

Bill as Introduced

HB 663-FN – AS INTRODUCED

2009 SESSION

09-0746

08/09

HOUSE BILL **663-FN**

AN ACT relative to working families' flexibility.

SPONSORS: Rep. Gile, Merr 10; Rep. Skinder, Sull 1; Rep. Pilliod, Belk 5; Rep. R. Holden, Hills 7; Sen. Lasky, Dist 13; Sen. Gilmour, Dist 12

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill creates a process for employees to request flexibility regarding certain conditions of employment.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT relative to working families' flexibility.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Working Families' Flexibility Act. Amend RSA 275 by inserting after
2 section 69 the following new subdivision:

3 Working Families' Flexibility Act

4 275:70 Definitions. In this subdivision:

5 I. "Commissioner" means the commissioner of labor.

6 II. "Department" means the department of labor.

7 III. "Employer" means an employer under RSA 275:4, I who employs 15 or more employees
8 for each working day during each of 20 or more calendar workweeks in the current or preceding
9 calendar year; and includes:

10 (a) Any person who acts, directly or indirectly, in the interest of such an employer to any
11 of the employees of such employer.

12 (b) Any successor in interest of such an employer.

13 (c) An agency described in clause (iii) or (iv) of subparagraph (A) of section 101(4) of the
14 Family and Medical Leave Act of 1993 (29 U.S.C. section 2611(4)), to which subparagraph (B) of such
15 section shall apply.

16 275:71 Right to Request Flexible Work Terms.

17 I. An employee may apply to his or her employer for a change in the employee's terms or
18 conditions of employment if the change relates to:

19 (a) The number of hours the employee is required to work;

20 (b) The times when the employee is required to work; or

21 (c) Where the employee is required to work.

22 II. An application submitted to the employer under this section shall:

23 (a) State that the application is an application described in paragraph I;

24 (b) Specify the change applied for and the date on which the employee requests that the
25 change becomes effective; and

26 (c) Explain what effect, if any, the employee thinks the change applied for would have on
27 the employer and how any such effect may be dealt with.

28 III. If an employee, who has submitted an application under this section to an employer,
29 submits a further application under this section to the same employer before the end of the period of
30 12 months beginning with the date on which the previous application was submitted, that further
31 application shall not be considered by the employer under RSA 275:72.

1 275:72 Employer's Duties. An employer to whom an employee submits an application shall
2 consider the application in accordance with the following:

3 I. The employer and the employee shall hold a meeting to discuss the application submitted
4 under RSA 275:71 within 14 days after the date of submission to the employer;

5 II. The employer shall give the employee a written decision regarding the application within
6 14 days after the date of the meeting described in paragraph I;

7 III. A written decision under paragraph II to reject the application shall state the grounds
8 for the decision, including whether those grounds included:

9 (a) The identifiable cost of the change in a term or condition of employment requested in
10 the application, including the costs of loss of productivity, retraining or hiring employees, or
11 transferring employees from one facility to another facility.

12 (b) The overall financial resources involved.

13 (c) For an employer with multiple facilities, the geographic separateness or
14 administrative or fiscal relationship of the facilities.

15 (d) The effect of the change on the employer's ability to meet customer demand.

16 (e) Other factors specified in rules adopted by the commissioner.

17 IV. If the employer rejects the employee's application, the employer may propose, in writing,
18 an alternative change to the employee's hours, times, and place of work.

19 V. If the employee is dissatisfied with the employers decision under paragraph II and the
20 alternative described in paragraph IV, the employee has the right to request reconsideration of the
21 decision within 14 days after the later of:

22 (a) The date on which the employer gives the employee the decision under paragraph II;

23 or

24 (b) If applicable, the date on which the employer proposes the alternative described in
25 paragraph IV.

26 VI. Rules adopted by the commissioner relative to procedures for exercising the right to
27 request reconsideration described in paragraph V, including procedures requiring the employee to
28 set out the grounds for reconsideration, and including any inaccuracies or misstatements that the
29 employee contends were in the employer's decision.

30 VII. The decision under paragraph II shall include such information as the regulations shall
31 specify relating to the right to request reconsideration under paragraph V.

32 VIII. The employer and the employee shall hold a meeting to discuss the request for
33 reconsideration described in paragraph V within 14 days after the date on which the employee gives
34 notice of the request for reconsideration to the employer.

35 IX. The employer shall give the employee a written decision regarding a request for
36 reconsideration within 14 days after the date of the meeting described in paragraph VIII.

1 X. A decision under paragraph IV to deny the request for reconsideration shall state the
2 grounds for the decision, including whether those grounds included the factors described in
3 paragraph III.

4 XI. A statement made under paragraph III or IX shall contain a sufficient explanation of the
5 grounds for the decision involved.

6 XII. The employee shall have a right to be accompanied at meetings described in paragraph
7 I or VIII by a representative of the employee's choosing with such qualifications as the rules of the
8 commissioner shall specify; and

9 XIII. If such a representative of the employee's choosing is not available to attend a meeting
10 described in paragraph I or VIII, the meeting shall be postponed;

11 XIV. The employer shall make, keep, and preserve records pertaining to compliance with
12 this subdivision in accordance with rules adopted by the commissioner.

13 275:73 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

14 I. The form of applications submitted under this subdivision.

15 II. Procedures for submission of applications.

16 III. Procedures necessary under RSA 275:72.

17 IV. Procedures for objections to orders, notice, and hearing prior to the imposition of an
18 administrative fine under RSA 275:75.

19 V. Standards for adequate record keeping by employees under this subdivision.

20 275:74 Prohibited Acts.

21 I. It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or
22 the attempt to exercise, any right provided under this subdivision.

23 II. It shall be unlawful for any employer to discharge or in any other manner discriminate
24 against, including retaliating against, any individual because such individual:

25 (a) Has submitted, or attempted to submit, an application under RSA 275:72;

26 (b) Has filed an action, or has instituted or caused to be instituted any proceeding, under
27 or related to this subdivision;

28 (c) Has given, or is about to give, any information in connection with any inquiry or
29 proceeding relating to any right provided under this subdivision;

30 (d) Has testified, or is about to testify, in any inquiry or proceeding relating to any right
31 provided under this subdivision;

32 (e) Has opposed any practice made unlawful by this subdivision; or

33 (f) Has in any other way exercised or attempted to exercise any right provided under this
34 subdivision.

35 275:75 Enforcement; Penalties.

1 I. An employee who is affected by a violation of this subdivision may make a complaint to
2 the commissioner. The commissioner shall investigate the complaint and may issue an order making
3 determinations, assess penalties, and provide relief as provided in this subdivision.

4 II. An employer or employee objecting to an order may request an administrative hearing
5 concerning the order from the commissioner within 60 days of the issuance of an order. After 60
6 days the order shall become final.

7 III. Any employer found by the commissioner to have violated this subdivision shall be
8 subject to a fine of no more than \$1,000 for each violation.

9 IV. Any employer found by the commissioner to have violated this subdivision may be
10 ordered by the commissioner to reinstate the affected employee and award him or her back pay and
11 change the terms or conditions of his or her employment.

12 275:76 Rights Retained by Employees. Nothing in this subdivision shall be considered to
13 diminish the rights, privileges, or remedies of any employee under any state or federal law, or under
14 a collective bargaining agreement.

15 2 Effective Date. This act shall take effect January 1, 2010.

LBAO
09-0746
01/23/09

HB 663-FN - FISCAL NOTE

AN ACT relative to working families' flexibility.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill as it is awaiting information from the Department of Administrative Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

Committee Minutes



STATE OF NEW HAMPSHIRE

HOUSE OF REPRESENTATIVES

Office of the Speaker

MEMORANDUM

TO: Karen O. Wadsworth, House Clerk
FROM: Speaker Terie Norelli *tn*
DATE: October 13, 2010
RE: Temporary Committee Assignment

Please be advised that Rep. Raymond Gagnon will be assigned to the Labor, Industrial and Rehabilitative Services Committee for the day of October 13, 2010, due to the absence of Rep. John Knowles.

TN/bll

cc: House Majority Leader Mary Jane Wallner
House Republican Leader Sherman A. Packard
Rep. Jeff Goley, Chairman, Labor Industrial & Rehabilitative Services Committee ←
Rep. Raymond Gagnon
Rep. John Knowles

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1063-FN Date 2/3/09

Committee Labor

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Rich Tomasso	Manchester		LPMN		X
Sen. Gilman			Dist. 12	✓	
Home Builders & Remodelers Assoc. of New Hampshire					X
Rep Paula Skender Sullivan				✓	
Kate Bissett	2 Delta Dr. Concord		Early Learning NH	✓	
Ellen Finckberg	103 N. State St. Concord		Children's Alliance	✓	
Denis Coddard	Concord		self		X
Beth Golomb	Candia		SELF		X
Miller Travis	canidia		self		X
Renee Camille	Northwood	9428229	self		X
Rachel Rowland	2 Delta Dr		NH WP 1	✓	
Gary Abbott	Associated General Contractors				X
Anne Fransworth PhD				✓	
Jani Seibel	Employment			✓	
Nikki Murphy	HCSU, 30 South Main St.		NH Women's Lobby	✓	
Kelly Torosian	185 W. March NH			✓	
Jessica Clark	NH AFL-CIO		Hooksett	✓	
Gayle Kimball	Contoocook 7463350		NH WMS LABOR	✓	
Betsy Miller	46 Donovan St. Concord	224-9222	NH Assn of Contractors		✓
Mark Warden	March.		NH LA Liberty Alliance		✓
Maggie Fogarty	American Friends Service Comm			✓	
Jonathan Boring	206 Moody Bldg. Claremont		NH Legal Assistance	✓	
David Clough	NFIB NH				✓

Hearing Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: February 3, 2009

LOB ROOM: 307 **Time Public Hearing Called to Order:** 1:10 p.m.

Time Adjourned: 2:50 p.m.

(please circle if present)

Committee Members: Reps. Golev, S. Kelly, Gorman, Hofemann, J. Knowles, M. Knowles, Brennan, Craig, Weed, Rice, Mear, Infantine, Daniels, Bishop, Bridle, Gleason, Dumaine, H. Richardson, Pellegrino and Sedensky.

Bill Sponsors: Rep. Gile, Merr 10; Rep. Skinder, Sull 1; Rep. Pilliod, Belk 5; Rep. R. Holden, Hills 7; Sen. Lasky, Dist 13; Sen. Gilmour, Dist 12

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* **Rep. Mary Stuart Gile** - Prime sponsor of the bill. Please retain this bill so we are shovel ready when Fed bills pass (Maloney 663)/Kennedy (662). Report of opinions expressed at Nov. 29 summit. Even though task force had ended we were unable to hold an official meeting to get official recommendations.

Rep. Rice: Official report of Task Force? ANS: No.

Rep. Weed: Must all jobs have schedule flexibility? I think with this bill flexibility would apply to all workers. If retain bill, can fix this, if it is a problem.

Rep. Bridle: How related to municipal employees – state employees? Can there be a safety valve for employees/employer, who cannot arrange flex schedule? Is there a process to resolve requests by employees which can not be granted?

Rep. Shawn Jasper - Opposes the bill. I appear as a selectman/I have a municipal side as well. Perhaps I have rose colored glasses, but currently removable employers are willing to be flexible with good employees. Where contracts in place, does this not undercut agreements between employer/employee? Couldn't employees tie up companies all year when requesting flex scheduling? Won't negotiations take away productivity time? We need education – not more mandates – about how to run your work place.

* **Sylvia Gale, NH CSW** - Supports the bill. C Bargain agreements will not be undercut within confines of what business can tolerate. They should trust employees enough to provide flex schedule. This law invites the will to create flexibility.

Rep. Daniels: Wouldn't on going discussion – education which led to voluntary adoption be better than ramming it down NH Business throats?

Cordell Johnston, NH Municipal Association - Opposes the bill. Imposition on employers and poll subdivisions with more than 15 workers. It would tie up city or town requiring negotiations with employees and selectmen. Cities and towns probably will not leave state without this.

Annie Farnsworth, Women's Lobby - Supports the bill. I suspect both education and the state mandate – more the better. Best practices increase productivity and morale, but not happening where employer unwilling. There are substantive data for UK Netherlands – Australia. Very important for those abroad. Not all workers require flextime. Hasn't been a problem. This bill gives a right of a worker to ask for a flex schedule – without retribution. Savings in gasoline, electricity consumption, real estate costs. Do the right thing.

Dave Juvet, BIA - Opposes the bill.

* **Jane Sobel, Employmoms** - Supports the bill. Business owner – employs moms. Huge untapped pool of workers looking for flexibility. Hundreds of candidates. Hundreds who would like to work if can find flexibility. Show us candidates, we will make it work. We have more candidates than we have found placements for. Hundred to two hundred placements for flex schedule part-time contract and fulltime for profit entities. Huge pool of talented workers if you have flexibility. This bill allows the discussion to come to the table, otherwise people take “off ramp”, stop working.

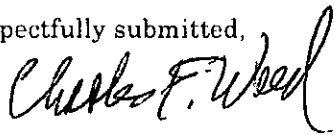
Betsy Miller, NH Association of Counties - Opposes the bill. You emphasized too high a burden on commissioners and human resource personnel on top of collective bargaining agreement. This law would required 1 on 1 vs. collective bargaining for all workers.

Judith Stadtman, Mothers Movement Online - Supports the bill. 130,000 people with care giving responsibility. 71% of parents in the work place support more flexible work schedules, without it, too many will “off ramp”.

Lisa Henderson - Supports the bill. Companies have provided new flexibility. I have had to work to pay mortgage. I can't “off ramp”. Most make – child care work. Husband leaves at 5:30 a.m. – ½ hour to settle kids in. 25 minutes to get to work. I arrive between 8:30-9:00 – Flexibility enables us to stay in our house. Please assure flexibility.

Maria Dalterio, NH Employment Security - Supports the bill as part of whole package. Need for flexibility to get as many jobs as possible in New Hampshire.

Respectfully submitted,



Rep. Charles F. Weed
Acting Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

PUBLIC HEARING ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

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Bill Sponsors: Rep. Gile, Merr 10; Rep. Skinder, Sull 1; Rep. Pilliod, Belk 5; Rep. R. Holden, Hills 7; Sen. Lasky, Dist 13; Sen. Gilmour, Dist 12

TESTIMONY

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* Please retain these bills so we are shovel ready when Fed bills pass (Maloney/Kennedy) (6/22) Rep of opens expressed at Nov 29 summit. even though Task force had ended - unable to hold an offic mtg to get offic recs.

Testimony included - mentioned Calger Balm !!

Rice: official report of Task force - no.

weed: must all jobs have sched. flexibility - I think with this bill flexibility would apply to all workers. If retain bill can find those if it is a problem.

Bridle - how related to munic employees - state employees

- can there be a safety valve for employers/employees who cannot arrange flex schedule

Gotting a process to resolve requests by employees which can not be granted

S Gorman: happen as a selectman / munic aide as well rose colored glasses - currently plus employers - willing to be benefit w/ good employees

where contracts in place - does this not undercut agreements
between employer/employee,
couldn't employees tie up companies all year when negotiations
scheduling takes away productivity time
work negotiations

Education - not mandate - about how to run your workplace
Sylvia Gail * supports (provided workers autonomy) ~~to~~ Dr. VA common
of Norway
Sept both 662 & 663

- CBA agreements will not be undercut
- w/in confines of what law can tolerate - should trust employees enough to provide flex sched
- invite the will to create flexibility

Smith - wouldn't on going discussion - education which
leads to voluntary adoption be better than ramming
it down throats.

