the organization.

Carlissa Crawford, Director of Human Resources, describes the environment at the Ounce:

> *It's a flexible organization. There's not a lot of bureaucracy around getting things done and that sets the tone for [flexibility-oriented] programs.*

In order to assist with managing flexibility, the Ounce established a work group on the issue. This group includes leaders from across the organization. The group does not have a regularly scheduled meeting, but gathers as needed to weigh in on organizational policies that impact employees' ability to have flex time and flex place.

HR exchanges ideas with the group for input and fine tuning. The group also identifies possible obstacles or concerns and provides input from a non-HR technical or professional perspective. HR then takes any proposed policies or policy changes to a leadership team, consisting of the organization's assistant directors and above, for input before final decisions are made. Crawford says the communication may go back and forth between this group and the larger leadership team group a few times before arriving at a final policy that all leaders agree upon.

The work group concept is utilized frequently at the Ounce. For example, a standing employee communications work group meets monthly to share information and bring updates from the meeting back to their own divisions. The employee communications work group focuses on exchanging the "day-to-day" type of information that helps prevent silos and encourages coordination across the organization.

Because the work group on flexibility is comprised of leadership members, they look to the work group on employee communications to bring forward relevant feedback on flexibility matters from non-management employees.

Leaders at the Ounce allow for:

- flexibility in employee benefits—a sliding pay scale to determine what employees pay for their medical benefit premiums;
- professional development through participation in seminars and forums as well as educational leaves;

- temporary or regular part-time work arrangements;
- flex place;
- a lactation room for nursing mothers;
- wellness and financial education programs; and
- 401(k) onsite and Web-based education and bi-weekly contributions through profit sharing.

Although the total number of employees utilizing the flex place benefit is still small, it is growing. More than 90% of employee positions are eligible to use flex place from one to five days per week. Mobile devices and remote access to systems keep teams in touch.

Managers help ensure that team members are not disconnected from each other. Nonexempt employees may use flex place on an occasional basis with proper approval, though concerns about being able to track time closely to meet the requirements of the Fair Labor Standards Act (FLSA) keep leaders at the Ounce from allowing these employees from utilizing flex place more regularly.

HISTORY

Employees at the Ounce are social workers, policy experts and researchers, often with various degrees and levels of certifications. Ounce leaders are mindful of the expertise of staff and want to retain these professionals. Serving children and their families throughout Illinois, the organization values families and thus strives to create a work environment that also recognizes the importance of allowing employees to take active roles in their families lives. The Ounce started flex place in 2004 since it made sense for those whose work was offsite conducting training, home visits and policy work around Illinois. The policy they initially created, however, had substantial restrictions: only one day a week was allowed for telecommuting, only certain positions were included and other jobs were specifically not eligible. While a formal program, it did not officially allow for occasional use.

In early 2011, space concerns, the need to formalize practices and increasing demand from potential job candidates led Ounce leadership to expand the policy. They utilized the flexibility work group process described above to create a significantly expanded policy that allows flex place work up to five days a week.

While some leaders were supportive, some were not as comfortable with moving away from the traditional work arrangement already established. A workshop provided to managers on “managing people you can’t see,” offered by the consulting firm Life Meets Work, helped pave the way for larger changes among managers and supervisors.

The workshop helped managers identify any discomfort they had about managing employees working at different locations. Understanding their discomfort and

understanding their personal management style helped them figure out the challenges to that style and the various skills or tactics they could use to fill the gaps.

Crawford says that this workshop "really helped them to think about what they're requiring from their staff" and challenged them to understand their own biases and preferences so they can see what is actually needed from a business standpoint. The workshop also walked managers and supervisors through creating safeguards by setting goals with employees and tracking performance so that critical objectives are met. Everyone in the team knows who is responsible for each part of a project to help him or her come to consensus about how work will be accomplished.

Life Meets Work suggests holding people accountable for finishing their goals by using flash reports. These are, in essence, short reports that employees submit each week outlining three pieces of information: what they accomplished this week, what obstacles they encountered and what they will do next week.

OBSTACLES

When the Ounce first started allowing employees to work offsite, there were significant restrictions. There was a concern for the security of confidential information in files that would be carried home by employees and shared on employees' home computer equipment. Since then, technological changes have allowed them to address that issue. Now employees can access information on secure sites and utilize GoToMyPC to access their work desktop, ensuring the same security controls they have at headquarters.

Another obstacle to a policy designed to promote productivity and flexibility is when staff members become eligible to participate in telework. Currently, eligible after one year of service, this is something Crawford is watching closely. The original thinking is that employees should prove themselves capable of the responsibility of working offsite. However, the leaders at the Ounce find that this restriction is a disincentive for potential job candidates—a number of whom are accustomed to flexibility with their current employer and feel as if they would be taking a step backward in order to accept a job at the Ounce. Crawford says this is one hurdle they are currently working to fix.

Crawford also says every flexibility initiative the Ounce has considered has been vetted for various legal and practical issues, including worker's compensation and compliance with the Fair Labor Standards Act. As a result, employees who are classified as nonexempt under the FLSA are not able to work a flex-place schedule on a formal, routine basis because of concern that the organization will not be able to keep enough control over the number of hours worked. Crawford says they "are continuing to monitor the requirements and will revisit the issue as new legislation and new approaches are identified."

RESULTS

The business case for providing an effective and flexible workplace for the Ounce, a nonprofit, may differ from the business case for a for-profit organization—money saved or money earned. Crawford says that the Ounce believes that having the right environment helps employees do better work, work that has an impact. She says, “That’s where we see the value.”

The Ounce looks for innovative programs that will improve the effectiveness of their staff, because they believe that is going to help them to attract, develop and retain the exceptional staff they want to work there.

ADVICE

Crawford advises other HR professionals looking to create a more flexible and effective workplace to listen to people from all levels of the organization. There is no “cookie cutter” approach, she says, since all organizations and what people may want may differ.

Crawford also advises securing leadership buy-in, creating awareness of the importance of being able to compete for the top talent, and making sure to involve all the relevant participants so everyone is sharing information and input.

Finally, she emphasizes that it is important to ensure staff have a chance to help determine where change may be needed next.

FUTURE

The Ounce is now identifying synergies: people who are doing similar work, but in different areas. The impetus is efficiency and maximizing use of valuable resources and employee expertise. This process has caused them to consider what constitutes a division or specific role and where matrix reporting may be appropriate. Crawford says that this process is leading them to be more flexible and creative in their approach.

The Ounce will continually seek to refine its programs based on work needs and the feedback of employees. They are proud of their accomplishments but consider their efforts an evolving process and emphasize that they aren’t finished.

Booz Allen Hamilton

Initiative	Way We Work
Industry	Strategy and Technology Consulting Firm
Employees with Access to the Initiative	25,000
Location of Initiative	Started in Metro DC, expanding to locations across the U.S.
Number of Employees Using Initiative	5,591 (22% of Booz Allen employees)
Name of Contact	Liz Miller, Director, Human Resources Liz Ewart, Manager, Real Estate and Facilities Planning

ORGANIZATION DESCRIPTION

Headquartered in McLean, Fairfax County, Virginia, with 80 other offices throughout the United States, Booz Allen Hamilton has been at the forefront of strategy and technology consulting for nearly a century. Today, Booz Allen is a leading provider of management and technology consulting services to the U.S. government in defense, intelligence and civil markets, and to major corporations, institutions and not-for-profit organizations. In the commercial sector, the firm focuses on leveraging its existing expertise for clients in the financial services, healthcare and energy markets, and to international clients in the Middle East. Booz Allen offers clients deep functional knowledge spanning strategy and organization, engineering and operations, technology, and analytics—which it combines with specialized expertise in clients' missions and domain areas to help solve their toughest problems.

PROGRAM

Booz Allen has created several flexible work options that allow staff to work where they need to, when they need to. The largest initiative, called the Way We Work, was created in 2009 to help alleviate increased staff commute times and costs, reduce the firm's real estate footprint and accommodate the need for flexible work options.

As part of the multi-year plan—which had a light launch three years ago, gained momentum in 2010 and has had an even greater impact in 2011—Booz Allen is moving staff out of its multi-building campus headquarters as building leases expire into new or expanded facilities across the Washington, DC area and instituting "hoteling" models in offices across the U.S. The Way We Work initiative realigns staff to offices closest to their home zip codes, so staff members are working closer to family … and not necessarily managers and teammates.

Employees were feeling the pain of arduous commutes. DC-area traffic is among the worst in the country—and is getting worse. Booz Allen was even seeing potential candidates hesitate to join the firm when they faced the prospect of dealing with traffic surrounding its headquarters in McLean, Virginia.

In addition, at a time when the firm was focusing on cost efficiency, a substantial amount of money was going toward real estate. Yet, the majority of Booz Allen employees spent only a small portion of their time at a Booz Allen location. Most were onsite with clients. Many offices sat empty during the week. With the lease of one of Booz Allen's largest buildings coming due, senior leaders realized it was time to re-think their real estate strategy.

At the same time, one of the most pressing challenges the firm faces is attracting and retaining a diverse pool of talent. To achieve this, jobs have to accommodate a variety of lifestyles and demands, and flexible schedules for staff are essential. Not everyone can work 9 a.m. to 5 p.m. at the office.

Given all of these influences, the firm's leaders developed a new approach to performing work and managing office space, calling it the Way We Work. Through Webinars, face-to-face meetings and training sessions, employees learned how the program would give them the flexibility to work where they needed to at any given time. The results are significant: commuting times have been reduced or even eliminated, alleviating a major source of stress. The firm has been able to shrink its real estate footprint, saving costs and reducing environmental waste. A diversity of lifestyle demands can be accommodated, eliminating a potential obstacle to attracting the best talent. And finally, the Way We Work has provided more opportunities for cross-functional collaboration.

HISTORY

To start, the firm aligned each employee to one of its offices around the DC Metro region. Rather than commuting to McLean, employees now "map" to the office closest to their homes: Rockville, MD; Herndon, VA; Washington, DC; or McLean, VA. Those who need to be co-located with a client can "touch down" at these offices when they are not at a client's site. Staff can work at any of these Booz Allen offices whenever they need to.

To make this work, the firm implemented an office-sharing system called "hoteling." Rather than assigning offices to staff members who spend most of their time at client sites, the firm decided that Consultants through Lead Associates would use the hoteling system. Senior staff would continue to have assigned offices, but only at one location. When visiting other offices, they would need to use shared space, and many informally borrow their colleagues' offices when working at another location.

Many of the firm's DC-area offices were reconfigured to accommodate hoteling. A large number of offices were converted to hoteling offices, with room for two hotelers, Internet and network access, and one phone per work station. In addition, new spaces are more open and lounge areas are designed to encourage collaboration. Each floor houses several Privacy Rooms—small spaces that allow for private phone calls or confidential one-on-one meetings—and touch down spaces, which allow for staff needing a

place to work for a short time without having a reservation. Collaboration Rooms provide videoconferencing space for small groups and larger Team Rooms accommodate groups of ten to 12 people.

While the system maximizes flexibility of scheduling, it also works for planning ahead. Through an online system, hotelers can reserve a workspace for up to five days at a time, from 30 days in advance. A concierge is also available at each location to assist employees in finding space. Employees move from office to office as work demands dictate. In the Greater DC-area, Booz Allen offers bus service between the various offices that also connects to the Metro system.

To help make remote work seamless and productive, the firm put together a suite of technology tools called Stay Connected. Accessible via the organization's Intranet, Stay Connected comprises more than 30 communication and collaboration tools (as shown in the following). Examples include Instant Messenger, video conferencing, mobile voice-mail alerts, a call-forwarding program that sends calls to any designated phone, including a cell phone and Booz Allen's social media site, Hello. The firm has also significantly increased its network and bandwidth resources to enable staff productivity.



Booz Allen Hamilton

BOOZ ALLEN EMPLOYEE PORTAL

Welcome! Here you will find access to a number of useful internal resources and tools for Booz Allen employees.

EMPLOYEE RESOURCES

- Travel & Expense Online — Booz Allen's travel booking and expense reporting system
- Outlook — Access your Booz Allen e-mail from a web browser.
- Time Online (TOL) — Booz Allen's time reporting system.

EMPLOYEE TOOLS

- Hello.bah.com – the firm's primary site for news, networking, knowledge management, and information sharing.
- People Services — A source for information, benefits and policies for Booz Allen staff members.
- Career Mobility —The Career Mobility Program is designed to assist employees who are pursuing other opportunities within the firm. Career Mobility is designed to help you grow personally and professionally in your career at Booz Allen.
- Employee Referral Program — Employees can help Booz Allen become even stronger and maintain our standing as an employer of choice for people of all backgrounds by referring highly qualified candidates.
- Ethics and Compliance — Information for Booz Allen employees related to ethics, compliance, and other related policies.
- Help Desk — Booz Allen's resource for questions about:
  - Technical support
  - Computing resources
  - Troubleshooting with the firm's systems such as EOL
  - Employee benefits
- Booz Allen Cares — The firm's resource for community involvement and charitable giving.
- Contributions Portal — The firm's resource for charitable business contributions.
- Social Connection Tools — Yammer and firmwide Intranet – HELLO
- Communications Tool — Microsoft Lync

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OBSTACLES

The change to hoteling was met with mixed reactions. Some new hotelers were not happy about losing their offices, even if they spent little time there. Some perceived the move as a "take away." Another concern was the idea of not having an assigned space. Hotelers can use any hotel office at any site, and they can reserve a work space through an online reservation system. But they are not guaranteed to get the same space every time.

Also, hoteling employees had to adjust to the idea of being truly mobile. Without an office, hotelers keep their belongings in a locker at their primary hoteling location. Hoteling offices provide everything needed for work: phone, Internet access, large monitors and keyboards, access to printers and more. But these offices are designed to be generic; this is shared space that cannot be personalized.

One of the biggest challenges, though, was the fact that teams that had previously sat near each other were now dispersed across the Metro area. Leading a dispersed team and working collaboratively became key competencies that managers and staff had to master. Several resources, including toolkits and Webinars for leading and working on dispersed teams, were developed and provided to employees. In addition, a comprehensive Intranet site provides information on everything employees need to know about hoteling.

RESULTS

To measure the results, Booz Allen conducted "pulse surveys" of its employees. After an initial period of adjustment, many staff members now report that their quality of life has improved. Reasons cited include shorter commute times and reduced commuting costs, more flexibility in schedules and easier collaboration. "Partner champions" were also designated for hoteling locations so staff knew they had senior oversight; question and answer sessions and social events have also been scheduled to build community among hotelers through networking and feedback about hoteling.

The Way We Work program has also had a positive environmental impact. From 2010 to 2011 in the headquarters location alone, the number of employees traveling to and from McLean each day has decreased by 1,155 people. Employees who go into a Booz Allen office every day are now commuting to locations close to their homes, reducing traffic congestion, gasoline consumption and auto emissions.

An unexpected by-product of the Way We Work is that employees are being more intentional and deliberate about when and where they meet and about planning face-to-face meetings with colleagues. And while Booz Allen cannot tell if these programs are having a quantitative impact on recruiting, they are certainly getting very positive feedback from new hires.

ADVICE

Any broad change in the way work is approached has to meet the needs of employees and employers. And while change management strategies have to be executed with rigor, there should also be a willingness to refine the strategy as it is developed. Communications that focus on the positive and tell the stories of individual employees help staff adjust as programs are rolled out.

FUTURE

Booz Allen plans to continue to shift its real estate holdings and add more flexible options to its Way We Work program over the next couple of years.

The firm is developing additional tools to help managers oversee large, dispersed work teams. One example is a set of guidelines to help managers plan the timing of meetings to maximize face time.

Cobb EMC

Initiative	Van Pools / Car Pools / Compressed Workweeks
Industry	Electric Utility Cooperative
Employees with Access to the Initiative	550
Location of Initiative	Metro Atlanta, GA
Number of Employees Using Initiative	236
Name of Contact	John Plunkett, Assistant Vice President of HR Development

ORGANIZATION DESCRIPTION

Formed in 1938, Cobb Electric Membership Corporation (Cobb EMC) started as an electric utility with 489 residential members and 14 commercial accounts. With more than 199,000 meters representing 175,093 members, Cobb EMC is now among the largest of Georgia's 42 EMCs and one of the largest of the nation's over 900 EMCs. The physical plant of Cobb EMC consists of more than 10,584 miles of line within portions of Bartow, Cherokee, Cobb, Fulton and Paulding Counties in the metro Atlanta area and Calhoun, Clay, Quitman and Randolph counties in Southwest Georgia. In 2011, Cobb EMC sold more than 3.9 billion kilowatt hours of electricity. As a not-for-profit, member-owned corporation, Cobb EMC is dedicated to providing its member/consumers with the best service at the lowest possible price. Cobb EMC is regulated by a board of ten directors, elected from and by the membership. The board names the chief executive officer, who in turn is responsible for appointing the management staff that operates and maintains the system.

PROGRAM

Flexibility at Cobb EMC, an electric utility cooperative in Marietta, Georgia with 575 employees, not only benefits employees and the business, but the environment as well. Cobb EMC sponsors van pools for employees and facilitates smaller car pools through a mapping program on its Intranet. Any employee can use a map posted on the Intranet to locate employees living in his or her area and organize a private car pool, or a group of up to 15 employees to start a van pool. Cobb EMC contracts with a van organization to supply the vehicles. Employees from the van pool group volunteer to be the primary driver with multiple backup drivers. The price of the van rental is divided by the seats available on the van and charged to the employee's pre-tax income (as shown in the following tool).

Cobb EMC

CobbEnergy
A COBB EMC AFFILIATE

Qualified Transportation Fringe Benefit
Pre-Tax Benefit Enrollment Form - IRS Section 132(f)

Check one: ( ) New ( ) Info Change ( ) Notice to Cancel Benefit ( ) Deduction Change

Employee Information: **Effective Date:** _____

Name:_____ **Employee Number:**_____

Address:_____

City:_____ **State:**_____ **Zip Code:** _____

Home Phone: _____ **Work Phone:** _____

Cell Phone:_____ **Hire Date:**_____

Employee Payroll Deduction Authorization: _____
(Name of Vanpool's Primary Driver)

(1) I hereby authorize Cobb Energy to deduct $___n/a_____ from my monthly wages on a pre-tax basis.
(2) This monthly amount will be divided by 4.33 to equal a weekly deduction of $ _22.38_____ per paycheck.
(3) This amount will not exceed the federal limit of $230 per month and will be used for a Commuter Highway Vehicle (vanpool).
(4) Changes in the authorized deduction amount are limited to one (1) time per month.
(5) At the end of each quarter, a "true-up" calculation will be made. Any overages or shortages will be adjusted on the employee's next paycheck.
(6) A 30-day notice to cancel is required.

Acknowledgement:

I will be using the benefit exclusively for my regular daily commute from home to work and return. I will not give, barter, exchange, convey, or otherwise transfer to benefit any other person. I understand and agree that false certification may result in disciplinary action by my employer up to and including termination from employment and possible prosecution for Federal Tax evasion.

Employee signature:_____ **Date:**_____

For Administrative Use Only
Date received: _____ **Pay Period Beginning:** _____
Effective Date: _____**Annual Contribution Amount:** _____
Authorizing Signature:_____ **Date Processed:**_____

Payroll authorization-Cobb VANPOOL v5 (2010)

Reprinted with permission from Cobb EMC

Cobb EMC has helped to control the price of the van pools by absorbing increases in fuel prices, which are included in the vans' rental price. Cobb EMC also takes on the

cost of an empty seat if an employee decides to leave the van pool due to moving to a shift inconvenient to the van pool schedule. As another example, if an employee receives a promotion and is no longer able to use the van pool, the monthly invoice is still divided by the set price with Cobb EMC absorbing the cost of the rider who left.

Another way of reducing commuting and benefiting the environment is providing an optional compressed four-day workweek. Employees have a choice of whether they prefer working four ten-hour days or five eight-hour days. Four-day workweeks are available to employees across the organization, unless a department manager has a business necessity for his or her department to remain open five days a week during traditional business hours. For example, Cobb's customer service department tried a compressed schedule, but managers found they did not have enough coverage to properly take care of customers and reverted back to a traditional schedule.

HISTORY

Compressed workweeks were introduced at Cobb EMC in 2000 as a way for crews to work more efficiently. AVP Human Resources Development John Plunkett explains:

> *As traffic gets heavier in metro Atlanta, there are more restrictions about what we can do about setting up our trucks to either repair a power line or to move power line poles. Part of the issue is how we deal with traffic once we get to a location if we have to finish at 3 or 4 p.m. before traffic gets too heavy to work and return to the office.*

Having to leave early means crews have less time to finish repairs and spend more time driving to and from the location. Compressed workweeks of four ten-hour days give crews more time to do work on the lines. Seeing the success the program had with crews, Cobb EMC decided to make the compressed workweek available to all employees.

Cobb's van pool program followed, born of a necessity. As the organization grew, more space was needed for employee parking. In considering several options, leaders realized van pools would help free up a significant number of parking spaces. Staggered work schedules also helped ease traffic congestion at the end of the day. Plunkett also realized, "that's not the way you want to send home employees from a hard day's work—literally fighting the traffic."

The van pool program also aligns with Cobb's desire to use the roads in metro Atlanta in a more efficient and environmentally conscious way. Cobb EMC eventually settled on implementing formal van pools and facilitating informal car pools. Knowing that some employees drive upwards of 70 miles each way to work every day, these ride sharing programs made sense both economically and environmentally.

OBTACLES

After working compressed workweeks of four ten-hour days, some employees reported they were lagging during the last two hours of the day. Other employees had to

pick up children from child care by a certain time and were unable to work later hours. Thus, Cobb EMC decided to make the compressed workweek optional.

Minor problems around disagreements about music choices or other such issues can emerge in van pools. Plunkett says he makes himself available for mediation, but finds that such conflicts are generally resolved by the van pool group, calling the van pool driver the "captain of the ship."

RESULTS

The van and car pools have been great successes, with 236 employees registered in at least one of these creative commuting options. According to Plunkett, the main payoff of implementing flexibility programs such as van pools "is that people come in with smiles on their faces." Employees who commute 60, 70 or even 80 miles to work save significant sums of money in transportation costs, which Plunkett believes has translated into lower stress across the organization. Plunkett also reports that employees who meet in van pools have created strong communities among groups of workers who might not otherwise meet.

Anecdotally, workers have reported much greater productivity thanks to compressed workweeks. Employees who come in earlier or stay later than most other employees say they are able to get work done with fewer distractions. Staggered scheduling has also made it possible for Human Resources to be available to employees from 6 a.m. to 6 p.m., allowing for better service to employees.

ADVICE

Plunkett advises business leaders first identify the strengths of their organization—what makes their organization great to work for and why have employees continued to work there? Discussing these things with management and employee focus groups can shed light on positives aspects of the business that leaders may simply not be aware of. Talking with a diverse cross-section of the organization can also identify problems. This dialogue ensures that decision-makers at all levels of the organization know what their strengths and weaknesses are. Plunkett says that issues identified during these discussions can often be addressed with creative thinking about working flexibly. For example, compressed workweeks did not suit some employees who felt tired toward the end of the day or who had child care responsibilities in the evening. By listening to the needs of its employees, Cobb EMC identified a better way to sustain a program that worked well for many employees but that was difficult for others.

FUTURE

Cobb EMC will continue its commitment to workplace flexibility for all of its employees. In addition to determining metrics to quantify the results of its flexibility programs, Cobb EMC is looking to its employees to determine how it can better serve them.

CHAPTER 3: REDUCED TIME

Fenwick & West, LLP

Initiative	Reduced Hours Program
Industry	Law
Number of U.S. Attorneys	300
Location of Initiative	Mountain View and San Francisco, CA and Seattle, WA
Number of Attorneys Using Initiative	49 firm-wide
Name of Contact	Cheri Vaillancour, Chief Professional Development Officer

ORGANIZATION DESCRIPTION

Fenwick & West LLP is a national law firm that provides comprehensive legal services to technology and life sciences clients of national and international prominence. The firm has approximately 300 attorneys, with offices in Silicon Valley (Mountain View and San Francisco) and Seattle. Fenwick is committed to providing innovative, cost-effective and practical legal services that focus on global technology industries and issues. The firm differentiates itself through a deeper understanding of its clients' technologies, industry environments and business needs than is typically expected of lawyers.

PROGRAM

Law can be a grueling field of work, especially for those who have additional caretaking responsibilities in the home. In 2003, in response to the loss of female attorneys both at the firm and in the industry at large, Fenwick & West implemented a part-time work policy that makes it possible for any attorney to work reduced hours for any reason.

As Chief Professional Development Officer Cheri Vaillancour explains, "We felt it was important to de-stigmatize part-time work." In the legal profession, those who do not wish to work such long hours are sometimes seen as being less committed: "Traditionally, some law firm partners have defined 'work' as being available all the time, including evenings and weekends."

It was important to Fenwick management that attorneys not have to justify why they want to work part time. This is a key part of the policy and has helped result in "many, many more people working part time now."

Attorneys who want to work part time may first go to Vaillancour to learn about the firm's policy and logistical issues related to working part time. They may also go to the head of their practice group or to the firm's managing partner. In addition, two attorneys—a part-time litigation partner and a full-time licensing partner (a former managing partner of the firm)—provide counseling on professional development and career

satisfaction and serve as resources for attorneys exploring the part-time work option. Vaillancour recommends that attorneys who want to work part time seek advice from these two partners, as well as from colleagues who are working part time, before moving forward with implementing a part-time schedule.

Next, the attorney must obtain approval from his or her practice group leader. Vaillancour notes that since the policy was adopted, not a single request for a part-time work schedule has been denied. Occasionally, in smaller practice groups, an attorney may need to continue working full time for a few weeks while staffing arrangements are modified to ensure proper coverage and client care as the attorney begins the transition to a part-time work schedule.

Firm management encourages attorneys to be flexible themselves in deciding how much they want to work. An attorney might decide to work 80% of his or her regular hours and later discover it is still too much. If so, he or she can decide to cut back, say to 60% or 70% of regular hours. Attorneys are also permitted to adjust their working hours as they go through life changes during their career. For example, some attorneys take on more hours once their young children have begun school.

As attorneys must track and submit their billable and non-billable hours, it is relatively easy for partners and the Professional Development Department staff to see how hard part-time attorneys are working. If a part-time attorney is consistently working more than his or her desired number of hours, Vaillancour will reach out to practice group leaders and other supervising partners to try to minimize the “hours creep” toward full-time work. Partners in the attorney’s practice group will work with the attorney to reduce his or her hours to a more acceptable level. Sometimes, as a trade-off, an attorney will voluntarily exceed his or her part-time commitment for a period of time in order to assume substantial responsibility for a high-profile transaction or another particularly challenging opportunity. After completion of the project, the attorney may then take time off in order to balance out the hours.

HISTORY

As Vaillancour explains, the traditional legal career path meant working up from junior associate to senior associate and then on to partner. In the traditional view, “you had to be committed 24/7—you had to work all the time” to make partner. However, as a result, at most large law firms throughout the country, large numbers of women were opting out, leaving their law firms altogether to achieve a better fit between their work and their personal lives.

Though the dynamic of work and family responsibilities has shifted, the legal career path, largely, has not. Older, mostly male partners have raised families with the help of a stay-at-home spouse, making it possible for them to work long hours. Of course, this is no longer the case. Many female attorneys now find themselves working long hours while taking on the bulk of family care. Many are finding they simply cannot do both.

And men's involvement in family life has increased, and thus male attorneys are also striving for greater work-life fit.

Fenwick was no exception. Though its attrition rates were slightly better than the national average, it was losing female attorneys to less demanding in-house counsel positions, and many were leaving law altogether. From exit interviews, Vaillancour learned that many of these women had families or wanted to have families in the future and did not see a way to be both a good attorney and a good parent and spouse. Though Fenwick had a few attorneys who worked part time, and it had a part-time policy in place, firm management wanted more than a policy. As Vaillancour explained, "We wanted to create an effective *program*, and we wanted our attorneys to *use* it." In 2003, Fenwick began the process of creating a practical program that would be more widely used.

The firm first brought in a diversity consultant who worked with focus groups to identify values and perceptions among its attorney population. Vaillancour recounts, "Our focus groups were based upon gender, position and age, so we had our most junior male partners, our most junior female partners, junior female associates, et cetera." As a result, the firm "learned that the whole issue of control over one's schedule wasn't limited to women. It was something that frustrated many attorneys, including partners."

The firm next created a Work-Life Committee of interested partners from all practice groups to help craft a better, more effective part-time policy. As part of this process, the firm collaborated with Joan Williams, a professor of law at UC Hastings [University of California Hastings College of the Law] and an expert on gender in the workplace and work-life issues. Williams reported to the partners on the state of diversity and work-life issues in the legal field nationally and at Fenwick. She explained that the number of women entering and graduating law school was increasing nationally. Thus, Fenwick would need to consider ways it could better support women in the workplace if it wanted to attract and retain these new graduates and retain existing female attorneys. Williams' ability to explain the business case for greater action on work-life issues was key to gaining support for a more expansive formal part-time policy.

Through these focus groups and formal research, it became clear that schedule management was a critical issue to employees—both those with and without families. Through examining "the data, [Fenwick's] needs, culture and values" the Work-Life Committee, with the support of Fenwick's Chairman, was able to create a formal policy that would work well for the firm.

OBSTACLES

Implementing a part-time policy in a field in which commitment often is judged by how many hours a person works has not been easy. Vaillancour admits Fenwick has yet to completely solve this problem; it is an issue that persists in law firms across the country.

This problem has lessened in the years since the new policy was formally implemented. As associates see part-time attorneys being given opportunities to take on challenging work, having access to influential partners and clients and making partner themselves, they come to better realize that part-time work does not preclude them from rising in the ranks. Although, as Vaillancour says, "We don't believe [that working part time will negatively affect their careers]—if it does, that's a problem for us." Alleviating this fear is a process that takes time, but Fenwick is putting forth its best efforts to do so.

Having partners who work part time themselves or who go above and beyond to support associates who work part time has also helped validate the policy. These supportive partners help remove the stigma from part-time employment and help associates make working part time work for them. For example, the internationally recognized head of the trademark practice group has worked part time for many years and is an advocate for her associates who choose to work part-time schedules.

An associate working part time in litigation has found an outstanding advocate in the partner with whom she primarily works. This associate has been very successful in her practice and is currently on partnership track, thanks in part to the support she receives from this particular individual. As Vaillancour sees it:

> *This is an example where it's really a team effort. It's the associate doing whatever he or she can to manage time, but it's also up to the partner to respect the associate's time and reduced hours commitment and to spend some time planning and being very purposeful about how he manages his teams, cases and people.*

In certain practice groups, working part time can be difficult due to the nature of the work. For instance, in mergers and acquisitions, it is difficult to have a set daily schedule. As Vaillancour explains, "You work really hard for weeks and weeks, and then there's a lull." Those who want to work reduced hours in mergers and acquisitions are better suited to reducing their hours on a longer-term basis, for example working more hours during a busy time, but then taking time off once the work tapers off. In the litigation practice group, the volume of work can also make it challenging to work part time. Vaillancour reports that there are several litigation attorneys who have made their part-time schedule work with the help of supportive partners. Attorneys who work part time also remain flexible and realistic about their schedules:

> *We recognize that it's not always going to be the case that the person works 60% or 70% [of regular hours] all the time. They may work harder for a period of time if they're willing to do that or if the demands of the case or team require it. At the same time, they know that as soon as that burst is over, they can take some time off.*

Since all attorneys track their billable and non-billable hours, partners and the Professional Development Department staff can see if they are working more hours than desired. As Vaillancour explains, "If there are people who are exceeding their time commitment regularly, we want to let the practice group leader know" so that associates are not becoming overwhelmed with the volume of work.

RESULTS

Anecdotally, Vaillancour has seen part-time work become an incentive for attorneys at the firm and, interestingly, attorneys who have left the firm. One such attorney expressed in her exit interview that she was leaving Fenwick to spend more time with her young children. However, she has stated that she would consider returning to the firm part time when her children are a little older. Since such user-friendly part-time policies are somewhat rare in the legal field, Fenwick has extra appeal.

Fenwick's Diversity Committee is responsible for analyzing retention rates across and between different demographic groups at the firm. Fenwick's attrition rates, on average, are better than the national average for law firms. However, Vaillancour admits the rates are still not where they would like them to be. Additionally, some of the increases in retention rates at Fenwick may be due in part to the slow economic recovery in the aftermath of the recession. Vaillancour remembers, "When the recession hit, our retention numbers went way up. No one wanted to leave because there weren't jobs. People hunkered down for a couple of years."

Currently, 20 of Fenwick's 100 partners and 29 of its 187 associates work part time.

ADVICE

Positive changes resulting from flexibility will not be apparent overnight. Vaillancour advises that it will take time to see the effects of flexibility. Even now, Fenwick is working against negative perceptions about part-time work:

> *It takes a while to get mind share … Many times firms go forward with something like this, and when they don't see a change immediately, they think it isn't working. [Flexibility] is a work in progress.*

Firms need to recognize that when a full-time attorney transitions to a part-time schedule, but the amount of client work in the firm remains the same, the "lost" hours must be replaced, whether by a new hire, a contract attorney or an existing full-time attorney with capacity. If the hours are not replaced, either the part-time attorney will experience "hours creep" and *continue* to work beyond his or her part-time commitment, or full-time attorneys in the firm will by default take on even *more* work. Obviously, this can lead to morale problems. Firms must be vigilant about assessing how hard all of their attorneys are working, not just those on part-time schedules. They must determine whether a given level of busyness in the firm, or in a particular practice group, is temporary and will level out or will require additional staffing, temporary or long-term, in order to enable attorneys to meet, but not substantially exceed, their work commitments.

At this point, Fenwick has many very successful attorneys who work part time, including partners who have chaired practice groups and who sit on important firm committees. In recent years, the firm has elected two part-time female associates to its partnership. As our associates have seen their colleagues and mentors working part

time, flexible scheduling has become much more common. In fact, designing one's career, including how much or how little one works during various stages of one's career, has become much more accepted and even encouraged.

FUTURE

Fenwick plans to continue to assess and improve its part-time work program. In addition, firm leadership is exploring new and varied career paths for associates. On a case-by-case basis, Fenwick approves of counsel positions for those attorneys who do not aspire to become partners. These attorneys are not responsible for as much administrative work or firm infrastructure projects. However, having too many counsel attorneys doing senior level work can foreclose challenging opportunities for associates on partnership track who need those developmental opportunities to continue to rise in the ranks. Fenwick is working to create the talent model that will work most effectively for its attorneys and clients.

1-800-CONTACTS

Initiative	Flexibility for Hourly Employees
Industry	Direct Consumer Retail
Employees with Access to the Initiative	850
Location of Initiative	Draper, UT
Number of Employees Using Initiative	450
Name of Contact	Josh Nielsen, Associate Director of Workforce

ORGANIZATION DESCRIPTION

As the world's largest contact lens store®, 1-800 CONTACTS is dedicated to providing its customers with a simple, hassle-free way to replace their contact lenses. They offer simple ordering by phone, Internet, mail or fax, along with over 250 trained customer service agents ready to provide live help seven days a week. At 1-800 CONTACTS, customers will receive the exact same contact lenses their doctor prescribed, delivered to their door. 1-800 CONTACTS maintains an inventory of almost 10 million contacts which means customers will receive their contacts fast. In the last 11 years, 1-800 CONTACTS has filled more than 15 million orders for over five million customers. In a single day, they sell as many contact lenses as 2,500 retail optical shops combined.

PROGRAM

Founded in 1995, 1-800 CONTACTS has grown into the world's largest contact lens retailer by providing the kind of service that keeps customers coming back. But to keep customers happy, 1-800 CONTACTS leaders know they need to keep their associates happy. It attributes its strength in large part to flexibility, offering its call center as a particularly dramatic example. It is not uncommon for white-collar, salaried workers to

be offered some level of flexibility; however, it is much rarer for hourly wage earners to be offered flexibility. 1-800 CONTACTS has implemented flexibility options for its hourly wage call center employees that have helped to significantly reduce turnover.

One of these programs is a creative time-off accrual program. The program rewards employees for positive behavior, such as meeting work goals and coming to work on time. Points are given for positive behavior and can be cashed in for time off. Employees can earn 100 unpaid days off or 30 paid days off over the course of a year. When an employee wishes to take a day off, he or she cashes in the points. The further in advance the employee requests time off, the fewer points the day "costs."

1-800 CONTACTS also empowers employees to trade, give away or pick up work shifts among themselves online from any location. In addition, the organization has made investments in technology that allow call center employees to work from home. Each telecommuting employee is provided with a work-at-home station, which includes a computer, dual monitors and a phone. For employees who work in-house, hundreds of scheduling options give employees latitude in working hours that allow them to meet their responsibilities at work and at home. Associate Director of Workforce Josh Nielsen explains the scheduling process:

> *It takes about a month for an associate to get hired and on the phones. And as those new people get hired, what we do is we provide them with a spreadsheet essentially that shows them our staffing according to our needs. It's color coded, so there are times where they cannot pick up because we're overstaffed, and there are times that we would prefer that they pick up because we could use more staffing there. And new associates simply create their own schedule right out of the gate.*

HISTORY

In 2000, turnover at 1-800 CONTACTS call center was 140%—the highest it had ever been. By asking call center employees what would make it easier for them to meet their responsibilities at work, 1-800 CONTACTS leaders found that employees wanted greater workplace flexibility. In response, the organization introduced a variety of programs that gave call center employees greater flexibility in where and when they worked.

It was not just the problem of turnover that pushed 1-800 CONTACTS to implement flexibility options. Nielsen says 1-800 CONTACTS co-founders Jonathan C. Coon and John F. Nichols believed that to set the organization apart, they would need to provide a superior customer service experience. Knowing that happy associates provide exceptional service, leadership continues to work to create a culture of flexibility.

Flexibility has also been a bottom-up effort at 1-800 CONTACTS, with leaders asking associates what flex options will help them to do their jobs best. When management decided to implement a rewards system for good attendance, they asked employees to propose a system. It was an employee who responded with the points system currently in place.

The need for more space also impacted how 1-800 CONTACTS leaders have thought about how associates work. As the business expanded and the need for more call center associates grew, it looked as though more call center space would need to be built. By investing in technology for associates, 1-800 CONTACTS has given employees the tools they need to work from home while avoiding costly physical expansion.

OBSTACLES

Nielsen admits that if expectations of employees are not made clear, it can create problems. Employees settle into working with a high level of flexibility and some begin to feel entitled to flexibility whenever they want or need it. For example, miscommunication about scheduling flexibility can create problems. Nielsen explains that almost all of the time schedule change requests can be met. On the rare occasion that a request cannot be granted, employees can become frustrated, feeling that they have a right to schedule flexibility whenever they need it. Call center associates who work from home can also become frustrated about having to come into the office for things like trainings if expectations are not made clear when they are first hired.

RESULTS

From 2000 to 2009, 1-800 CONTACTS' turnover rate in its call center dropped from 140% to 35%. This rate is far below average for the call center industry. According to Nielsen, the turnover rate for call center employees who work from home is even lower. These flexibility options benefit employees who are showing their approval by choosing to stay with the organization.

This reduction in turnover has also resulted in greater performance sustainability. By keeping employees from leaving the organization, the business does not need to focus so heavily on recruiting, hiring and training new employees. Employees stay with the organization longer, gain more experience and become better and better at their jobs, giving the customer an excellent service experience. Nielsen anecdotally reports that associates feel higher levels of job satisfaction because of the flexible options available to them.

ADVICE

Nielsen says before flexibility can be implemented successfully, you have to "start with a mindset" of flexibility. He also explains that building a solid business case is important. Without knowing how flexibility can address problems and better a business or organization, it is unlikely leadership will want to make changes.

Nielsen also advises other employers "to adapt and be flexible" in proposing and implementing flexibility options. If the plan is too rigid, it will be hard to form a coalition of people who will want to help implement changes. Finally, he advises "don't let the minority ruin it for everyone." Some employees will not use flexibility responsibly or appropriately, but that does not mean the majority should have flexibility taken away.

FUTURE

1-800 CONTACTS is committed to continuing to be a flexible workplace for all of its employees. The organization has set up a Facebook page just for associates as a place to discuss business needs and upcoming organization events. The organization sees this expansion into the digital space as a small, but important, way to keep young employees involved with and connected to the organization.

Bon Secours

Initiative	Reduced Time for the Aging Workforce-Part-Time and Part-Year Work
Industry	Health System
Employees with Access to the Initiative	7,200
Location of initiative	Richmond, VA
Number of Employees Using Initiative	Not Available
Name of Contact	Dawn Trivette, Administrative Director, Work and Family Services

ORGANIZATION DESCRIPTION

In 1881, the Sisters of Bon Secours arrived in the United States where they continued their work of visiting the poor, the sick and the dying in their homes. Over time, they built a multi-state network of hospitals, long-term care facilities and health care services. All preserved the Bon Secours Catholic tradition of providing quality care, especially to the poor and the sick.

In 1966, Bon Secours expanded its mission to provide good help to those in need with the opening of St. Mary's Hospital in Richmond, VA. In 1995, Richmond Community Hospital joined the Bon Secours Health System, and in 1998, Memorial Regional Medical Center began serving in the Hanover community. Bon Secours further expanded in 2005, adding its fourth hospital in the Greater Richmond area, when St. Francis Medical Center opened. Today, the Catholic health care system is one of the area's largest employers, nationally recognized by AARP and *Working Mother* magazine. In addition to the four hospitals, Bon Secours Richmond includes a college of nursing, a school of medical imaging and two family practice residency programs. True to the Sisters' original mission of a comprehensive healing ministry, Bon Secours Richmond is active in community outreach health programs and services.

PROGRAM

Since one third of 7,200 employees at Bon Secours are over the age of 50—and since nurses, in particular, are an aging group—this health care organization has made

significant efforts to retain its aging workforce. The need is reciprocal since its older employees, including nurses, are finding it difficult to retire at the traditional age of 65 due to loss of retirement funds and depletion of personal savings over the course of the recession. However, the physical demands of jobs like nursing can make it difficult for an older nurse to continue handling some of the traditional responsibilities of the job. Thus, Bon Secours efforts focus not only on creating flexibility, but also on redesigning jobs.

Flexible schedules have also been very important for those employees who are responsible for elder care and all other types of caregiving within their families. Bon Secours Administrative Director Dawn Trivette explains that many older employees, due to their caregiving backgrounds, are "nominated" by relatives to take care of an elder or sick relative in their own families when the need arises. Employees are able to shift their hours over the course of the day or work fewer hours for a period of time until they are able to work their regular hours. For example, if an employee needed to care for a relative in the morning, he or she could begin work later in the day. Or, if an employee needed to work part-time hours for a period of time to care for a sick relative, it could also be arranged. Trivette says:

> *For many people, especially in this economy and what's going on in their families, they find that [flexibility] is something that works for them at this point in their lives.*

In addition, employees are able to work seasonally. An employee can opt to work only part of the year—during only the summer and spring, for example—and take off the other part of the year (fall and winter in this example). This arrangement can work well for an employee whose spouse is fully retired and wants to spend part of the year living in a warmer climate, like the many northern retirees who opt to spend the winter months in a warmer area.

In addition to flexibility, Bon Secours explored different ways nurses' skills can be utilized in non-traditional ways. For instance, a surgical nurse who is not suited to grueling hours of surgery can still use her expertise in patient care by helping an admitted patient prepare to go home from the hospital and to understand what he or she needs to do once home.

Bon Secours has also addressed physical demands of the jobs for its aging workforce. For example, they have created Patient Mobility Teams that are responsible for moving patients—a job usually done by nurses that can become difficult with age.

Launched in 2008, Bon Secours Guiding Light program also uses the wisdom of mature employees to ease the transition to work for new nurses. This mentoring program pairs recently retired nurses with recent nursing graduates. The mature nurses and recent graduates work together, with the mature nurse helping the recent graduate acclimate to his or her new work and environment. According to Trivette:

> *These seasoned nurses share their valuable experience and knowledge as mentors and offer invaluable contributions to the Bon Secours Memorial College of Nursing.*

For those employees who do retire, Bon Secours has made changes that allow them either to come back on a part-time schedule with benefits or to return on a short-term basis. Employees who wish to come back part time work a regular schedule, but they work fewer hours. Employees who work 16 hours per week or more are eligible for health benefits. Retirees may also return to Bon Secours on a short-term basis. This may happen if a new project requires extra help for a definite period of time. The experience and wisdom of recent retirees can be especially helpful in these cases. Trivette describes the process for bringing back retired workers for short-term projects:

> *Managers and folks in HR and leadership remember people who have retired. Most of the time, [these former employees] are flattered to come back and help with a project.*

Retired Bon Secours employees who limit their working time to 24 hours per week or less continue to be eligible to receive their pension benefits. Their newsletter shares stories of their older employees (as shown in the following tool).

good news
A NEWSLETTER FOR BON SECOURS EMPLOYEES
SEPTEMBER 2011 • VOL. 13, ISSUE 9

Happy 90th Birthday, Hattie!

Health system's oldest employee lives each day to its fullest

There are several places you can find Hattie Davis.

In her favorite chair.

At church on Sunday morning.

Around Richmond, where she's lived her whole life.

But where we see her most is right here among us.

Davis, a new 90 year old, is Bon Secours Richmond's oldest employee. She has worked in the health system since St. Mary's was built, about 45 years ago. She retired briefly, for just a month. But she couldn't stand it and went back to work.

She hasn't stopped since.

Davis, a former nurse, works twice a week in the Bon Secours Employee Wellness Services office at St. Mary's doing administrative work and filling in where needed. She also volunteers two days a month in St. Mary's gift shop.

"I wouldn't stay at home for anything," said Davis. "People smile at me. They wave. They talk to me. I couldn't get any of this at home. There's no one there."

Davis was never married nor had children. She came close to the aisle once, but Tommy, the fiancé, made a relationship-ending mistake. He suggested the two of them split the cost of bedroom furniture in the home they would share. Davis initially agreed, and then got to thinking. If Tommy expected to contribute only half now, would that always be the case?

"I'm not going to do this," Davis said she thought. "There was no half and half back in my day. The husband took care of his wife."

She took off her ring, drove to her almost in-laws' house and gave it to Tommy's mother.

"If he hadn't made that statement, we may have gotten married, and it may have worked out. It may not have," said Davis, wondering. Tommy did end up marrying and having 10 children. Davis laughs at the idea of what could have been.

Still, Davis has a full, happy life with her friends, church family and Bon Secours family. And hers is a life that's been dedicated to the service of others. "If you want to be lonely, you can be. Not me. There is always something you can do."



A regular volunteer at St. Mary's gift shop, Hattie Davis enjoys living a life in service to others.

"We were looking for a nurse to assist with flu shots for employees at St. Mary's Hospital. We contacted Home Health where Hattie worked at the time. She came to assist and has been with us since, about 18 years. Working with Hattie, it is hard to believe she is 90 years old. She is youthful in appearance and in her actions. She keeps us on our toes and is an inspiration."

— Cindy Stutts, Administrative Director
Employee Wellness Services | Employee Assistance Program

inside this issue

Anniversary Celebration
College of Nursing plans for gala event … page 3

Planning for Now or Later
Seminars help employees prep for college and retirement … page 6

Summer Scenes
Children enjoy Bon Secours' camps … page 7

BON SECOURS VIRGINIA HEALTH SYSTEM
Good Help to Those in Need®

Reprinted with permission from Bon Secours

Finally, Bon Secours purposefully seeks out older employees to hire by attending and sponsoring job fairs aimed at mature job seekers.

HISTORY

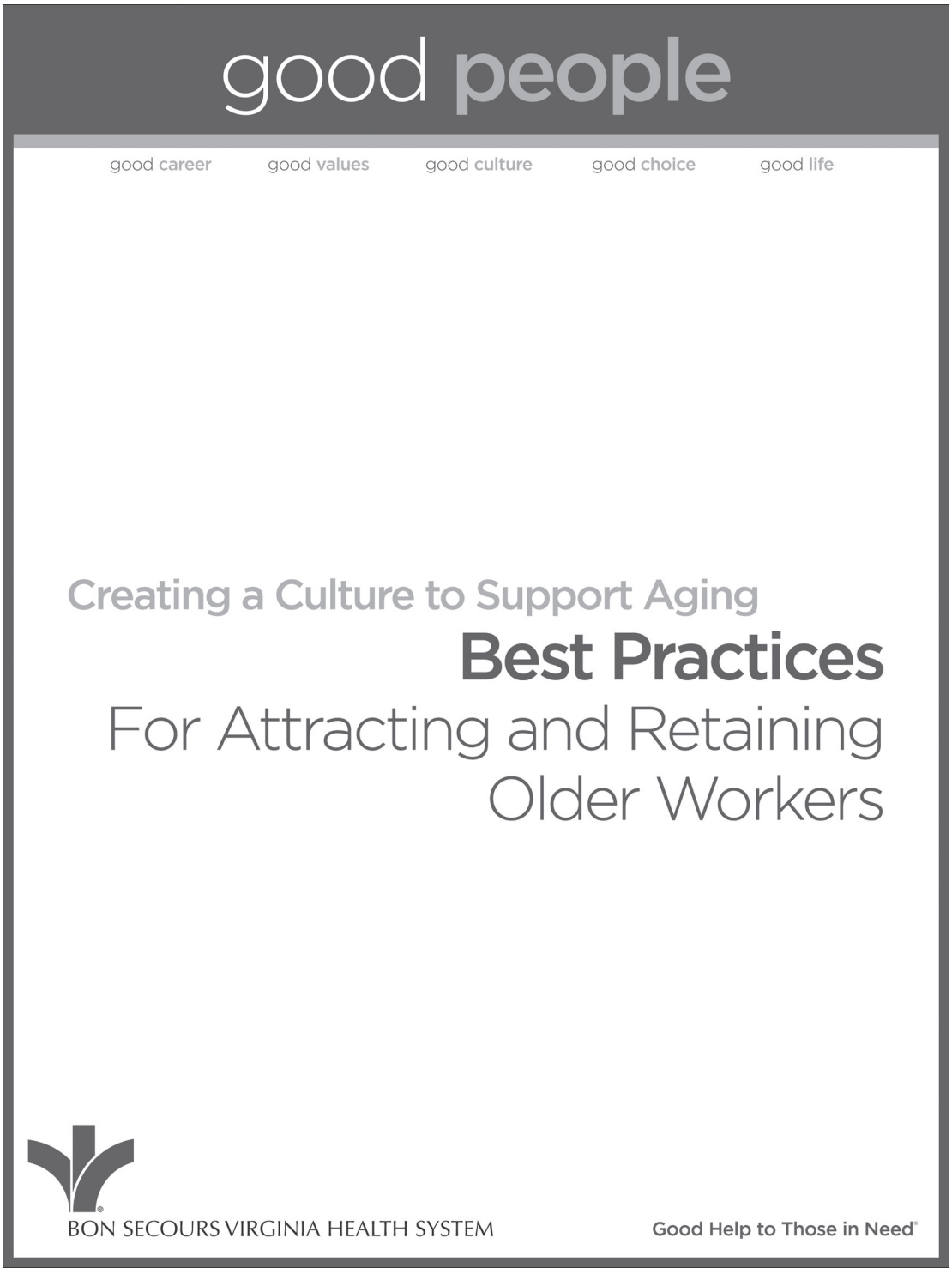
Bon Secours recognized that as the current workforce was aging, the number of young nurses entering the workforce was not large enough to replace retiring nurses, who, according to Trivette, "often leave at a younger age than the typical retirement age because of physical demands [of the job]." Older nurses often struggle with being on their feet all day, with the constant lifting and bending that is a part of their everyday duties. This desire to retain highly experienced nurses drove Bon Secours to do more to support their needs. Trivette recalls that Bon Secours

> *… looked at reasons people would leave. We looked at what we could do around each of those issues ...*

The recognition of these problems and how they impacted aging nurses led to the creation of programs like Patient Mobility Teams that are responsible for lifting and moving patients—a task that can be difficult for mature nurses. Part-time hours allow aging nurses to continue working only as much as they are comfortable with as they ease into retirement. These flexibility programs have all been created with the goal of retaining top talent and molding work to fit the needs of the organization and the employee.

The organization also looked at other ways it could identify areas that needed improving. By working with organizations like AARP, Bon Secours benchmarks its progress and is able to see what other organizations inside and outside of the health care industry are doing to support aging workers and flexibility. In the process, they wrote a report on "Creating a Culture to Support Aging: Best Practices for Attracting and Retaining Older Workers" (as shown in the following tool).

Bon Secours


good people
good career
good values
good culture
good choice
good life
Creating a Culture to Support Aging
Best Practices
For Attracting and Retaining
Older Workers
BON SECOURS VIRGINIA HEALTH SYSTEM
Good Help to Those in Need®

Flexible Work Schedules

Professional development at Bon Secours is enabled through an atmosphere of flexibility, an atmosphere that has been recognized by the Alfred P. Sloan Award for Business Excellence in Workplace Flexibility yearly since 2006. Not exclusive to development, flexibility is the dominant tool used by the health system to support most of its workplace programs. All employees have access to flexible arrangements such as job sharing, compressed work weeks and telecommuting, as long as staffing and patient care allow.

According to When Work Works, nearly one out of five employees currently provides eldercare; however, one in two employees expects to provide eldercare within the next five years. And men and women are equally likely to be the providers of eldercare. (When Work Works is a national project on workplace effectiveness and flexibility, created with funding from the Alfred P. Sloan Foundation.)

But for older workers, the health system has found that personal demands on them can be a bit unique. Families often turn to the health care workers within their ranks to be caregivers. These health care workers are often caught in the middle, the sandwich generation who care for elderly parents while still raising or supporting children. Through federal mandates, eligible employees are offered time off with the Family and Medical Leave Act. However, Bon Secours goes a step further. For employees caring for dependents (children, grandchildren, parents or relatives), Bon Secours offers the flexibility to move from full- to part-time to on-call status and back into most job categories without penalty.

Bon Secours also has a highly successful phased retirement option.

- Employees can retire from the organization altogether and be rehired later without jeopardizing retirement checks.
- Employees may "retire" at age 65 but continue working part time (not more than 24 hours per week), while collecting a pension.
- Employees who work past age 70 and a half may begin receiving a pension check in April of the following year, regardless of job status.

Work-Life Benefits

Flexibility also comes into play with the creation and use of work-life

benefits. Bon Secours is not a static organization. Just as it adjusts its medical services to the newest of advancements, it does the same with its workplace policies. In 2008 and 2009 when the U.S. economy began its dive into a recession, Bon Secours responded by pulling together a fuel and economic relief package for its employees. The package provides fuel-saving measures, local merchant discounts, employee crisis funds, holiday assistance, home-buying discounts and much more.

Even as the economy gains momentum, Bon Secours continues to respond. Older workers, particularly those near retirement or those working reduced hours past retirement age, face special financial concerns and fixed incomes. The following are ways that the health system has made adjustments to its policies in order to help:

- Increased its minimum wage in 2010 so it is now 26 percent above state and federal requirements.
- Continued annual distribution of $5,000 in college scholarships to employees' grandchildren and $10,000 for employees' children. This program is so successful in the health system that it was expanded to the Bon Secours health system in Hampton Roads, Va., in 2010.
- Offered a third opportunity in 2010 for employees to trade their Paid Time Off for cash. Typically this is done twice yearly. The additional opportunity was timed for August as a way to help employees with their children's or grandchildren's back-to-school expenses.
- Raised tuition reimbursements in 2010 to up to $5,000 per employee.
- Partnered with the Virginia Eye Institute in 2010 to offer discounts on eyeglasses, contact lenses, sunglasses and accessories for employees and their immediate families. In addition, discounts are offered for Lasik refractive surgery.
- Continued offering eldercare benefits including: subsidies for at-home care, discounts on hospice and home-medical equipment, intergenerational programs, and caregiver resources.
- Increased the list of area merchants who offer discounts to employees. For example, an area tax preparation provider offers a 20-percent discount on tax preparation for all Bon Secours employees but a 25-percent discount for employees who are age 55 or older.
- Continued offering full medical benefits for working just 16 hours per week.
- Continued offering its award-winning wellness programs including: free flu shots, fitness classes, on-site and off-site exercise facilities, weight loss support, and smoking cessation classes.

Why Focus on Retaining Older Workers?

The costs associated with retaining an employee are less than those associated with recruiting, hiring and onboarding an employee. But the need for retention is not purely a numbers game.

According to The National Study of Business Strategy and Workforce Development by The Sloan Center on Aging & Work at Boston College, older workers embody characteristics that benefit their employers, making retention a smart business strategy. "Late-career employees tend to take initiative, be loyal to the company, be reliable, have established networks of professional colleagues, have high skills relative to what is needed for the job, have strong work ethics, and have low turnover rates."

GrandPartners

Employees, their parents and grandparents are invited to participate in the health system's intergenerational GrandPartners program at the Bon Secours St. Francis Family Center. GrandPartners pairs seniors with children for activities such as playing with the children, rocking babies or sharing special talents and hobbies. GrandPartners' mixers have provided information about local discounts, glasses cleaning and free glaucoma testing, blood pressure checks, cooking demonstrations, health tips, exercise demonstrations, and a workshop on journaling and scrapbooking.

Bon Secours Richmond regularly offers Lifestyle Planning courses exclusively for its older employees. In fall 2011, the health system is planning its next course that is expected to include information on: healthy lifestyles as you age, wills, advance directives, retirement plans, life after retirement, Medicare, insurance and phased retirement.

For all employees, the Bon Secours Employee Assistance Program offers services for debt reconciliation, one-on-one counseling, and other financial resources through a lending library.

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OBSTACLES

One of the obstacles that employers face is communicating about their workflex options. According to Trivette, many organizations in the health care industry have some

level of flexibility, like benefits for part-time employees or part-time work options, but they do not make an ongoing effort to let employees know these options exist.

Bon Secours makes sure it fully communicates these options to its employees. Their monthly newsletter highlights the ways in which flexibility succeeds at Bon Secours. For example, a cover story might be about a current job share and how it came to be and why it works, or about elder care. By reading these stories, employees see the success and practicality of such arrangements and understand how the arrangements work at Bon Secours. It also sends a clear message that leadership is supportive of the flexibility both in word and deed (as shown in the following tool).



Bon Secours

Eldercare Benefits Give Employee Extra Arms to Care for Mother

Tonya Delph is like many who work at Bon Secours Richmond. She is raising a young child. She has an aging parent who needs extra care. And she knows when she needs a little help. For that, she turned to Bon Secours eldercare benefits.

A Support Services Technician for Bon Secours Hospice, Delph shared her story with *Good News*.

Q Which eldercare benefits did you use for your mother?
I used the home health benefit where Bon Secours provided discounts on a CNA, RN or LPN to be with my mother for 10 days, from four to 10 hours a day.

Q How have the benefits helped you?
The benefits helped my mother have care when we were not able to be with her.

Q How have your co-workers supported you?
My co-workers have been phenomenal. Some of them visited her home with me. They assessed her to make sure we had everything we needed for her to function comfortably at home. They constantly ask about her progress.

Q Describe your work-life balance.
It has been a roller coaster ride, juggling a child, husband and mother who is declining and who will not improve. The benefits have given me arm extensions. Knowing that she was in capable and qualified hands, I could concentrate on my job.

Q Anything else?
I have never worked for a company that reaches beyond the employee to the family of the employee. This is what I call world class and going beyond the call of duty.

For more on eldercare benefits, call one of the Bon Secours Richmond Family Centers: 804-285-0444 (St. Mary's), 804-559-0647 (Memorial Regional) or 804-594-4990 (St. Francis).

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RESULTS

Bon Secours has succeeded in retaining older nurses and bringing nurses back to the organization even after retirement. These nurses do not need as much training as new hires, thus saving Bon Secours money in recruitment and training.

The organization also reduced its rate of turnover. First-year turnover has been reduced from a high of 50% in 2006 to 10% in fiscal year 2010. National first-year turnover for hospitals stands at a median of 28.3%. Overall turnover at Bon Secours was less than 12% in fiscal year 2010, while the national median for that year was 14.2%. This reduction in turnover has improved the service Bon Secours health care workers are able to provide and the services Bon Secours is able to provide to its workers. As Trivette explains:

> *Turnover in health care is extremely expensive. We're able to put those dollars to things that support our employees as opposed to dollars that would go to turnover.*

Bon Secours considers the awards it has received as part of its results. It has received a quite a few, including the Greater Richmond Chamber of Commerce's Richmond's Employer of Choice 2010. It has also been on AARP's list of Best Companies each year since 2003 and was on Gallup's 25 Great Workplaces in 2010. In addition to the Sloan Awards, it has also received the *Working Mother* award. Bon Secours has also presented its work on retaining aging employees to the U.S. Senate Finance Committee and the World Aging Conference.

ADVICE

Trivette advises business leaders who want to improve the implementation of flexibility in their own organizations to closely examine how they communicate these programs to their employees. The Bon Secours employee newsletter is one way employees read about and come to understand flexible working options available to them. Newsletter updates that let employees know when Bon Secours has won a "best place to work" award also help communicate the strengths and successes of the organization. Bon Secours employees take pride in where they work because of this.

Trivette also encourages organizations to identify benchmarking opportunities. Surveys from business excellence awards like the Sloan Awards provide opportunities for leaders to learn where weak spots are in their organization. She says, "Every time you answer the question [on a benchmarking survey and the answer is] 'No, we don't have that,' you're finding all your opportunities." When lists come out of best places to work, they will often include information about what other organizations are doing to support flexibility and how they did it.

FUTURE

Bon Secours will continue to look for benchmarking opportunities through recognition programs, which help to identify their weak spots. Bon Secours will also continue to look to other health care organizations to explore what flexibility programs are working elsewhere in the industry and how some of those programs may fit in with their current offerings.

CHAPTER 4: TIME OFF

Time off from work can be thought of in two categories: time off that is anticipated and planned and time off that is unanticipated and unplanned.

Anticipated leaves include time off from work that is more likely to be planned, such as vacations, holidays and parental leaves.

Paid vacations: Vacations may help to provide a better fit between work and personal life as well as give employees time to rest and become re-energized, but not all employees have access to paid vacation days.

Paid holidays: Because holidays are often related to religious or cultural traditions, they can be very important to employees.

Flexibility for volunteer work: The proportion of employees performing community service has risen substantially since 1992, from 24% to 30%; employees who do so perform an average of 4.8 hours of service per week. About 1 in 3 employees can do volunteer work during work time without losing pay, especially those in managerial occupations.[25]

Parental leave: Parental leaves are planned time off for parents or guardians for the birth, adoption or care of a child. There are many federal, state and employer policies that cover parental leave, which may be paid or unpaid. Wage replacement, if any, may come from temporary disability insurance (for mothers giving birth), from the state, from the employer or all of the above.

Unanticipated time off includes time off during the workday to address personal and family issues, time off for personal illness and to care for sick children or family members.

Time off during the workday to address personal and family issues: While personal and family needs such as doctor appointments and parent-teacher conferences arise within normal work hours and are anticipated, others cannot be scheduled, such as waiting for a plumber to fix a broken pipe or picking up a sick child from school. Being able to take some time off during the workday to respond to unexpected needs is critical for many employees.

Time off for personal illness: Employees who do not have paid days off for personal illness must choose between taking time away from work without pay and coming to work ill—a difficult choice for both employees and their employers.

Time off to care for a sick child: This may consist of being allowed to use one's own sick leave, having formal paid family days off or making informal arrangements with one's supervisor to take time off to care for a sick child. Such leave typically begins without warning, since the onset of children's illnesses cannot usually be predicted.

Time off for elder care: Besides caring for oneself or providing care for a sick child, employees also need time off to provide care for elderly relatives or parents. Because employer policies rarely specify time off for taking care of elderly parents or relatives, employees with elder care responsibilities may stick to their original schedules, work fewer hours, take time off or use non-work time to provide elder care.

Importantly, one of every two employees (49%) in the U.S. workforce *expects* to provide care for elderly relatives or in-laws in the next five years. Thus, elder care flexibility will become an increasingly important issue for employers and employees alike, calling for new directions in the business response to elder care.[26]

Laughlin Constable

Initiative	Anticipated and Unanticipated Time Off, Summer Hours, Cross Training
Industry	Advertising, PR and Digital Media
Employees with Access to the Initiative	120 at HQ
Location of Initiative	All three offices: Milwaukee, WI; Chicago, IL; New York, NY
Number of Employees Using Initiative	All 162 full-time employees are eligible for flexible work schedules. 16 currently participate. All full-time employees, not on a flexible schedule, are eligible for summer hours.
Name of Contact	Jennifer Guillette, HR Generalist and Joyce O'Brien, Executive Vice President of Human Resources

ORGANIZATION DESCRIPTION

Laughlin Constable (LC) is an idea-driven, full-service independent agency in Chicago, Milwaukee and New York that offers integrated brand marketing and communications. LC was founded in 1977 and specializes in retail, consumer packaged goods, financial services and health care.

PROGRAM

Advertising, public relations and digital media firm Laughlin Constable (LC) provides many forms of flexibility, including leaves—those that can be anticipated and those that are unanticipated. It allows new mothers and fathers to come back to work on a reduced time basis following maternity leave. HR works with the employee and his or her supervisor to create a customized plan so both feel that the transition works for the new mother and for her supervisor. Some women stay on a reduced schedule

for a few months, while others choose to stay on it for years, working, for example, three or four days a week. New fathers are eligible for the flex working arrangement, as are adoptive parents.

Parents are able to arrange to work from home, although LC requires that the parent have a child care arrangement in place. The flexible approach even applies to new recruits. LC recently hired a candidate who was seven months pregnant. During the hiring negotiations, LC discussed the terms of her leave and how much time she would like away from the office and reached an agreement that worked both for her and the agency.

Whether parenting concerns or other personal issues such as illness or elder care responsibilities, LC leaders try to ensure employees have the flexibility to address these needs without having to leave the organization. For example, LC's flexible work environment allows an employee with the responsibility of caring for someone long-term to prorate his or her work schedule to meet these needs. The policy is not limited to these examples. Any employee is considered for flexible options if a need arises. In addition, employees receive six family-friendly sick days per year, which includes time for the illness of a child, elderly parent or other family member without fear of losing one's job.

The flexible options work well partly because of the organization's business strategy to be an integrated agency offering a variety of services to clients, which requires them to cross-train employees to spread knowledge and expertise.

LC has eliminated the word "department" and implemented a cross-training program in which an employee trained in public relations might be cross-trained in social or strategic thinking and planning as well. Cross training is based on current emerging and sustainable client and department needs. Employees are trained in what they are going to own. Cross training enables the firm to be more flexible. If someone leaves the agency, takes leave or adopts a flexible schedule, LC can carry on business without the client losing serviceable time.

The sharing of knowledge carries over to what employees learn through professional development. Upon returning to the office from a work seminar or conference, employees hold internal and informal Brown Bag training sessions for colleagues. The sessions, which are popular, enable employees to practice their presentation skills and share what they have learned with others. The feedback from team members regarding the sessions has been positive, and the informal training environment generates valuable roundtable discussions.

Cross training and working in teams enable another kind of flexibility—summer hours. Summer hours allow all employees to enjoy more personal time by working an extra half-hour each day in order to accrue three extra days of paid leave between mid-June through the end of August, in addition to any vacation or other personal time off.

Each employee is assigned to one of four groups in the New York office or six groups in the Chicago office for the summer flex days schedule, with each group assigned to flex on staggered weeks. For example, in New York:

- Group 1 flexes on June 24
- Group 2 flexes on July 15
- Group 3 flexes on July 2
- Group 4 flexes on July 29

The rotation then begins again with Group 1, providing one extra day off during June, July and August for each group member (as shown in the following tool).



Laughlin Constable

2011 FLEX SCHEDULE

Laughlin Constable is pleased to offer our Summer Flex program again this year. It's a great perk that can be enjoyed by all full-time employees without compromising service to our clients. In order to make it work flawlessly, give us a hand with all the following.

Extend your workday by 1/2 hour everyday from Monday, June 20 through Thursday, August 25. This translates into three paid days away from the office this summer. 45 workdays x .5 hours = 3 paid days.

Enter your time by the end-of-day on Friday each week. If Friday is your Flex Day, enter your time by the end-of-day on Thursday.

Prioritize all client-related matters ahead of any scheduled Flex Day. Flex Days never get priority over a client! Always make sure there is coverage before you leave.

Forecast any client needs and plan accordingly. Flex Days are "use it or lose it." There are no carry-over of Flex Days past August 25th.

If you have any questions feel free to talk with your team leader or any of us in HR.

Enjoy.

2011 Summer Flex Days — MKE/NY			
Group 1	Group 2	Group 3	Group 4
6/24	7/15	7/22	7/29
7/1	7/1	7/1	7/1
8/5	8/12	8/19	8/26
Employee 1	Employee 6	Employee 11	Employee 16
Employee 2	Employee 7	Employee 12	Employee 17
Employee 3	Employee 8	Employee 13	Employee 18
Employee 4	Employee 9	Employee 14	Employee 19
Employee 5	Employee 10	Employee 15	Employee 20

The Summer Flex program is a benefit that *cannot* come at the expense of our clients!