Cordell Johnson - munic also - imposition on employers & pol
subdivisions w. more than 15
Tie up cities tax - ref. negotiations w. employees
& elections, cities & towns prob will not leave state w/ this

Annal Farnsworth - work holiday - psychologist
both educ & stat mandate - more the better

Best practices - A product - morale - but not
happening when employers unwilling
Subst data fr. UK, Netherlands - Australia
very imp for those abroad - Not all workers req
flex time - hasn't been a problem. Rls to ask up
retribution
Swings in gasoline, elect consumption,
resistance costs - don't know

* data
shown works from
negotiations

Dave Sweet BIA opposed

Consrv. violation } no it is
soft touch } a mandate
wudge } v. a fine attached

Hypothesis - Ch. of Prod - head of BIA
agree w. flexibility - not w. brackets

Jane Siebel * testimony support

Bus owner - empl. norms.

Huge untapped pool of workers looking for
flexibility - 100's of candidates
100's who would like to work if can find
flexibility - Hypothesis - show us candidates
we will make if work

more candidates
than we have found
placements -

≤ 100-200 placements for flex sched
parttime, contract, fulltime.
For profit entity.

huge pool of talented workers if you have
flexibility

This allows the discussion to come to the
table - otherwise people take off ramp
stop working.

opposed

Betsy Miller - Counties - if it's employees
too high a burden on commission
hum. resource personnel - on top of
coll barg agy (on 1 reg. vs collected barg.

Judith Salkman women's fly - mother movement
on line 130,000 w concave up - 140m hrs/wk
1/3rd all work parttime workplace based work.
Support - when son born 1993 - flew hrs 25-30 hrs
after stretched to 40

offramped - doc of req + process of award provided
in context - + req to ask for flexibility.

Jesa Henderson - Newmarket - cos have provided me w/
flexibility. I have had to work to pay mortgage
I can't off ramp - must make. Can't work
Habit leaves at 5:30am. It's a little hard in
25min to get to work - betw 8:30/9:00 Flex
enable us to stay - assure flexibility

Maria Del Toro - We sup't that bill as part of a flex
will for flex to get as many jobs as possible in NY

Sub-Committee Actions

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: September 22, 2009

Subcommittee Members: Reps. J. Knowles, Gorman, and Sedensky

Comments and Recommendations: Recommend for Interim Study.

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.) INTERIM STUDY

Moved by Rep. J. Knowles

Seconded by Rep. Sedensky

Vote: 3-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. J. Knowles
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: September 22, 2009

Subcommittee Members: Reps. J. Knowles, Gorman, and Sedensky

Comments and Recommendations:

Recommend for
↓

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Interim Study

Moved by Rep. J. Knowles

Seconded by Rep. Sedensky

Vote: 3 - 0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Sub-Committee Minutes

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: September 23, 2010

Subcommittee Members: Reps. Kelly, M. Knowles, and Pellegrino

Comments and Recommendations: Due to the continuing down turn of the economy, the subcommittee agreed that legislation should be introduced in 2012 since this bill ultimately will have a beneficial effect on the families of bill.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Sally Kelly
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SUBCOMMITTEE WORK SESSION ON HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: September 23, 2010

Subcommittee Members: Reps. Kelly, M. Knowles, and Pellegrino

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep. *Mary Ann Knowles*

Seconded by Rep. *Sally Kelly*

Vote: *2-0*

Motions: Recommended or Not Recommended for Future Legislation (Please circle one.)

Moved by Rep.

Seconded by Rep.

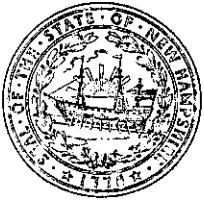
Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

Testimony



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

TESTIMONY ON HB663-FN

Presented to

THE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

February 3, 2009

Good Afternoon. For the record, I am Mary Stuart Gile and I represent Merrimack District 10(Concord Wards' 1, 2 &3). I am the prime sponsor of HB 663-FN, an act relative to working families flexibility.

This bill, as proposed creates a process for employees to request flexibility in work schedules contingent on meeting specific conditions described in the application and further specifies employer's criteria for granting or denying such requests.

HB 663-FN is one outcome of a year's work by the Legislative Task Force on Work and Family created by the Chapter Laws of 2007. The Task Force included representation from the NH Senate, House, Governor's office, AARP, Commissions on the Status of Men and Women, Departments of Employment Security, Labor, Health and Human Services, NH Women's Lobby, Women's Policy Institute, BIA, Small Business Development, Chamber of Commerce, Greater NH Human Resource Association, Carsey Institute, (UNH), NH Children's Trust Fund, NH Legal Assistance, UNH Cooperative Extension, PLUS TIME,NH, NH Children's Alliance, Child and Family Services, Early Learning, NH, NH Resource and Referral, the Work Opportunity Council and NH AFL-CIO.

The Task Force met monthly beginning September, 2007, conducted three regional forums, met with representatives of small, medium and large businesses and sponsored a Work and Family Economic Summit on October 29, 2008. Over 250 people attended. The Summit agenda included the latest research on work and family issues, and featured New York Congresswoman Carolyn Maloney as the luncheon speaker. The program also included the opportunity for participants to meet in smaller groups to share ideas and major needs of NH working families.

HB 663-FN is one of three bills submitted to the NH General Court as a result of Summit participant input. Together, the bills are referred to as the Work and Family Economic Sustainability Initiative. HB 661-FN, an act relative to family leave insurance was assigned to Commerce and Consumer Affairs and HB 662-FN, an act relative to paid sick leave was heard in Labor this morning.

HN 663-FN is in response to the needs and voices of NH's working families. Studies published in 2008, by the Work and Family Institute, in New York, confirm that 75% of today's young parents, those between 25 and 40 years, want to have more family time, to be with their children as well as their elders. 85% of those surveyed indicated that flexibility in the workplace is extremely or very important.

NH's population is aging. We have already lost a significant percentage of workers of child rearing age to other states for a myriad of reasons, including to work for businesses that offer better family-friendly employment policies such as flexible work schedules.

Flexibility as defined in the workplace includes alternatives in scheduling of full-time work hours, (flextime, compressed work week etc.); choices in the amount of time working (part-time, part-year) and in where work gets done. A culture of flexibility is a characteristic of an agile organization. Flexible work schedules are linked to positive effects on return on investment (ROI) and are now regarded as a strategic tool for doing business.

Research by the Sloan Institute in Boston confirms that flexibility in the workplace results in positive business outcomes such as attracting and retaining employees, addressing generational differences, increasing employee engagement/commitment, reducing turnover, absenteeism and sick days. Further positive business impacts include improving health, well-being and reducing stress of employees, increasing customer satisfaction, reducing business costs, increasing productivity and profitability, and improving staffing coverage to meet business demands. Flexible work schedules have proven that they are good for families as well as the businesses' bottom line!

HB 663-FN as stated earlier defines a process. It includes definitions, right to request flexible work terms, employers' duties, rulemaking etc. Many NH companies already provide flexible schedules and most are in the top 100 most successful according to NH Business Magazine.

In summary, HB 663-FN is submitted on behalf of NH's working families whose economic sustainability is critical to the future of our state. HB 663-FN is proposed in the hope that all employees have access to jobs that are responsive to their needs as families and that employers are able to attract the best and the brightest talent. Thank you.

**TESTIMONY BEFORE THE LABOR COMMITTEE, NEW HAMPSHIRE
HOUSE OF REPRESENTATIVES**

ON HOUSE BILL 663-FN, AN ACT relative to working families' flexibility.

Testimony submitted by Sherry Leiwant, Executive Director, A Better Balance: The
Work and Family Legal Center

Thank you for the opportunity to testify today and thank you for putting together this hearing on an issue important to all women and families in New Hampshire.

My organization, A Better Balance: The Work and Family Legal Center (ABB) is an organization whose mission is to use the law to promote equality and expand choices for men and women at all income levels so that they may care for their families without sacrificing their economic security. Our testimony today draws heavily on our own experience in promoting flexible work time.

Increasing flexibility in the workplace is a critical need for workers. The tensions between work and family responsibilities increasingly impact American workers and their families, in particular those with the fewest economic resources. The growth of this problem is fueled by the dramatic increase in labor force participation by women who have traditionally been responsible for caregiving work. At the same time, the marketplace demands increasingly longer hours from workers. The failure to value caregiving work, persistent gender inequality in caregiving responsibilities, and lack of societal support or public policy attention, exacerbates this problem. Though the media often views this problem as that of professional and upper income women “opting out” of

the workforce, this is a problem that cuts across class lines and weighs most heavily on women in low-income, marginal jobs, in particular those who are single mothers. For higher wage women, polls and studies show that women would prefer to remain in the workforce if they had access to more flexible work. Nor is work-family conflict present only for parents of small children. It also affects adult children with aging parents and spouses caring for partners.

The statistics bear out the scope of this problem. More men and women are working longer hours today than they were 30 years ago, and for some workers technology creates a nearly 24/7 work week. Most critical for family life, a dramatically greater proportion of the work force now works full time, mostly accounted for by women, among whom the percentage working full time all year has grown from 41% in 1970 to 60% today. The most significant demographic change in labor over the last 30 years, however, has been the increased labor force participation of mothers of children under 18, which since 1975 has grown from 47% to 72%.ⁱ Marking an even greater change, the proportion of mothers with children under the age of 3 working full time has surged in the same time period from 34% to 61%.ⁱⁱ And just 30% of today's families with children have a stay-at-home parent, down from 70% of families in 1960.ⁱⁱⁱ

In addition to pressures on families with children, there is increasing need for provision of care for our aging population. Approximately one quarter of all households in the United States have at least one adult who has provided care to an elderly person during the past 12 months.^{iv} Nearly 4 out of 10 working Americans provide unpaid assistance to their own parents, with half of them providing up to one or more days of help per month.^v A study of Fortune 500 company employees providing eldercare

revealed that 78% of male respondents and 84% of female respondents came late to work or left early to accommodate their care giving responsibilities, and that over half of all respondents reported modifying their work schedules to make room for their eldercare responsibilities.^{vi}

At the same time that demographic changes have made caregiving much more difficult for American families, demands on workers for more time at work have also dramatically increased. According to the International Labour Organization, Americans now work more hours than workers in any other industrialized country, and the proportion of people who work extremely long work weeks (48 hours or more) has also increased tremendously in the last decade. The combined weekly work hours of dual-earner couples with children under 18 has increased by an average of 10 hours per week since 1977.^{vii} Converging in little over a generation, the movement of women into the work force, unprecedented growth in the number of mothers with children working outside the home, and the dramatic increase in hours worked by both men and women have made responsibility for child and elder care and the economic and emotional pressures on families pressing issues across the income spectrum.

Increased job flexibility is good for business. These statistics speak to a growing need for increased flexibility in the workplace. Other research demonstrates that workplace flexibility is good for employers as well as employees – good for both the employer’s bottom line and the job satisfaction of employees. Studies have shown that workplace flexibility is a critical recruitment and retention tool. According to the most recent Met-Life Survey, workers rank work-life balance as the second most important factor for joining or staying at a firm. Fully 67 percent of employees in businesses with

high levels of workplace flexibility report job satisfaction, compared to only 23 percent in companies with few flexible work arrangements.^{viii} In addition, turnover is expensive for business. Research has found that it costs 150% of a salaried employee's yearly salary to replace him or her. For hourly employees, turnover costs the employer anywhere from 50 to 75 percent of the employee's annual pay.^{ix} And in a two-year study of 1,400 workers, 70 percent of managers and 87 percent of employees reported that workplace flexibility increased productivity. A 2002 Watson Wyatt study found a 3.5 percent rise in shareholder returns resulting from flexible work.^x While estimates of cost savings depend on company size, location and other factors, flexible work arrangements, particularly telecommuting, have been shown to reduce real estate and other overhead costs. In 1996 Bell Atlantic estimated savings in the range of \$1,500-\$5,000 per telecommuter, per year, due to reduced real estate costs.^{xi}

Workplace flexibility has also been shown to decrease absenteeism and worker stress, another benefit for employers. A recent survey found that access to workplace flexibility is a primary way to reduce unscheduled absences from work. Another study found that 63% of employees using flexible work arrangements missed fewer days of work.^{xii} Workplace flexibility also reduces workers' stress, decreasing workers' risk for heart disease and diabetes, according to a large U.K. study. In another study, 70 percent of employees reported lower stress compared to those without flexible schedules.^{xiii} This is a huge cost savings to employers since health care expenditures are nearly 50 percent greater for U.S. workers who report high levels of stress.^{xiv}

Need for government action. Despite the desperate need for increased flexibility at work for American workers and the benefits to employers of allowing workplace

flexibility, in fact, there is decreasing rather than increasing access to such flexibility for workers. According to the Bureau of Labor Statistics, fewer companies offered flexible scheduling in 2004 than in 2001, and only 28% of workers across the country could vary when they started or ended work. Indeed, most working families have limited or no access to workplace flexibility.^{xv} Low-wage workers are the least likely to have access to workplace flexibility even though studies show they need it the most to address child development issues and poor family health.^{xvi}

Even where there is no bar to flexibility in scheduling, workers are very reluctant to request it even when it is desperately needed. Research reveals that nearly 80% of employees do not take advantage of corporate flexibility policies because they are concerned about jeopardizing their career.^{xvii} Lower wage workers are more likely to report that using flexibility will negatively affect their advancement.^{xviii} Over four in ten (43%) low income mothers are concerned about the effects of their care giving responsibilities on their job performance.^{xix}

Because of all of these factors, there is a need for government to have a role in promoting flexibility in the workplace. Statutes that promote flexible work time are an important potential tool in relieving the tension of work/family balance issues for workers and their families. Flexible working statutes strengthen the ability of individual employees to find solutions that allow work-life reconciliation, but in a manner that takes account of employers' business and operational requirements. The large majority of high-income countries have introduced flexible working statutes aimed at making it easier for employees to change how many hours, and when and where they work within their current job. Of 20 high-income countries, 17 have statutes to help parents adjust working

hours, 6 help with family care giving responsibilities for adults; 12 allow change in hours to facilitate lifelong learning; 11 support gradual retirement; and 5 countries have statutory arrangements open to all employees, irrespective of the reason for seeking different work arrangements.^{xx} Evaluation of statutes supporting flexible working hours shows that the laws have caused few problems for employers, and improve gender equality.^{xxi}

“Right to Request.” The right to request law which is before you today, unlike other mandatory laws described above that require employers to change how their workplaces operate, do not impose any mandates on business. This law will just makes it easier and safer for workers to request flexible work arrangements without fear of retaliation; all their employer is required to do under the law is to listen and consider the request. This law in no way creates a requirement that employers grant any request made. It is in every way a “soft touch” law.

The beauty of this law is that it addresses some of the principle reasons workplace flexibility is not more available to workers, but it does so without placing additional governmental mandates on employers. By guaranteeing that employers will listen to requests for greater flexibility and give an employee reasons for denying that request, the law insures that employers will at least think about the feasibility of increasing worker flexibility based on the particular needs of his or her business. By guaranteeing that workers can’t be fired for requesting flexible work time, the law removes a key fear that employees have which has been shown to be a factor in employees’ failure to request changes in work schedule. At the same time, employers are under no obligation to change the way they do business or meet employee requests they feel they cannot meet.

A similar law was enacted in the United Kingdom in 2003 and has had a significant effect in increasing the availability and acceptability of flexible work without causing problems to employers. A study of employees' experience of the law done in 2005 found that 14% of workers requested flexible work in the two year period of the study with 35% of requests because of child care and other reasons ranging from health needs to needs of other family members. Among all employees, 22% with children under age 6 requested flexible work and 75% received approval. A study was also done by the Chartered Institute of Personnel and Development, an industry human resources group, six months into implementation. The study found numerous reasons employers supported the law, including the recognition by many employers in the wake of the law of the importance of flexible work in retaining valuable employees. The study also found that 90% of businesses found compliance with the law not to be a problem, that there was about a 28% increase in requests for flexible work time and that most were granted, that most requests were for a part-time schedule or late/early hour changes and that denials of requests were most often due to difficulties in reorganizing existing staff and inability to meet customer demand.^{xxii}

The committee should also be aware that a similar Federal bill was introduced in the last session of Congress and will probably re-introduced in this session. However, we are always told in working with Congress on new legislation that having the states lead the way, is the best support that can be given for Federal efforts to address issues, especially with respect to economic and social legislation.

We applaud the New Hampshire legislature for recognizing the importance of job flexibility and introducing legislation designed to support increasing flexibility without hampering business.

Thank you.

Respectfully submitted,

Sherry Leiwant
A Better Balance: The Work & Family Legal Center
75 Maiden Lane
Suite 601
New York, NY 10038
Office tel. 212-285-3038
Tel. 212-749-4042
Cell. 917-536-0075
Fax. 212-724-3535

sleiwant@abetterbalance.org

ⁱ U.S. Department of Labor, Bureau of Labor Statistics, "Labor Force Participation Rate of Mothers," *MLR: The Editor's Desk*, Dec. 4, 2006, *available at* <http://www.bls.gov/opub/ted/2006/dec/wk1/art01.htm>.

ⁱⁱ U.S. Department of Labor, Bureau of Labor Statistics, "Table 7. Employment Status of Women By Presence and Age of Youngest Child, 1975-2002," *available at* <http://www.bls.gov/cps/wlf-tables7.pdf>.

ⁱⁱⁱ "Family Values at Work: It's About Time! Why we need Minimum Standards to Ensure a Family-Friendly Workplace," Multi-State Working Families Consortium, 2007, pg. 5, *available at* <http://www.9to5.org/familyvaluesatwork/FV@workSummary.pdf>.

^{iv} "The Metlife Juggling Act Study: Balancing Caregiving with Work and the Costs Involved," November 1999, p. 2, *available at* <http://www.metlife.com/WPSAssets/28510693001172586490V1FJugglingStudy2007.pdf>.

^v Jody Heymann, *THE WIDENING GAP: WHY AMERICA'S WORKING FAMILIES ARE IN JEOPARDY—AND WHAT CAN BE DONE ABOUT IT*, 103 (2000).

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- ix *Id.*
- x *Id.*, p. 8.
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- xiii Levin-Epstein, Jodie, *supra*, n. viii
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- xxi *Id.*
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Questions and Answers about FLEXIBLE WORK SCHEDULES: A Sloan Work and Family Research Network Fact Sheet

Introduction

The Sloan Work and Family Research Network has prepared Fact Sheets which provide statistical answers to some important questions about work-family and work-life issues. This Fact Sheet includes statistics about Flexible Work Schedules. (Last updated: September 2008)



Are workers satisfied with their work-family balance?

- **Fact 1** "Since 1975, the dominant household work pattern in the workplace has been the dual-earner, married couple, now totaling 38 percent of all households. Single mothers and fathers with children now constitute another 16 percent. The presumed ubiquitous traditional one-male-earner household with spouse at home, once 68 percent of all households in 1938, is now just 16 percent of all households" (Potter, 2006, p. 74).
- **Fact 2** "Nearly three-quarters (73%) [of full-time workers] want to spend more time with their families and they are only half as likely as part-time workers to say they are very happy with their work-life balance" (Jones, 2006, p. 5).
- **Fact 3** "Over two-thirds of respondents (69%) want to spend more time with their families" (Jones, 2006, p. 5).



How do families deal with the work-family time crunch?

- **Fact 1** "Our survey found that women were over three and a half times more likely than men to strongly agree that they do most of the household tasks themselves, and over twelve times more likely to strongly agree that they do most of the childcare" (Jones, 2006, p. 7).
- **Fact 2** "One in ten respondents said that they employed someone to do the housework and nearly one in five (17%) employed someone to look after their children" (Jones, 2006, p. 8).
- **Fact 3** "Although those in high-level professional work are three times as likely as those in manual work to employ someone to help with housework, there is much less difference when it comes to employing someone to help with childcare. 22% of high-level professional workers in our sample employ someone to help with childcare, compared to 13% of those in manual work" (Jones, 2006, p. 9).



Do workers have access to flexible work schedules?

- ❑ **Fact 1** Seventy-nine percent of organizations allow some employees to periodically change starting or quitting times. Thirty-seven percent allow all or most employees to do so (Galinsky, Bond, & Sakai, 2008, p. 12).
- ❑ **Fact 2** According to the 2008 National Study of Employers, "there has been an increase in daily flextime: in 1998, 24% of employers allowed at least some employees to change their starting and quitting times on a daily basis within some range of hours; in 2008, 31% did so" (Galinsky, Bond, & Sakai, 2008, p. 12).
- ❑ **Fact 3** According to the U.S. Census Bureau, 28.8% of full-time wage and salary workers in 2001 had flexible schedules (U.S. Census Bureau, 2003, p. 15).
- ❑ **Fact 4** According to the U.S. Census Bureau, in 2001, 31.2% of employed (full-time) persons aged 65 and over used flexible schedules (U.S. Census Bureau, 2003, p. 15).
- ❑ **Fact 5** "In May 2004, men continued to be somewhat more likely to have flexible schedules than women (28.1 and 26.7 percent, respectively)" (U.S. Department of Labor (2005, p. 2).
- ❑ **Fact 6** "Twice as many (small business) owners as (wage and salaried) employees are able to change their starting and quitting times within some range of hours" (Bond, Thompson, Galinsky, & Prottas, 2002, p. 57).



Which employees are using flexible schedules?

- ❑ **Fact 1** "Women are somewhat more likely (79%) than men (68%) to use flextime when it is available" (Galinsky, Bond, & Hill, 2004, p. 6).
- ❑ **Fact 2** "...roughly equal proportions of young women and men in this age group (Generation X) work flexible schedules. In addition, 25- to 34-year-old women were more likely than women of other ages to have this kind of flexibility in their jobs" (DiNatale & Boraas, 2002, p. 13).



Are flexible work schedules important to employees?

- ❑ **Fact 1** "Over half of all respondents (54%) disagree that work-life balance should be, primarily, an issue for parents; and the proportion is greater among those under 55. Over a third (37%) of all respondents do, however, take the view that it's just for parents" (Jones, 2006, p. 10).
- ❑ **Fact 2** Effectiveness of Worklife Programs, 2005 Ratings (CCH Incorporated, 2005)



	2	3	4	5
Alternative Work Arrangements			3.5	
Hi Shot Programs			3.4	
Leave for School Functions		3.3		
Compressed Work Week		3.3		
On-site Child Care		3.3		
Telecommuting		3.3		
Emergency Child Care		3.1		
Employee Assistance Plans		3.1		
Wellness Programs		3.0		
On-site Health Services		2.9		
Fitness Facility		2.8		
Satellite Workplaces		2.8		
Job Sharing		2.8		
Elder Care Services		2.8		
Holidays/Summer Camp		2.7		
Career Counseling		2.7		
Child Care Referrals	2.6			
Work-life Seminars	2.6			
Sabbaticals	2.5			
Concierge Services	2.3			



How do employees benefit from flexible work schedules?

- Fact 1** Fifty percent of employees who have high access to flexible work arrangements on the job report high levels of life satisfaction (Bond, Thompson, Galinsky, & Prttas, 2002, p. 39).
- Fact 2** According to the National Study of the Changing Workforce, "employees who have more access to flexible work arrangements report fewer mental health problems" (Bond, Thompson, Galinsky, & Prttas, 2002, p. 39).
- Fact 3** In 2002, 32% of wage and salaried workers with high availability of flexible work arrangements report no interference of job and family life (Bond, Thompson, Galinsky, & Prttas, 2002, p. 38).
- Fact 4** In 2002, 34% of wage and salaried employees who have high access to flexible work arrangements report "low levels of negative spillover from job to home" (Bond, Thompson, Galinsky, & Prttas, 2002, p. 39).
- Fact 5** "Over two-fifths (41%) of the full-time workers agree that if they were given more control over their time they would be more productive—compared to one in five part-time workers, who may be working shorter hours but clearly don't feel this necessarily means that they're in control" (Jones, 2006, p. 10).



How do flexible work schedules affect employees' relationships with their employers?

Fact 1 According to the National Study of the Changing Workforce, in 2002, 73% of employees with high availability of flexible work arrangements reported that there was a high likelihood that they would stay with their current employer for the next year (Bond, Thompson, Galinsky, & Prottas, 2002, p. 34).

Fact 2 In 2002, 39% of employees with high availability of flexible work arrangements reported "high levels of loyalty and willingness to work harder than required to help their employers succeed" (Bond, Thompson, Galinsky, & Prottas, 2002, p. 34).

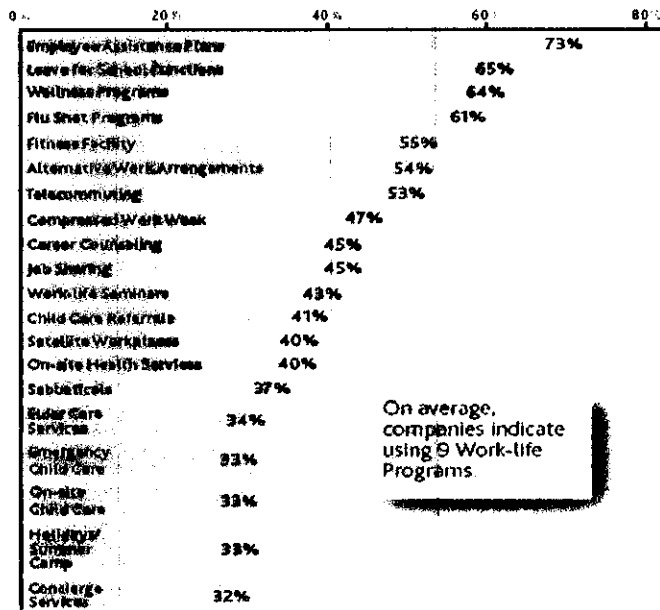
Fact 3 "Only 9% of company representatives responding to the 2005 NSE survey feel that the use of flexible time and leave policies jeopardizes employees' opportunities for advancement" (Bond, Galinsky, Kim, & Brownfield, 2005, p. 13).



Which employers offer flexible work schedules?

Fact 1 Small organizations [50–99 employees] are slightly more likely than large organizations [1000+ employees] to allow all or most employees to periodically change starting or quitting times—40% and 37%, respectively (Galinsky, Bond, & Sakai, 2008, p. 13).

Fact 2 Percentage of Companies Reporting Use in 2005 (CCH Incorporated, 2005)





Do employers support flexible work schedules?

■ **Fact 1** Sixty percent (of employers) responded “very true” to the statement “supervisors are encouraged to be supportive of employees with family needs and by finding solutions that work for both employees and the organization” (Galinsky, Bond, & Sakai, 2008, p. 26).

■ **Fact 2** Twenty percent (of employers) responded “very true” to the statement “management rewards those within the organization who support effective flexible work arrangements” (Galinsky, Bond, & Sakai, 2008, p. 26).

■ **Fact 3** “Those in our sample whose career takes the highest priority in their household are the most likely to agree that reducing their hours would be the kiss of death for their careers (56%), particularly if they work in agriculture, retail and business” (Jones, 2006, p. 10).



How do employers benefit from flexible work schedules?

■ **Fact 1** “According to one recent survey, alternative work arrangements rank at the top of work-life programs in effectiveness in reducing unplanned absences from work” (Bond, Galinsky, Kim, & Brownfield, 2005, p. 4)

The Network has additional resources related to this topic.

1. Visit a topic page on Flexible Work Schedules at: <http://wfnetwork.bc.edu/topic.php?id=2>
Topic pages provide resources and information, including statistics, definitions, overviews & briefs, bills & statutes, interviews, teaching resources, audio/video, suggested readings, and links.
2. Visit our database of academic literature with citations and annotations of literature related to the issue of Flexible Work Schedules. You can connect to this database at:
http://library.bc.edu/F?func=find-b-0&local_base=BCL_WF



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Bond, J., Galinsky, E., Kim, S., & Brownfield, E. (2005). *National Study of Employers. Highlights of findings*. Retrieved from <http://familiesandwork.org/site/research/summary/2005nsesumm.pdf>

This study was designed to build on the 1998 Business Work-Life Study and, therefore, provides data on changes that have occurred over the last 7 years. "The 2005 NSE sample included 1,092 employers with 50 or more employees—66 percent are for-profit companies and 34 percent are nonprofit organizations; 44 percent operate at only one location, while 56 percent have operations at more than one location...(The survey was conducted) using telephone interviews with human resource directors. Harris Interactive staff conducted the interviews from September 23, 2004 to April 5, 2005. Employers were selected from Dun & Bradstreet lists, using a stratified random sampling procedure in which selection was proportional to the number of people employed by each company to ensure a large enough sample of large organizations. The response rate was 38 percent, based on the percentage of all companies on the call-list that completed interviews" (Bond, Galinsky, Kim, & Brownfield, 2005, p. 1).

Bond, J. T., Thompson, C., Galinsky, E., & Prottas, D. (2002). *Highlights of the National Study of the Changing Workforce*. Retrieved from <http://www.familiesandwork.org/summary/nscw2002.pdf>

"The NSCW surveys representative samples of the nation's workforce once every five years (1992, 1997, 2002). Sample sizes average 3,500, including both wage and salaried employees and self-employed workers" (Highlights of the National Study of the Changing Workforce, 2002, p. v). Several of the questions in the National Study of the Changing Workforce were taken from or based upon questions in the Quality of Employment Survey (QES) conducted three times by the Department of Labor from 1969 to 1977. Although the NSCW is more comprehensive than the QES in addressing issues related to both work and personal life and has a stronger business perspective, having comparable data from over a 25-year period has provided a unique opportunity to look at trends over time. The 2002 NSCW uses 25 years of trend data to examine five topics in depth: women in the workforce, dual-earner couples, the role of technology in employees' lives on and off the job, work-life supports on the job, and working for oneself versus someone else (Highlights of the National Study of the Changing Workforce, 2002).

To read the Executive Summary or the press release, and to purchase the full report as a PDF E-product, please visit <http://www.familiesandwork.org/announce/2002NSCW.html>.