- Individuals are responsible to complete or make provisions to complete necessary work.
- Change voice mail and e-mail to reflect who should be contacted in your absence.
- Departmental members must provide back-up coverage for each other.
- Only one critical team member from any client team can be out on the same day.
- Individualas must remain flexible enough to reschedule days off if client projects dictate.
- Communication with team members as well as supervisors is very important.
- Timesheets must remain caught-up before leaving on a Flex Day.

Enter 7.5 hours for each Flex Day using the "SUMHRS" as the function in the time entry screen. All rescheduled days must have prior approval of your supervisor AND be forwarded to HR. This is to ensure that client and team coverage is maintained. All "flex" days are to be taken before Labor Day. Please direct all questions to Human Resources.

The fine print
L/C reserves the right to adjust, change or cancel the program for certain individuals or for everyone in its entirety if problems arise with the servicing of our clients or any other reason.

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The firm emphasizes, however, that any client needs must be prioritized and covered in advance of a flex day, making sure business needs are met. Department members are expected to provide back-up coverage for each other, and only one member from each client team may be out on the same flex day. LC also asks employees to be flexible to reschedule a day if a client project requires it. Because they work in teams, they are able to ensure the clients' needs continue to be met. Any flex days not taken by the cut-off in August are lost.

HISTORY

Joyce O'Brien, Executive Vice President of Human Resources, recalls that this approach to flexibility originated in the early 1980s. She was a single mother with three children, working in LC's accounting department. Although family-friendly policies were rare at the time, her boss, knowing O'Brien's family situation, proposed that the organization provide her flexibility in return for meeting LC's business expectations. "Let's give it a shot," her boss said. O'Brien was expected to get her work done, stay connected and communicate with her team.

Once, when her daughter was sick, but not so sick that she had to stay in bed, O'Brien's boss said, "If you feel comfortable, bring her in. We'll give you an office. You can turn down the lights, bring her pillows, her bear, whatever you need to keep her comfortable, and we'll see how it works out." O'Brien's experiment was successful, albeit in a small pilot.

In 1996, LC started offering flexible options on a more regular basis. Today, LC has a number of formal initiatives that allow for an effective and flexible workplace including family-friendly sick days, early dismissal days, job sharing, flexible work hours, summer flex time and reduced time for new mothers returning to work.

Leaders found that women returning from maternity leave felt they had to choose between coming back to work full time or quitting because they did not feel they could work full time. One of the first initiatives LC put in place was to address this problem with the reduced-hours option.

There was no official rollout for these initiatives. Rather, they started on a case-by-case basis, developed directly with and for individual employees before becoming more widespread. LC leaders soon recognized that being a flexible employer had advantages—the organization was attracting talented individuals who wanted more flexibility in their efforts to manage work and life. LC considers recruitment, retention and loyalty to be serious business issues, especially when competition for top talent is often fierce. To achieve these outcomes, they embrace flexibility for the sake of its employees and its business.

OBSTACLES

Not every manager is open to the changes that come along with flexibility. It is important to consider the personalities of the supervisors in implementing a more flexible workplace, and they must be part of the process, helping to set guidelines. O'Brien says it is "not something that HR can just demand." There has to be a buy-in, an understanding among HR, the team lead and the employee. They discuss the goals of the employee and the business needs of the department, as well as the benefits of enabling a flexible approach, to find a fit that will work for everyone involved. In those cases where it does not seem to work for one reason or another, HR does not try to force the situation. The employee and HR simply ask if they can meet again with the manager to discuss or revisit the issue in the future.

RESULTS

O'Brien reports that LC's flexible approach works well for the organization and builds loyalty among employees. One hundred percent of the women who have been on maternity leave in the past two years have returned to work on a flexible, reduced-time basis. In addition, LC leaders feel that their flexibility affects the firm's general turnover rate.

For example, an employee's girlfriend was assigned a project in Paris for the next six months. The employee loved working for LC and did not want to give up his job, but he also did not want to miss the chance to go to Paris, so LC worked together with his supervisor to find an arrangement that worked for everyone involved. The employee worked remotely from Paris until the assignment was over.

O'Brien says the normal turnover rate for their industry is 25 to 30%, but LC's turnover rate in 2011 was between 4 to 5%. Finally, 65% of LC's new hires come through networking or referral, saving them major recruiting costs. They believe that this is a credit to their corporate culture.

ADVICE

Taking a gradual approach to implementing flexibility helps with buy-in and successful implementation. O'Brien suggests that if there is resistance, "try just changing one or two things a year. That's how we built our whole roster of family-friendly [initiatives] … Add one or two things every year to your plan, and then, as years go by, you'll have a fully developed family-friendly plan."

FUTURE

LC plans to make Laughlin Constable a recognized name not only for its work, but also for being an employer of choice for workplace flexibility.

BDO USA LLP

Initiative	Parental Leave, Gradual Return to Work after Leave, Leave Administrator, Parent Network
Industry	Professional Services, Accounting and Consulting Firm
Employees with Access to the Initiative	42 offices all over the U.S. with 267 partners and 2,186 employees. They are an independent member firm of BDO International Ltd.
Location of Initiative	Firm-wide in the U.S.
Number of Employees Using Initiative	Available to all BDO employees who are having or adopting children who have been with the firm for a year or more
Name of Contact	Kim Bolte, National Director, HR Operations and Total Rewards and Rachel Bradford-Mundt, Strategy Advisor – Women's Initiative and Flex

ORGANIZATION DESCRIPTION

BDO is the brand name for BDO USA, LLP, a U.S. professional services firm providing assurance, tax, financial advisory and consulting services to a wide range of publicly traded and privately held companies.

BDO's mission is to achieve sustainable professional, cultural and economic growth as well as meaningful recognition in the marketplace and the profession. They will accomplish this by embracing their core values; investing in their people and infrastructure; capitalizing on market opportunities and strategic relationships; and continuously providing superior client service.

PROGRAM

The parental leave policy at BDO is intended to recognize and support newborns at the beginning of their lives, newly adopted children or the placement of children in foster care and is available to all employees who have been with the firm for at least one year. The primary caregiver is given up to 15 weeks off.

In most cases, the leave is structured and paid for in the following way for mothers giving birth:

- Week 1-12 is the Family Medical Leave Act (FMLA) mandated leave period, although it is important to note that there is no Federal requirement that the leave be paid.
    - Week 1 is unpaid but is supplemented with Paid Time Off (PTO). This constitutes the one-week waiting period while an employee applies for Short Term Disability.
    - Weeks 2-6 are paid through Short Term Disability.

- Weeks 7-14/15 is a fully paid parental leave offered by BDO for a total of nine weeks maximum.

The paid parental leave can also be extended using additional PTO; and once caregivers are back from their parental leave, they can take intermittent leave for family care, upon approval from their supervisor. If both parents are employed by BDO, they can share the parental leave. And BDO employees who are secondary caregivers are given two weeks of fully paid parental leave.

Adoptive parents and fathers who are primary caregivers are not eligible for Short Term Disability, but they are given nine weeks of fully paid parental leave. And, again, if both parents are employed at the firm, they can share benefits. Adoptive parents are also eligible for reimbursement of adoption expenses up to $5,000 per child, with no limit to the number of children. Partners at BDO receive paid time away from the firm for the birth or adoption of a child and are also eligible for adoption assistance

BDO has a Leave of Absence Administrator whom employees notify about the impending birth or arrival of a child. The Administrator will help expectant parents submit the necessary paperwork and coordinate with regional HR professionals to plan for anticipated time away. Employees are responsible (with the assistance of the HR department) for beginning conversations with their business line leaders and team regarding how their work will be divided and covered. This is especially important for client-facing employees.

BDO offers a return-to-work program to provide new parents resources, support and a network for connecting with other BDO parents. Designed to help guide them through the process of raising a child while maintaining a career, this return-to-work program begins before an employee's parental leave commences and continues throughout the leave.

The Leave of Absence Administrator assists with changes to employees' benefits and the associated paperwork, for instance obtaining health insurance for a new baby. The Administrator distributes BDO's leave packet, which contains information on making a Disability Claim, and a bookmark with comprehensive vendor information so employees do not need to be on their computers during their leave. The bookmark also reminds employees of opportunities to work differently after a baby's arrival under BDO Flex. Employees also receive books on healthy pregnancy and parenting through the firm's medical insurance carrier.

During the parental leave, the Leave of Absence Administrator reaches out to employees to see how they are managing. The Leave of Absence Administrator asks whether employees are still planning to return to work, lets employees know that they have options about when and how they return to work and inquires about whether their priorities have changed.

BDO Flex allows parents to transition back to work with many options. There are many success stories across the firm where BDO Flex enabled an effective transition. In one instance, a BDO tax manager was in tears upon returning from her leave, thanking the director of Total Rewards and the executive director of HR for the parental leave and her subsequent reduced schedule. This employee has become a spokesperson for BDO Flex and has gone on to be very successful at the firm working a reduced work schedule (75 percent of a normal schedule) for the past year. She has exceeded all professional expectations while fulfilling her expectations of a great mother. Her colleagues and managers support her flex plan and help her stick to her reduced schedule. She also won the firm's Living Our Core Values Award for her professional dedication. The Living Our Core Values Award recognizes individuals who best exemplify BDO's core values of competence, honesty and integrity, dedication, professionalism, responsibility and accountability and economic awareness. These awards are presented to select group of employees at semi-annual "town hall meetings" called by the CEO.

Through BDO Flex, employees may propose a plan based on options for how, when, and where they work. Formal Flex proposals are "reason-neutral" and are evaluated through a collaborative process involving employees, their Career Advisors and business line leaders. After Career Advisors review and approve proposed plans, employees meet with their business line leader to make sure the plan they have developed meets the needs of the business and the team. If it does not, it can be changed to make it work. Materials such as "Create a Flex Work Environment" and "Flex for Business Success" are additional resources to help Career Advisors work with employees to create and manage their flex arrangements.

A Career Advisor may be an employee's direct superior but is not necessarily someone with whom an employee works on an engagement team. Career Advisors serve as mentors, assist with goal setting, collaborate on ideas, and provide guidance on the application process for Formal Flex plans. Employees also may consult with their HR manager before approaching their Career Advisor. By no means a "check the box" program, Formal Flex includes compressed work, reduced time, and telecommuting plans, with endless options for employees to create hybrids (as shown in the following tool).



BDO USA LLP

5 Work+Life Fit Technology Tips for Busy Season

It's that time of year again! We're busy and only getting busier. It's easy to feel like there's much more **work** and much less **life** in our work+life fit equation. Yet, even during crunch times, there are countless ways to successfully manage how, when or where we work. A small change can make a BIG difference in your work+life fit, and BDO's technology can lend a hand. Here are five easy "tech tips" that are sure to help you thrive on flexibility.

BDO Flex

1. Create a virtual office group. You don't need to be in the same place as your team – or even dial in by phone – to get things done. Staying in touch is easy if you use Microsoft Communicator. Just create a group list and you can reach your whole team at once. Think of the time and energy you'll save by having this group just an IM away.

2. Save your power for when you need it. You don't always have to worry about finding an outlet to plug in your laptop when you're traveling. Simply adjust your power settings to improve your productivity – you can get up to 40 minutes of extra battery life every time you power up.

3. Let timely voicemails find you wherever you roam. Put your mind at ease when you are away from your desk – set up voicemail notification! You can forward voicemails from your desk to any phone you designate. Knowing your messages will follow you can mean the difference between dinner at home and dinner at your desk.

4. You hit the ground running – make sure your laptop does too. Instead of powering down or leaving your computer running when you step away, simply close the lid to put your laptop on standby. Voila! You will save energy and be ready to resume work as soon as you return.

5. Sleep soundly while your computer goes to work. Why wait around for computer applications and updates to install when you have work to do? Connect your BDO laptop to VPN before you hit the pillow, and the installations get done while you sleep. Sweet dreams!

Want step-by-step instructions or other tech tips?
Visit the BDO Flex portlet on BDO World.

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At BDO, the goal is creating a stress free and positive experience for employees transitioning back from parental leave. The firm recognizes and understands employees are unique and thus will require different return-to-work plans.

Employees are encouraged to join the "Parent Network" upon their return to work. The Parent Network was originally piloted for new parents and subsequently was re-launched as a Parent Network for all employees and partners. It is designed to support parents by providing a forum to come together and discuss the unique realities of being a parent, and a working parent. More experienced parents share their knowledge with new parents and discuss work-related topics in an open environment where new and experience parents realize they are not alone in whatever they are experiencing.

The Parent Network has two components, Parent Network Coordinators (PNCs) and virtual collaboration tools. PNCs in local offices survey parents about their needs and design local group activities accordingly. Local PNCs collaborate with and rely on their national counterparts for toolkits, ideas, and help with facilitating activities. In addition, parents connect virtually through social collaboration tools like Yammer and online discussion networks where they can ask questions and engage in dialogue with other parents. The virtual aspect of the Parent Network helps ensure the network works for all participants, even those is small offices or offices with few parents.

BDO's Employee Assistance Programs (EAP) offers help in identifying child care and other resources. BDO offers employees and their partners, a backup dependent care program for children and adults. The backup child care program is available in all BDO office locations through the Bright Horizons child care network. The program has been so well utilized, the firm is evaluating the need to increase what it can offer through the program heading into the tax busy season.

HISTORY

BDO's current parental leave policies were put in place in July of 2008 by the head of HR, the CEO and the Chair of the Women's Initiative and Flex Strategy. At the time, the firm evaluated and realigned its policies to ensure the continued ability to recruit and retain the best employees in a competitive market, with a limited talent pool. And with women comprising half of BDO's employee population, the firm understood they needed to be competitive with what other companies were offering.

The firm created the Parental Leave Proposal Team, consisting of two field HR managers, BDO's Flex/Women's Initiative director, two benefits team members, and two client service professionals with each member bringing their unique perspective and experience to the project. Field HR managers contributed their first-hand knowledge of the parental leave needs and concerns of employees in the field. The benefits team brought their knowledge of legal and tactical aspects of current and potential leave of absence policies and procedures. The Flex/Women's Initiative director imparted insight regarding best practices in the industry. Client service professionals considered how

proposed policies would be received by their business leaders. The team analyzed data from the annual *Working Mother* Best Companies list, conducted online research about best practices, and evaluated competitive information derived from a Mercer round-table/survey that benchmarked BDO's parental policies and programs with other public accounting firms. Through this research the team discovered BDO was, in fact, falling short of its peers.

The team prepared a proposal for the head of HR, CEO and Chair of the Women's Initiative and Flex Strategy that included research on the impact of parental leave policies on reduced turnover, recruiting efforts, and ability to win workplace awards, in addition to their positive effects on job satisfaction, productivity and loyalty. They also looked at employee surveys, exit surveys and exit interviews in making a business case to senior management which included program alternatives, associated costs and recommendations. The Parental Leave program had to fit in with the firm's Women's Initiative and BDO Flex. The goals were to offer the kind of leave parents needed and to retain valued employees.

OBSTACLES

The program had to be in compliance with FMLA and be sensitive to differing state laws.

The Parental Leave program, like all good programs, must be open to changes and adaptable to situations. It also must be consistent with the company culture and business strategy. BDO has continued to improve the program, making changes each year to its return-to-work and backup child care offerings including, the addition last year of an option for intermittent parental leave.

RESULTS

BDO's retention of top talent and best employees continues to increase. The firm also is garnering positive recognition in the market for its strategies, policies and programs—from 34 of its offices being honored with Alfred B. Sloan Awards, to earning a place on *Working Mother's* esteemed Best Companies list for the first time in 2011. Other awards include the lists for Best CPA Firms for Women and Best Places to Work for Graduates, as well as other local awards. These results signal to current and future employees that the firm is competitive in its practices, cares about its people, and is emerging as a recognized leader in the market for its approach and attention to parental leave and other important workplace issues.

ADVICE

The Parental Leave program was not perfect when it was launched. BDO's national director of HR Operations and Total Rewards suggests it is important to allow programs and policies to evolve so they continue to improve and meet the needs of employees

and the business. New programs also benefit from the support of senior leadership, as she advises:

> *If you are starting from not having any paid parental leave (like we did), the most important piece is to have a very clear and compelling business case. Paid parental leave can require a substantial financial commitment on the part of the firm, so there needs to be a compelling reason for leadership to make the investment. Why is implementing a parental leave benefit beneficial for your business? It also helps to have projections predicting the number of people in your firm who might take a leave each year, along with estimated costs (direct and indirect), so that leaders can budget for the change.*
>
> *When rolling out a new parental leave benefit, you should consider it an opportunity to celebrate. Employees are extremely appreciative of paid leave after the birth or adoption of a child, and making it clear this is important to your firm will build loyalty and pride.*
>
> *Finally, it's important to create a process to support and prepare people before, during, and upon their return from leave. These transitions can be overwhelming, and the process can be confusing. Everyone—the individual and the firm—benefits from clear expectations and support during the entire lifecycle of a leave.*

FUTURE

BDO is not contemplating any significant changes to the Parental Leave program, but is evaluating the Parent Network to increase its impact, and brainstorming ways to better support business line leaders to support employees on leave.

Robert W. Baird & Co.

Initiative	Paid Time Off for Volunteering, Flex Time and Flex Place
Industry	Wealth Management
Employees with Access to the Initiative	1070 at HQ, 2,700 globally
Location of Initiative	Milwaukee, WI
Number of Employees Using Initiative	Approximately 50%
Name of Contact	Leslie Dixon – Chief Human Capital Officer

ORGANIZATION DESCRIPTION

Robert W. Baird & Co. is an employee-owned wealth management, capital markets, asset management and private equity firm with client assets of nearly $84 billion. Founded in 1919, Baird is a partner to individual, corporate, institutional and municipal clients. Baird has offices in the United States, Europe and Asia to serve clients around the globe. Baird's corporate mission is "To provide the best financial advice and service to our clients and be the best place to work for our associates."

PROGRAM

An important way in which Robert W. Baird & Co. supports flexibility is through its Baird Cares program, which provides every associate with paid time off each year for community service opportunities. Lori Lorenz, Human Capital Operations Director, says that Baird "routinely encourages associates to take time to perform community service," depending on the project or need that arises.

Time off for community service is also used as a way to celebrate or reward achievements. For example, when Baird made *Fortune* magazine's 100 Best Companies to Work For list for the eighth year in a row in 2011, the organization gave an additional day of paid time off for associates to perform community service as a thank you for helping the organization create a great place to work.

Baird also has specific programs it sponsors for volunteering. For example, the firm participates in the United Way Days of Caring program in which associates help en masse with specific community service projects on a single day organized through the United Way.

More than 94% of employees at Baird's Milwaukee headquarters support both the United Way and the United Performing Arts Fund. The Baird Foundation's Charitable Gift Matching Program also provides matching contributions to charities its employees support.

Baird also involves employees' families in organized volunteer events. The firm's Cleveland branch volunteered with family members and friends to clean up Camp Cheerful, a division of the Achievement Centers for Children that specializes in therapy, autism programs and recreation for special needs children. Associates may also participate in events that are not sponsored by the firm but are meaningful to them as individuals.

The organization also allows time off for family activities such as coaching a child's sports team or serving as a Scout leader, teaching at area universities or technical colleges or extended service programs.

As an example, an employee named Randy, a Senior Investment Consultant at Baird, utilizes the firm's flexible options to participate in service trips to countries such as Asia, Africa and the Caribbean Islands, often taking off three weeks at a time. Given the extensive time away from the office, many Financial Advisors would not be able to entertain such an idea. But Randy has been able to take a trip each year since 1998 because of the support and flexibility of his team. He says:

> *The support from the Baird office is truly amazing. When it comes down to it, people care about my efforts. It's a matter of understanding. The office understands that my kids are grown, and I have the ability to go out and do this.*

The majority of Baird's 2,700 exempt and nonexempt employees take advantage of opportunities to volunteer in the community, as do the roughly 100 employees the firm employs outside of the U.S.

In addition to time off for volunteering, Baird offers many other forms of flexibility. Each of Baird's five businesses is different in what it takes to be successful and, thus, the flexibility they offer. For example, Human Capital Business Partners take a hands-off, flexible approach, recognizing that it is difficult to dictate flexibility. Instead, they ask associates and their managers to consider what the right answer is for their particular situation and for their business, working within certain guidelines (as shown in the following tool.

Great outcomes. Done well.

BAIRD

Associate Handbook

Flexible Work Arrangements

Flexible Work Arrangements – General Guidelines

- Meeting business needs is the primary objective.
- Flexible work arrangements are available to both exempt and non-exempt associates.
- The standard workweek for full-time, non-exempt associates is 37.5 hours, with any hours beyond that total subject to overtime. Exempt associates are expected to work as many hours as are required to perform their job duties, but no less than 40 hours per week.
- Approval of a flexible work arrangement request will be based on business requirements, specific job requirements and costs. Every request will be evaluated on an individual basis and associates must prove the business case to receive approval. Some positions are more conducive to flexible work arrangements than others, and the nature of the position must be a key determinant in the decision.
- Each associate requesting a flexible work arrangement must present, in writing, the Flexible Work Arrangement Agreement Proposal and must participate in a discussion regarding the request with his/her manager. Human Capital and the manager will decide whether to approve, modify or deny the request.
- While there are no specific service time requirements that must be met in order to be eligible to request a flexible work arrangement, associates must have a "Meets Expectations" or above performance level to be considered.
- Associates are expected to be responsible and complete their work requirements in the same way they would if they were not on an alternative schedule.

continued



Associate Handbook

Flexible Work Arrangements

- All arrangements will include a trial period (typically 90 days), during which time the manager and/or associate can evaluation whether the arrangement should be continued or discontinued. Both the associate and the manager have the option to discontinue the arrangement at any time during or after the trial period.
- Baird recommends that managers and their associates review the flexible work arrangements regularly to ensure that both business and associate expectations are being met.

How the Request and Approval Process Works

1. The associate completes the Flexible Work Arrangement Agreement Proposal form, setting the business case for the specific arrangement requested.

2. The associate submits the proposal to the manager. The associate and manager discuss the request, including logistics of the flexible work arrangement, coverage for when the associate is out of the office, communication with co-workers and clients, the business advantages for the arrangement and any additional costs involved.

3. The manager contacts the Human Capital representative to discuss the specifics of the proposal.

4. The manager and the Human Capital representative make the decision to approve or deny the associate's request. Information Technology and Compliance will be consulted based upon the complexity of the arrangement. If approved, it will begin with a trial period as agreed upon by the associate and manager. The manager communicates the decision to the associate, and Human Capital retains a copy of the proposal.

5. Human Capital and/or the manager will discuss any pay/benefits changes due to the arrangement.

6. If there are any questions or concerns, the manager or associate should contact a Human Capital representative.

continued

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BAIRD

Associate Handbook

Flexible Work Arrangements

Flexible Work Arrangement Option Defined	
flextime	a full-time schedule with a variance greater than one hour or more in start and end time surrounding core hours for your specific department (e.g., department core hours 8 a.m. – 5 p.m., associate works 6 a.m. – 3 p.m.)
compressed work	working a full-time schedule in fewer than five days in one week or 10 days in two weeks
telecommuting	working from home or an alternate location for all or some portion of the workweek
part time	working less than a full-time schedule
job sharing	two people sharing the duties of a full-time position

Associates and managers are encouraged to create an arrangement that will work for the associate and for the business. An associate might request a schedule that combines more than one type of flexible work arrangement. (For example, an associate might request a full-time schedule with a flextime schedule Monday through Thursday and telecommuting on Friday.)

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An associate may request flexible hours in order to be home in time for children after school. Another option might be to allow another associate to arrive later in the day and cover for him or her. This provides each associate with some additional flexibility, while also ensuring business needs are met. There is a proposal form that associates and managers fill out together to ensure that the arrangement works both for the firm and the employee (as shown in the following tool).



Robert W. Baird & Co.

Clear Form

Flexible Work Arrangement Proposal

Name: _____ Phone: _____

Department: _____ Manager: _____

I propose the following Flexible Work Arrangement:

☐ Flextime ☐ Telecommuting ☐ Job Sharing

☐ Compressed Work Week ☐ Part-time ☐ Other: _____

I propose to work the following flexible work schedule:

Day of Week	Schedule	Location
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		

Telecommuting from: ☐ Home or ☐ other Baird office location _____

Please refer to the IT Request Form on Bairdweb to determine the cost of the equipment needed for the Flexible Work Arrangement (-HELP)

Total Cost of services: $_____

Total Cost of the equipment: $_____

Responsible for cost: Baird $_____

Associate $_____

Flexible Work Arrangement Business Case

Client/Coworker Impact	Coverage
This arrangement will impact my client and coworkers in the following ways:	My plans for coverage during business hours when I will be out of the office include:
Communication	**Business Advantages**
I will ensure open and timely communication with client, coworkers, and my manager by:	The business advantages to Baird in granting this arrangement include:

I understand that this arrangement is for a time period of _____ days at which time the arrangement will be reviewed by my manager.

I understand that Baird reserves the right to modify and/or cancel this arrangement at any time. I understand that changing business needs, specific job requirement or cost may require modification of this arrangement or that I may be requested to return to normal business hours. I also understand that I am still entitled to all of the rights and subject to all the responsibilities of a Baird associate. I also understand that I am responsible for the costs associated with this arrangement as outlined above and that any outside services required will be in my name and reimbursed if appropriate.

In addition, I understand that business requirements may necessitate my presence in the workplace when I might otherwise be off work, depending on my schedule. In such circumstances, I will adjust my hours and schedule to accommodate the business requirements.

Finally, I understand that my pay and benefits may need to be re-evaluated depending on the type of arrangement agreed upon.

Associate Signature: _____ Date: _____

☐ **Approved**
Manager Signature: _____ Effective Date:_____

☐ **Approved**
HR Representative Signature: _____ Effective Date:_____

☐ **Not Approved**

Reason: _____

_____

_____

_____

Please forward this proposal upon completion to your HR Representative. If approved, HR will contact the associate and manager to discuss any pay/benefit impact of the arrangement.

For additional details regarding flexible work arrangements, please visit the Associate Handbook via Bairdweb or the Partner System.

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Among the guidelines provided for flex time are the following:

- Managers have discretion in determining flex-time schedules and may require associates to work certain core hours (e.g., 10 a.m. to 3 p.m.).
- Managers may require flex time to be predetermined, set hours, or they may allow associates to work variable schedules based on business and personal needs. The associate may change his or her schedule with preapproval from the manager on an as-needed basis.
- Associates on flex-time schedules are expected to work the same number of hours per week overall as required of their traditional schedules. Managers are strongly encouraged to work into the schedule a minimum of one half-hour unpaid lunch break and one paid 10-minute break for any associate working over six hours per day and are required to comply with any meal/rest break requirements provided by law.

- Associates on flex time must be willing to adjust their schedules to accommodate business needs, regardless of the flexible schedule agreed upon.

In the handbook, there is a section for the Associate and Manager to consider together (as shown in the following tool).



Robert W. Baird & Co.

Great outcomes. Done well.

BAIRD

Associate Handbook

Flexible Work Arrangements

Issues for Associate and Manager to Consider:

- Can business needs be met with the associate's proposed schedule?
- What effect will the associate's schedule have on others in the department?
- Is the associate's current performance level "effective"?
- Is this schedule likely to enhance the associate's performance? Work/life balance?
- Are there other types of flexibility that might better meet the associate's needs and those of the business?
- Are any additional costs incurred due to this arrangement?
- Is staffing for the department adequate?
- Can the job be performed in fewer hours? If not, how will the associate's current responsibilities be handled? Do others have capacity?
- Does the associate fully understand the pay and benefits impact of agreeing to a part-time schedule?
- Are there other types of flexibility that might better meet the associate's needs and those of the business?

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HISTORY

Baird's approach to flexibility had its roots in the mid 1990s when Lori Lorenz, a member of Baird's Human Resources department, was assigned a special project. With so many interruptions in the office, she and her manager felt confident she might be able to accomplish more in the quiet of her home and arranged for her to work there one day a week. It was not long before she realized she could accomplish a great deal more work without meetings, distractions and a lengthy commute. Even after the project was completed, she worked from home one day per week to boost her productivity.

Back then, Lorenz experienced coworkers' skepticism of her ability to work remotely and still get work accomplished. Over the last 15 years, however, Baird culture has evolved to the point where taking advantage of flexible work options is completely commonplace. Baird leaders have learned that associates can be as productive—and sometimes even more productive—when they are away from the office. In addition, by providing flexibility to meet family and personal needs, associates are happier, more engaged and more productive.

Part of the shift may be due to a change in the view toward its workforce. In 2004, Baird created a Chief Human Capital Officer position that reports directly to the CEO. They created this direct reporting relationship to help keep human capital issues, like workforce flexibility and effectiveness, before the C-suite. By having a member of the firm's senior leadership devoted to Human Capital initiatives, Baird leaders ensure that they are providing the tools, educational opportunities and resources necessary to help associates be their very best.

In fact, Baird estimates that 50% of its workforce takes advantage of flexible work arrangements, including staggered work hours, flex place, job sharing, summer hours, special arrangements to deal with family emergencies or other needs and paid time off for community activities.

Human Capital leaders at Baird have been successful in creating a forward-looking workforce approach. They believe their product is their employees and the expertise they hold. It is important that the organization is able to attract the best and the brightest top talent. It is what clients expect of them.

OBSTACLES

Initially, the firm did experience some pushback from employees who envisioned coworkers on flex place sitting around their house in "bunny slippers," not accomplishing much. Over time, the organization has eliminated this preconceived myth, in part because Baird leaders do not view flexibility a favor—it is a key part of their business strategy. In fact, the career page of Baird's Website uses flexibility as a recruitment selling point, stating:

> *Most "good" workplaces offer flexible work arrangements. What helps make Baird such a great place to work is that associates are truly encouraged to use these*

benefits—and many do. This is because Baird believes flexibility is indispensable in attracting and retaining the very best people.

Flexibility has evolved at Baird. In the beginning, new employees were permitted to take advantage of flexible schedules on a pilot basis, until their manager could determine their work style and whether a flex arrangement would work. Now, because the firm has had so much experience with a variety of flexible options, they feel comfortable allowing new employees to start with a flexible arrangement as soon as they are hired.

RESULTS

One of the ways that Baird measures success is by keeping track of people, especially those who are considered top talent, who stay with the organization because of flexibility. For example, an associate whose spouse was transferred out of state assumed she would have to quit the firm. Baird was able to retain her by creating a long-distance working arrangement.

Employee engagement surveys provide a more quantitative view. Lorenz says that Baird's overall engagement score is 77%, which is 29 percentage points higher than the average U.S. score of 48% for all the U.S. companies that participate in research conducted by Hewitt Associates. In addition, three fourths of Baird associates agree with the following statement: "The balance between work and personal commitment is right for me," compared with a 52% score among other best employers, which Hewitt identifies as employers with an engagement score of 65% or higher.

Nearly 70% of Baird associates agree that "Baird has practices and programs that help me address my personal commitments," while other best employers responding to Hewitt's survey scored in the 49% range.

Baird's turnover rate is impressive as well. While financial sector firms have an average of 12-13% turnover annually, Baird's hovers around 6%.

ADVICE

As Baird's approach to flexibility originated within the Human Capital function, it was important to sell the value of the approach to keep managers and senior leaders on board. Lorenz has found that one of the best ways is through the power of case studies. She says that there are many powerful examples over the years of associates who have made flexible work arrangements work well for the individual and for the firm. These testimonials wind up being a good springboard for managers who may be evaluating an associate's request for flex time. Human Capital Business Partners will often share success stories with the manager to show how well it can work for all involved.

The Business Partners will also coach associates on how to request a flexible work arrangement. This includes encouraging the individual to prepare for any questions the manager may ask about how the arrangement will work.

An example is found in a testimonial on the Baird Website from Michael, an associate who moved to his hometown to be near his elderly parents and telecommutes several days a week. He says, “I’m now able to focus on my job rather than being concerned about what may be happening back home. The support I’ve received from Baird in making this transition has been overwhelming and affirms my belief that Baird truly is a special place to work.”

In addition to utilizing case studies, Baird finds piloting new programs to be helpful. Baird tries to pilot every arrangement so that the employee, their manager and Human Capital have an opportunity to test the situation. They regroup after a couple of months to discuss what about the situation worked, what did not and how to address those issues.

They encourage good communication between associates and managers and try to make sure all needs are being met in whatever the arrangement might be.

FUTURE

Baird does not have any formal plans to expand flexibility, but, instead, the firm is working on communicating its benefits by having Human Capital Business Partners advocate for it. They also continue to work with managers to help them develop flexible work arrangements that work for the individual and the team.

CHAPTER 5: FLEX CAREERS

Flex careers enable employees to dial up or dial down their careers by taking extended time off for caregiving or sabbaticals. They also enable employees to phase into retirement.

Intel

Initiative	New Parent Reintegration Program, Encore Fellowship
Industry	Information Technology, Manufacturing
Employees with Access to the Initiative	48,000
Location of Initiative	Organization-wide
Number of Employees Using Initiative	Unknown
Name of Contact	Dana Vandecoevering, Corporate Work/Life Manager

ORGANIZATION DESCRIPTION

Intel, the world leader in silicon innovation, develops technologies, products and initiatives to continually advance how people work and live. Founded in 1968 to build semiconductor memory products, Intel introduced the world's first microprocessor in 1971.

PROGRAM

Intel offers the New Parent Reintegration Program, a program designed to help parents transition back into working full time after the birth or adoption of a child. For the first year following the birth or adoption of a child, any Intel employee can work with his or her manager to arrange a reduced-hour schedule. Employees must come back at least 20 hours per week and slowly take on more hours as they work up to full time over the course of one year. Employees can also change their start and stop time during the year-long reintegration period. Employees' pay is pro-rated based on the number of hours worked.

When employees decide they would like to take advantage of the New Parent Reintegration Program, they meet with their managers to discuss this. Employees can request to work 20 hours per week or more and create a plan to scale up their hours to full time over the course of one year from the time of the birth or adoption. For example, an employee could request to come back 20 hours per week for three months, then 25 hours per week for the next three months, then 30 hours per week for the next three months, and 35 hours per week the following three months before returning to full-time status at 40 hours per week. Managers have the final say in approving these requests. If an employee's request is denied, the employee can work with his or her business group

Human Resources representative and manager to find a solution that works for everyone. The guidelines are presented in the following tool.



Intel

NEW PARENT REINTEGRATION PROGRAM

Overview

The New Parent Reintegration (NPR) Program allows employees to temporarily modify their work schedule for a defined period of time after exhausting time available through Intel's Personal Leave and/or Pregnancy Leave guideline. This program is intended to help new parents as they transition back to a regular full-time schedule. Under this program, employees can either work a temporary part-time schedule or modify their work schedule to continue working full-time. This program is not intended to provide a permanent change to part-time status.

Reintegration Strategies

The NPR Program allows managers and employees to develop a customized reintegration plan. Here are a few examples of some successful approaches:

1. Phased or temporary part-time hours
   - Employee develops a part-time schedule (within their normal business days and hours).
   - For months 1-6 of reintegration, employee works 50% of their standard hours.
   - For months 6-12 of reintegration, employee works 75% of their standard hours.
2. Alternate start time
   - Employee modifies his/her start/stop time by up to 4 hours but continues to work a full-time schedule.
   - The alternate schedule should be regular and communicated in advance to customers, colleagues, etc.
3. Customized reintegration
   - Employee works jointly with the manager to develop an alternate strategy that meets both the need of the employee and the business. Examples include variations to on-call expectations, break schedules, etc.

Eligibility

All blue badge employees who have exhausted time available under Intel's Personal Leave and/or Pregnancy Leave guideline are eligible.

Schedule modifications under the NPR Program are granted at manager discretion. Managers may consider Intel's business needs, job requirements, and an employee's performance when evaluating a request for NPR, but managers should make every effort to accommodate reasonable requests. Since this is a corporate guideline, Business Groups may not "opt out" of the program.

Program Guidelines

- NPR is only available as a single time period with a defined start and stop date. The total period may not exceed one year (365 days) from the date of birth, adoption, or placement for adoption.
- The NPR Program allows for a planned modification to an employee's work schedule; it should not be used to provide *ad hoc* flexibility.
- Employees must work at least 20 hours per week during the reintegration period.
- Employees transferring into a new organization or job assignment during the reintegration period must renegotiate the agreement with the new manager.
- Reintegration requests should not produce a net increase in pay per hours worked and cannot result in additional shift differential or overtime.
- Intel's attendance guidelines continue to apply.

Employee Responsibilities

- If your status is temporarily modified to part-time, review and understand the impact to your compensation and benefits.
- Develop a written reintegration proposal and review with your direct manager.
- Work with your manager and work team to establish a coverage plan, if needed, during the reintegration period.
- Communicate with customers, colleagues, etc. about your schedule.
- Be flexible in hours and days worked to meet business objectives and job expectations.

Manager Responsibilities

- Review employee's written reintegration proposal. Approve, if appropriate.
- Work with employee and work team to establish a coverage plan during the reintegration period as needed.
- If applicable, submit changes to employee's status using the GEM tool.
- Manage employee's performance to job expectations.

Approval Process

1. Employees are expected to work jointly with their managers to plan their reintegration strategy.
2. The employee develops a written reintegration plan and reviews it with his/her direct manager.
3. The direct manager provides guidance on the content to ensure that the plan is feasible and meets the intent of the Reintegration guideline. Certain business groups may require additional approvals and/or written documentation.
4. For exempt employees, manager submits a change to the employee's status through the Change Employee Hours of Shift Classification tool.
5. For non-exempt employees, changes to the status of part time are made through the GEM tool and shift changes, if any, are made via the web timecard.

Successful Reintegration

- Employees are responsible for advising colleagues, customers, and business partners of their new schedule.
- Manager and employee should review the arrangement every 3 months (minimum) for effectiveness and sustainability.
- Changes to an existing reintegration agreement can be initiated by either the manager or the employee and should be communicated at least 4 weeks before the change becomes effective.
- A reintegration agreement can be rescinded at any time if business conditions necessitate or if performance issues exist. Per the Part-Time Guideline, once a person is in a part-time position, there is no guarantee that the individual can return to a full-time position or that the part-time arrangement will continue indefinitely.

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HISTORY

The New Parent Reintegration Program started in 2003 in Intel's manufacturing departments. "It evolved from factories as a way to retain technical women in the manufacturing environment," explains Dana Vandecoevering, Intel's Corporate Work/Life Manager. "We thought this was something we needed to do more from a corporate perspective and rolled it out as a soft launch to the whole corporation." For Intel, this became a way to retain women in all departments across the organization by helping them transition back into full-time work after giving birth or adopting. The formalized program also made this reintegration option available to new fathers. As any parent knows, Vandecoevering says, "it's difficult to come back from 100% on leave to 100% at work, and this provides a middle ground."

OBSTACLES

The reality of the business world can be one obstacle in coming back to work part time. Employees propose what hours they would like to come back, but final approval rests with managers. Occasionally, managers will deny a request based on the volume of work that needs to be done or may request that the employee work more hours or come back to work full time sooner than he or she requested. Because the program is informal, employees can talk with other employees who have used the program to help guide their conversations about reintegration with their manager. In cases where these requests are denied, employees are able to go to their business group Human Resources to work toward a mutually beneficial solution.

Intel must continue to find creative ways to educate employees about the program. According to Vandecoevering, Intel "can't [legally] reach that particular segment [expectant parents] because we don't know who they are." Intel provides information on its Intranet about the program and promotes it through employee groups like the Intel Parents' Network and Women at Intel at Work, and on plasma screens throughout its buildings. Vandecoevering calls it "a constant re-education process."

RESULTS

Both new mothers and fathers have reported anecdotally that a slow reintegration into work has made a huge difference in their lives. Part-time work has allowed them to meet their responsibilities both to their growing families as well as to the needs of Intel. The program has helped Intel retain more female employees who otherwise might not be able to come back to work after giving birth or adopting. As one employee states, "My manager was very accommodating to the 50%, then 75% return to work hours ... I couldn't have done it any other way." Another employee who benefited from the program says, "Each work-life program I've used feels like it is a well designed effort to allow me to contribute as an employee and take care of my family at the same time."

ADVICE

Vandecoevering recommends finding the specific business case for implementing flexibility programs. At Intel, the specific business case for implementing the New Parent Reintegration Program was a need to retain women employees after giving birth to or adopting a child. She advises, "there has to be a desire or driver within each organization" to make flexibility a success. Employees interested in working more flexibly should identify problems within their organization and how a particular flexibility option or program might alleviate them.

FUTURE

Intel is now looking into elder care and other caregiving issues that affect its aging workforce. Vandecoevering reports that while they have many young employees just out of college, many employees have expressed a need for flexibility when they need to take care of their parents and other elder family members.

In addition, Intel has very recently begun offering Encore Fellowships. These fellowships will enable retiring employees to transition into retirement by working part time at a local nonprofit. The fellowship pays $25,000 and six months of COBRA coverage for 1,000 hours of employment at the nonprofit. Intel has partnered with Civic Ventures, an organization that helps pair retiring employees with part-time nonprofit work. Intel will "offer all of its U.S. employees who are eligible to retire the chance to apply for Encore Fellowships." Amber Wiseley, Americas Retirement Design Benefits Program Manager at Intel explains:

> *[The program] underscores the changing nature of longer lives. For many people, retirement from midlife careers no longer marks the end of work and contribution. Instead, it marks the beginning of a new, encore stage of life.*

The program was inspired by a pilot at Civic Ventures in Santa Clara, California. Intel consulted with Civic Ventures in designing its program and adapted it to fit Intel's needs and worker demographics. Wiseley reports Civic Ventures have received 60 applications for fellowships and have just matched their first two fellows with a nonprofit. Wiseley has anecdotally received positive feedback from employees of all ages.

KPMG LLP

Initiative	Sabbaticals
Industry	Professional Services, Audit, Tax, Advisory
Employees with Access to the Initiative	22,000 in the U.S.
Location of Initiative	All KPMG LLP (U.S.) employees are eligible
Number of Employees Using Initiative	All benefits-eligible employees who have been on active payroll for at least the preceding three months with a satisfactory performance rating may take a sabbatical with appropriate Business Leader approval.[27] Since 2009 (2.5 years), 1,500 of KPMG's U.S employees have taken sabbaticals.
Name of Contact	Barbara Wankoff, Director, Workplace Solutions

ORGANIZATION DESCRIPTION

KPMG LLP, the audit, tax and advisory firm, is the U.S. member firm of KPMG International Cooperative ("KPMG International"). KPMG International's member firms have 145,000 people, including more than 8,000 partners, in 152 countries.

PROGRAM

To augment its generous time-off and flexibility programs, KPMG LLP also offers its employees sabbaticals of four to 12 weeks duration at 20% of their regular pay. Employees can use their accrued paid time off (PTO) with full pay in combination with a

sabbatical to minimize the financial impact of taking a sabbatical; and any combination of paid time off and sabbatical is permitted to allow employees to tailor the program to their own needs. For example, if an employee has accrued three weeks of PTO, he or she might combine two weeks of that time at full salary (not wishing to use all their PTO at once) with four weeks on sabbatical at 20% of full pay for a six-week leave. Employees' benefits are maintained throughout the sabbatical, and taking this type of leave has no bearing on employment status.

To help ensure that the needs of the business as well as the employee are being met, the process for obtaining a sabbatical requires mutual agreement between the employee and his or her business unit head. The process created by KPMG is a simple one.

An employee meets with his or her People Management Leader (PML)[28] to discuss the request, providing enough lead time for them to work together to develop a plan for how the employee's work will be managed while he or she is out on sabbatical. Together, they also discuss the length of the sabbatical and its timing with a representative from HR, taking current business needs into account. The request is not automatically granted, and the PML can adjust the request as necessary, or even deny or postpone it, based on current timing or conditions. For example, if it is "busy season," or the PML has received multiple requests for a sabbatical or other type of leave for the same time period, the needs of the business are assessed, and the employee(s) may be asked to stagger or reduce the length of their sabbatical to ensure the required level of business coverage and continuity.

All KPMG LLP employees are eligible to request sabbaticals, but satisfactory performance is required. In addition, individuals must be active employees and sabbaticals cannot be combined with other leaves. Four weeks is the minimum, while 12 weeks is seen as the maximum timeframe without creating any potential disruptions to the business.

HISTORY

The sabbatical program was introduced in April 2009 as part of KPMG's ongoing efforts to retain top talent and respond to changes in its resource needs caused by economic conditions. The program was designed to benefit employees and their families by helping the firm address their desire for more time off, especially during the summer months, while enabling it to manage capacity.

KPMG makes significant investments in its people and needed mechanisms to retain its workforce while temporarily adjusting its size (up or down) to meet market demands and minimize the need to cut programs or positions. That is why HR leadership, in conjunction with KPMG's Management Committee, made the decision to expand the firm's work-life offerings by instituting sabbaticals and introduced the new program to employees utilizing a robust communications strategy.

Sabbaticals provide employees with yet another in a variety of options offered by KPMG to support their desire for flexibility and the ability to manage their professional and personal responsibilities more effectively. With a sabbatical, employees could spend the time off with their families concentrating on child care or elder care, outside interests, volunteering or additional education.

Because many KPMG employees work from client locations, the sabbatical program was introduced electronically, as are most of the firm's initiatives. The HR team communicated policy guidelines and application procedures, and provided FAQs and talking points to the firm's partners and PMLs via e-mail and internal Websites, so they would be prepared to discuss employees' requests. Employees who took a sabbatical were featured on KPMG Today, the firm's Intranet and daily news portal, and PMLs built awareness of and encouraged the sabbatical program when assigning or discussing workloads.

How employees planned to use a sabbatical was not a consideration in whether or not it would be granted, and HR recognized that many employees who chose to take a sabbatical did so to satisfy a personal passion, spend more time with a loved one or fulfill the need to do something new and exciting. Consequently, HR sought out those who chose to take a sabbatical and asked them to share their stories as part of the communication strategy and to build additional interest and enthusiasm around the program.

To make sure employees understood that the Sabbatical Program required a collaborative effort to succeed for all involved, the firm emphasized up front that it had to work as well for the business as it did for the employee on sabbatical. The firm also recognized that not everyone would be interested in participating. Rather, the program was designed for employees who wanted additional time off.

OBSTACLES

KPMG introduced sabbaticals with the understanding that it would need to inform and educate partners, PMLs and employees about what a sabbatical is, how it works and how it would benefit the firm as well as employees. That "obstacle" was overcome through the development of an effective, multi-tiered communication strategy. Timing also helped: the program was launched in April so employees could begin to anticipate, plan for and enjoy time off with their families in the summer.

There also were some initial questions about whether the program really would work for the firm, its business and its clients while satisfying employees' desire to be away from the office for an extended period. But, as employees who had taken advantage of the Sabbatical Program returned to work reenergized from their time off and their stories began to appear on KPMG Today, the program grew in popularity. Partners and PMLs realized their clients and direct reports were both well served, and employees across the firm could see that sabbaticals at KPMG were a renewing experience. Perhaps best of all, employees who may have wondered about a sabbatical's impact on their career progression realized there was no downside.

KPMG recognizes that the Sabbatical Program is not right for every employee. Affordability might be an issue for some employees, who don't want or can't afford to reduce their pay. These employees may not be able to take advantage of the program, but can still explore other options, including flexible work arrangements, if appropriate.

RESULTS

Since April 2009, more than 1,500 people have taken sabbaticals at KPMG, and the program is considered a great success because it has enhanced work-life balance, increased employee satisfaction and appreciation and helped manage capacity effectively—cutting costs while saving jobs. Employees who have taken sabbaticals have returned renewed, and those who haven't taken time off appreciate the fact that the program is available to them if they choose to use it.

Since KPMG manages other types of leave programs, such as FMLA, introducing and managing the Sabbatical Program was a straightforward process that has enabled the firm to retain the talent it needs to handle increased business demand.

ADVICE

Before an organization introduces a sabbatical program, Management must believe there is a business case for it and that such a program will still enable the organization to support clients and generate revenue. Likewise, employees must believe that using the program will have no impact on their careers. KPMG's employees built on their trust in their PML and the firm by openly discussing the program and the options it offered them. As people who try to schedule their personal time off around client cycles and demands, KPMG employees also realized that the Sabbatical Program provided a great opportunity to extend the time they could spend with family, serve their community or pursue a personal goal.

At KPMG in the UK, the firm found that a key to successful adoption of the sabbatical program it offered its employees was to have business leaders themselves encourage their staff, where appropriate, to take sabbaticals.

FUTURE

KPMG will continue to offer sabbaticals as a way to re-energize and re-engage its employees, enhance the fit between work and personal lives, and address the cyclical nature of business.

Cornell University

Initiative	Support for Veterans
Industry	Higher Education
Employees with Access to the Initiative	10,460
Location of Initiative	Ithaca, NY
Number of Employees Using Initiative	400
Name of Contact	Lynette Chappell-Williams, Associate Vice President, Department of Inclusion and Workforce Diversity

ORGANIZATION DESCRIPTION

Founded in 1865, Cornell University is a privately endowed university and the federal land-grant institution of New York State. With 13,500 undergraduates and 6,000 graduate students, Cornell University is the largest and youngest university in the Ivy League. A partner of the State University of New York, Cornell's campus includes 14 colleges and schools: seven undergraduate units and four graduate and professional units in Ithaca; two medical graduate and professional units in New York City, and one in Doha, Qatar. Cornell is a major research university with strengths in the life sciences, physical sciences, humanities, and social sciences. Faculty members work in collaborative, multidisciplinary teams to extend the frontiers of knowledge in diverse and numerous fields of study.

PROGRAM

Cornell is committed to supporting its vibrant community of military and veteran faculty and staff.

Veteran Community Group

Its Veteran Colleague Network Group (VCNG) is one example of how Cornell supports veterans. The group serves as a supportive community for veterans and military members. The VCNG is among several Colleague Network groups throughout the university that support and provide a community for underrepresented populations. This group holds monthly meetings of about 30 members and has a network of about 400 total members throughout campus.

When hired, employees learn about various network groups available, including the VCNG, during their onboarding/orientation. Lynette Chappell-Williams, Associate Vice President of the Department of Inclusion and Workforce Diversity, calls onboarding "one-stop shopping. New employees get their ID card, find out about parking, and receive information about the Colleague Network Groups (including VCNG) among other recourses that help new employees find their community." In addition, a Website just for veterans is updated with the latest news and services pertinent to their community at Cornell.

The VCNG is a grassroots organization, led and directed by its own members. A chair and vice chair lead the group in organizing events and arranging priorities for the coming year. The group is funded by Cornell and receives other support from the administration, like space and technical support for speaking engagements. A community liaison in the VCNG also stays abreast of happenings in the Ithaca community off campus. Members of the executive board worked together to develop a database of national, regional and local Ithaca organizations supportive of veterans, military members and their families to provide resources as needed.

Supporting Veterans with PTS

Cornell is also altering its Faculty Staff Assistance Program (FSAP) to be more responsive to the needs of veterans. Counselors trained in Post Traumatic Stress (PTS) and the experiences of military members and veterans will be available to help veterans dealing with those issues. These counselors will also be available to help supervisors of veterans dealing with these issues. “These counselors will help supervisors understand how they can be supportive,” said Chappell-Williams.

Veterans Caring for Family

One flexibility option that veterans find particularly helpful is a dependent care consultant. Though available to all Cornell staff and faculty members, the consultant can be specifically helpful to veterans who are living away from family but are still responsible for finding care for children and elder family members. A military family who is new to the area may not be familiar with the area’s child care options or have difficulty finding care for an elder parent on the other side of the country. The consultant does the research and makes phone calls to care facilities for the employee and then reports back to the employee with options. Then, the employee can follow up and decide what the best option is for his or her family.

HISTORY

Cornell University is founded on the principal, “any person, any study.” It’s in their nature to be inclusive in both their student and workforce populations. Veterans are certainly an important part of their community. Here are some of their more recent highlights.

In 1999, Cornell first initiated a program called Sharing Our World that focused on uniting several campus communities, including veterans. Sharing Our World hosted events mainly to provide a venue for networking between and among these campus communities. These events also helped communicate what programs the university offered that could be of help to veterans.

Cornell began to expand these efforts in 2001 after bringing the Moving Wall to Ithaca. This traveling version of the Vietnam Memorial in Washington, DC brought veterans together and made visible the vibrant community of veterans both in Ithaca and at

Cornell. From this event, Chappell-Williams realized “the work-life challenges of veterans and those in military life were experiencing [at Cornell].”

In May 2004, Cornell partnered with ROTC to host workshops on addressing the needs of those in the military. They asked veterans to talk about what it was like to be called up for duty and how they and their families responded to the news and handled the difficult changes in their lives. Veterans discussed how they and their spouses handled finding child care, writing wills and adapting to other changes when transitioning from a two-parent household to a one-parent household. Another workshop series, “Lifecycles,” addressed the transition veterans go through when returning to civilian life. These workshops and talks organically evolved into the Veteran Colleague Network Group for Cornell faculty and staff. This group serves as a supportive community for Cornell faculty and staff military members, military families and veterans.

OBSTACLES

One obstacle Cornell faced with regards to the VCNG was the federal policy of Don’t Ask Don’t Tell. This policy, which prevented military service members from being able to be “out” about their sexuality, conflicted with Cornell’s policy of inclusion and support of diversity. “That was a real struggle for us in terms of how we supported veterans who were affiliated with the military, which was inconsistent with our commitment to diversity,” said Chappell-Williams.

Stereotypes about military members and veterans also pervaded the campus. Some of the Cornell Community had “a misconception that these individuals may be leaders, but they aren’t good at being creative or coming up with original ideas,” said Chappell-Williams. “Cornell, in concert with the VCNG, has worked to fight these stereotypes and to create a culture in which military individuals are supported. Some of their workforce didn’t want to identify as being in the military because of negative stereotypes associated with it.”

In order to create a more supportive and understanding culture, Cornell and the VCNG have:

- held monthly meetings;
- published articles about veterans on campus;
- led a supply drive for currently deployed soldiers in Afghanistan;
- partnered with Cornell University’s Recruitment and Employment Center to participate in the New York City “Hire a Hero” conference; and
- provided greater opportunities for students, staff and faculty to interact and form relationships with veteran and military members of the Cornell community.

RESULTS

Having built a network of about 400 members across campus, the VCNG has been a great success. Additionally, the VCNG has helped Cornell better understand the needs of veterans on campus and how policies can be improved to better serve veterans and their families. For example, the VCNG reported to the administration that various departments were interpreting the current leave policy differently. The VCNG reported people were having issues with inconsistent implementation. The administration, which otherwise would have been ignorant of the problem, was able to take steps to correct it and better train supervisors on the policy.

ADVICE

Chappell-Williams advises organizations trying to better support their veteran members to start slowly. It's also important to get feedback from nonmilitary employees. For example, what's an initiative that can be supported by all? Additionally, the colleague network groups have been helpful in empowering faculty and staff to vocalize their needs. She says, "When the VCNG formed its priorities, I never imagined those would be the issues we needed to address." The inconsistent leave policy is one example of an issue the VCNG had that the administration wasn't aware needed fixing.

FUTURE

Cornell's VCNG has several plans for 2012. The VCNG will consolidate its brand by improving its social media presence and Website. Currently, members are connected through a professional group on LinkedIn and an internal Confluence Website. The VCNG will also create monthly meeting plans and identify opportunities for further community engagement through communication and event planning. It is also working to expand beyond the Cornell campus by encouraging the development of veteran affinity groups at other Ivy League universities and by connecting to similar organizations at various nearby corporations.

MacAulay Brown

Initiative	Phased Retirement
Industry	Engineering and Technical Services
Employees with Access to the Initiative	500 at Headquarters, 2,000 total
Location of Initiative	Dayton, OH
Number of Employees Using Initiative	80
Name of Contact	Katherine Gaskill, Sr. Director of Corporate Human Resources

ORGANIZATION DESCRIPTION

MacAulay-Brown, Inc. (MacB) is an engineering and technical services organization that has provided the United States government and prime contractors with technical and engineering services, quality studies and analysis, and IT solutions since 1979. MacB has more than 50 operating sites located across the nation and outside of the United States. For more than 30 years, MacB has worked closely with their customers to design and deliver leading edge technology-based services and solutions. Their unique ability to recognize and foresee customer requirements decreases the time it takes to design, develop and deploy critical systems. Customers have come to depend on MacB as a true partner dedicated to mission success.

PROGRAM

Perhaps one of the most interesting programs at MacB is their approach to retaining employees who might otherwise leave the organization through retirement. MacB, a defense contractor, offers employees who have decided to retire the option to change their status or come back as what they call Part-Time Irregular employees—an on-call situation for projects that suit their skills.

From a logistical standpoint, the process is simple. As projects arise that may benefit from the expertise and support of a Part-Time Irregular employee, the program manager determines the employee's availability. If available, the employee arrives to the worksite when requested and logs the time worked per organization policy. To ensure the high standards MacB is known for, Part-Time Irregular employees are formally evaluated just like full-time MacB employees.

The benefit to the Part-Time Irregular employees is that they are able to stay actively engaged, continue to earn money, grow their 401(k) plans and maintain their active security clearances from the U.S. Government. An example of an employee using this arrangement is a 76-year-old retired engineer. He comes in as needs arise and has the time to pursue other interests on the days when he is not working. Leaders at MacB believe this way of working keeps subject matter expertise active and going strong.

MacB's approximately 80 Part-Time Irregular employees typically set their own hours. If they are working on a big project, they might work 30 to 40 hours a week for one month or more. After that assignment is complete, they may not work for a few weeks or months at a time. Most are very happy with that pace.

To enable other kinds of flexibility for their employees, MacB utilizes technology such as dedicated laptops, remote site accessibility to documents and secure shared document collaboration Websites. Utilizing these technological tools also helps parents who may need to be home for their children or who have pressing personal responsibilities.

The organization aims to assist employees in need of a flexible situation on a case-by-case basis. The employee discusses his or her need with their immediate supervisor who coordinates the arrangement with the Sr. Director of HR to ensure it would not set an unreasonable precedent. Because much of MacB's work involves a government customer, the approval of the customer must be received prior to approving a particular alternative work arrangement. Anyone in the organization is eligible for consideration.

HISTORY

Since 2000, MacB has grown from 200 employees to more than 2,000 employees. Back then, the smaller size of the engineering and technical services organization enabled them to be flexible, a culture they've maintained even though they've grown dramatically.

Since their work is specialized and often sensitive, it would be a tremendous loss to the business if key employees with specific knowledge, experience and security clearance left the organization, especially since those clearances are difficult to obtain and are critical in their business. In fact, approximately 95% of MacB's employee population has a U.S. issued Government clearance.

In addition to retaining MacB retired employees on a part-time basis, they recognized that there was a pool of highly skilled retired engineers from Wright Patterson Air Force Base (AFB). Katherine Gaskill, Sr. Director of Corporate Human Resources, explains, "In 2003, MacB was growing, and we identified that there was this population of senior retired engineers from Wright Patterson AFB [who] had great skills and subject matter expertise but just did not want to work full time. They just wanted to work when they wanted to, while staying current on their skills, expertise and clearance."

They first explored extending the Part-Time Irregular employee program to non-MacB retirees as a small pilot, hiring a retired senior engineer from Wright Patterson AFB. Gaskill says, "That worked well." From there, the initiative snowballed. Today, the Company has access to more than 80 Part-Time Irregular employees.

This program has been very beneficial for the employees as well as for MacB. If the retirees had worked as consultants, they'd be responsible for filing their own taxes

as business owners and contributing tax withholdings. As “employees,” however, they simply get a paycheck when they work and everything is filed for them.

OBSTACLES

MacB reports that there were no obstacles in designing and implementing this phased retirement arrangement.

RESULTS

MacB does not formally measure its flexibility or phased retirement programs. However, these programs continue to serve an important role in its business strategy. For example, MacB uses its combined 500+ years of experience as a selling point in their client proposal process. Senior employees, called “legacy employees” by MacB, are integral since they have 20 to 30 years of experience each. In addition, some engineers are world-renowned and have unique skills that would be impossible to match. MacB is proud to say these engineers are on staff and that they have the breadth of experience and expertise at the ready.

Maintaining the involvement of legacy employees as Part-Time Irregular employees means that there’s always mentoring going on, in both directions. The experience and expertise these senior engineers provide to junior less experienced engineers is invaluable. Because the field of engineering and technical services changes every day, the mentoring is a two way street. The junior engineers also share their knowledge with the senior engineers. “It’s a win-win for everybody,” says Gaskill.

ADVICE

Gaskill advises other companies to keep all options open. Not many companies think to retain senior employees in this way, and it works well if they are open to it. When it comes to flexibility, she says that no policy can be black and white, advising flexibility needs to be a case-by-case basis. Never close the door on a new opportunity presented to you for flexibility, she says. If you think the presented opportunity is not feasible or practical you must be able to say no. If it works well, however, consider it again and again.

FUTURE

MacB plans to expand the number of dedicated laptops for offsite use. While they do not allow working from home at this time, the laptops provide the convenience of working offsite and having access to work in ways providing more flexibility.

Deloitte LLP and Its Subsidiaries ("Deloitte")

Initiative	Mass Career Customization® (MCC)
Industry	Professional Services
Number of U.S. Personnel	Deloitte LLP and its subsidiaries have approximately 45,000 personnel based in the U.S.
Location of Initiative	MCC has been fully deployed in all of Deloitte's office locations. Additionally, with some local customization, Deloitte Touche Tohmatsu Limited member firms in Europe and Asia have separately implemented or piloted MCC.
Number of Personnel Using Initiative	All Deloitte personnel, partners and principals participate in MCC, in which individuals meet regularly with their leaders and supervisors to discuss career and life issues. Specific career-life options available in the framework may have guidelines for participation such as a recommended one or two year tenure with Deloitte before exercising the option.
Name of Contact	Elizabeth Roberts, Director National Inclusion, Deloitte Services LP

ORGANIZATION DESCRIPTION

In the United States, Deloitte LLP and its subsidiaries have 45,000 professionals with a single focus: serving their clients and helping them solve their toughest problems. They work in four key business areas: audit, financial advisory, tax and consulting—but their real strength comes from combining the talents of those groups to address clients' needs. *Fortune* and *BusinessWeek* consistently rank the organization among the best places to work, which is good news for their talent and clients alike.

PROGRAM

Mass Career Customization® (MCC) is a key element of Deloitte's[29] innovative approach to how flexibility is fostered, careers are built and talent is developed. In line with Deloitte's overall talent strategy, MCC is one of the important ways in which their leaders engage and connect with their people and is instrumental in achieving their goal to foster an environment where leaders thrive. Unlike flexible work arrangements—which represent an "opt in" approach that often leads to feelings of exception or accommodation, everyone in Deloitte participates in MCC all the time. Therefore, the participants in MCC are all of the approximately 45,000 men and women of Deloitte. MCC is a central element of Deloitte's approach to a flexible work environment, which recognizes that different people need different things at different times in their careers. As such, Deloitte provides an array of options including programs such as paid sabbaticals, parental leave, back-up elder and child care and team-based flexibility tools.

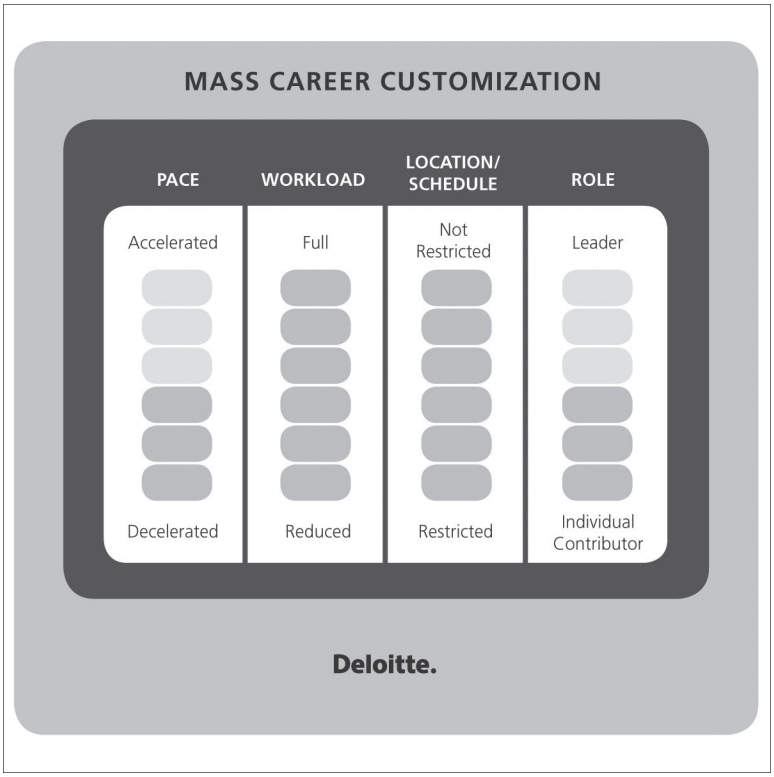
The premise of MCC builds upon the consumer-business notion of mass customization, in which each of us can design everything from our own car to our own jeans—so

why not let personnel design their own career? Drawing on the insight that careers are developing more as a series of ebbs and flows than a straight climb up a corporate ladder, MCC provides a structured approach for Deloitte's personnel to identify career-life options, evaluate trade-offs and make choices as individual circumstances change. Similar to the way sliders are moved up and down to adjust the sounds on a stereo equalizer, MCC allows people to dial up and down along four core dimensions of how a career fits with life—Pace, Workload, Location/Schedule and Role.

- **Pace** – Provides choices to accelerate or decelerate the rate of career development;
- **Workload** – Provides choices about the quantity of work output;
- **Location/Schedule** – Provides choices about where and when work is performed; and
- **Role** – Provides choices about the job role an individual performs.

This is shown in the following tool.

Deloitte LLP



Source: Mass Career Customization *Aligning the Workplace with Today's Nontraditional Workforce*. Reprinted with permission from Deloitte LLP

The four dimensions on the MCC profile are interrelated, and a change in one usually affects one or more of the others. In this way, the MCC framework improves the transparency of trade-offs among options, giving people the information they need to make sound decisions and avoiding misunderstandings that can create mistrust down the road.

In collaboration with their counselors,[30] personnel periodically select options within each MCC dimension based on their career objectives and life circumstances at a given point in time and within the context of the needs of the business.

These conversations take place during goal-setting, midyear and year end, as well as during informal touch points throughout the year.

At Deloitte, the vernacular for career development is now "let's discuss if you are going to dial up or down for the next leg of your career journey." Deloitte trains supervisors to structure counseling and coaching conversations around the dimensions of the MCC profile, e.g., Pace—"Is the rate at which you are growing and developing working for you?" Workload—"How are you doing with the workload for your responsibilities?"

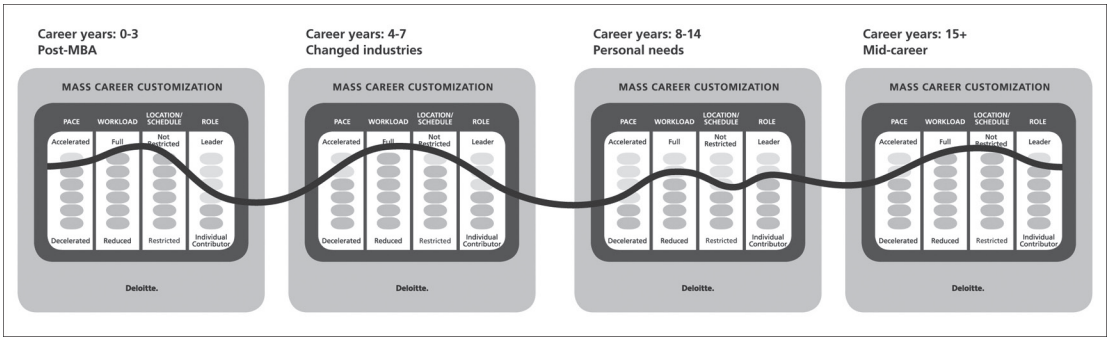
etc. These choices are reflected in the MCC profile. Many people will choose to accelerate or decelerate their careers at some point and later revisit their choices as circumstances evolve. At these times, personnel and their counselors clarify business expectations, goals, performance expectations, and associated rewards and trade-offs. After the individual and his or her counselor agree on a set of career-life choices, additional consultation, as well as review and approval, are then provided by Talent/HR representatives and designated line leaders.

Some options within the MCC framework have eligibility guidelines that may include criteria such as tenure or performance. For example, to set individuals up for success in dialing up and down, Deloitte generally requires individuals to be consistently meeting the performance expectations for their current role before the individuals are able to exercise these options.

The MCC profile captures an individual's career-life options at a moment in time. At different career and life stages, individuals often make different choices. By positioning profiles for each career stage side by side, personnel can see how career and life flow over time. Deloitte has dubbed the resulting line-up a "career sine wave." The tool below depicts a composite of career journeys plotted as a career sine wave. Deloitte provides an interactive exercise to chart individuals' own career sine wave at www.masscareer-customization.com.