CCH Incorporated (2005). *2005 Unscheduled Absence Survey*. Riverwoods, Illinois: Author. Retrieved from <http://www.cch.com/absenteelism2005/images/UseEffectWorklife.pdf>

DiNatale, M., & Boraas, S. (2002). The labor force experience of women from "Generation X". *Monthly Labor Review*, 125(3), 3-15.

"Most of the data in this chapter were derived from the Current Population Survey (CPS), a monthly sample survey of households conducted by the Bureau of the Census for the Bureau of Labor Statistics. For more information regarding the Current Population Survey, see Current Population Survey: Design and Methodology, Bureau of Labor Statistics Technical Paper 63, March 2000" (DiNatale & Boraas, p.15).

Galinsky, E., Bond, J. T. & Hill, E. J. (2004). *When work works: A status report on workplace flexibility: Who has it? Who wants it? What difference does it make?* Retrieved from <http://familiesandwork.org/3w/research/downloads/status.pdf>

"The research findings reported here are drawn mainly from Families and Work Institute's National Study of the Changing Workforce (NSCW). The NSCW is conducted every five years, beginning in 1992 and most recently in 2002. This representative sample of approximately 3,500 workers includes wage and salaried employees, self-employed workers, and business owners, although the data presented here pertain only to wage and salaried employees" (Galinsky, Bond, & Hill, 2004, p. 27).



Galinsky, E., Bond, J. T., & Sakai, K. (2008). *2008 National Study of Employers*. Retrieved from <http://familiesandwork.org/site/research/reports/2008nse.pdf>

"The 2008 NSE sample includes 1,100 employers with 50 or more employees—77 percent are for profit employers and 23 percent are nonprofit organizations; 40 percent operate at only one location, while 60 percent have operations at more than one location. Interviews were conducted on behalf of Families and Work Institute by Harris Interactive, Inc." (Galinsky, Bond, & Sakai, 2008, p. 3).

Jones, A. (2006). *About time for change*. The Work Foundation, in association with Employers for Work–Life Balance. Retrieved from http://www.theworkfoundation.com/assets/docs/publications/177_About%20time%20for%20change.pdf

"The Work Foundation, in association with Employers for Work–Life Balance, has commissioned some research into whether working people are feeling a 'time squeeze' and how they are managing their work–life balance. The results of the survey (to which 500 people responded) were clear: despite the increased profile of work–life balance, despite the government legislation and despite all the campaigns, people are still feeling a time squeeze" (Jones, 2006, p. 3).

Potter, E. E. (2003). Telecommuting: The future of work, corporate culture, and American society. *Journal of Labor Research*, 24(1), 73–84.

"The article focuses on the telecommunication boom and its possible impact on corporate culture. Since the 1980s, there has been a rapidly increasing portion of the work force that telecommutes from home or at a location remote from the central workplace at least one day a week" (Potter, 2003).

U.S. Department of Labor. (2005). *Workers on flexible and shift schedules in 2004*. Washington, D.C.: Author. Retrieved from <http://www.bls.gov/news.release/flex.nr0.htm>

"These findings were obtained from a supplement to the May 2004 Current Population Survey (CPS). The CPS is the monthly household survey that provides information on national employment and unemployment. In May 2004, the survey also collected information about flexible schedules, shift work, and other related topics. The data presented in this release pertain to wage and salary workers who usually worked full time (35 or more hours per week) on their main job" (U.S. Department of Labor, 2005, p. 1).

U.S. Census Bureau, Statistical Abstract of the United States (2003). *No. 579. Persons on flexible schedules: 2001*. Retrieved from <http://www.census.gov/prod/2003pubs/02statab/labor.pdf>

The chief source of these data is the Current Population Survey (CPS) conducted by the U.S. Census Bureau for the Bureau of Labor Statistics (BLS). The sample includes employed full-time wage and salary workers 16 years old and over in the U.S. and excludes the self-employed. Data relate to the primary job. For description of data sources, see <http://www.census.gov/prod/2004pubs/03statab/labor.pdf>.

ISSUE BRIEF

Employers and European Flexible Working Rights: When the Floodgates Were Opened

by Ariane Hegewisch*

“Sorry—but no. If I let you change your hours, the floodgates will open and everyone will want a change.”

This is a common response by line managers to employees asking for change in their working time arrangements. Such a “no” makes it impossible to find out whether the fear about “yes” is justified. But recent European statutes obliging employers to be more positive towards employee requests for different working hours provide a testing ground for what happens when the flexible working “floodgates” open. This report discusses three new laws related to working time flexibility: the Dutch Working Time Adjustment Act 2000, the German Part-time and Fixed Term Employment Act 2000 and the UK 2002 Right to Request Flexible Working. These “light touch” laws are designed to prompt employers to take a positive approach to flexibility requests, while acknowledging the realities of global competition: employee rights are conditional on fitting in with operational and business requirements.

Is the European experience relevant to the US?

While European and US corporate environments are markedly different, many challenges faced by European employers are familiar to their US counterparts: a dramatic increase in the number of working mothers over the last three decades; a growing number of employees caring for elderly relatives; baby boomers looking for gradual retirement options; and employee demand for flexibility while returning to education during their working lives. Working time flexibility has become a high priority for employees, as expressed to employers and governments. As in the US, European employers have introduced flexible working benefits. But in many companies such policies exist only on paper, with a wide divergence between actual and potential beneficiaries of workplace flexibility. When the workplace proves to be inflexible, employees are less committed and more likely to look for a new job. Higher recruitment and training costs, lower productivity and motivation are the results.

This issue brief summarizes how employers have fared under the new European Flexible Working laws.¹ A basic description of the laws is provided at the end of this brief.

Lesson 1: The flood did not happen.

Employee requests in all three countries have been significant but overall numbers have been manageable. The Netherlands, the world’s champion when it comes to part-time employment, saw the highest level of requests for reduced hours, from 14 percent of employees.² Three and a half percent of UK employees applied for permanent part-time work; in line with the broader definition of flexibility in the UK Statute almost as many applied for flextime, and smaller numbers for other arrangements such as a compressed work week, regular home-based work and temporary reductions in working time.³ In both the Netherlands and the UK requests for flexible working were already high prior to the introduction of the new rights; data does not allow a dif-

ferentiation between requests made strictly under—or even because of—the new rights and the continuation of previous trends. In Germany, where statistics only capture requests made strictly within the legal framework, 128,000 employees made a request for reduced hours in 2003, less than half of one percent of German employees; high unemployment and the recession are a likely reason for this low level of response.⁴

Lesson 2: Most employers received one request but very few more than five.

Requests were fairly evenly spread between employers, with the majority of employers receiving at least one but rarely more than five requests. In the Netherlands 80 percent of larger employers—those with 10 or more

employees are covered by the full law—had at least one request; 16 percent of smaller employers reported a request.⁵ In the UK, a third of employers received no requests and only 15 percent of employers received more than five requests.⁶ For most UK employers, particularly those who already operated a flexible working policy, the requests were “fairly insignificant”⁷. One in 10 German employers received a request in 2003, according to a representative survey by the labor department;⁸ a membership survey of the German chamber of commerce in 2001 reports requests in a quarter of respondent companies.⁹ These are not insubstantial numbers, yet with requests limited to one or at most a few employees in most organizations, they have been manageable.

Lesson 3: There is a big difference between the number of people who say they would like to reduce hours and those who will actually make a request.

Requests for reduced working time are substantially below what one would expect from surveys on working time preferences. A European Union study suggests that a fifth of European male and over a third of female full-time employees would prefer part-time work.¹⁰ In reality, at most half of them actually approach their employer. A major reason is financial: in practice many people are not able to forgo the income. Yet there also is another factor at play: people tend to ask only if they are reasonably sure of a positive response. In the Netherlands, almost a quarter of those who would like to change hours did not approach their employer because they feared that they would be turned down. Others, particularly managers and professional workers, do not ask because they fear a request could jeopardize their position in the company or because they cannot imagine how their job could be done differently.

In the United States, 24 percent of women (32 percent of those with children under 18) and 13 percent of men in principle would like to change from full-time to part-time work, according to a 2002 study by the *Families and Work Institute*, but 70 percent of them say they could not afford a reduction in income.¹¹ There are also a substantial number of employees who feel part-time work would not fit with their career or that it would harm the economic success of their organization. More than four out of 10 of those, however, also believe that their employer simply would not allow such a request. These are the employees who might vote with their feet and change jobs when the opportunity occurs.

Lesson 4: The large majority of requests were acceptable to employers.

The majority of requests in all three countries were acceptable to employers without conflict, either fully or with some amendments. As one might expect, the country with the lowest overall requests, Germany, had the highest acceptance rate of more than nine out of 10 requests; in the UK seven out of 10 requests were fully accepted and one in 10 partially¹²; in the Netherlands, over six out of 10 requests were fully accepted and one in 10 partially.¹³ According to Susan Anderson, the Director of Human Resources Policy for the Confederation of British Industries (CBI), “The CBI believes that the new right to request flexible working has made huge strides in promoting different ways of working—with nine out of 10 requests accepted by employers.”¹⁴

Lesson 5: Costs were not a major problem of implementation.

Prior to the introduction of the UK Right to Request, employers were very concerned about the potential costs of meeting its requirements. This fear has shown to be unsubstantiated.¹⁵ Nine out of 10 UK employers said they experienced no significant problems with the implementation of the UK Right to Request. Less than 13 percent of UK employers mentioned cost as a problem in relation to the implementation of the right.¹⁶ The consequences of the Right to Request were more of an organizational nature: practical problems with assessing people’s requests and assessing alternatives, the management of employee expectations and, particularly for the UK, the management of potential resentment between employees with small children who are formally covered by the legislation and those not covered. Implementation has also raised the need for support and training of line managers who have to move away from “presenteeism.” It is also true, however, that many employers are unable to make a detailed assessment of costs—or benefits—of flexible working requests because no monitoring mechanisms are in place. In Germany, the majority of employers accommodated requests for reduced hours through rationalization or redistribution of work, thus not only not incurring additional costs but realizing savings.¹⁷

Lesson 6: It makes business sense to extend flexibility rights to all employees.

Employers have found it easier to manage the right to flexible working if it applies to all employees irrespective of caregiving status. Limiting the right to a subgroup of employees, such as parents of pre-school or disabled children, as is the case under the UK law, not only causes resentment but also makes it more difficult to accommodate requests. Parents of young children tend to be relatively homogenous in their demand for working hours; when all employees are included there is a better chance of covering the whole array of the employers' working time needs. The Dutch and German laws apply to all employees, irrespective of their reasons for wanting to change their working hours. The UK government now proposes to extend the right to carers of adults.¹⁸ "Once there is a critical mass of people wishing to work flexibly—not only parents—this increases the chances of finding a workable solution for the team," advises the CIPD, the UK equivalent of the Society for Human Resource Management.¹⁹ European and US case studies show that organizations will reap real benefits from flexible working once they go beyond a piecemeal response to individual requests and integrate flexibility into their broader strategic approaches.²⁰

Lesson 7: A legal framework can help corporate HR objectives.

In all three countries requests for changes in working hours or working time flexibility are nothing new. Many companies had voluntarily introduced flexible working policies or did so in the context of collective agreements. Yet, a problem not unfamiliar to many US employers, often policies look good on paper but implementation is uneven or policies become symbolic. Under these circumstances, the new legislation offered companies the opportunity to update and revitalize their policies. This positive effect is attested by human resource managers: "The [UK] Right to Request has furthered the cultural change that was already underway in terms of increasing the acceptability of flexible working and in seeing the benefits for the business and individual—particularly in areas of the business with few people on flexible contracts." said the human resource manager of a major transport company. "People have a framework, line managers have a process by which to agree or disagree" is the assessment of the benefits of the legislation by a human resource manager for the well-known retail chain Marks & Spencer.²²

Lesson 8: Men want flexibility too but differently from women.

All three statutes apply equally to men and women and moreover have greater sex equality in family work as an explicit target. Predictably perhaps, in all three countries the majority of requests have come from female employees. Yet there have also been a significant number of requests from men. Over a fifth of requests for part-time work in Germany were made by men; one in 10 male employees in the UK requested flexible working. However, types of requests vary between men and women. Men are much less likely to reduce their working hours when their children are very young (although over one in 10 UK fathers of pre-school kids has done so) but once children reach school age, differences between men and women begin to even out. Men are more likely to seek changes in working time which do not involve a drop in income, such as flex-time, working from home or temporary reductions in their hours. While many employers treat requests from men and women equally favorably, data from the UK shows that men's requests are more likely to be rejected than women's.²³ Such a differential response potentially constitutes sex discrimination and has been challenged as such in the courts.

Lesson 9: Few requests have ended up in court, but where they have it is because employers did not do their homework.

In the Netherlands and Germany less than 30 requests per country resulted in court action in the first two years of the laws;²⁴ given that the majority of workplaces in these countries have some form of union or employee representation it is rare for conflict not to be solved internally. In the UK, where it is only possible to query procedural issues and not the substantive decision of the employer, slightly over 400 claims were lodged at the employment tribunals in the first two years of implementation. This figure might seem high but constitutes less than half of one percent of all tribunal claims during the same period. Less than one percent of all UK employers rejecting a request have had a claim against them. Judgments have tended to go against employers who made blanket statements about the lack of feasibility of an option without being able to demonstrate that any alternatives had been considered in good faith. Where rejections were based on factual and specific business reasons and where alternatives were considered, judges have tended to find for employers.

Other factors in law cases include:

- Scheduling vs. overall number of hours, where employers have accepted a request for part-time work but have scheduled the hours differently from the request, creating problems with childcare and caring arrangements. Under German law both numbers and scheduling of hours are equally protected; under Dutch law employees have few rights in relation to scheduling.
- Delays in the response to requests, which is a particular problem for pregnant women trying to arrange childcare for their return to work. To prevent this problem Dutch courts have made interim injunctions.
- Binding nature of a request: whether or not an employee can be held to a request for reduced hours if the employer responds by agreeing to fewer hours but schedules these in a different way from the request. Here courts have tended to find against the employee, holding that an accepted request constituted a formal and permanent change of the employment contract.
- Sex discrimination and flexible working: the UK has well-established case law ruling that withholding alternative working patterns from working mothers potentially constitutes indirect discrimination/disparate impact. It is now common for female employees to claim both sex discrimination and breach of flexible working regulations when appealing an employer's refusal to grant a request; the UK Sex Discrimination Act provides a stronger basis for querying the employer's decision and stronger remedies.

Lesson 10: A more inclusive process of developing legislation works best.

The three countries have adopted different approaches to legislating flexibility, yet in terms of impact, what seems to matter most is the process of developing the law and the timing of its introduction, rather than the legislative details.

In the Netherlands and the UK the passing of the legislation was preceded by wide and inclusive consultations. The UK working party drafting the law included both the largest UK employers association (the CBI) and trade unions; the statute has the full print of approval from the CBI. In Germany, employers were much less involved in the development of the law and have remained hostile towards it. This might be another

reason for the much lower level of requests under the German law. The economy is another explanatory factor for the acceptability of the new laws. Dutch and UK employers faced considerable labor shortages when the laws were introduced and hence were open to exploring new ways to attract and retain staff. In Germany the law was introduced against a background of historically high unemployment, leading to much less employee confidence in taking up their rights and much less employer commitment to facilitating change.