Deloitte LLP



Source: Mass Career Customization *Aligning the Workplace with Today's Nontraditional Workforce*. Reprinted with permission from Deloitte LLP

In summary, the MCC framework provides a consistent, structured and scalable process for Deloitte personnel to have regular conversations with their counselors about how their career and life are fitting together. In contrast with other approaches, where career and life are addressed only at specific moments in time, MCC is fully embedded into Deloitte's annual talent processes so career and life are not only discussed at formal goal-setting, midyear, and end of year touch points, but also during informal touch points throughout the year.

HISTORY

Mass Career Customization began with the Deloitte women's initiative. Deloitte has had a women's initiative since 1993 to advance and retain women leaders. By 2005, it had attained substantive progress. For example, women's turnover rates had historically been higher than men's, and by 2005 this gap had largely closed. Deloitte had also improved women's representation throughout its leadership pipeline. However, to achieve an even higher level of breakthrough results, Deloitte recognized it needed to become more innovative as it sought to address core issues for its women. Discussions with its women identified flexibility as one of the most critical areas to address to improve the retention and advancement of women.

The organization "peeled back the onion," analyzing the root causes of the flexibility challenges they were seeing. Deloitte found that its flexible work programs were allowing people to achieve their personal goals but not their professional ones. Flexible work only addressed changes at a particular moment in time; it did not address the development of careers over time. Using flexibility was seen as an "exception" or "accommodation" that carried a stigma and was not seen as something that would allow individuals to achieve a viable career path. In other words, offering part-time work, flexible schedules and telecommuting wasn't helping Deloitte as much as it should to be an organization that offered women, and men, great opportunities to succeed and advance.

Deloitte recognized the need to develop a forward-facing vision and make a fundamental change so that it was understood by all that there is no one right way to have a career, and that there are many ways to be successful. The whole context had to be altered so that no one was being treated as an "exception" and no one was seen as stepping off the corporate ladder if he or she moved laterally or plateaued for a while. Ultimately, the corporate ladder needed to give way to what Deloitte has labeled a "corporate lattice," allowing careers that ebb and flow and grow in multiple directions, to really manage talent effectively. The question then became, "How would Deloitte operationalize this vision?"

The leaders of the Women's Initiative designed a system that would allow people to customize their careers. The design was named Mass Career Customization, a framework and process that allows for a continual dialogue between individuals and their managers around career and life options and provides the calibrations and adjustments necessary to align individual needs with business needs. The women's initiative incubated the development of MCC, launching two successive pilots. Beginning in the fall of 2005, an MCC "proof of concept" pilot was conducted with select work teams across the organization. This initial pilot was followed by a second year-long pilot in 2005-06 to establish how MCC would integrate with career planning and development.

These efforts confirmed that MCC has a positive effect on retention and morale and also demonstrated that there was no adverse impact to the satisfaction levels of Deloitte's clients. The pilots also demonstrated that counselors and personnel were having more robust and satisfying career conversations as a result of MCC.

Based on these results, Deloitte's U.S. Executive Committee decided to roll out MCC to all Deloitte's people. According to Sharon Allen, former Chairman of the Board, it was not just women who wanted flexibility. Men wanted it, too, but they were less comfortable expressing their need for flexible work. The leaders at Deloitte realized that MCC could be an important retention strategy for men as well. And while Gen Y is famous for being bold enough to ask to work more flexibly, Deloitte found that people from every generation wanted access to MCC. For example, Deloitte leaders looked at retiring boomers and asked, "What would it take to have you work a year or two more before retiring?" The answer was, "We want to be able to work differently." Deloitte recognized flexibility issues as redefined by MCC are everybody's issues.

As a result of this insight, Deloitte moved MCC from the Women's Initiative to its Talent organization (HR) and positioned it for all people. Deloitte recognized it was making a change in culture, not just a change in tools.

Deloitte began the organization-wide implementation of MCC in June 2007 and reached more than 7,500 people in the initial year of implementation. The phased implementation approach Deloitte used allowed for lessons to be learned along the way. Lessons from each wave of rollout were collected and used to improve future rollouts. By the first quarter of 2010, MCC had been implemented for all Deloitte personnel. A key to implementation success was strong engagement and participation of leadership. In each major area of the organization where MCC was implemented, Deloitte established a Steering Committee. The Steering Committee usually included a senior partner/director, as an executive sponsor and a mid-level partner/director as a "partner champion," as well as the Talent Leader for that area of the organization. Many Steering Committees also included partners/directors representing each geographic region or service line participating in the MCC rollout as well as additional Talent personnel. Steering Committees ranged in size from five to 15 members, with larger committees generally corresponding to larger rollouts.

Steering Committees were responsible for leading and communicating the change and driving adoption. Steering Committees were particularly active in influencing practice leaders to commit to the change as well as communicating to all personnel the importance of the MCC tool. Being an executive sponsor or partner champion was a 12-month, part-time, leadership assignment in addition to one's regular assignments. Serving on the Steering Committee was written into each member's annual goals.

Communications and change management were critical to the success of the effort. From the start, Deloitte made sure there were many ways to learn about MCC. A main focus of MCC education was to ensure counselors understood the MCC framework, process and their role, and helped counselors to be effective. A central MCC implementation team developed a range of tools that different areas of the organization then customized to their needs, such as:

- Town hall meetings
- Counselor Webcasts

- E-Learning course
- Live learning sessions
- Career sine wave stories of top leaders, featuring how the leaders dialed their own careers up and down over time
- MCC in action, stories of individuals and how they are using MCC to integrate career and life
- Job aids
- Intranet site portal
- Online MCC community of practice
- Frequently asked questions
- Counselor handbook
- Dot, an online virtual MCC advisor
- E-newsletters
- Mailboxes for submitting questions
- Goal-setting, mid-year and year-end communications

OBSTACLES

Early on, a concern from some leaders was that MCC was going to result in a majority of personnel dialing down. However, consistent with MCC pilot results, approximately twice as many workers sought to dial up rather than dial down. Deloitte learned that not all its personnel are in the same career-life stage at the same time. In fact, MCC helps teams take advantage of the fact that team members are in different career-life stages. For example, in one case, a senior manager dialed down to part-time for family needs, and she was able to align her dial down with a manager who wanted to dial up. The manager provided coverage on days when the senior manager was out of the office. This stretched the manager to begin to perform at the next level up.

It was also important that leaders understood that MCC's value was greater than the number of personnel who elected to dial up or down at any point in time. It turns out that just having an option available to dial up or down has value to personnel—even if the individual never exercises the option. A partner and mother of four shared how this worked for her. When her children were little and she had a tough day, rather than think, "I might have to leave Deloitte," instead she thought, "I can dial down if I need to." She never exercised the option to dial down—but she reported that she likely would have left the organization if the option had not been available to her.

RESULTS

One year after implementing the MCC framework and process, Deloitte had generated strong results from its initial rollouts. One measure Deloitte tracked through surveys of all its personnel was how satisfied its people were with their current career-life fit. This measure improved 25%. The organization also measured how confident its people were with their future career-life fit. This measure was important because Deloitte had examples of turnover where individuals essentially said, "I love the work I am doing. I love the people I work with. I am challenged, and I am growing. But I am leaving—I am leaving because in two to three years, when I want to get married or start a family, I am worried I won't be able to make my career-life fit work." Confidence in future career-life fit also improved—by 28%.

Another important metric the organization established was to ask personnel about the quality of the conversation between the counselors and themselves. Customization depends on effective communication, so this was a critical measure. Overall, 88% of survey respondents had at least one career-life conversation with their managers or assigned counselors, and these respondents said that the quality of conversations was better by a ratio of 4 to 1 than those that did not have a career-life conversation. The improvement was particularly encouraging because the quality of conversations, considered a key factor in engagement, was previously known to be uneven.

Deloitte leaders believe there is a direct correlation between MCC and retention. The amount of improvement in high-performer retention rates in the areas that implemented MCC was twice as large as it was in the areas that had not implemented MCC in the first year of rollout.

ADVICE

Throughout its journey, Deloitte learned a lot about implementing an innovative, comprehensive program to address career-life fit. Some of the lessons include:

Meaningful discussions are the heart of MCC. Dialogue is the primary way customization is achieved. Through MCC, Deloitte encouraged more career planning conversations, and it introduced a common vocabulary and visual tool to make discussions clearer and deeper.

Engage leaders at all levels, and early. Having buy-in from the top levels is essential—not just in the beginning, but throughout the process.

Share success stories. It is imperative to share stories of real people from all walks of life being successful in finding career-life fit. Stories are posted on the corporate Intranet and showcased in newsletters from different organizational areas. Stories vary greatly, with individuals leveraging MCC to pursue a range of goals from climbing Mt. Everest to fulfilling their National Guard obligations, pursuing graduate studies to phasing into retirement, learning ballroom dancing to performing community service. Another

important part of the messaging was that MCC was not just for people with families. Many people are single and “want a life outside of work,” too.

FUTURE

Now that MCC has been implemented and Deloitte has made progress related to establishing open, regular dialogue about how career and life fit together, the organization is able to gain more insight into what additional flexibility options its people need. For example, a couple of years ago, Deloitte identified the need for a sabbatical program, and that program is now in place as another way personnel can dial down for a period of time. In addition, Deloitte is currently reviewing feedback from dial down participants on the design of part-time work options to see if they can be improved.

Deloitte also continues to implement extensive virtual work options including supporting tools, training, policies and office space designs. To help its people stay connected to the organization, even while working virtually, Deloitte is leveraging social media. It provides an internal Facebook-like platform called D Street that enables its personnel to blog, share personal and personnel updates, and join and participate in communities.

Deloitte leaders believe that all these actions taken together reinforce and sustain the culture change that MCC catalyzed, better positioning the organization to achieve its goal of fostering an environment where leaders thrive.

CHAPTER 6: DEALING WITH OVERWORK

In a 2005 study,[31] Families and Work Institute (FWI) found that one in three American employees are chronically overworked: 26% report being overworked, 27% are overwhelmed by how much work they have to do and 29% don't have time to step back and process or reflect on the work they are doing often or very often in the last month. If one includes "sometimes" in these figures, they climb to more than half of all American employees. In addition, the 29% who spend a lot of time doing work that they consider a waste of time are more likely to be overworked. Vacations matter, too. The study found that the more one works during vacations, the more overworked one is.

In a work culture where being overworked is seen as both a "red badge of courage" as well as a source of anxiety, FWI found that the condition of being overworked should be taken seriously by employers. Employees who are more overworked are more likely to make mistakes at work, to be angry at their employers for expecting them to do so much and to resent coworkers who don't work as hard as they do. In addition, they are more likely to have health problems, which can be very costly to address [and have a negative impact on the employees.]. For example, only 8% of employees who aren't overworked experience symptoms of clinical depression compared with 21% of those who are highly overworked.

Employer efforts to address overwork include initiatives to:

- enable employees to reduce unnecessary work, unnecessary travel and create reasonable e-mail policies;
- encourage and incentivize employees to take vacations, build in time for rest and recovery and develop time off policies for creative thinking; and
- create results-only work environments.

Efforts to deal with overwork are on the leading edge of flexibility.

PricewaterhouseCoopers LLP (PwC)

Initiative	Reduced Travel Program
Industry	Professional Services
Employees with Access to the Initiative	35,000
Location of Initiative	Firm-wide in the U.S.
Number of Employees Using Initiative	Firm-wide in the U.S.
Name of Contact	Jennifer Allyn, Managing Director, Office of Diversity

ORGANIZATION DESCRIPTION

PwC is a network of firms in 158 countries with close to 169,000 people focused on audit and assurance, tax and advisory services. We help resolve complex business issues and identify opportunities. PwC has been recognized as one of *Working Mother* magazine's Top 10 Best Companies for working mothers every year since 2001. 2011 was the 17th consecutive year that PwC has been listed in the Top 100. PwC was also ranked #1 in *DiversityInc's* 2012 Top 50 Companies for Diversity—one of the highest honors for corporate diversity.

PROGRAM

PwC's U.S. firm instituted a Reduced Travel policy to create a more intentional decision-making process around travel. This policy, perhaps surprising for a client-facing business, is aimed at cutting costs for clients and for the firm, and helping employees manage their work and personal lives.

After considerable discussion of this issue, PwC's Chief Financial Officer, Mike Burwell, issued an e-mail to all partners and staff on February 16, 2009 advising them to limit internal travel to business-essential needs only. He emphasized that the firm had "made significant progress in increasing the availability and simplicity of our virtual meeting options" and encouraged PwC's people to use them.

Because PwC is a decentralized firm where decisions are made by individual partners and engagement teams, it is up to these client service professionals to determine how to implement the policy, depending on the needs of their clients and their teams. Specifically, partners are expected to negotiate with each client about what the ratio and sequence of face-to-face versus virtual meetings will be, and then the senior managers of the engagement teams are expected to handle the execution. The approach is to start with the assumption that travel should be limited. This amounts to flipping the usual orientation. In other words, the discussion begins with this assumption, and then the partners have conversations where they negotiate travel with the client, setting up travel plans along with project milestones.

Many internal meetings at PwC are focused on learning and development and it was a major change to switch from "residential" to virtual training courses. Although the firm already had Webcast-enabled meetings when this effort was announced, they rolled out a series of virtual trainings for their milestone courses. As an example of the type of travel cutbacks that occurred, PwC's Houston office dramatically cut traveling to internal meetings and annual professional conferences, not only easing the organization's travel budget, but also helping employees better manage their lives at home.

Different parts of the business have developed different patterns for virtual meetings. The rule of thumb is that if four people or fewer are meeting internally, it should be a call or videoconference rather than an in-person meeting. This has been an especially important issue for the advisory/consulting part of the business because it is a national practice encompassing people with very specialized skill sets, and their teams are typically virtual because their people are spread all over the country. The audit and tax groups tend to be more physically proximate and, therefore, tend to meet face-to-face at PwC offices or at those of the client.

HISTORY

Client service in a "Big 4" professional services environment is very demanding with long hours and intense busy seasons. As a result, turnover in the profession has been historically high. Since 2001, PwC has focused on improving work-life quality through both formal programs and informal cultural change. One significant effort was the decision to shut down the entire firm during the winter holidays between Christmas Eve and New Year's in 2003/2004. This shutdown was a way for PwC's people to truly disconnect and take a totally "guilt-free" break from their work—no e-mail responses expected, no meetings scheduled, no conference calls being missed—as the entire firm took an extended holiday break. From the reaction of PwC's people, the time off was even more valuable than a monetary bonus. This extended time off had a particularly emotional impact on the firm's working parents, and their Senior Partner received hundreds of thankful e-mail messages about how meaningful this time off was for PwC families. While this winter holiday shutdown depended on the business needs that calendar year, shutdowns have continued in subsequent years and were extended to the July 4th holiday break.

A next step after the holiday closings was the firm's approach to travel. Travel had become so much more difficult, time consuming and expensive since 9/11, and the firm could see that an undue amount was a burden for their employees. When the economic downturn occurred in 2008 and business slowed down, the firm's leaders saw this as an opportune moment to tackle the issue of unnecessary travel. The business case for addressing these questions was clear. Specifically, travel took time away from work and family and was contributing to burnout and turnover. Advances in technology, including videoconferencing, also made face-to-face meetings less necessary. Importantly, the firm's leadership could see that eliminating unnecessary travel reduced costs for the firm and, therefore, for their clients.

The firm's leadership felt that it was important to have initial client meetings in person in order to establish better connections with the client. The place to cut back was in subsequent meetings. In addition, travel for internal meetings and training sessions had to be significantly reduced. As a result of this change, the firm increased virtual learning and self-study by 35% and invested in technology to enable those courses.

OBSTACLES

The reduced travel policy has led to changes in how virtual meetings are conducted. Because people's attention tends to wander on the telephone or on Webcasts, meeting times are being shortened and employees are working to make meetings more engaging and productive. Increased use of Webcams (where all meeting participants can be seen), instituting refreshment and stretching breaks during virtual meetings and introducing virtual meeting etiquette which says you must be "very present" at all times (no texting!) help with these attention issues.

Another challenge is in defining unnecessary travel. As the economy and business have improved, the amount of travel has crept up again. According to Jennifer Allyn, Managing Director, Office of Diversity, there seems to be a pull toward "getting on an airplane." While employees complain about travel, they still want to give their clients superior service and build solid relationships with them. In order to achieve those goals, there is a bias toward face-to-face meetings. The firm is thus challenged with creating an enduring norm of no unnecessary travel.

In addition, it is challenging to drive consistency when permission is not required to book air travel. PwC is finding that there is wide disparity in the choices being made by partners and employees in a decentralized business.

In addition, PwC is also finding that it is harder and harder to book videoconferencing facilities as the demand for them is so high.

RESULTS

PwC's Travel Office monitors costs for external and internal meetings, and both decreased after 2009. The firm is now witnessing some "creep" upwards in those costs, however. PwC also conducts a "pulse survey" and asks whether their employees feel they have the means to manage and control their own life and work. In addition, the pulse survey asks about employees' level of work-life "satisfaction." The pulse surveys have continued to indicate that the firm is managing their employees' work life well, but their measure does not allow them to single out the impact of the "no unnecessary travel" policy. The firm also looks at turnover and conducts exit interviews, and those indices are trending in the desired direction. But without a more experimental study, they cannot attribute these trends to the "no unnecessary travel" policy.

In 2011, PwC hosted a conference for its partners and clients on flexibility as a strategic business initiative. This conference was an important step in promoting a culture of flexibility for the PwC community. The following tool was prepared for this meeting.



PricewaterhouseCoopers LLP

10Minutes
on updating flexibility strategies

pwc

September 2011

Approaches that meet real employee and employer needs

Highlights

Not all flexibility policies are working well. Valuable employees, for one, are discovering that 'work anywhere, anytime' approaches can lead to burnout.

Diversity and innovation goals are increasingly linked to flexibility approaches. Companies where all employees look, think and work alike are disadvantaged in complex and competitive global markets.

New approaches being tried by innovative companies are thought-provoking and encouraging, but more work needs to be done.

PwC convened 600 business executives to discuss flexibility and talent management in June 2011. Six suggestions emerged to improve workplace flexibility. (See page 04)

Flexibility over time and place has long been one of the best incentives companies can offer to attract and retain employees. Yet even as these options near standard practice among top US companies, not all employees find they are able to participate. Some don't even think they can without damaging their careers.

What many employers are discovering is that offering just one or two flexibility options no longer suffices. By definition, flexibility should mean taking a more comprehensive approach toward matching the business growth goals with employee capabilities and needs. The best of them recognize that all employees can benefit and that at times, many will need flexibility programs.

Flexibility is not an added benefit, nor is it an entitlement. The workplace is changing, and so is the technology we use to work. Flexibility is thus about giving people the ability to accomplish the same tasks in multiple formats with multiple configurations.

Increase engagement and loyalty

1. Flexibility involves more than top-down setting of hours or work arrangements. Greater autonomy over time and tasks leads to better performance.
2. Broadening access to flexibility options for employees helps create a culture that focuses more on results and less on where or when the work is done.
3. Companies with right mix will find they are rewarded with greater productivity, better job candidates and less turnover. PwC has found that instituting flexible workplace policies has cut our turnover by nearly half.
4. Well-structured flexibility policies address rising talent challenges. Take the boomers nearing retirement as an example: Americans 45-64 years old represented 26.4% of US population in 2010, a 31.5% increase from the 2000 census.

At a glance

Acknowledge the diversity of today's employees, and the diversity that they want

Who's who at work

They're women	and working parents	and are increasingly more diverse	with eldercare responsibilities	while more are nearing retirement age themselves
Close to half of the workforce in the US are women	48% of children are in households where all parents work full-time	More than half of US population growth between 2000–2010 is due to Hispanic population increase	Nearly 1/5 of employed people provide care to a person over 50	People 55 years old or older projected to reach nearly 25% of US labor force in 2018

And what they really think about flexibility

Flexibility involves career trade-offs	but it's still important	for men as well as women	and the younger they are, the more they expect it	especially as traditional retirement notions fade
41% believe they have to choose between job advancement or devoting attention to their family or personal lives	55% of Fortune 500 executives said they're willing to sacrifice their income for more time outside of work	74% of men are interested in flexible options	66% of recent graduates expect to work regular office hours with some measure of flexibility	77% expect to work for pay even after they retire

Sources: Families and Work Institute's "2008 National Study of the Changing Workforce"; White House Council of Economic Advisers' March 2010 "Work-Life Balance and the Economics of Workplace Flexibility"; Boston College Center for Work & Family's 2008 " Overcoming the Implementation Gap"; Pew Research Center's 2006 "Working After Retirement: The Gap Between Expectations and Reality"; Bain & Company's 2010 "Flexible Work Models: How to bring sustainability in a 24/7 world"; Karen K. Myers and Kamyab Sadaghiani, Journal of Business and Psychology, 2010 June, "Millennials in the Workplace: A Communication Perspective on Millennials' Organizational Relationships and Performance"; and, PwC's 2008 "Managing Tomorrow's People".

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ADVICE

Like many other organizations, PwC finds that culture change is difficult (even when it benefits employees and clients) and that a consistent leadership voice is required for partner buy-in.

Allyn advises looking at work-life "pain points" for the professional service profession and doing as much as you can to control that pain and respect people's time. And because PwC is data driven, she recommends making every effort to quantify your success so as to convince people across the enterprise. This also involves a good communications strategy with effective messaging and repeated communications to employees.

Sometimes adversity can be the springboard for change. In PwC's case, the jolt of the economic downturn provided an opportunity to establish their "no unnecessary travel" program.

FUTURE

PwC leadership believes that virtual teaming is the future of work. They understand that they need to help their people embrace the very good technology that exists and they also need to invest in new technologies that will bring new opportunities. At PwC everyone has his or her own laptop and many professionals telecommute very successfully, but more is still needed.

PwC recently launched a flexibility Website to share best practices and give client teams ideas for improving flexibility on their engagements. As shown in the following tool, directly from this Website, are concrete examples like deciding on an "early departure" night during busy season and using a team calendar to track personal commitments in addition to project milestones. The flexibility Website also features leader testimonials about the importance of creating a culture of flexibility.



PricewaterhouseCoopers LLP

IDEAS FOR GREATER EVERYDAY FLEXIBILITY

The ideas listed below came from engagement and project teams from across the Lines of Service and were used to integrate flexibility planning into their everyday work. Given the variation in team size and structure, every idea may not work in every circumstance. That's why the first step—talking about it—is vital to the process. Once you get the conversation started, talk through these ideas and see what might work for your team. Feel free to come up with ideas of your own!

- **Early departure night.** The team decides on a night during the week where the entire team can shut down and agree on the time to leave (5pm, 6pm, etc.). This is particularly important if weekend work is planned. Make sure the date is posted on the team calendar and that senior members also participate.
- **Team calendar.** Many teams have adopted this tool and found it to be a good way to stay on track. Use the calendar to identify important work deadlines as well as flexible personal time and commitments. Then post it in a prominent location and commit to it each week. Assign a team member to keep it current. Here is a calendar template you can use and adjust for your team.
- **Weekly update meeting/calls.** Schedule a standing 30-minute meeting/call each Monday morning to go over that week's work schedule. Communicate critical deadlines up-front so the team is aware of key dates. Assign an experienced team member to coordinate the agenda with the topics to be discussed. Consider asking a client representative to participate in a portion of the meeting so they know what's going on and who's working on what. This open approach will result in a clear understanding of expectations by everyone involved on the project. It might also lend some more predictability to the week's schedule.
- **Flex day.** Similar to Flex Fridays, each team member works their agreed-upon hours in 4 days and selects a day of the week to shut down and not work. The frequency will be determined by the team and work commitments of the project (e.g., weekly, monthly, or quarterly). This will be scheduled in advance and agreed to by the team. The team will respect the individual's time off—no communications (e-mail, phone, etc.). Consider scheduling a flex day after meeting a significant deadline.

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PwC is also planning an upcoming campaign to encourage staff to take their full vacation time. PwC offers generous vacation benefits that must be used during the fiscal year. If the days are not taken, they are "lost." Part of this approach will be to create new messages on the theme of "go plan something and do it!" so that PwC's people actually get away from the office for a break to unplug and recharge.

The Habitat Company

Initiative	Paid Time Off (PTO), E-mail Policies
Industry	Real Estate Management and Development
Employees with Access to the Initiative	900 total, 75 at HQ
Location of Initiative	Chicago, IL (HQ) and Georgia, Michigan, Missouri and Oklahoma
Number of Employees Using Initiative	Not available
Name of Contact	Katherine Paul, Vice President of HR

ORGANIZATION DESCRIPTION

The Habitat Company is one of the largest multi-family property developers and managers with more than $2 billion in assets and more than 20,000 units under management. The organization, founded in 1971, is a full-service residential real estate firm.

PROGRAM

The Habitat Company is a more than 40-year-old real estate management and development organization of multi-family high rises, luxury high rises and public housing units. One of the goals of Habitat's flexibility is to prevent employees from overwork. Over the years, Habitat found that many people weren't taking their sick leave and ultimately lost that time at the end of the year. Other employees felt they had to pretend they were sick to get more time off.

The organization's Paid Time Off (PTO) program encourages employees to use their time off, rather than saving it up. Since PTO time doesn't roll over, people are finally taking their vacations and time away from the office.

Employees with one to five years of service receive 17 days of PTO, not including six holidays and their time earned for compressed days during the summer. Those with more service receive more PTO, up to 30 days per year. When people haven't been able to use all their PTO because of a work project, Habitat has paid people for the time lost.

In addition to PTO, Habitat offers summer hours, which is a compressed workweek, with a half-day off per week. Employees work an extra hour four days of the week and earn a "summer" day to work from home four hours and take off four hours for that particular week on a Friday or Monday (as shown in the following tool).

The Habitat Company

THE HABITAT COMPANY

MEMORANDUM

TO: All Chicago Regional Office Staff

FROM: Katherine Paul

DATE: **April 18, 2011**

RE: Summer Hours

We are pleased to announce the commencement of Summer Hours beginning the week of May 16, 2011 and ending on Friday, September 30, 2011.

In an effort to develop and establish a flexible environment that still provides our clients with the highest level of service possible, summer hours will be based on departmental needs and flexibility.

Your department team leaders will schedule a time to meet with you to discuss the options available in each of your departments. We are excited to be able to continue this program which is only possible through your continued efforts and dedication to maintaining a positive and productive work environment so that we are able to meet our business obligations.

This year a team member will be able to take a holiday or one PTO day along with their scheduled summer hours half day, but will be required to make up for the time lost during the holiday or PTO.

Thank you for your usual cooperation and if anyone has any questions or comments please feel free to see me.

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To ensure departmental needs are being met, each department schedules its teams for alternating weeks. The week that an employee doesn't have a "summer" day, the employee doesn't work any additional time. The compressed schedule is only offered

between May and October, but Habitat offers scheduling flexibility and telework options throughout the year.

There has been neither any official rollout nor pilots of these initiatives, just a gradual transition from 2004 as their use of Smartphone, laptops and iPads naturally helped moved them into a more flexible environment.

Habitat leaders view the flex opportunities as ideas they grew to meet the needs of their teams. Each department is given overall guidelines and then has the flexibility to decide what works best for its team.

Some managers were originally uncomfortable without the policy spelled out completely, but HR encourages them to be as creative as they can be in allowing flexible work arrangements, within the guidelines they provide.

Not every form of work-life integration comes in the form of a schedule at Habitat. Part of the effort to avoid overwork is simply the respect of honoring personal time during non-business hours. Habitat's CEO Mark Segal is known in the organization as a "workaholic" who frequently e-mails at 3:00 or 4:00 in the morning, as well as on the weekend, late at night and on holidays. In the beginning, members of his team felt they had to answer his e-mails via their BlackBerry devices whenever he sent them, causing stress and the feeling that employees were never really away from the office.

Setting the tone from the top, Segal communicated informally with different people on his team to let them know that he didn't expect immediate answers to his e-mails at odd hours. His team, however, continued to feel that they should. Finally, Segal made his expectations clear at an operations meeting with all his staff, stating that if anyone chooses to work different hours, no one should expect responses to e-mails during non-business hours. Katherine Paul, Vice President for Human Resources, says, "Once he made that declaration at the meeting, people sort of heaved a sigh of relief like: *Oh okay, he really means it. This is really true.*"

HISTORY

Habitat had a "summer hours" program for many years, but it was a tough sell with the executive team. Paul reports that she "took a lot of grief and flack for it every time it came around." Still, she knew this was important for employees who appreciated the opportunity to spend more time with their families and personal obligations. Habitat also began to allow a flex schedule in 2004, with some limitations.

Much of this changed in 2007 when Mark Segal became COO and ultimately CEO. As a service-oriented organization, he felt HR had to be the most important department in the organization, focusing on effective people practices. It is possible that his own personal experience of becoming a single dad solidified his understanding of the need for flexibility, as well as his understanding that the business didn't suffer in any way. He saw that technology could keep him just as connected when he needed to be away

from the office, come in late or leave early to take care of parenting responsibilities. He still had some concerns about sufficient face-time and team members being available at their desks when needed, but overall felt that flexibility was a tool to allow greater productivity rather than a problem.

Thus, under the leadership of Katherine Paul, Habitat underwent a transformation of its Human Resources department from a purely administrative function processing payroll and benefits to a business partner that grasps the true value of its workforce and workforce strategies. As a part of this transformation, Habitat worked toward becoming a flexible and effective workplace.

OBSTACLES

Only about half of Habitat's employees are eligible for the flex schedules and other benefits offered by the organization. Approximately 400 of its employees are in janitorial or other positions that are subject to a union contract that does not allow them to participate in the more flexible work arrangements or the organization's generous health plan.

Most people classified as "exempt" from the Fair Labor Standard Act (FLSA) are entitled to utilize Habitat's flex place option, working at home as needed without office distractions while saving on gas, energy, pollution and traffic congestion. Paul is currently concerned with nonexempt team members, both at headquarters and those who work at managed properties, because they aren't eligible for all the same flex programs.

In fact, Habitat's new handbook outlines that nonexempt employees are not to use their BlackBerry or similar devices to check e-mail or answer calls when they're not on the clock because there is currently no way for them to track the time. These are issues Paul would like to address.

Overall, each step Habitat has taken has been small and uncomplicated. As they have uncovered issues or mistakes, they have corrected them.

RESULTS

Habitat doesn't measure the results of its flexibility though they plan to do so in the future. While HR doesn't have official numbers, they report it's clear that absenteeism has decreased significantly through the use of the PTO.

Anecdotally, productivity is also higher among employees who occasionally work from home to finish important work. Their workday often starts earlier since they don't have to battle traffic to get to the office.

Vice Presidents and others who work from home due to illness or family matters have reported their gratitude at the flexibility, knowing that there is no jeopardy and feeling secure that Segal doesn't think less of them.

ADVICE

Paul says that taking little steps helps with buy-in, especially if you're dealing with an executive team who is not completely comfortable. Moving forward by adding more each year helps hesitant executives realize the importance and benefit in creating a flexible workplace. Thus she advises that when considering flex time, flex place and a shortened workweek, you shouldn't roll all those out at once. People get confused and aren't quite sure what they should do or shouldn't do.

FUTURE

Paul is hoping to extend their "summer hours" approach of compressed workweeks to encompass the rest of the year. Flexing makes sense as the organization expands and employees are in many different offices and offsite locations. Paul says:

> *Everyone is [now] so comfortable with summer hours and the telecommuting and teleconferencing and training online and Webinars. We're moving in that direction, and we're so far flung that we have to work that way.*

The HR function at Habitat will continue to look for ways to put their team members first. Not surprisingly, Paul and Segal don't agree on everything, but Segal believes in what HR brings to the table and is always willing to listen and consider HR's viewpoint. Thus, the HR team continues to make progress.

Red Sky Public Relations

Initiative	Flex Days for Creativity, StrengthsFinder
Industry	Public Relations
Employees with Access to the Initiative	13
Location of Initiative	Boise, ID
Number of Employees Using Initiative	13
Name of Contact	Jessica Flynn, CEO and Co-Founder

ORGANIZATION DESCRIPTION

Founded in 2008, Red Sky is Idaho's largest public relations agency, dedicated to leveraging strategic communications initiatives for clients and enhancing the reputation of their community and industry. Red Sky's Facebook page describes the organization as, "A home for creative, quirky souls who are passionate about big ideas and rock star organizations."

PROGRAM

Red Sky Public Relations sets time aside for employees to be creative. Employees have up to two flex location days per month, defined as a full working day in which an employee may choose the location where he or she conducts their usual work. Red Sky leaders encourage employees to take these creative working days at a variety of locations such as coffee shops, public parks, partner office spaces, country club or their home. The days are to be used as creative or quiet writing time, not as additional days off.

There are guidelines for use (as shown in the following tool). For example, new hires must be on board for six months before being eligible for flex days. Employees who use flex days are expected to reach their billable goals. Productivity is reviewed in a variety of ways including through performance reviews, client evaluations and ongoing monitoring of work. If an employee isn't being productive while on flex days—whether through targeted business development or existing client work—the privilege is lost.

A wireless router enables outdoor work; and Yammer, a free private social network, allows employees to communicate and collaborate remotely without the need for meetings.

Creative day or not, clients are the top priority. Red Sky's flex location policy stipulates that the time away should not interrupt workflow of employees, clients or teams. In the event of a phone call from a client, the client is given the cell phone number of the team member, not referred to another team member in the office.



Red Sky Public Relations

FLEX LOCATION POLICY

The Flex Location Policy applies to each full-time Red Sky employee that has been employed for at least **six months**.

Red Sky encourages employees to think "outside the box" and, as an organization, strives to maintain one of the most creative workforces in the state. While recognizing that creativity does not exist in a vacuum, Red Sky believes that a regular change of scenery and atmosphere will help foster a more well-rounded team of employees. Flex Location Days are encouraged at a variety of locations. Employees may decide to take creative working days from coffee shops, public parks, partner office spaces, a favorite country club or from home, for example. However, as in everything Red Sky does, client and team relations always come first. In allowing employees to take Flex Location Days, Red Sky is expecting the same availability and commitment from employees for all client and team needs.

General Policy

- A "flex location day" is defined as a full working day in which an employee may chose the location where they conduct their usual work.
- A full flex location day may be taken twice per month.
- One full flex location day may break down into two half-flex location days (i.e. two full days per month or four half days per month or a mixture of full and half days totaling two full days)
- Flex location days are not sick, personal or vacation days. They are acquired at two per month and do not roll over into another month if unused.

Specific Criteria

- Flex location days (FLDs) should not interfere or take precedence over client meetings, conference calls, internal team meetings, etc.
- FLDs should be billed in full, as a normal working day. Not doing so may result in loss of privilege.
- Locations may be chosen at the employee's discretion, however, locations should be based on where the employee will be able to handle phone calls and client interactions without disturbance.
- Employees must be reachable throughout the day (as they would be while in the office) via email, phone, Adium and Yammer.
- Work should be conducted as usual and should not interrupt workflow of employee, client or team.
- Employees must be accessible by phone. If a client calls for an employee, the client will be given the cell phone number of the person they requested to speak to – not the extension of another at-office team member. The out-of-office status should not impact in-office team members.
- FLDs should be yammered and put on an employee's calendar as soon as possible.
- FLDs must always be cleared through employee's supervisor.

Limitations

- The Flex Location Policy applies to each full-time Red Sky employee that has been employed for **six months**.
- FLDs should be billed in full. Lower billed hours, inability to get contact or general lack of discipline on FLDs may result in loss or suspension of privilege at the discretion of employee's supervisor.
- FLDs do not roll over into another month. If not used each month, they are lost. FLDs may not be taken early or "borrowed" from another month.
- Employees may not take a FLD if there is a schedule conflict with client work or team meetings.

Documentation

- Supervisors may choose to get written permission with written approval, or conduct clearance verbally.
- FLDs should be made visible on an employee's calendar, as soon as applicable.

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To further ensure the best use of employee talents, Red Sky uses the StrengthsFinder 2.0 philosophy, developed by Consilio Business Managers based on Strengthsfinder 2.0 by Tom Rath, to help determine team members' individual strengths to best match employees' talents with positions that dynamically support their natural abilities and help identify coping mechanisms when faced with challenges. Recognizing that some people are more task-oriented and will zip through a checklist while others are more strategic, but not as detail-oriented, Red Sky assigns people to teams that feed into their strengths as they work with different clients.

For example, if an employee is Strategic, he or she may naturally be inclined to find alternatives to problems. Those with the Strategic strength are cautioned in the strength identification process not to get caught up in endless options. Finally, it is recommended that a Strategic employee be paired up with an Activator, someone who has the strength of being driven to finish what he or she starts. The team will then have people who are Strategic as well as people who are Activators, driven to "do something."

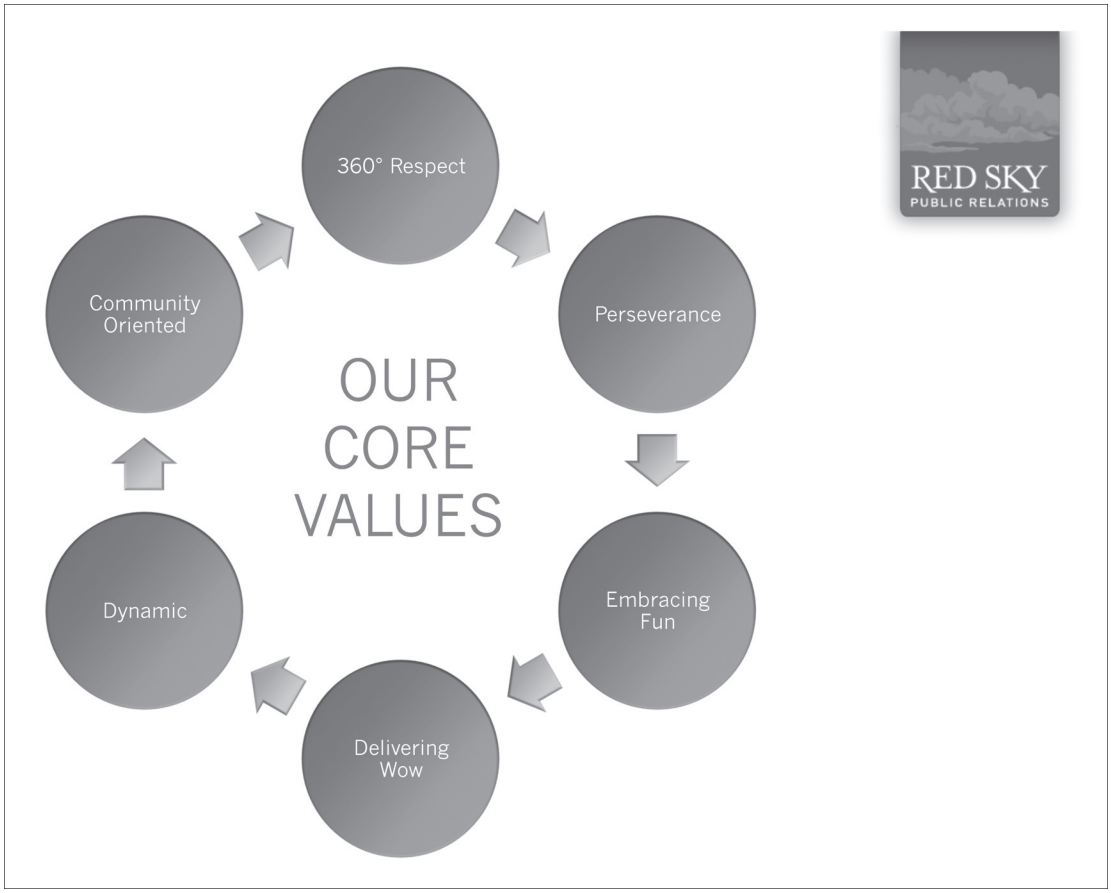
Red Sky's StrengthsFinder commitment begins during the hiring process and continues throughout an employee's tenure. Red Sky retains business development firm Consilio to facilitate bi-annual StrengthsFinder sessions with the entire office and provide strategic guidance on running a strengths-based organization. Consilio's Founder Rochelle DeLong also conducts one-on-one sessions with Red Sky employees to foster strengths-based collaboration and provide a deeper understanding of how to leverage their strengths for professional achievement.

Employees receive $1,500 annually for professional development and/or wellness purposes, but the firm isn't looking for them to spend it on PR seminars. They hope they will expand their knowledge and interests in other areas and come back and share that knowledge with the group.

HISTORY

Considering that two of its core values are "delivering Wow!" and "embracing fun (as shown in the following tool)," it's not a far stretch to say that Red Sky leaders take a different approach to corporate culture than more traditional firms. Red Sky CEO and co-founder Jessica Flynn has always believed that culture and atmosphere are key to empowering and inspiring a workforce. For her, that means giving employees a voice in what their work environment looks like and how their work is best accomplished.

Red Sky Public Relations



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With Red Sky being a start-up with limited funds, the organization's founders, Flynn and Stephanie Worrell, knew that Red Sky couldn't compete for talent with other firms solely on compensation. What they did have was the desire to create an environment where there is respect for people and their priorities outside of the office.

With so many client deadlines, some weeks there is no chance of having a good fit between home and work, so Red Sky focuses on "work/life integration," with no solid line separating employees from their personal lives. Red Sky places responsibility in employees' hands and sets work expectations. Flynn says:

> *How they meet those [work expectations]—we really want them to tell us how. If employees have buy-in with what the organization is doing, it will be more profitable and successful in the long run.*

The firm leaders asked staff how they could all be more productive. One of the things that came up repeatedly was having the opportunity to work outside the confines of the office—even though their brand-new chic offices in an old part of Boise are open and flexible with comfortable couches, bean bag chairs and great views. As much as they enjoy the space, Red Sky leaders agreed with the importance of time away from the office. They felt it would be hard to have a homogenized space and expect creative people to perform in it every day. They also wanted employees to feel the personal responsibility to do their work well and to achieve the expectations without being micromanaged. Team member Anna Gamel gave a great argument for flex location days in a group meeting and was asked to craft a draft policy for the initiative to get the program underway.

OBSTACLES

Not everyone is able to able to work productively from the local coffee house or other offsite locations. Red Sky leaders have found there are a few people who need more structure and help organizing and completing their tasks. Flynn remains flexible but wants to ensure that every flexible arrangement with employees is working well. If not, she and the rest of the agency leaders work with employees to rectify the situation and help them organize their tasks in the best way possible for them.

Red Sky Operations Manager Tracy Bresina adds:

All employees have a large workload to manage, and since they work very closely with clients and their teammates, it always becomes very apparent when there are issues with time management, stress or performance. Red Sky has a great team of senior leadership that provides mentoring, coaching and guidance. It's always important that employees have the tools that they need to succeed, along with the feedback and coaching. Action plans are created to help them overcome obstacles and make improvements.

Red Sky has hired a few people along the way who are accustomed to a more structured environment. They came on board and expected to be told exactly what to do with explicit policies in the employee manual. To be successful, Red Sky has found that employees need a sense of adventure, an ability to embrace risk. Flynn says:

We don't operate that way. So, when we interview people, I always ask them, "Do you ever want to be an entrepreneur down the road?" And if they say, "Hell, no," this may not be the right employee for us.

RESULTS

Flynn uses employer of choice awards as one measurement of success, including the Sloan Award, which gives all staff members the opportunity to provide their thoughts and feedback about Red Sky and how the agency brings its values to life. It affirmed that Red Sky's workflex efforts were well received and that those efforts did, in fact, make a difference to the team, their workplace satisfaction and job satisfaction.

Another indication that time off for creativity is helping boost productivity and creativity at Red Sky is that the agency is being honored within the communications industry for the quality of its work. *Bulldog Reporter*, a leading industry publication, honored Red Sky as a recipient of the 2011 Bulldog Stars of PR Awards Small Agency of the Year. O'Dwyer's *Inside News of Public Relations & Marketing Communications* publication has recognized Red Sky as one of the country's fastest growing independent agencies for the past three years. Industry recognition and leading best-practices accolades provide third-party validation that the young agency is on the right growth path both quantitatively and qualitatively.

The firm is "inundated" with resumes and, often times cover letters state, "I have heard so much about Red Sky and seen what you do." They receive very positive feedback on their Facebook page and from the firm's blog, which is created by everybody at the agency.

Being an employer of choice and showcasing the benefits of its corporate culture is a selling point to clients as well. In its client proposals, Red Sky frequently talks about its culture, values and its work environment.

Flynn reports:

> *The credibility and respect we get from our clients when they understand our work environment has really helped from a business development standpoint. We run at a high pace, and we expect a lot from people. You need to ensure that your environment enables them to work at that high level and be happy about it.*

ADVICE

Flynn advises other firms not to dismiss ideas that are not easily quantified. She says, "With the changes in the workplace and the marketplace, creating a sense of loyalty and buy-in and engagement with your staff is more important than ever."

FUTURE

Red Sky is looking for ways to measure further the success of its flexibility and corporate culture initiatives.

Because Red Sky views the work environment as being dynamic—evolving as a result of employees' ideas and feedback—the future isn't crystal clear. With each year's business planning process, they involve the entire leadership team. The firm's overall goals are determined by owners Flynn and Worrell and fine-tuned in a facilitated strategic planning session with the leadership team. It's an open discussion to make sure that all opportunities are on the table, vetted and have broad-based and executable support among the team.

As an agency that operates with open book management style, quarterly staff meetings are held that present how the agency is doing financially and where it stands on the path to reaching annual goals. Employees are encouraged to contribute solution-oriented suggestions to agency challenges—from revenue to recruiting—and are also often given the option to vote on such things as how the agency spends charitable giving dollars.

As a team, Red Sky values the individual voice by trying to engage all employees, recognizing that every person—no matter his or her position or experience—has value and a voice in whatever the firm does.

MeetingMatrix International, Inc.

Initiative	T.I.M.E. – Task Inspired Management Environment
Industry	Event Planning Software and Services
Employees with Access to the Initiative	60 globally
Location of Initiative	Portsmouth, NH
Number of Employees Using Initiative	60
Name of Contact	Jmîchaeĺe Keller, President & CEO

ORGANIZATION DESCRIPTION

Founded in 1988, MeetingMatrix International creates advanced online solutions for the global event management industry, with the goal of facilitating the communication between meeting planners and the event sites they use. MeetingMatrix serves more than 9,000 venues representing 26,000 users with event space in 148 countries around the world.

PROGRAM

MeetingMatrix has adopted a radically different way of thinking about work. The organization, which has created advanced online solutions for the global event management industry, including room diagramming application software, has a work philosophy declaration called T.I.M.E., stating, “Work isn’t a place we go, it’s something we do. We should not feel guilty, overworked or stressed-out as a result of our job.”

MeetingMatrix has an unlimited amount of paid time off. Colleagues can work wherever they want, whenever they want, in whatever style they want, as long as they meet their objectives and take care of both internal and external customers.

At MeetingMatrix, pay is not seen as nearly an important retention or motivation tool as the work environment that creates meaningful value in employees’ lives. President and CEO Jmîchaeĺe Keller believes that the number one motivator for employees is the feeling they are creating value and making a difference by the contribution they are making.

MeetingMatrix leaders emphasize that productivity and success are not determined by the number of hours put into the job. To that end and as a way of changing the norms about overwork, colleagues are asked not to engage in comparisons of workload with each other as a form of making themselves look good or even better than their coworkers.

Though extremely flexible, the work arrangements they have created at MeetingMatrix are not without structure. Colleagues are required to have a back-up plan in place in the event that they are not available, so that no one impedes other associates from completing their objectives. The organization utilizes a range of technology, including instant message through Microsoft Lync, video calls, e-mail and an internal Wiki to communicate. In order to ensure clients' needs are being met and coworkers can reach each other, organization leaders ask associates to communicate their plans. For instance, if associates step away from their computer for a while, they are asked to set their status in Microsoft Lync to "Be Right Back," and, when possible, to let coworkers know when they will return. They might note, "Dr's appt, back around 11." If on vacation, employees are asked to post the time away on their shared calendar and sign out of Lync. If someone is away, but may still be reached via mobile phone, their office phone will be forwarded to their mobile phone.

Organization leaders ask employees to think through their goals and make the best use of colleagues' time. Internal meetings, which are expected to start punctually, are optional (with the exception of the annual meeting) and anyone may attend any meeting as long as he or she alerts the meeting facilitator.

The new approach to work has led to changes in other areas as well. MeetingMatrix has overhauled its approach to sales from one in which sales managers were mostly looking out for themselves in order to receive commissions, into one in which colleagues work on the sale as a team, utilizing each of their personal strengths in the deal and pooling the resulting commissions.

In addition to Team Leaders, MeetingMatrix has "Tribal Leaders" who are not confined to their area of expertise. Keller wants them to be able to take action within any sphere of the organization to encourage them to think more like CEOs or entrepreneurs. Team Leaders act like traditional managers in some sense, but their authority exists by consensus. If a team, or the organization as a whole, loses confidence in a Team Leader, that person is no longer the leader. It is entirely possible that a team may not have a Team Leader. If that is the case, a Tribal Leader will step in until one emerges.

HISTORY

The T.I.M.E. philosophy is the idea of Jmîchaeĺe Keller, President and CEO of MeetingMatrix, who describes himself as "so flexible, I'm collapsible, because I don't really have a whole lot of paradigms."

Keller came to the organization in 1997 and, as the organization grew, it began to track employees closely through a time monitoring orb system. Employees would "orb in" and "orb out" tracking the time away from their desk for lunch, checking e-mail or even grabbing something in their car. To keep track of how much time they would have to make up, an applet, Associate Time Management, or ATM, was created internally.

Employees were frustrated with the lack of flexibility surrounding work. They felt it forced them into poor decisions. An organization document explaining the evolution of the MeetingMatrix T.I.M.E. initiative illustrates this problem through using an example. An employee might feel forced to drive into work despite nine inches of snow and ice on the roads because he or she only has just one remaining day of leave available and planned to reserve it in case of sickness later in the season. The employee would like to work from home for the day because there is a big project to finish up, but the organization doesn't allow working from home. The employee ultimately decides to take the last personal day and feels torn all day between needing to work on the project and not wanting to waste his or her last day off by working.

This situation continued for eight years. Over time, it seemed counter-productive to Keller that employees at headquarters were monitored so closely, especially when his own work style was to move around the country in a motor coach conducting business completely on his own time schedule.

In 2008, Keller read about Best Buy and their implementation of ROWE (Results-Only Work Environment) and decided to create a version of a result-based environment at MeetingMatrix that would work better for the organization.

Keller sent an e-mail to a hand-picked member of each department in the organization with the opening line, "What if you could work wherever and whenever you wanted, as long as the work gets done?" He then asked each of the recipients to ponder the idea in preparation for a meeting to be scheduled at a later date. At the meeting, he gave the committee a quick overview of his idea and then told employees that he was very happy with his lifestyle and the freedom he felt and wanted to pass this along to all the associates in his organization.

He says he came to the realization that if you say to people: "You just need to do your job," they will deliver to you only within that definition. He continues:

> *If you start treating them like adults, [however], they will start acting like adults, and they will start delivering value that is almost unbelievably unbelievable. They will become leaders on their own, within their own sphere of influence.*

Employees at the meeting sat in stunned silence for a moment and then began asking a host of questions: What about those who slack off? How do we work with clients who have a traditional "work style?" What if you cannot reach a person who's crucial to what you're trying to accomplish? Do I have the self-discipline to make this happen? Does this mean I'm "available" 24 hours a day?

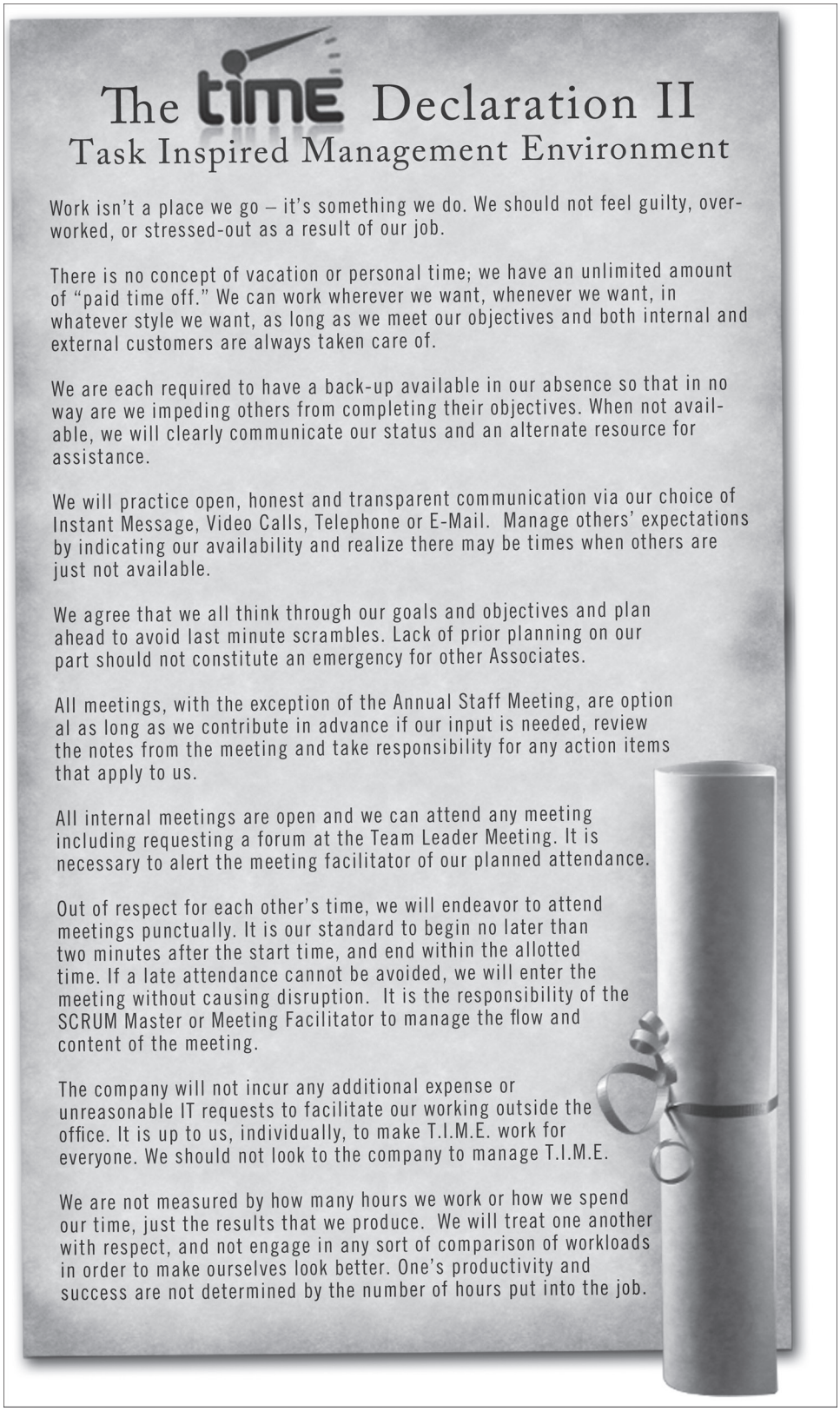
The group began meeting in the late summer, having agreed to work out the details and launch the new work style at the beginning of 2009. Keller made it clear from the beginning that if employees wanted to take advantage of the new approach, they were responsible for making it work. They couldn't look to the organization to provide

all the answers or incur major expense providing associates with laptops and T1 lines to their homes.

After looking at ROWE, the committee adapted the main ideas to fit the unique culture at MeetingMatrix. The committee drafted a T.I.M.E. Declaration document which consisted of ten bullet points outlining the philosophy of T.I.M.E. with the hope that it would help other employees embrace this new work style. The Declaration was sent to the entire staff on December 22, 2008 by Keller with a note asking employees to review the document and discuss any concerns with their Team Leader. A Team Leader meeting was held to give their approval to the document. It was finalized and then delivered to all associates on January 7, 2009 and appears as a tool on the following page.

Initially, new hires were required to be employed with MeetingMatrix for one year before being eligible to participate in T.I.M.E. It was felt that new associates should have adequate time to get an understanding for the organization's culture, and that coworkers needed to get to know new associates. If the associate was located near the organization's main office in Portsmouth, he or she would come to the office every weekday and work on a traditional schedule. At the end of 2009, employees had an opportunity to review the T.I.M.E. system. Based on feedback, it was felt that a six- month waiting period to participate in T.I.M.E. was adequate, and that change was implemented.

MeetingMatrix International, Inc.



The time Declaration II

Task Inspired Management Environment

Work isn't a place we go – it's something we do. We should not feel guilty, overworked, or stressed-out as a result of our job.

There is no concept of vacation or personal time; we have an unlimited amount of "paid time off." We can work wherever we want, whenever we want, in whatever style we want, as long as we meet our objectives and both internal and external customers are always taken care of.

We are each required to have a back-up available in our absence so that in no way are we impeding others from completing their objectives. When not available, we will clearly communicate our status and an alternate resource for assistance.

We will practice open, honest and transparent communication via our choice of Instant Message, Video Calls, Telephone or E-Mail. Manage others' expectations by indicating our availability and realize there may be times when others are just not available.

We agree that we all think through our goals and objectives and plan ahead to avoid last minute scrambles. Lack of prior planning on our part should not constitute an emergency for other Associates.

All meetings, with the exception of the Annual Staff Meeting, are optional as long as we contribute in advance if our input is needed, review the notes from the meeting and take responsibility for any action items that apply to us.

All internal meetings are open and we can attend any meeting including requesting a forum at the Team Leader Meeting. It is necessary to alert the meeting facilitator of our planned attendance.

Out of respect for each other's time, we will endeavor to attend meetings punctually. It is our standard to begin no later than two minutes after the start time, and end within the allotted time. If a late attendance cannot be avoided, we will enter the meeting without causing disruption. It is the responsibility of the SCRUM Master or Meeting Facilitator to manage the flow and content of the meeting.

The company will not incur any additional expense or unreasonable IT requests to facilitate our working outside the office. It is up to us, individually, to make T.I.M.E. work for everyone. We should not look to the company to manage T.I.M.E.

We are not measured by how many hours we work or how we spend our time, just the results that we produce. We will treat one another with respect, and not engage in any sort of comparison of workloads in order to make ourselves look better. One's productivity and success are not determined by the number of hours put into the job.

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Leaders at MeetingMatrix have been surprised that the vast majority of the associates in New Hampshire go to the Portsmouth office on a regular basis, though their hours vary widely. Senior Marketing Manager Don Basler is one of those who works out of the Portsmouth office and says employees often come to the office because they enjoy each other and the work environment.

OBSTACLES

At the rollout of this results-based approach in 2009, there was resistance from associates who had a hard time looking past the fact that they would no longer receive vacation or personal days. Organization leaders spent a good deal of time explaining that the concept of limited time off no longer mattered. Some employees also had a hard time eradicating all past "rules" of work, so they ultimately created guidelines to help them travel the new path. Each person was asked to discuss concerns so the organization could address them collectively.

When creating the T.I.M.E. initiative, Keller assembled a committee that did not include any management members by design. The committee crafted the first declaration, presented it to the Team Leaders for their buy-in, then made a few changes in response to employee comments and implemented it.

He used the same approach when he took the second step of their "Cultural Re=Evolution" to overhaul every aspect of the organization. This time, however, it didn't work as well. Not only did the Team Leaders not have buy-in, but they also had no idea what was going on. A gap grew between the change initiative and the leaders who would have to implement it. Keller recognized the problem and worked through it by creating team triads.

With the team triad approach, an associate may take any new idea for improving the business, its products or processes and then seek out two other associates. The team then works on the idea together, consulting with a Tribal Leader who acts as a resource. The triad brings their work to an alignment meeting with the appropriate stakeholders, and the results are hammered out. They document the triad's work within an internal Wiki, so that anyone can read the logic behind it. This is how the organization is now run.

RESULTS

The organization reports that these changes have led to lower stress and greater employee empowerment, which they gauge by internal culture surveys and "temperature checks" where a leader will talk to a small sampling of diverse associates. Though an employee might take three days off to golf, he or she might then decide—without the involvement of management— to work through the weekend or 12 hours a day, to meet a critical deadline.

Turnover is not tracked officially, but there has been very little attrition among their 60 employees globally. MeetingMatrix has a core policy of no employee layoffs due to restructuring or economically challenging times. As a result of its peer-to-peer management style, MeetingMatrix has eliminated the need for many traditional management positions, including two positions this year, which translates into a cost savings. One Team Leader's department was restructured, and her specific leadership position was no longer needed. She was given the opportunity to create whatever position within the organization she could envision that would bring value to the organization. The second Team Leader lost the confidence of her team and the Tribal Leaders and was let go. Her leadership position was not filled.

Finally, leveraging personal strengths and a team approach to sales has been very successful. While previously there were battles over territory and vertical markets, those problems evaporated overnight. The sales team now works together closely, presenting demonstrations for each other's customers and doing whatever it takes to close the sale. As a result, 2011 is the first year in the history of the organization that they are projected to meet their aggressive sales quotas.

ADVICE

Keller believes MeetingMatrix's organizational structure represents the future of the corporate world. He would like other CEOs and senior management members to "let go of all the reasons you think this would not work, and just do it! It is extremely profitable."

FUTURE

Considering that one of their stated core values is to "embrace constant and never-ending change (as shown in the following tool)," there is no doubt that MeetingMatrix will continue to evolve as new ideas emerge, whether from Keller or the triads. Keller sees himself as an agent of change and will try to use his experience at MeetingMatrix as an example for positive change in the workplace everywhere. He says, "Change the world. It doesn't have to be the way it is."

MeetingMatrix International, Inc.



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Ryan LLC

Initiative	Results Work Environment
Industry	Corporate Tax Services
Employees with Access to the Initiative	750
Location of Initiative	Organization-wide
Number of Employees Using Initiative	Organization-wide
Name of Contact	Delta Emerson, Executive Vice President and Chief of Staff

ORGANIZATION DESCRIPTION

Ryan is an award-winning global tax services firm, with the largest indirect tax practice in North America and the seventh largest corporate tax practice in the United States. Headquartered in Dallas, Texas, the firm provides a comprehensive range of state, local, federal and international tax advisory and consulting services on a multi-jurisdictional basis, including audit defense, tax recovery, credits and incentives, tax process improvement and automation, tax appeals, tax compliance and strategic planning. In 2010 and 2011, Ryan received the International Service Excellence Award from the

Customer Service Institute of America (CSIA) for its commitment to world-class client service. Empowered by the dynamic *myRyan* work environment, which is widely recognized as the most innovative in the tax services industry, Ryan's multi-disciplinary team of more than 900 professionals and associates serves over 6,500 clients in 40 countries, including many of the world's most prominent Global 5,000 companies.

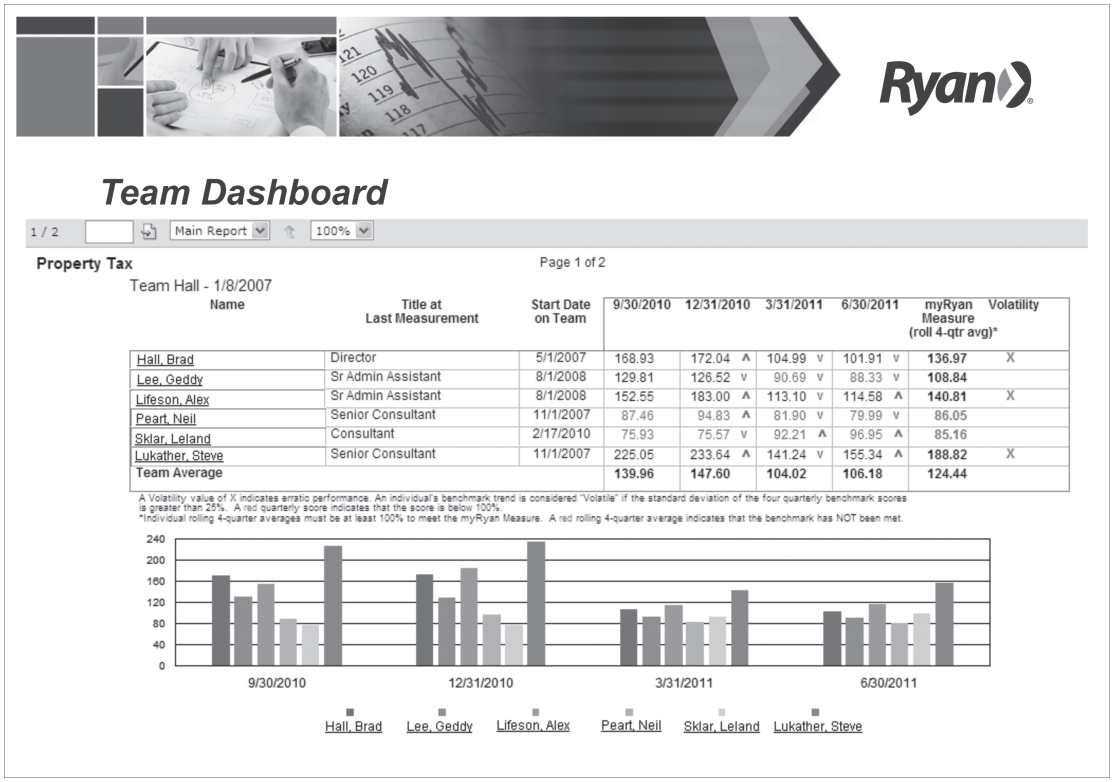
PROGRAM

From their first day of work, Ryan employees are able to work when and where they want, as long as their work gets done. At Ryan, there is no defined organization-wide schedule, no minimum hours and no requirement that work be done in the office. Instead of tracking hours spent at work, employees are held responsible for their performance and results. By tracking client service scores, revenues, leadership, core competencies and other firm-wide initiatives through an online dashboard called *myRyan Measures*, employees can easily track their performance. Executive Vice President and Chief of Staff Delta Emerson says, "We focus completely on our people getting done what they're supposed to be getting done. *myRyan* is built on results."

This focus on results, quantified by a "score," means that Ryan employees are responsible for creating and managing their performance and their schedules. Maintaining a high score has replaced the need to work a certain number of billable hours, which is the traditional metric by which professional service firms are measured.

At new hire orientation, new employees are introduced to the online dashboard, *myRyan Measures*. Employees at Ryan are organized into functional teams, led by a manager. Each team has its own team page in the dashboard that displays the team's "scores" based on performance in key areas such as meeting financial goals and client service. Each employee's overall score in these key areas contributes to their team performance. It's similar to a baseball team's individual averages and statistics (as shown in the following tool).

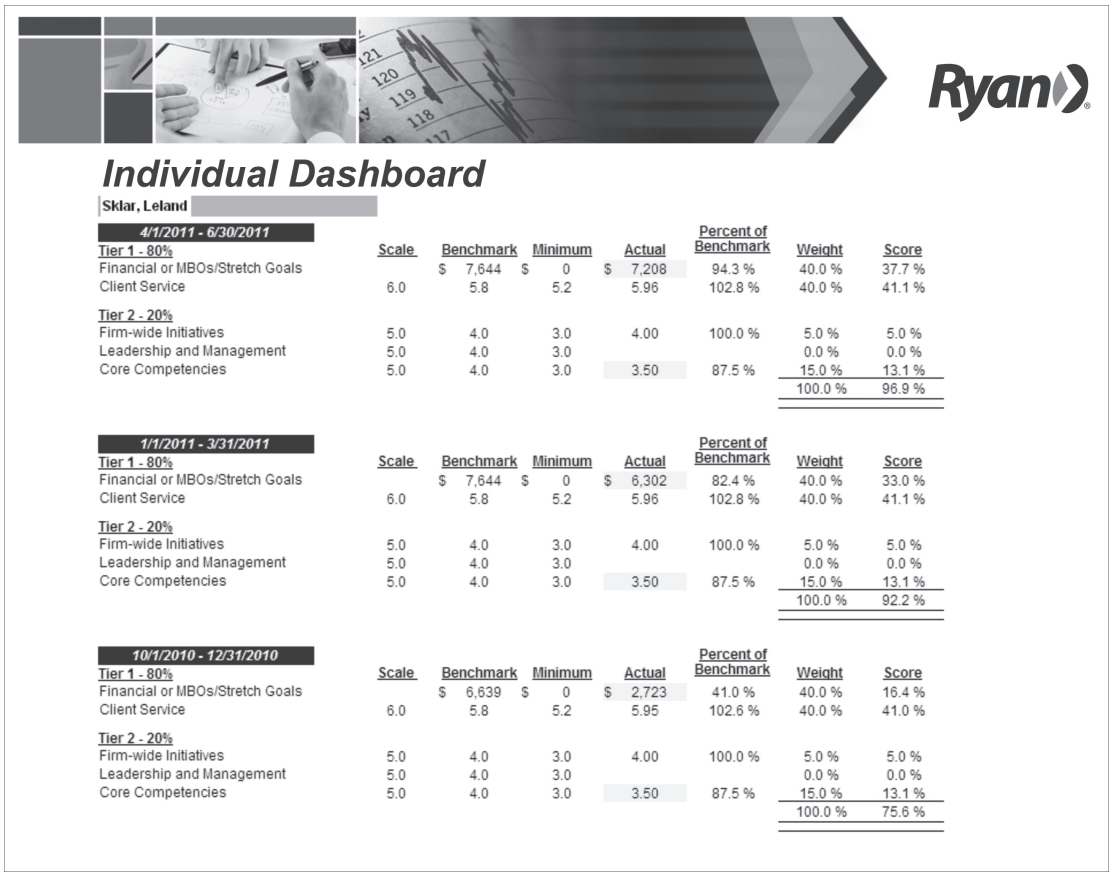
Ryan LLC



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Each employee's overall score is a weighted average of his or her scores in the areas of client service scores, financial goals (which account for 80% of the overall score), and firm-wide initiatives, leadership management and core competencies (which account for 20% of the overall score). Not every employee is scored in every area. For example, a non-manager would not be scored on leadership and management. A benchmark score is set for each area, as well as a minimum score required and a scale.[32] As client service scores are weighted more heavily than other areas, this score will impact the employee's overall score (out of 100%) more dramatically. The individual dashboard is shown below.