Conclusion

The European experience suggests that employers have little to fear from employee rights to flexible working. The floodgates have not opened and the new individual rights to reduced hours and flexible working, designed as they are to take account of business factors, have not caused problems for the vast majority of employers. Rather than forcing a sea change, the laws have strengthened the existing trend among employers to offer flexible working arrangements. The laws are no magic wand to overcome hostility towards new work arrangements, stereotyping and differential treatment of people on flexible schedules or the lack of imagination of how things could be done differently. But these laws are helping employers in Europe to push the boundaries of work organization and to establish new ways of doing things which benefit both employers and society.

Many US workplaces already offer a wide array of formal and informal flexibility. The same was true of Dutch, German and UK workplace prior to the introduction of the new laws. Yet the challenge is not to develop policies but to make sure that they are implemented. In an ideal world, employees will feel free to discuss their working time needs with their manager and see whether a mutually satisfactory solution can be found. In the real world, many employees do not feel able to do so and consequently work below their best or walk at the first opportunity. A legislative framework which recognizes both the individual and the business case can make an important contribution to creating a new organization of work which is both more balanced and more productive.

**Ariane Hegewisch is an international fellow at the Center for WorkLife Law at the American University School of Public Affairs, Washington DC, and a fellow of Cranfield School of Management, Milton Keynes, UK. She can be reached at hegewisch@wcl.american.edu.*

WHAT THE FLEXIBILITY LAWS ENTAIL

The new European flexible working statutes offer employees a conditional right to change their working hours. While the employer has to consider a request seriously and in good faith, the request only has to be accepted if it is manageable in the organizational and business context. The detail of the laws varies between countries, as outlined below.

WHO CAN MAKE A REQUEST?

In the Netherlands²⁴ and Germany²⁵ the law applies to all employees irrespective of the reasons for their requests; in the UK²⁶ the right only applies to employees who seek a change so that they can care for a pre-school child or a disabled child under 18; the right will be extended to carers of adults by April 2007.²⁷

In the Netherlands and Germany only employers above a certain size (10 employees in the former, 15 in the latter) are covered; in the UK there are no size restrictions. The laws set out tenure restrictions: employees must have been with the organization a minimum of 12 months in the Netherlands and six months in Germany and the UK before they can make a request. Requests are limited to once every 24 months in the Netherlands and Germany and once every 12 months in the UK.

WHAT KIND OF REQUESTS CAN BE MADE?

The Dutch and German laws are limited to a reduction or increase of weekly working hours and their scheduling. The UK law takes a broader approach; it includes a change in the hours of work, the scheduling of work (schedule changes can be requested even if overall hours stay the same) and the location of work. The official guidance provides a long list of possible options including part-time work, compressed work week, partial or permanent telecommuting, job sharing, sabbaticals, annualized hours, flex-time and term-time working, and encourages both employer and employee to think beyond that list. In all three countries, changes result in a permanent alteration of the employment contract.

WHAT IS THE PROCESS FOR MAKING A REQUEST?

Requests have to be made in writing in all three countries, at least four months before the proposed starting date in the Netherlands, at least three in Germany, and not specified in the UK. The written request must include the proposed starting date, the proposed new weekly hours and the proposed scheduling of these hours. The UK statute adds an important additional requirement: the application must "explain what effect, if any, the employee thinks the change applied for would have on his employer and how, in his opinion, such effect might be dealt with."²⁸

Employers in the Netherlands and Germany have until one month before the proposed starting date to respond; in the UK they must set up a meeting with the employee to discuss the request within 28 days of receiving it and then have two weeks to formally respond after the meeting.

WHEN CAN AN EMPLOYER DENY A REQUEST?

Employers in the Netherlands are subject to the strongest test: they can reject a request changed hours only if there are serious countervailing business reasons. The law spells out some of the reasons, such as inability to recruit someone to fill in the "lost" hours or health and safety concerns. The German law is similar but the "business or organizational reasons" need not be "serious". An important difference between the Dutch and German law concerns the new scheduling of hours: in Germany, the employer's response to the requested scheduling of hours falls under the same stringent test as the response to the number of hours. Dutch employers have to consider employees' wishes with "reasonableness and fairness" but are not subject to the same serious business test when scheduling hours.

UK employers have considerably more leeway in their response to a request. The law includes reasons for refusal: the burden of additional costs; detrimental effect on the ability to meet customer demand, on performance or on quality; the inability to re-organize work among existing staff or to recruit additional staff; insufficiency of work during the period where the employee proposes to work; and planned structural changes. Other grounds can be added by regulation at a later date.

CAN AN EMPLOYEE APPEAL THE EMPLOYER'S DECISION?

If an employer rejects a request, an employee can appeal and the appeal needs to be heard subject to the same criteria governing disciplinary hearings. Once the internal processes are exhausted in the Netherlands or Germany, an employee can contest the employer's decision in the courts. In the UK, employees' rights to challenge a decision externally are more limited: the employee can appeal to an Employment Tribunal (the lowest level labor courts) only if the employer fails to follow the procedures set out in the statute or justifies the rejection by a ground not part of the seven business grounds set out in the law. The actual business grounds set out in the law. The actual business evaluation of the request cannot be challenged.

In the UK the tribunal can award damages of up to eight weeks of £270 (\$475) per week. There is no provision for punitive damages under the Dutch and German laws: a claim is for contract alteration, and if the claim is won, the employer will have to make the relevant changes to the employee's employment contract.

A RIGHT TO GRADUAL RETURN TO WORK FOR NEW PARENTS IN GERMANY.

German parents (mothers and fathers) also have a right, under separate law, to work a part-time schedule of between 19 and 30 hours per week for up to two years after the baby is born. This right is unconditional; that is, it applies irrespective of the business context. German parents have the right to take up to three years of parental leave per child, with a means-tested stipend, and to return to the same or at least a job of equivalent level and pay at the end of the leave period. It is very common for mothers to take such leave, both because childcare facilities for the under threes are very underdeveloped and because of beliefs regarding mothering of young children. The purpose of this law in the German context is to encourage mothers to return to work sooner and to help them maintain skills and labor market attachment. A study two years after the passing of the new regulation found that only a very small number of parents had asked for a change to part-time hours, but given that the law only applied to new parents and has a pre-notification requirement, it is perhaps too early to judge its impact.

WHAT HAPPENS TO TERMS AND CONDITIONS WHEN WORKING HOURS ARE REDUCED?

The issue of equal treatment for part-timers is covered under separate legislation. In the Netherlands it has been illegal since 1996 to differentiate between employees (for example regarding hourly wages, paid leave or access to pension schemes) simply on the basis of the number of hours they work unless such differences are objectively justified.²⁹ This general principle was reflected in the 1997 European Directive on Part-time Work³⁰ and the principle of equal treatment for part-timers has been incorporated into legislation in all European Union member states, including Germany and the UK. Based on the fact that the large majority of part-time workers continues to be female, there also is a considerable body of case law challenging adverse terms and conditions for part-time workers as sex discrimination.³¹

Endnotes

- ¹ This briefing is complementary to the recent New America Foundation Work & Family Program policy proposal: *Win-win flexibility*, by Karen Kornbluh (June 2005), available at http://www.newamerica.net/Download_Docs/pdfs/Doc_File_2438_1.pdf and the Center for Law and Social Policy's *How to Exercise Flexible work: Take Steps with a "Soft Touch" Law*; Work-Life Balance Brief No. 3 on the UK Right to Request, by Jodie Levin-Epstein (June 2005) available at http://www.clasp.org/publications/work_life3_annotated.pdf.
- ² MuConsult. (2003). *Onderzoek ten behoeve van evaluatie Waa en Woa. Eindrapport*. Amersfoort: MuConsult, available at http://docs.szw.nl/pdf/129/2004/129_2004_3_5271.pdf (includes English summary).
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- ⁴ Wagner, S. (20 Oct 2004). *Teilzeitarbeit: Ein Gesetz liegt im Trend*. IAB Kurzbericht, Nr 18, available at <http://doku.iab.de/kurzber/2004/kb1804.pdf>.
- ⁵ MuConsult. (2003). As above.
- ⁶ This data is based on two studies: 1) a survey of 510 public and private employers across size bands by the UK equivalent of the Society for Human Resource Management: Chartered Institute of Personnel and Development, CIPD/Lovell. (October 2003). *A parent's right to ask: A review of flexible working arrangements*. London: Chartered Institute of Personnel and Development; and 2) a smaller government sponsored study of 35 employers prepared for the Department of Trade and Industry (DTI): Camp, C. (2004). *Right to request flexible working: Review of impact in the first year of legislation*. London: Working Families. A full evaluation of the impact of the Right to Request will be conducted in 2006, three years after its implementation.
- ⁷ Camp (2004), p.17.
- ⁸ Wagner (2004).
- ⁹ Deutsche Industrie- und Handelskammer. (Fall 2001). *Mehr Konflikte, weniger Flexibilität: Erfahrungen mit dem Teilzeit- und Befristungsgesetz*. Ergebnis einer DIHK Unternehmensbefragung.
- ¹⁰ Fagan, C., and Warren, T. (2001). *Gender, employment and working time preferences in Europe*. Dublin: European Foundation for the Improvement of Living and Working Conditions.
- ¹¹ Galinsky, E., Bond, J., & Hill, E. (2004). *When Work Works: A Status Report on Workplace Flexibility*. New York: Families and Work Institute, p.12.
- ¹² Holt, H., and Grainger, H. (2005). As above, p.17. Excludes people who were still waiting for a response.
- ¹³ MuConsult (2003) as above. Excludes people who were still waiting for a response.
- ¹⁴ Confederation of British Industries (CBI) News Release. (20 Sept 2005). Part-time working does not make women second class citizens, says CBI, available at http://www.cbi.org.uk/ndbs/press.nsf/0_Qee8ebdf0eb8c0928025707c00558de0?OpenDocument. The CBI is the largest UK employer association.
- ¹⁵ Camp (2004), p. 4; CIPD/ Lovell (2003), p. 9.
- ¹⁶ This proportion is higher for small employers who may have less scope for accommodating working time reorganization; CIPD/Lovell (2003).
- ¹⁷ Magvas, E., & Spitznagel, E. (2002). *Teilzeitgesetz bereits im ersten Jahr einvernehmlich umgesetzt*. IAB Kurzberichte, Nr 23, p. 2, available at <http://doku.iab.de/kurzber/2002/kb2302.pdf>; and Wagner (2004). Such potential cost savings are of course particularly high in a recession.
- ¹⁸ UK Government Consultation Paper. (February 2005). *Work and Families: Choice and Flexibility*, available at http://www.dti.gov.uk/er/choice_flexibility_consultation.pdf.
- ¹⁹ CIPD (2005), p.13
- ²⁰ UK Department of Trade and Industries (DTI) in association with the Trade Union Congress (TUC) and the Confederation of British Industries (CBI). (2005). *Practical ways to reduce long hours and reform working practices*; available from: http://www.dti.gov.uk/er/work_time_regs/LONGWORKINGHOURS.pdf; Corporate Voices for Working Families (2005). *Business Impacts of Flexibility: An Imperative for Expansion*, Washington, DC, November 2005.
- ²¹ Camp (March 2004) as above.
- ²² Holt & Granger (2005), p.17: 73% of female requests compared to 63% of male requests were fully accepted in the UK.
- ²³ Burri, S. (2005). Promoting working time adjustments in the Netherlands. *Working Time for Working Families: Europe and the United States*. Friedrich Ebert Stiftung: Washington DC, p.68, 71, available at http://deyhector.uchastings.edu/site_files/WLL/FESWorkingTimePublication.pdf.
- ²⁴ *Wet aanpassing Arbeidsduur*. (2000). Stb.2000, 114 en 115 (Working Hours Adjustment Act 2000). For a detailed description of the law see Burri, S., Opitz, H.C., & Veldman, A.G. (2003). *Work-Family Policies on Working Time Put into Practice: A comparison of Dutch and German case law on Working Time Adjustment*. *International Journal of Comparative Labour Law and Industrial Relations, Vol. 19/3*, pp.321- 346.
- ²⁵ *Gesetz ueber Teilzeit und befristete Arbeit*. (2000) BGBl I 2000, 1966; Part-time and fixed-term employment law, in force from Jan 1, 2001; see Burri et al (2003) above for a detailed discussion in English.
- ²⁶ The Right to Request Flexible Working came into force in April 2003 through the Employment Act 2002 Part 4, Section 47 and has been inserted as Part VIII A of the Employment Rights Act 1996, accompanied by the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 and the Flexible Working (Procedural Requirements) Regulations 2002. Detailed guidance on the implementation of the right for employers and employees is available at <http://www.dti.gov.uk/er/individual/flexwork-pl520.pdf>.
- ²⁷ Department of Trade and Industry. (October 2005). *Work and Families: Choice and fairness; Government response to public consultation*, available at <http://www.dti.gov.uk/er/consultationchoiceflexibility2005final.pdf>.
- ²⁸ Employee Employment Act 2002, 80F.
- ²⁹ *Wet verbod van onderscheid naar arbeidsduur*. Stb. 1996, 391 (law prohibiting differentiation because of working time) in force since 1 November 1996. For a discussion of legislative approaches to part-time work in the Netherlands, see Burri, S. (2005).
- ³⁰ Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on Part-time Work; OJ L 14 of 20/01/
- ³¹ A discussion of European case law on part-time employment can be found in Heron, A. (2005). Promoting and protecting reduced-hours work: European Union law and part-time work. *Working Time for Working Families: Europe and the United States*. Friedrich Ebert Foundation: Washington DC, available at

WORK LIFE LAW

UC Hastings College of the Law

ABOUT US

The Center for WorkLife Law is a nonprofit research and advocacy organization that seeks to eliminate employment discrimination against family caregivers such as mothers and fathers of young children and adults with aging parents. WorkLife Law works with employees, employers, attorneys, legislators, journalists, and researchers to identify and prevent this discrimination.

Family caregiver discrimination takes many forms, including:

- Refusing to hire or promote family caregivers based on the assumption that they will not be dedicated workers;
- Creating a hostile work environment for family caregivers to force them to leave their jobs, and
- Imposing job requirements or restrictions on caregivers that are not imposed on other workers.

Employers have, for example: fired pregnant employees or suggested that they get an abortion if they wish to remain employed; given promotions to less qualified fathers or women without children rather than to highly qualified mothers; developed hiring profiles that expressly excluded women with young children; given parents work schedules that they could not meet for childcare reasons; and fabricated work infractions or performance deficiencies to justify dismissal of family caregivers. Increasingly, employees are successfully suing their employers for such discrimination. The goal of WorkLife Law is to prevent the discrimination from occurring in the first place, thereby alleviating the need for employees to resort to the courts for protection.

WorkLife Law seeks to eliminate caregiver discrimination by:

- Advocating on behalf of family caregivers who may be experiencing discrimination at work;
- Working with employers to identify and prevent discriminatory practices against family caregivers;
- Providing technical guidance to state and federal policy makers who seek to develop public policies to prevent family caregiver discrimination;
- Providing technical guidance to lawyers who advise employers on how to avoid family caregiver discrimination, and to lawyers representing employees who believe they have been discriminated against based on their status as family caregivers; and
- Working with the press to document common challenges facing family caregivers, and to highlight employers and policies that have successfully overcome such challenges.