Ryan LLC



Individual Dashboard

Sklar, Leland

4/1/2011 - 6/30/2011							
Tier 1 - 80%	Scale	Benchmark	Minimum	Actual	Percent of Benchmark	Weight	Score
Financial or MBOs/Stretch Goals		$ 7,644	$ 0	$ 7,208	94.3 %	40.0 %	37.7 %
Client Service	6.0	5.8	5.2	5.96	102.8 %	40.0 %	41.1 %
Tier 2 - 20%							
Firm-wide Initiatives	5.0	4.0	3.0	4.00	100.0 %	5.0 %	5.0 %
Leadership and Management	5.0	4.0	3.0			0.0 %	0.0 %
Core Competencies	5.0	4.0	3.0	3.50	87.5 %	15.0 %	13.1 %
						100.0 %	96.9 %

1/1/2011 - 3/31/2011							
Tier 1 - 80%	Scale	Benchmark	Minimum	Actual	Percent of Benchmark	Weight	Score
Financial or MBOs/Stretch Goals		$ 7,644	$ 0	$ 6,302	82.4 %	40.0 %	33.0 %
Client Service	6.0	5.8	5.2	5.96	102.8 %	40.0 %	41.1 %
Tier 2 - 20%							
Firm-wide Initiatives	5.0	4.0	3.0	4.00	100.0 %	5.0 %	5.0 %
Leadership and Management	5.0	4.0	3.0			0.0 %	0.0 %
Core Competencies	5.0	4.0	3.0	3.50	87.5 %	15.0 %	13.1 %
						100.0 %	92.2 %

10/1/2010 - 12/31/2010							
Tier 1 - 80%	Scale	Benchmark	Minimum	Actual	Percent of Benchmark	Weight	Score
Financial or MBOs/Stretch Goals		$ 6,639	$ 0	$ 2,723	41.0 %	40.0 %	16.4 %
Client Service	6.0	5.8	5.2	5.95	102.6 %	40.0 %	41.0 %
Tier 2 - 20%							
Firm-wide Initiatives	5.0	4.0	3.0	4.00	100.0 %	5.0 %	5.0 %
Leadership and Management	5.0	4.0	3.0			0.0 %	0.0 %
Core Competencies	5.0	4.0	3.0	3.50	87.5 %	15.0 %	13.1 %
						100.0 %	75.6 %

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These scores help employees track their performance and understand what areas they need to improve. Helpful quick tips, guides and PowerPoint presentations on using *myRyan* are also available to employees on the organization Intranet. At orientation, new employees also learn about Ryan's philosophy on flexibility and the communication protocols that make such flexibility practical.

Employees whose job requirements do not allow them to work from home also have flexibility options. Emerson calls this "role reality"—the inevitability that some employees are not able to do their jobs from home. But even jobs in which flexibility seems impossible can provide more flexibility than some might imagine. For example, receptionists at Ryan's Dallas office come together once every two weeks to plan their schedules. As long as there is always front desk coverage, the receptionists can work later or earlier in the day, take advantage of compressed workweeks or work fewer than 40 hours in a week with approval from their supervisor.

HISTORY

Ryan has not always been a flexible work place. CEO Brint Ryan realized that things needed to change because of a loss of what he calls the "shining stars." He realized the firm was creating a "sweat-shop reputation" and they needed to do "something truly radical."

Before *myRyan* was introduced, exempt employees were required to work 50 billable hours each week and at least eight billable hours each day. These policies were harming the business, and flexibility was seen as the solution. Emerson believes it was a shift in thinking about the modern workplace and the realization that "the line is really forever blurred between our personal and professional lives because of technology and because of the way the world is" that motivated Ryan to change the culture of the business.

The creation of *myRyan* was an organization-wide effort. A task force composed of employees from all levels of the business chaired by Brint Ryan mapped out the plan. Emerson's Human Resources and Training team was responsible for the formal implementation and training. Emerson recounts that the task force "identified success metrics tied to each function within the organization and each position, establishing benchmark thresholds that would be measured, and appropriate weights for each measure." These metrics are what employees see each day when they log on to their *myRyan Measures* dashboards. Fully rolling out the dashboard required the talents and cooperation of several departments, including information technology, finance and human resources, as well as the flexibility task force.

In 2008, *myRyan* was introduced organization-wide. The new approach was indeed radical, coming from a CEO who always worked long hours, nonstop. Ryan describes his partners and himself as being "scared to death." He says:

> *We really believed that there was a chance that the day after this program was announced nobody would show up to work. No client work would be done. If you don't do the work, they will not pay your bills, and we'd just close up shop and go home.*

The real challenge they had was measuring results, and, at first, they weren't sure how to do this:

> *We spent a lot of time developing a dashboard that all of our people can see every day when they come into the office to find out where they're at. The beauty of that is—although it's difficult—that focus on measuring results crystallizes your thinking and makes people focus and concentrate on what's important.*

The organization continues to use employee survey data from programs like the Sloan Awards and exit interview data to improve its flexibility program. Ryan and Emerson also started hosting town hall meetings in 2010 to hear directly from employees. After a town hall, problems that employees bring up are sorted, categorized by department and posted on the Intranet. Action items are created and assigned to the appropriate department for timely follow-up and resolution.

OBSTACLES

Emerson believes that in order to have a truly flexible organization, employees should have maximum choice in their use of flexibility. She personally prefers to work traditional hours. In doing so, she says that it "could send the message that 'I'm here—you should be here,'" but as a manager, she "can't impose [her] preference on people." It was important that she was clear with her team, saying, "Listen, guys, just because my car is in the parking lot at 8:00 a.m. doesn't mean I expect yours to be." To Emerson, how an employee chooses to flex is a diversity issue that must be reinforced and respected.

Technically, Ryan has also faced obstacles in ensuring that flexibility is practical. For employees who work from home with large databases, IT must work to make those databases usable with an employee's home broadband connection. If the employee is unable to work from home because his or her Internet connection is too slow, flex time may not work. Emerson says that employee feedback in areas such as IT has been vital to improving flexibility and its practicality.

RESULTS

Ryan has seen tremendous results since implementing *myRyan* in 2008. Since 2008, voluntary turnover dropped from an average of 18.5% to less than 10% over four years compared with the industry average of 21%. At the same time, client service scores have increased. Perhaps most impressively, Brint Ryan says, "In 2009, in arguably the worst economic conditions in my generation, we posted record profits and record revenue." In addition to winning the Sloan Award, Ryan has won a number of other awards based on employee satisfaction surveys.

ADVICE

Emerson advises that implementing flexibility "is not a light switch." She compares it to "changing a flat tire when you're driving 80 miles per hour. You can't stop your business." Emerson believes that once a business has decided to implement flexibility, there's no turning back. She explains that once employees are introduced to flexible work options, there is no way to remove programs without doing damage and angering workers.

The organization's leadership must all be on the same page to ensure consistent results across departments. Leaders must be willing to recognize and accept the different ways employees will want to use flexibility: some employees will take full advantage, while other employees will want to work in a more traditional manner.

FUTURE

Currently, Ryan is participating in a study that explores manager resistance to implementing workplace flexibility. Emerson explains, “You come across managers ... who don’t subscribe to [flexibility]. As a result, they make it tough for the team to flex.” Though Ryan has experienced few issues in this area, the findings of the study will become part of management training. Emerson says that when implementing flexibility, “You can’t just say, ‘We have flex and we did it and we’re done.’ You have to keep fine-tuning it.” Increasingly, they are working with teams to implement flexibility.

Ryan will continue to use employee feedback and Sloan Award data to improve its flexibility.

CHAPTER 7: CULTURE OF FLEXIBILITY

While having flexibility programs and policies is important, if these are not supported by the overall culture of the workplace, it can be very difficult for employees to actually use the options available to them. When evaluating a culture of flexibility, we think about several different factors.

Workplace support for flexibility and the absence of jeopardy. This means that employees do not have to choose between advancing in their jobs and devoting attention to their family or personal lives. Is there any real or perceived jeopardy associated with the use of flexibility? That is, do employees believe there would be negative consequences to their job or career advancement due to its use?

Supervisor and coworker support. Research has shown that supervisor and coworker support for flexibility is a key factor in employees' quality of life.[33] For supervisors, it includes fairness, responsiveness and understanding in responding to employees' personal and family needs, and employees' level of comfort in bringing personal and family issues up with their supervisors. For coworkers, it includes working on a team level to support each other, to pitch in when necessary and to solve problems in ways that feel equitable.

Access to supportive workplace environments comes with a price for some employees. FWI's 2008 National Study of the Changing Workforce (NSCW) finds that employees were somewhat more likely than in 2002 to believe that they must choose between advancing in their jobs and devoting attention to their family or personal lives, but there was only a 2% decrease from 2002 to 2008 in the percentage of employees who believe that negative job consequences would really occur.[34]

Overall, close to two in five employees report that they would be less likely to get ahead if they worked more flexibly. Younger employees are more likely than older ones to believe that asking for time off for personal or family reasons would jeopardize job or career advancement.

gDiapers

Initiative	Culture of Flexibility
Industry	Retail
Employees with Access to the Initiative	18
Location of Initiative	Portland, OR
Number of Employees Using Initiative	18
Name of Contact	Jason Graham-Nye, Co-founder and CEO

ORGANIZATION DESCRIPTION

gDiapers is the eco-friendly baby diaper. The product is a two-part system: a fashionable breathable outer pant and a 100% biodegradable insert. Co-founders Jason and Kim Graham-Nye found the product back in Sydney (under a different brand) in 2004. As parents, they were so impressed with it they bought the rights to sell the product in every market outside Australia and New Zealand.

The co-founders identified Portland, Oregon as the sustainability capital of America and moved there in 2005 to launch the business. The organization is family-centered with subsidized onsite child care, flexible work schedules, three months paid maternity leave and four weeks paid leave. It is also a passion brand with 36,000+ Facebook fans and 5,000 gMums and gDads who have volunteered to support the organization.

PROGRAM

Jason and Kim Graham-Nye created gDiapers as a way to address the environmental impact of disposable diapers. Jason Graham-Nye explains:

> *Conventional disposable diapers are the third largest contributors to landfills in the world, and yet only 5% of the population uses them. A single disposable diaper can take up to 500 years to biodegrade in the landfill.*

The Graham-Nyes created a better solution—a reusable diaper with a biodegradable insert that can be composted or flushed down the toilet.

In addition to their innovative products, the Graham-Nyes have implemented forward-thinking flexibility programs that help their employees meet their responsibilities to their families and to their work. Employees at gDiapers have access to four weeks of fully paid vacation time from the day they are hired. Having moved his family and business to the United States from Australia, Jason Graham-Nye says that such access to paid time off is simply part of the work culture he and his wife grew up with.

Onsite child care is provided for all employees. Graham-Nye recounts, “For the first three years we worked from home and ran an in-home daycare, which was much easier than a professional set-up.” When gDiapers moved into formal office space, it “partnered with an existing day care organization that shares our values. We co-located,

but have separate leases." Graham-Nye has seen that "having [care] onsite makes the logistics of being a parent suddenly much, much easier." With such easy access to their children, employees are able to take time to breastfeed and visit with their children during the workday. If children become sick during the day, their parents simply go downstairs to pick them up and take them home. Graham-Nye explains that the elimination of the "triangle" of going from home, to the child care center, to work and back again has made life easier for employees.

The organization also depends on flexible working hours and job sharing to get work done. Flexible start and stop times, as well as the ability to telecommute, allow parents to tend to the needs of their families during traditional working hours and finish work later at night or earlier in the morning. To keep track of employees' schedules, gDiapers employees use Google calendars and Skype as well as daily morning huddle meetings. A virtual huddle e-mail is sent around 8:00 a.m. to confirm who is working from home and who will be at the in-person huddle that happens by 9:30 a.m. Every employee must attend weekly "Miracle Meetings" on Wednesday mornings. These meetings ensure that everyone in the organization come together in-person at least once a week. In addition, Graham-Nye has weekly one-on-one meetings with each employee, during which the employee's schedule for the week is discussed. Overall, gDiapers' intent is to create a flexible culture, not just a series of programs.

HISTORY

When the Graham-Nyes founded gDiapers as new parents, they needed flexibility to be able to work and grow their business and take care of their baby. As their organization has grown, their commitment to flexibility has not wavered. Graham-Nye says that the "true genesis [of flex] was a personal need ... if we were going to work on this, we needed to do it in a way that works for us."

Many of the owners' first employees were also young parents. As the business has grown, flexibility has expanded to meet the needs of new employees. Informal onsite child care grew into a child care program where all employees have the option of bringing their children each day. The onsite child care works the same way as any other privately-owned child care center but has the added plus of being located in the same building as the gDiapers offices.

OBSTACLES

Graham-Nye admits that gDiapers' flexibility is not perfect. One concern with flexible hours is combating an "always on" culture where employees are available 24/7. He encourages employees to take time for themselves and their families. However, gDiapers' generous paid time off policy doesn't always sync up with the standard one or two weeks of vacation time most employees' spouses receive. Graham-Nye encourages employees to also take long weekends and to "unplug" from technology during their time off. Graham-Nye and his wife lead by example as much as possible in this area.

We really do believe that we do our best work when we are well rested. We take every last day of PTO each year. I think if the team sees we are still connected to the office while on vacation they think we expect that they should do the same.

Some employees, though at first skeptical of flexibility, are taking advantage of the program. Initially, Graham-Nye says some employees looked at those employees who were working flexibly and said, "We don't see them in the office, so I'm not sure if they're doing their job, and that doesn't make me feel good." Graham-Nye says that communicating with all employees early on to explain that work can get done in and out of the office resolved the problem. Graham-Nye explains, "We asked that they please trust us to manage everyone, so that if the work wasn't getting done, we would rearrange things. Happily, more people are embracing it."

RESULTS

Even as a start-up organization competing against brands like Pampers and Huggies, Graham-Nye says gDiapers has "a cumulative annual growth rate of 67% and is profitable." The organization also has low turnover rates, with 10% involuntary turnover and 5% voluntary turnover since launching in 2006. Employees have chosen to stay with the organization—even after being offered larger salaries and better job titles at other businesses—because of gDiapers' commitment to a flexible work culture. He says that low turnover rates allow him to focus on the business instead of having to focus on recruiting and hiring employees.

Kim Graham-Nye was honored as one of *Fortune* magazine's Top 10 most powerful women entrepreneurs in America, which honors women whose start-ups have generated between $1 and $25 million in the past year.

ADVICE

Hiring employees who will fit in well with gDiapers' work style is key. Graham-Nye explains that the gDiapers hiring process takes place in "two or three rounds, and it's not really to test the person's fitness for the job—it's seeing if they'll fit in with the rest of the people." Hiring the right people keeps business running smoothly and has resulted in gDiapers' low turnover rates.

Graham-Nye also urges small businesses and start-ups not to wait to implement flexibility. He believes that small businesses shouldn't use their size or profits to justify waiting to start working flexibly, saying "If you keep your people happy and engaged and there's zero turnover, you can solve any business problem."

FUTURE

The Graham-Nyes do not have any immediate plans to change gDiapers' flexibility program. Importantly, their commitment to flexibility continues:

Everyone's needs are shifting and changing. What's important is to monitor it on a month-by-month basis. We focus on collective intelligence. As we grow we'll figure out ways to continue [working flexibly].

Solix, Inc.

Initiative	Culture of Flexibility
Industry	Program Administration
Employees with Access to the Initiative	1,000
Location of Initiative	Organization-wide
Number of Employees Using Initiative	90% Use Some Form of Flexibility
Name of Contact	John Parry, CEO and Gene King, Director External Corporate Communications

ORGANIZATION DESCRIPTION

Solix is the leading provider of end-to-end Qualification Process Outsourcing (QPO) services to government and commercial clients. QPO includes a range of services encompassing eligibility determination, complex program administration, and customer communication management.

More specifically, Solix provides comprehensive solutions to allow eligible recipients to apply for public benefit program support or related discounted services. Solix also provides the technology platforms to support such offerings, as well as program management expertise, customer service, and business intelligence reporting and analysis.

PROGRAM

According to CEO John Parry, work-life flexibility is ingrained in the culture of Solix, Inc. All employees are able to take advantage of some form of flexibility. Employees who meet certain responsibility and workload levels have the option to telecommute. Productivity is not measured on a daily basis, which allows an employee to compress his or her work into a shorter week—for example, if an employee needs a day off due to illness or a family responsibility. By measuring productivity on a longer-term basis, the employees' productivity standards are not negatively affected by needing to take a short amount of time off. As long as the work gets done, employees are free to work a schedule that works best for them.

Employees who are not able to perform their jobs from home have the option of compressed workweeks during which they work slightly longer hours each day and have the option of taking one day off (typically a Friday) or a half-day each week.

Parry and the Solix leadership have taken many steps to build a culture of "teamwork, integrity, quality, achievement and empowerment." Parry spends much of his time walking around Solix's offices chatting with employees in different departments

and pushes other members of senior leadership to do the same. He's even encouraged Solix's President and COO Jack Miller to implement "Snack with Jack" every month in an effort to meet personally and converse with employees across the organization at different levels. Engagement with employees allows leaders to form relationships with employees whom they might not otherwise meet.

Solix looks for potential employees who embody the core tenets of Solix's culture in its hiring process. Gene King, Director of External Corporate Communications says:

> *We do a very comprehensive screening process during the hiring stage. We need to have people who work for us "fit" into our culture. [By focusing on hiring the right people], employees naturally adopt our values, which are communicated on an almost daily basis by senior management, training classes and Intranet articles. Our daily actions constantly reinforce our values.*

A virtual suggestion box called "Ask John" has also helped build a culture of employee empowerment. The suggestion box allows employees to submit a question to Parry anonymously. This process of obtaining employees' views and concerns has enabled Parry and the organization to add different types of flexibility and improve the offerings they have (as well as address any day-to-day issues that management can fix such as parking and air conditioning in the office). Parry answers the questions on the Intranet. He says that this simple tool has "done away with the rumor mill in our organization, which can cause all kinds of problems."

Flexible start and stop times have also helped employees avoid the headache of New Jersey traffic. Employees requested the building be opened earlier so that they could start work earlier and avoid sitting in traffic. Solix's offices are now open from 6:00 a.m. to 9:30 p.m.

Keeping the building open longer hours took some planning. Parry says, "We sat down with the building's owner and management to share with them our operational needs." Through these discussions, the two parties negotiated on issues like building access and security, as well as heating and air conditioning during "off-hours."

HISTORY

Solix split from its former parent company in 2005. Initially, Solix experienced high rates of turnover and absence. Parry remembers "a churn rate of about 15% and a lot of absence—about an average of 3% or more." He described the situation as "a culture of micromanagement," antithetical to the culture of trust and flexibility Parry wanted to create. Furthermore, such a high rate of turnover hurt the business, in his view. Solix's employees are highly educated and trained. He explains:

> *It takes six months to a year before people are really effective. If you have to replace 15% of the people that you spent a great deal of time and effort training—that's not a good thing.*

Both the desire to reinvent the company's culture and the need to address turnover led Parry to begin implementing flexibility. Solix leadership started by asking employees what would make their work lives easier, and found that employees wanted flexible start and end work times, compressed workweeks and telecommuting. Parry then met with senior leadership to outline the program and worked with managers to make sure implementation of the program was smooth. The first flexible work program took the form of a telecommuting pilot program with 20 employees. After wider implementation of this program, other flexible options like compressed workweeks and flexible start and end work times followed. As they created programs, they worked in tandem to create a culture of flexibility.

OBSTACLES

Solix's telecommuting program was not successful at first. The pilot program wasn't flexible in its flexibility. After a month of working from home, the employees in the pilot program said they just did not like it. Parry remembers the employees said they "like the ability to work from home when it meets their requirements, but they really kind of like the organization atmosphere and people they work with and the social interaction." Parry listened to these employees, who said they would prefer to work from home occasionally, when they needed it.

Other aspects of the flexibility program had minor implementation problems as well. Parry explains it takes time to get a new program running smoothly. He says:

> *Time is needed to make sure people understand the policy and their responsibilities and to ensure that no work group or groups are adversely affected by the policy.*

RESULTS

Absence at Solix has all but disappeared. Parry says this is due to telecommuting:

> *The fact that people can work from home does away with asking permission to take a day off to help family or take care of a sick child. If people feel sick, they stay home and take care of themselves so they don't make other people sick.*

In addition, turnover at Solix has dropped dramatically. "We went from 15% to under 4% and it's really less than that if you don't count retirements, which is a form of [turnover]. It's probably more like 2%."

Parry also believes that a culture of empowerment has been a factor in lowering turnover and absence rates, "We expect people to make million dollar decisions so they ought to be able to decide when they need to stay home. Productivity is going up."

Even throughout the years of the recession, Solix grew and continues to grow, thanks to increases in productivity. Parry reveals, "The last two years we've grown 50% in revenue and 60% in profits. We've never had a year that we haven't grown." Although measures like turnover rates, absence rates and growth make it easy to see

the changes that have taken place, Parry says, “The culture of the organization has changed. Everyone knows what our values are: teamwork, integrity, quality, achievement and empowerment.”



Solix, Inc.

CULTURE STATEMENT

Our employees are driven by the underlying principles of our core values (people, process and passion), which are the cornerstones for all our accomplishments. Our culture and inspired work environment attract and retain passionate employees who are committed to aligning our goals with those of our customers. From program development to execution, we have incorporated these core values into every business transaction and are committed to nurturing our long-term, valued business partnerships.

ADVICE

Parry advises the most important thing to focus on in implementing flexibility is “constant open communication with employees.” Before trying to implement a program, leaders need to “communicate what you’re trying to accomplish. You should always try a pilot. Spend a lot of time listening.” Parry admits that if they hadn’t listened to employees during their first telecommuting pilot, flexibility would not have worked. But because the leadership listened to employee feedback, they were able to change the program for the better.

Parry has seen the benefits of open communication with the success of programs like “Ask John” and “Snack with Jack.” These small, but significant, programs keep open the lines of communication between senior leadership and employees, while keeping rumors in check and putting faces to the names of Solix’s executive team.

FUTURE

Solix is continuing to expand workplace flexibility. The business is enabling employees to transition into retirement by slowing their pace from full to part time and then into retirement. It’s also expanding compressed workweeks and has started a work-life balance committee, which will research flexibility at other companies and determine if similar programs could be implemented at Solix.

Additionally, Solix has applied for more business excellence awards. Parry explains:

[These awards] all involve external neutral third party interviews or surveys, and we get the [benchmarking] results not just for us, but for all winners. We can see what other companies are doing that we probably haven’t thought of yet.

CONCLUSION

It has been famously said that the future is already here, just not evenly distributed;[35] and, if ever that is the case, it is reflected in the case studies the new ways to work profiled in this section. Not only do they provide harbingers of a future that is responsive to the seismic shifts in the economy as well as to the fluctuating needs of employers and employers alike, but also they are indications that American ingenuity is alive, well and prospering.

SECTION III

HOW TO CREATE AND MAINTAIN WORKFLEX IN YOUR ORGANIZATION

INTRODUCTION

You have a sense that you have an employer and employee problem that could be addressed by increasing or improving the workplace flexibility you offer. But before you take a take step forward, we suggest that you first better understand the business issues you are facing and thus design the most effective solutions for your organization.

Section III of the guide is organized to help you walk through this process. It provides very comprehensive information that can be used like a **reference guide**—enabling you to skim the sections that are less germane and delve deeply into those that are.

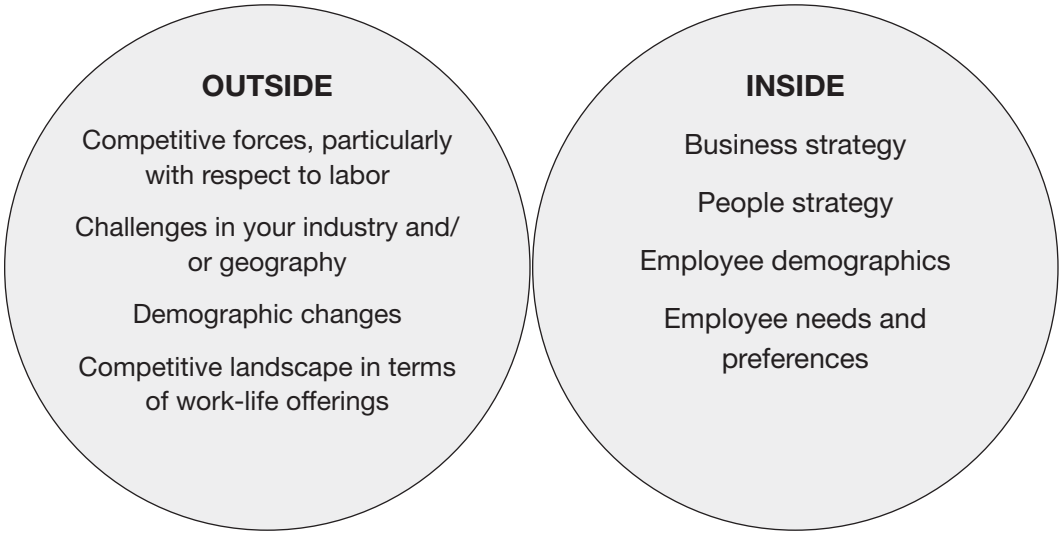
Section III covers the following issues:

- Chapter 8: Understanding the Context
- Chapter 9: Improving Workflex at Your Organization Is a Team Sport
- Chapter 10: Getting Specific—Aligning the People Strategy with Flexibility Goals
- Chapter 11: Drawing Conclusions—Where Do You Go from Here?
- Chapter 12: Two Steps Forward and One Step Back
- Chapter 13: Implementation—Moving to Action
- Chapter 14: Develop a Communications Strategy
- Chapter 15: Maintaining the Momentum
- Chapter 16: Diagnostic Toolkit

CHAPTER 8: UNDERSTANDING THE CONTEXT

LOOKING OUTSIDE AND INSIDE

Begin at the beginning, by taking a look at the world outside and inside your organization.



It's important to start with your context. What is happening outside of your organization that affects your business direction, your staffing strategies and the environment you create for your employees? At the same time, take a look at your own organization. Where are you going as a business, and what kind of people do you need?

Ask yourself the following type of questions:

- Who are your people, and what drives them?
- What distinguishes your best people from the rest?
- How can you better align your people with your business goals?
- What are the most pressing business and people-related challenges you are facing?

In the beginning, it is worthwhile to be open-minded about issues and solutions. Consider this an exploration of the world outside and the world inside, with the goal of creating a focused set of initiatives that move your organization forward in a way that is meaningful to leadership and to employees, that addresses your business problems and that helps all involved thrive.

We provide a Diagnostic Toolkit in Chapter 16. These diagnostic tools are the most comprehensive group of materials you are likely to find anywhere, and these protocols can be used in quantitative efforts as well as in interviews, focus groups and benchmarking initiatives. The data you gather through this process will enable you to present a strong "business case" for flexibility—showing how the benefits of flexibility will help your organization, your employees and your managers.

In the Diagnostic Toolkit chapter (Chapter 16), you will find a *Benchmarking Protocol* to use as you look at your competitors for labor in a given geography or industry. You may decide to benchmark a wide range of people initiatives—not just flexibility—to give you a sense of how your organization stacks up in this arena. It will be useful to determine if your organization's offerings put you on par with your competitors, at a competitive disadvantage (as others offer so much more!) or if you can achieve a competitive advantage by being a leader in offering certain kinds of flexibility and/or people programs.

For example, most large financial service companies in New York City offer an array of flexible work arrangements. If you come from a financial services organization in New York City without a flexible work arrangements policy or programs, you would be at a competitive disadvantage. If you have some programs, but you haven't determined how best to facilitate their use, then you might be on par with the competition. If you have figured out a way for people to take advantage of more flexibility options in your organization, and they are yielding good results for your business and your people, you might be at a competitive advantage.

As you try to better understand your workforce's needs, it may make sense to conduct focus groups or interviews with your employees and managers. Make sure you select employees for these groups to ensure the best alignment with business goals. For example, if you are looking to retain high performers, look to your talent process to identify those employees to include in focus groups or interviews. If your employees most at risk are call center employees, figure out a strategy for including them in this effort. Managers and employees may view the need for flexibility differently—both for themselves and for their teams. It will be useful to gather their input separately. You will find *Focus Group Questions about Workflex for Employees and Focus Group Questions about Workflex for Managers* in the Diagnostic Toolkit chapter.

If you conclude that increasing flexibility will help you better achieve your business goals, it's time to get specific about which business goals and which types of flexibility will actually make the most difference to your organization.

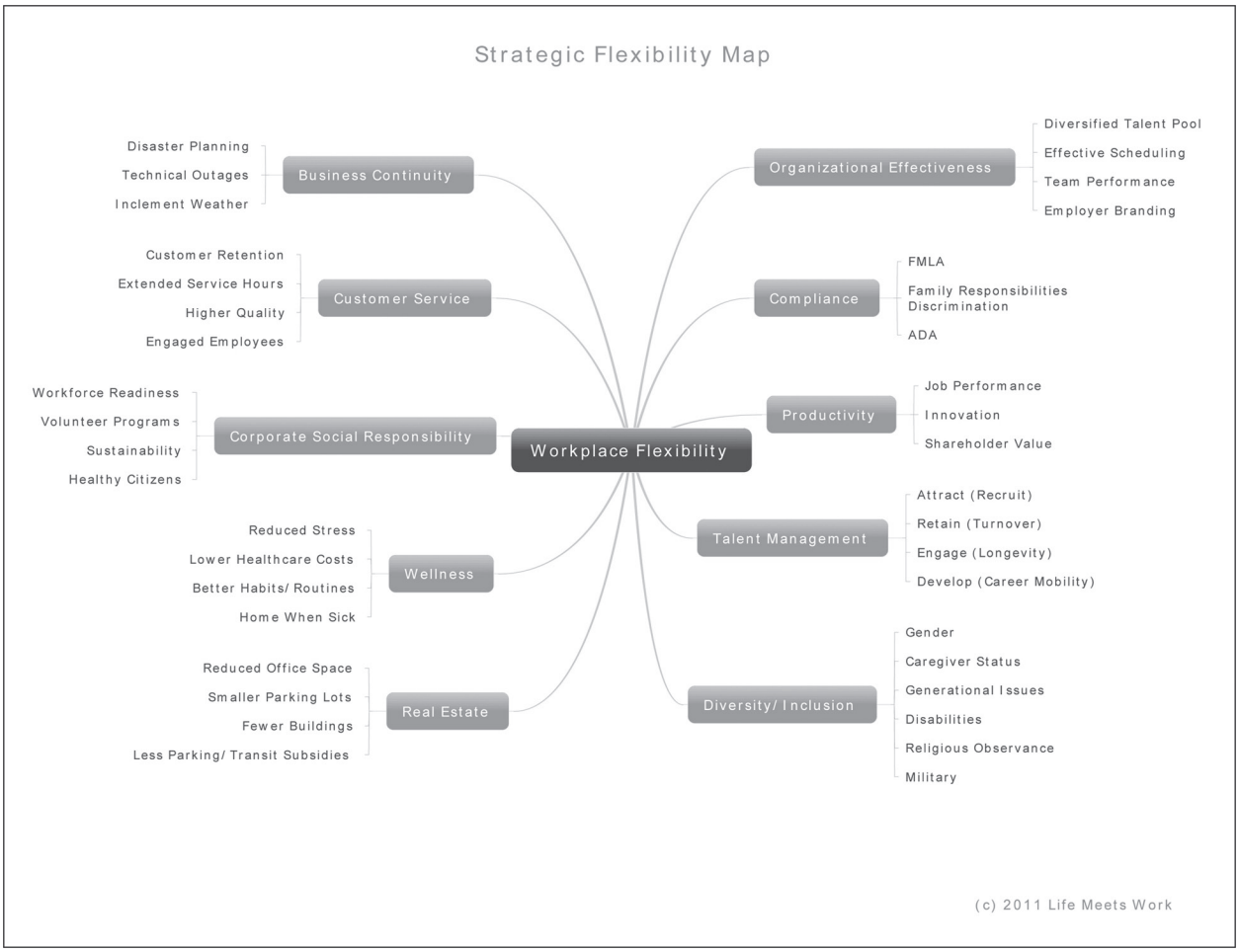
CHAPTER 9: IMPROVING WORKFLEX AT YOUR ORGANIZATION IS A TEAM SPORT

GETTING THE RIGHT PEOPLE INVOLVED

Getting others involved—early—is one of the keys to success with workflex. There are lots of possible partners in the effort to create additional flexibility. Taking the time to cultivate a group of willing allies is an invaluable step. Taking the time to engage possible skeptics is an equally important part of the process. Here's how you might think about the early engagement process:

- Make a list of people in your organization who are champions of diversity, employee engagement or even general workplace improvements. Consider people who manage others as well as influential individual contributors.
- Make a second list of influential and respected skeptical people who often raise objections to new approaches to work or the workplace.
- The first list should provide you with likely allies—people with whom you can start to share ideas, who will provide you with insight into the culture and getting things done and who will likely help because they believe it's the prudent thing to do to make your organization a better place. They may not be a hard "sell," but will probably be pleased to be included and can offer you important insights on how to make workflex work.
- The second list is more challenging—you want their feedback early because having them participate in the process (as opposed to being recipients or opponents.) should create a level of ownership and investment in the project success. That said, you are deliberately seeking them out to be critical and give you all the reasons flexibility won't work. It is helpful to be open about why you are choosing them—that you are intent on creating the best possible solutions for your organization and recognize that a variety of viewpoints need to be an integral part of determining what you propose.
- Now select a senior leader or leaders to be sponsors of your effort. A number of organizations have found that it is useful to have "unexpected" leaders as champions, such as the CFO.
- One strategy is to create a taskforce, committee or working group to develop a proposal for flexibility in your organization. With a few senior leaders sponsoring the committee and a skeptic or two as part of it, you can create a level of buy-in even in advance of recommending a specific set of options.
- If your organization discourages formal working groups, perhaps you can deputize a small group of individuals to informally help you; the structure is far less important than the act of involving the right people early.

CHAPTER 10: GETTING SPECIFIC—ALIGNING THE PEOPLE STRATEGY WITH FLEXIBILITY GOALS



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GATHERING DATA TO ESTABLISH THE BUSINESS CASE

If you suspect or know that one or more of the business problems above exists at your organization, this part of the guide provides many ways—from informal to more formal—for you to gather data on this problem and how it might be linked to flexibility.

In most cases, the best-developed business cases are a combination of external factors that influence your organization's success and internal factors that include employee needs and business drivers specific to your team, organization or industry.

A good starting place is looking at your employee demographics. What does your current workforce look like with respect to gender, age and family responsibilities? When are people choosing to leave? Do you see women leaving at a higher rate than men at critical career junctures that correspond with the time they are starting to have families? What about men? Since nationally representative studies by the Families and Work

Institute show that men experience more work-life conflict than women these days, how is this (or is this) playing out in your organization? How do people with personal responsibilities fare career-wise at your organization? By analyzing the numbers, you may see opportunities or issues that are not yet apparent or widely discussed at your organization.

Your organization's issues may relate to diversity, talent management, recruitment, health and wellness or retention. Once you have established the types of challenges you want to address, the guide will be a useful way to help you gain greater depth. Again, we suggest you use this information on gathering data for establishing the business case like a **reference guide**, going directly to the business problem or problems you want to investigate, rather than necessarily reading about all of them.

Following these chapters on the process of increasing or improving workflex is a Diagnostic Toolkit chapter (Chapter 16)—addressing both quantitative and qualitative factors—that will help you find the right tools to establish or prove the business case.

If your business issue is the need to *attract employees with specific or diverse skills and backgrounds or improve in the number of or quality of job applicants*, you can:

1. **Find out from those doing recruitment at your organization, what job applicants are looking for in jobs.**

   Ask recruiters what applicants are looking for in jobs in your companies. Ask their impressions about how important a series of factors are to the applicant. In the Diagnostic Toolkit chapter, see *Reasons for Taking a New Job*.

   If your recruiters mention that your organization already offers some flexibility, ask them how job applicants respond.

   Ask recruiters what kind of questions job applicants ask and tally the number of job applicants who mention work-life or workplace flexibility, noting how many of these individuals are among those your organization most wants to hire.

2. **Interview people with similar backgrounds or skills to those you are trying to recruit to find out as much as you can about what this group might be looking for in jobs.**

   If you have employee resource groups, these groups can be a very useful source of information. If not, talk with employees with desired backgrounds and skills, such as people of color; people from the science, technology, engineering and mathematics (STEM) fields; younger or older workers, etc. One organization in upstate New York that was trying to improve its hiring of people of color found that it needed to pair potential hires with people from similar backgrounds during the recruitment phase. In addition, it needed to work with community leaders to improve what its small town offers people with diverse backgrounds.

3. **Conduct a study of job applicants—those who accepted the job and those who didn't—about what they are looking for in jobs.**

When Johnson & Johnson first launched its work and family initiatives in the 1990s, it conducted an independent study of job applicants asking them what they were most looking for in a job.[36]

You could use the survey questions in *Reasons for Taking a New Job* from the Diagnostic Toolkit chapter in such a study.

4. **Talk to companies you benchmark yourselves against or that offer competitive flexibility initiatives about their "take" on how offering flexibility affects their hiring quality and/or numbers.**

   For example, Delta Airlines benchmarks itself against others in its industry, comparing benefits and employee desire to stay at their organizations. That kind of benchmarking can serve as a guide about when and how to take next steps.[37]

   See the *Benchmarking Protocol* in the Diagnostic Toolkit chapter.

5. **Include information about what you already offer in workplace flexibility in your outreach to job applicants, and see if the number of or quality of job applicants improves.**

6. **If you conduct an attitudinal study in your organization, ask employees what are the most important reasons they took a job at your organization.**

   See survey questions on *Reasons for Taking a New Job* in the Diagnostic Toolkit chapter.

If your business issue is the need to *reduce absenteeism*, you can:

1. **Compare work groups in your organization where absenteeism is low with other comparable work groups, and try to differentiate what the supervisors are doing that might explain the lower absenteeism.**

   If you are conducting comparisons among different work groups, it is important that these work groups are comparable—a similar group of employees doing similar work. You want to make sure to take into account other factors that might cause absenteeism (older versus younger employees; men versus women; white collar versus blue collar jobs; employees with long tenures versus short tenures; jobs that are very physically demanding versus less demanding) so that you can be more certain of what you find.

   If your organization tracks absenteeism, an assessment of absenteeism will, of course, be an easier task, but a number of companies have uneven processes for recording absences. Nonetheless, even less than perfect data can provide clues about work groups where absenteeism is lower versus higher. You can interview the managers or supervisors in those work groups where absenteeism is lower to learn their perspective on what they are doing that works.

   Collect these stories. Stories from high performing work groups can be very compelling in presenting your findings and in creating a proposal for increased flexibility to offer to senior management.

2. **Create a way—such as by holding meetings with employees or by creating an electronic suggestion box—of obtaining feedback whereby employees can suggest why absenteeism is high and what might be done to reduce it.**

   1-800 Contacts, the world's largest contact lens retailer, provides a good example. Employees helped suggest ways to reduce absenteeism and other problems at their call center. As a result of this input, 1-800 Contacts established a creative time off accrual program. The program rewards employees for "good behaviors," such as coming to work on time. Points are provided and can be cashed in for time off. Employees can earn 100 unpaid days off or 30 paid days off over the course of a year. When an employee wants to take a day off, he or she cashes in the points. The further in advance the employee requests time off, the fewer points the day "costs."[38]

3. **You can add absenteeism to your employee attitudinal survey, ensuring, of course, that the responses of employees are anonymous and confidential. You can then correlate your findings with a question on overall flexibility.**

   In this way, you can determine if those who have flexibility are more or less likely to be absent. You will have a stronger finding if you statistically control for factors that might also affect absenteeism such as the age of the employees, gender, dependent care responsibilities, job level and type of job. In the Diagnostic Toolkit chapter, see *Absenteeism and Access to Flexibility*.

If your business issue is the need to *reduce turnover or regretted losses or turnover in key positions or among key groups of employees*, you can:

1. **Find out from supervisors at your organization why they think employees have left.**

   You can also collect data on the supervisors for whose employees turnover is highest to determine whether there is any relationship between turnover and how flexible the supervisor is as well as other factors that might contribute to the turnover level.

2. **If your organization conducts exit interviews with employees who are leaving the organization, include a question about the factors that influenced their decision. Or, if employees have taken a job at another organization, ask them what was most important to them in their decision to join this new organization.**

   It is important not to assume why employees are leaving the organization, but to find out. For example, leaders at PricewaterhouseCoopers (PwC) initially thought that high turnover among women at their firm was caused by the women's desire to be at home with their children, but a follow-up study of these women after they had left the firm revealed that they were taking jobs at other companies where the hours were more predictable. By increasing the flexibility at their firm, PwC has cut their turnover substantially.[39]

   In the Diagnostic Toolkit chapter, see *Exit Interview Protocol*.

3. **Talk to companies you benchmark yourselves against or that offer exemplary flexibility initiatives about their "take" on how offering flexibility affects their turnover.**

   In the Diagnostic Toolkit chapter, see *Benchmarking Protocol*.

4. **If you conduct an attitudinal study in your organization, ask employees about their most important values and correlate these findings with anticipated turnover.**

   You will have a stronger finding if you statistically control for factors that might also affect values such as the age of the employees, gender, dependent care responsibilities, job level and type of job.

   In the Diagnostic Toolkit chapter, see *Values* and *Anticipated Turnover*.

5. **Calculate the cost of turnover.**

   Note that Chapter 16 of the guide provides specific information on helping you set up and conduct a ROI (Return on Investment) study.

   Ted Childs spent 15 years with executive responsibility for global workforce diversity programs and policies at IBM and is now the Principal of Ted Childs LLC. Below is a story he told at a Department of Labor, Women's Bureau Forum in Dallas, Texas on October 20, 2010:[40]

   > *At IBM, in 1988, we proposed that the one year leave of absence program we had be extended to three years to enable women to have a better opportunity to manage child birth and reentry, and address retention.*
   >
   > *The answer: "Ted, one year is enough. We get a million applicants a year. Women need to decide if they want to have careers or babies. If they leave, we can hire someone else."*
   >
   > *Six months later, we go back [to the Board], but we take the controller with us—same issues, but I labeled the presentation the "price of apples." I told them that you were correct that we get a million applicants a year. [Now I want to talk about] those we hire—I want to talk about cost. At that time, it cost $12,000 to $14,000 to recruit one college hire, and $100,000 to train them if they were going into a technical career path such as programming or sales.*
   >
   > *So, regarding the price of apples, just over a million dollars a dozen.*
   >
   > *The tone changed and common sense kicked in—three years wasn't such a long time. It became a game changer. We went from a "what we have is okay" mindset to a "what is possible?" approach.*

6. **Hire an external consultant to conduct a study of the people who have left your organization whom you most wanted to retain ("regretted losses").**

We suggest using an external consultant to reassure your employees that their responses are completely confidential. In general, employees who leave companies don't want to burn bridges, so they may be quite cautious about what they say to their former colleagues at your organization. Thus, an external consultant may help you probe more deeply.

In the Diagnostic Toolkit chapter, see *Regretted Leavers Interview Protocol*.

If your business issue is the need to *improve employee health and wellness, decrease presenteeism or reduce health care costs*, you can:

1. **Talk with managers or supervisors about what they see as the causes of these problems.**

   As always, compelling stories from within your organization are uniquely powerful and persuasive.

2. **Find parts of your organization where you don't have these health-related health problems and interview managers and supervisors there to determine what they think they are doing that contributes to better health among employees.**

3. **Include measures of health, wellness and presenteeism on your employee attitudinal surveys and correlate those with perceived access to flexibility.**

   You will have a stronger finding if you statistically control for factors that might also affect absenteeism such as the age of the employees, gender, dependent care responsibilities, job level and type of job.

   In the Diagnostic Toolkit chapter, see measures for *Minor Health Problems, Perceived Stress, Sleep Issues, Depression, Overall Health, Specific Health Problems, Healthy Lifestyle* and *Presenteeism*.

4. **Compare the health claims of employees in parts of your organization with access to flexibility with those with less access to flexibility.**

   Assuming you have access to health care claims, that you can keep health claims data confidential (no individual employee can be identified) and that you are statistically controlling for other factors that might affect health (such as age, gender, dependent care responsibilities, job levels and types of jobs), there are several different ways to do this kind of investigation. You can:

   - Assess the impact of a flexibility pilot in your organization, comparing the group in the pilot with a comparable group of employees who did not participate in the pilot; or
   - Collect data on employees before and after they have access to flexibility (a pre/post study).

If your issue is the need to *improve employee engagement and/or employee job satisfaction*, you can:

1. **Talk with managers and supervisors about what they think affects job satisfaction and/or job engagement.**
2. **Conduct focus groups with employees, asking them what they think would improve their job satisfaction and/or job engagement.**
3. **Include employee engagement and job satisfaction on employee attitude studies and correlate these with workplace flexibility.**

   It is important that you statistically control for factors that might affect job satisfaction and engagement such as employee age, tenure, gender, dependent care responsibilities, job level, etc.

   To see some measures of *Job Satisfaction* and *Employee Engagement*, look at the Diagnostic Toolkit chapter.

   James Turley, Chairman and CEO of Ernst & Young, LLP, describes going out to his clients when they instituted their "People First" initiative. To Turley, People First is a mindset that guides decision-making—when the firm makes decisions, they strongly consider how these decisions will impact their people. This was the genesis of their workplace flexibility, but Turley wanted to tell his clients before they instituted this new initiative:[41]

   > *Shortly after I was announced [as CEO], I started talking about the importance of moving our "people" thinking from being a programmatic thinking—comp and benefit programs, vacation policies and the like—to more of a philosophy around "delighting" our people. And if we absolutely delight our people and put their thinking first, then it is clear to me and it is clear to our organization, that our people will delight our clients.*
   >
   > *This was a little bit of the turn the envelope inside out for an organization that's in the client service business. I remember the first time sitting in front of a—I think it was—a Fortune CEO conference and describing this philosophy to a couple hundred CEOs, most of whom were our clients in one fashion or another, and I was scared to death. Here I am, talking about how we're going to put our people first, and some of our most important clients in the world are sitting right out in the audience. When they came up to me afterwards and said, "Stick with it, because it's so right. If your people are delighted and happy, they're going to give us great service."*
   >
   > *I was quite relieved when some CEOs of big organizations came up and validated that they understood how important the people dimension is. I think they saw, as we all see, that the war for talent is actually—perhaps—the most important war. We're a business whose only asset are our people. A lot of companies have inventory and intellectual property and buildings and machinery and equipment. We have people. And every night, every one of our assets goes home. And we've got to be the kind of place that they want to come back to the next day. And so, our clients realize that this is what's*

important to them—having great people in Ernst & Young—and so it makes sense to them as well.

4. **To extend hours, you can talk with employees at the site where longer hours are needed to have them suggest ways to do so.**

   It is quite likely that they will suggest options like compressed workweeks or other ways of staggering hours to provide more coverage. Then you can decide what works best for your organization.

If your business issue is the need to *improve real estate expenditures*, you can:

1. **Determine your exact need. Is it to *reduce real estate costs, provide less space for parking* or *reduce commuting costs or time for employees*?**
2. **For any of these issues, it is a good idea for you to work with your IT and/or real estate offices from the outset to determine the need and the issues you might encounter.**

   During the gas crisis in 2008, a number of companies took steps to provide more flexibility for their employees. You can access a comprehensive list of inspiring examples at http://www.familiesandwork.org/site/work/gaspricesfeedbackread.html.

   For example, Bon Secours Richmond Health System investigated a number of potential ways to provide employees with additional relief for rising fuel costs while increasing its environmental or "green" programs by talking with other employers and talking with their employees. From these inquiries, they came up with a menu of possible responses[42] (as shown in the following tool).



Bon Secours

Bon Secours Richmond Human Resources is recommending a three-part approach to enhancing its fuel relief benefits—and by extension green programs—for employees going forward.

STRATEGY #1: Create a Mini Website (internal and external) listing all green initiatives and commuter options for employees:

- Makes information available to employees in a "one stop shop"
- Encourages the use of mass transit and carpool methods
- Spotlights importance of these programs to Bon Secours Richmond
- Offers real-time information on the lowest prices of fuel in the area, temperature, air quality
- Enables polling and surveying of employees on related topics
- Creates a communication and collaboration tool for employees to connect for carpooling. (This likely would be a future benefit in partnership with RideFinders.)

STRATEGY #2: Integrated Management Program with Supporting Communication:

- Further support work schedule options including compressing shifts and coming in to work at times that avoid rush hour traffic
- Further support for teleworking, rather than working five days onsite, employees could do work that is applicable from home
- Increase teleconferencing practice for in-town and out-of-town meetings
- Produce a section on fuel efficiency in each monthly newsletter called "Fuel Focus"
- Reposition employees to a Bon Secours Richmond facility closer to where they live
- Create a standard for evaluating the efficiency/effectiveness of meetings
- Support with initial management communication explaining our standing on this issue, action items in place, topics to consider and examples of what other managers have done

STRATEGY #3: Provide One-Time "Stimulus Check" for All Employees:

- Provide $250 check to all full-time employees, and $100 to all part-time and PRN employees working 300 hours per year **OR**
- Provide $300 check to all full-time employees, and $150 to all part-time and PRN employees working 300 hours per year

Source: Families and Work Institute. (2008). *Families and Work Institute explores the response to rising fuel prices*. Retrieved on May 2, 2012, from http:// http://www.familiesandwork.org/site/work/gaspric-es-feedbackread.html.
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If your business issue is the need to *increase business continuity*, you can:

1. **Determine which of the issues you need to address. Is it *disaster planning, technical outages* or *inclement weather*?**

   These issues are fairly straightforward, and you may not need to prove the importance of providing flexibility in response to them in the same way that you might for another issue.

   In looking back at recent disasters, it is quite evident that the organizations already providing flexibility (such as telework) were more agile in responding to emergencies, and their employees were able to return to work more quickly afterwards. For example:

   - Following Hurricane Katrina, affected employees at Procter & Gamble (P&G) were better able to continue to work because they had set up home office capabilities.
   - In the aftermath of 9/11, the New York City firms that had work-at-home technology were able to maintain services far better than the companies that didn't have these capabilities.
   - In preparation for a pandemic, a number of companies have boosted their home office capacities.
   - After Washington, DC and the surrounding communities were shut down by a snowstorm in early 2010, President Barack Obama (who called the storm "Snowmaggedon") announced that telecommuting would become a workflex option for federal employees at the White House Forum on Workplace Flexibility on March 31, 2010. In his closing remarks at the Forum, the President said:[43]

     > *John [Berry, Director of the U.S. Office of Personnel Management] is working with our Chief Technology Officer, Aneesh Chopra, to provide opportunities for federal employees—here in Washington, but also all across America— to telework on a regular basis. Where regulations are in the way, we'll see what we can do to change them. Where new technology can help, we'll find a secure, cost-effective way to install it. Where training is needed to help managers and workers embrace this approach, we'll adopt the best practices from the private sector.*
     >
     > *Because, in the end, we believe that all of this isn't just about providing a better work experience for our employees. It's about providing better, more efficient service for the American people—even in the face of snowstorms and other crises that keep folks from getting to the office. I do not want to see the government close because of snow again.*

If your business issue is the need to *increase profitability*, you can:

1. **Determine what about profitability needs improving. Is it the *job performance of employees, innovation* or *shareholder value*?**
2. **If your issue is improving *job performance*, you can talk to your top performers to determine what helps them succeed. Ask them whether working more flexibility would improve their success even more.**
3. **If you do a employee attitudinal survey at your organization and if you rate job performance, you can investigate why top performers came to your organization, why they stay and whether or not they have the flexibility they need at your organization.**

   At IBM, a survey conducted over time continues to find that work-life assistance is among the top three reasons that their top performers take a job at IBM and among the top three reasons that they remain with the organization.[44]

CHAPTER 11: DRAWING CONCLUSIONS—WHERE DO YOU GO FROM HERE?

Here is what you know:

- what is happening outside that affects your organization and your employees; and
- where you are going as an organization.

There is one final step—knowing what your employees need and want and how supervisors support the use of the flexibility that you already offer, formally or informally.

REVIEWING WORKFLEX OPTIONS

Throughout the guide, we group flexible work options into seven categories, which we list below. To review in-depth case studies of each of these types of flexibility, see Section II of the guide.

- **Choices in Managing Time** includes control over one's schedule and agreeing that the schedule or shift meets his or her needs.
- **Flex Time and Flex Place** includes traditional flexibility, daily flexibility (short-notice schedule changes), compressed workweeks and working at home.
- **Reduced Time** includes full-timers who could arrange to work part time in their current position and part-timers who could arrange to work full time in their current position as well as part-year work.
- **Time Off** includes a lack of difficulty in taking time for personal or family matters, paid days off for personal illness, paid days off to care for sick children, time off for elder care without fear of losing one's job, paid vacation time, paid holidays, time off for volunteering without the loss of pay, and caregiving leaves for birth, adoption and seriously ill family members.
- **Flex Careers** enable employees to "dial up" or "dial down" their careers by taking extended time off for caregiving or sabbaticals. They also enable employees to phase into retirement.
- **Dealing with Overwork** includes efforts to create reasonable work demands, to reduce unnecessary work and to create boundaries between life on and off the job.
- **Culture of Flexibility** includes not having to choose between advancement and devoting attention to family life, not having advancement jeopardized by asking for flexibility and overall supervisor support when work-life issues arise.
    - **Use the list above to assess what you currently offer.**
    - **Use the results of your focus groups to assess what you need.**

Focus groups can give you insight into what your employees say they need. In the Diagnostic Toolkit chapter, see *Focus Groups about Workflex for Employees*. What do your managers have on their wish list in the *Focus Group about Workflex for Managers*?

- **Conduct a Needs Assessment.**

  Many organizations conduct a needs assessment of employees to better ascertain their needs and interests. In the Diagnostic Toolkit chapter, we include questions about *Access to and Need for Workflex* that you can customize for your organization, selecting the types of workflex that you would consider for your organization.

  There are also questions about *Supervisor Support for Workflex* to include. This scale is important, since studies at the Families and Work Institute find that supervisor support is highly predictive of outcomes of concern to employers such as engagement, job satisfaction and retention.

BIG DECISION: Do you need to offer more than you have currently? Are managers getting in the way and, if so, why? Are you offering the right options, but are people not using them? Answering these questions will direct you to the appropriate set of solutions.

The latter was the conclusion that Rich Westphal, Senior Manager, North America Talent Strategist at Accenture, reached:[45]

> *We're actually not really creating a lot of new things, we're actually figuring out how to get our employees to better know and use what we do have. To me, in these times, that is actually critical because we have so many amazing programs that we need to spend the time letting our people know this is here, and this is what is available to you.*

Other organizations have found that they need to remove the barriers to use such as job jeopardy or to add new options, so the data gathering process is very important.

DESIGNING THE FLEXIBILITY OPTION OR OPTIONS YOU WANT TO IMPLEMENT

If you have determined that you need to create new types of flexibility, here is a process for finding some of the most promising practices:

1. **Use the case studies in Section II as examples.**
2. **Use the FWI-SHRM *Guide to Bold New Ideas for Making Work Work*.**

   If you look in the index of the guide, you can find many examples of different types of flexibility.
3. **Use your benchmarking study.**

   If you have conducted a benchmarking study, use it to identify companies in your industry and geography who are offering more flexibility options. If not, now

may be the time to do one. See the *Benchmarking Protocol* in the Diagnostic Toolkit chapter. Find out if you can talk to a representative from some of these companies and get their perspective on what works best in environments similar to your own. You may need to broaden your definition of “competitors” to find people who are willing to share their “secrets” with you.

CHAPTER 12: TWO STEPS FORWARD AND ONE STEP BACK

Implementing flexibility is a major organizational change project. The previous chapters talk about all of the kinds of data you need and how to use them for developing options. This chapter talks about the ways to secure more buy-in and engagement throughout the process.

PIGGYBACKING ON EXISTING INITIATIVES AND GROUPS

Does your organization already have a well-established diversity council or diversity effort? Are there formal or informal committees already up and running that deal with employee engagement? Do you have Employee Resource Groups for women, working parents or elder care providers? Is there a group that is focused on the physical work environment? Is the CFO's office working on the most efficient use of resources? Be strategic about how any or all of these groups or individuals can help you. Change happens faster when you get more people involved from the onset.

BROADENING OWNERSHIP BY CREATING LINKAGES

A push for greater flexibility is much more powerful when it comes in tandem with other efforts the organization views as important. As you think about the business case for flexibility, consciously identify "partners" to share this project with you. For example:

- If your business argument primarily relates to talent—acquisition and retention—can you collaborate with the people in charge of recruiting for your organization or with the people who look at talent management?
- If diversity is a driver for flexibility, will someone in your diversity area be a sponsor of this initiative with you?

The most influential partners may not be in Human Resources. Your case for flexibility is about the business—and champions from other business functions will help you the most in effecting change.

At JPMorgan Chase, the flexibility effort got a boost when coupled with the work of organization-wide Diversity Council, with senior level sponsorship coming from Diversity Council members and members of the Senior Women's Group (a group of women leaders committed to making the workplace a better place for women to advance their careers). Senior leaders who sponsored flexibility helped build a compelling business case, agreed to pilot flexibility programs in their business, engaged their organizations in conversations about flexibility and talked a lot to others about flexibility as an important business initiative.[46]

CREATING METRICS TO TRACK CHANGE FROM THE ONSET SO THAT PEOPLE KNOW YOU ARE SERIOUS ABOUT THE IMPACT OF WORKFLEX

When you were creating your business case, you identified the issues you wanted to address. How will you know that you are making progress? If your overarching business goal is to reduce turnover, can you quantify the cost now, so that you can measure the effect of flexibility after implementation? Measures can be statistical or anecdotal. It can be just as compelling for you to measure turnover by getting feedback from some of your top performers on what flexibility has meant to them with respect to tenure at your organization, job satisfaction, performance and productivity than it might be to have a cost of turnover study.

GOING FOR THE GREEN LIGHT

By now you have studied a lot, and you know the world inside and outside of your organization. You have talked to employees and managers, looked hard at your demographics, identified business drivers for flexibility and examined your current flexibility offerings. In the course of all of this examination, you have made decisions to add types of flexibility or to increase access to the flexibility you already have.

Now, for the hard part. How do you present your ideas in a compelling way to senior management? Ultimately, who needs to make the decision to move ahead, and what can you say to convince this person of the soundness of your argument?

Let's start with who should make the case and to whom. If you have involved people throughout the process so far, there may be some natural and influential champions who could present aspects of the case for flexibility for you.

- If your organization prefers to hear business talk from business managers, perhaps there are some business leaders you can enlist for this purpose.
- And, depending on the case you are making, it may help to involve employees in some way. For example, if you are setting the stage for flexibility as a way to keep high talent longer, you could put together a panel of stellar performers talking about why flexibility matters to them as part of your presentation.
- Or, if flexibility will give you an incredible edge on campus, you might include some people who do college recruiting to share their perspectives.

It's important to keep in mind that while solid data, great charts and graphs and well-thought-out logic are important, people rarely shift their behavior unless you can touch them emotionally in some way. Often, hearing the voices of real employees will do more to move this kind of agenda than dozens of PowerPoint slides.

A general outline for a flexibility presentation could include:

- context: external and internal forces, demographics, employee perspectives, etc.;
- data related to the business challenge you are focusing on;

- current and proposed flexibility options for your organization;
- getting started and next steps with respect to implementation, including whether you are piloting or not initially; and
- employee voices about why this is so critical right now.

If flexibility is very new to your organization, you may need to start at the very beginning and spend a lot of your time on explaining what flexibility is and isn't. Below is some information that may be useful to you in Making the Case for Flexibility.

MAKING THE CASE FOR FLEXIBILTY

Q: What is meant by the term "workplace flexibility"?

A: Flexibility is a way to define how, when and where work gets done and how careers are organized. It is essential that flexibility work for both the employer and the employees to be effective. For example, flexibility includes being allowed to take time off during the workday to address family matters, being able to work some regular hours at home and being able to count on a regular, predictable schedule. Workplace flexibility is taking paid or unpaid time from work for education or training to improve job skills, returning to work gradually after childbirth or adoption and being allowed to phase into retirement by working reduced hours. Importantly, workplace flexibility also means having a workplace culture that allows you to make use of the flexibility one's organization provides; for example, having the support of one's supervisor and coworker to successfully manage work and family life responsibilities and agreeing that one can use flexible work arrangements without jeopardizing job advancement.

Q: Why is now an important time to focus on workplace flexibility?

A: The workplace and the workforce have changed significantly. Nearly 80% of couples in the workforce are now in dual-income families, up from 66% in 1977, according to a 2009 report by Families and Work Institute (FWI).[47] SHRM's 2008 *Workplace Forecast* cited an increased demand for work-life fit as one of the trends most likely to have a major strategic impact on the workplace.[48] As we move from the 20th to the 21st Century economy, "business as usual" has to respond in order to address the needs of the changing economy, changing technology and changing workforce demographics.

To remain competitive in the global economy, the United States will need to invest in and cultivate the skills and engagement of every worker. An important key to getting the best out of every individual is a flexible work environment—one that allows people to have great autonomy over how, where and when they excel for their organizations.

Q: Why is workplace flexibility important to employers?

A: Workforce effectiveness and workplace flexibility are key strategies that enhance businesses' competitive advantage, provide bottom-line business results and improve

the lives of workers. In a 2010 *Economist* survey, C-suite executives said the biggest challenge to their organizations' success is attracting, retaining and rewarding the best talent.[49] And according to a SHRM survey of HR professionals the same year, the best tactic to attract and retain the best talent—even above compensation at 23%—is to provide flexible work arrangements[50] mentioned by nearly 60%. Workplace flexibility will help the U.S. remain competitive in the global economy, allowing the country to invest in and cultivate the skills of every worker—from young adults who need additional education to older workers who are seeking different work arrangements; from persons with disabilities to veterans transitioning to the private sector; from people who have different cultural experiences and skills to those who seek to manage work and life responsibilities.

Q: Why is workplace flexibility important for employees?

A: Flexible work arrangements allow employees to decide how, when and where they excel for their organizations, something on which employees place a high value. FWI's 2008 National Study of the Changing Workforce finds that a large majority of employees—87%—report that having the flexibility they need to manage work and personal or family life would be "extremely" or "very" important if they were looking for a new job. Also, employees increasingly experience a time famine. According to a chapter from *The Future of Children: Work and Family*,[51] written by FWI and based on their data, three in four employed parents (75%) feel they don't have enough time with their children, up from 66% in 1992. Likewise, 66% of employees in couple relationships feel they don't have enough time with their husbands, wives or partners, compared with 50% in 1992. And 60% of all employees feel they don't have enough time for themselves, up from 55% in 2002. In their 2009 report, *The State of Health in the American Workforce: Does Having An Effective Workplace Matter?*,[52] FWI found that employees in more effective and flexible organizations are in better overall health, experience fewer minor health problems, fewer incidents of depression, lower stress levels and fewer sleep problems.

Let's say you get the green light. The next chapters involve putting your ideas into action.

DEALING WITH RESISTANCE

On the other hand, let's say you meet with some resistance. Here are some strategies to help you get back on track:

- **First, always have a back-up plan.**

  Very rarely will an organization embrace a change in its totality. More likely, you will meet with some or a lot of resistance to change. It's important to understand that some forms of resistance are legitimate: sometimes, the idea you are presenting really will *not* work in the context or culture the way you are proposing. But sometimes resistance is just an emotional reaction to being asked to do something differently. In the moment—in the middle of your presentation, for

example—it is often hard to tell the difference. And sometimes it really doesn't matter if the objections presented are logical and real versus emotional and based on gut feel. If the resistance is strong enough and expressed by people whose voices matter most in your organization, whether or not it's legitimate, you will need to regroup. It is always better to have thought through acceptable alternatives in advance so that you are immediately responsive to the sentiments being expressed—and so that you don't lose sight of your goals. Forward movement, even if it's not as far, is always better than stagnation or moving backwards.

Joyce O'Brien, EVP of HR at Laughlin Constable, an advertising, PR and digital media firm, suggests that if there is resistance, "Try just changing one or two things every year. Add one or two things every year to your plan, and then, as years go by, you'll have a fully developed family-friendly plan."[53]

- **Manage your own expectations and emotions.**

  If you've done your job well and engaged lots of stakeholders in the process, most likely you have become passionate about flexibility and the potential impact on your employee base. That's great. And you need passion and conviction to make change. Sometimes, though, passion leads to inflexibility and a stubborn refusal to shift direction that is ultimately harmful to the outcomes you want to achieve. If this is the first time you are approaching leadership about flexibility, or the 21st, be conscious of your own emotions. Passion and enthusiasm are positive, but, carried to an extreme, they have the potential to derail you.

- **Don't be afraid to problem solve in the meeting.**

  If you hear some objections to your proposal, you may also hear some constructive solutions, if you ask for them. Again, be prepared to think through the kind of resistance you might encounter and have a plan for addressing it in the meeting. For example, it's perfectly fine to say, "I hear your concerns about implementing this kind of flexibility. But it's clear this would matter a lot to our employees. What other options or ideas could we consider that would meet these same objectives?" Engaging the group you are presenting to, particularly while they are raising objections, not only helps create buy-in and acceptance to flexibility as a concept, but also helps surface potentially better approaches.

- **Finally, don't give up.**

  If you've done your homework, engaged people throughout the process, and created some open dialogue in a meeting with leadership, you have already done a good job. It might not be the right time for your organization to say "yes" to everything you have suggested. With some creativity and personal tenacity, you may find an element of a flexibility program that they will embrace to start with, even if it's not called flexibility.

  And, if the answer is "not now," then consider it as "later." Remain persistent and persuasive and come back to decision makers with an even better business case in the future.

CHAPTER 13: IMPLEMENTATION—MOVING TO ACTION

EXECUTING YOUR IMPLEMENTATION PLAN

In your presentation to leadership, you will have addressed some aspects of implementation, but now is the time to move into action.

TO PILOT OR NOT TO PILOT?

- **Create a pilot.**

  Have a trial, maybe a limited trial.
  See what works and what doesn't work.

  — John Parry, CEO, Solix[54]

  A pilot positions flexibility as an experiment and allows participants to engage actively in making it work. A pilot will help you capture your organization's learning, create live case studies and identify champions.

  In a larger organization, you can choose to offer pilots in different kinds of work groups: maybe one in a call center, one in an HR group and one in a sales team. In a small organization, you could choose to pilot flexibility with individuals in different kinds of jobs: customer service, technology and administrative, for example.

  Pilots work best when they are intended as a mechanism to learn **how** to implement flexibility, not when they are viewed as a way to decide **if** to offer flexibility. The success of a pilot should be related to what you learn about making flexibility work in your environment. It enables you to get the kinks out of the process so that when you implement it more widely, the processes and procedures will have been test-driven and improved.

  OR …

- **Create an organization-wide implementation.**

  There are times when a pilot is not necessary—you have enough feedback and information to take your idea to scale right away. An example would be implementing "summer hours." However, even if you don't create a pilot, make sure you have ongoing mechanisms to collect feedback on what works and what needs to be improved.

DETERMINING PRINCIPLES AND GUIDELINES

- **Create principles and guidelines.**

  Successful companies identify a few critical guideposts for their flexibility efforts. Below are some Principles of Flexibility Used by Successful Companies.

PRINCIPLES OF FLEXIBILITY USED BY SUCCESSFUL COMPANIES

Flexibility is a management tool that must address business needs as well as employee needs.

Flexibility can be used by employees in a range of jobs or levels.

Employees' reasons for wanting flexibility should not matter, unless covered by law.

Employees vary in their needs and desires to work flexibility. It is like insurance—it's there for employees if and when they need it.

Flexibility should be applied creatively.

Flexibility works best when the work group is involved in creating implementation plans on a regular basis. Flexibility works best when customers are involved.

There is a difference between a permanent flexible work arrangement (such as flex time or flex place) and everyday flexibility. Only some employees will want permanent arrangements, but everyday flexibility and a culture of flexibility should be available for all.

- **Write down your organization's policies.**

  Many organizations have formal policies related to flexibility in their employee handbooks or written documents that spell out their policies. While policies or guidelines do not ensure consistent or fair implementation, they do send a strong signal about what matters to the organization. And they give employees the confidence to initiate a conversation about their needs for flexibility.

  Most well-written organization policies on flexibility contain language that:

  - states that flexibility is valued and that the organization respects employees and their personal lives;
  - gives every employee permission and encouragement to have a conversation with his or her manager about flexibility;
  - expects managers to consider requests and respond positively if possible;
  - clarifies that flexibility is not an entitlement—managers have the right to say "no" to a request if an employees' job is not suited for a flexible work arrangement or if the employees' performance does not warrant flexibility; and
  - provides a fair and non-punitive process for the employee and the employer to try to reach agreement if there is a dispute.

PROVIDING RESOURCES FOR YOUR MANAGERS AND SUPERVISORS

- Equip your managers and supervisors with information, tools and resources.

  Much of the success of your effort rests with managers and supervisors. They are your key implementation vehicles, and it's worthwhile to spend a lot of your time now—prior to launch—getting them involved, educated and feeling like leaders who can benefit from workflex.

- You may need to understand and address some of their skepticism and fear first. Below is a list how you might address *Concerns of Supervisors and Managers*.

CONCERNS OF SUPERVISORS AND MANAGERS

Supervisors and managers may:

- **Be concerned about equity.**

  Supervisors worry about being fair to employees when they know everyone can't have flexibility. The key is making sure that the *PROCESS* is equitable (the same)—that every employee's request is fairly considered—even though the outcome may vary.

- **Fear abuses.**

  There are some employees who may take advantage of their work situation, no matter whether you have workflex or not. As one supervisor put it, "There are always a few bad apples in every organization. They have to be dealt with. It's much better to manage for the good apples." If employees are well managed, abuses will be kept to a minimum. It is up to you to set up the guidelines for managing well.

- **Keep hearkening back to a past, bad experience.**

  Just because flexibility was tried with a few employees in the past and didn't work doesn't mean that the same outcome is inevitable if it is tried again. Help managers get beyond that bad experience to show how you are managing for success now.

- **Believe it takes more time to manage.**

  Interviews with managers at JPMorgan Chase who supervised employees using some flexible work arrangement revealed far fewer problems than managers anticipated: 95% of managers report it does not require more time to manage people on flexible arrangements; 88% of managers who are managing employees on flexible work arrangements report no negative impact on their ability to supervise; and 66% say managing flexible work arrangements enhanced their management skills.[55] Sharing this kind of evidence from other companies can

help, but it is even more important to share examples of managers in your own organization who are managing well and how they do it.

- **Struggle with their own work-life issues and fear that staff flexibility will add to their workload and stress.**

  Managers and supervisors might express concern that if they provide workplace flexibility to others, their own workloads will increase. Thus, it is very important to help supervisors recognize and deal effectively with their own work-life stress and to provide workplace flexibility that helps them and not just for their employees.

  As we discuss below, we strongly recommend that you have some training or preparation for supervisors in handing their own work-life stress before expecting them to help those they supervise.

See further information below on *The Role of the Supervisor*. You can adapt this information as a handout for your own supervisors.

THE ROLE OF THE SUPERVISOR

Your role as supervisor is to empower your staff to excel, reward performance and coach to success. All of these skills are also critical in the management of flexibility. It is important to:

- **Be knowledgeable about organization policies and guidelines.**

  Be familiar with organization handbooks and consult Human Resources staff when there are questions.

- **Promote flexibility as a management tool.**

  When used as management tools, rather than favors given to specific employees, there are many more options available to employees and supervisors for getting the job done.

- **Create a format and process so that employees requesting workflex can make a "business case" to you.**

  Employees requesting flexibility should state how this arrangement will help the organization and themselves. They should be prepared to come to a meeting with you with a series of suggested options for how their work will be done best and what business outcomes they believe will ensue because they are working flexibly. It is most helpful if you create a form to help employees think through and present this business case.

- **Build discussions about flexibility into the performance review process.**

  Deloitte has found that creating a structured discussion around how work is working for the employee at work and in his or her personal life ensures that

these discussions happen for all employees and become part of the normal way of doing business.

- **Take a work group approach.**

  Approach your work group to discuss how flexible work arrangements can improve work in your area and improve the quality of life for employees. Employees, supervisors, work groups and customers can work together to develop and implement flexibility that benefits all concerned. Open discussions about flexibility may lead to more efficient ways to organize work by reducing work that is of low value or a waste of time. And employees can devise ways to support each other in their work and home lives that are quite creative and efficient.

  Experience shows that a work group approach is particularly effective. In this way, various members can support each other in committing to help the organization and employees thrive. If employees own the solutions, they are much more likely to be sustainable.

- **Use discretion wisely.**

  The natural by-product of flexibility is discretion. Discretion involves examining each situation individually, while keeping in mind the needs of the employee and the organization. For most work-life issues, there is not necessarily a "right answer." Often, a variety of solutions are viable. Supervisors must use discretion to select the appropriate approach, ensuring that it works for the supervisor, the business and the employee.

- **Be accepting and fair.**

  Today, many initiatives for workflex are "needs blind;" that is, employees aren't asked to account for the reasons they are requesting to work flexibility. That said, it is natural for supervisors to make assumptions, but you need to put aside any biases you may have so you fully understand and consider the needs of individuals whose attitudes or lifestyles may differ from your own. You need to review employees' business case for flexibility in a consistent, objective manner and make decisions based on what is best for the organization, the work unit and the employee.

  On the other hand, there are some reasons for requesting workflex that are mandated by law, such as Family and Medical Leave. See the chapter on Legal Issues to fully understand your rights and the employee's rights.

- **Be willing to say "no."**

  Despite the employee's need, there may be job demands, customers' needs or work group considerations that make flexible work arrangements less viable. In some situations, an employee may not be suited to certain types of flexible work arrangements due to attendance or performance concerns. Or, the timing may be wrong or a particular job does not lend itself to a flexible schedule.

Say “no” when:

- There is a mismatch between the job requirements with respect to time and place and the employee’s proposal. For example, some jobs require being at the workplace. However, it is important not to make assumptions. Organizations that have looked at job tasks to determine which jobs can be flexible found many more jobs could be flexible than they had previously thought possible.
- Employees do not think through the implications of doing their jobs differently and do not involve others in the process.

  Say “maybe” when:

  - An employee clearly articulates his/her need for flexibility but needs help identifying an appropriate way to reshape his/her job.
  - Current staffing needs (e.g., busy season in an accounting firm) preclude your ability to offer flexibility immediately, but there is an opportunity at a later date.

Don’t say “no” because you personally are stressed, upset and worried that flexibility will add to your own workload—without considering the implications to the individual employee and the work group as a whole. We believe that any effective workflex initiative ensures that supervisors’ work-life needs, not just those of employees, are well addressed.

- **If you say no, make sure there is an equitable process in place in your organization for reviewing these decisions.**

  Many organizations set up an ombudsperson who can help employees and supervisors talk through issues if the employee feels that the decision for workflex should have been different. For example, at Ernst & Young and KPMG, there are local Flexibility leaders who work with managers in different regions. In some companies, the HR generalist/business partner plays this role and supports managers and supervisors as they learn to manage flexibility.

  Ensuring that solutions are fair goes a long way in creating a positive atmosphere in your organization, even when the final decision is still no. It is important to know that in organizations that have set up these processes, they are seldom used because typically employees and supervisor can come up with solutions that work for both.

- **Be flexible.**

  Even with proper planning, unforeseen events can occur and the needs of the business or the individual may change and the arrangement may need to be re-evaluated. It is also important to recommend that arrangements be tried on a pilot basis for a limited time to see how they work. Build in a process of review,

metrics for determining if the arrangement is successful and processes for making changes when necessary.

- **Evaluate solutions.**

  After creating a plan with an employee or work group, make sure to agree to the work deliverables. Monitor and modify the arrangement as needed.

- **Ensure that you are addressing your own work-life needs.**

  There is no need for employee flexibility to come at the cost of supervisors' own needs. Make sure that you have the supports in place you need to give you the kind of fit between your life on and off the job that you need. This is an essential step in creating workflex that works for the organization and the employees.

CREATING A TEAM PROCESS

- **Create a process by which managers and employees talk together in work groups about the team's needs for flexibility—and use a joint problem-solving methodology to facilitate flexibility for the whole team.**

  This allows for variations in employee need—and shared ownership in getting the work done.

  > *It's when the top gets it, the bottom wants it, the middle can embrace it, and everyone up and down the continuum really can figure out how to make it work for him or herself.*
  >
  > *We encourage people to have a dialogue at the team level, so that it doesn't always feel like one person asking one person. It actually feels more like a discussion, so that the team can figure it out. If I want to do something today and you want to do something today, maybe we can figure out how we both can accomplish that goal—and maybe not. The team has to be dynamic enough and courageous enough to say sometimes it won't work.*
  >
  > — Maryella Gockel, Flexibility Strategy Leader, Ernst & Young[56]

- **Equip your HR team with the information and tools they need to support the flexibility launch.**

  Don't assume that colleagues in HR will already know everything they need to know about flexibility. Consider holding a briefing for them in advance of any organization-wide launch. Engage them in identifying potential pilot locations and ask for their help in making flexibility a reality in the workplaces they know best.

ADDING FLEXIBILTY TO EXISTING MANAGEMENT PROCESSES

- **Add administering workplace flexibility to existing management and employee training and/or create new modules or materials to help supervisors manage it well.**

If you are implementing flexibility broadly and if you provide management and employee training, it is helpful to add workplace flexibility as one of your offerings. This sends the message that workplace flexibility is the "new normal" in your organization. Take a hard look at your management and staff curriculum and identify opportunities to add messages about flexibility. Do you have a Management 101 program in which you define the role of a manager at your organization? That's an ideal place in which to send a strong message about flexibility as a key management tool. What about diversity training? Can you put a module on flexibility into your regularly scheduled diversity programs?

Here are a few suggestions on ways in which to embed flexibility into your curriculum:

- New Employee Orientation, including an overview of flexibility, flexible work arrangements, time off and other policies.
- Entry-level management training. In addition to including a module on flexibility, consider adding case studies related to flexibility to existing content on subjects like communications, employee engagement, talent management and employee retention. Make sure that the module addresses managers' needs for workflex, not just the employees' needs.
- Consider a stand-alone module on flexibility for both employees and managers; it could be an e-learning offering.
- Add discussion about flexibility to team-based learning programs: as teams learn about setting norms for behavior, consider flexibility as one of the areas for team development.
- Most leadership programs address the issue of talent management and retention at the more senior levels: ensure that managing flexibility is part of your organization's definition of leadership.

- **Add flexibility discussions into performance review processes.**
  - Create a format for these discussions to happen within regular performance reviews.
  - Add questions on how work is working for employees at work and at home into review materials. Include questions that help employees consider how to improve the work-life fit they have in ways that will benefit their work and their personal life.
  - Help employees set goals for themselves to make these improvements.
  - By creating a format for these discussions, you are normalizing them.

CHAPTER 14: DEVELOP A COMMUNICATIONS STRATEGY

SELECTING MESSAGES

- **Position flexibility as a strategic business tool to solve a business problem.**
- **Be clear on the business gains you plan to achieve.**

  Make sure that you know what you want to achieve. Are you competing for top talent? Trying to reduce the costs of hiring new people? One organization specifically addressed the retention of women who were leaving the firm faster than men did. Now, ten years later, flexibility is among several factors that have helped this firm retain women and men at the same rate.

SELECTING MESSENGERS

- **Use top leaders.**

  One of the most effective ways to introduce flexibility into your organization is have it championed by the most senior leader who believes in the power of a flexible workplace as the *Q & A with John Parry, the CEO of Solix, Inc.* demonstrates.

Q & A WITH JOHN PARRY, CEO OF SOLIX, INC.

John Parry, the CEO of New Jersey-based Solix, has a flexible workweek. He is an outspoken advocate of flexible workplace solutions, and Solix has won many awards in recognition of its workplace culture.[57]

Q: What's your advice to a C-Suite leader who still thinks workplace flexibility is a nice-to-have perk, not a strategic imperative?

A: *What is the end result you are looking for? You are looking to achieve corporate goals. Let's be honest. Nobody goes around cheering that 99% of employees got to work today and worked eight hours.*

What you want to know is that you have a highly motivated workforce that delivers high quality customer service. With flexibility, it helps to measure output over a longer-term period. Because of flexibility, we are getting better productivity and commitment. When we look for volunteers to meet a tight deadline or deal with a backlog, everyone raises their hands to help. That's engagement.

Too many CEOs believe they can force their will on people. It never works in the long run. Our turnover is ridiculously low (although we do let poor performers go), and we don't have an absence problem because if someone is sick they stay home and don't infect everyone.

We don't do all of this [at Solix] because we are altruistic. It's just a much simpler way to run a business. We've got good benefits and our pay is okay, but it's our culture and work environment that retains, engages and motivates our people to provide great service.

Q: How does a leader implement a culture of flexibility?

A: *Ask for input from all levels. What's making the work environment stressful? Trying to raise a family and punch a time clock?*

Prepare supervisors and employees to succeed in a flexible work culture. Pick managers who have already bought into it to take the lead because there will be a lot of skepticism. At some point, everyone will realize that there's been no reduction in quality or productivity because of flexibility and that they, as managers, get to have flexibility, too!

Now everyone gets to set his or her hours. For example, I am an early person, so I get in to the office very early in the morning but like to leave here by 4:00 p.m. most days, and I do. On the other hand, our CFO and the head of HR get in later and stay later.

To me, workplace flexibility is one of the ways to remove "the noise in the system" so that employees can focus on the business at hand, which is providing the best service to our customers, both new and old. That noise in the system can be anything from the fear of losing your job, the unproductive rumor mill or worries related to family issues. Providing a great work environment allows people to focus on the clients. We do this a few ways.

Q: How do you remove the "noise from the system?"

A: *First, communicate, communicate and communicate. We have an "Ask John" program where people are encouraged to anonymously send any questions or concerns they may have to me directly. I will answer within 24 hours.*

We don't want people to worry that it's a black mark if they miss a day of work because of a family issue. In our culture, all we really care about is the excellent service of our clients. We don't care how you structure your hours as long as you're providing that service. If you are sick, don't come in. If it snows and you want to work from home, fine. You make the decision. This eliminates a lot of workplace stress that, again, is unproductive noise in the system.

We let people compress their workweek, telework and flex their hours. We've supported phased retirements and even let people take longer chunks of time off to visit family overseas. The reality is that it takes a year to train someone. Why wouldn't we take them back after a three-month break to visit their family in India? In fact, we would let people work from home more, but they like coming in to work.

Second, we give people meaningful work to do. The work we do reaches all corners of the country to help people and that feels good. For example, a small school in Pahoa, Hawaii—where less than 25% of the students have Internet access at home—was able

to upgrade its computer lab; and a rural health care provider in the Aleutian Islands of Alaska has improved their Internet and telecom infrastructure to better serve their customers in this remote area. In addition, the work we do helps low-income citizens gain access to subsidized cell phone service. We value that.

Third, we promote the team concept. I spent most of my career in the Bell System. Because we had no external competition for many years, they promoted internal competition, which wasn't particularly positive. From this experience, I am a big proponent of teams. Individuals are important, but we celebrate and recognize team success; and people really support each other.

Finally, we encourage community involvement and good citizenship. Our employees often work in the soup kitchen as a team or raise money for charities about which they are passionate.

Source: Adapted from "Yost, C. (2009, March 3). Flex and the c-suite: John Parry, CEO of Solix, "removes noise from the system." Retrieved from http://www.fastcompany.com/1736900/flex-and-the-c-suite-john-parry-ceo-of-solix-ldquoremoves-the-noise-from-the-systemrdquo

- **Share success stories from managers who are managing successfully with workflex.**
- **Also share success stories of employees, showing how flexibility helps them meet their personal and work goals.**

SELECTING THE VEHICLES OF COMMUNICATION

- **Choose the ways you want to communicate.**

  In newsletters, on bulletin boards or in online databases, collect and disseminate examples of successful workflex for others to learn from.

  - People love the format of a reality TV show. Use quick videos posted on your Intranet as a way to highlight employee stories about flexibility.
  - Recognize managers who come up with creative approaches to flexibility. Post their stories in newsletters or online.
  - Share best practices via a flexibility "blog."
  - Don't underestimate the power of individual voices. Encourage managers to talk to their employees about flexibility and to create forums for employees to talk to each other.
  - If your organization has networking or employee resource groups, get them to include a flexibility corner on their intranet site or as a regular part of their communications with their members.

DEVELOPING COMMUNICATION TOOLS FOR EMPLOYEES

- **Help employees communicate about working flexibly.**
    - Help employees know that they shouldn't apologize for working flexibly. It is the new normal.
    - Also help employees make sure that they are accountable for results—for getting their work done well. That will be the most important indicator of whether flexibility is working or not.
    - Finally, help those employees who are working reduced hours or remotely develop a *Communication Checklist* so that the processes for working flexibly feel seamless to all those involved.

COMMUNICATION CHECKLIST

When developing workplace flexibility, it's important to determine when, where and how an employee will be available to the supervisor, coworkers and customers (internal and external). If part-time schedules, a job share arrangement or compressed workweek is being discussed, it is also important to decide on how accessible employees must be when they are not in the office. Clearly, there are personal issues as well as the business to consider. The following questions will help employees determine how coworkers, customers or other parties can have different access to employees on days when they are not in the office. A communication plan can emerge from the answers.

How and When Employee Can Be Reached by Work Colleagues

- When the employee is not at work, how will he/she be accessible?
- When will the employee be available for calls—which days, what hours?
- Are there specific hours when he/she must be available?
- Has the employee informed others how and when he/she can be reached? The employee might want to prepare a rolodex card or memo with all these numbers on it for the supervisor as well as for the work group:
    - Office extension
    - E-mail address
    - Cell phone
    - Home phone
    - Fax
    - Pager

How and When Employee Can Be Reached by Customers (Internal or External)

What is the best way to communicate with customers (such as when, where and how the employee can be reached, who can be reached in his/her absence)? If there are additional people with whom the customer will be working, would it be helpful to set up a meeting to make the introductions?

Messages

- Where can messages be left?
  - Voice mail number
  - Answering machine at home
  - Individual who can take messages
  - Back-up person when employee is not there
- Think about limiting the number of places the employee will need to check for messages as well as the possible confusion caused from too many phone numbers.

Meetings

- Will the employee be available for meetings in person when necessary?
- What contingency plans are there in the event there is short notice for a meeting?
- Can the employee participate in a meeting by phone? Is there agreement about when staff meetings will be scheduled?

Information

- Has the employee informed people about where critical information is kept?
  - Filing system
  - Computer access
  - Keys to files, desks and office
  - Addresses and contact information/rolodex
  - The employee's calendar
- Are necessary computer files shared with others who might need to access them?
- If working out of the office, how will the employee access information he/she might need?

Schedules

- If schedules vary, consider creating a weekly calendar that is shared with the work group so that individuals know when others are working, where they are working and how they can be reached.

Receiving Feedback

- How will supervisors, coworkers, customers and others give feedback on how the employee's new work schedule is working for them?

CHAPTER 15: MAINTAINING THE MOMENTUM

If you spent 90% of the time planning well, then you only spend 10% on execution. On the other hand, if you only spend 10% of the time on planning, then you will have to spend 90% of your time on fixing the problems that a lack of planning have caused.

— Michael J. Carey, Corporate Vice President, Johnson & Johnson (retired)[58]

If you have planned well (which has been the point of the guide), then you will have to spend much less time on execution and implementation. So, the first point in maintaining momentum is to take care of yourself and all of your flexibility champions.

Making change is hard work and requires a level of resilience and personal adaptability that can try even the most seasoned executives. There is always a fair amount of resistance when you implement change—and sometimes it feels like Sisyphus pushing that rock uphill. That said, acknowledging that implementing flexibility is a change effort—with expected ups and downs—can be liberating for those people involved in making the change with you.

EMBEDDING FLEXIBILITY AS A PART OF CHANGE MANAGEMENT

Here are a few things to consider as you strive to maintain momentum:

- **Continue to educate all of your flexibility champions in change management.**

  The more they understand the change process, on both an organizational and individual level, the better they will be equipped to help the organization move forward. There are lots of models to use and articles to read, even training programs to offer, but the most important element is that your champions develop an appreciation for the most effective ways to make change: create a level of urgency around shifting the status quo, have a clear vision, engage others, communicate relentlessly, integrate into management systems and processes, measure and make improvements; and that, on an interpersonal level, they develop the stamina and perseverance to deal with challenges and naysayers.

- **Create opportunities for recognition for managers who promote flexibility; and construct small wins on an ongoing basis.**

  Look for places in which flexibility is relatively easy to implement early on and celebrate successes publicly. Continue to celebrate the harder successes as time goes on.

- **Continue to communicate, communicate, communicate.**

  Look for opportunities to integrate flexibility messages into "regular" organization communications on an ongoing basis—whether it's related to your quality or productivity efforts, your climate survey findings, your health and wellness offerings, etc. The goal is for flexibility to become part of the culture, not a "one-off" offering.

BUILDING WORKFLEX INTO YOUR ACCOUNTABLITY SYSTEM

- **Build workflex into your accountability system and other key management systems.**

  Add managing flexibly into the rewards criteria for raises and promotions.

  Develop questions for standard performance appraisals where supervisors and employees have scripted questions to help them talk about how to meet personal and professional goals. That is the beauty of Mass Career Customization that Deloitte has created. (See case study of Deloitte in Section II for further information.)

  Unless people are rewarded for managing and working flexibly, it will not achieve its intended results!! The more people who are involved in flexibility and the more they see benefits for this involvement, the more likely flexibility will take hold as part of the "DNA" of your organization.

MAKING ONGOING IMPROVEMENTS

- **Look for improvements you can make.**

  At Cornell University, the next phase of their veterans' initiative will make better use of social media tools for communication.[59] Intel took its flexibility agenda to the next step by creating a program to enable retiring employees to transition into retirement by working part time at a local nonprofit organization.[60,61] Introducing flexibility is iterative—the more open you and the organization become to possibilities, the more options present themselves to you.

MEASURE YOUR RESULTS

- **Measure what matters.**

  Consider some kinds of pre- and post-measurements. See the many metrics in the Diagnostic Toolkit chapter that follows this chapter.

  Make sure your measures align with your goals. If you are using flexibility as a way to reduce turnover of great performers, for example, track turnover prior and during implementation to gauge effectiveness. Consider using the ideas in the business case section to create a set of metrics, which you track regularly both to determine how well you are doing as well as what needs changing.

  Embed metrics related to flexibility in your management scorecards, 360 feedback processes or other performance management tools.

  Chapter 16 provides information for using HR metrics, in the event that you want to conduct a study of your return on investment.

CONCLUSION

Creating a more flexible workplace is an ongoing process, requiring a combination of analytic work to identify and prove the business case, change management approaches to gain buy-in and support, and practical implementation tools to educate supervisors, managers and employees on what flexibility is and how to achieve it. Constant communication and integration of flexibility principles into management and HR systems reinforce the effort so that flexibility becomes an integral part of an organization's culture. This guide was designed to give you an overview of how to make this change, supplemented by tools and techniques that can be applied to organizations of every size. Most important, it is designed to help you make workflex a "win" for all involved.

CHAPTER 16: DIAGNOSTIC TOOLKIT

This Diagnostic Toolkit includes a wealth of quantitative and qualitative approaches to getting the data you need to launch your workflex effort. We believe it offers one of the best resources of its kind.

The quantitative measures that we recommend in this section are typically standardized measures that have been validated by many years of research. Families and Work Institute developed many of these measures for its nationally representative research. Other measures have been developed by well-respected researchers. These items could be combined to create a stand-alone survey or could be used as items in your regularly scheduled climate survey.

Families and Work Institute, or others well known and well respected for this type of work, developed the qualitative measures.

A Word about Using This Chapter

Although these measures are presented following the order in which they are mentioned in Section III, feel free to find the measures that most interest you regardless of their order in this chapter. Note also that we use the term ORGANIZATION (in capital letters) throughout this chapter as a stand-in for the name of your organization.

UNDERSTANDING CONTEXT AROUND FLEXIBILITY

An important part of setting the context comes from benchmarking—taking a hard look at what others are doing currently, how they started and what lessons they have learned in the process. Using a consistent set of questions as you talk to people in other companies will make it easier to compare data and draw conclusions.

BENCHMARKING PROTOCOL

1. Describe your organization's approach to work life and flexibility. If you offer a full range of programs and policies (from dependent care to resource and referral to health and wellness and time off), please describe your "signature" programs, the ones you think distinguish ORGANIZATION from others. If you offer a select few programs, again choose the ones you think have the greatest impact and are unique.
2. Let's get specific about flexibility. What kinds of programs and policies do you have in place? For our purposes, we will talk about the following types of flexibility: **choices in managing time, flex time and flex place, reduced time, time off (that includes a lack of difficulty in taking time off when personal issues arise during the day), flex careers and a culture of flexibility (that includes support for using the flexibility you offer)**. What types of flexibility are most important to you and why?

3. If we were talking to some of the managers and supervisors at your ORGANIZATION what would they say about flexibility? If we talk to employees, what would they say?
4. Thinking back to the beginning, what can you tell us about how you implemented flexibility? What steps did you take? How did you make a business case? Which allies did you include in the process?
5. What was hard and what was easy about getting the green light to implement flexibility? What advice would you give to an organization that is getting started now?
6. If you knew then (when you first started) what you know now, what might you have changed about your approach?
7. How have you maintained momentum at ORGANIZATION?
8. What are your best communications strategies?
9. How do you measure the impact of your flexibility on your organization and on employees? Have you done a formal or informal ROI study? What data do you have that you can share?
10. What's flexibility's "next frontier" for your organization?
11. Anything else you would like to add?

Source: Bunson, J. & Families and Work Institute. (2012). *Benchmarking Protocol*.

As part of your initial exploration of this issue, you may choose to get broad perspectives from employees and managers about the workplace, their perceptions of drivers of productivity and effectiveness, and get a sense of why flexibility matters. For more immediate feedback, consider focus groups to identify employee perceptions related to the workplace generally, work life and flexibility.

This set of questions would be helpful as you look to create a picture of employees' experiences, their drivers and some of their challenges.

FOCUS GROUP QUESTIONS ABOUT WORKFLEX FOR EMPLOYEES

1. At ORGANIZATION, we are very committed to making this a place in which employees and managers can do their best work. Let's go around the table (virtual or real) and get your reactions to that statement: on a scale of 1 to 10, how close to you think we are coming to achieving that goal: 1 = very close and 10 = haven't really started yet; and 5 would mean that you're not sure or you think the organization is more or less in the middle of the pack.
2. Now that we have a general feel from you, let's get more specific. What are the best things about working for ORGANIZATION? Probe for work environment, supportive managers/supervisors, training and development, benefits, etc.
3. If you could change one thing about working for ORGANIZATION, what would that be and why?

4. One of the areas we are interested in exploring further is work life (or whatever your organization calls it). If you were going to write a book on what it's like to manage your work at ORGANIZATION and your personal responsibilities, what would the title of your book be? What kind of illustrations might you use? What image would be on the book cover?
5. When we peer inside the book, what is ORGANIZATION doing that matters most to you in this arena? What is ORGANIZATION not doing?
6. Let's talk about one specific area of work life: flexibility. What does flexibility mean to you?
7. There are many types of flexibility. For our purposes, we will talk about the following types of flexibility: choices in managing time, flex time and flex place, reduced time, time off (that includes a lack of difficulty in taking time off when personal issues arise during the day), flex careers and a culture of flexibility (that includes support for using the flexibility you offer). What types of flexibility are most important to you and why?
8. Complete this sentence: if ORGANIZATION offered more options for flexibility, employees would _____ (probe for specific: be absent less, be less distracted at work, etc.).
9. What else would you like to tell us about the workplace, work life or flexibility?
10. If you could give one piece of advice to senior management about improving the workplace at ORGANIZATION, what would it be?

Source: Bunson, J. & Families and Work Institute. (2012). *Focus Group Questions About Workflex for Employees*.

At the same time, you may choose to get managers' perspectives on the workplace, work life and flexibility. Here is a focus group protocol you can use with managers:

FOCUS GROUP QUESTIONS ABOUT WORKFLEX FOR MANAGERS

1. At ORGANIZATION, we are very committed to making this a place in which employees and managers can do their best work. Let's go around the table (virtual or real) and get your reactions to that statement: on a scale of 1 to 10, how close to you think we are coming to achieving that goal: 1= very close and 10 = haven't really started yet; and 5 would mean that you're not sure or you think the organization is more or less in the middle of the pack.
2. Now that we have a general feel from you, let's get more specific. What are the best things about working for ORGANIZATION? Probe for work environment, supportive managers/supervisors, training and development, benefits, etc. Think from both your own perspective and the perspective of your employees. Is your answer different from your employees' answers? Why or why not?

3. If you could change one thing about working for ORGANIZATION, what would that be and why?
4. One of the areas we are interested in exploring further is work life (or whatever your organization calls it). If you were going to write a book on what it's like to manage your work at ORGANIZATION and your personal responsibilities, what would the title of your book be? What kind of illustrations might you use? Or what image would be on the book cover?
5. When we peer inside the book, what is ORGANIZATION doing that matters most to you in this arena? What is ORGANIZATION not doing? As a manager, what would be most helpful to you?
6. Let's talk about one specific area of work life: flexibility. What does flexibility mean to you?
7. There are many types of flexibility. For our purposes, we will talk about the following types of flexibility: choices in managing time, flex time and flex place, reduced time, time off (that includes a lack of difficulty in taking time off when personal issues arise during the day), flex careers and a culture of flexibility (that includes support for using the flexibility you offer). What types of flexibility are most important to you and why?
8. How would you describe your own management style with respect to flexibility?
9. Complete these two sentences. If ORGANIZATION offered more options for flexibility, employees would _____ (probe for specific outcomes: be absent less, be less distracted at work, etc.); and then complete this one as well: as a manager, more flexibility would be hard because _____.
10. ORGANIZATION is serious about increasing flexibility options for employees. What tools, resources, training, etc. would you need to actively support this priority?
11. What else would you like to tell us about the workplace, work life or flexibility?
12. If you could give one piece of advice to senior management about improving the workplace at ORGANIZATION, what would it be?

Source: Bunson, J. & Families and Work Institute. (2012). *Focus Group Questions About Workflex for Managers*.

GETTING SPECIFIC: ALIGNING THE PEOPLE STRATEGY WITH FLEXIBILITY GOALS AND GATHERING DATA TO ESTABLISH THE BUSINESS CASE

As you collect data for your organization's business case, as discussed in the earlier chapter, here are some qualitative and quantitative tools that might be helpful for you.

If your business issue is the need to *attract employees with specific or diverse skills and backgrounds or improve in the number of or quality of job applicants*, you can …

Use this set of questions to better understand what factors matter most to people when taking a new job. You might ask a group of people who have recently joined your organization to complete this survey.

REASONS FOR TAKING A NEW JOB:

How important are each of the following things in deciding to take a *new* job (or a job at ORGANIZATION)?

Extremely important? Very important? Somewhat important? Not important?

1. Doing work that challenges me to learn new things
2. Being well paid for my skills and effort on the job
3. Doing work that has a positive impact on the lives of others
4. Having a secure job that I don't have to worry about losing
5. Being able to advance at the pace I want to advance
6. Working in a job where I can make decisions about how my job gets done
7. Having the flexibility I need to manage my work and personal or family life
8. Having work that is meaningful to me
9. Having a job with good benefits like health insurance
10. Having a job where my ideas are listened to
11. Having managers I can trust
12. Working for an organization that I am proud to work for
13. Having a supervisor or manager who supports me in doing a good job
14. Working for an organization where I feel that I can be myself
15. Having a supervisor or manager who recognizes when I do a good job

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

If your business issue is the need to *reduce absenteeism*, you can …

If you suspect that your policies (or lack of them) are promoting additional absenteeism, these questions on absenteeism correlated with flexibility might help you. They would be appropriate to ask in the context of a broader survey effort.

ABSENTEEISM AND ACCESS TO FLEXIBILITY

1. Thinking back over the past three months, how many times have you missed **any** work—either part days or full days—that were NOT scheduled in advance with the approval of your supervisor or manager?

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

FLEXIBILITY

1. "I have the schedule flexibility I need at work to manage my personal and family responsibilities"—strongly agree, somewhat agree, somewhat disagree or strongly disagree?

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

If your business issue is the need to *reduce turnover or regretted losses or turnover in key positions or among key groups of employees*, you can …

Add the following type of questions into your regular climate survey.

EXIT INTERVIEW PROTOCOL

How important was each of the following in your decision to take a job at another organization …

Extremely important? Very important? Somewhat important? Not important?

1. Doing work that challenges me to learn new things
2. Being well paid for my skills and effort on the job
3. Doing work that has a positive impact on the lives of others
4. Having a secure job that I don't have to worry about losing
5. Being able to advance at the pace I want to advance
6. Working in a job where I can make decisions about how my job gets done
7. Having the flexibility I need to manage my work and personal or family life

8. Having work that is meaningful to me
9. Having a job with good benefits like health insurance
10. Having a job where my ideas are listened to
11. Having managers I can trust
12. Working for an organization that I am proud to work for
13. Having a supervisor or manager who supports me in doing a good job
14. Working for an organization where I feel that I can be myself
15. Having a supervisor or manager who recognizes when I do a good job

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

If you have lost some highly valued employees and want to conduct a study of why they left, here is an interview protocol that you can use.

REGRETTED LEAVERS INTERVIEW PROTOCOL

History at Organization

1. Tell me about your employment history at ORGANIZATION, specifically the jobs you've held, beginning with your first job, and the length of time in those jobs (month/year)?
2. At ORGANIZATION, please describe your work patterns. [Make sure interviewee knows whether this is for most recent job or, if otherwise, please specify.]
    a. On average, how many hours per week did you work?
    b. To what extent did you travel?
    c. On average, how often did you work nights or weekends?

Career Advancement and Development

3. When you began to work at ORGANIZATION, what were your aspirations/career objectives?
    a. To what extent were these aspirations/career objectives met? Why or why not?
4. Did your aspirations change during the time you were working at ORGANIZATION?
    a. How?
    b. Were there things going on at work that contributed to this change in your thinking?
    c. In your personal life?

5. In what ways did ORGANIZATION help you develop and advance?

   Probe for how organization helped, such as:

   - training
   - stretch assignments
   - opportunities for visibility
   - having people to turn to for career strategy/advice
   - having mentor/sponsors who helped you advance
   - access to decision makers, key people

6. How did you feel about the pace of your advancement at ORGANIZATION?
7. What challenges to your career development and advancement, if any, did you experience while at ORGANIZATION?

Work Life and Flexibility

8. How would you describe the fit between your work and your personal or family life when you were working at ORGANIZATION?

Your Decision to Leave

9. What were the primary factors that contributed to your decision to leave?

   Probe for work and home factors that influenced the decision to leave, for example:

   - satisfaction with the work
   - relationship with manager/coworkers
   - compensation
   - the culture
   - opportunities for advancement
   - opportunities for ongoing learning and development
   - hours or schedule worked
   - workplace flexibility
   - family or personal demands

10. When did you start thinking about leaving?

    Probe:

    - Was this a decision long in coming or not?
    - Was there a precipitating event that triggered your decision?

11. Whom did you talk to while you were making this decision?

    a. How did this person or these people affect or influence you?

    b. *If not clear from previous answers:* Did you talk with your manager? Why or why not? *If yes:* How did your manager influence you?

12. What, if anything, could ORGANIZATION have done to keep you there?
13. What, if any, are your regrets about having left ORGANIZATION?

Your Time Away from ORGANIZATION

14. What have you spent your time on while away from ORGANIZATION?

FOR THOSE WHO ARE CURRENTLY WORKING

15. How is this type of work similar to or different than the work you did at ORGANIZATION?
16. How is the work environment similar to or different than the work environment at ORGANIZATION?
17. Is the workplace flexibility similar to or different than the workplace flexibility at ORGANIZATION?

FOR THOSE WHO ARE NOT CURRENTLY WORKING

18. In what ways have you kept up your skills and interests? Developed new skills and interests?
19. If you have tried to re-enter the workforce, what challenges, if any have you faced, and how did you handle them?
20. How do others (for example, family or friends) feel about the possibility of your returning to work?

FOR ALL

21. How, if at all, have your personal or professional priorities changed during your time away from ORGANIZATION?
22. Have you thought about returning to ORGANIZATION?
    a. Why or why not?

    Probe for:

    - job
    - hours
    - salary
    - promotion
    - work-life or flexibility issues

Your Feelings about ORGANIZATION Now

23. Are you in touch with your former colleagues from ORGANIZATION?
    a. Are these contacts primarily personal or professional?
24. Would you be open to involvement with ORGANIZATION now?

Probe for:

- career transition seminars (for people not working)
- skills related activities
- social gatherings for ORGANIZATION alums
- what else

Demographics

The following questions are voluntary and will provide consolidated data of the demographics of all interviewees.

25. If you have a spouse/domestic partner, does he/she work full time?
    a. *If working:* Who is the primary earner in your family?
26. Do you have children?
    a. *If yes:* How many and what ages?
27. Do you have elders for whom you are responsible?
    a. Do you have other dependent care responsibilities?
28. Is there anything else you would like to add?

Source: Families and Work Institute. (2005). *Regretted Leavers Interview Protocol*. New York, NY: Families and Work Institute.

Often a mismatch between an employee's values and the organization's values cause individuals to consider leaving. These questions, when correlated with an item related to anticipated turnover, might help you understand this dynamic. This particular group of questions about values would work well as part of an overall climate survey.

VALUES

To what extent are the following values important to you in your work and career?
Select the one best answer for each question.

To a very great extent

To a great extent

To some extent

To a small extent

Not at all

1. Doing work that challenges me to learn new things
2. Being well paid for my skills and effort on the job

3. Doing work that has a positive impact on the lives of others
4. Having a secure job that I don't have to worry about losing
5. Being able to advance at the pace I want to advance
6. Working in a job where I can make decisions about how my job gets done
7. Having the flexibility I need to manage my work and personal or family life
8. Having work that is meaningful to me
9. Having a job with good benefits like health insurance
10. Having a job where my ideas are listened to
11. Having managers I can trust
12. Working for an organization that I am proud to work for
13. Having a supervisor or manager who supports me in doing a good job
14. Working for an organization where I feel that I can be myself
15. Having a supervisor or manager who recognizes when I do a good job

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

The following questions would also work well in a general climate survey and could help you predict anticipated turnover.

ANTICIPATED TURNOVER

Taking everything into consideration, how likely is it that you will make a genuine effort to find a new job in the next year …

1. Very likely
2. Somewhat likely
3. Not at all likely

BASE: ALL RESPONDENTS WHO ARE NOT LIKELY TO LEAVE WITHIN NEXT YEAR

How long from now do you think that you might actually leave ORGANIZATION?

[#] years

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

If your business issue relates to *health and wellness*, you can …

Here are some questions that you can use to assess the health of your employees, taken from Families and Work Institute's National Study of the Changing Workforce. Note that these measures have been correlated with actual measures of physical health in other research, so you can trust that they assess health as well as any self-reported measures do. To see the relationship between health and flexibility, correlate these questions with the question about access to flexibility, listed below. Make sure that you control for other factors that might affect health, such as age, gender, tenure, dependent care responsibilities, job level, etc.

MINOR HEALTH PROBLEMS

In the last month, how often have you …

Never? Almost Never? Sometimes? Fairly Often? Very Often?

1. Been bothered by minor health problems such as headaches, insomnia or stomach upsets?

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

PERCEIVED STRESS

In the last month, how often have you …

Never? Almost Never? Sometimes? Fairly Often? Very Often?

1. How often have you felt nervous and stressed?
2. How often have you felt that you were unable to control the important things in your life?
3. How often have you felt confident about your ability to handle your personal problems?
4. How often have you felt that things were going your way?
5. How often have you felt that difficulties were piling up so high that you could not overcome them?

Sources:
Cohen, S., Kamarck, T. & Mermelstein, R. (1983). A global measure of perceived stress. J*ournal of Health and Social Behavior,* 24, 385-396;

Cohen, S. & Williamson, G. (1988). Perceived stress in a probability sample of the United States. In S. Spacapam & S. Oskamp (Eds.), *The social psychology of health: Claremont Symposium on applied social psychology.* (pp. 31-67). Newbury Park, CA: Sage.

SLEEP ISSUES

In the last month, how often have you …

Never? Almost Never? Sometimes? Fairly Often? Very Often?

1. How often have you had trouble falling asleep when you go to bed?
2. How often have you awakened before you wanted to and had trouble falling back asleep?

Source: Maume, D. & Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

DEPRESSION

1. During the past month, have you been bothered by feeling down, depressed or hopeless?
   a. Yes
   b. No
2. During the past month, have you been bothered by little interest or pleasure in doing things?
   a. Yes
   b. No

Source: Whooley, M. A., Avins, A. L., Miranda, J., & Browner, W. S. (1997). Case finding instruments for depression: Two questions are as good as many. *Journal of General Internal Medicine*, 12, 439-445.

OVERALL HEALTH

How would you rate your current state of health: excellent, good, fair or poor?

1. Excellent
2. Good
3. Fair
4. Poor

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

SPECIFIC HEALTH PROBLEMS

1. Are you currently being treated for any of the following medical conditions?

	Yes	No
High blood pressure		
High cholesterol		
Diabetes		
Any serious heart condition		
Any mental health problem		

Source: Landsbergis, P., & Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

HEALTHY LIFESTYLE

1. On how many different occasions did you do vigorous physical exercise during the past 30 days?

   _____

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

PRESENTEEISM

1. There are times when employees may choose to work even when they feel unwell (through sickness or injury) and would like to take sick leave. Have you ever chosen to work on a day when you felt unwell and would have liked to take sick leave?

   ☐ Yes

   ☐ No

IF YES:

2. In the past 12 months, how often have you worked even when you felt unwell and would have liked to take sick leave?

   ☐ Never

   ☐ Once

   ☐ Between 2 and 5 times

   ☐ More than 5 times

3. To what extent do the following considerations influence your decision to work on a day when you feel unwell and would like to take sick leave?

	A lot	Somewhat	Not very much	Not at all
I could have lost my job				
I could have lost a chance at a promotion, raise or other opportunity				
My coworkers or supervisor would have had less respect for me				
My coworkers or supervisor wouldn't have believed I was really sick				
I am expected to work from home even when I am sick				
I couldn't afford to let work pile up while I was on leave				
My coworkers or subordinates wouldn't have done their jobs right				
My coworkers, supervisor or clients would have been unacceptably inconvenienced				
I would have missed important deadlines				
I have job responsibilities that need to be performed every day and only I can do them				
I didn't want to let an injury or illness get in the way of doing my job				

Source: Aronsson, G., Gustafsson, K., & Dallner, M. (2000). Sick but yet at work: An empirical study of sickness presenteeism. *Journal of Epidemiology and Communal Health*, 54, 502-509. doi:10.1136/jech.54.7.502.

FLEXIBILITY

1. I have the schedule flexibility I need at work to manage my personal and family responsibilities—strongly agree, somewhat agree, somewhat disagree or strongly disagree?

Source: Families and Work Institute. (2007). *2008 Questionnaire: The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

JOB SATISFACTION

1. All in all, how satisfied are you with your job?
    a. Very satisfied
    b. Somewhat satisfied
    c. Not too satisfied
    d. Not satisfied at all

2. Knowing what you know now, if you had to decide all over again, would you decide without any hesitation to take the same job, would you have some second thoughts or would you decide definitely not to take the same job?
    a. Take same job again without hesitation
    b. Have second thoughts
    c. Definitely NOT take job
3. If a good friend of yours told you that he or she was interested in working for your employer, what would you tell your friend? Would you strongly recommend your employer, would you have doubts about recommending your employer or would you strongly advise your friend against working for your employer?
    a. Strongly recommend it
    b. Have doubts about recommending it
    c. Advise (him/her) against it

Sources:

Quinn, R., & Staines, G. (1977). *Quality of Employment Survey*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

Families and Work Institute. (1992, 1997, 2002, 2008). *The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

EMPLOYEE ENGAGEMENT

The Utrecht Work Engagement Scale-Short Version*,[62] ©Schaufeli & Bakker, 2003, 2006

The following statements are about how you feel at work. Please read each statement carefully and indicate how often you have felt this way about your job.

0 Never
1 Almost never
2 Rarely
3 Sometimes
4 Often
5 Very often
6 Always

VI1 At my work, I feel bursting with energy.[i]
VI2 At my job, I feel strong and vigorous.[ii]
DE2 I am enthusiastic about my job.
DE3 My job inspires me.
VI3 When I get up in the morning, I feel like going to work.
AB3 I feel happy when I am working intensely.

DE4 I am proud of the work that I do.
AB4 I am immersed in my work.
AB5 I get carried away when I'm working.[iii]

VI=Vigor, DE=Dedication, AB=Absorption

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* The Utrecht Work Engagement Scale is free for use for non-commercial scientific research. Commercial and/or non-scientific use is prohibited, unless previous written permission is granted by the authors.

The Sloan Center on Aging & Work at Boston College suggests that the following items could be replaced:

[i] Item could be replaced by a counterpart item from the UWES-17: VI5 At my job, I am very resilient, mentally.

[ii] Item could be replaced by a counterpart item from the UWES-17: VI4 I can continue working for very long periods at a time.

[iii] Item could be replaced by a counterpart item from the UWES-17: AB1 Time flies when I'm working.

Sources:

Christian, M.S., Garza, A.S., & Slaughter, J.E. (2011). Work engagement: A quantitative review and test of its relations with task and contextual performance. *Personnel Psychology, 2011, 64*, 89–136.

Macey, W.H. & Scheider, B. (2008). The meaning of work engagement. *Industrial and Organizational Psychology, 1*, 3–30.

Schaufeli, W. B., & Bakker, A. B. (2003). Test manual for the Utrecht Work Engagement Scale. Unpublished manuscript, Utrecht University, the Netherlands. Retrieved from http://www.schaufeli.com.

Schaufeli, W.B., Bakker, A.B., & Salanova, A. (2006). The measurement of work engagement with a short questionnaire. *Educational and Psychological Measurement, 66* (4).

SHRM Job Satisfaction/Engagement Survey 2012 – U.S. Employee Version

Conditions for Engagement:

Please indicate your overall satisfaction with respect to the following aspect(s) at your current job:

Very satisfied (5)	Somewhat satisfied (4)	Neutral/ Neither satisfied nor dissatisfied (3)	Somewhat dissatisfied (2)	Very dissatisfied (1)	Not applicable (0)

Employee Capacity to Engage:

1. Career advancement opportunities within the organization
2. Career development opportunities for learning and professional growth (mentorships, cross training, etc.)

3. Job specific training
4. The organization's commitment to professional development
5. Relationships with coworkers
6. Organization's financial stability

Reason to Engage

1. Opportunities to network with others (within or outside the organization) to help in advancing your career
2. The work itself (it is interesting, challenging, exciting, etc.)
3. Meaningfulness of job (understanding how your job contributes to society as a whole)
4. The variety of your work (working on different projects, using different skills)
5. The contribution your work has on the overall business goals of the organization

Feel Free to Engage

1. Autonomy and independence to make decisions
2. Recognition by management about your job performance (feedback, incentives, rewards)
3. Relationship with immediate supervisor
4. Organization's commitment to corporate social responsibility (balance financial performance with contributions to the quality of life of their employees, the local community and society at large)
5. Communication between employees and senior management

Engagement Opinions:

Please indicate your level of agreement with each of the following statement:

Strongly agree (5)	Agree (4)	Neutral/Neither agree nor disagree (3)	Disagree (2)	Strongly disagree (1)

1. I am determined to accomplish my work goals and confident I can meet them.
2. I am highly motivated by my work goals.
3. I am often so wrapped up in my work that hours go by like minutes.
4. I feel completely plugged in at work, like I'm always on full power.
5. I enjoy volunteering for activities beyond my job requirements.
6. I have passion and excitement about my work.
7. I frequently feel like I'm putting all my effort into my work.
8. While at work I'm almost always completely focused on my work projects.

Engagement Behaviors:

Please indicate your level of agreement with each of the following statement:

Strongly agree (5)	Agree (4)	Neutral/Neither agree nor disagree (3)	Disagree (2)	Strongly disagree (1)

1. My colleagues quickly adapt to challenging or crisis situations.
2. My work group never gives up.
3. In my organization, employees are encouraged to take action when they see a problem or opportunity.
4. In my work group we are constantly looking out to see what challenge is coming next.
5. Others in my organization view unexpected responsibilities as an opportunity to succeed at something new.
6. Other people in my organization often volunteer for new projects.
7. The people in my work group are always flexible in expanding the scope of their work.
8. Employees in my organization deal very well with unpredictable or changing work situations.

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If you would like a more comprehensive survey of engagement and job satisfaction that is benchmarked against other companies of your size, in your industry, then contact SHRM to learn about their People Insight service. To learn more, go to http://www.shrm.org/Research/SurveyFindings/Pages/PeopleInSight.aspx You can also contact SHRM Research at 703-535-6295 or peopleinsight@shrm.org.

DRAWING CONCLUSIONS: WHERE DO YOU GO FROM HERE

Consider embedding a few flexibility related questions in your organization-wide climate survey and correlating them with measures of satisfaction, engagement and retention.

Or conduct a specific needs assessment on Workflex. Here are some items to use that have been drawn from the Families and Work Institute and SHRM's *When Work Works* criteria for the Sloan Award for Excellence in Workplace Effectiveness and Flexibility.

Note: customize these items to fit the flexibility options that you have or would consider offering.

ACCESS TO AND NEED FOR WORKFLEX

1. **Are you currently working flexibly?**
   - ☐ Yes ⟶ GO TO QUESTION 2
   - ☐ No ⟶ GO TO QUESTION 3
2. **If yes, how are you working flexibly? Please check all that apply.**
   - ☐ Periodically changing starting and quitting times within some range of hours
   - ☐ Changing starting and quitting times on a daily basis
   - ☐ Compressing my workweek by working longer hours on fewer days for at least part of the year
   - ☐ Working some regular paid hours at home occasionally
   - ☐ Having control over when to take breaks
   - ☐ Having choices about and control over which shifts to work
   - ☐ Working part time but could move to full time while remaining in the same position or level
   - ☐ Working full time but could move to part time while remaining in the same position or level
   - ☐ Taking time off during the workday to tend to important family or personal needs without loss of pay
   - ☐ Phasing into retirement by working reduced hours over a period of time prior to full retirement
   - ☐ Taking a sabbatical i.e., leaves (paid or unpaid of six months or more) and return to a comparable job
3. **Have you requested a flexible work arrangement in the past year?**
   - ☐ Yes ⟶ GO TO QUESTION 4
   - ☐ No ⟶ GO TO QUESTION 5
4. **Did you discuss ways to adjust your request to fit both your needs and the needs of your employer with your supervisor?**
   - ☐ No, my request was *accepted* without discussion.
   - ☐ No, my request was *rejected* without discussion.
   - ☐ Yes, and we *reached* a mutually beneficial arrangement.
   - ☐ Yes, but we *did not reach* a mutually beneficial arrangement.
5. **Why did you choose *not* to request a flexible work arrangement? *Check all that apply.***
   - ☐ My job responsibilities don't allow it.
   - ☐ There would be negative consequences for my job advancement.

- ☐ There would be negative consequences for my current or future earnings.
- ☐ My manager isn't (wouldn't be) supportive.
- ☐ My coworkers aren't (wouldn't be) supportive.
- ☐ It might mean that others at work would have more to do.
- ☐ It might make me look less committed to my job or career.
- ☐ I didn't want/need any flexible work arrangements.
- ☐ I was not comfortable in asking. *Please specify why:* _____
- ☐ Other. *Please specify:* _____

6. Would you need any of the following Workflex options? Check all that apply.

- ☐ Periodically changing starting and quitting times within some range of hours
- ☐ Changing starting and quitting times on a daily basis
- ☐ Compressing my workweek by working longer hours on fewer days for at least part of the year
- ☐ Working some regular paid hours at home occasionally
- ☐ Having control over when to take breaks
- ☐ Having choices about and control over which shifts to work
- ☐ Working part time but could move to full time while remaining in the same position or level
- ☐ Working full time but could move to part time while remaining in the same position or level
- ☐ Taking time off during the workday to tend to important family or personal needs without loss of pay
- ☐ Phasing into retirement by working reduced hours over a period of time prior to full retirement
- ☐ Taking a sabbatical i.e., leaves (paid or unpaid of six months or more) and return to a comparable job

Source: Families and Work Institute, & Society for Human Resource Management. (2012). *Sloan award application, When Work Works*.

You can also ask about supervisors and their support of work and family life issues.

SUPERVISOR SUPPORT FOR WORKFLEX

		Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree
a.	Supervisors or managers are encouraged to assess employees' performance by what employees accomplish, and not just by "face-time"—that is, the number of hours they spend at the workplace.				
b.	My supervisor or manager is fair and doesn't show favoritism in responding to employees' personal or family needs.				
c.	My supervisor or manager is responsive to my needs when I have family or personal business to take care of. *For example, medical appointments, meeting with child's teacher, etc.*				
d.	My supervisor or manager really cares about the effects that work demands have on my personal and family life.				
e.	My supervisor or manager makes an active effort to make work demands fit with my personal and family life				
f.	The organization makes a real and ongoing effort to inform employees of available assistance for managing work and family responsibilities				

Source: Families and Work Institute, & Society for Human Resource Management. (2012). *Sloan award application, When Work Works*.

SECTION IV

WORKFLEX AND THE LAWS—UNDERSTANDING COMPLIANCE

The purpose of these chapters is to provide a guide for HR professionals to understand the legal compliance issues surrounding workflex. In this section, we discuss the most relevant laws—such as the Americans with Disabilities Act (ADA) of 1990; the Title VII, Pregnancy Discrimination Act of 1978; The Family and Medical Leave Act (FMLA) of 1993; The Fair Labor Standards Act (FLSA) of 1938; The Patient Protection and Affordable Care Act (PPACA) of 2010; The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994; and the Occupational Safety and Health Act (OSHA) of 1970.[63]

CHAPTER 17: AMERICANS WITH DISABILITIES ACT (ADA) OF 1990

The basic premise of Title I of the ADA is to protect qualified employees with disabilities[64] from discrimination. Indeed, the original ADA's "general rule" provides:

> *No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment.*

42 U.S.C. § 12112(a). One of the main goals Congress sought to address when drafting the ADA was to address the "failure to make modifications to existing facilities and practices" to enable individuals with disabilities to "full[y] participat[e] … in economic self-sufficiency." *See*, e.g., 42 U.S.C. § 12101(a)(5), (8). Because this law is complex, our discussion will focus on the general rule (do not discriminate against employees with disabilities) and employers' reasonable accommodation obligations.

Before reviewing what the law does and does not require, it is important to understand a few definitions.

What Is a Disability?

The pre-amendment ADA defined a "disability" to mean, "with respect to an individual:

(A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

(B) a record of such an impairment; or

(C) being regarded as having such an impairment."

42 U.S.C. § 12102(2). After the ADA's initial enactment, courts across the country struggled with the meaning of key terms, such as "impairment," "substantially limits," "major life activities," and the like. Many courts created what Congress later found to be overly-narrow constructions of these terms that, as a result, limited the protections of the ADA in contravention of Congress' original intent.

To "take back the ADA," so to speak, Congress enacted the ADA Amendments Act of 2008 (ADAAA). The ADAAA took effect in January 2009 and functionally reversed several court holdings including two (2) Supreme Court holdings, *Sutton v. United Air Lines, Inc.*, 527 U.S. 471 (1999) and *Toyota Motor Mfg., Inc. v. Williams*, 534 U.S. 184 (2002), and broadened the scope of the ADA's coverage. As the U.S. Equal Employment Opportunity Commission (EEOC) has stated,

> *The effect of these changes is to make it easier for an individual seeking protection under the ADA to establish that he or she has a disability within the meaning of the ADA.*

Because the ADAAA and the EEOC's subsequent regulations implementing the ADAAA are now controlling, we will focus on the meaning of these key terms in the post-ADAAA era.

ADAAA Definitions

Reviewing key terms and rules of construction is necessary to understanding employers' obligations under the ADAAA, and sometimes paraphrasing definitions can be more confusing than simply reviewing the language Congress drafted. Thus, here is some language taken directly from the ADAAA:

(1) **DISABILITY**—The term "disability" means, with respect to an individual—

  (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;

  (B) a record of such an impairment; or

  (C) being regarded as having such an impairment (as described in paragraph (3)).[65]

(2) **MAJOR BODILY FUNCTIONS**—For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

(3) **REGARDED AS HAVING SUCH AN IMPAIRMENT**—For purposes of paragraph (1)(C):

  (A) An individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived

physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

(B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of six months or less.

(4) **RULES OF CONSTRUCTION REGARDING THE DEFINITION OF DISABILITY**—The definition of "disability" in paragraph (1) shall be construed in accordance with the following:

(A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.

(B) The term "substantially limits" shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.

(C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.

(D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

(E)(i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—

(I) medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;

(II) use of assistive technology;

(III) reasonable accommodations or auxiliary aids or services; or

(IV) learned behavioral or adaptive neurological modifications.

(ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.

(iii) As used in this subparagraph—

(I) the term "ordinary eyeglasses or contact lenses" means lenses that are intended to fully correct visual acuity or eliminate refractive error; and

(II) the term "low-vision devices" means devices that magnify, enhance, or otherwise augment a visual image.

42 U.S.C. § 12102.

Definitions: Who Is a Qualified Individual Under the Law?

To be entitled to the ADA's protection, an individual must be a "qualified individual" with a disability.

So, who is a "qualified individual" within the meaning of the ADA? A "qualified individual" is one who "satisfies the requisite skills, experience, education, and other job-related requirements of the position," 29 C.F.R. § 1630.2(m) (7-1-11 ed.), and who, "with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires." 42 U.S.C. § 12111(8). In other words, employers and their counsel should conduct a two-step inquiry to determine whether an individual is "qualified:"

(1) Does the individual meet the prerequisites for the job? For example, if an individual applies for a truck driving position, but lacks the necessary CDL (commercial driver's license), he or she does not meet the prerequisites for the job, and the inquiry stops here.

(2) Can the individual perform the essential functions of the job, with or without reasonable accommodation? At first glance, this language appears clear enough, but as with other provisions of the ADA, these terms ("essential functions" and "reasonable accommodation") have very specific meanings and can be complicated.

Essential Functions

While the ADA does not define the term "essential functions," Congress does state that "consideration shall be given to the employer's judgment as to what functions of a job are essential, and if an employer has prepared a written description before advertising or interviewing applicants for the job, this description shall be considered evidence of the essential functions of the job." 42 U.S.C. § 12111(8).

The EEOC's regulations provide further guidance for employers trying to understand what the term "essential functions" means:

(1) *In general.* The term "essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. The term "essential functions" does not include the marginal functions of the position.

(2) A job function may be considered essential for any of several reasons, including, but not limited to, the following:

(i) the function may be essential because the reason the position exists is to perform that function;

(ii) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and/or

(iii) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(3) Evidence of whether a particular function is essential includes, but is not limited to:

(i) the employer's judgment as to which functions are essential;

(ii) written job descriptions prepared before advertising or interviewing applicants for the job;

(iii) the amount of time spent on the job performing the function;

(iv) the consequences of not requiring the incumbent to perform the function;

(v) the terms of a collective bargaining agreement;

(vi) the work experience of past incumbents in the job; and/or

(vii) the current work experience of incumbents in similar jobs.

29 C.R.F. § 1630.2(n) (7-1-11 ed.).

What is the practical impact of this "essential functions" analysis? If an individual is unable to perform essential functions of his or her job (with or without reasonable accommodations as described below), then he or she is not a "qualified individual" within the meaning of the ADA and is not entitled to the ADA's protection. However, if, for example, an employee or applicant is unable to perform non-essential (or marginal functions), but can perform essential functions (with or without reasonable accommodations), then the individual is a "qualified individual" and entitled to the ADA's protection.

A Word about Job Descriptions

A clear, well-written job description is vital, not only in the ADA context, but in the context of discrimination law in general. Discrimination suits are often due to a lack of clarity in the hiring process. Plaintiffs may allege that they met the stated qualifications on the job description and were denied the job nonetheless because the employer believed they were "not qualified" for the job, or that they did not meet the stated qualifications listed on the job description, but neither did the successful candidate, and therefore, the employee's non-selection for the position must be "pretext for discrimination."

We encourage employers to revisit current job descriptions to ensure that (1) those functions identified as "essential" are truly essential; (2) those "minimum qualifications" are truly minimum qualifications and not just preferred qualifications; and (3) the job functions are aligned with the job duties that the individual in such a position actually performs on a day-to-day basis.

The job descriptions should identify the purpose of the job as well as all of the activities associated with the job. It is recommended that employers include even the tasks

that, at first glance, seem so common sense that they are rarely included, such as good attendance, the ability to interact effectively with peers and supervisors, the ability to adhere to workplace rules, the ability to handle mid-to-high levels of stress and the like.

The job descriptions should also provide a description of the physical requirements of the job (i.e., must be able to lift more than 10 pounds on an almost constant basis), as well as a description of the physical location of the job and environmental conditions (i.e., the job requires working outdoors in varying temperatures and at high altitudes).

Reasonable Accommodations: Where Does Workplace Flexibility Come into Play?

In the workplace flexibility context, reasonable accommodations are key. So, how does one define "reasonable accommodations?" Where do they come into play in the ADA analysis? While the ADA sets forth the basic premise that employers may not discriminate against qualified individuals with disabilities, more importantly for our analysis is the ADA's requirement that employers make reasonable accommodations to these qualified individuals unless the employer can demonstrate that doing so would create an undue hardship on the employer's operations.

The ADA states:

> [T]he term "discriminate against a qualified individual on the basis of disability" includes:
>
> (5)(A) not making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity …
>
> 42 U.S.C. § 12112(b)(5)(A) (Emphasis added.)

The EEOC regulations provide insight on what is "reasonable" and what isn't:

(1) The term "reasonable accommodation" means:

(i) modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

(ii) modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

(iii) modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

(2) "Reasonable accommodation" may include, but is not limited to:

(i) making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

(ii) job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation it may be necessary for the covered entity to initiate an informal, interactive process with the individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

(4) A covered entity is required, absent undue hardship, to provide a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" prong … or "record of" prong … but is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong…

See EEOC's *Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act*, Number 915.002 (dated October 17, 2002), http://www.eeoc.gov/policy/docs/accommodation.html.[66]

ADA ANALYSIS STEP-BY-STEP

First, does the individual have a "disability"?

- actual disability?
- record of a disability?
- regarded as having a disability?

Second, if the individual has a disability, is he/she a "qualified individual" entitled to the ADA's protection?

- Can he/she meet the prerequisites of the job?
- What are the essential functions of the job?
- Can the individual perform the essential functions of the job without a reasonable accommodation?
- If not, can the individual perform the essential functions of the job with a reasonable accommodation?
- What are possible reasonable accommodations?

What Is an *Unreasonable* Accommodation?

Identifying "reasonable accommodations" involves a two-step analysis: (1) determining what accommodation might be effective to enable the person to perform his or her essential job duties; and (2) determining whether that accommodation is reasonable.

The following are examples of accommodations that most courts and/or the EEOC have found to be "unreasonable:"

- creating new full-time "light duty" positions to accommodate employees with disabilities;
- setting aside seniority rights or ignoring the provisions of a collective bargaining contract;
- lowering job standards in quality or quantity;
- creating new jobs; and
- altering, eliminating or relocating essential job functions.

Now, just because the ADA does not require an employer make unreasonable accommodations (nor does the ADA require an employer make a reasonable accommodation if doing so would create an undue hardship on the employer), does that mean employers are prohibited from making such accommodations? In most circumstances, absolutely not.

There are situations in which an employer's hands may be tied, such as when the employer is bound by a collective bargaining agreement that articulates seniority rights (the circumvention of which to accommodate a disabled individual would violate the contractual rights of other employees). However, generally speaking, employers do have considerable leeway in deciding that they want to create a culture that goes above and beyond what the ADA and EEOC regulations require.[67]

Truly, identifying what constitutes a "reasonable accommodation" in any given situation requires that Human Resources professionals, with or without the assistance of counsel, conduct a case-by-case analysis of the circumstances of the particular situation at issue. However, setting aside an employer's legal obligations to provide "reasonable accommodations" to "qualified individuals" unless doing so would create an "undue hardship," the EEOC regulations and Enforcement Guidance provide wonderful, concrete suggestions for employers that are looking to create employee-friendly, flexible environments for all employees (not just disabled employees).

EEOC's Tips for Working from Home/Telecommuting Arrangements

In addition to clarifying obligations under the ADA, the EEOC's ADA guidance proves useful in a broader context. For example, the EEOC's fact sheet on working at home and telecommuting as a reasonable accommodation serves as an excellent resource for employers considering telecommuting arrangements.[68]

As set forth in the fact sheet, the EEOC outlines recommended steps for employers to consider when determining whether a particular job can be performed at home:

> *An employer and employee first need to identify and review all of the essential job functions. The essential functions or duties are those tasks that are fundamental to performing a specific job. An employer does not have to remove any essential job duties to permit an employee to work at home. However, the employer may need to reassign some minor job duties or marginal functions (i.e., those that are not essential to the successful performance of a job) if they cannot be performed outside the workplace and they are the only obstacle to permitting an employee to work at home. If a marginal function needs to be reassigned, an employer may substitute another minor task that the employee with a disability could perform at home in order to keep employee workloads evenly distributed.*
>
> *After determining what functions are essential, the employer and the individual with a disability should determine whether some or all of the functions can be performed at home. For some jobs, the essential duties can only be performed in the workplace. For example, food servers, cashiers and truck drivers cannot perform their essential duties from home. But, in many other jobs, some or all of the duties can be performed at home.*
>
> *Several factors should be considered in determining the feasibility of working at home, including the employer's ability to supervise the employee adequately and whether any duties require use of certain equipment or tools that cannot be replicated at home. Other critical considerations include whether there is a need for face-to-face interaction and coordination of work with other employees; whether in-person interaction with outside colleagues, clients or customers is necessary; and whether the position in question requires the employee to have immediate access to documents or other information located only in the workplace. An employer should not, however, deny a request to work at home as a reasonable accommodation solely because a job involves some contact and coordination with other employees. Frequently, meetings can be conducted effectively by telephone and information can be exchanged quickly through e-mail.*
>
> *If the employer determines that some job duties must be performed in the workplace, then the employer and employee need to decide whether working part time at home and part time in the workplace will meet both of their needs. For example, an employee may need to meet face-to-face with clients as part of a job, but other tasks may involve reviewing documents and writing reports. Clearly, the meetings must be done in the workplace, but the employee may be able to review documents and write reports from home.*

The EEOC acknowledges that not all jobs are conducive to performance away from the office. However, the EEOC's Guidance provides practical considerations that all employers should consider when making a determination as to whether "working from home" or "teleworking" fits within the organization's culture and business operations.

CHAPTER 18: TITLE VII, PREGNANCY DISCRIMINATION ACT OF 1978 AND FAMILY RESPONSIBILITY DISCRIMINATION

Title VII of the Civil Rights Act ("Title VII") of 1964, as amended, 42 U.S.C. § 2000e, et. seq., is a federal law that prohibits discrimination in both public and private employment on the basis of race, color, religion, sex, and national origin.

Who Is an "Employer" under Title VII?

For Title VII purposes, the term "employer" means a person engaged in an industry affecting commerce who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include:

(1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of Title 5), or

(2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of Title 26, except that during the first year after March 24, 1972, persons having fewer than 25 employees (and their agents) shall not be considered employers.

See 42 U.S.C. § 2000e(b).

What Specific Practices Are Considered Unlawful Employment Practices Under Title VII?

Under Title VII, it is unlawful employment practice for an employer

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

See 42 U.S.C. § 2000e-2(a)(1) and (2).

Further, it is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his or her race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his or her race, color, religion, sex, or national origin. See 42 U.S.C. § 2000e-2(b).

Title VII also sets forth unlawful employment practices related to labor organizations (*see* 42 U.S.C. § 2000e-2(c), training programs (*see* 42 U.S.C. § 2000e-2(d)) and notices or advertisements relating to employment (*see* 42 U.S.C. § 2000e-3(b).

Notably, there are some exceptions to these general rules, such as exceptions for businesses or enterprises with personnel qualified on the basis of religion, sex, or national origin and for educational institutes with personnel of a particular religion, but these exceptions are rather narrow and should only be relied upon after consulting with legal counsel. *See* 42 U.S.C. § 2000e-2(e).[69]

It is important to note that *harassment* based upon any of these above-listed characteristics (race, color, religion, sex or national origin) is a form of discrimination and is also prohibited.

Does Title VII Also Prohibit Retaliation?

Yes. "It [is] an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he [or she] has opposed any practice made an unlawful employment practice by this subchapter, or because he [or she] has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [Title VII]." *See* 42 U.S.C. § 2000e-3(a).

A Note about Religious Discrimination

Title VII not only prohibits discrimination on the basis of one's religion, but it also requires employers (or prospective employers) to reasonably accommodate an employee's (or applicant's) religious beliefs or practices, unless doing so would create more than a minimal burden on the conduct of the employer's (or prospective employer's) business.