WorkLife Law is based at the University of California Hastings College of the Law and is directed by professor and author Joan C. Williams. It was founded as the Program on Gender, Work & Family at American University Washington College of Law in 1998 and is supported by research and program development grants, university funding, and private donations.

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Legislative Routes for Improving Workplace Flexibility

Angela Carlberg and Ariane Hegewisch

According to the latest data from the Organization for Economic Development and Cooperation, prime-aged women in the United States are now less likely than women in many other high-income countries to participate in the labor market. This is a clear reversal of past trends in which US women were at least as likely as women in other developed countries to be in the labor market, if not more so.

US workers are often confronted by an either/or choice: either someone works full-time and all the time, or works part-time or part-year under very poor conditions, with low pay, no benefits, and little opportunity for advancement. Although there has been some progress in workplace practices, flexible work arrangements of high-quality are still the exception. When lack of high-quality flexibility and lack of child care combine, many women stop paid work altogether. The long-term negative consequences for

women's lifetime earnings and advancement were described in IWPR's 2004 report *Still a Man's Labor Market*.

While the United States is not alone in its slow progress toward workplace change, other advanced economies are much more likely to recognize inadequate workplace flexibility as an economic policy issue. When an experienced woman leaves the labor market, the whole economy loses "human capital," not just the individual employer, and there are fewer workers to contribute to publicly funded programs such as Social Security and Medicare.

A new IWPR report published jointly with the Center for WorkLife Law, University of California Hastings College of the Law, *Statutory Routes to Workplace Flexibility in Cross-National Perspectives*, by Ariane Hegewisch, Scholar-in-Residence at IWPR, and Janet Gornick, Professor of Political Science at CUNY and Director of the Luxembourg Income Study, shows that the large major-

ity of high-income countries have legislation making it easier for individual employees to adjust their total work hours as well as where and when they work. Such policies can benefit those trying to balance work and family, as well as individuals who are pursuing education or easing into retirement. Such laws not only benefit individuals, but can have broad economic impacts by keeping workers attached to the labor force and increasing worker skill levels.

Of the 21 countries surveyed, 17 have statutes that allow parents to adjust their working hours: 12 allow for gradual return to work after the birth/adoption of a child; 8 allow parental leave via reduced hours when a child is older; and 8 have statutes facilitating alternative work arrangements for parents. Twelve countries have statutes to help workers adjust work hours for training and education, 11 have statutes to allow reduced hours with partial pension

(cont'd on p. 3)

TABLE OF CONTENTS

President's Message.....	2
Economic Status of Women in South Carolina and Georgia.....	3
Media Highlights.....	4
2007-2008 Venture Grantees.....	4
New Releases.....	5
Member Profile: David Fasenfest....	6
General and Project Support.....	6
Gifts of Remembrance.....	6
IWPR Fellowship Grows.....	7
Eleanor Roosevelt Policy Council...7	

WINTER 2008

IWPR Celebrates 20 Years with Beautiful Evening in New York City

Elisabeth Crum

On November 29th members and supporters of the Institute for Women's Policy Research joined its staff and board members to celebrate IWPR's 20th Anniversary. The evening's festivities began with an elegant reception at Bricco Ristorante in midtown Manhattan. Supporters mingled with staff members and enjoyed a silent auction, made possible by generous donations of jewelry, vacations, and other treasures.

Marcia Worthing, IWPR's outgoing Board Chair, served as the evening's emcee. Joining Marcia at the podium were board member Dr. Sheila Wellington and new Board Chair Martha Darling,

(cont'd on p. 4)



IWPR Board Members Daisy Chin-Lor (left), Birks & Mayors, Inc., and Lynn Gitlitz, Gina Gibney Dance, Inc.

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 & Outreach Coordinator
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 & Development Fellow

Newsletter Editors

Elisabeth Crum
 Ashley English
 Jill Hindenach

Institute for Women's Policy Research
 1707 L Street NW, Suite 750
 Washington, DC 20036
 Tel: 202/785-5100 Fax: 202/833-4362
 www.iwpr.org

IWPR, an independent, non-profit, scientific research organization, works in affiliation with the graduate programs in public policy & women's studies at The George Washington University.



In this issue, the column has a guest writer, Ashley English of IWPR.

"It's the most wonderful time of year!" declared a popular office superstore commercial each August when I was a kid, delighting my mother, but sadly signaling the end of long, playful summer days for me. However, this fall, I could not help but cheerfully hum the tune to myself as I roamed around Target filling my cart with pens, pencils, notepads, and my personal favorite school supply, the academic year planner. The academic year was off to such a gleeful start because I was beginning graduate school part-time to pursue a Masters Degree in Public Policy with a Concentration in Women's Studies. As a full-time employee at IWPR, my graduate education at The George Washington University (GWU) is fully funded thanks to IWPR's ten-year affiliation with the University. As a 25-year-old who is surrounded by friends who are desperately trying to pay off their undergraduate student loans, while in many cases, also taking out loans for graduate school, I truly appreciate this amazing financial benefit, but my love for the IWPR/GWU relationship goes deeper than that!

The most beneficial aspect of my status as both an IWPR staff member and a GWU student has been that this combination allows me to begin what I hope will be a long career in feminist research and public policy. When I joined IWPR, I knew I was interested in pursuing a Ph.D. in women's studies and/or public policy or political science. I came to Washington with a great deal of political experience for someone my age. I majored in Political Science at Williams College; worked on three campaigns, including one I managed for a woman running for State Representative; worked in a private-sector lobbying firm; and served as a government relations staff member for a non-profit in Boston. Though I enjoyed each of these jobs, I wanted to embark on a career path that would most resemble my senior thesis, entitled "Why Sports? The Congressional Debate about Gender Roles and Discrimination in Academics and Athletics." As a result, I was overjoyed when IWPR provided me the opportunity to not only prepare for graduate school, but also to attend it!

In my first two semesters at GWU, I have been enrolled in four classes, Fundamentals of Feminist Theory, an introduction to the public policy process, Feminist Media Theory, and Microeconomics. Fundamentals of Feminist Theory convinced me that I definitely want to spend my life in feminist policy research. The class demanded intellectual engagement and rewarded creativity. I left the class feeling challenged to develop new ways of thinking about feminist theory that could fuel change for women in today's world. My public policy class taught me how to develop my theoretical ideas into actual policies through strategic thinking about the policy process. Feminist Media Theory has been a treat because it has allowed me to think through ways that studying pop culture (one of my favorite hobbies) is also an important component of change. In that class, I am currently interested in the media coverage of Hillary Clinton's campaign and a more "fun" project focused on the ways that humor, specifically feminist sitcoms such as *30 Rock*, can be used as feminist projects. Economics has been truly beneficial in my work with Dr. Hartmann.

As I progress in the graduate program, I hope to develop a thesis project focused on addressing the issues of twenty-something women. I've been concerned about the unique issues that young women face as the twenties have become a time of "extended adolescence." My project will hopefully address issues as they apply to young women such as student loans, high costs of living, employment issues such as the pay gap and job quality, physical and mental health issues (health care coverage, reproductive health), political engagement issues, and the challenges young women face in the media. While this is an ambitious project that requires further refinement, I've imagined modeling it on IWPR's Status of Women in the States Reports. Perhaps it could be titled *The Status of Young Women in America* and conclude with policy recommendations for this often overlooked group. In addition to finishing up my Masters, I plan to apply to Ph.D. programs to further develop my interests in women's studies and public policy. Ultimately, my work at IWPR and as a student at GWU has been truly beneficial for me and I'll always thank IWPR for getting me started on my career as a feminist policy researcher.

IWPR Finds Women's Economic Status in Georgia and South Carolina Lagging behind Rest of Nation

Jill Hindenach

IWPR has been compiling national and state-level reports, briefing papers, and fact sheets on women's status for more than ten years through its landmark Status of Women in the States project. In 2006, with the release of the *Best and Worst State Economies for Women*, the Institute launched a new report card series focusing on the economic status of women in the states. Since that time IWPR has worked with a number of state and local women's foundations and community organizations to identify and compile data on the remaining barriers to women's equality and to develop

recommendations for policy change.

In January, the Institute released two pieces from the project: *The Economic Status of Women in South Carolina*, a briefing paper, and *The Economic Status of Women in Georgia*, a fact sheet. Both publications highlight what is most promising and disappointing about women's economic progress, ranking and grading the states on two composite indices, for women's employment and earnings and for their social and economic autonomy.

The data presented in *The Economic Status of Women in Georgia* fact sheet indicate that while women in Georgia fare well on the wage ratio

between women and men, the share of women in managerial and professional occupations, and the share of women-owned businesses, Georgia ranks poorly on women's labor force participation, health insurance coverage, and poverty, underscoring remaining obstacles to their economic security. Georgia falls in the bottom third of all states on the percentage of women in poverty.

The data presented in *The Economic Status of Women in South Carolina* points to troubling trends in women's economic progress in an Economic Status Scorecard that compares
(cont'd on p. 5)

Workplace Flexibility (cont'd from p. 1)

prior to full retirement, 5 have statutes allowing working time adjustments for those with family care giving responsibilities for adults, and 5 have statutes that give everyone the right to alternative work arrangements, whether they want the flexibility to care for a child or write a book.

Most countries have different statutes for different purposes. Recently, as noted, five countries have taken an all encompassing approach—providing a mechanism for changing working time arrangements for all employees regardless of why they want change. Such a universal approach circumvents the resentment among employees that can arise when employers allow only some workers to have flexibility for specific, limited reasons, while other employees wish they could have such flexibility for what they might see as equally legitimate activities. A typical problem with allowing parents (for example) to not work evenings is that those employees who do not have children, and hence have to work evenings, may get very resentful. Having the same access to flexibility for all lowers resentment and also reduces the association of flexible work with a “mommy track.”

A universal approach to flexibility can benefit employers by maximizing the time windows in which employees are available to get work done. For example, when all people can apply for a work schedule change (rather than only working parents), there is more likely to be variation in de-

sired schedules, which would make it more likely that employers can cover all working hours. It has been critical to the adoption of these policies, however, that employers have some latitude to refuse proposals on business or organizational grounds.

Most statutes offer the possibility to move from full-time to part-time work and back. The United Kingdom has taken a broader approach, also including flextime, schedule changes and home-based work, changes which allow the number of working hours to remain the same, thus leaving earnings unchanged. This approach makes it more likely that men will request changes. A similar model is being followed by New Zealand and the US Working Families Flexibility Bill introduced in Congress by Senator Edward Kennedy (D-MA) and Congresswoman Carolyn Maloney (D-NY) in December 2007.

All of the rights provided in these schedules are conditional, allowing an employer to refuse a request based on business or operational reasons. The United Kingdom and New Zealand statutes (and the proposed US legislation before Congress) take an even softer approach: an employee has a right to request change, and the employer must provide a reasoned answer, within a strict timetable, but beyond that the decision cannot be challenged. Even though this might look like little progress on paper, UK research suggests that this type of soft approach has played a role in creating workable alternative arrangements and increasing managers' willingness to try something new.

Flexible working rights on their own are unlikely to help many women stay in high-quality jobs. More is needed, and apart from the United States, all countries in the survey provide more. In all countries except the United States, paid maternity leave, paid sick leave, and paid vacations are standard. Likewise, flexible work is no substitute for a lack of affordable quality child care, and in all countries in the study there has been an increase in public investment in child care. Yet enhanced rights to flexible work can improve work/life quality, support economic growth and prosperity, and contribute to greater gender equality.



Photo Courtesy of Sp Consulting

Ariane Hegewisch presenting at an international workshop for human resource management experts in Vienna, Austria last December.

Making News on the Wage Gap and Women's Employment

- *USA Today* cited IWPR's 2007 fact sheet *The Gender Wage Ratio*
- *Cable World* magazine cited IWPR's 2006 report *Making the Right Call: Jobs and Diversity in the Communications and Media Sector*

Democracy and Society

- **CBC Newsworld** (Toronto) interviewed Dr. Vicky Lovell on the significance of gender in the 2008 presidential election
- Dr. Barbara Gault gave an on-air radio interview to Gloria Minot of **WPFW** (Washington, DC) about IWPR's report *I Knew I Could Do This Work*

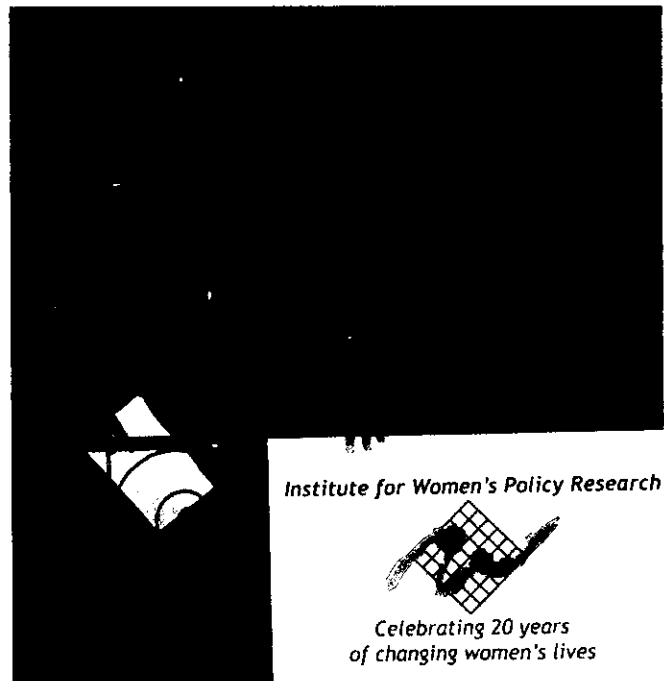
Economic Security

- *Forbes.com* quoted Dr. Heidi Hartmann and cited *The Economic Security of Older Men and Women in the United States*
- Dr. Heidi Hartmann gave on-air radio interviews to **The Guy James Show** (Fort Meyers, FL), **WILS 1320** (Lansing, MI) and **KBXX 97.9** (Houston, TX), and Dr. Vicky Lovell gave an on-air interview to the **Women's Show on WMNF** (Tampa, FL) regarding the proposed 2008 economic stimulus package.

Poverty, Welfare and Income Security

- *The Columbus Dispatch* (OH), *The State Journal* (WV), the *Omaha World-Herald* (NE), and the *Milwaukee Journal Sentinel* (WI) cited IWPR's research on paid sick leave

(cont'd from p.1)



Helen Neuborne, Senior Program Officer at the Ford Foundation, speaking at IWPR's 20th Anniversary Event.

who toasted IWPR's 20 years of changing women's lives through research. IWPR was also honored to have Helen Neuborne, Program Officer at the Ford Foundation, and Ana Oliveira, President of the New York Women's Foundation, speak of the importance of IWPR's work, its impact, and the need for feminist policy research going forward.

Following the reception, guests proceeded to the Alvin Ailey Dance Studio where the Gina Gibney Dance Com-

Linking Economic Development and Child Care 2007-2008 Venture Grantees

Nine venture grants for innovative projects that link child care and economic development were recently awarded by the Linking Economic Development and Child Care Technical Assistance Project, a joint venture of Smart Start's National Technical Assistance Center, the Alliance for Early Childhood Finance, Cornell University, and the Institute for Women's Policy Research. Funding for these grants was made possible by the W.K. Kellogg Foundation.

Below is the list of the 2007-2008 grantees. A brief description of their projects can be found at iwpr.org.

- *Linking Child Care and Transit Oriented*

Development, The Local Investment in Child Care Project – Oakland, California

- *Mid Coast Maine Child Care Cooperative*, Family Focus – Bath, Maine
- *Partnering with Municipalities to Improve Access to Economic Development Funds*, John S. Watson Institute for Public Policy of Thomas Edison State College – Trenton, New Jersey
- *Engaging Local Economic Development, Business and Government Leaders in Tangible Efforts to Stabilize the Child Care Sector*, Pro Action, Inc./Steuben Child Care Project – Bath, New York
- *Supporting the Child Care Needs of Migrant Workers: Forging Alliances with Growers and*

Packers, Oregon Childcare Resource & Referral Network – Salem, Oregon

- *Increasing Family Child Care Provider Access to Health Insurance and Other Benefits*, Wisconsin Early Childhood Association – Madison, Wisconsin
- *Planning for Family Friendly Cities: A National Survey of Planners*, The American Planning Association – Chicago, Illinois
- *Tax Strategies to Support Child Care Businesses*, Cooperation for Enterprise Development – Washington, DC
- *Community Developers Consider Alternative Financing for Child Care Businesses: A National Strategy Session*, Aspen Institute – Washington, DC

brates 20 Years Lives Through Research

pany, premiered a new dance entitled *The Distance Between Us*, a piece for an all female cast that depicted the powerful and often complex relationships that women have with each other. Dr. Hartmann joined Ms. Gibney for a post-performance discussion of the dance and its significance to women in domestic violence situations (the dance company works intensively with local area women's shelters), the dance company, and the feminist movement. The discussion, moderated by Faith Middleton of NPR's *The Faith Middleton Show*, closed the evening.

IWPR would like to thank all of the sponsors of its 20th anniversary celebration, including ArtTable, Avon, The Bank of New York Mellon, Birks & Mayors, Bloomingdale's, Gina Gibney Dance Company, Institute of Church Administration and Management, The Jackson House Inn and Restaurant, and long term members, supporters, and board members Martha Darling, Sheila Wellington, Marcia Worthing, Elizabeth Boris, Ellen Delany, Holly Fechner, Nikki Daruwala, Elaine Reuben, Catharine R. Stimpson, Barbara Bick, Carol Baney Martin, Lynn Gitlitz, and Deborah Weinstein.



Ana Oliveira, President of the New York Women's Foundation, speaking at the event.

Women's Economic Status

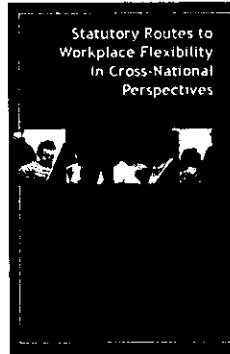
(cont'd from p.2)

current data on women's economic status with data released in the 2002 *Status of Women in South Carolina* report. The scorecard shows that South Carolina has fallen from the middle third in the nation on both composite indices in 2002 to the bottom third currently—an unfortunate decline.

Both publications found wide economic disparities by race and ethnicity and recommend policy changes that would allow women of color greater access to higher education opportunities, non-traditional job training, better quality jobs, and expanded child care assistance.

IWPR will soon be releasing resources on the economic status of women in Michigan and New York and national data on the economic status of women of color.

For more information, or if you would like a report or fact sheet done in your state, contact Erica Williams at 202-785-5100 or williams@iwpr.org



Statutory Routes to Workplace Flexibility in Cross-National Perspectives

By Ariane Hegewisch and Janet C. Gornick

This report provides a cross-country overview of laws that make it easier for employees to change the hours they work, summarizing evidence of the

laws' impacts and discussing how such provisions can play an important role in preparing the US economy for the future.

February 2008, IWPR No. B258

40 pages, \$10

The Economic Status of Women in South Carolina

By Erica Williams

This briefing paper assesses women's economic status in South Carolina in comparison with women in other states and with women nationally. The paper highlights what is most promising and disappointing about women's economic progress in South Carolina and outlines recommendations for policy changes that would benefit women in the state.

January 2008, IWPR No. R340

24 pages, \$5

The Economic Status of Women in Georgia

By Erica Williams

This fact sheet presents data on a set of indicators of women's employment and earnings and their social and economic autonomy and compares the status of Georgia's women to that of women in other states. In addition to overall and regional rankings, the fact sheet provides grades that evaluate women's economic status in Georgia compared with measures of women's ideal status.

January 2008, IWPR No. R339

4 pages, free of charge

Women and Unemployment Insurance: Outdated Rules Deny Benefits That Workers Need and Have Earned

By Vicky Lovell

This fact sheet discusses three aspects of the Unemployment Insurance system that prevent many women from receiving the UI benefits they have earned: monetary eligibility criteria, the exclusion of part-time workers, and allowable reasons for job loss.

January 2008, IWPR No. A132

2 pages, free of charge

New Releases

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for IWPR's latest press releases and publications

Member Profile: Dr. David Fasenfest



Dr. David Fasenfest first met Dr. Heidi Hartmann around 1977 when they were members of the Union for Radical Political Economics (URPE). He heard her speak about the need for a women-focused policy shop to promote women's issues. As this idea developed into the Institute for Women's Policy Research, Dr. Fasenfest supported Dr. Hartmann and the Institute in any way he could.

For Dr. Fasenfest the question really is: "How can one not support IWPR? Only with efforts like those made by IWPR can we hope to see the kinds of

information needed to affect legislation that mandates change and to provide the knowledge that informs the national and local dialogue to promote change."

Born in Germany, Dr. Fasenfest lived in New York City from childhood through college. He said of the time that New York City was "a truly international city, where neighborhoods could be identified by the smells from the restaurants and the languages in the stores."

Currently teaching sociology at Wayne State University in Michigan, he has lived in a variety of exciting locations, such as Illinois, Indiana, Wisconsin, Kentucky, Australia, and Germany, where he recently returned to teach at the University of Hamburg for a few years.

Across years of teaching, Dr. Fasenfest has noticed a great deal of change in society, particularly in the classroom. He notes that women from previous generations struggled to make choices and create opportunities for their lives, and even women in the 1980s did not immediately embrace feminist ideas and values. Now he believes young women are more or less born

as feminists with expectations of equal treatment and awareness of all available possibilities in life. He says that while this natural inclination to feminism is great, women and men must still remember the struggles of those who came before them and the work it took to achieve greater possibilities, lest they disappear again.

Dr. Fasenfest also cautions that the issues addressed by IWPR are not exclusively for women. "Both men and women need to understand that all of these issues relate to society as a whole," he says. "When women, or people of color, are treated unequally we have to view this as a mechanism in place that might target others as well. That is, we must not assume as men that some kinds of treatment are reserved for women. Male workers can be just as easily denigrated, and the loss of pensions and health care affect men as much as women. By understanding that this is a struggle for human dignity, and not a special interest agenda, men can see the struggle for equality as a struggle for their own well-being as well."

Elisabeth Crum

IWPR General and Project Support

IWPR's research, education, and outreach activities are funded and supported primarily by foundations, organizations, corporations, and individuals. The Institute is grateful for the support of the following foundations: the Ms. Foundation for continued work on the status of women in the Gulf Coast who were affected by Hurricanes Katrina and Rita; the Ford Foundation for IWPR's work on sex and race discrimination in the workplace, paid family leave and job equality, interfaith activism, and older women's economic security; the Annie E. Casey Foundation for IWPR's work on job quality; and the Rockefeller Foundation for studies on women and gender in the workplace; the Rockefeller Family Fund, the Public Welfare Foundation, and the Women's Fund of Greater Milwaukee for support of our work/family research; the Russell

Sage Foundation for work on older women's economic security; the W.K. Kellogg Foundation, the National Institute for Early Education Research, and the Annie E. Casey Foundation for IWPR's work on early care and education of children; the Berger-Marks Foundation for IWPR's work on women's activism; the Girl Scouts of the United States of America and the Minnesota Women's Foundation for work on improving the status of young women and girls; the Alliance for Women, the Atlanta Women's Foundation, The New York Women's Foundation and the Nathan Cummings Foundation for IWPR's work on the Status of Women in the States; the Sunrise Foundation for increasing IWPR's visibility; The Stewart R. Mott Charitable Trust and the New Directions Foundation for their general support.

Gifts of Remembrance

This winter, some of our members paid tribute to important people in their lives with these special gift designations:

In memory of

Adoniram Judson Wells, III and
Mary Brewster Wells (John V. Wells
and Heidi Hartmann)

Susan F. Carr (Rebecca Crum)

Ron Foster (Sheila Wellington)

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If you would like to designate your next IWPR donation *In honor* or *In memory* of someone special, please contact **Elisabeth Crum** via email at crum@iwpr.org or (202) 785-5100 x24.

IWPR Grows Fellowship Named for Founding Member Mariam K. Chamberlain (and Celebrates her 90th birthday!)

Val Vilot

This year the Institute for Women's Policy Research is not only celebrating its past 20 years of success, but also the 90th birthday of a founding member—Dr. Mariam K. Chamberlain. One of the few women of her generation with a Ph.D. in economics, Dr. Chamberlain's contributions to the field of policy research and economic analysis of women's issues throughout her career are extraordinary.

Her long list of achievements and contributions to women's lives includes founding the National Council of Research on Women and being a founding member of the International Association for Feminist Economics. Fighting discrimination and working to provide opportunities for women throughout her life, Dr. Chamberlain's leadership in working toward gender equality has been invaluable to women throughout the United States and around the world. While a program officer at the Ford Foundation, she seeded many research centers on women and helped to develop the field of women's studies.

In honor of Dr. Chamberlain's vision and accomplishments, IWPR offers the Mariam K. Chamberlain Fellowship in Women and Public Policy to motivated individuals interested in pursuing further education and contributing to the field through substantive research projects. Mariam K. Chamberlain Fellows work intensively to conduct research on a variety of women's issues in conjunction with the research team at IWPR. Past Mariam K. Chamberlain Fellows have made substantial contributions to IWPR's work in a variety of areas such as job quality; pay equity; paid family and medical leave; Social Security; intersections of race, class, and gender; and child care, among many others.

Present and past fellows describe the fellowship as an opportunity that allows them to gain valuable experience working in a dynamic public policy organization while developing research skills and expertise in their areas of interest. The fellows also have the opportunity to participate in policy briefings, hearings, and other activities in Washington, DC.



Dr. Mariam K. Chamberlain and Heidi Hertzson at the 2003 IWPR International Conference.

To continue providing this opportunity to aspiring feminist social scientists, IWPR is conducting an ongoing campaign to endow the Fellowship. IWPR would like to specifically thank an anonymous individual for a generous donation of \$50,000 to the Fellowship endowment.

For more information on the Fellowship, to submit a fellowship application, or to make a donation, please see IWPR's website www.iwpr.org or call Elisabeth Crum at 202.785.5100 x24.

The Eleanor Roosevelt Policy Council

IWPR would like to thank all the members of the Eleanor Roosevelt Policy Council for their important contributions to our work. Members of IWPR's premier giving circle receive a comprehensive subscription to IWPR's Information Network, a complimentary subscription to the *Journal of Women, Politics & Policy*, and invitations to IWPR events across the country. To find out more about the Eleanor Roosevelt Policy Council or to become a member, contact Elisabeth Crum, crum@iwpr.org, or 202.785.5100 x24.



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Executive Summary – 2008 CFO Perspectives on Work Life Flexibility

Methodology

BDO Seidman, LLP, a leading professional services firm, and Work+Life Fit, Inc. a national work life flexibility consulting firm, co-sponsored the **2008 CFO Perspectives on Work Life Flexibility** study to gauge CFO points of view on work life flexibility's potential impact on business growth. The national telephone survey examined the opinions of 100 chief financial officers at companies with at least 5,000 employees located across the US. For the purposes of this survey, work life flexibility is defined as having adequate time for what is important to you both personally and professionally, as well as flexibility in how you allocate that time.

Study Overview

Work life flexibility as a strategy to attract and retain employees receives the most attention, especially in the accounting industry where talent competition remains strong. However, business growth, bottom-line savings and personal work life fit in today's complex, "always on," "do more with less" global competitive environment require organizations to pull back the lens and consider the impacts of work life flexibility that go beyond talent.

Flexibility in where, when and how work is done can improve workflow planning and coordination, as well as client service across geographies and time zones. It can maximize investments in technology and real estate,

reduce environmental impact, and lower healthcare costs. And flexibility can help employees, at all levels, better direct their work life fit to meet their needs as well as the needs of the business. A recent study by BDO Seidman, LLP and Work+Life Fit, Inc. found that a majority of CFOs do look beyond the talent-related impacts of work life flexibility and see many, but not all, of the other business benefits. More than half have increased their personal use of work life flexibility over the past few years. However, a wide gap emerges from the study's findings between CFO awareness of the potential impacts of work life flexibility and the strategic action being taken inside of their organizations that would translate this awareness into business results.

Highlights of *CFOs Perspectives on Work Life Flexibility*:

Bottom line Impact Beyond Talent: Almost all of the 100 CFOs surveyed understand that work life flexibility is a talent management strategy, with 90 percent and 88 percent saying it has a "high" or "moderate" impact on improving retention and recruitment, respectively. More remarkable is the fact that a majority of chief financial officers recognize "high to moderate" business benefits from work life flexibility that go beyond talent, including improved employee productivity (75%), differentiation from competitors (72%), minimizing environmental impact (68%) and reducing health care costs (53%).

CFOs' Personal Work Life Flexibility: A majority of CFOs (53%) reported an increased use of personal work life flexibility during the past several years, with 14 percent saying the increase was substantial. More than 80 percent reported being satisfied with their personal use of work life flexibility with 31 percent saying they were very satisfied. The majority of CFOs surveyed report a "high" or "moderate" use of flexibility in their hours (63%) followed by working from other locations/telecommuting (27%). Most interesting, however, is the finding that approximately a quarter of CFOs (26%) have, at some point, reduced the average number of hours they worked by 5 to 10 hours per week, with (16%) reducing their schedule by at least 5 hours per week and the remaining (10%) reducing it by at least 10 hours.

Overcoming Common Personal Obstacles to Flexibility: When asked what would keep them personally from pursuing work life flexibility, the majority of CFOs surveyed cited common obstacles such as "face time" (76%), and "demands and workload of job" (72%)

followed by "concerns about other employees perceptions" (62%), and that "it could hurt my career" (58%). As evidence that a formal approach to flexibility does help individuals overcome personal fears related to flexibility, CFOs who work for organizations with flexibility policies and procedures were significantly less likely (67%) to say that "face time" would be a significant obstacle to pursuing work life flexibility than CFOs in companies without a formal approach (86%).

Finance-related Work and Sarbanes-Oxley not Obstacles to Flexibility: CFOs don't see finance department-specific responsibilities or regulatory demands as flexibility obstacles. A majority of CFOs (52%) felt there was no difference in the ability of finance departments to use flexibility versus other functional areas, and 18 percent actually thought it would be easier for finance. Additionally, a majority (61%) also felt recent regulations, such as Sarbanes-Oxley, had no impact on the use of work life flexibility, with 15 percent reporting flexibility had actually increased as a result of recent regulations.