The EEOC has identified several examples of situations in which employees (or applicants) might request accommodations to reasonably accommodate his or her religious beliefs or practices, such as flexible scheduling, voluntary shift substitutions or swaps, job reassignments, and modifications to workplace policies or practices.

Common requests for accommodation in this context include requests for schedule changes or leave for religious observances, modifications to an organization's dress or grooming policies and the like.

> For example, Organization A may have a policy prohibiting employees from wearing hats or other head coverings. A Jewish employee may request that Organization A allow him to wear a yarmulke. Unless the Organization can show that allowing this employee to wear the yarmulke would create an undue hardship on the employer's business, the Organization should allow him to wear the yarmulke.

What about Pregnancy Discrimination?

The Pregnancy Discrimination Act of 1978 amended Title VII to prohibit sex discrimination on the basis of pregnancy. Under Title VII, the terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth or related medical conditions; and women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or their inability to work. *See* 42 U.S.C. § 2000e(k).

The EEOC's Fact Sheet, http://www.eeoc.gov/eeoc/publications/fs-preg.cfm (as of March 24, 2012), outlines Title VII's pregnancy-related protections:

Hiring

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of coworkers, clients, or customers.

Pregnancy and Maternity Leave

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job because of her pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments, or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled because of pregnancy to do the same.[70]

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Health Insurance

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. An

employer need not provide health insurance for expenses arising from abortion, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

Fringe Benefits

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

Employees on leave because of pregnancy-related conditions must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

What about Caregiver Discrimination and/or Family Responsibilities Discrimination?

As of the date this guide was sent for publication, there are no *federal* laws that explicitly prohibit discrimination on the basis of caregiving or family responsibilities. In other words, "caregiver" is not a protected category under federal law. However, discrimination against caregiver employees may implicate Title VII and the ADA, as well as the FMLA, ERISA,[71] the Equal Pay Act, and various state and local laws.

For example, under Title VII, sex-based disparate treatment of female and male caregivers, stereotyping of female caregivers and pregnancy discrimination are prohibited. Moreover, stereotyping or harassment of workers who are caregivers for disabled family members is prohibited under the ADA's section prohibiting association discrimination.[72]

BEST PRACTICES FOR AVOIDING CAREGIVER/FAMILY RESPONSIBILITIES DISCRIMINATION

1. Be proactive. Review and update your current policies and procedures to ensure they comply with the EEOC's Caregiver Discrimination Guidance (example: Do you have a Maternity Leave policy or a Parental Leave Policy?)
2. Review hiring assessment/criteria and train interviewers to avoid prohibited questions (such as, "How many more children do you plan to have?" "Do you think you can work a full-time schedule and still be attentive to your children?" "Will your husband be able to assist with child care arrangements?")
3. Expand discrimination prevention training to include examples of prohibited conduct against caregivers.
4. Be vigilant against benevolent stereotypes and paternalism (and always make decisions based upon facts).
5. Treat any complaints of caregiver bias as seriously as you treat any other discrimination complaints.
6. Investigate such complaints promptly and take corrective action where appropriate.
7. Be consistent. Address performance deficiencies attributable to caregiving responsibilities using the same standards and procedures you apply to performance issues attributable to other reasons.
8. Consider whether your business could improve employees' ability to manage caregiving and work responsibilities by including flex scheduling and work at home/telecommuting.
9. Allow personal and/or FMLA leave for employees dealing with caregiver responsibilities. Such leaves can provide time to resolve issues that are impacting an employee's ability to do his or her job (and that may be affecting the employee's health).
10. Consider allowing other employees to volunteer to cover shifts or assignments for a coworker whose caregiver responsibilities have him or her in a temporary bind (e.g., following sudden disruption of child care or adult care arrangements; during medical crisis involving disabled family member, etc.).
11. Provide resources and referrals to certified child care and adult care services and/or facilities, sitters, home health aides, elder care companions and community services as a resource for caregiving employees.

Other Resources

For an extensive review of this topic, we strongly encourage you to review the EEOC's Enforcement Guidance entitled "Unlawful Disparate Treatment of Workers with Caregiving Responsibilities" (referenced in endnote 70), which became effective in May 2007 and which is available at http://www.eeoc.gov/policy/docs/caregiving.html.

Additionally, the EEOC has created its own list of "Employer Best Practices for Workers with Caregiving Responsibilities," which supplements the EEOC's May 2007 Enforcement Guidance and which is available at http://www.eeoc.gov/policy/docs/caregiver-best-practices.html.

Final Note about Caregiving Discrimination

As noted above, while federal law has not yet established a protected class of "caregivers" per se, many state and local governments have enacted laws making it unlawful to discriminate against an employee or applicant because of his or her status as a caregiver. Therefore, it is vitally important for employers to consider the various state and local laws of the jurisdictions in which they operate to ensure compliance with applicable laws.

An important resource for a discussion of some of those state and local laws prohibiting family responsibilities discrimination is The Center for WorkLife Law, a nonprofit research and advocacy group affiliated with the University of California Hastings College of the Law, which is devoted to women's advancement, improving work-life fit and eliminating discrimination against caregivers. Their Website is www.worklifelaw.org.

CHAPTER 19: THE FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993

The Family and Medical Leave Act ("FMLA") of 1993 is the paramount federal law related to employers' requirements to provide leave for their employees to tend to various family and medical needs.[73] The Department of Labor ("DOL"), which administers the FMLA, has described the purpose of the FMLA as follows:

> *FMLA is designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women.*

See Leave Benefits, Family & Medical Leave, http://www.dol.gov/dol/topic/benefits-leave/fmla.htm (as of March 24, 2012).

What Are the Main Protections the FMLA Offers?

1. **Unpaid Leave.** "Eligible" employees of "covered employers" may take up to 12 workweeks of leave in a 12-month period for the following reasons:

    - to give birth and to bond with a newborn when you are the "parent;"
    - to attend mandatory events necessary to adopt a child or become a foster parent and to bond with the newly-placed child after placement with the employee;
    - to care for a first degree family member with a serious health condition;
    - when incapacity or treatment of the employee's own serious health condition that makes him or her unable to perform the functions of his or her job; and
    - to respond to a "qualifying exigency" arising when the employee's spouse, child or parent is a covered member of the military on active duty or has been called to active duty in a foreign country.

Further, "eligible" employees may take up to 26 workweeks of leave in a "single 12-month period" to care for a covered servicemember with a serious injury or illness.

WHAT ABOUT FATHERS?

In today's world, many employed fathers are taking greater family responsibilities, including being the primary caregivers of their children. The FMLA accounts for this societal shift, and the DOL has made it clear that "a father, as well as a mother, can take family leave for the birth, placement for adoption, or foster care of a child." 29 C.F.R. § 825.112(b) (7-1-11 ed.).

2. **Benefits During Leave:** Employees who take leave are entitled to maintain their health benefits while they are on leave.
3. **Job Protection and Reinstatement:** Employees who take leave cannot be terminated because they are taking FMLA leave, and the employees are entitled to return to the same or equivalent position at the end of the leave. This means that the employees are entitled to whatever they would have had but for the FMLA leave.

Who Is a "Covered" Employer?

Generally, an employer is a "covered" employer for FMLA purposes if the person or entity:

(1) is engaged in commerce or in any industry actively affecting commerce; and

(2) employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year.

29 C.F.R. § 825.104(a) (7-1-11 ed.). Public agencies, as well as public and private elementary and secondary schools, are covered employers regardless of the number of employees they have. (*Id.*) Covered employers must post the FMLA notices and create an FMLA policy.

In some situations, separate entities can be considered to be parts of a "single employer" for FMLA purposes.[74] In other situations, two or more businesses can be considered "joint employers" for FMLA purposes. *See* 29 C.F.R. § 825.106 (7-1-11 ed.) for a discussion of the factors considered when determining whether a joint employer relationship exists.[75] Therefore, it is important to consult the DOL's regulations and/or an employment law attorney to determine whether your particular organization or business may be a "covered" employer.

Who Is an "Eligible" Employee?

Even if an employee is working for a "covered" employer, he or she must still meet certain requirements to be considered an "eligible" employee under the FMLA.

To be "eligible" to take advantage of the FMLA's provisions, an employee must:

(1) have been employed for that employer for 12 months or longer;

(2) have worked 1,250 hours during the 12-month period immediately preceding the leave;[76] and

(3) be employed at a worksite with 50 or more employees employed by that "covered employer" within a 75-mile radius of the worksite.

29 C.F.R. § 825.110(a) (7-1-11 ed.).

What about Employees Who Work from Home?

A common issue that arises under many flexible workplace arrangements concerns the definition of "worksite." The DOL provides guidance specifically addressing these types of arrangements:

> *For employees with no fixed worksite, e.g., construction workers, transportation workers (e.g. , truck drivers, seamen, pilots), salespersons, etc., the "worksite" is the site to which they are assigned as their home base, from which their work is assigned, or to which they report … An employee's personal residence is not a worksite in the case of employees, such as salespersons, who travel a sales territory and who generally leave to work and return from work to their personal residence or employees who work at home, as under the concept of flex place or telecommuting. Rather, their worksite is the office to which they report and from which assignments are made.*
>
> 29 C.F.R. § 825.111(a)(2) (7-1-11 ed.) (Emphasis added.)

What Is a Serious Health Condition?

The DOL has defined a "serious health condition" as "an illness, injury, impairment or physical or mental condition that involves inpatient care … or continuing treatment by a health care provider …" 29 C.F.R. § 825.113(a) (7-1-11 ed.). Here, the terms "inpatient care" and "continuing treatment" both have their own definitions (and, within those terms, are other defined terms):

Inpatient Care

- Overnight stay in a hospital, hospice, or residential medical care facility.
- Includes any period of incapacity.
- Also includes any subsequent treatment in connection with such inpatient care.

29 C.F.R. § 825.114 (7-1-11 ed.).

Continuing Treatment
(any one or more of the following)

- A condition that causes incapacity of more than three days and two or more treatments (the first within seven days of the onset of incapacity and the second within 30 days). If so, all periods of incapacity, treatments (even those to determine the nature of the condition) and any periods of recovery are covered.
- Incapacity or treatment related to pregnancy (including prenatal care).
- Incapacity or treatments caused by chronic conditions.
- Incapacity or treatments caused by permanent or long-term conditions.
- Conditions requiring multiple treatments which would cause an incapacity of greater than three days if left untreated.

29 C.F.R. § 825.115 (7-1-11 ed).

How Can Employers Ensure Employees Are Aware of Their FMLA Rights?

What Notice Is Required?

- **General notice.** Every employer covered by the FMLA is required to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. The poster and the text must be large enough to be easily read and contain fully legible text. Electronic posting is sufficient to meet this posting requirement as long as it otherwise meets the requirements of this section. 29 C.F.R. § 300(a) (7-1-11 ed.).
- **Handbooks/Other Written Materials.** If an FMLA-covered employer has any eligible employees, it shall also provide this general notice to each employee by including the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist, or by distributing a copy of the general notice to each new employee upon hiring. In either case, distribution may be accomplished electronically and must contain the information in the poster, referenced above. *See* 29 C.F.R. § 825.300(a)(3), (c) (7-1-11 ed.).
- **Eligibility Notice.** When an employee provides an employer with facts sufficient to permit the employer to conclude the employee may be asking for FMLA leave, an employer must provide the employee with an eligibility notification. The eligibility notice must state whether the employee is eligible for FMLA leave as defined in §825.110(a). If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employer, the number of hours of service worked for the employer during the 12-month period and whether the employee is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.[77] *See* 29 C.F.R. § 825.300(b)(2) (7-1-11 ed.).
- **Subsequent Need Notice.** If, at the time an employee provides notice of a subsequent need for FMLA leave during the applicable 12-month period due to a ***different*** FMLA-qualifying reason,[78] and the employee's eligibility status has not changed, no additional eligibility notice is required. If, however, the employee's eligibility status has changed (e.g., if the employee has worked less than 1,250 hours of service for the employer in the 12 months preceding the commencement of leave for the subsequent qualifying reason or the size of the workforce at the worksite has dropped below 50 employees), the employer must notify the employee of the change in eligibility status within five business days of the request for a different reason for needing FMLA leave, absent extenuating circumstances. *See* 29 C.F.R. § 825.300(b)(3) (7-1-11 ed.). (Emphasis added.)

- **Rights and Responsibilities Notice.** Employers shall provide written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations … This notice shall be provided to the employee each time the eligibility notice is provided, at the same time. *See* 29 C.F.R. 825.300(c)(1) (7-1-11 ed.). (See insert for specifics that must be included on the notice.)
- **Designation Notice.** It is always the employer's responsibility to designate leave as FMLA-qualifying or non-FMLA-qualifying and giving the employee notice of the designation. 29 C.F.R. § 825.300(d)(1) (7-1-11 ed.). This notice must be in writing and given within five days of receiving all the information the employer needs to make a decision. *See* 29 C.F.R. § 825.300(d)(4) (7-1-11 ed.). If, for whatever reason, the designation changes, such as the employee exhausting 12 weeks of leave, the employer has five days to send a new designation notice to the employee.

RIGHTS AND RESPONSIBILITIES NOTICE

This notice must include:

- the fact that leave will be counted against FMLA entitlement;
- the applicable 12-month period for FMLA entitlement;
- any certification requirements for the serious health condition, serious injury or illness, qualifying exigency;
- consequences for failing to provide required certification;
- right to substitute paid leave/requirement to substitute paid leave;
- any requirement to make premium payments[79] and logistics regarding same;
- consequences of failing to make timely premium payments;
- employee's status as key employee (if applicable)[80] consequences that restoration may be denied and under what circumstances;
- right to maintain benefits and to be restored to same/equivalent position upon return; and
- potential liability for premiums employer paid during leave if employee fails to return from leave.

What Can Employers Do to Go Above and Beyond these Notice Requirements?

There are other things employers can do to ensure employees are aware of the availability of FMLA leave. For example, employers should consider including a discussion of all leave policies, including FMLA policies, in new hire processes, and orientations and if

they offer training, in annual training meetings. Employers that maintain online portals or Intranets in addition to "hard copy" handbooks and personnel manuals can include summaries about the FMLA and provide employees with links to the organization's policies and forms such as the organization's medical certification forms.

What if the Employee Does Not Expressly Request FMLA Leave?

Remember, it is the employer's burden to determine the purpose for which an employee seeks time off work, to characterize the time off work as FMLA leave if appropriate, and to comply in all respects with the FMLA. Where you do not have sufficient information to determine if a request for time off work qualifies as FMLA leave, inquire further to make that determination. When it comes to when and how an employee advises he or she needs FMLA, an employer cannot have different call-in rules or different leave procedures from FMLA than it has for other types of leave. Time off work can be designated by the employer as FMLA leave only before the leave begins, or while the employee is off work. *It generally cannot be so designated after the employee returns to work*.[81]

The FMLA's Version of Workplace Flexibility: Intermittent Leave and the Reduced Leave Schedule

The DOL has made clear that leave does not have to be taken in large blocks. When necessary, leave may be taken intermittently or even on a reduced schedule leave.

Definitions

Intermittent leave. Leave of less than 12 weeks taken in separate blocks or segments of time due to a single qualifying reason.

Reduced leave schedule. A leave schedule that reduces an employee's usual number of working hours per workweek or hours per work day.

Some examples of intermittent leave/reduced leave schedule are as follows, but this list is far from inclusive:

- An employee may take reduced leave on an occasional basis for medical appointments, or several days at a time spread over a period of six months, such as for chemotherapy.
- A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness.
- An employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule may take reduced leave.

When FMLA leave is taken because of the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule if the employer agrees to this arrangement. *See* 29 C.F.R. § 825.202(c) (7-1-11 ed.). Such arrangements can be beneficial to the employer as well as the employee. For example, a female employee may have a stay-at-home husband. While the employee may want to take leave for the first few weeks following childbirth or adoption, the employee may

wish to return to work but wants to return on a reduced leave schedule so as to facilitate breastfeeding and continue bonding.

There is no *minimum* limit on the amount of time that may be taken when an employee takes intermittent leave or works on a reduced leave schedule for medical reasons. For example, if employees need 15 minutes because they are having a diabetic episode, they make take 15 minutes to rest, check their blood sugar, and take insulin. See 29 C.F.R. pt. 825.203(d). An employer is permitted to increase the minimum amount to an hour, but it must do so for all types of leave. *See* 29 C.F.R. pt. 825.205. However, an employer may not count time as FMLA and require the employee to work.[82] For example, if the employee needed only 15 minutes, but the employer has a policy requiring an employee to take FMLA in increments of one hour, the employer cannot count an hour of FMLA but require the employee to return after 15 minutes.

Calculation of Amount of Leave Used Where an Employee Takes Intermittent Leave or a Reduced Leave Schedule

Only the amount of time actually taken off work can be counted toward the 12 weeks of leave to which an employee is entitled. 29 C.F.R. § 825.205(b) (7-1-11 ed.).

If an employee normally works five days a week and takes off one day per week on a reduced leave schedule, that employee would use only one-fifth of a week of FMLA leave toward the total 12-week entitlement. 29 C.F.R. § 825.205(b) (7-1-11 ed.).

Leave used by a part-time employee on reduced leave schedule is calculated on a pro rata basis. For example, an employee who works 30 hours per week goes on a reduced leave schedule of 20 hours per week. Thus, the employee's regular schedule is reduced by one third, so the employee is taking one third of a week leave each week and would be entitled to maintain the reduced schedule for 36 weeks.[83]

A Few Tips for Administration of Intermittent Leave

- **Require Certification from Every Employee.** "Certification" under the FMLA is proof of the need for FMLA. Under the FMLA, each type of qualifying condition has its own type of proof required. For example, for leave for an employee's own health condition, the DOL has created a Medical Certification. Employers should always ask for the proof permitted by the DOL. This requirement protects both the employer and the employee. On the employer's side, requiring certification from every employee requesting intermittent leave minimizes the risk of a disparate treatment claim. From the standpoint of the employee, the certification clarifies his or her restrictions and abilities so the employee can engage in meaningful dialogue with his or her employer regarding the leave.
- **Be Consistent when Requiring Recertification and Require Annual Renewals/New Certifications.** Again, treat all employees the same with respect to recertification and annual renewals. Recertification is limited to once every six months (unless the original certification was for a lesser time period) or when circumstances change or fraud is suspected. Annual renewals/new certifications are allowed every 12 months for each serious health condition.

- **Require Specific Information from a Doctor on Every Certification Form.** Duration, number and interval between treatments, dates and recovery periods can and should be requested. This information will be helpful to the organization and the employee when engaging in the dialogue concerning the leave and will assist both the organization and the employee in planning for the employee's absence, minimizing frustration and maximizing efficient use of the leave.
- **Investigate Suspicions of Fraud and Abuse.** Lying is not protected; hire an investigator where you have a *legitimate* belief of abuse. Abuse of FMLA leave, although rare, can negatively impact the morale of other employees and can cause resentment from those employees who are taking on extra duties of their absentee coworkers. Organizations should encourage appropriate use of FMLA leave.

STATE PAID FAMILY LEAVE LAWS

Two states—California and New Jersey—have enacted paid family leave for employees to take paid time off to care for sick or disabled family members or a new child. Payments (which are less than the employee's usual salary) come from a state insurance fund, not directly from employers. Washington State also enacted a paid parental leave program that has not yet been implemented.

California

In California, legislation taking effect in 2004 extended disability compensation to employees who contribute to the State Disability Insurance (SDI) fund. Under Paid Family Leave (PFL), they are entitled to six weeks of partial pay each year while taking time off from work to bond with a newborn baby, adopted or foster child; or to care for a seriously ill parent, child, spouse or registered domestic partner. The amount of pay is up to 55% of their weekly wages up to a maximum weekly benefit amount. Employees do not need to take all six weeks consecutively. PFL can be taken intermittently on an hourly, daily or weekly basis as needed. Before receiving benefits, employees must serve a seven-day non-payable waiting period. Additionally, the employer may require the employee to use up to two weeks of paid leave (vacation or sick leave, for example) before starting to receive benefits: For more information, see: http://www.edd.ca.gov/pdf_pub_ctr/de8714cf.pdf.

New Jersey

The Family Leave Insurance (FLI) provision of the New Jersey Temporary Disability Benefits Law took effect in 2009. It provides cash benefits for up to six weeks for employees to bond with a newborn or newly adopted child or to provide care for a seriously ill family member. Employees can receive benefits for up to six weeks of leave, which can be taken intermittently if it's medically necessary but otherwise must be taken altogether or in at least one-week increments. Employees receive two-thirds of their usual wages from the FLI fund, up to a maximum of $572 per week in 2012. Employees

have a seven-day waiting period before they can receive benefits. Employers can require employees to use up to two weeks of paid accrued leave before starting to receive benefits; one of these weeks counts as the seven-day waiting period. An exception to the seven-day waiting period is when an employee is out on TDI related to pregnancy and applies for FLI; the employee in that case makes a seamless transfer from TDI to FLI without the seven-day waiting period. For more information, see: http://lwd.dol.state.nj.us/labor/fli/fliindex.html.

Washington

In 2007, Washington passed a paid parental leave law but its implementation has been postponed, due to budget shortfalls. Washington's law applies only to parental leave. When the law takes effect, eligible employees will be able to draw partial pay when they take time off to care for a newborn or newly adopted child. Employees will be eligible if they've worked at least 680 hours during the prior year or the year that ended three months before their leave starts. Employees will receive benefits for up to five weeks. For employees who work at least 35 hours a week, the benefit amount is $250 per week. Employees who work fewer hours will receive a prorated amount.

STATE AND MUNICIPAL EARNED SICK DAYS LAWS

The state of Connecticut, as well as the cities of San Francisco, District of Columbia, Seattle and Philadelphia, have enacted laws requiring that employees be allowed to earn a minimum number of paid days to care for a personal or family illness or to seek routine or preventive medical care.

San Francisco, CA

In San Francisco, under the Paid Sick Leave Ordinance passed in 2006, employees earn one hour of paid sick time for every 30 hours worked. Employees in organizations with 10 or fewer employees earn up to five days per year, while employees at larger organizations earn up to nine days per year. Employees may use paid sick time to recover from illness, attend doctor visits, or care for a sick child, partner or designated loved one. For more information, see http://sfgsa.org/index.aspx?page=419.

Washington, DC

In Washington, DC, the Accrued Sick and Safe Leave Act, passed in 2007, provides that employees earn three to seven days of paid sick leave each year, depending on the size of the organization. In addition to illness or preventive care, the law allows time for those dealing with the aftermath of domestic or sexual violence or stalking. For more information, see: http://does.dc.gov.

Connecticut

Connecticut's law took effect in January 2012. It provides for service employees in most organization with 50 or more employees to earn up to five paid sick days, and

offers unpaid job-protected sick days to employees not otherwise covered. For more information, see http://www.ctdol.state.ct.us/wgwkstnd/SickLeaveGuidance.pdf.

Seattle, WA

The City of Seattle Paid Sick/Safe Leave Ordinance, effective September 1, 2012, covers all employers with five or more full-time equivalent employees; the number of days required depends on employer size. For more information, see http://www.seattle.gov/civilrights/documents/FAQ-PSL_12-21-11.pdf.

Philadelphia, PA

In Philadelphia, the City Council in 2011 passed a bill that amends the city's minimum wage and benefits ordinance to require employers that contract with or receive financial assistance from the city to provide full-time employees who work on those contracts or projects with paid sick days. The law is effective as of July 1, 2012.

MILITARY FAMILY LEAVE ENTITLEMENTS UNDER THE FMLA[84]

Active Duty Leave

The DOL's regulations identify eight circumstances that constitute a qualifying exigency for which an eligible employee is entitled to FMLA leave while that employee's spouse, son, daughter or parent is on active duty or called to active duty status. These exigencies are:

1. **Short-Notice Deployment.** Where the notification of a call or order to active duty is seven days or less, leave can be taken to address any issues.
2. **Military Events and Related Activities.** This is to attend official military events or family assistance programs or briefings.
3. **Child Care and School Activities.** An eligible employee can take leave for a variety of child care and school-related reasons for a child, legal ward or stepchild of a covered military member.
4. **Financial and Legal Arrangements.** Leave is available to an eligible employee to make or update financial or legal affairs to address the absence of a covered military member.
5. **Counseling.** This is to attend non-health care provided counseling for the employee, military member or child, ward or stepchild of the military member.
6. **Rest and Recuperation.** An eligible employee may take up to five days to spend time with a covered military member who is on short-term rest leave.
7. **Post-Deployment Activities.** For a period of 90 days after a covered military member's active duty terminates, an eligible employee may take leave to attend ceremonies, reintegration briefings or other programs.

8. **Additional Activities.** This category covers leave for other events where the employer and employee agree on the time and duration of the leave.

29 C.F.R. § 825.126 (7-1-11 ed.).

In addition, the regulations define a number of terms that apply specifically to the qualifying exigency leave, including covered military member and child on active duty. *See* 29 C.F.R. § 825.122 (7-1-11 ed.)

Servicemember Family Leave/Caregiver Leave

Servicemember family leave is available for a family member (spouse, son, daughter, parent or "next of kin") of a covered servicemember who is needed to care for such servicemember. Servicemember family leave is available for up to *26 weeks*—a substantially longer period than the 12-workweek entitlement for other forms of FMLA leave.

A **covered servicemember** is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status or is otherwise on the temporary disability retired list, for a serious injury or illness. This definition contains two important terms defined elsewhere in the statute:

1. **"Outpatient Status."** "The status of a member of the Armed Forces assigned to – (A) a military medical treatment facility as an outpatient; or (B) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients."
2. **"Serious Injury or Illness."** "An injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating."

Serious Health Condition versus Serious Injury or Illness

Unlike the normal FMLA **"serious health condition"** definition that is ascertainable by reference to medical evidence, a **"serious injury or illness"** to a covered servicemember must be evaluated in light of "the duties of the member's office, grade, rank, or rating." Most employers will not be able to make informed decision as to whether a particular servicemember's injury or illness prevents him or her from performing military duties, much less the nature of military duties associated with a particular office, grade, rank or rating. From a compliance standpoint, as well as a public policy standpoint, employers are therefore encouraged to give deference to any evaluation performed by a military physician.

Who Is a Son or Daughter or Next of Kin?

As with the "serious health condition" versus "serious injury or illness" issue, employers *should not* get too caught up in the technical definitions. Employers *should* grant leave requests if the employee establishes that he or she is at least as near to the servicemember as other family members.

CHAPTER 20: THE FAIR LABOR STANDARDS ACT (FLSA) OF 1938[85]

What Is the FLSA?

The Fair Labor Standards Act ("FLSA") of 1938, 29 U.S.C. § 201 *et seq.*, is the Federal law that "establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments." See U.S. Department of Labor, Wage and Hour Division, *Handy Reference Guide to the Fair Labor Standards Act*, WH Publication 1282, http://www.dol.gov/whd/regs/compliance/wh1282.pdf.

What Is Not Required by the FLSA?

Although the FLSA sets basic minimum wage and overtime pay standards and regulates the employment of minors, there are a number of practices that the FLSA does *not* regulate. For example, the FLSA does *not* require:

- vacation, holiday, severance or sick pay;
- meal or rest periods, holidays off or vacations;
- premium pay for weekend or holiday work;
- pay raises or fringe benefits; and
- a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

Additionally, the FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some states do have laws under which such claims (sometimes including fringe benefits) may be filed.

The FLSA does not limit the number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

Who Is Covered?

The FLSA applies to almost every worker.[86] There are two ways in which an employee can be covered by the FLSA: "enterprise coverage" and "individual coverage." The Department of Labor, Wage and Hour Division, Fact Sheet #14 provides an excellent description of FLSA coverage:

Enterprise Coverage

Employees who work for certain businesses or organizations (or "enterprises") are covered by the FLSA. These enterprises, which must have at least two employees, are:

(1) those that have an annual dollar volume of sales or business done of at least $500,000; and

(2) hospitals, businesses providing medical or nursing care for residents, schools and preschools and government agencies.

Individual Coverage

Even when there is no enterprise coverage, employees are protected by the FLSA if their work regularly involves them in commerce between States ("interstate commerce"). The FLSA covers individual workers who are "engaged in commerce or in the production of goods for commerce."

Examples of employees who are involved in interstate commerce include those who: produce goods (such as a worker assembling components in a factory or a secretary typing letters in an office) that will be sent out of state, regularly make telephone calls to persons located in other states, handle records of interstate transactions, travel to other states on their jobs and do janitorial work in buildings where goods are produced for shipment outside the state.

Also, domestic service workers (such as housekeepers, full-time babysitters, and cooks) are normally covered by the law.[87]

What Is the Current Minimum Wage?

As of the time of publication of the guide, the FLSA's minimum wage is $7.25 an hour. This means that, unless an employee satisfies the requirements of an exemption from minimum wage, the employee is entitled to a minimum of $7.25 per hour of work.

What Are the Basic Overtime Requirements?

The FLSA requires that overtime pay at a rate of at least one and one half times the employee's regular rate of pay is required after 40 hours of work in a workweek. A "workweek" is seven (7) consecutive 24-hour periods or 168 hours. Employers are free to begin the workweek on any day of the week and at any hour of the day.

For example, Employer A begins his workweeks each Sunday at 12:00 a.m. If an employee's regular rate of pay is $10.00 an hour, and an employee works 44 hours from Sunday at 12:00 a.m. through Saturday at 11:59 p.m., how much gross pay is the employee entitled to receive?

Regular Pay + Overtime Pay = Gross Pay

($10.00 x 40) + ($15.00 x 4) = $460.00

Calculations become a bit more complicated when one looks closely at the definition of "regular rate" of pay. The FLSA defines "regular rate" to include some types of remuneration to the exclusion of others.

TYPES OF REMUNERATION EXCLUDED:
Rewards for service, the amounts of which are not measured by or dependent on hours worked, production or efficiency
Payments for periods when no work is performed because of vacation, holiday, illness, failure of the employer to provide sufficient work or other similar cause
Reimbursement for travel or other expenses incurred by the employee in the furtherance of the employer's interests
Discretionary bonuses
Payments made pursuant to a bona fide profit-sharing plan or trust or bona fide thrift or savings plan
Talent fees paid to performers, including announcers, on radio and television programs
Irrevocable contributions to a bona fide plan for providing old age, retirement, life, accident or health insurance or similar benefits for employees
Extra compensation provided by a premium rate paid for hours worked by the employee in excess of eight hours in a day or in excess of the maximum workweek
Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the workweek, where such premium rate is not less than one and one-half times the rate for like work performed in non-overtime hours on other days
Extra compensation provided by a premium rate paid to the employee, pursuant to an applicable employment contract or collective bargaining agreement, for work outside of the hours established by the contract or agreement as the basic, normal, or regular workday or workweek where such premium rate is not less than one and one-half times the rate established for like work performed during such workday or workweek

TYPES OF REMUNERATION INCLUDED:
Value of awards and prizes won by employees for quality, quantity, or efficiency
Bonuses based on hours worked or the productivity of the employee
Shift differentials and hazardous duty pay
Tip credits taken by the employer to satisfy minimum wage requirements

What If Employees Are Paid on a Basis Other Than on an Hourly Basis?

Many employees are paid on an hourly basis. However, in some industries or with certain types of work, employees may be paid by salary, on commission, by piecework, or another arrangement. The FLSA requires employees be paid a specific hourly rate, but this requirement does not mean that employers must compensate employees on an hourly basis. However, if employees are compensated on a basis other than an hourly basis, certain rules apply. For example:

- **Fixed Weekly Rate.** When an employee's fixed weekly salary is divided by the number of hours worked during the workweek, the sum must equal or exceed the statutory minimum wage. *See* 29 C.F.R. § 778.113(a) (7-1-11 ed.).
- **Fixed Wages for Other Periods of Time.** When an employee is paid on a monthly or bi-monthly basis, his or her wages must be converted to a weekly wage equivalent, which must, in turn, satisfy the requirements set forth above. *See* 29 C.F.R. § 778.113(b) (7-1-11 ed.).
- **Piece Rate.** When an employee is paid on a piecework basis, his or her hourly rate of pay is calculated by taking the total amount earned for the workweek and dividing by the number of hours actually worked that week. This hourly rate must equal or exceed the statutory minimum wage. *See* 29 C.F.R. § 778.111(a) (7-1-11 ed.).
- **Payment by the Day or by the Job.** When an employee is paid a flat rate by the day or by the job, his or her hourly rate is calculated by totaling compensation received during the workweek and then dividing that sum by the total hours actually worked. Again, the product of this calculation must at least equal or exceed the statutory minimum wage. *See* 29 C.F.R. § 778.112 (7-1-11 ed.).
- **Payment by Commission.** Commission workers—whether on straight commission or paid a combination of an hourly rate and commission—must be paid at least at the minimum wage rate for all hours worked in a workweek.
    - If an employee is paid at an hourly rate at or above the minimum wage rate for part of a workweek and on a commission basis for the balance, earnings for both the commission rate hours and the hourly rate must average at least the statutory minimum wage rate.
    - Earnings above the minimum rate on an hourly basis may not be used to offset wages below the applicable rate that are earned on a commission basis.

See 29 C.F.R. §§ 778.117 - 778.122 (7-1-11 ed.).

EXEMPTIONS

Examples of the major exemptions are divided into subcategories: 1) exemptions from both minimum wage and overtime pay; 2) exemptions from overtime pay only; and 3) partial exemptions from overtime pay.

Exemptions from Both Minimum Wage and Overtime Pay

The following employees are exempt from both minimum wage and overtime pay:

- executive, administrative, and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations (as defined in DOL regulations);[88]
- employees of certain seasonal amusement or recreational establishments, employees of certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations and employees engaged in newspaper delivery;
- farm workers employed by anyone who used no more than 500 “man days” of farm labor in any calendar quarter of the preceding calendar year; and
- casual babysitters and persons employed as companions to the elderly or infirm.

Exemptions from Overtime Pay Only

The following employees are exempt from overtime pay only:

- certain commissioned employees of retail or service establishments;
- auto, truck, trailer, farm implement, boat or aircraft sales workers;
- parts-clerks and mechanics servicing autos, trucks or farm implements who are employed by nonmanufacturing establishments primarily engaged in selling these items to ultimate purchasers;
- employees of railroads and air carriers, taxi drivers, certain employees of motor carriers, seamen on American vessels, and local delivery employees paid on approved trip-rate plans;
- announcers, news editors, and chief engineers of certain non-metropolitan broadcasting stations;
- domestic service workers living in the employer’s residence;
- employees of motion picture theaters; and
- farm workers.

Partial Exemptions from Overtime Pay

The following employees have partial exemptions from overtime pay:

- Partial overtime pay exemptions apply to employees engaged in certain operations on agricultural commodities and to employees of certain bulk petroleum distributors.
- Hospitals and residential care establishments may adopt, by agreement with their employees, a 14-day work period instead of the usual seven-day workweek if the employees are paid at least time and one half their regular rates for hours

worked over eight hours in a day or 80 hours in a 14-day work period, whichever is the greater number of overtime hours.

- Employees who lack a high school diploma, or have not attained the educational level of 8th grade, can be required to spend up to 10 hours in a workweek in remedial reading or training in other basic skills without receiving time and one half overtime pay for these hours. (Note: the employees must receive their normal wages for hours spent in such training and the training must not be job specific).[89]
- Public agency fire departments and police departments may establish a work period ranging from seven to 28 days in which overtime need only be paid after a specified number of hours in each work period.

WHAT ABOUT COMP TIME?

Generally speaking, under the current FLSA, private-sector employers cannot give nonexempt employees compensatory time off ("comp time") in lieu of cash for overtime hours worked. "Comp time" is generally reserved for public employees (and even then, certain conditions must be met, such as having a collective bargaining agreement or other understanding between the employer and employee that permits this arrangement as long as the employee has not accrued "comp time" in excess of certain statutory limits.)[90] Some workplace flexibility proponents are encouraging Congress to re-work the FLSA's comp time provisions to extend comp time to the private sector. This area is one to watch in the coming years.

How Does an Employer Calculate Compensable Hours Worked for Minimum Wage and Overtime Purposes?

Very carefully! Employers usually know they must include all hours worked by employees performing their principal job duties during their normal work schedule when computing compensable hours worked. However, some employers fail to account for certain job-related activities that should be included as "compensable time."

Here are a few common activities that generally should be included in "compensable time:"

- preparatory and concluding activities, if such activities are integral to the performance of the employee's job or required by law (unless excluded by a collective bargaining agreement);
- generally, meal periods that are less than 30 minutes or where the employee is not completely relieved from his or her duty for the purpose of eating regular meals or when the employee is not free to leave his or her duty post;
- short rest periods (such as coffee breaks) if they last between five and 20 minutes;
- training time (such as time attending lectures and meetings) are compensable if the training sessions are held during working hours and attendance is mandatory;

- time spent traveling from one worksite to another (29 C.F.R. § 785.36 (7-1-11 ed.);
- "on call" time is generally included if the employee's freedom is restricted;[91] and
- sleep time when the employee is required to be on duty less than 24 hours.

Here is a sleep time example: a telephone operator who is required to be on duty for specified hours is working even though he or she is permitted to sleep when not busy answering calls. It makes no difference that he or she is furnished facilities for sleeping. The time is given to the employer, and the employee is required to be on duty; thus, the time is work time. 29 C.F.R. § 785.21 (7-1-11 ed.).

WHAT ABOUT THE PPACA?

As noted in Chapter 21, employers are not required to compensate employees for breaks taken to express breast milk. However, if the employer provides compensated break time, an employee who uses that time to express milk must be compensated in the same way other employees are compensated for break time. An employee must be completely relieved from duty during a break to express milk or else the time must be compensated as work time.

State Law Requirements

State laws may provide greater protections for employees (such as higher minimum wage requirements and daily overtime). Where state law is more favorable for employees, those state wage and hour provisions may trump the FLSA.

CHAPTER 21: THE PATIENT PROTECTION AND AFFORDABLE CARE ACT (PPACA) OF 2010

The business case for breastfeeding is clear: it is common knowledge that both babies and their mothers benefit from breastfeeding, and employers that support employees' breastfeeding efforts can have reduced health care costs associated with those employees, decreased absenteeism, enhanced productivity and improved employee satisfaction, among other things. However, while the benefits of encouraging and facilitating employees' breastfeeding efforts are well-known, sometimes even the most well-intentioned employers can face seemingly impossible logistical challenges to doing so.

The Patient Protection and Affordable Care Act (PPACA) went into effect as Public Law No. 111-148 on March 23, 2010. The PPACA provides, among other things, certain requirements for employers with respect to accommodating nonexempt nursing mothers in the workforce. The applicable statutory provision, Section 4207, actually amends the Fair Labor Standards Act ("FLSA") and provides as follows:

Sec. 4207. REASONABLE BREAK TIME FOR NURSING MOTHERS.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. § 207) is amended by adding at the end the following:

"(r)(1) An employer shall provide—

(A) a reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk; and

(B) a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

(2) An employer shall not be required to compensate an employee receiving reasonable break time under paragraph (1) for any work time spent for such purpose.

(3) An employer that employs less than 50 employees shall not be subject to the requirements of this subsection, if such requirements would impose an undue hardship by causing the employer significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employee's business.

(4) Nothing in this subsection shall preempt a state law that provides greater protections to employees than the protections provided for under this subsection."

PPACA, Pub. L. No. 111-148, § 4207, 124 Stat. 119 (2010).

How Is Coverage Determined?

Coverage under the FLSA (and therefore this provision of the PPACA) is determined one of two ways: individual coverage or enterprise coverage. *See* 29 U.S.C. §§ 203(s)(1),

206(a), & 207(a). For purposes of Section 4207 of the PPACA, it is safe to assume most employees will be covered (and thus most employers will be subjected to these requirements). The statute applies to all employers with 50 or more employees. The statute does allow employers with fewer than 50 employees to be exempt from these requirements if—and only if—those employers can demonstrate that implementing the requirements would impose an undue hardship.

How Is the "50 Employee" Requirement Calculated?

An employer with 50 employees[92]—even if these employees are spread across multiple locations or worksites—will be required to comply with the statute's requirements even if the individual locations or worksites may only have a few employees.

Are Exempt Employees Entitled to Breaks?

Technically speaking, the statute requires provision of break time for nonexempt employees only. Again, this provision of the PPACA amends Section 7 of the FLSA, that addresses overtime pay requirements which, in turn, apply to nonexempt employees. However, it is recommended that employers allow and encourage break time for all employees, regardless of exempt status under the FLSA.

Nuts and Bolts: Break Time and Location for Pumping Breast Milk

Break Time

Employers covered by this law must provide breaks to nursing mothers for the purpose of expressing breast milk. Employers need not compensate employees for this break time. However, while the PPACA does not require these breaks be paid (and specifically states they can be unpaid), most employers likely already provide their employees a few paid breaks throughout a standard shift and should allow employees to use/exhaust these paid breaks for purposes of pumping breast milk.

If, for example, Organization A provides employees two paid 15-minute breaks (and one unpaid lunch break) during an eight-hour shift, the question arises whether Organization A must provide *additional* unpaid breaks to nursing mothers above and beyond the two breaks and lunch period already provided (in other words, whether an employee could take the standard two breaks for purposes *other than* expressing breast milk and then request additional breaks beyond those two for expressing purposes). Organization A can require nursing mothers to exhaust the two paid break times for expressing purposes and then provide additional unpaid break time to nursing mothers if the need arises beyond the breaks already provided to employee. However, if the organization strictly schedules paid break times, and the nursing mother's needs require her to take breaks at times other than those scheduled, the organization must allow her to take additional breaks (although these additional breaks need not be paid). Organizations are encouraged, however, to be flexible with respect to allowing these employees to take paid break times to coincide with the need to express breast milk.

With respect to the *length* of the breaks, the typical session to express breast milk would probably last about 15-25 minutes. It is difficult to imagine an employee would need 30 minutes or more, even including time to set up and clean equipment afterward (unless, however, the location provided is a far distance from the employee's work space, etc.). However, the statute itself provides no definition as to what constitutes "reasonable" with respect to the duration of the breaks, and practically speaking, the length of the breaks will likely vary person-to-person, day-to-day. With respect to the *frequency* of the breaks, again, the statute provides no definition. On average, the consensus among lactation consultants seems to be that a brand new, exclusively breastfeeding mother would need a maximum of four breaks in an eight-hour time period—and three is more likely at the higher end frequency-wise. As the baby gets older and other foods are introduced, the number of breaks needed to pump breast milk during work hours will likely steadily decrease.

Thus, using the example above, if Organization A has a nonexempt nursing mother requesting three breaks per eight-hour shift, Organization A can arrange with that employee to allow her to take her two paid 15-minute breaks as needed and at whatever times are necessary. The organization would continue to pay the employee for the two 15-minute breaks like it does for every other employee. If the employee takes up more than the 15-minute period during one or both of her paid breaks, the employee must be allotted additional time. However, the time exceeding her 15-minute periods can be unpaid.

Further, if the organization requires employees to take their first break two hours into the shift, but a nursing mother needs to take her first break earlier (say within one hour of arriving at work), the organization must either deviate from the policy in order to allow the employee to take her first paid break earlier or allow the employee to take an unpaid break when she needs to express breast milk. If the employee exhausts all paid breaks and lunch time and still needs additional breaks to express break milk, the organization must allow the employee to take reasonable additional breaks (unpaid).

Location

Employers must provide employees who need to express breast milk with a place that is shielded from intrusion and view of others. This location, however, may *not* be a bathroom. No exceptions! We found no requirement under this new law that mandates what amenities the private location must have. However, employers should generally be prepared to provide these women a room that has a lock (to prevent intrusion from coworkers and the public), an outlet (to plug in electric pump), a ceiling light or lamp, a chair and, possibly, a small table (upon which the mother can place the pumping equipment). A sink and a small refrigerator would be the next most logical items to include, but providing these items may significantly increase the expense (and there is no language in the statute requiring such). That being said, these employees do need to have relatively easy access to a sink and refrigerator. In the event an employee wishes to store her breast milk in a organization break room refrigerator or other employee refrigerator, we would not recommend prohibiting that employee from storing

breast milk in a organization refrigerator or from cleaning her equipment in a break room sink absent specific state or federal regulations or safety requirements providing otherwise. If breast milk is stored in a break room refrigerator or other public location, it is important that the employee properly label her breast milk.[93] If an employee feels uncomfortable storing her breast milk in a break room refrigerator or other organization refrigerator available to all employees, the organization should consider providing other accommodations for the employee, including allowing the employee to bring her own mini-fridge (if space and building code permit), allowing the employee to bring a small cooler to keep at her desk or work space, and the like. While we wait for regulations and/or further guidance on the issue, the best approach is probably to ask the employee (in advance) what the organization can do to assist the employee with any storage and related issues and suggest the storage options identified above.

Abuse of Break Time and Additional Considerations

We anticipate there could be questions with respect to how to handle an employee who appears to be "abusing" her privileges break-wise. The bottom line is that it could be very tricky (and dangerous from a legal perspective) confronting a nursing mother about taking "too many" breaks to express breast milk. If excessive breaks truly become a problem, we would encourage the organization to address the issue from the performance standpoint (i.e., "employee X, you are not completing your tasks within the time perimeters we set for you," and so forth, making no link to the nursing breaks themselves, etc.). A major key to avoiding or limiting litigation is simply treating employees fairly and consistently. If an employee taking breaks to pump break milk is treated differently than employees taking breaks for other reasons, the Department of Labor has suggested that the employee may have a claim for disparate treatment under Title VII. (See Chapter 18.)

Also, while this federal law only requires provision of the reasonable breaks/space for pumping for one year after the birth of the child, we recommend allowing employees to continue to take these breaks for a reasonable amount of time following the child's first birthday. Practically speaking, by that time, the mother will usually only be taking one to two breaks at most per eight-hour day, and the length of the breaks will likely similarly decrease as the baby grows. It is, however, important to remain flexible in approaching the needs of breastfeeding mothers in the workplace. Every mother is different and will have not only different biological requirements, but also different ideas and personal and cultural views regarding breastfeeding.

To implement these new statutory requirements and facilitate the transition of the breastfeeding mother back to work following the birth of a child, we encourage companies to evaluate current policies, handbooks and rules to ensure compliance with this new law, to consider adopting breastfeeding-friendly workplace policies, to implement training programs for management regarding handling requests for break time to express breast milk and the like, to consider outreach programs to encourage, educate and support employees who chose to breastfeed their children. These

women are providing benefits not only to their infants, but also to society as a whole, and should thus be championed within their work environment and not judged. As the health, nutritional, immunologic, developmental, psychological, social, economic and environmental benefits of breastfeeding continue to be researched and better recognized, organizations that are proactive in this regard will be better-equipped to address the needs of this sure-to-be-growing population of women employees.

IMPORTANT CAVEATS

Many states impose more protections/benefits for employed mothers who are breastfeeding. Thus, each employer should be cognizant of the applicable state laws that may provide these employees greater protections. For example, an organization with operations in Colorado must allow an employee living and working in Colorado to take reasonable breaks to express breast milk for up to two years after the birth of the child. Other states require unpaid breaks for longer, such as Vermont, which allows reasonable breaks to express breast milk for up to three years after the birth of the child.

Moreover, some states provide benefits for employers who meet certain requirements related to encouraging breastfeeding in the workforce. For example, in North Dakota, an employer may use the designation "infant friendly" on the organization's promotional materials if the employer, among other things, allows scheduled breaks and work patterns that allow and facilitate break time to express breast milk, meets certain specifications with respect to the location(s) provided to express breast milk, provides a refrigerator for storage of breast milk, and the like. Texas and Washington have similar "mother-friendly" designations. Such designations can be an important marketing tool with respect to the organization's products and employee retention/recruiting alike.

Resources for Additional Information

The Wage and Hour Division (WHD) of the U.S. Department of Labor (DOL) issued a fact sheet that provides very helpful guidance to employers. This fact sheet, entitled *Fact Sheet #73: Break Time for Nursing Mothers under the FLSA* (rev. Dec. 2010), can be found at http://www.dol.gov/whd/regs/compliance/whdfs73.pdf.

The WHD also published a *"Frequently Asked Questions-Break Time for Nursing Mother"* memorandum, which can be found at http://www.dol.gov/whd/nursingmothers/faqBTNM.htm (as of March 25, 2012), and the WHD's Request for Information on Break Time for Nursing Mothers, 75 Fed. Reg. 80073 (December 21, 2010), while seeking information and comments from employers (and employees) regarding the practical implications of the new law, actually provides very helpful and practical guidance for employers and contains the DOL's preliminary interpretations of this new law, such as tips for handling breastfeeding employees who are mobile workers or who work at various client sites. This Notice can be found at https://www.federalregister.gov/articles/2010/12/21/2010-31959/reasonable-break-time-for-nursing-mothers.

CHAPTER 22: THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA) OF 1994

The Uniformed Services Employment and Reemployment Rights Act ("USERRA") of 1994, 38 U.S.C. §§ 4301-4335, was signed into law on October 13, 1994. This federal law has three main purposes:

(1) to encourage non-career uniformed service;

(2) to minimize disruption to persons performing service and their employers, fellow employees, and communities; and

(3) to prohibit discrimination because of service.

See 38 U.S.C. § 4301.

Who Are Covered Employers under USERRA?

An "employer" is any person, institution, organization or other entity that pays salary or wages for work performed or that has control over employment opportunities. USERRA applies to almost all U.S. employers, including (but not limited to):

- delegatees;
- federal government and states;
- successors in interest; and
- those who deny initial employment.

Who Is Protected?

Generally, USERRA protects individuals who are or have engaged in "service in the uniformed services," which is defined as "the performance of duty on a voluntary or involuntary basis in an unformed service under competent authority." Service in the uniformed services includes:

- active duty;
- active duty for training;
- initial active duty for training;
- inactive duty training;
- full-time National Guard duty;
- National Disaster Medical System (NDMS) duty for public health emergencies (and training for same);
- period during which individual absent from employment due to fitness examinations; and
- period during which individual absent from employment due to funeral honors duty.

"Uniformed services" includes:

- Armed forces (Army, Navy, Air Force, Marines, Coast Guard);
- Army National Guard;
- Air National Guard (when engaged in active duty for training, inactive duty training or full-time National Guard duty);
- commissioned corps of the Public Health Service; and
- persons designated by President in time of war or national emergency.

What Does USERRA Prohibit?

Section 4311 of USERRA prohibits discrimination and acts of reprisal:

(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment[94] by an employer on the basis of that membership, application for membership, performance of service, application for service or obligation.

(b) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (1) has taken an action to enforce a protection afforded any person under this chapter; (2) has testified or otherwise made a statement in or in connection with any proceeding under this chapter; (3) has assisted or otherwise participated in an investigation under this chapter; or (4) has exercised a right provided for in this chapter. The prohibition in this subsection shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

(c) An employer shall be considered to have engaged in actions prohibited—

(1) under subsection (a), if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service or obligation for service; or

(2) under subsection (b), if the person's (A) action to enforce a protection afforded any person under this chapter, (B) testimony or making of a statement in or in connection with any proceeding under this chapter, (C) assistance or other participation in an investigation under this chapter, or (D) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation or exercise of a right.

(d) The prohibitions in subsections (a) and (b) shall apply to any position of employment, including a position that is described in section 4312(d)(1)(C) of this title.

38 U.S.C. § 4311.

Affirmative Obligations for Employers: Reemployment Rights

While employers may not discriminate against individuals because of uniformed service, employers also have affirmative obligations to persons who serve in the uniformed services. The primary affirmative obligation is the obligation to reemploy "any person whose absence from a position of employment is necessitated by reason of service in the uniformed services." 38 U.S.C. § 4312(a).

The employer's obligations are affected by many factors, including the following:

- advance notice;
- brief, nonrecurring positions;
- duration of service;
- disqualifying service;
- changed circumstances; and
- undue hardship.

We look at each one of these factors in turn below.

Advance Notice

First, to be entitled to reemployment, an individual (or an appropriate officer of the uniformed service in which the service is performed) has given advance written or verbal notice of such service to the person's employer.

Advance notice is not required if the individual is prevented from giving such notice due to military necessity or it would be otherwise impossible or unreasonable to give such notice.

HOW MUCH NOTICE IS REQUIRED?

USERRA does not specify how much advance notice must be given to an employer. The Defense Department recommends that employers be given 30 days notice "when feasible to do so." *See* 32 C.F.R. 104.6(a)(2)(i)(B).

Brief, Nonrecurring Position

Reemployment is not required where the position left to enter service was for a brief and nonrecurring period and was one that could not reasonably be expected to continue indefinitely or for a significant period of time.

Duration of Service

Generally, the duration of service may not exceed five years per employer. The length of services is computed cumulatively. Periods before and after service are not included in the computation. (For example, travel time and rest periods should not be included in these calculations.)

However, there are several exceptions to this "five year" rule (such as when the initial period is beyond five years, where it was impossible for the individual to obtain orders releasing such person before the expiration of the five-year period, where the person was ordered to remain on active duty for "critical missions", etc.). Therefore, employers should be *extremely* cautious when denying reinstatement for this reason, giving the individual the benefit of the doubt.

Disqualifying Service

A person's entitlement to the benefits of USERRA terminates upon the occurrence of any one of these events:

- dishonorable or bad conduct discharge;
- "other than honorable conditions;"
- courts-martial; and
- individuals dropped from rolls (absent without authority for more than three months, or imprisoned by civilian courts).

Changed Circumstances

Reemployment is excused if an employer's circumstances have changed so much that reemployment of the person would be impossible or unreasonable. For example, if Organization A undergoes a reduction in force during the individual's service-related absence, and that individual would have been included in the reduction in force had he or she been present, reemployment may be excused.

Undue Hardships

Reemployment may be excused if an employer can demonstrate an "undue hardship."

"Undue hardship" means that actions requiring significant difficulty or expense, when considered in light of:

- nature/cost of the action needed;
- financial resources available;
- business size;
- effect/impact of such action; and
- type of business operation.

Undue hardship can include situations involving the following:

- a person with a service-related disability

> Remember the ADA and employers' obligations to reasonably accommodate disabling conditions unless such doing so would create an undue hardship on the employer. USERRA also creates additional affirmative obligations for employers, so carefully review your obligations before denying reemployment.

- a person no longer qualified **(cautionary note: employers may be required to provide training or make other efforts to assist the individual to become qualified – see below)**
- a person with lesser reemployment rights

> For all exceptions under USERRA (undue hardship, existence of brief, nonrecurring position, etc.), the employer has the burden of proving (not simply asserting) the exception is warranted.

Reporting Back to Work

Many employers want to know whether an employee must report to or submit a timely application for reemployment to his or her pre-service employer upon completing service. The answer is yes. Upon completing service in the uniformed services, the employee must notify the pre-service employer of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service.

The following chart is a helpful guide:

Length of Service	**When Reporting to Work/Application Required**
1-30 days	By the first regularly-scheduled workday after an eight-hour rest period
31-180 days	Application within 14 days of completion of service
181 or more days	Application within 90 days of completion of service
Fitness for Duty Examinations	Same time for reporting back to work as for an absence of one to 30 days (regardless of length of absence)
Disability Incurred/Aggravated	Reporting/application deadlines extended up to two years related to an injury or illness occurring or aggravated during service

NOTE: if, due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work as soon as possible. This exception applies to the two-year period for disability.

Reemployment Positions

Assuming the individual meets the requirements for protection under USERRA, a person entitled to reemployment, upon completion of a period of service in the uniformed services, shall be promptly reemployed in a position of employment in accordance with the statute's delineated order of priority. Generally speaking, the order of priority is based upon length of service.

If the period of service was less than 91 days, the person must be returned either (1) to the position in which he or she would have been employed if the continuous employment of such person with the employer had not been interrupted by such services, the duties of which the individual is qualified to perform; or (2) to the position in which the person was employed on the date of the commencement of the uniformed services, only if the person is not qualified to perform the duties of the position described above after reasonable efforts by the employer to qualify the person.

If the period of service was for more than 90 days, the person must be returned either (1) to the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status and pay, the duties of which the person is qualified to perform; or (2) to the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform, only if the person is not qualified to perform the duties of a position referred to above after reasonable efforts by the employer to qualify the person.

What Happens If the Person Is No Longer Qualified Due to a Disability?

USERRA provides that, in the case of a person who has a disability incurred in, or aggravated during, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the individual must be returned to

(A) any other position which is equivalent in seniority, status and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status and pay consistent with circumstances of such person's case.

Nearest Approximation

In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniformed services for any reason (other than disability incurred in, or aggravated during, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position which is the nearest approximation to a position referred to first in clause (A)(i) and then in clause (A)(ii) which such person is qualified to perform, with full seniority.

RETURN TO WORK

Service of 1 to 90 days

1) The job the employee would have had if continuously employed (if qualified); or

2) The job the person had upon commencement of service, only if unqualified to perform the duties of the job referred to above after reasonable efforts by the employer to qualify the employee.

Service of 91 or more days

1) "Escalator position" or equivalent position (seniority/status), if qualified or can become qualified after reasonable efforts by employer; or

2) If not 1), employee's prior position if qualified or could become qualified after reasonable efforts by employer; or

3) If neither 1) nor 2), the nearest approximation of 1) for which employee is qualified, with full seniority.

Qualification efforts

1) Employer must make "reasonable efforts."

2) Actions, including "refresher training" provided by an employer, that do not place an undue hardship on the employer.

"Escalator" position – returning employees step back onto the employment "escalator" as if continuously employed

1) Pay and benefits;

2) Seniority; and

3) Promotions, demotions, and layoffs.

Conflicting Reemployment Claims

Sometimes two or more individuals may be entitled to reemployment in the same position. If more than one of them has reported for such reemployment, the person who left the job first shall have the prior right to reemployment in that position. (Think "First out, first in.")

What, then, happens to the other individual (i.e., the person who was second to leave the job)? The second person shall be reemployed as follows:

- escalator position (similar pay, status, seniority); or
- or, in a case of a disability requiring accommodation or retraining, in any other position with similar status and pay and with full seniority.

Protection from Discharge

One very unique component of USERRA concerns its provision prohibiting reemployed persons from being discharged, except for cause:

- within one year, if the period of service was more than 180 days; or
- within 180 days, if the period of service was more than 30 days but less than 181 days.

There is no similar protection for service of 30 days or less.

Health Plans and Pension Plans

USERRA also offers protection to individuals with respect to health plans and benefit plans.

If the employee has coverage under a health plan in conjunction with his or her employment, the plan must permit the employee to elect to continue the coverage for a certain period if time. For more information regarding health plans (including what types of health plans are covered by USERRA, what health plan coverage the employer must provide, how employees elect to continue coverage, how much the employee must pay to continue coverage and the like), please *see* 20 C.F.R. §§ 1002.163-1002.171 (4-1-11 ed.).

Further, on reemployment, the employee is treated as not having a break in service with the employer or employers maintaining a pension plan, for purposes of participation, vesting and accrual of benefits, by reason of the period of absence from employment due to or necessitated by service in the uniformed services. *See* 20 C.F.R. § 1002.259 (4-1-11 ed.). For more information regarding pension plans (such as what pension plans are covered by USERRA, responsibilities for funding plan obligations, plan contributions during period of uniformed service, and other related issues), please *see* 20 C.F.R. §§ 1002.259- 1002.267 (4-1-11 ed.).)

CHAPTER 23: OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) OF 1970

The Occupational Safety and Health Act ("OSHA") of 1970 is a federal law designed "to assure safe and healthful working conditions for men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging states in their efforts to assure safe and healthful working conditions; by providing for the research, information, education, and training in the field of occupational safety and health; and for other purposes."[95]

OSHA sets forth duties for both employers and employees:

(a) Each employer:

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and

(2) shall comply with occupational safety and health standards promulgated under this chapter.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this chapter which are applicable to his own actions and conduct.

29 U.S.C. § 654.[96]

Who Is an Employer under OSHA?

The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States (not including the United States Postal Service) or any state or political subdivision of a state.

Who Is an Employee under OSHA?

The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

OSHA and Workplace Flexibility

OSHA intersects with workplace flexibility measures in two primary areas: (1) OSHA's inspection policies and procedures concerning worksites in an employee's home; and (2) recording and reporting occupational injuries and illnesses. We will look at each area individually.

Inspection Policies and Procedures

In February 2000, recognizing the increase in telecommuting and telework arrangements, OSHA issued an "instruction" (Directive Number CPL 2-0.125) designed to

address unique issues that arise under OSHA concerning home-based worksites.[97] The DOL provided the following background for this "instruction:"

- The Department of Labor strongly supports telecommuting and telework. Family-friendly, flexible and fair work arrangements, including telecommuting, can benefit individual employees and their families, employers and society as a whole.
- … OSHA respects the privacy of the home and has never conducted inspections of home offices. While respecting the privacy of the home, it should be kept in mind that certain types of work at home can be dangerous/hazardous. Examples of such work from OSHA's past inspections include: assembly of electronics; casting lead head jigs for fishing lures; use of unguarded crimping machines; and handling adhesives without protective gloves.

DEFINITIONS

Home-Based Worksite. The areas of an employee's personal residence where the employee performs work of the employer.

Home Office. Office work activities in a home-based worksite (e.g., filing, keyboarding, computer research, reading, writing). Such activities may include the use of office equipment (e.g., telephone, facsimile machine, computer, scanner, copy machine, desk, file cabinet).

Home Offices

The instruction sets forth OSHA's policy for home offices:

- OSHA will not conduct inspections of employees' home offices.
- OSHA will not hold employers liable for employees' home offices, and does not expect employers to inspect the home offices of their employees.
- If OSHA receives a complaint about a home office, the complainant will be advised of OSHA's policy. If an employee makes a specific request, OSHA may informally let employers know of complaints about home office conditions, but will not follow-up with the employer or employee.

Home-Based Worksites

The instruction also sets forth OSHA's policy for home-based worksites:

- OSHA will only conduct inspections of other home-based worksites, such as home manufacturing operations, when OSHA receives a complaint or referral that indicates that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, including reports of a work-related fatality.

- The scope of the inspection in an employee's home will be limited to the employee's work activities. The OSH Act does not apply to an employee's house or furnishings.
- Employers are responsible in home worksites for hazards caused by materials, equipment, or work processes which the employer provides or requires to be used in an employee's home.
- If a complaint or referral is received about hazards at an employee's home-based worksite, the policies and procedures for conducting inspections and responding to complaints as stated in OSHA Instruction CPL 2.103 (the FIRM) and OSHA Instruction CPL 2.115, will be followed, except as modified by this instruction.

What about Recordkeeping?

Employers that are required, because of their size or industry classification, by the OSH Act to keep records of work-related injuries and illnesses, will continue to be responsible for keeping such records, regardless of whether the injuries occur in the factory, in a home office or elsewhere, as long as they are work-related and meet the recordability criteria of 29 CFR Part 1904.

Generally speaking, OSHA requires that employers record and report occupational injuries and illnesses. Federal regulations provide guidance on what constitutes "work-relatedness" for purposes of such injuries and illnesses. *See* 29 C.F.R. § 1904.5 (7-1-11 ed.). Subsection 1904.5(b)(7) explains how employers can decide whether a case is work-related when the employee is working at home:

- Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call,[98] the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

29 C.F.R. § 1904.5(b)(7) (7-1-11 ed.).

CHAPTER 24: INFORMATION ABOUT WORKERS' COMPENSATION LAWS

Workers' compensation laws provide medical and disability benefits to employees for lost wages caused by occupational injuries and diseases arising out of and in the course and scope of employment. Although there are federal laws that provide compensation to federal employees who suffer on the job injuries as well as to employees disabled from injuries that occur on the navigable waters of the United States (or in adjoining areas customarily used in loading, unloading, repairing or building a vessel), the vast majority of workers' compensation laws are state-based. Many such state workers' compensation laws are an employee's exclusive remedy for work-related injuries or diseases.[99]

Generally speaking, employees working from home receive the same protections as those working in the traditional office setting. Whether an injury is compensable under the applicable workers' compensation law will be determined based upon the specific requirements of that jurisdiction.

Two Areas Where Workers' Compensation Laws Are Particularly Important in the Flexible Workplace: Coming and Going (and the Dual-Purpose Exception), and the Home Work Itself

Coming and Going Rule

In most traditional arrangements (i.e., where the employee travels from his or her home to an employer-provided office space), workers' compensation laws usually do not cover injuries sustained while traveling to and from work. This principle is referred to as the "coming and going rule." However, there are situations in which employees injured during his or her commute may be entitled to workers' compensation benefits. An increasing number of these situations arise with growing numbers of employees working from home and maintaining home offices. In such situations, employers must take into account possible exceptions to the traditional "coming and going rule," such as the "dual-purpose doctrine."

Dual-Purpose Doctrine

Under the "dual-purpose doctrine" or "dual-purpose exception," an injury arising during one's commute may be compensable if the trip serves both a personal purpose and a business purpose. For example:

- The deceased claimant was co-host of a show that aired on a North Carolina radio station. The decedent planned a trip from North Carolina to Myrtle Beach, South Carolina to celebrate "Bike Week" and for a wedding anniversary celebration with this wife. He planned to leave on a Friday. However, during the week before his trip, he made an on-air promise to do a live show from Bike Week in Myrtle Beach. Thus, he changed his plans, electing to leave on Thursday rather than Friday, so he could call in during the Friday morning show. The deceased

was fatally injured on Thursday while traveling by motorcycle from Greensboro, North Carolina to Myrtle Beach, South Carolina. The North Carolina Industrial Commission awarded benefits, finding that the decedent had dual purposes in traveling to Myrtle Beach Bike Week. The Commission determined that, had the business purpose for his trip been dropped, the personal trip would have been postponed until Friday and thus the decedent was in the course of his employment at the time of the accident even though he was also traveling to Myrtle Beach to pursue personal interests.[100]

Travel between Worksites

Under most workers' compensation laws, travel between two parts of an employer's premises is considered to be "in the course of employment." Where, for example, an employer has two plants and requires an HR manager to travel from one site to the other in the course and scope of his or her duties, in the event the HR manager sustains injuries during his or her trip from one site to the other, such injuries are likely compensable.

In situations in which an employee primarily works at a home office and travels to a "traditional" office, an argument could be made that the trips to and from these offices are—at least at times—trips between one business site and another. Each situation will turn on the specific facts presented.

Generally, if the work is done at home for the employee's convenience, the going and coming trip is not a business trip within the dual-purpose rule, since serving the employee's own convenience in selecting an off-premises place in which to do the work is a personal and not a business purpose. *See* 1-16 Larson's Workers' Compensation Law § 16.10(3). However, again, employers should be cognizant that injuries sustained during telecommuting may be compensable under the applicable workers' compensation laws.[101]

Injuries while Working at Home

Although injuries occurring during travel to and from home (even a home office) may not be compensable, injuries occurring during the performance of work at a home office are generally considered to be in the course of employment (and therefore compensable). For example:

- A police officer who cleaned a gun at home probably could not assert that the trip home was covered because the officer did this job at home, but if the officer is injured while actually cleaning the gun, the injury is within the course of employment, particularly when it was the officer's duty to clean the gun at home.[102]

Perhaps a more common scenario involves an employee working in her home office who, as part of his or her regular job duties, works constantly at the computer and develops carpel-tunnel syndrome in her wrists. The injury would likely be compensable regardless of the fact that the injury occurred at a home office rather than the traditional office.

Tips for Employers

To mitigate workers' compensation claims, employers should consider providing training to their telecommuting employees regarding injury prevention and assisting their employees in setting up ergonomically sound home offices.

SECTION V

HOW TO USE HUMAN CAPITAL METRICS TO ASSESS WORKFLEX

When America's economy was primarily based on industrial activities and its focus was on machinery that was immobile, expensive and difficult to customize, there was not much interest in measuring the contributions that investing in people made to the bottom line. In that economy, the complexity of human creativity and behavior for employees on the shop floor was—as often as not—labeled "human error," because it was seen as an unwanted disruption to carefully calibrated, mechanical systems of production. Rather than work to harness the unique talents and perspectives of their human resources, many organizations sought to remove the human element from their systems, creating organizational cultures designed to make employees as uniform as any cog in a machine.

As the U.S. economy has moved to become more knowledge- and service-based and as technology has evolved to foster high levels of product and service customization, what might have been considered human error is now the secret to success, providing the opportunity for innovation, ingenuity and unique contributions to the organization that can have a big impact on the bottom line.

As a result of this transition, many researchers have directed their attention to understanding and quantifying the effects of HR activities using a variety of metrics. Human capital metrics provide information about how various HR activities influence financial costs and benefits, productivity and other employer and employee outcomes. This information can be especially useful to organizations considering the value of workflex programs in achieving their goals.

Though great strides have been made in developing human capital metrics, many organizational decision makers may be unfamiliar with what can be measured, how to measure it and how to apply the collected information to affect outcomes. In addition, stereotypes from the industrial era remain remarkably enduring even as the world continues to change at an ever faster pace. As such, organizational leaders, especially HR professionals, are faced with reframing HR from being a transactional department (for example, focused solely on providing benefits and compensation) to being a transformational one (also providing motivation and opportunity for employees to produce excellent work for their organization). In partnership with business, HR is moving toward seeing people as an investment not a cost, toward increasing people's engagement and performance and toward measuring business and employee outcomes in tandem in order to assess what HR is accomplishing and to make improvements.

The purpose of this section is to provide a general overview of specific human capital metrics that can help organizational leaders develop strategic plans for establishing, evaluating and sustaining workflex programs.

Though this section includes a strategic review of several common human capital metrics, it does not go into great detail on their calculation. Other resources, such as *Investing in People: Financial Impact of Human Resource Initiatives* by Wayne F. Cascio and John W. Boudreau,[103] provide quite detailed and helpful explanations of the calculation of these metrics. ***Investing in People*** **is especially helpful because the authors and SHRM have developed free, Web-based calculators (available at HRcosting.com) to simplify the production of several common human capital metrics and relate them to organizational costs. We recommend HRcosting.com because it provides a free and highly useful resource. HR professionals who use these calculators will spend less time generating metrics and more time improving organizational outcomes with their findings.**

THE VALUE OF HUMAN CAPITAL METRICS FOR SUPPORTING WORKPLACE FLEXIBILITY

Workplace flexibility is one way that organizations are evolving to take advantage of the potential inherent in their diverse workforces. By enabling employees to work how, when and where they are most effective and by designing flexibility that works for both the employee and the employer, organizations can generate better employee and employer outcomes. Yet, workplace flexibility is not a universal panacea. All options do not work equally well for all people and organizations. Organizations in the process of integrating greater workplace flexibility into their structure must consider which options are most likely to improve results for the employer and the employee. Once they establish a workflex program, organizations must also monitor the program's success and make improvements as necessary.

Making strategic and constructive decisions about workflex requires information about the program, such as which employees are using it, how it is impacting their performance at work and how that performance influences the overall organization. Human capital metrics provide this information for workplace flexibility programs just as other metrics like return on investment (ROI) and shareholder value have provided this information for other organizational activities.

The best metrics for justifying and sustaining investments in workplace flexibility programs will be translatable into monetary terms (the costs, savings and revenue generated as a result of the program). This is not to say that money is the only measure of a program's value. Instead, this is a recognition that organizational leaders need to be able to compare "apples to apples" when making decisions. For example, when deciding whether to support a new wellness program expected to reduce absenteeism by 10% or to update the computer systems expected to save the organization $100,000 a year, decision makers increasingly want to be able to compare these investments and

to forecast how each might impact profitability and their annual budget. Framing workflex programs in terms of their financial impact on an organization provides a stronger foundation for maintaining such programs in light of alternative investments available to an organization.

Even when metrics are not framed in terms of money spent, saved or earned, human capital metrics can be valuable for determining whether a program is having the desired effect on a broad scale. Though personal stories are essential as a part of making the business case for an investment, a common mistake when arguing for workflex programs is relying primarily on anecdotal stories about employee experiences and making intuitive estimates of how those anecdotes translate to organization-wide benefits. When a program's success can only be witnessed through these anecdotal stories, that program is likely to be in trouble when times get tough. Human capital metrics provide a way to carry a picture of seemingly intangible employee experience into the board room and discuss its effect on the organization *as a whole*. In this way, metrics provide a valuable support for the many narrative examples already in use by supporters of workplace flexibility.

Selecting Metrics that Matter

The idea that robust metrics improve organizational decisions is not new. Yet, some attempts to use metrics to support workflex programs have been unhelpful in the past. In some cases, a lot of excitement and energy go into collecting a vast array of data but once collected, nothing seems to come of the effort. Other times, the collected data are irrelevant to the primary business issues the organization is currently facing, or aren't comparable to data from other departments. Metrics on things that are not relevant and that cannot be linked with other initiatives are not a good investment. HR professionals are better served, especially when starting to integrate human capital metrics into organizational decision making, by examining a few key metrics of particular interest to their business leaders.

To identify these key metrics, HR professionals must have networks with leaders across the organization's functional areas and then either ask them directly or know by being in constant contact with them which metrics are of greatest interest. Some leaders may ask directly for particular metrics by name. These leaders will say things like, "I'd like to know our *absenteeism* rate" or "Are our employees *committed* enough to want to stay through the coming merger?" Other leaders may be less direct in their requests, discussing the problems they are facing without a clear sense of which metrics will help them resolve those problems. These leaders might say things like, "I am understaffed" or "My employees don't seem to care whether or not they get the job done right."

In both cases, the HR professional must follow-up with the leaders and ask critical questions about why the leaders are interested in these issues. Asking follow-up questions about the kinds of employee behaviors and experiences that are driving interest

in a particular metric or problem is essential to identifying which metrics will actually be useful. For example, an understaffed department may be due to employees failing to show up for work or to ineffective or unrealistic staffing plans. In the former case, the absenteeism rate for the department would be a useful figure. In the latter case, a comparison of headcounts across similar departments would be more valuable. Good follow-up questions will help identify whether the metric a business leader wants is also the metric the business leader needs.

Follow-up questions will help elicit the following additional information:

- What does the business leader need to know?
- What is happening that should not be happening?
- What is not happening that should be happening?
- Has the leader ever worked with this kind of information before and, if so, where did he or she obtain the information?
- How can the issues the business leader is grappling with be translated into robust measures that can be useful in decision-making?
- How does the business leader plan to use the data once collected? What other uses might be important?

Workflow is another major consideration in choosing which metrics to prioritize. Workflow refers to the way in which work is accomplished and how workplace flexibility might interact with work schedules and structure. For example, absenteeism rates are less of a problem among employees in departments with a lot of cross-training or who have tasks which must be completed *by* a certain time rather than *at* a certain time. As a result, absenteeism rates are not useful for evaluating workflex programs aimed at employees with a great deal of project work. On the other hand, workflex programs for employees with unchangeable production and service schedules may be an important metric of the program's success.

Using Metrics to Evaluate a Workplace Flexibility Program

Workplace flexibility is not an end in itself. Effective workplaces use workflex programs to enhance the employee experience and, in turn, to improve employees' contributions to organizational performance. Identifying the relevant interests of leadership, the business strategy and workflow highlights the ways in which workflex is meant to improve performance on both an individual and organizational level.

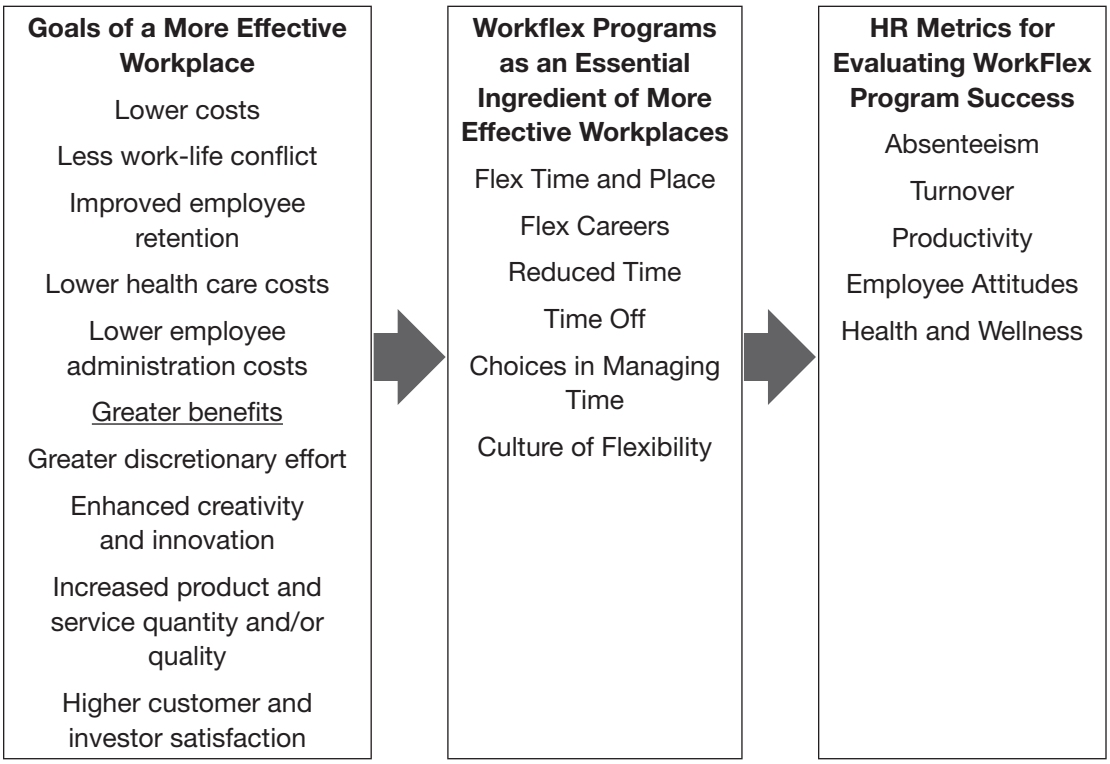
Once the goals are clearly articulated, it is a much simpler matter to select metrics that provide an accurate picture of a program's success. When it is clear that the goal of a workflex program is to improve employee engagement, one can determine whether a change in employee engagement is consistent with the goal. For example, if engagement goes up, the program was a success; if engagement goes down or stays stagnant, the program probably needs adjustment. In addition, since most programs have a

financial goal (cutting costs or increasing revenue), it is also necessary to see how the program's costs compare to the estimated benefit in savings or additional revenue.

Although, as we have said, workplace flexibility is not an end in itself, nor does it operate in a vacuum. Other factors about the workplace environment are important as are characteristics of employees. So, in designing an ROI study, HR needs to determine how workflex fits into other characteristics and whether these can be statistically controlled so that one can be more certain that it is workflex that is making the critical difference.

Figure V.1 presents a listing of some common goals that organizations have to become a better quality and more productive workplace—which we define as an **effective workplace** (described in the Preface). Figure V.1 also shows the workflex programs used to make workplaces more effective and some common metrics used to evaluate how workflex is contributing to workplace effectiveness. Not all organizations are concerned with maximizing every goal at the same time, and many workflex programs will be established to serve one or two specific goals. In addition, not all metrics provide information related to all goals. Below we present five metrics that are commonly used to assess workplace flexibility programs. Note that when we write about establishing a business case in Section III, we use a broader set of workflex programs, outcomes and measures to assess these outcomes. See the Diagnostic Toolkit chapter (Chapter 16) for these measures.

Figure V.1: Relationship Between Organizational Goals, Workplace Flexibility Programs and Human Capital Metrics



Absenteeism

Description. Absenteeism is a failure to report for or remain at work as *scheduled*, regardless of the reason. Absenteeism does not include vacation, training, caregiving or other leave times that are scheduled in advance or sanctioned. Absenteeism also excludes changes in an employee's scheduled time or place of work that is covered by a flex time or flex place program. Absenteeism does include missed meetings or other events that employees working flexibly may be scheduled to attend.

Strategic Value. Absenteeism is a major issue when resources and personnel cannot be effectively or efficiently reallocated when an employee is unexpectedly absent from work. Organizations that have the following characteristics are likely to consider absenteeism an important issue:

- a lean staffing plan under which many employees cannot easily reschedule or relocate their work tasks (e.g., plumbers, bank tellers);
- collaborative work processes that are easily interrupted or delayed if an employee is unavailable at scheduled times and there is no alternative plan for coverage (e.g., assembly lines employees, administrative assistants);
- frequent, unscheduled client contact where employees are essential in providing products or services to the clients and there are no alternative plans for coverage (e.g., sales positions, call center operators);
- employees with highly specialized skills such that that they cannot cover for one another, the cost of substitute employees is high, or substitute employees are not available (e.g., employees with security clearance); and
- complex procedures for reallocating employees or initiating disciplinary actions for absence that demand a great deal of supervisor time and effort (e.g., unionized workplaces, government offices).

Workflex programs in such organizations focus on reducing work-life conflicts that impede an employee's ability to attend work as scheduled. Flex time and place programs are designed to empower the employee and his or her supervisor to manage absenteeism risks proactively rather than resort to more stressful and costly disciplinary procedures (higher administration costs) after an absenteeism event. Workflex programs where the goal is to alleviate the organization's vulnerability to disruptions in an employee's schedule are properly evaluated using absenteeism metrics.

Employee Turnover

Description. Employee turnover occurs when an employee permanently separates from an organization. It does not include extended leaves such as sabbaticals or parental leave. Turnover can be described as voluntary or involuntary and functional or dysfunctional. *Voluntary turnover* is when an employee makes a choice to leave the organization (e.g., turnover due to the choice to take a new job, return to school or retire) and *involuntary turnover* is when an employee does not have a reasonable alternative to

leaving the organization (e.g., turnover due to death, a relocated spouse/partner, employer-initiated separations or an illness). *Dysfunctional turnover* occurs when employees leave the organization sooner than expected or at a rate that causes a gap in critical skills or knowledge and increases recruitment and training costs over budgeted values. *Functional turnover* occurs when employees whose skills or attitudes are not consistent with their position or the organizational culture separate from the organization (voluntarily or not) making room for employees who are a better match for the position. Downsizing is generally not included in turnover calculations because the separated employees are not going to be replaced. Though in situations where an organization downsizes with the expectation that the same positions will be refilled at a later date, turnover metrics would provide a useful measure of the costs of the layoff/rehire cycle.

Most organizations are focused on their rates of voluntary and dysfunctional turnover (i.e., the frequency with which valued employees choose to leave the organization, which some employers term "regretted losses"). They focus on voluntary turnover because it is more controllable than involuntary turnover by incentivizing people to make different choices. On the other hand, dysfunctional turnover is also a focus because it often represents the costs of separation and replacement incurred by the turnover, gaps in staffing that must be filled and/or the loss of investments in staff development to competitors.

Strategic Value. Overall turnover metrics are rarely strategically valuable. Since employees with different skills and backgrounds have varying alternative employment options in different regions, overall turnover metrics can be misleading. When the turnover rates for various groups are averaged, the overall result will reflect turnover for the most populous groups, not necessarily the most valued groups. Organizations benefit the most from calculating turnover rates among different employee populations, specifically identifying those populations whose rates are high enough to generate unacceptable costs. Some common examples of employee groups with whom turnover can be a strategic issue are:

- high performing employees being developed for advancement;
- underrepresented demographic groups (e.g., women, people of color, disabled employees);
- employees hired using a particular recruitment method;
- high investment employees who were expensive to recruit or train;
- employees with rare or expensive skill sets;
- new employees;
- employees in departments with lean staffing plans or highly collaborative activities; and
- employees responsible for maintaining client and supplier relationships.

Workflex programs that are best evaluated with turnover metrics are similarly stratified, with a focus on retaining specific groups of employees. This does not mean that

the program is only concerned with a single group, but rather that information about implementation and use is collected for each employee group separately. Otherwise, it becomes difficult to determine whether turnover is, in fact, related to a workflex program. For example, if every employee in an organization makes use of generous parental leaves, except new managers, the overall manager turnover rate alone would be misleading. Without data showing differential use of flexibility initiatives (such as the use by new managers), incorrect conclusions may be drawn and the opportunity to adjust the initiative to the needs of the group may be lost.

The Economic Value of Employee Performance

Definition. The economic value of employee performance refers to the relationship between improvements in employee performance and organizational outcomes. In other words, it refers to the incremental increase in productivity, profit or other organizational outcomes as a result of a one unit increase in an employee's effort or performance. Just as employees vary in the skills they bring to their work, so, too, do jobs vary in the opportunity they offer for employees to use those skills. Some jobs have a wide margin for success where even slight differences in employee contribution can result in huge improvements in results. Jobs that rely on an employee's ability to be creative, react to unanticipated circumstances and manage relationships give talented employees the opportunity to provide increasing contributions with increasing effort. Jobs that are highly structured with elaborately scripted interactions and little call for independent decision-making are less affected by the talent of the employees filling those jobs. It is important to note that the net effect of many employees in the same position can be quite large even if the effects for each individual are relatively small. For example, the way a call service employee responds to clients, even within a scripted interaction, can affect customer satisfaction and customer retention—and ultimately, the bottom line—in significant ways when the effects across all call service employees are pooled together.

Those jobs in which the quality of employee efforts has a strong effect on the quality of employee contributions to the organization are pivotal positions, because the organization's fortunes can tilt up or down in response to employee performance. In the past, only a few jobs with clear associations to revenue (e.g., sales jobs) were seen as pivotal to organizational success because their contributions were easily converted into dollars earned and spent. Organizations that calculate the economic value of employee performance will be able to translates the effort and skill *any* employee contributes to his or her work into dollar values that can be directly compared to the cost of that employee's wages and benefits.

Strategic Value. The economic value of employee performance can be used to evaluate a workflex program after it is initiated as well as determine how to target program resources to best effect. Employee groups, where the ratio of outcome to performance is high (i.e., where small investments of effort lead to large increases in outcomes), are prime targets for efforts to incentivize improved performance and to reduce turnover and absenteeism.

While wages are generally keyed to be higher for pivotal employee groups, making payroll data seem like a good shorthand for the economic value of employee performance, payroll data are far from a perfect match. For example, a medical technician job may garner high pay for the required specialized skill set, but it still may not be considered a "pivotal position," where greater effort yields greater organizational benefits, because the technician is expected to perform the same tests in the same way every day. On the other hand, a call center operator whose job requires convincing frustrated clients to stay engaged with the organization may not receive as high a salary but will produce very different results based on the effort placed into the highly unpredictable job. Therefore, organizations should conduct formal measures of the economic value of employee performance to identify accurately those employees who deliver better results when they invest more effort.

It is especially valuable to conduct formal efforts to identify pivotal, low-income employees. Data from the Families and Work Institute show that similar efforts to provide effective workplaces tend to be stronger in reducing negative spillover between home and work among low-income employees than for their higher-income counterparts.[104] This means that workflex has a bigger positive effect on low-income employees, helping them avoid conflicts in which their home lives infringe on their ability to be successful at work, than it does for higher-income employees. Workflex programs for pivotal, low-income employees can therefore be of use to employers with high- and low-income employees.

Employee Attitudes

Definition. Attitudes are internal states focused on particular aspects of or objects in the environment. Attitudes consist of the understanding, feelings and predetermined set of behaviors a person holds toward the target of the attitude. Since attitudes are reasonably accurate predictors of a person's future actions, they can be used to predict whether an employee is likely to engage in behaviors that enhance his or her performance. The entire organization benefits when large numbers of employees have positive attitudes that lead to performance-enhancing behaviors. For example, job engagement is the collection of thoughts and feelings and responses that an employee has in relation to a job. Highly engaged employees understand and enjoy their work and put more effort into their jobs, potentially improving their performance. Disengaged employees either do not understand their work or do not enjoy it, potentially resulting in less investment of personal resources into their tasks and lower performance.

Workflex programs that should be evaluated in terms of employee attitudes are instituted as a way to incentivize employee behaviors. In other words, the programs are established to encourage employees to hold attitudes that are associated with behaviors that enhance work performance and organizational outcomes. Common examples include flex time and flex place programs designed to reduce employee resentments related to issues of work-life conflict. Employees who can reduce their work-life conflict through workflex will likely feel more positively toward their job and their employer

reducing the probability of seeking a new job. Similarly, career flex and reduced time options can help an employee who has become dissatisfied with their work to diversify their experiences, become reengaged with their assignments, and produce higher quality work products and services.

Strategic Value. Not all attitudes are relevant to evaluating a workflex program's outcomes. Employee attitudes that could be suitable metrics for evaluating a workflex program include the following characteristics:

- **They should be related to meaningful employee behaviors.**

  Ensure that the attitudes you are measuring are associated with job-related behaviors. For example, an employee's feelings about the office's décor (not including issues of physical comfort or privacy) are unlikely to influence many of his or her job-related behaviors. Not many employees would choose to change jobs solely because the new employer changed the color scheme of the office.

- **They should be relatively independent from factors external to the organization and the employee.**

  When external factors interfere with employees' ability to make a choice, their attitudes will be less predictive of their future behavior. The most classic example of this effect is turnover and local job markets. Employees in job markets with few alternative employment options may remain at their current position, even when they have very negative attitudes because they do not have a viable option for leaving. In this case, measures of employee attitudes are not as effective a predictor of behavior as the local economic conditions. On the other hand, when job opportunities are abundant, employee attitudes can be great indicators of whether they plan to stay at an organization.

- **They should be relevant to pivotal employee groups.**

  Attitudes associated with behaviors that improve employee performance are mainly of financial value to the organization if the economic value of employee performance is high. If the economic value of employee performance is low, negative attitudes may predict absenteeism, turnover and inadequate performance, but positive attitudes will not show much of a financial effect on outcomes, though again, it is essential not to assume that more highly compensated employees are more pivotal employees. Depending on how they are positioned in the workflow of the organization and their contact with clients and customers, the attitudes of lower-wage employees may greatly affect organizational performance. Consider the example of a receptionist who must keep clients patiently waiting for an opportunity to be served by sales staff. The receptionist can be friendly and engaging, putting the client in a positive mood such that the client would consider making a larger purchase. On the other hand, a dismissive receptionist can leave a client looking for the cheapest possible resolution to his or her business transaction or the fastest way to walk out the door,

making the sales person's job that much harder. When determining which positions are pivotal it is essential to make a formal consideration of the economic potential of performance rather than just make assumptions based on pay rate.

Three employee attitudes that are generally relevant to employee behaviors, relatively independent from external factors and which are relevant to pivotal employee groups are: commitment, job engagement and job satisfaction.[105]

- **Commitment.** An employee's interest in remaining at an organization or in a specific job, which can influence turnover decisions.
- **Job engagement.** An employee's level of vigor in, dedication to and absorption in his or her work can potentially spur creativity, willingness to put in more effort than technically required in a job description (discretionary effort) and improved performance.
- **Job satisfaction.** The degree to which a particular job meets an employee's job-related needs and expectations (e.g., sufficient compensation, training and promotion opportunity) can potentially influence turnover, absenteeism, discretionary effort and intent to stay.

Employee Health and Welfare

Definition. Seventy-five percent of health care costs are estimated to come from treating chronic diseases including preventable conditions such as diabetes, coronary heart disease, stroke and cancer.[106] Organizations that have noted the strong connections between lifestyle choices (e.g., poor nutrition, lack of exercise and smoking) and these conditions have developed programs and policies to encourage employees to make choices that both improve their long-term health and reduce health care costs. A number of workflex programs can be used to achieve these health goals such as flexible schedules to enable preventative care visits and exercise and paid sick leave to recover more quickly and completely from illnesses.

Strategic Value. Despite the difficulty in developing reliable metrics for the effectiveness of health and wellness programs, a variety of rigorous studies provide substantial evidence that a healthier workforce leads to more productivity and lower employee-health-related costs.[107] It is, therefore, worthwhile to invest in such programs and evaluate their benefits if an organization has:

- high health care costs through a need for expensive medical treatments and insurance premiums;
- a concern about escalating health care costs;
- high illness-related absenteeism or turnover;
- employees who are less productive when they present for work when ill; and
- employee or local labor pool demographics that include large numbers of people at high risk for one of the four primary causes of health care costs.

Workplace Flexibility Considerations. Various workflex programs can potentially influence employee health and wellness. Paid sick leave and flexible schedules can provide employees with opportunities to seek regular preventative care, more quickly recover from mild illness or invest time in habits such as exercise or preparing healthier meals. Employee assistance programs (EAPs) also provide employees with support when problems emerge, helping them return to better states of health more quickly, potentially reducing absenteeism and avoiding unnecessary turnover.[108]

DATA COLLECTION TIPS

There are three sources of information that can be used to calculate metrics for evaluating workflex programs: 1) organizational records, 2) surveys and 3) individual and group interviews. Each method has its own advantages and challenges that influence how an organization goes about collecting data for its program evaluations.

Organizational records consist of data collected as a regular part of doing business. Some common examples are the employee demographics collected as part of the hiring process, employee performance ratings from the performance review process and wage and benefits data accumulated through payroll and benefits management.

Advantages

- The data are already collected as part of standard processes and represent the least resource requirements in both money and time.
- Organizational records can be used to identify additional potential problems and opportunities that workflex programs can address.

Challenges

- Organizational records are collected to serve a specific business function and are not always well matched to answer new questions that were not considered when the data collection and storage system was first designed.
- Organizational records may not align with the time period before and after the workflex initiative was established.

Individual and group interviews collect information through face-to face conversations with employees that give employees the opportunity both to answer questions and provide unexpected insights into the subject of the interview.

Advantages

- Interviews provide a narrative description of programs and their effects that are easier to understand than some quantitative data.
- Conversations with employees can reveal innovative or unexpected perspectives that open up new opportunities for the organization or suggest nuanced solutions to existing problems.
- Interviews can enhance the survey process by providing insight into how employees interpret survey questions and results.

Challenges

- Interviews are the most resource-intensive data collection method, limiting the number of interviews and the ability to generalize the results to all employees.
- Interviews require a careful selection of individuals to represent the groups of interest.
- Interviews require skilled facilitators who can both direct conversations and encourage employees to provide unasked for insights into organizational processes.
- Interviews need to provide credible assurances of confidentiality or anonymity to alleviate fears of retaliation for offering unflattering opinions.
- Group interviews should not include employees who work closely together or who have supervisory relationships with anyone else in the group interview in order to ensure candid opinions.

Surveys are conducted by providing employees with questionnaires (on paper or online) and then looking for patterns of responses. Ideally, surveys are conducted by asking every employee to fill out the questionnaire producing exact counts of all employee demographics, attitudes and experiences. If there is a large employee population, surveys of the entire population of employees are not cost efficient; thus, with careful selection, a subsample of employees can be used to gather fairly accurate estimates of the population as a whole.

Advantages

- Surveys generate quantitative data about an employee population that can be compared to other quantitative data sources.
- Surveys ensure consistency in the presentation of questions (versus the possibility of getting different results from different interviewers).
- Surveys make it possible to gather data from a wider range of employees than is possible using interviews.
- Surveys also open up opportunities to gather new data that are not already part of existing organizational records.

Challenges

- Surveys need to be representative of the employee population that they reference:
    - Representative samples are composed of all the groups of people that the surveyor is interested in discussing, preferably in proportions similar to that of the underlying population. In other words, if 20% of the overall employee population is in the accounting department then 20% of the sample should also be employees in accounting.
- Surveys should be random, so that all employees in the surveyed groups have an equal chance to participate:

- Surveys that are not random tend to have biased results and cannot be generalized to the overall employee population. For example, an employee survey of accountants in which only the highest performers are invited to participate will not accurately reflect the experience of the overall accountant population.

- Question design must ensure that employees and survey designers interpret items in similar ways. Several tips for better question design include the following points:[109]

  - Survey designers should pose questions in such a way as to generate uniform interpretations by all respondents and surveyors. Avoid questions that may be interpreted differently by different groups of employees (e.g., supervisors and non-supervisors). Also avoid questions that are what researchers call "double barreled"—they ask respondents to respond to two different issues in the same question that may or may not be related (for example: I am satisfied with my salary *and* benefits).

  - Questions should be administered using consistent methods and under consistent conditions including the time of year. All employees should have the same amount of time to answer and should be surveyed during similar periods. For example, don't compare responses between departments at wildly different points in their activity cycles, so that one department is focused on being too busy and the other on being too slow. Administer surveys (and focus groups) during times when there are as few alternative reasons to explain your findings as possible.

  - Employees should have a clear example of the kinds of answers desired. This is easiest when the responses are multiple choice, though that requires the surveyor to proactively provide the full range of possible answers. For open-ended questions, the phrasing of the question should clearly indicate things like the units of measure (e.g., time in hours, days or weeks) desired in the response options.

  - Unless the goal of the survey is to determine what people know, all participants should have access to the information necessary to answer the question. If there is doubt that all employees have access to necessary information to answer a given question, it is possible to include the information in the question text (e.g., "Since the start of the work-life program, in 2010, have you used …"). Be wary of asking employees about things that require information beyond their experience. For example, asking employees about the motivations of management or about work processes that happen outside their worksite will likely produce a lot of "don't know" responses.

  - Questions should be safe to answer. Questions that ask employees for potentially embarrassing, private or career-damaging information are likely to be left

blank and may discourage them from filling out the survey entirely. Providing assurances of confidentiality or anonymity whenever possible is one way of encouraging employees to provide responses to uncomfortable questions. Placing such questions at the end of the survey means that employees who stop filling out a survey upon encountering an uncomfortable question will have still completed the rest of the items with which they were comfortable.

The best data collection methods use multiple methods, collecting information from organizational records, surveys and focus groups and generating a complex and nuanced picture. In general, the most comprehensive data collection would consist of the following components in this order:

- a review of organizational records in order to identify issues that require additional attention;
- focus groups of both employees and managers with experiences related to the issue in order to define further and expand on the issues raised by the organizational records;
- surveys of relevant employee groups, shaped by feedback from the initial focus groups, in order to gather representative information about employee groups for whom the issues are relevant; and
- follow-up focus groups in order to solicit multiple interpretations of the survey results and identify potential solutions to problems, opportunities for improvement and additional issues for further study.

This process isn't always cost efficient, especially for companies with small research budgets and few employees to do the work; nor is it always necessary if the evidence or the issues are very clear. When an organization needs to cut one or more steps, it is important to consider the goal of the data collection. If the goal is to generate ideas on how to handle an already diagnosed problem, focus groups and interviews are a more valuable investment. On the other hand, if the goal is to identify or measure the extent of a problem/opportunity across a wide range of employees, data collection through surveys and organizational records represent a better investment of time and resources.

Other Considerations in Data Collection

In addition to the considerations associated with each of the three data collection methods, there are other aspects of data collection that are important to consider in any data collection effort.

- **Before/After studies.** Very often HR professionals want to show how a metric has changed over time or after the implementation of a program like workplace flexibility. In such cases, the goal is to provide the metric during at least two points in time, raising the question of which two points in time. As with the number of people in a survey, there is no simple answer to this question. There are, however, several things to consider in choosing time periods to compare.

- ***Special events.*** Generally the goal is to compare time periods when the employee experience is not being affected by unusual circumstances that could raise alternative explanations for any findings. For example, a measure of employee intention to stay at the organization is higher during times of economic hardship, such as a recession. Comparisons on intention to stay should be limited to data points generated during similar economic conditions to be more certain that differences are due to organizational changes and not economic conditions. Data collection should generally be done during periods that represent the normal flow of work, not especially busy or slow periods or during major shifts in the workplace (such as a merger) that would change the employee experience.

- ***Sufficient time to show change.*** A major concern in studies aimed at showing change over time is providing enough time for change to happen. There is no specific timeframe for evaluating the effects of instituting a workflex or other HR program. When setting the dates for post-intervention assessments, HR professionals should consider how long it will take for employees and their supervisors to learn about the new program, fully understand how it works and adapt their culture and work processes to use the program. Only after the program has been integrated into the work processes and culture among a significant number of employees can its effects be measured accurately. In general, the larger and more spread out the organization's workforce, the longer it will take for change to take root in that organization.

- **Pilot studies.** Unlike other considerations in this section, the question of whether or not to do a pilot study is less complicated. If the resources are available to conduct an initial, small-scale pilot study before rolling a program out to the entire organization, then it is generally worthwhile to do so—especially if the program is complex or represents a major change in the organization's way of working. On the other hand, if the decision to roll out a program has broad support, the program is designed to consider all employee groups, and the program has a natural pause or end point at which it could be easily adjusted (for example, summer hours) then pilots may not be necessary. In general, the less certain an organization is of how a new program will interact with existing policies, the more value it will get out of conducting a pilot program. When planning a pilot study, select a group of employees that are generally representative of the population of employees who will ultimately benefit from the program. It is not useful to test a program among the departments in which such a program is easiest to implement precisely because those departments won't highlight as many problem areas. A pilot program that uncovers a wide range of potential problems is a successful pilot because it provided an opportunity to fine-tune the program before making a general commitment.
- **Alternative explanations.** In order to be fairly certain that your workflex program is the source of any changes in employer or employee outcomes, it is essential

to control for other factors that could potentially be the cause of those changes. For example, if a workflex program is established at the same time as a new benefits program, it will be difficult to show the degree to which each new program is affecting outcomes. In a perfect world, one would complete the evaluation of one program before starting the next program. This is not always a realistic option for organizations in a fast-paced economy in which operating conditions are not under the organization's control (e.g., market conditions, local labor markets, legal environment and competitors' activities). When one or more additional factors are likely to change during the evaluation period, it is also important to collect metrics of those factors so they can be accounted for in any statistical analyses. Even if formal statistical analyses are not part of the evaluation plan, being able to track fluctuations in each factor over time will be helpful in understanding how the collection of factors may collectively influence outcomes.

Getting the Most Mileage Out of Human Capital Metrics

It takes a significant amount of time and effort to assemble a solid collection of human capital metrics with strong strategic value for an organization. It takes no less effort to report those metrics to organizational leaders in a way that is both easy to understand and with clear implications for organizational policy and business strategy. Though each organization will have its own unique political and cultural characteristics that define how best to present such information, most HR professionals will benefit from considering the following factors when deciding how to present their results.

Setting expectations. The first and most important aspect of reporting human capital metrics is to set reasonable expectations about what the human capital metrics mean for the organization. HR professionals should clearly indicate which metrics are subject to frequent short-term change and which represent the results of long-term investments. Do not try to justify a program in imminent danger of defunding with a metric that requires a long-term time period to show improvement. Calculating the economic value of employee performance can also help to set expectations by identifying which employee groups could potentially have a big effect on outcomes based on their performance.

Benchmarks. Part of setting reasonable expectations is to have relevant benchmarks to evaluate the relative contribution of a program to the organization. Human capital metrics that convey the financial value of a particular program are the easiest to benchmark since they are in the same financial unit as other organizational activities and have a consistent meaning in a variety of organizations.

For other metrics that are not presented in financial units, it is necessary to provide other benchmarks for evaluating the value of a change. Many organizations use industry standards as benchmarks. Industry standards make for an excellent first time benchmark to see whether an organization is doing better or worse than similar organizations. Industry benchmarks need to be interpreted carefully. Focusing solely on being better than the average could lead to a sense of complacency and cause a program to provide only a fraction of its potential benefit. Once an organization has met or exceeded

industry standards, it should begin benchmarking against its own past performance. It is also helpful to have benchmarks set by other components of an organization, such as control groups in a study or other departments with similar structures and work demands. Using past performance and control groups to set benchmarks creates an ongoing impetus toward improved performance with the bar for success set a bit higher each evaluation cycle. Benchmarks based on internal data automatically take into account the organization's continuing development and unique characteristics in ways no generalized industry standard could. The Sloan Awards for Excellence in Workplace Effectiveness and Flexibility administered by Families and Work Institute and SHRM represents a benchmark in workflex that promotes excellence through comparisons to national, industry and organizational standards.

Multiple frameworks. HR professionals should also give significant consideration to how to frame their findings in ways that naturally speak to the role and priorities of leaders in other departments. Part of that process is generating metrics that use financial units to maintain comparability with other organizational activities. In addition, using terms and examples drawn from the audience's experience and job duties will be more effective than using standard HR lingo. For example, the term employee "turnover" is widely used in part because "turnover" was originally a term referring to the flow of inventory on and off a store's shelves. By describing employee separations and replacements with an inventory term, managers, whose daily activities consisted of making sure a store's shelves were suitably stocked, could more readily understand the implications of being under or over stocked with employees. Taking the time to understand the lingo used by the intended audience for a metric and framing the results in those audience specific terms will make it easier for them to understand and accept the findings.

Alternative scenarios. One of the most valuable aspects of the online metric calculators is the ability to analyze alternative scenarios by adjusting specific figures. For example, adjusting the absenteeism rate of two employee groups can show where investments in absenteeism reduction programs should be focused. Using the online calculators at HRcosting.com makes it easy to estimate the effects of a successful program and determine whether it is worth the investment.

Anecdotes and the law of large numbers. When describing whether a program is a success or not, there is a tension between telling stories and showing numbers. Some people are easily convinced by a dramatic example of an individual being well-served by a program while others need to see large numbers to feel that a program is worthwhile. Be prepared both with stories that exemplify the effects of a program and with statistics that show that the success is widespread.

CONCLUSION

There are many sources of information that can help evaluate the contributions of workflex programs to an organization's outcomes. Distilling this information into human capital metrics to evaluate the effectiveness of workflex programs is essential to making a strong case for continuing such programs. Leaders supplied with a solid collection of statistics (from organizational records and surveys) and first-hand perspectives (from focus groups and interviews) will recognize the value of workflex to their organization's bottom line. Once workflex is framed as a contributor to the organization's goals, it will be integrated into strategic decisions and the stereotypes of the industrial era will begin to fade to the benefit of both employers and employees.

Again, we recommend going to HRcosting.com. It will provide you with calculators to measure the cost and benefits of your investments in workflex.

SECTION VI
ADVICE FROM EXPERTS

Where Is Your Organization on the Flexibility Spectrum?

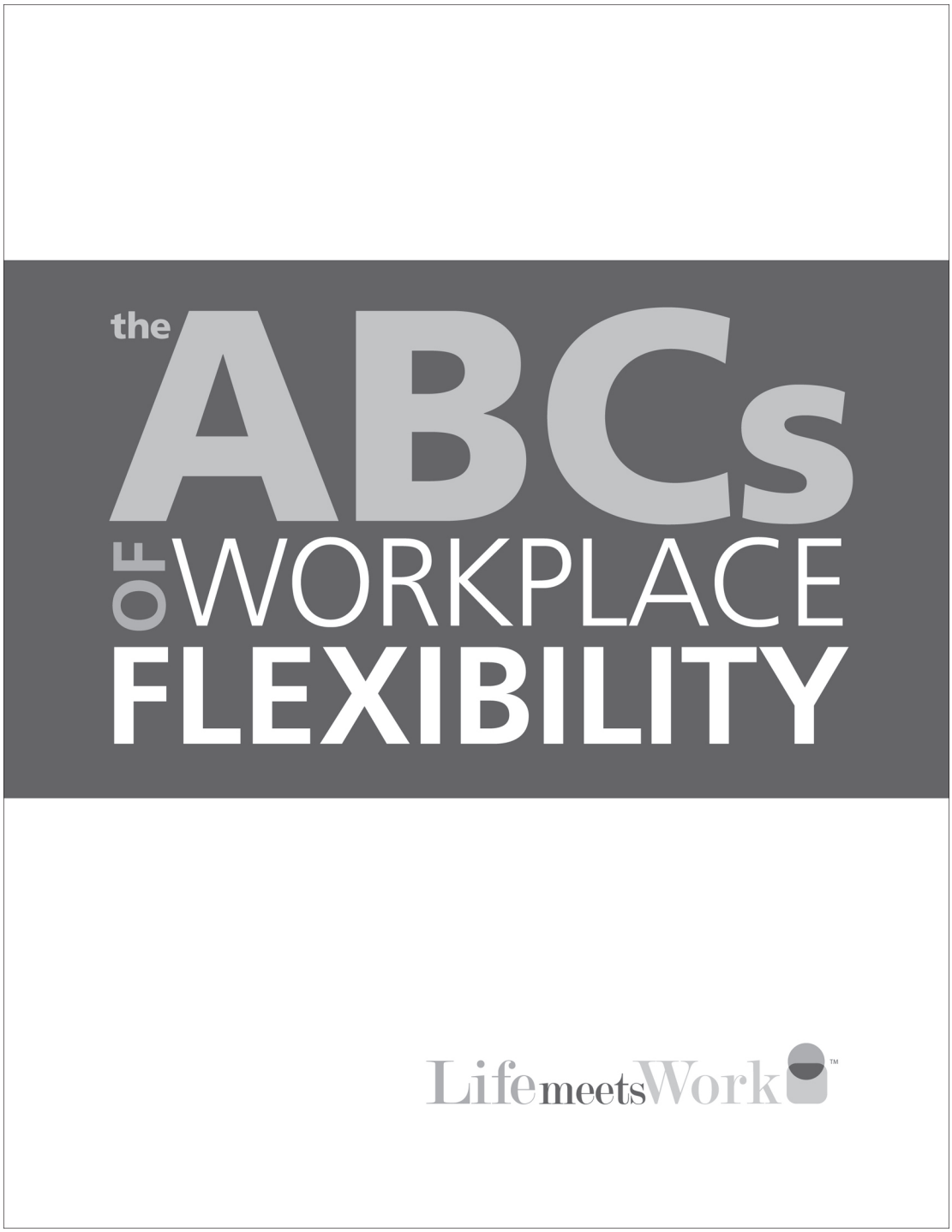
WFD's Flexibility Spectrum is a tool being used in many organizations as a framework for understanding the common evolution of flexibility in organizations on the journey to embedding flexible, new ways of working into the culture.

Building a Culture of Flexibility



Individual Accommodations	Policies & Programs in Place	Flexibility Has Many Faces	New Ways of Working
Special arrangements, "deals" or personal accommodations granted on a case-by-case basis and often kept secret	Policies and programs exist but flexibility is used inconsistently in "pockets" across the organization	Widespread, consistent use of formal and informal flexibility to meet business and individual needs	A results-driven culture where flexible work practices and new ways of working are utilized as a management strategy to achieve business results

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the ABCs OF WORKPLACE FLEXIBILITY
LifemeetsWork™

the ABCs OF WORKPLACE FLEXIBILITY

Workplace flexibility is not as simple as ABC. There's no one-size-fits-all guide to flex. Every organization has its own business imperatives to meet and challenges to overcome. That said, most successful flex programs include the same common building blocks. Scroll through our ABCs of flex and decide which ones will translate well in your organization.

A

Agree on the Rules of Flex A flexible team agreement helps team members know what to expect from each other. Include guidelines on core hours, meeting frequency, and communication.

B

Business Continuity Don't let the next snowstorm hold up your organization. Mobile work options help companies maintain operations in the face of natural and man-made disasters.

C

Commuters Save A telework program contributes to the triple bottom line by reducing real estate costs, environmental impact, and employee stress. Some governments even offer telework incentives.

D

Deliberate Communication Flexible work teams need to make a purposeful effort to stay connected and ensure messages are interpreted correctly. Plus, companies should regularly communicate policy, guiding principles, and flex work options to ensure everyone understands the organizational commitment to flex.

E

Employee Engagement Flexibility contributes to employee engagement, making them stronger performers who are more fully involved in their jobs.

F

Flex Give employees more control over how and when they work.

G

Mind Your Gap Don't assume you don't need a flex program just because employees aren't asking for it. A flex gap occurs when company culture or manager attitudes prevent employees from broaching the issue.

H

Hourly Workers Innovative organizations are finding ways to redesign overtime programs, implement self-scheduling and shift swapping tools, leverage floaters for last minute coverage, and develop other creative solutions to eliminate schedule rigidity for non-exempt workers.

I

Innovate Help managers learn to think differently about where and how work happens. With a little creativity you may be able to implement new work processes, switch to team-based client services, forward the phone, or make other changes that will enable flex.

J

Justify the Investment Workplace flexibility programs can have bottom-line impact. Build the business case by demonstrating how other companies increased productivity, reduced real estate, improved wellness and more. Then maintain buy-in by tracking your own internal metrics.

K

Share Knowledge Encourage successful flex managers to mentor other team leaders. Share flex work success stories in company newsletters to help all departments envision how flex might work for them.

L

Leadership Counts Get leaders on board from the start. Their support can enable or hinder flex rollout efforts. Help them understand they need to walk the walk, not just talk the talk.

M

Manager Training Training helps ensure managers are aligned around the organization's flexible work philosophy and that they have the skills they need to lead a flexible team. Effective flex leadership means learning how to create connectedness, manage for results, and maintain communication.

N

No Stereotypes Workplace flexibility isn't just for moms, parents, young professionals, or those who don't want to work as much. It's for anyone who wants greater control over their schedule.

O

Out Of Sight but On Your Mind Working with a virtual team means getting deliberate about social interaction and project management. Set a regular weekly phone conference with virtual team members and stick to it! If you need more frequent interaction, ask for daily flash reports with project updates. Instant messenger tools can also create visibility.

P

Pilot Start small. Pilot programs lay the groundwork for flex success by allowing organizations to address hurdles on a small scale. Pilots uncover best practices and facilitate smoother change management for the entire organization.

Q

Quit Watching Your Employees Work Manage results, not activity. Set clear expectations and then use the appropriate amount of oversight to ensure everyone stays on track.

R

Reason Neutral Requests Evaluating an employee request for flexibility based on a personal reason/need is old school and exposes the company to legal concerns and morale issues. Review flexible work requests based solely on business implications.

S

Schedule Effectively Effective scheduling means finding ways to meet business needs while recognizing the realities of today's multidimensional employees. Employers with high turnover and absenteeism should see those as evidence that staffing policies are a poor fit for their workforce.

T

Trust Trust is critical for effective teams, especially when team members are located in different places or come and go on different schedules. Convey confidence in your team and encourage employees to give their peers the same respect. Discourage people who question a team member's whereabouts and call out those who miss deadlines or exhibit other unacceptable behaviors.

U

Upward and Onward Don't let flex become another flavor of the month initiative. Continue to promote flex options, provide ongoing team training, and look for innovative ways to support employees through every life stage.

V

Virtual Collaboration Technology enables remote teams to collaborate in much the same way they could in a physical conference room. Live chat, virtual white boards, wiki's, file sharing, and remote screen sharing applications help teams share information and ideas, without the expense of travel.

W

Workplace Wellness Research shows flexible workers eat better, sleep better, and exercise more. And not surprisingly, they experience less stress—a strong contributor to health issues and workplace accidents. This translates into health care savings for flexible organizations.

X

eXpectations Flex managers need to get comfortable with challenging flex employees who miss a conference call or fail to communicate project status. Set expectations upfront and hold employees accountable.

Y

Say Yes Whenever Possible Help managers open their minds to flex, even when their natural inclination might be to say no. Manager coaching can help build buy-in and improve innovation around flexible work options.

Z

Zero In On Performance Build performance-based job descriptions that identify the outcomes (not the activities) an employee is responsible for achieving. Figure out how to measure progress toward that outcome and the consequences of exceeding or failing to meet those metrics. Once you do that, it's easy to put the employee in charge of how, when, and where their work gets done. And life for managers becomes a whole lot easier as well.

LifemeetsWork™

Life Meets Work Inc.,
310 Busse Hwy. #310
Park Ridge, IL 60068

1-888-462-5691
info@lifemeetswork.com
www.lifemeetswork.com

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Three Layers of a Successful, Business-Based Flexibility Strategy

By Cali Williams Yost, CEO and Founder of the Flex+Strategy Group / Work+Life Fit Inc.
Author, *Work+Life: Finding the Fit That's Right for You* (Riverhead, 2004)

If you want flexibility to be part of the way your business operates day-to-day, and more than a nice-to-have perk, then make sure you have a layering of policies and guidelines that are developed and implemented as part of a comprehensive, phased implementation strategy. Here are the three layers of successful, business-based flexibility:

Layer 1: Flexibility Policies: This is where most organizations start and many end. They draft policies that lay out the approval, implementation and review parameters of the five discrete formal flexible work arrangements: flexible schedules, telecommuting, compressed workweeks, reduced schedules and job sharing. For example:

- We define telecommuting/a reduced schedule as…
- If you telecommute, the organization will/will not reimburse certain expenses.
- Every arrangement must be reviewed initially after 90 days and then every six months thereafter.
- If the arrangement is deemed unsatisfactory to either the manager or employee, it can be terminated immediately.

But these one-size-fits-all policies are often one-dimensional. They fail to come to life because there's no way to contextualize the flexibility to the unique realities of a particular business challenge, job or person. This is where the next layer of the flex strategy becomes important.

Layer 2: Flexibility Process to Tailor Win-Win Solutions: This layer takes flexibility to the next level. It provides consistent guidelines to think through what type of flexibility will or will not work for a job or person. Flexibility processes also address the fairness issue. While everyone is not guaranteed the same type of flexibility, everyone does follow the same process for consideration of a request.

Here's an example of three common levels of guidelines. They build upon one another to harness flexibility and create win-win, tailored solutions:

Level 1—Manager/HR: a process to guide a manager or HR's approval of a request for one of the five standard, one-size-fits-all formal flexible work arrangements. Managers and/or HR are prompted to consider the performance of the employee, whether it makes sense for the business, etc. This is where most organizations begin, but at some point they make three important realizations:

- Managers and HR can't come up with a flexibility plan that is going to work for each individual person.
- The five, one-size-fits-all formal flexible work arrangements are too rigid. They don't allow the creativity required to tailor a solution that meets the work+life fit needs of the individual and the needs of the business.

- Most of the time people don't need to formally change the way they are working. They just want to make small, flexible adjustments in how, when and where they work day-to-day.

That leads to the creation of…

Level 2—Employee Work+Life Fit: A process that helps an *employee* take the lead to determine what type of formal and day-to-day flexibility will help him or her manage his or her own work+life fit. These guidelines help workers think through how, when and/or where they want to work, how their job will get done, etc., before talking to their manager and team.

Unfortunately, in many organizations, these employee-based guidelines only focus on work considerations and leave out personal realities. This incomplete picture is the reason that I wrote my book *Work+Life: Finding the Fit That's Right for You* (Riverhead, 2004), to help individuals create a flexibility plan that considered both their work *and* personal realities, and had the greatest chance of success.

These guidelines address the individual's need for flexibility to manage his or her personal work+life fit, but how do organizations harness this same flexibility to deal with business challenges?

Level 3—Team-based Innovation: a few companies are providing teams with guidelines to help tailor win-win solutions that use flexibility to target business challenges. The process shows leaders, managers and employees how to engage in an ongoing conversation that rethinks rigid ways of working. Together, they create flexible, innovative solutions. For example, creating a rotating telework schedule to deal with overcrowding in the office, or a flexible shift schedule for global client coverage to ensure people aren't "on call" all of the time.

This brings us to the final level of strategic flexibility. You can have the best policies and guidelines, but they won't have much impact unless there's a…

Layer 3: Plan for Strategic Implementation: This is the layer that too few organizations develop and execute. Without a plan that creates readiness, links flexibility to other management practices, rewards buy in, communicates broadly, etc., flexibility will not become a meaningful part of an organization's culture and way of operating. Like laying a piece of paper on top of water, it floats but never penetrates.

Flexibility implementation must be intentional, have a clearly articulated impact on the business and its people and be able to be measured. Depending upon the unique goals of the organization, it might include:

- Creating a shared vision of flexibility that answers the questions, "Why do we need it?" and "What does it look like here?"
- Aligning work processes, management structures and rewards
- Linking flexibility to leadership competencies
- Encouraging a culture of shared responsibility versus top-down hierarchy

Source: Cali Yost, Flex+Strategy Group
Reprinted with permission from Calie Yost, Flex+Strategy Group

FLEX IN-DEPTH: State Street

Today's workforce is increasingly made up of knowledge workers who are diverse and who often work virtually. At the same time, work itself requires more customized, creative, 24/7, global solutions. For organizations to be successful in today's environment, they must embrace the concept of a more agile workforce and agile workplace, which some are finding challenging.

The concept of agility is not new. What's changed are the needs of both employees and businesses for more flexibility in how, when, where and how much work is done and the internal stakeholders who are defining and shaping the way organizations are responding. However, these stakeholders often work in silos that don't encourage sharing and coordination of effort. There is a significant opportunity to "connect the dots" across internal stakeholders in order to maximize the value, impact and speed of adoption of flexibility for both individuals and organizations.

The following case study from State Street represents an example of the alignment of key internal stakeholders and their work to create a more agile workforce and workplace.

One Company's Journey To A Manager-Initiated Process

Challenge/Situation

Change is constant in the business environment. Advances in technology, workforce demographics, government regulations and employee engagement are pushing the global working culture to become more accommodating of flexible work arrangements. Clearly, there is evidence that flexible work arrangements are a "win" for employees, assisting in balancing work and personal commitments, reducing the length and costs of commuting. There is even more evidence that flexible work arrangements are beneficial to employers and to the community at large.

Who Was Involved

State Street, a Boston-based financial services firm, created an executive committee on flexibility, and from that work, the formal Flex Work Program was developed. Over time, it was decided that Flex should be more aligned with the company's business strategy, and the program's success would be achieved through a partnership between HR, IT, Real Estate and Procurement. Flex work is now led by the Flex Program Office and milestones are achieved through the support of a cross-functional working group, with work streams focused on Policy, Training, HR Business Partners, Communications, Real Estate, Procurement, IT, Finance and Business Transformation.

Process

Through the work streams listed above State Street built the foundation from which to execute Flex. With a robust communications strategy and training, State Street built awareness and adoption across its global locations. Its dedicated Flex Program Office's sole focus on continuing to evolve and deploy the program elements is key to its successful implementation.

Solution

Initially, the program was grassroots — an employee approached a manager to request a flexible work arrangement. The program in that form was slower to catch on, but did achieve some traction. By shifting the program to a top-down approach, State Street is moving much more rapidly and has set clear and measurable goals around implementation and plans.

Results

The employee approach seemed to cause some conflict for managers who felt that the rollout wasn't equitable in all areas. A shift from an employee-initiated to a manager-initiated approach allows managers to be proactively in tune with what is feasible from a business perspective. A manager-initiated approach is now in progress, and State Street continues to gather information to enhance the program as it evolves.

Measurement/Metrics

The Flex project management office has agreed to several key metrics, which quantify the level and success of Flex work. These metrics include:

- FlexTrax measures the requests, approvals and declines that are indicative of management adoption.
- Flex Center utilization reports on reservation data that measures and quantifies the demand from a location perspective.
- Engagement Survey data measures the link between successful flex work arrangements and the perception of flex work with employee engagement levels.
- Flex Work SharePoint serves as an information resource for employees, allowing the company to measure visitors in order to quantify awareness and interest in the program.

Most recently, State Street completed a year-over-year engagement survey, which indicated that more than 65 percent of the workforce understand they could participate in the flexible work program, and 31 percent of employees are on some type of formal flex work arrangement.

Source: Karol Rose and Lori Sokol, Ph.D.
Reprinted with permission from State Street

APPENDIX
SAMPLE TOOLS AND TEMPLATES

SHRM and Families and Work Institute have compiled these sample tools and templates for you to use.[110]



Flexible Work Arrangement Agreement

This flexible work arrangement agreement is established between [ORGANIZATION] and [Employee].

This agreement shall become effective as of _____ and shall remain in effect until _____ unless modified or terminated by [ORGANIZATION], the employee, or the supervisor or successor to the supervisor of the employee. In the event that either the organization or the employee needs to terminate the agreement, that party shall provide the other party with four weeks written notice. However, in the event of a workplace emergency, the agreement may be suspended immediately and indefinitely. This agreement may be reviewed at any time if requested by either party.

This agreement is subject to the employee satisfying the following conditions on a continuing basis:

- The employee shall perform all job duties at a satisfactory performance level.
- The employee's work schedule does not interfere with normal interactions with his/her supervisor, coworkers or customers.
- The employee's schedule does not adversely affect the ability of other organization employees to perform their jobs.
- The employee assures his/her accessibility to coworkers who maintain the organization's regular working schedule.
- The employee's paid leave will be earned and used in the same manner as prior to this flexible work arrangement agreement and be subject to all other applicable organization leave policies.
- The employee maintains the agreed-upon work schedule detailed below.

All of the employee's obligations and responsibilities, and terms and conditions of employment with the organization remain unchanged, except those specifically

changed by this agreement. Any non-compliance with this agreement by the employee may result in modification or termination of the flexible work arrangement established by this agreement. Such modification or termination will require four weeks notice to the employee.

Flexible Work Schedule:

_____

I have read and understand this agreement and all its provisions. By signing below, I agree to be bound by its terms and conditions.

Employee Signature: _____ Date: _____

Approved by: _____

Name of Supervisor Date



Telecommuting Application

Name: _____ Title: _____

Department: _____ Supervisor: _____

Number of days I would like to telecommute: _____ (It is up to you and your supervisor whether you require some days at the workplace, but you will need to find ways to connect with your supervisor and coworkers on a regular basis.)

Please describe how you think your job responsibilities are suited for telecommuting and how this can benefit you in your job and the organization:

_____

_____

_____

_____

_____

_____

_____

Supervisor

I have discussed the possibility of telecommuting with the above-mentioned employee. I believe this employee is a good candidate based on job responsibilities and performance in his or her current position.

Supervisor Signature: _____ Date: _____

Telecommuting Applicant

I have discussed telecommuting with my supervisor and understand that my application does not guarantee that I will be eligible to telecommute. I have read the telecommuting policy and understand that it is not an entitlement and that it is not appropriate for every employee. I understand that telecommuting can be terminated at any time by [ORGANIZATION] or by me.

Telecommuting Applicant's Signature: _____

Date: _____

Human Resources

Approval _____ Disapproval _____

Reason: _____

Signature: _____



Flex Time Request Form

Employee Name: _____ Date: _____
Printed

Department: _____ Position: _____

Date of Hire: _____

Description of Flex Time Arrangement:

Hour of Arrival: _____

Hour of Departure: _____

Beginning Date for Flex Time: _____

I have read and understand the organization's Flex Time Policy. If this flex time arrangement is suspended or cancelled, I will return to a standard work schedule.

Employee Signature: _____ Date: _____

Approved by: _____ Date: _____
Name of Supervisor

Name: _____ Date: _____
Printed

Copies: Human Resources, Payroll



Compressed Workweek

How To Develop a Policy and Policy Outline

A compressed workweek is one in which employees work the same amount of hours in fewer than the customary number of days per week. Commonly, this would mean working fewer than five days in one week or fewer than 10 days in one pay period. Compressed workweeks are slightly more common during the summer and may be known as "summer hours" schedules.

Possible Benefits of Compressed Workweeks:

- reduced commuting time for employees (may help meet obligations under the Clean Air Act as well);
- reduced employee costs for transportation, child care or other daily work-related expenses; and
- increased morale and possible increases in productivity or customer service as a result of improved morale.

Possible Drawbacks of Compressed Workweeks:

- There may be a lack of supervision during some hours of the workday.
- There is the potential for reductions in productivity or customer service due to longer working hours.
- Stress may increase in some occupations from repetitive work or "burnout."
- Periodic absenteeism has a proportionately greater impact on work time.
- Union issues related to work hours, breaks, meal periods, etc., may inhibit such a change.
- There may be state law limitations on the number of hours worked per day for overtime purposes and other possible state law constraints on the adoption of such a program. (For example, California is one state with very specific requirements for adopting flexible work schedules.)
- The administration of payroll, leave and holidays may be slightly more complicated.

Important Policy Elements:

- **Management rights clause:** The policy should make it clear that this is an optional benefit that can be discontinued at any time for any reason (though efforts should be made to provide reasonable notice when possible).
- **Impact on paid holidays:** The policy should not conflict with existing holiday and leave allocation practices, but should clearly state what the impact will be on compressed workers if a holiday occurs during a compressed week. There should be equitable treatment so that participants receive the same time off and holiday

pay as other workers. Some options include reverting to the regular schedule for any week or pay period in which a holiday is planned; offering an alternative floating holiday for compressed workers already scheduled to be off on a planned holiday; allowing compressed workers to rearrange their schedule during a holiday week to ensure they are appropriately compensated and granted holiday time off, etc.

- **Impact on paid leave:** Options will vary depending upon whether paid leave is allocated by the hour or by the day and should be consistent with existing paid leave policies and equitable for compressed workers and non-compressed workers.
- **Eligibility factors:** Will all jobs be eligible for compressed work or will it depend upon scheduling issues, staffing levels and supervision? The policy should clearly state who is eligible and ensure that the policy is fairly and consistently administered.

Policy Outline

Note: Use this outline as a tool for drafting a compressed workweek policy. Once all issues are addressed, the policy can be reformatted to match other existing policies.

Effective _____, [ORGANIZATION] will offer eligible employees the opportunity to apply for permission to work on a compressed workweek schedule. A compressed workweek is one in which employees work the same number of hours as normal but in fewer than five days in one week or fewer than ten days in one pay period. Compressed work schedules will be granted in situations for which job and business-related needs can continue to be met even under a compressed schedule.

This policy is in effect: [choose one]

- For a trial period of X weeks beginning _____ and ending _____
- All year
- Summer Season Only (i.e., Memorial Day to Labor Day)
- Other:

This policy is available: [choose one]

- For all employees
- For all employees with _____ months/years of services
- For all employees in _____ department
- For exempt employees only
- Other: _____

The compressed workweek schedule used will be [choose one or more, after carefully considering normal working hours, the impact on the pay week and the effect on business operations]:

- 4 days/10 hours—Participants work ten hours each day for four days either Monday through Thursday or Tuesday through Friday each week.

- 9 hours/8 days—Participants work nine hours each day for eight days, eight hours on a ninth day and then take a tenth day off.
- 12 hours/3 days—Participants work 12 or 12½ hours each day for three days.
- 9 hours/9 days—Participants work nine hours each day for nine days with the tenth day off.
- Eight-day week—Participants work ten hours each day for eight straight days and have a four-day weekend.

Exempt employees, by definition, will continue to receive the same salary from week to week regardless of the schedule worked.

Nonexempt employees may be subject to a one-time pay week adjustment to accommodate the new schedule, in accordance with the Fair Labor Standards Act.

Compressed workers eligible for holidays should [indicate what action is to be taken with regard to taking and recording time off] when a holiday falls on a day they are not scheduled to work and should [indicate what action is to be taken] when a holiday falls on a day they are scheduled to work.

Compressed workers eligible for paid leave should [indicate what action is to be taken with regard to taking and recording time off] when taking paid leave on a day otherwise scheduled as work time.

[ORGANIZATION] reserves the right to suspend, cancel or amend this policy at any time. [ORGANIZATION] also reserves the right to cancel or suspend use of such a schedule by any employee who experiences performance problems deemed to be related to the new schedule. Such circumstances will be evaluated on a case-by-case basis.



Sample Summer Flex Time Policy

The operating days and hours of [ORGANIZATION] are Monday through Friday, 8:30 a.m. to 5:00 p.m. All employees are expected to be at work during these hours. Flexible work schedules are not permitted, except during the summer months, starting the week in which Memorial Day is observed and ending the week in which Labor Day is observed.

The summer flex time at [ORGANIZATION] is a work schedule that allows employees to work extra time on an alternating workweek basis Monday through Thursday in order to leave at 1:00 p.m. on Friday. The time of arrival and departure may not differ from the standard operating hours by more than two hours, except for the Friday early departure. For example, a typical summer flex time arrangement is Monday through Thursday, arriving at 8:30 a.m. and departing at 6:00 p.m., and on Friday arriving at 8:30 a.m. and departing at 1:00 p.m.

Supervisors approve or deny flex time on a case-by-case basis. The employee must first discuss possible summer flex time arrangements with his or her supervisor and then submit a written request using the Summer Flex Time Request Form. The supervisor will approve or deny the flex time request based on staffing needs, the employee's job duties, the employee's work record and the employee's ability to temporarily or permanently return to a standard work schedule when needed.

A summer flex time arrangement may be suspended or canceled at any time. Exempt employees must depart from any flex time schedule to perform their jobs. Nonexempt employees may be asked to work overtime, regardless of a flex time schedule.



Summer Flex Time Request Form

Employee Name: _____ Date: _____
Printed

Department: _____ Position: _____

Description of Summer Flex Time Arrangement:

Hour of Arrival: _____

Hour of Departure: _____

Beginning Date for Flex Time: _____

Summer Flex Time arrangements must be between the week in which Memorial Day is observed and the week in which Labor Day is observed. Summer flex time is permitted to be taken by an employee on alternating workweeks so that the office is adequately staffed.

I have read and understand [ORGANIZATION]'s Summer Flex Time Policy. If this flex time arrangement is suspended or canceled, I will return to a standard work schedule.

Employee Signature: _____ Date: _____

Approved by: _____ Date: _____
Name of Supervisor

Name: _____ Date: _____
Printed

Copies: Human Resources, Payroll



Job-Sharing Memo of Understanding

Position to Be Job-Shared: _____

Date Job Share to Commence: _____

Employees participating in Job Share (Note: it is typical to have two employees share a job, but it could be more employees, as fits the organization, the job and the employees involved.)

Name: _____

Name: _____

Job-Share Agreement

- Both employees will equally share one whole job, including all of its responsibilities and duties. Each employee will be accountable for all job duties and everything related to the job.
- Job-share agreement will be for a six-month trial period, and, at the end of this period, employees engaged in the job share and the manager will evaluate the effectiveness of the job share.
- If deemed successful by the manager, the arrangement will be evaluated at least annually. As long as there is sustained success, the agreement will continue as long as both employees are employed in the same job with [ORGANIZATION].
- Both employees and the manager are committed to making the job share work and will proactively seek resolutions to problems that may arise. Either employee or the manager involved in the job share may end the job-share agreement at any time for any reason. This should be communicated to the manager and employees involved in the job-share agreement as soon as possible.
- Both employees will each work three days per week (48 total hours, 24 hours per employee), with Wednesday as the overlapping day of the week. The overlapping day is vital to the success of the job share, and this time should be used to share information and work together to make the rest of the week's job share a success.
- In the event that one of the job-share partners terminates employment, changes jobs within the [ORGANIZATION] or requests full-time work, the position will automatically revert to a full-time position with the expectation that the remaining job-share partner will assume the full-time requirements of the above position, including a 40-hour workweek. If a compatible partner can be found, and it is agreeable to the employer and both employees, the job share agreement can continue.

Signatures below constitute agreement to the job-share agreement above. Either employee or the manager involved in the job share may end the job-share agreement at any time for any reason.

Employee: _____ Date: _____

Employee: _____ Date: _____

Manager: _____ Date: _____

Human Resources: _____ Date: _____



Take the Summer Off Program Policy

Employees may request to be considered for the Take the Summer Off Program. Approval to participate is at management's discretion, based on the impact of the requested absence on operations.

Under the program, eligible employees will be permitted to take a leave of absence without pay for four to 12 weeks during the summer. Periods of leave must be a minimum of four weeks and must begin and end in accordance with [ORGANIZATION] pay periods. There are no exceptions to this rule.

All interested employees must have completed probation before June 1st of the year in which they request to participate in the program. The leave requested must begin no earlier than June 1st and must be completed no later than September 15th.

The following conditions apply to all Take the Summer Off Program participants:

- During the period of summer leave, health insurance premiums must be paid by the employee (employer needs to determine what proportion of insurance it will pay, if any). Since this represents a substantial cost, employees are encouraged to think carefully about the financial impact of enrolling in the program before they apply.
- Arrangements for credit union or other direct payments from the employee's paycheck must be made directly by the employee.
- Performance evaluation periods and payments may be affected by the period of absence without pay.
- Employees may apply in [month] of the year prior to the summer in which they wish to participate in the Take the Summer Off Program. If approved by [date], a salaried exempt employee may arrange to have his/her salary for the year spread-out over the full year so that paychecks will be received during the period of leave without pay. For example, if an employee is approved before [date] for two full months of leave for the following summer, the employee may request that his/her salary for the 10 months during which he/she will be working be spread out over the full 12-month period.

Forms and any additional questions regarding this program should be directed to the HR department. All forms and applications must be submitted in a timely manner to maximize participation opportunities.



Work Sabbatical Policy

If an opportunity arises for an employee to work or undertake a special project outside of the organization for a period of six months or less, the employee may request a work sabbatical. Applicants must have been employed full-time by the organization for at least three years and must meet the following criteria:

- The employee's work performance is good.
- The employer deems that there are acceptable resources and adequate coverage available during the employee's absence.
- The employee provides a detailed description and documentation of the work opportunity.
- The employee understands and accepts that this is a leave without pay.
- The employee has not taken an unpaid leave of absence in the prior two years.

If an employee has secured an outside work opportunity of longer duration, such as a university fellowship or book contract, the employee may request up to a 12-month leave of absence as long as he/she has been a full-time employee of the organization for [years determined by organization]. The above criteria also apply.

In the case of a fellowship, the leave of absence shall cover the duration of the fellowship only, but may not exceed 12 months.

A maximum of [number determined by organization] employees per calendar year may be granted a work sabbatical.

If the manager and the employee agree to all of the above conditions, then the following items should be discussed and the Work Sabbatical Leave Form completed and signed:

- The employee can opt to continue his/her selected benefits for the agreed-upon time period if he/she pays the entire premium to the organization. The organization will make the payments to the various insurance carriers on the employee's behalf. If the employee elects to continue his/her benefits, the organization will notify each carrier in writing of the employee's leave of absence.
- If electing to continue his or her benefits, the employee must submit a check representing the full monthly payment, made payable to [recipient determined by organization], no later than the 15th of each month. Failure to submit payment will cause the employee's benefits to end immediately.
- Employees choosing to continue their benefits must understand that the locations and medical providers covered by their benefits plan are specified by the insurance provider.

- Employees who opt to discontinue their benefits must understand that, upon their return to work, they will be treated as new employees and any waiting period and/or exclusion of pre-existing conditions may apply.
- Once the time period for a work sabbatical is agreed upon in writing, it cannot be extended without a written request for extension and approval by management. If it is shortened, prior notice to the supervisor also is required. The total leave taken may not exceed one year.
- The employee and supervisor agree and understand that the position will remain open and available to the employee when he/she returns. Should the employee fail to return to work at the end of the agreed period of time, the employee's position at [ORGANIZATION] will be terminated.

NOTE: This work sabbatical leave is not intended to be an extension of Family and Medical Leave Act, short-term disability/long-term disability and/or any other current benefit provided by the organization. This policy does not constitute a guarantee of continued employment. Rather, employment with the organization is on an "at will" basis.

Work Sabbatical Leave Form

I have read and understand all of the parameters of this request for leave, as per the Additional Leave/Work Sabbatical section of the HR Policy manual. I certify that I understand that:

I agree to return to work by _____ [date]. I understand that failure to do so will result in my termination as an employee of [ORGANIZATION].

Should I need to adjust this return date, I will contact my immediate supervisor, and such extension is at his/her discretion. Such request must be made in writing.

I understand that under no circumstances may this leave extend beyond the guidelines established in the Additional Leave/Work Sabbatical policy. I will provide my immediate supervisor with two weeks' notice in advance of my return date.

I am eligible to elect the continuation of specific benefits during my leave, but I am required to pay the full cost of the premium. I have checked the boxes below to indicate which coverage I wish to extend. These coverages, along with the specific costs based on current elections, are as follows:

☐ Health coverage $ _____

☐ Dental coverage $ _____

☐ Short-term disability $ _____

☐ Life/AD&D $ _____

☐ No election of benefits coverage

Total benefits premium of $ _____ is due to [recipient determined by organization] on or before the 15th of each month.

I further understand that if I do not elect to continue this coverage or if I allow my coverage to lapse, upon my return I will be treated as a new employee with regard to the benefits indicated above.

All organization policies are applicable during this sabbatical. I am aware that these policies and programs may be amended at any time and, depending upon the particular circumstances of a given situation, the organization's actions may vary from written policy. This policy should not be construed as a guarantee of continued employment. Rather, employment with the organization is on an "at will" basis.

_____	_____
Employee's Name	Date
_____	_____
Supervisor's Name	Date
_____	_____
HR Manager's Name	Date



Workflex Option Business Case

Name: _____

Work Phone #: _____

Business Unit: _____

Service Line: _____

Work Location: _____

Rank: _____

Current Standard Hours: _____

Citizenship Status: _____

Supervisor: _____

Counselor: _____

Best contact phone # to use: _____

New schedule requested:

Instructions: Answer the questions below to complete your request. A summary of your request will appear once you make your selection. Please verify the request is correct prior to submitting to your supervisor.

1. Anticipated Start Date for Workflex Option change: _____
2. Are you requesting a Reduced Schedule or Compressed Work Week: _____
3. Are you requesting a Telework schedule: _____
4. Are you requesting a Job Share: _____
5. Did you discuss your request with your supervisor: _____
6. Additional Comments (Optional): _____

   _____

Summary of your new schedule requested: _____

_____

Please note that there are “thinking points” before each section to prompt discussion between Workflex Option applicants and others integral to the decision. There is no requirement to answer each question in the section. They are designed to assist you as you complete your business case and design the Workflex Option schedule that works best for you. However, each section, and its respective overarching question, must be completed.

Proposal Schedule

- Do you need to work fewer hours?
- Do you need to compress your full-time schedule into fewer days?
- Do you need to telework, i.e. from another office or a remote location? If so, how often?
    - Please think about the tax impact of work of teleworking from another location.
    - Consider the impact that your "home office" may have on your personal expenses, including your tax location.
- Do you need to have a different schedule during various times of the year (i.e. "busy season", summer, etc.)?
- Have you thought about/spoken to others using workflex options in your peer group?
    - What is, or is not, working well with some of their arrangements?
    - Have you reviewed the Workflex Option policy and information on the Diversity and Inclusiveness website?
- What is your proposed schedule? _____

_____

Duration of Proposed Arrangement

- Are you seeking a workflex option for a defined or undefined length of time?
- Is it for a current "life event" or an ongoing need to change your schedule?
- Anticipated start date of Workflex Option: _____
- How long do you anticipate being on this workflex option: _____

Flexibility

- Sometimes business demands will mean that all of us will have to adjust our schedules to meet deadlines. Be prepared to discuss how you will remain flexible within your workflex option.
    - How will you be flexible around times/days you wouldn't normally work?
    - How will you be available on days that you are not scheduled to work or are not scheduled to be in the office/at customers?
    - If you have children or adult care responsibilities, what will your regular caregiving arrangements be? Hours, days of the week, etc.? Do you have a backup plan?
    - If you will telework one or more days per week, what arrangements do you have to come into the office on days that are typically work at home days?
- Indicate to what extent this arrangement will allow for unexpected customer demands when necessary: _____

_____

Work Commitments

- Even on a workflex option, business needs require all of us to remain flexible. There will be times when we will work more or less hours, week to week, than we originally scheduled. Annually, your hours should fall within your peer groups'. For a reduced schedule workflex option, your total annual hours should come close to your agreed reduced schedule percentage.
    - Determine the typical workload for your peers (including travel, recruiting, business development, coaching, etc.)
    - If you are seeking a reduced schedule, you will still be responsible for working your prorated percentage of your peers' workload. Determine what your annual hours expectation is before considering a reduced schedule.
    - Identify what (if any) customers/projects you may need to give up. How can that work be reassigned? Can your team absorb that work?
    - There may be times when you may have to turn down an assignment. Have you considered how it may impact your experience and promotion?
    - How will you continue to gain experiences and increase knowledge, in areas beyond customer work/projects?
    - What are your expectations regarding promotions? What are your views about potential timing for your next promotion?
    - Are you OK with a potentially longer promotion time than your peers? (For example, a person on a significantly reduced schedule may take longer to gain the necessary skills and experiences to get promoted to the next level).
- Indicate any changes that may need to be made to your customer load, projects and/or administrative responsibilities, etc. _____

  _____

Communications

- It is important that you and every member of your team communicate your personal commitments, so that appropriate planning can take place. Effective communication is a critical success factor for a workflex option.
    - How will a supervisor/team member/administrative assistant reach you if necessary? Who else on your team can serve as "go-to" people in the event you are unreachable?
    - Will you provide your cell phone number to serve as the "emergency" number a team member can reach you on? Have you shared your phone number(s) with your team?
    - How often will you check your e-mail and voicemail on days out of the office?
    - How will you be transparent with your supervisor/team members/customers about your schedule?

- How can you utilize organization's technology to be more flexible? Please see the tips on technology and workflex options.

- How will you communicate with your teams/customers and be available when needed? _____

_____

Impact on Goals for Yourself, Your Team, Quality, Growth and Operational Excellence

- If you are on a reduced schedule, everything, such as business development, professional development and talent management activities, should be prorated. You should not just be assigned to customers/project work.
  - What is the appropriate level of non-customer serving activities to further your career?
  - Consider completing the Workflex Option Goals Worksheet to plan this out.
- How will you ensure that all areas of your development (not just customer/projects) will be met? _____

_____

Teleworking and Technology

- Technology is another critical success factor for Workflex Options. Please familiarize yourself with available tips on technology and virtual teams, which can be found on the Diversity and Inclusiveness Website.
  - If applicable, indicate how you are prepared to address various challenges related to teleworking in each section of the business case (e.g. how will you communicate while working remotely, stay in touch with teams, customers, etc.)
  - If pursuing telework, have you reviewed the organization's telework policy on the [website]? Typically, reimbursement is available when people work 60% or more from home.
  - Discuss with your team the use of collaborative tools.
  - Consider requesting that calls to your work number follow you to any number including your home or cell.
  - Review the expense reimbursement policy to better understand what technology expenses you will be eligible to submit for reimbursement?
  - Which technology tools will help you with remaining flexible?
  - You will need to provide the city and state you will be working from.
- What technology tools do you need to make your workflex option more effective?

_____

_____

Other Responsibilities

- Your workflex option may also be impacted by other factors. Indicate how your schedule will impact the following:
  - Are there limitations to travel?
  - How will you think through out of town opportunities?
  - If you have limitations on travel, have you considered that this may impact advancement opportunities and the experience on needs to advance?
  - As a reminder, employees using workflex options must meet the minimum professional development requirements each year and there is no reduction for a reduced schedule person.
  - If you are a supervisor/counselor, how will you continue to manage, coach and develop your staff and what impact will your requested workflex option have on those responsibilities?
- Indicate how your schedule will impact the following. Please indicate "N/A" if there is no impact:

  Travel: _____

  Professional Development: _____
  (professional development requirements are unchanged)

  Team Meetings: _____

  Recruiting: _____

  Business Development: _____

  Counseling/Mentoring: _____

  Other: _____

Expected Support from Your Organization

- What can the organization, your supervisor and team members do to support your workflex option?
- Think about finding a workflex option mentor—someone who is already successfully using a workflex option.
- Describe how the firm, your supervisor, and team members can support your workflex option and how you plan to communicate your needs to them: _____

  _____

Instructions on Processing Your Workflex Option Request

1. Please consult with your supervisor to determine what levels of approval are required in your business unit prior to submitting this business case online. Your supervisor will also be able to inform you of the approver selection in step 2.

- Please note, your business case must be submitted by the following dates in order for it to be processed in a timely manner:
- If you want your workflex option to be effective on the 1st of the month, please submit no later than the 15th of the month.
- If you want your workflex option to be effective on the 16th of the month, please submit no later than the 1st of the month.

2. Please select your approver below (click in the box and type the last name to quickly locate). Your business case will be routed to this person for approval.

   Approver Name: _____

3. Click the submit button below to process your request.
   - The file will be routed to the approver you selected in step 2.
   - If approved, you will receive an automatic e-mail from the HR compliance mailbox stating you should contact your approver to discuss the approved details.
   - If denied, your approver will contact you to discuss the request.

ENDNOTES

1 Maitland, A., & Thomson, P. (2011). *Future work: How businesses can adapt and thrive in the new world of work*. New York, NY: Palgrave Macmillan.

2 Gibson, W. F. (Talkshow guest). (1999, November 30). *Talk of the nation: The science in science fiction*. [National Public Radio broadcast]. Audio recording retrieved on May 1, 2012, from http://www.npr.org/templates/story/story.php?storyId=1067220.

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4 MacDonald, R. (Honoree, Work Life Legacy Award). (2005, April 7). Interview with Ellen Galinsky. Armonk, NY.

5 King, R. (2007, February 12). Working from home: It's in the details. [Electronic version]. *BusinessWeek*. Retrieved on May 3, 2012, from http://www.businessweek.com/print/technology/content/feb2007/tc20070212_457307.htm.

6 Allen, S. (Speaker). (2011, February 1). *Moving Work Forward: Society for Human Resource Management and Families and Work Institute launch workplace flexibility partnership*. [Press conference].

7 Aumann, K., & Galinsky, E. (2011). *The state of health in the American workforce: Does having an effective workplace make a difference?* (Rev. ed.) New York, NY: Families and Work Institute.

8 Ryan, B. (Speaker). (2011, February 1). *Moving Work Forward: Society for Human Resource Management and Families and Work Institute launch workplace flexibility partnership*. [Press conference].

9 Families and Work Institute. (2011, 2012). *Guide to bold new ideas for making work work*. New York, NY: Families and Work Institute.

10 Families and Work Institute. (2008). *The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

11 Quinn, R., & Staines, G. (1977). *Quality of Employment Survey*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

12 Bureau of Labor Statistics, U.S. Department of Labor. (2012, March 29). Projections overview. *Occupational Outlook Handbook, 2012-13 Edition*. Retrieved on May 1, 2012, from http://www.bls.gov/ooh/about/projections-overview.htm.

13 Shelor, B. P. (Speaker). (2010, July 15). *The next chapter: Choosing to work beyond retirement*. [Testimony to Senate Finance Committee Hearing]. Retrieved on May 1, 2012, from http://finance.senate.gov/imo/media/doc/071510bstest.pdf.

14 Brown, M., Aumann, K., Pitt-Catsouphes, M., Galinsky, E., & Bond, J. T. (2009). *Working in retirement: A 21st century phenomenon*. New York, NY: Families and Work Institute.

15 Conant, D. R. (Honoree, Work Life Legacy Award). (2011, May 19). Interview with Ellen Galinsky. Camden, NJ.

16 Families and Work Institute. (2009). *2009 Guide to bold new ideas for making work work*. New York, NY: Families and Work Institute.

17 Flexible Workplace Initiative Program. (2012). Retrieved on May 1, 2012, from http://www.flexworks.org.

18 Families and Work Institute. (2008). *The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

19 Quinn, R., & Staines, G. (1977). *Quality of Employment Survey*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

20 The 2005 NSE sample includes 1,092 employers with 50 or more employees—66% are for profit

employers and 34% are nonprofit organizations; 44% operate at only one location, while 56% percent have operations at more than one location. The invitations to participate in the NSE were addressed to the organization's Human Resource Directors or any employee who serves in that capacity in the organization.

21 The 2012 NSE sample includes 1,126 employers with 50 or more employees—75% are for profit employers and 25% are nonprofit organizations; 18% operate at only one location, while 82% percent have operations at more than one location. The invitations to participate in the NSE were addressed to the organization's Human Resource Directors or any employee who serves in that capacity in the organization.

22 The National Study of the Changing Workforce (NSCW) surveys large representative samples of employees in the U.S. labor force to capture information about the practices of employees around access to, use of and demand for, numerous types of workplace flexibility, whether these options are formalized in policy or not. The NSCW complements to the NSE, as the two surveys present a nationally representative view of flexibility from the perspective of both employers and employees.

23 Although in most cases these are men, we have adopted more neutral language because some of these may be same-sex couples.

24 FORTUNE Battle of the Corporate Bands is a partnership between NAMM (the trade association of the international music products industry), FORTUNE magazine, and the Rock and Roll Hall of Fame and Museum. The first music competition of its kind, the battle provides amateur, company-sponsored bands with the opportunity to step out of the conference room and celebrate their passion for making music.

25 Families and Work Institute (2008). *The National Study of the Changing Workforce*. New York, NY: Families and Work Institute.

26 Aumann, K., Galinsky, E., Sakai, K., Brown, M., & Bond, J. T. (2010). *The elder care study: Everyday realities and wishes for change*. New York, NY: Families and Work Institute.

27 Business Leaders giving approval would be Directors or Partners.

28 A PML is an individual charged with the responsibility to enhance the career experience of KPMG's people, to guide the careers of and manage the performance of others. PML responsibilities encompass all areas of a person's work experience—from career development to work-life balance to project staffing to strategy communications.

29 As used in this document, "Deloitte" means Deloitte LLP and its subsidiaries. Please see http://www.deloitte.com/us/about for a detailed description of the legal structure of Deloitte LLP and its subsidiaries. Certain services may not be available to attest clients under the rules and regulations of public accounting.

30 Note: At Deloitte, personnel work with a number of different engagement managers and supervisors during the course of a year. To ensure individual attention, each person is assigned one individual to serve as his or her career "counselor." Counselors evaluate performance, provide coaching and mentorship, facilitate career planning and provide support for work life. In other words, counselors perform key management responsibilities for coaching individuals at Deloitte that are performed in most organizations by an individual's direct supervisor or manager.

31 Galinsky, E., Bond, J. T., Kim, S. S., Backon, L., Brownfield, E., & Sakai, K. (2005). *Overwork in America: When the way we work becomes too much*. New York, NY: Families and Work Institute.

32 For example, client service scores are scored on a scale of 6.0. The benchmark is set at 5.8 and the minimum score is set at 5.2. An employee whose actual score in client services is 5.3 has exceeded his or her minimum goal, but made only 91.4% of the benchmark.

33 Aumann, K., & Galinsky, E. (2011). *The state of health in the American workforce: Does having an effective workplace make a difference?* (Rev. ed.) New York, NY: Families and Work Institute.

34 Tang, C., & MacDermid Wadsworth, S. (2010). *Time and workplace flexibility*. New York, NY: Families and Work Institute.

35 Gibson, W. F. (Talkshow guest). (1999, November 30). *Talk of the nation: The science in science fiction*. [National Public Radio broadcast]. Audio recording retrieved on May 1, 2012, from http://www.npr.org/templates/story/story.php?storyId=1067220.

36 Galinsky, E., Lingle, K. M., Bond, J. T., & Friedman, D. (1993). *An evaluation of Johnson & Johnson's Work-Family Initiative*. New York, NY: Families and Work Institute.

37 Early, J. (2012). Interview.

38 Families and Work Institute. (2011, 2012). *Guide to bold new ideas for making work work*. New York, NY: Families and Work Institute.

39 Allyn, J. (2012). Interview.

40 Childs, T. (Speaker). (2010, October 20). National Dialogue on Workplace Flexibility, Department of Labor Women's Bureau Forum. Dallas, TX.

41 Turley, J. S. (Honoree, Work Life Legacy Award). (2008, April 8). Interview with Ellen Galinsky. New York, NY.

42 Families and Work Institute. (2008). *Families and Work Institute explores the response to rising fuel prices*. Retrieved on May 2, 2012, from http:// http://www.familiesandwork.org/site/work/gasprices-feedbackread.html.

43 Obama, B. H. (Speaker). (2011, March 31). The White House Forum on Workplace Flexibility. Washington, DC.

44 Richman, A., Johnson, A., & Noble, K. (2011). *Business impacts of flexibility: An imperative for expansion*. Washington, DC: Corporate Voices for Working Families.

45 Westphal, R. (Speaker). (2009, March 10). The 2009 Work-Life Focus Conference. Families and Work Institute, The Conference Board. New Orleans, LA.

46 Bunson, J. (2012). Interview.

47 Galinsky, E., Aumann, K., & Bond, B. T. (2011). *Times are changing: Gender and generation at work and at home*. (Rev. ed.). New York, NY: Families and Work Institute.

48 Society for Human Resource Management. (2008). *Workplace forecast*. Washington, DC: Society for Human Resource Management.

49 Society for Human Resource Management & Economist Intelligence Unit .(2010). *Company of the future survey*. Washington, DC: Society for Human Resource Management.

50 Society for Human Resource Management. (2010). *Challenges facing organizations and HR in the next ten years*. Washington, DC: Society for Human Resource Management.

51 Galinsky, E., Sakai, K., & Wigton, T. (2011). Workplace flexibility: From research to action. *The Future of Children: Work Family*, 21, 141-161.

52 Aumann, K., & Galinsky, E. (2011). *The state of health in the American workforce: Does having an effective workplace make a difference?* (Rev. Ed.) New York, NY: Families and Work Institute.

53 O'Brien, J. (2012). Interview.

54 Parry, J. (Speaker). (2011, June 22). *Steps to building comprehensive and effective workplace flexibility*. [Webinar]. Society for Human Resource Management, Families and Work Institute.

55 Bunson, J. (2012). Interview.

56 Gockel, M. (Honoree, Work Life Legacy Award). (2008, April 8). Interview with Ellen Galinsky. New York, NY.

57 Yost, C. W. (2011, March 9). Flex and the C-suite: John Parry, CEO of Solix, "removes noise from the system." [Electronic version]. *Fast Company*. Retrieved on May 2 from http://www.fastcompany.com/1736900/flex-and-the-c-suite-john-parry-ceo-of-solix-ldquoremoves-the-noise-from-the-systemrdquo.

58 Carey, M. (2012). Personal communication.

59 Chappell-Williams, L. (2012). Interview.

60 Vandecoevering, D. (2012). Interview.

61 Wiseley, A. (2012). Interview.

62 A variety of competing and inconsistent interpretations of the term "engagement" have proliferated in the academic and practitioner literatures over the past decade or so, making it very difficult to form an agreed-upon definition and to settle in on an assessment tool. Researchers from the Engaged as We Age project team at the Sloan Center on Aging & Work at Boston College point to the Utrecht Work Engagement Scale (UWES, Schaufeli & Bakker, 2003) as a measure that appears to be one of the few that has been well-received by academics and practitioners alike (Christian, Garza, & Slaughter, 2011, Macey & Schneider, 2008); it has been well-tested psychometrically and empirically as well. It should be noted, however, that while the UWES is free for use for non-commercial scientific research, commercial and/or non-scientific use is prohibited, unless previous written permission is granted by the authors (see www.schaufeli.com).

Feedback received by the Engaged as We Age team suggests that English-speaking respondents have found the wording of some of the items in the short version slightly awkward. This may be due to the difficulty of translating certain concepts in the scale to English, as the measure was originally developed in Dutch. Practitioners interested in using some of the items from 17-item version (substituting them for items in the shorter version) should pilot test the items with their own employees before including the items in a survey widely distributed to the organization's workforce.

The authors of the UWES define engagement as "a positive, fulfilling work-related state of mind that is characterized by vigor, dedication, and absorption" (Schaufeli, Bakker, & Salanova, 2006, p. 702). Engagement is viewed as a fairly persistent and pervasive affective-cognitive state that is focused on one's work specifically (as opposed to the organization or some other aspect of the work environment). Vigor is described as a state characterized by high levels of energy and mental resilience while working; the willingness to invest effort in one's work, and to persist even in the face of difficulties. Dedication refers to being strongly involved in one's work and experiencing a sense of significance, enthusiasm, inspiration, pride, and challenge. And, absorption is characterized by being fully concentrated and happily engrossed in one's work, whereby time passes quickly and one has difficulties with detaching oneself from work (Schaufeli et al., 2006).

63 CAUTIONARY NOTE: This section should not be construed as legal advice. Organizations should consult their employment law counsel with any questions regarding any particular employment-related law, regulation, requirement, or obligation.

64 Generally, the ADA applies to employers, employment agencies, labor organizations, or joint labor-management committees with fifteen (15) or more employees. *See* 42 U.S.C. § 12111(2),(5).

65 Examples of these three definitions include the following: diabetes (actual impairment); an applicant who receives a conditional offer of employment and discloses on a post-offer medical examination that she had cancer two years prior (record of impairment); and an employer assumes an individual is unable to work as an investment banker (high-stress, long work hours) because he or she has high blood pressure (regarded as having an impairment).

66 The EEOC has adapted this Enforcement Guidance in a guide specifically designed for small employers. See *Small Employers and Reasonable Accommodation*, http://www.eeoc.gov/facts/accommodation.html (last modified March 1, 1999).

67 Although this discussion addresses the ADA and its requirements, it does not address state law requirements that may, in some instances, place different or more stringent requirements on employers.

68 This guidance can be found at *Work At Home/Telework as a Reasonable, Accommodation*, E.E.O.C., http://www.eeoc.gov/facts/telework.html (last modified October 27, 2005).

69 *See also* 42 U.S.C. § 2000e-2(h) (addressing seniority or merit systems; quantity or quality of production; ability tests; compensation based on sex, etc.).

70 The EEOC's Enforcement Guidance, Unlawful Disparate Treatment of Workers with Caregiving Responsibilities, Notice Number 915.002 (5/23/2007), http://www.eeoc.gov/policy/docs/caregiving.html, provides the following example of unlawful refusal to modify duties for a pregnant employee:

> Ingrid, a pregnant machine operator at a bottling company, is told by her doctor to temporarily refrain from lifting more than 20 pounds. As part of her job as a machine operator, Ingrid is required to carry certain materials weighing more than 20 pounds to and from her machine

several times each day. She asks her supervisor if she can be temporarily relieved of this function. The supervisor refuses, stating that he can't reassign her job duties but can transfer her temporarily to another lower-paying position for the duration of the lifting restriction. Ingrid reluctantly accepts the transfer but also files an EEOC charge alleging sex discrimination. The investigation reveals that in the previous six months, the employer had reassigned the lifting duties of three other machine operators, including a man who injured his arm in an automobile accident and a woman who had undergone surgery to treat a hernia. Under the circumstances, the investigator determines that the employer subjected Ingrid to discrimination based on sex (i.e., pregnancy).

71 Section 510 of ERISA makes it illegal for an employer to terminate a plan participant "for the purpose of interfering with the attainment of any right to which such [person] may become entitled to under [an employee benefit plan]." 29 U.S.C. § 1140.

72 Cases involving ADA association discrimination can generally be divided into three (3) categories:

"Expense" – where an employee suffers adverse employment action because a relative or spouse covered under employer's insurance has a disability costly to the employer;

"Disability by Association" – where an employer discriminates against an employee because the employer is motivated by fear that employee will acquire a disability (examples: partner with HIV or relatives with genetic disorder); and

"Distraction" – where an employee is somewhat inattentive at work because relative has a disability requiring the employee's attention, but not so distracted that he cannot perform job at a satisfactory level.

73 Many states have either their own family leave acts or "Mini-FMLA's" which may provide different or additional protections to the employee. For example, in 2002, California created the Paid Family Leave program. This program provides a certain percentage of an employee's compensation when employees cannot work because they are taking care of a seriously ill family member, because they want to bond with a newborn or newly-adopted child and the like.

74 "A determination of whether or not separate entities are an integrated employer is not determined by the application of any single criterion, but rather the entire relationship is to be reviewed in its totality." 29 C.F.R § 825.104(2) (7-1-11 ed.) "Factors considered in determining whether two or more entities are an integrated employer include: (i) common management; (ii) interrelation between operations; (iii) centralized control over labor relations; and (iv) degree of common ownership/financial control." *Id*.

75 There may also be "successor in interest" coverage. Such a situation might be implicated when, for example, a covered employer sells its operations to another entity. *See* 29 C.F.R. § 825.107 (7-1-11 ed.) for a list of factors that are considered when determining whether a person or entity might be deemed a "successor in interest."

76 Note that, as of the time of publication, there are new proposed rules for airline flight crew members regarding work hour annual threshold requirements.

77 While the regulation allows this notice to be oral or in writing, employees appreciate—and employment lawyers recommend—that this notice be in writing.

78 For example, if the eligibility notice was for birth or bonding, but now the employee needs leave to care for their sick parent, then eligibility is checked again and, if they are no longer eligible, then a new eligibility notice will be sent advising they are not eligible. This would only impact their ability to take FMLA to care for their sick parent. Once someone is eligible for FMLA for a specific qualifying reason or condition, they stay eligible for an entire year for that reason or condition.

79 While an employee is entitled to have their healthcare benefits continue during FMLA, an employee is still responsible for their portion of any premiums that must be paid to maintain benefits. If the employee is simultaneously exhausting paid leave while on FMLA, then the employer will draw any premium payments from the employee's pay, as they normally would. If the employee has exhausted all forms of paid leave, but remains on FMLA, then the employee is required to affirmatively make premium payments to the benefit plans. Failure to do so can cause the employee to lose benefit coverage. Before dropping someone from benefit coverage, however,

remember that an employee has a 30-day grace period to make premium payments. Also, an employer is obligated to advise an employee that a premium payment is due and give at least 15 days notice, in writing, that the premium payment is past due.

80 "A 'key employee' is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite." 29 C.F.R. § 825.217(a) (7-1-11 ed.)

81 In some instances, when the employee cannot argue he or she would be prejudiced by a retroactive designation, an employer can retroactively designate, but it is better to stay in front of FMLA leaves and designate them properly at the outset.

82 As of the time of publication, the DOL has proposed several changes to the regulation (section 825.205) that addresses the measurement of increments of leave when an employee takes intermittent or reduced schedule leave, including a proposal to reinsert language stating that an employer may not require an employee to use more leave than is needed to address the serious health condition. Also, the proposal seeks comments on its elimination of an employer's ability to utilize different FMLA leave increments at different times of the day or shift currently allowed in section 825.205(a). The proposal also includes language to restrict the application of the physical impossibility provisions in current section 825.205(a)(2), and the DOL further indicates that it is considering removing the regulation.

83 29 C.F.R. § 825.205(b) (7-1-11 ed.).

84 Technically speaking, the active duty and military caregiver leave requirements are included in the National Defense Authorization Act that became law in January 2008, as well as 2010 amendments thereto. The DOL's FMLA regulations incorporate these requirements.

85 In addition to the FLSA statute itself, the applicable regulations, and related guidance from the Department of Labor's Wage and Hour Division referenced herein, the author has relied on information about FLSA included in Myers, T.M. & DeScherer, D.D. (2012). *Wage-Hour Compliance Handbook*. New York: Aspen Publishing. The author has incorporated explanations and summaries from the *Handbook* throughout the text of this chapter.

86 Those excluded from FLSA's coverage include independent contractors, volunteers, certain trainees, etc.

87 This Fact Sheet is available at http://www.dol.gov/whd/regs/compliance/whdfs14.htm.

88 For a detailed analysis of the exemptions for executive, administrative, professional, computer and outside sales employees, please see Part 541 of Title 29 of the Code of Federal Regulations.

89 *See* 29 C.F.R. § 778.603 for more information regarding this partial exemption.

90 *See* 29 U.S.C. § 207(o)(1).

91 There are chapters in FLSA treatises devoted exclusively to the question of whether waiting time or "on call" time is compensable under the FLSA. This answer, which is almost always fact-specific to the circumstances present, depends upon whether the employee is "engaged to wait" or "waiting to be engaged." Those "engaged to wait" must be compensated for their time. Those "waiting to be engaged" do not need to be compensated for that time. If an employer has any question whatsoever regarding the compensability of on-call time, it's recommended that the employer consult an employment law attorney for further guidance.

92 Note that the 50 employee requirement under the PPACA is different from the FMLA's more limited 50 employee requirement.

93 Indeed, in the child care facility environment, for example, many states have laws and/or regulations requiring that breast milk be labeled and stored in a particular manner.

94 The Veterans Opportunity to Work (VOW) to Hire Heroes Act of 2011 recently amended the definition of "benefit of employment" under USERRA. Thus, hostile work environment claims are now actionable under USERRA. In other words, an individual is harassed due to uniformed service can now bring a claim under USERRA for the harassment.

95 The Occupational Safety and Health Administration (also referred to as OSHA) was created to

implement the Act and is part of the Department of Labor (DOL).

96 OSHA encourages states to develop and adopt their own job safety and health programs, and many states have their own programs. For a directory of states with approved occupational safety and health plans, go to http://www.osha.gov/dcsp/osp/index.html (last visited March 25, 2012).

97 *Home-Based Worksites*, Directive Number: CPL 2-0.125 (eff. February 25, 2000), http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=2254 (last visited March 25, 2012). For additional reading, one might review the following OSHA archive document (which provides insight into the circumstances under which the above-referenced instruction arose: Statement of Charles N. Jeffress Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor Before the Subcommittee on Employment, Safety and Training Senate Committee on Health, Education, Labor and Pensions, January 25, 2000, http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=TESTIMONIES&p_id=123 (last visited March 25, 2012).

98 Note, however, that "work-related" injuries under OSHA may be different than compensable injuries in the workers' compensation context. *See, e.g., Sandberg v. J.C. Penney Co., Inc.*, 260 P.3d 495 (2011) (reversing workers' compensation board's decision denying employee compensation for an injury she suffered after tripping over her dog while walking to her garage to perform a work task).

99 A common exception is when a work-related injury results from the intentional misconduct of the employer.

100 See *Fuller v. Clear Channel Communications*, 636 S.E.2d 340 (N.C. Ct. App. 2006). Notably, in other jurisdictions, these facts may not lead to workers' compensation liability for the employer.

101 In contrast, where an employer requires that an employee work from home, and an employee traveling between his or her "traditional office" and his or her home office to continue performing work for that employer is injured, it will be difficult for an employer to argue that the injury was not incurred in the course of employment. However, there are few bright line rules in this context, and each situation must be assessed on the particular facts presented and assessment of factors considered in the particular jurisdiction.

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INDEX

ABC's of workplace flexibility, 324-27
absenteeism
  absenteeism metric, 308, 320
  diagnostic toolkit, 193-94, 231
abuse
  break time, 285
  FMLA overview, 271
  managerial concerns, 212
Accenture, 203
access to and need for workflex, diagnostic toolkit, 194, 203, 231, 245-46
accommodations
  ADA overview, 254-57
  Title VII overview, 259
accountability system, building workflex into, 224
Accrued Sick and Safe Leave Act, 272
active duty, reemployment and. See Uniformed Services Employment and Reemployment Rights Act
active duty leave, FMLA overview, 273-74
ADA. See Americans with Disabilities Act
ADA Amendments Act (ADAAA), 250, 251
advance notice, USERRA overview, 289
affirmative obligations, USERRA overview, 289-91
agility, of workforce and workplace, 330-31
aging employees. See older employees; retirement concerns
Alfred P. Sloan Awards. See Sloan Awards
Allen, Sharon, 9-10, 139
Allyn, Jennifer, 146, 148
Americans with Disabilities Act (ADA)
  caregiver discrimination, 261
  disability, 249-51, 255
  EEOC guidance, 256-57
  essential functions, 252-53
  job descriptions, 253-54
  major bodily functions, 250
  qualified individuals, 252, 253, 255
  reasonable accommodations, 254-57
  regarded as having such an impairment, 250-52
  rules of construction, 251
  unreasonable accommodations, 256
  USERRA overview, 291
anecdotes
  metrics vs., 305
  statistics vs., 320
anonymity in survey responses, 317
Armed Forces personnel. See military personnel
Ask John program, 181, 183, 219
attitudes, employee attitudes metric, 311-13
autonomy
criteria overview, 2
outcomes overview, 4
back-up plans, 208-9
Basler, Don, 167
Battle of the Corporate Bands, 58
BDO Flex program, 103, 105-6
BDO USA LLP, case study, 101-7
before/after studies, 317-18
behavior, attitudes and, 312-13
Bell System, 220
benchmarking
  human capital metrics, 319-20
  protocol for, 189, 193, 195, 204, 226-27
  study use, 203-4
Berry, John, 200
Best Buy, 164
bias, avoiding, 214, 316
Bike Week example, 298-99
Bon Secours Health System
  case study, 84-93
  fuel relief benefits, 198-99
  voices from the C-suite, 13-14
Booz Allen Hamilton, case study, 66-71
breastfeeding, PPACA and, 281, 282-86
Bresina, Tracy, 159
brief and nonrecurring period, USERRA overview, 289
Burwell, Mike, 144
business case, establishing
  choosing measures, 307
  creating and maintaining workflex, 191-201
  data collection tools, 230-44
  format and process, 213
  Workflex Option Business Case, 348-53
business continuity, data collection and, 200
buy-in, securing, 205-9

calculators, online, 304, 320, 321
California family leave law, 271
  Campbell Soup Company, voices from the C-suite, 15-16
capital, human. See human capital metrics
Career Advisors, 103
career customization
  creating and maintaining workflex, 224
  flex careers, 134-42
  voices from the C-suite, 10
caregiving concerns. See also specific aspects
  discrimination overview, 261-63
  flex careers, 119-22
  nursing mothers, 281, 282-86
  reduced time, 85, 92
  time off, 94-95
  voices from the C-suite, 13-14

caregiving leave
discrimination overview, 262
FMLA overview, 273-74
workflex trends, 31-33
Carey, Michael, 223
car pool program, 72-75
case studies
agility of workforce and workplace, 330-31
choices in managing time, 39-50
conclusion, 184
culture of flexibility, 176-84
dealing with overwork, 143-75
flex careers, 119-42
flex time and flex place, 51-75
introduction, 37-38
reduced time, 76-93
time off, 94-118
use of, 203
Catalyst, case study, 59
categories of flexibility. See workflex option categories
Center for WorkLife Law, 263
certification, FMLA terminology, 270-71
change management, momentum and, 223-25
child care, time off categories, 94. See also caregiving concerns; parental leave
Childs, Ted, 195
choices in managing time
case studies, 39-50
categories overview, 38, 202
Delta Air Lines, Inc., 39-46
WellStar Health System, 46-50
work trends, 22, 24, 25, 27
Chopra, Aneesh, 200
Civic Ventures, 123
Civil Rights Act, Title VII of. See Title VII of Civil Rights Act
Clark, Richard, 7-9
climate of respect and trust, 2
Cobb EMC, case study, 71-75
colleague networking group, 127-30
Colorado, breastfeeding benefits, 286
coming and going rule, 298
commission workers, FLSA overview, 278
commitment, employee attitudes metric, 313
communications strategy
change management, 223
communication checklist, 221-22
creating and maintaining workflex, 218-22
messagers, 218
messages, 218
Solix example, 183, 218-20
tools for employees, 221
vehicles of communication, 220
community service work, time off, 94, 108-9
commuting concerns. See transportation concerns
compensable time, FLSA overview, 280-81
compensation (pay)
FLSA overview, 275-81
human capital metrics, 311, 312-13
competitors
benchmarking protocol, 189
defining, 204
flexibility presentations, 207-8
compliance concerns. See legal compliance concerns
compressed workweeks
Compressed Workweek Policy, 337-39
dealing with overwork, 150-54
definition of, 51
flex time and flex place, 74-75
Conant, Doug, 14-16
confidentiality and privacy concerns, 296, 317
congressional legislation. See legal compliance concerns
Connecticut, leave law, 272-73
contact information, checklist for, 221-22
continuing treatment, FMLA terminology, 266
continuity of business, data collection and, 200
Coon, Jonathan, 82
Cornell University
case study, 127-30
ongoing improvements, 224
corporate lattice
flex careers, 138
voices from the C-suite, 10
covered employer
FMLA terminology, 264, 265
USERRA terminology, 287
covered servicemember, FMLA terminology, 274
Covey, Stephen, 16
coworker support for flexibility, 176
Crawford, Carlissa, 62, 64-65
creating and maintaining workflex
Bon Secours example, 198-99
buy-in and engagement, 205-9
communications strategy, 218-22
conclusion, 225
context, 188-89
diagnostic toolkit, 226-47
drawing conclusions, 202-4
establishing business case, 191-201
executing implementation plan, 210-17
introduction, 187
momentum and change management, 223-25
presenting business case, 206-9
Solix example, 218-20
team approach, 190
creativity, flex days for, 154-55
criteria of workplace effectiveness. See workplace effectiveness criteria
C-suite, voices from. See voices from the C-suite
Cucuzza, Thomas, 58
culture of flexibility
case studies, 176-84
categories overview, 38, 202
factors to consider, 176
Flexibility Spectrum tool, 323
gDiapers, 177-80
implementation concerns, 211

Solix, Inc., 180-83
workflex trends, 29-31
culture of trust, voices from the C-suite, 14-16
customization of career
creating and maintaining workflex, 224
flex careers, 134-42
voices from the C-suite, 10

daily flex time, definition of, 51
data collection
demographics, 191-92
diagnostic tools, 192-201, 230-44
human capital metrics, 314-19
Davis, Hattie, 14
DBC (Delta Board Council), 44
dealing with overwork
case studies, 143-75
categories overview, 38, 202
The Habitat Company, 150-54
MeetingMatrix International, Inc., 162-69
PricewaterhouseCoopers LLP, 144-49
Red Sky Public Relations, 154-61
Ryan LLC, 169-75
voices from the C-suite, 11-12
Defense, Department of, 289
Deloitte LLP
case study, 134-42
creating and maintaining workflex, 224
supervisor role, 213-14
voices from the C-suite, 9-10, 12
Delta Air Lines, Inc.
case study, 39-46
data collection, 193
Delta Board Council (DBC), 44
demographic concerns. See also older employees
changes overview, 18
data collection, 191-92, 195, 235
dependent care concerns. See caregiving concerns
depression, diagnostic toolkit, 196, 238
designation notice, FMLA overview, 268
diagnostic toolkit
absenteeism, 193-94, 231
access to and need for workflex, 194, 203, 231, 245-46
benchmarking protocol, 189, 193, 204, 226-27
choosing measures, 307
data collection, 192-98, 230-44
drawing conclusions, 204, 244-46
engagement, 196-97, 241-44
entry interviews, 192-93, 230
exit interviews, 194, 195-96, 231-35
focus group questions, 189, 203, 227-29
health concerns, 196, 237-40
introduction, 188-89, 226
job satisfaction, 196-97, 240-41
momentum and change management, 224
regretted leaver interviews, 195-96, 232-35
schedule flexibility, 231, 240
supervisor support for workflex, 203, 247
turnover, 194-96, 236
values, 195, 235-36
disability
ADA terminology, 249-51, 255
USERRA overview, 291, 292
workers' compensation overview, 298-300
disaster planning, 200
discharge, protection from, 294
discretion, use of, 214
discrimination concerns. See legal compliance concerns
dispersed work teams, hoteling model, 66-71
disqualifying service, USERRA overview, 290
documentation. See also policies and guidelines
FMLA notices, 267-69
implementation concerns, 211
DOL. See Labor, Department of
Don't Ask Don't Tell policy, 129
double barreled questions, 316
downsizing, turnover metrics and, 309
dual-purpose doctrine, 298-99
duration of service, USERRA overview, 290
dysfunctional turnover, use of term, 309

economic security
criteria overview, 2
outcomes overview, 4
economic value of employee performance metric, 310-13, 319
economy, changes in, 8-9, 18
EEOC. See Equal Employment Opportunity Commission
effective and flexible workplace
definition of, 1-2
use of term, 1
effective workplace, definition of, 307
EIGs (Employee Involvement Groups), 44
elder care. See also caregiving concerns
reduced time, 84-93
time off categories, 95
voices from the C-suite, 13-14
eligibility notice, FMLA overview, 267
eligible employee, FMLA terminology, 264, 265
El Paso Corporation, environmental concerns, 16
e-mail policy, 152
emergency preparedness, 200
Emerson, Delta, 170, 172-75
emotions, managing, 209
employee attitudes metric, 311-13
employee behavior, attitudes and, 312-13
employee engagement. See engagement
employee health and welfare metric, 313-14
Employee Involvement Groups (EIGs), 44
employee performance. See performance
employee portal, 69
employee retention. See retention; turnover
Employee Retirement Income Security Act (ERISA), 261

employees, focus group questions for, 189, 203, 227-28
employee turnover. See turnover
employment rights for uniformed services. See Uniformed Services Employment and Reemployment Rights Act
empowerment, culture of, 180-83
Encore Fellowships, 123
engagement
creating and maintaining workflex, 190, 205-9
diagnostic toolkit, 196-97, 241-44
employee attitudes metric, 313
human capital metrics, 306, 311, 313
outcomes overview, 2-3
enterprise coverage, FLSA terminology, 275-76
entry interviews, diagnostic toolkit, 192-93, 230
environmental concerns
fuel relief, 198-99
gDiapers case study, 177-80
hoteling model, 70
van pools, 72, 74
voices from the C-suite, 16
Equal Employment Opportunity Commission (EEOC)
ADA overview, 250, 252, 254-57
caregiver discrimination, 262-63
pregnancy discrimination, 260
Title VII overview, 259
Equal Pay Act, 261
equity concerns in implementation, 212, 214, 215
ergonomic evaluation checklist, 43
ERISA (Employee Retirement Income Security Act), 261
Ernst & Young
case study, 37, 56-61
data collection, 197-98
implementation concerns, 215, 216
escalator positions, USERRA overview, 293, 294
essential functions, ADA terminology, 252-53, 257
exempt employees, PPACA overview, 283
exit interviews, diagnostic toolkit, 194, 195-96, 231-35
expectations
managing, 209
setting, 319
experts, advice from
ABC's of workplace flexibility, 324-27
Flexibility Spectrum tool, 323
layers of flexibility strategy, 328-29
State Street case study, 330-31

Fair Labor Standards Act (FLSA)
compensable time, 280-81
dealing with overwork, 153
enterprise coverage, 275-76
exemptions, 278-80
flex time and flex place, 60, 63, 64
individual coverage, 276
overview of, 275-81
payment basis, 278
PPACA and, 281, 282-83
practices not regulated by, 275
remuneration types, 277
state law requirements, 281
Family and Medical Leave Act (FMLA)
caregiver discrimination, 261, 262
covered employers, 264, 265
eligible employees, 264, 265
intermittent leave, 269-71
military personnel, 273-74
notice of rights, 267-69
overview of, 264-71, 273-74
protections overview, 264-65
qualifying exigency, 264, 273-74
reduced leave schedule, 269-71
serious health condition, 266
time off case study, 101
workflex trends, 31-32
worksites, 266
family caregiving concerns. See caregiving concerns
Family Leave Insurance, 271-72
family responsibilities discrimination, 261-63
family structure, changes in, 18
federal law. See legal compliance concerns; specific entities and laws
fellowships, 123
Fenwick & West, LLP, case study, 76-80
fifty employee requirement, 203
financial analysis metrics. See human capital metrics
fit, in Work-Life Fit terminology, 37
five year rule, USERRA overview, 290
flash reports, 64
flex careers
case studies, 119-42
categories overview, 38, 202
Cornell University, 127-30
Deloitte LLP, 134-42
Intel, 119-23
KPMG LLP, 123-26
MacAulay Brown, 131-33
voices from the C-suite, 9-10
work trends, 23, 25, 28
Flex Forty program, 16
flexibility, culture of. See culture of flexibility
flexibility categories. See workflex option categories
Flexibility for Everyone program, 58, 61
flexibility map, 191
Flexibility Spectrum tool, 323
Flexible Work Arrangement Agreement, 333-34
Flexible Work Arrangements (FWA) program, 58-61
Flex in the City, 16
flex site, 57
flex time and flex place
Booz Allen Hamilton, 66-71
case studies, 51-75, 107-18
categories overview, 38, 202
Cobb EMC, 71-75
definitions of, 51
Ernst & Young, 37, 56-61
everyday flexibility vs., 211

flex location policy, 156
Flex Time Request Form, 336
guidelines example, 110-15
Ounce of Prevention Fund, 61-65
proposal form, 113-14
Robert W. Baird & Co., 107-18
Turner Construction Company, 51-56
types of arrangements, 51
work trends, 22, 24, 27
Flex Work Program, 330-31
Flexworks (organization), 16
FlexWorks (program), 47-50
FLSA. See Fair Labor Standards Act
Flynn, Jessica, 157-61
FMLA. See Family and Medical Leave Act
focus groups
drawing conclusions, 202-3
human capital metrics, 317
questions for employees, 189, 203, 227-28
questions for managers, 189, 203, 228-29
selecting employees, 189
follow-up questions, human capital metrics, 305-6
forms. See tools and templates
Fort, Stephen, 52-54
FORTUNE Battle of the Corporate Bands, 58
fraud, investigating, 271
fringe benefits, pregnancy discrimination, 261
fuel costs. See transportation concerns
functional turnover, use of term, 309
FWA (Flexible Work Arrangements) program, 58-61

Gamel, Anna, 159
Gaskill, Katherine, 132-33
gasoline costs. See transportation concerns
gDiapers, case study, 177-80
General Mills, voices from the C-suite, 14-16
general notice, FMLA overview, 267
Gibson, William, 7
global economy, 8-9, 18
globalization and technology, 7-9
Global People Survey (GPS), 61
Gockel, Maryella, 60, 216
Graham-Nye, Jason and Kim, 177-80
Greeniaus, John, 15
guidelines and policies. See policies and guidelines
Guide to Bold New Ideas for Making Work Work, use of, 203
Guiding Light program, 85-86

The Habitat Company, case study, 150-54
Hagen, Tracy, 54-56
harassment
caregiver discrimination, 261
Title VII overview, 259
hazardous working conditions, OSHA overview, 295-97
health and well-being outcomes, overview of, 4-5
health concerns
diagnostic toolkit, 196, 237-40
employee health and welfare metric, 313-14
FMLA overview, 264-71, 273-74
OSHA overview, 295-97
PPACA overview, 282-86
voices from the C-suite, 10-12
workers' compensation overview, 298-300
health insurance
pregnancy discrimination, 260-61
USERRA overview, 294
healthy lifestyle
diagnostic toolkit, 196, 239
human capital metrics, 313-14
hiring
data collection concerns, 192-93
diagnostic toolkit, 230
flexibility presentations, 208
pregnancy discrimination, 260
holidays, time off categories, 94
home-based work. See also telework
FMLA overview, 266
OSHA overview, 295-97
teleworker questionnaire, 40-41
workers' compensation overview, 298-300
home-based worksite, OSHA terminology, 296
home offices
ergonomic evaluation checklist, 43
OSHA overview, 295-97
safety checklist, 42
workers' compensation overview, 298-300
hoteling model, 66-71
hourly workers
reduced time, 81-84
retention of, 12-13
Houston, City of, environmental concerns, 16
HRcosting.com, 304, 320, 321
HR metrics. See diagnostic toolkit
Human Capital function, 108-9, 116-18
human capital metrics
absenteeism, 308, 320
alternative explanations, 318-19
alternative scenarios, 320
anecdotes vs. statistics, 320
before/after studies, 317-18
benchmarks, 319-20
conclusion, 321
data collection, 314-19
economic value of employee performance, 310-13, 319
employee attitudes, 311-13
employee health and welfare, 313-14
employee turnover, 308-10
follow-up questions, 305-6
getting the most out of, 319-20
introduction, 303-5
multiple frameworks, 320
organizational goals, 306-7
pilot studies, 318
selecting, 305-7
setting expectations, 319

special events, 318
timeframe for evaluation, 318
value of, 304-14
human error, use of term, 303

IBM
data collection, 201
globalization and technology, 9
implementation concerns
broadening ownership, 205
creating metrics, 206
creating team process, 216
dealing with resistance, 208-9
layers of flexibility strategy, 329
making the case, 206-8
managers and supervisors, 212-17
piggybacking, 205
pilots, 210
principles and guidelines, 210-11
Inclusiveness and Flexibility Leaders, 56
individual coverage, FLSA terminology, 276
industrial era, stereotypes from, 303, 321
injury concerns. See safety concerns
inpatient care, FMLA terminology, 266
inspections, OSHA, 295-96
insurance
family leave law, 271-72
pregnancy discrimination, 260-61
USERRA overview, 294
Intel
case study, 119-23
ongoing improvements, 224
interview considerations
entry interviews, 192-93, 230
exit interviews, 194, 195-96, 231-35
human capital metrics, 314-15
selecting employees, 189
investigating fraud, 271
Investing in People, 304
investment value analysis. See human capital metrics
involuntary turnover, use of term, 308-9

jeopardy
absence of, 176
as barrier to use, 203
job challenge and learning
criteria overview, 1
outcomes overview, 3
job descriptions, ADA and, 253-54
job engagement, human capital metrics, 311, 313. See also engagement
job functions, ADA terminology, 252-53, 257
job markets, turnover and, 312
job performance. See performance
job pressures, voices from the C-suite, 10-12. See also stress
job protection, FMLA overview, 265
job-related behavior, attitudes and, 312
job satisfaction
diagnostic toolkit, 196-97, 240-41
employee attitudes metric, 313
outcomes overview, 2-3
Job Satisfaction/Engagement Survey, 242-44
Job-Sharing Memo of Understanding, 342-43
Johnson & Johnson
change management, 223
data collection, 193
Jorgensen, Gwen, 58
JPMorgan Chase, 205, 212

Keller, Jmîchaeĺe, 162-65, 167-68
King, Gene, 181
KPMG LLP
case study, 123-26
implementation concerns, 215

Labor, Department of
FLSA overview, 275
FMLA overview, 264, 266, 269-70, 273
nursing mothers, 285, 286
OSHA overview, 296
labor standards law. See Fair Labor Standards Act
large employers
caregiving leaves, 32
culture of flexibility and support, 31-33
definition of, 26
flexible work options, 26-28
NSE wording, 21
large numbers, law of, 320
Larson's Workers' Compensation Law, 299
Laughlin Constable
back-up plans, 209
case study, 95-101
layers of flexibility strategy, 328-29
Leadership Model, 15-16
Leave of Absence Administrator, 102
leaves. See Family and Medical Leave Act; time off
legal compliance concerns. See also specific legislation
ADA overview, 249-57
caregiver discrimination overview, 261-63
FLSA overview, 275-81
FMLA overview, 264-71, 273-74
introduction, 249
OSHA overview, 295-97
PPACA overview, 282-86
Pregnancy Discrimination Act overview, 260-61
supervisor role and, 214
Title VII overview, 258-61
USERRA overview, 287-94
workers' compensation overview, 298-300
Life Meets Work workshop, 63-64
linkages, creating, 205
Living Our Core Values Award, 103
local law. See legal compliance concerns; specific entities
Lorenz, Lori, 108, 116-17

MacAulay Brown, case study, 131-33
Maitland, Alison, 7
major bodily functions, ADA terminology, 250
management processes
  creating and maintaining workflex, 216-17
  implementation concerns, 216-17
management systems, workflex and, 224
managers
  agility of workforce and workplace, 330-31
  focus group questions for, 189, 203, 228-29
  implementation concerns, 212-17
  layers of flexibility strategy, 328-29
  recognition opportunities for, 223
managing time, choices in. See choices in managing time
Mass Career Customization (MCC)
  case study, 134-42
  creating and maintaining workflex, 224
  voices from the C-suite, 10
Mathews, Karen, 47-50
measurement of results. See results-based work environment
measurement tools. See diagnostic toolkit; human capital metrics
Medical Certification, FMLA terminology, 270-71
medical concerns. See health concerns
medical leave legislation. See Family and Medical Leave Act
medium-size employers, exclusion from comparisons, 26
MeetingMatrix International, Inc., case study, 162-69
meetings, travel for, 144-46
men. See also specific concerns
  caregiver discrimination, 261
  data collection concerns, 191-92
  FMLA overview, 264
  retention concerns, 9-10
Merck, voices from the C-suite, 7-9
message considerations. See communications strategy
metrics. See diagnostic toolkit; human capital metrics
military personnel
  active duty leave, 273-74
  family/caregiver leave, 274
  support for veterans, 127-30, 224
  USERRA overview, 287-94
Miller, Jack, 181
minimum wage, 278-81
momentum, change management and, 223-25
multiple choice questions, 316
municipal law. See legal compliance concerns; specific entities
myRyan Measures, 11, 170-74

Nabisco, voices from the C-suite, 15
National Study of Employers (NSE), background information, 21
nearest approximation, USERRA overview, 293
networking group, colleague, 127-30
New Jersey, leave law, 271-72
new job, reasons for taking, 192-93, 230
New Parent Reintegration program, 119-22
next of kin, FMLA terminology, 274
Nichols, John, 82
Nielsen, Josh, 13, 82-83
North Carolina Industrial Commission, 299
North Dakota, breastfeeding benefits, 286
notice requirements
  FMLA overview, 267-69
  USERRA overview, 289
NSE (National Study of Employers), background information, 21
nursing mothers, PPACA and, 281, 282-86

Obama, Barack, 200
O'Brien, Joyce, 99-100, 209
Occupational Safety and Health Act (OSHA)
  employee terminology, 295
  employer terminology, 295
  inspections, 295-96
office space, hoteling model, 66-71
older employees. See also retirement concerns
  changes overview, 18
  reduced time, 84-93
  voices from the C-suite, 12-13
ombudspersons, setting up, 215
1-800 CONTACTS
  case study, 81-84
  data collection, 194
  voices from the C-suite, 12-13
open-ended questions, 316
order of priority, USERRA overview, 292
OSHA. See Occupational Safety and Health Act
Ounce of Prevention Fund, case study, 61-65
outcomes, overview of. See also specific aspects
  health and well-being outcomes, 4-5
  work-related outcomes, 2-3
outpatient status, FMLA terminology, 274
overtime pay, FLSA overview, 278-81
overwork, dealing with. See dealing with overwork
ownership, broadening, 205

Paid Family Leave Law, 271
Paid Sick Leave Ordinance, 272
Paid Sick/Safe Leave Ordinance, 273
Paid Time Off program, 150-54
parental leave. See also caregiving concerns
  FMLA overview, 264-71, 273-74
  pregnancy discrimination law, 260
  time off, 94, 101-7
Parental Leave program, 101-7
Parent Network, 105, 107
parent reintegration program, 119-22
Parry, John, 180-83, 210, 218-20
partners, identifying, 205
Patient Protection and Affordable Care Act (PPACA)
  abuse of break time, 285-86

break time requirements, 283-84
compensable time, 281
coverage determination, 282-83
exempt employees, 283
fifty employee requirement, 283
location requirements, 284-85
reasonable break time, 282
resources, 286
state laws, 286
Paul, Katherine, 152-54
pay
FLSA overview, 275-81
human capital metrics, 311, 312-13
pension plans, USERRA overview, 294
People First initiative, 197-98
People Insight service, 244
people of color
changes overview, 18
recruitment, 192
performance concerns
economic value of employee performance metric, 310-11, 319
performance reviews, 217
profitability and, 201
performance reviews, 213-14, 217
personal time off, time off categories, 94
Philadelphia, leave law, 273
piecework, FLSA overview, 278
pilots, use of, 210, 215-16
pilot studies, 318
Plunkett, John, 74-75
policies and guidelines (in general). See also specific aspects
Compressed Workweek Policy, 337-39
documentation of, 211
e-mail policy, 152
FMLA notice requirements, 267-69
layers of flexibility strategy, 328-29
Summer Flex Time Policy, 340
supervisor knowledge of, 213
Take the Summer Off Program Policy, 344
Work Sabbatical Policy, 345-47
PPACA. See Patient Protection and Affordable Care Act
Pregnancy Discrimination Act, overview of, 260-61
presentation of flexibility ideas, 206-9
presenteeism, diagnostic toolkit, 196, 239-40
PricewaterhouseCoopers LLP
case study, 144-49
data collection, 194
privacy and confidentiality concerns, 296, 317
problem solving in meetings, 209
Procter & Gamble, 200
profitability concerns, data collection and, 201. See also human capital metrics

qualified individuals, ADA terminology, 252, 253, 255
qualifying exigency, FMLA terminology, 264, 273-74
question design for surveys, 316-17

randomness in surveys, 315-16
real estate
hoteling model, 66-71
improving expenditures, 198
reasonable accommodations
ADA overview, 254-57
Title VII overview, 259
USERRA overview, 291
recordkeeping requirements, OSHA, 297
records, organizational, 314, 317
recruitment
data collection concerns, 192-93
diagnostic toolkit, 230
flexibility presentations, 208
Red Sky Public Relations, case study, 154-61
reduced time
Bon Secours Health System, 84-93
case studies, 76-93
categories overview, 38, 202
Fenwick & West, LLP, 76-80
1-800 CONTACTS, 81-84
voices from the C-suite, 12-14
work trends, 23, 25, 28
Reduced Travel program, 144-46
reemployment rights for uniformed services. See Uniformed Services Employment and Reemployment Rights Act
reflective supervision, definition of, 62
refrigerators, breast milk storage, 284-85
regarded as having such an impairment, ADA terminology, 250-52
regretted leavers. See also turnover
exit interviews, 195-96, 231, 232-35
human capital metrics, 309
regular rate of pay, FLSA terminology, 276
religious discrimination, Title VII overview, 259. See also legal compliance concerns
remuneration. See pay
reporting back to work, USERRA overview, 291-92
reporting requirements, OSHA, 297
reports, flash, 64
representative samples, in surveys, 315
research perspective
criteria overview, 1-2
diagnostic toolkit and, 226
human capital metrics and, 303
outcomes overview, 2-5
resistance, dealing with, 208-9
respect and trust, climate of, 2
results-based work environment, 11-12, 164-65, 169-75
retaliation
pregnancy discrimination, 261
Title VII overview, 259
retention. See also turnover
diagnostic toolkit, 195-96
flexibility presentations, 208
outcomes overview, 3
voices from the C-suite, 9-16

retirement concerns. See also older employees
flex careers, 131-33
reduced time, 85-86, 88, 93
transitioning, 224
voices from the C-suite, 14
return on investment (ROI) studies, 195, 307. See also business case, establishing
rights and responsibilities notice, FMLA overview, 268
Robert W. Baird & Co., case study, 107-18
ROI (return on investment) studies, 195, 307. See also business case, establishing
rules of construction, ADA terminology, 251
Ryan, Brint, 11-12, 173, 174
Ryan LLC
case study, 169-75
voices from the C-suite, 11-12

sabbaticals
flex careers, 123-26
Work Sabbatical Policy, 345-47
safety concerns
home office safety checklist, 42
OSHA overview, 295-97
workers' compensation overview, 298-300
sampling considerations, 315
San Francisco, leave law, 272
saying "no," 214-15
Seattle, leave law, 273
Segal, Mike, 152-54
serious health condition, FMLA terminology, 266, 274
serious injury or illness, FMLA terminology, 274
servicemembers. See military personnel
sex discrimination, pregnancy and, 260-61. See also legal compliance concerns
sexuality and diversity, Don't Ask Don't Tell policy, 129
Shelor, Bonnie, 13-14
sick leave. See also Family and Medical Leave Act
state and municipal laws, 272-73
time off categories, 94
Sisters of Bon Secours. See Bon Secours Health System
sleep issues, diagnostic toolkit, 196, 238
Sloan Awards
BDO USA LLP, 106
as benchmark, 320
case studies background, 38
criteria for, 244-46
Red Sky Public Relations, 160
WellStar Health System, 48
small employers
caregiving leaves, 32
culture of flexibility and support, 31-33
definition of, 26
flexible work options, 26-28
NSE wording, 21
PPACA overview, 283
Snack with Jack program, 181, 183
Solix, Inc.
case study, 180-83
communications strategy, 183, 218-20
implementation concerns, 210
special events, data collection and, 318
State Disability Insurance, 271
state law. See legal compliance concerns; specific entities
State Street case study, 330-31
statistics vs. anecdotes, 320
Stay Connected tools, 68-69
strategic flexibility map, 17
StrengthsFinder philosophy, 157
stress
diagnostic toolkit, 196, 237
in managers and supervisors, 213
voices from the C-suite, 10-11
subsequent need notice, FMLA overview, 267
summer hours
dealing with overwork, 150-54
definition of, 51
Summer Flex Time Policy, 340
Summer Flex Time Request Form, 341
Take the Summer Off Program Policy, 344
time off, 95-100
supervisors
culture of flexibility, 176
implementation concerns, 212-17
role of, 213-16
supervisor support for workflex, 203, 247
supervisor task support, 1
support, culture of flexibility and. See culture of flexibility
Supreme Court, 250
surveys, data collection considerations, 193-98, 201, 314, 315-17. See also diagnostic toolkit
Sutton v. United Air Lines, Inc., 250

Take the Summer Off Program Policy, 344
Task Inspired Management Environment (T.I.M.E.), 162-69
tax concerns, 72-73
team approach. See also work group approach
creating and maintaining workflex, 190, 216
creating team process, 216
dealing with overwork, 163-68
layers of flexibility strategy, 329
technology and globalization, 7-9
technology tips, 104
Ted Childs LLC, 195
telework. See also home-based work; home offices
EEOC tips for, 256-57
office safety checklist, 42
OSHA overview, 295-97
Telecommuting Application, 335
worker questionnaire, 40-41
workers' compensation overview, 298-300
templates. See tools and templates
Temporary Disability Benefits Law, 271-72
Texas, breastfeeding benefits, 286
Thomson, Peter, 7

three layers of flexibility strategy, 328-29
T.I.M.E. (Task Inspired Management Environment), 162-69
time, choices in managing. See choices in managing time
time famine, 18
time needs of managers, 212-13
time off. See also Family and Medical Leave Act
  anticipated categories, 94-95
  BDO USA LLP, 101-7
  case studies, 94-118
  categories overview, 38, 202
  dealing with overwork, 150-54
  FMLA overview, 264-74
  Laughlin Constable, 95-101
  laws overview, 271-72
  municipal laws overview, 271-73
  pregnancy discrimination, 260
  Robert W. Baird & Co., 107-18
  sabbaticals, 123-26, 345-47
  state laws overview, 271-73
  unanticipated categories, 94-95
  work trends, 23, 25, 28
Title VII of Civil Rights Act
  caregiver discrimination, 261-63
  employer, 258
  nursing mothers, 285
  pregnancy discrimination, 260, 261
  unlawful employment practices, 258-59
tools and templates. See also diagnostic toolkit
  communication checklist, 221
  Compressed Workweek Policy, 337-39
  Flexibility Spectrum, 323
  Flexible Work Arrangement Agreement, 333-34
  Flex Time Request Form, 336
  Job-Sharing Memo of Understanding, 342-43
  Summer Flex Time Policy, 340
  Summer Flex Time Request Form, 341
  Take the Summer Off Program Policy, 344
  Telecommuting Application, 335
  Workflex Option Business Case, 348-53
  Work Sabbatical Policy, 345-47
Toyota Motor Mfg., Inc. v. Williams, 250
traditional flex time, definition of, 51
training
  in change management, 223
  FMLA notice requirements, 269
  injury prevention, 300
  in workflex, 216-17
transportation concerns. See also telework
  fuel relief, 198-99
  hoteling model, 66-71
  paths to flexibility, 16
  Reduced Travel program, 144-46
  van pool program, 72-75
  workers' compensation overview, 298-99
trends in workflex. See workflex trends
triad approach, 167-68
Tribal Leaders, 163, 167-68
Trivette, Dawn, 85-86, 88, 91-93
trust, culture of, 14-16
trust and respect, climate of, 2
trust-based model, 16
Turley, James, 37, 59-60, 197-98
Turner Construction Company, case study, 51-56
TurnerTalk software, 51
turnover. See also retention
  diagnostic toolkit, 194-96, 231, 236
  employee turnover metric, 308-10
  job markets and, 312
  outcomes overview, 2-3
  use of term, 320

unanticipated time off, types of, 94-95
undue hardship
  ADA terminology, 256
  USERRA overview, 290-91
Uniformed Services Employment and Reemployment Rights Act (USERRA)
  advance notice, 289
  affirmative obligations, 289-91
  brief and nonrecurring period, 289
  changed circumstances, 290
  conflicting claims, 294
  coverage, 287
  disability, 291, 292
  disqualifying service, 290
  duration of service, 290
  health and pension plans, 294
  nearest approximation, 293
  order of priority, 292
  prohibitions, 288-89
  protected individuals, 287-88
  protection from discharge, 294
  reporting back to work, 291-92
  undue hardships, 290-91
unreasonable accommodations, ADA terminology, 254-57
Utrecht Work Engagement Scale, 241-42

vacations, time off categories, 94
Vaillancour, Cheri, 76-80
value of programs, assessing. See human capital metrics
values, diagnostic toolkit, 195, 235-36
Vandecoevering, Dana, 121-22
van pool program, 72-75
Vermont, breastfeeding benefits, 286
Veteran Colleague Networking Group, 127-30
veterans, support for, 127-30, 224. See also military personnel
voices from the C-suite
  culture of trust, 14-16
  environmental concerns, 16
  gender concerns, 9-10
  globalization and technology, 7-9
  hourly worker retention, 12-13
  introduction, 7

job pressures and health concerns, 10-12
older worker retention, 13-14
paths summary, 17
voluntary turnover, use of term, 308-9
volunteer work, time off, 94, 108-9

wage, minimum, 278-81
Washington, DC, leave law, 272
Washington state
breastfeeding benefits, 286
leave law, 272
Way We Work initiative, 66-71
weather-related emergencies, 200
wellness concerns. See health concerns
WellStar Health System, case study, 46-50
Westphal, Rich, 203
When Work Works criteria, 244-46
White, Dennis, 16
White House Forum on Workplace Flexibility, 200
Williams, Joan, 78
Williams, Lynette Chappell, 127-30
win-win solutions, 328-29
Wisely, Amber, 123
women. See also specific concerns
caregiver discrimination, 261
changes overview, 18
compensable time, 281
data collection concerns, 191-92, 194, 195
flex careers, 138-40
FMLA overview, 264
nursing mothers, 281, 282-86
pregnancy discrimination, 260-61
retention concerns, 9-10, 13-14
Women's Initiative, 9, 105-6
Woolman, C.E., 43
workers' compensation laws
coming and going rule, 298
dual-purpose doctrine, 298-99
injuries while working at home, 299
tips for employers, 300
travel between worksites, 299
workflex (in general). See also specific aspects
ABC's of, 324-27
advice from the experts, 323-31
case studies (See case studies)
compliance concerns (See legal compliance concerns)
definition of, 2, 37-38, 207
design considerations (See creating and maintaining workflex)
human capital metrics, 303-21
layers of flexibility strategy, 328-29
research perspective on, 1-5
sample tools and templates, 333-53
terminology note, 2, 5
training in, 216-17
voices from the C-suite, 7-18
Workflex Option Business Case, 348-53
workflex option categories. See also specific categories
human capital metrics, 307
list of, 38, 202
workflex trends overview, 22-28
workflex trends
caregiving leaves, 31-33
conclusion, 34
culture of flexibility and support, 29-31
flexible work options, 22-28
introduction, 21
workflow, choosing metrics, 306
workforce agility, 330-31
workforce trends, 18, 207
work group approach. See also team approach
data collection, 193
flex time and flex place, 62-63
implementation concerns, 210-11, 214, 216
work-life balance, Work-Life Fit vs., 37
Work-Life Fit (in general). See also workflex; specific aspects
criteria overview, 2
definition of, 2, 37
layers of flexibility strategy, 329
outcomes overview, 3, 4
terminology note, 2, 5
workload concerns of managers, 213
work model, changes in, 7-9, 18
workplace agility, 330-31
workplace effectiveness criteria
outcomes overview, 2-5
overview of, 1-2
workplace location for breastfeeding, 284-85
workplace model, changes in, 7
workplace support for flexibility, 176
workplace trends, 18, 207
work-related injuries, definition of, 297
work-related outcomes, overview of, 2-3. See also specific aspects
work sabbaticals
flex careers, 123-26
Work Sabbatical Policy, 345-47
worksite
FMLA terminology, 266
OSHA terminology, 296
workweek, FLSA terminology, 276
Worrell, Stephanie, 158, 161
written documentation. See also policies and guidelines
FMLA notices, 267-69
implementation concerns, 211

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