Visit <http://www.bdo.com/careers/flex/> to view a BDO Seidman video featuring executives and employees discussing work and life flexibility

About BDO Seidman, LLP

BDO Seidman, LLP is a national professional services firm providing assurance, tax, financial advisory and consulting services to a wide range of publicly traded and privately held companies. Guided by core values including, competence, honesty and integrity, professionalism, dedication, responsibility and accountability for almost 100 years, BDO Seidman provides quality service and leadership through the active involvement of its most experienced and committed professionals.

BDO Seidman serves clients through 37 offices and more than 400 independent alliance firm locations nationwide. As a Member Firm of BDO International, BDO Seidman, LLP serves multi-national clients by leveraging a global network of resources comprised of 626 Member Firm offices in 110 countries. BDO International is a worldwide network of public accounting firms, called BDO Member Firms, serving international clients. Each BDO Member Firm is an independent legal entity in its own country.

About Work+Life Fit, Inc.

Work+Life Fit Inc. is a consulting firm that specializes in developing innovative flexibility strategies for organizations and individuals. Clients include BDO Seidman LLP, Ernst & Young, Quaker, Lehman Brothers, Merrill Lynch and Microsoft, as well as thousands of individuals. CEO Cali Williams Yost is a former consultant at the Families and Work Institute and Bright Horizons Family Solutions, two of the industry's leading organizations. She is the author of the critically acclaimed *Work+Life: Finding the Fit That's Right for You* (Riverhead/Penguin Group, 2005), writes the *Work+Life Fit Blog* available at www.worklifefit.com and is a blogger for *Fast Company* magazine.



HB 663 AN ACT relative to working families' flexibility

Who we are:

Employmoms is a NH based company that works to make flexible work schedules possible for our candidates. We currently provide the companies that we work with a staffing firm model, a job board and will be launching Flex Work Options Job Fairs and Flex Work Options Conferences and Certification this coming year.

We currently have offices in Hanover, NH and Portsmouth, NH and have a national job board. We have received great national and local press and we were named "Top 25 Best Small Businesses for Women" by Working Mother magazine.

Our mission is to offer a superior and innovative approach to providing professional services while creating a balance between work and family. We make a strong commitment to the success of progressive companies and professionals seeking growth and opportunity.

What we hear from our candidates:

Employmoms has been in business for almost two years and we have worked with hundreds of women in the state of NH who are looking for flexible work options. When we started we knew that we would not have trouble finding candidates however, we have been surprised at the numbers of candidates who have approached us.

Our candidates come to us because they have professional degrees and years of work experience and they are looking for positions that will allow them flexibility. Most have left work all together because they do not believe that flexibility exists and they hope that we have the answer. Those who are still working need more flexibility within their current jobs because it isn't working. All candidates have great talents and worked in the past but believe that the options for flexibility are not there.

What we hear from our companies:

We have been pleasantly surprised by the response we have received from some great companies within the state. Immediately upon launching we were approached by some top companies in the Hanover, NH area. Our first client was Hypertherm and followed shortly by Dartmouth College. As we have grown and word has spread we have worked with many more great companies within the state. We spend time with these clients talking about what flexible work options might work for them within their companies and have found that many are willing to look at the possibilities.

Conclusion:

As Baby Boomers retire and the state struggles to keep young families in the state and generation Y enters the workforce, flexibility is going to become a large piece of the workforce puzzle. As I mentioned above there are hundreds of highly qualified candidates ready to work in NH if there were more flexible work options available. Companies could have access to top talent if more flexible work options became available.

Future statistics:

- Women with young children are the fastest growing segment of the workforce.
- Men are more involved in family and home care responsibilities.
- 85% of all workers have family care responsibilities.
- 25% of all workers have elder care responsibilities.

Passage of this Bill would allow this important discussion to happen within each company and help create a win-win situation for both parties. Companies would have access to and be able to keep top talent and candidates would be able to contribute to their family finances which will only make the state of NH stronger.

Jane Seibel**CEO/Founder****Employmoms, LLC**



In the House Session on February 3rd

Please Vote YES on HB 663 for Working Families Flexibility

HELP KEEP NEW HAMPSHIRE BUSINESSES COMPETITIVE

Legislative Information Sheet

What does this bill do?

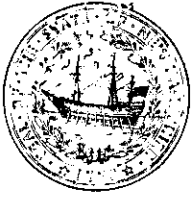
HB 663-FN creates a process for employees to request flexibility regarding certain conditions of employment.

"When workplaces are not responsive to the needs for alternative working arrangements, the chances are that employees will work below their potential or leave altogether. ...The costs of such a loss of human capital go beyond the individual business to the economy as a whole."

Who will this bill help?

- **New Hampshire's Economy.** Our "graying" state struggles with recruiting and retaining young families and a highly qualified, educated workforce. Flexible work arrangements result in enhanced ability to attract and retain talented people including women and older workers.
- **New Hampshire's Businesses.** More than twice as many employees in effective and flexible workplaces (%82) are highly engaged and committed to their employer's success as employees in ineffective and inflexible workplaces (%36). Flexible work creates greater employee satisfaction, morale and engagement, increased effectiveness and productivity and can also lead to better coverage of the operation and availability to customers.
- **Working Families.** In a worldwide study conducted by PricewaterhouseCoopers, 57 percent of business school graduates reported that "attaining a balance between personal life and career" is their primary career goal. Other studies consistently show that flexibility to balance work and family obligations is "extremely important" to the vast majority of employees surveyed.

The **New Hampshire Work and Family Sustainability Coalition** is a broad-based group of community, advocacy, union, non profit, business, religious, research, and academic organizations working to help NH businesses and workers to flourish. For more information contact Nikki Murphy at the NH Women's Lobby 603-224-9105 or nikki@nhwomenslobby.org



STATE OF NEW HAMPSHIRE
COMMISSION ON THE STATUS OF WOMEN

Date: February 3, 2009

To: Jeffrey Goley, Chair
Labor, Industrial and Rehabilitative Services

From: Sylvia E. Gale, Executive Director
New Hampshire Commission on the Status of Women

Re: HB 662 Paid Sick and Safe Leave
HB 663 Working Families Flexibility

Chairman Goley and Honorable Members of the Committee:

My name is Sylvia Gale and I am the Executive Director of the New Hampshire Commission on the Status of Women. I am speaking here today to urge your support for passage of HB 662 and 663.

The Commission on the Status of Women has worked for 40 years in our state to alleviate gender discrimination and to enhance opportunities for women in the workplace and in educational and political settings. Working in strategic collaboration with the NH Women's Lobby and others we were successful in the creation of the Legislative Task Force on Work and Family which worked diligently under the leadership of Representative Mary Stuart Gile for more than a year to study and discover the issues and needs of New Hampshire's working families. The work of the Task Force culminated in the 1st Legislative Work and Family Summit held in late October which was attended by more than 250 participants more than half of which were business leaders, managers and owners. At the Summit, the "Best Business

Practices” panel included representatives from Badger Balm, Hypertherm, Inc., Citizens Bank, Northeast Delta Dental and Timberland. This panel highlighted successful business practices which include flexible scheduling, paid leave for illness and family caretaking responsibilities and others.

Paid sick and safe leave is a necessity for both single and two-parent working family members. Flexibility of scheduling for workers’ hours to attend to pressing and competing needs of family are sometimes also necessary. Having the benefit of a paid Family Leave Insurance program would greatly enhance New Hampshire’s quality of work-family life.

As the Commission continues our work to build and fuel new initiatives that will expand New Hampshire women’s access to livable wage jobs, we strongly urge your support for these initiatives that will provide working families with the necessary support mechanisms to meet the ever-increasing demands of their time and energy in 21st Century New Hampshire.

NEW HAMPSHIRE COMMISSION ON THE STATUS OF WOMEN
MEMBER ROSTER—EXTERNAL

11/24/2008

Chair:

Stefany A. Shaheen (08/10)T1
77 South Street
Portsmouth, NH 03801
817-9740 (c)
501-0012 (h)
sshaheen@hbs.edu

Vice Chair:

Marilyn Mahoney (10/09) T1
51 High Street
Manchester, 03104
668-0359 (W) 494-9631 (c)
497-2160 (H)
624-2364 (f)
mmahoney@harveymahoney.com

Secretary:

Bonnie White (10/09)T2
549 Briar Hill Road
Hopkinton, NH 03229
746-3678 (h)
493-2965 (c)
bonni whit@aol.com

Treasurer:

Louise Graham (10/10) T1
218 North Main Street
Wolfeboro, NH 03894
569-2876 (h)
lbgraham@verizon.net

Immediate Past Chair:

Janice Markey (10/09)T2
PO Box 193
988 Beech Pond Road
Center Tuftonboro, NH 03816
539-4446 (h) 245-4425 (w)
986-3966 (c)
jnmarkey@gmail.com
Janice.Markey@libertymutual.com

Past Chair:

Laurie Chandler (10/08)T2
Vigilant Capital Management
18 Congress St- Suite 209
Portsmouth, NH 03801
431-1720 (h) 431-3498 (w)
431-3682 (f) 770-1123 (c)
lchandler@vigilantcap.com

Valerie Cunningham (10/11)
T2
369 Greenland Road
Portsmouth, NH 03801
431-2768 (h)
380-1231 (c)
nhblackhistory@aol.com
valereez@aol.com

Fatima Deek (05/09) filling T
43 Mission Avenue
Manchester, NH 03104
232-5795 (h)
858-1073 (c & w)
fatimadeek@hotmail.com

Linda Gathright (10/11) T1
28 Marian Lane
Nashua, NH 03062
880-4537 (h)
617-428-2074 (w)
321-0867 (c)
linda.gathright@verizon.net

Gyme Hardy (10/10) T1
18 Dover Street
Concord, NH 03301
228-8289 (h)
271-6983 (w)
ghardy@ccsnh.edu

Linda Landry (filling T 10/09)
6 Deer Haven Drive
Exeter, NH 03833
580-5259 (h)
1-781-566-4950 (w)
linda-landry@comcast.net

Sandra Matheson (10/10) T1
1465 Hooksett Road #357
Hooksett, NH 03106
647-0341 (h)
271-3671 (w)
sandi.matheson@doj.nh.gov

Pamela Remick (10/09 T2)
26 Winter Street
Lancaster, NH 03584
788-2444 (H)
491-4653 ©
wremick@ne.rr.com

A. Ronnie Sandler (10/09) T1
131 Sugar Hill Road
Easton, NH 03580
823-7212 (w)
823-7207 (h)
compusa@localnet.com

Ellie C. Stein (10/11) T1
Edgewood Farm
225 Mansion Road
Dunbarton, NH 03046
(603) 774-3705
ellieenergy@gsinet.net

Executive Director

Sylvia E. Gale
State House Annex
Room 212
Concord, NH 03301
271-2660 (w) 271-4032 (f)
883-6628 (h) 557-8417(c)
Sylvia.E.Gale@nh.gov

Program Assistant

Nancy Normand,
271-2660 (ofc) 848-3351 (c)
nancy.normand@nh.gov

COPY



February 10, 2009

To: Rep. Jeffrey Goley, Chairman
Rep. Sally Kelly, Vice Chairman
Members, House Committee on Labor, Industrial and Rehabilitative Services

From: David R. Clough, State Director
866-415-7179 (office) or 207-807-4900 (cellular); David.Clough@NFIB.org

Re: HB 663 – FLEXIBLE WORK ARRANGEMENTS

I am writing on behalf of the National Federation of Independent Business and its small business members in New Hampshire to express opposition to HB 663.

HB 663 requires businesses with 15 or more employees to follow a state required process for considering and denying employee requests for flexible work arrangements.

- Employees may request in writing a change in the number of hours worked, the times when required to work, or where the employee is required to work. The written request must explain the expected effect the requested change would have on the business and indicate how an adverse may be handled.
- Employers are required to meet with the employee within 14 days of the request and provide a written decision – stating the grounds for the decision and specifically whether the employer considered various factors spelled in the law and other factors established by rulemaking – within 14 days of the meeting.
- An employee may bring a representative (e.g., lawyer) to the meeting with the employer.
- An employee may request in writing reconsideration if dissatisfied with an employer's decision.
 - The employer must hold another meeting within 14 days and provide written findings within 14 days of the reconsideration meeting. The employer must provide "sufficient" explanation of the grounds for the reconsideration decision.
- Employers are required to keep records in accordance with state rules adopted under the law.
- HB 663 establishes prohibited acts by employers and penalties that may be imposed on employers.

Costly – HB 663 creates extraordinary process, recordkeeping, and paperwork requirements on small businesses. Employers would likely need to consult with labor attorneys to assure compliance with the consideration and reconsideration process as well as to assure adequate written explanation of the reasons for denying a request or reconsideration request. The cost burden would be even greater on a business without a human resource manager.

Legalistic – Small business owners generally endeavor to accommodate the personal needs of their employees while assuring that overall business operations will not be unduly hindered. These accommodations are made on a case-by-case basis and may vary depending on circumstances particular to the company, the point in time the request is made, or the employee's role in the successful operation of a business. HB 663 would replace these informal accommodations with a formal, legalistic process.

NFIB NH small business owners urge the committee to vote HB 663 Inexpedient to Legislate.

Voting Sheets

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: February 11, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.) **RETAIN**

Moved by Rep. Weed

Seconded by Rep. Rice

Vote: 10-9 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE:

LOB ROOM: 307

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Retain

Moved by Rep. *Weed*

Seconded by Rep. *Rice*

Vote: (Please attach record of roll call vote.)

10-9

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: HB 663-FN Title: relative to working families' flexibility

PH Date: 2/3/09

Exec Session Date: 2/11/09

Motion: Retain

Amendment #: _____

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	absent	
Craig, James W	✓	
Weed, Charles F	✓	
Rice, Chip L	✓	
Mears, Lucy E	✓	
Infantine, William J		✓
Daniels, Gary L		✓
Bishop, Franklin C		✓
Bridle, Russell D		✓
Gleason, John P		✓
Dumaine, Dudley D		✓
Richardson, Herbert D		✓
Pellegrino, Tony J		✓
Sedensky, John B		✓
	10	9
TOTAL VOTE: <u>10-9</u>		

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: November 10, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. J. Knowles

Seconded by Rep. Mears

Vote: 11-2 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: November 10, 2009

LOB ROOM: 307

Amendments:

Sponsor: Rep. ~~St. Knowles~~ OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. J. Knowles

Seconded by Rep. Mears

Vote: (Please attach record of roll call vote.)

11-2 passed

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

11/12
13-0

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: HB 663-FN Title: relative to working families' flexibility

PH Date: 2/3/09

Exec Session Date: 11/10/09

Motion: Interim Study

Amendment #: _____

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	absent	
Gorman, Mary J	✓	
Hofemann, Roland P	✓	
Knowles, John	✓	
Knowles, Mary Ann, Clerk	✓	
Brennan, William P	absent	
Craig, James W	✓	
Weed, Charles F	✓	
Rice, Chip L	absent	
Mears, Lucy E	✓	
Infantine, William J	absent	
Daniels, Gary L	✓	
Bishop, Franklin C		✓
Bridle, Russell D	absent	
Gleason, John P	absent	
Dumaine, Dudley D	absent	
Richardson, Herbert D		✓
Pellegrino, Tony J	✓	
Sedensky, John B	✓	
	11	2

TOTAL VOTE:

Committee Report

CONSENT CALENDAR

December 4, 2009

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on LABOR, INDUSTRIAL AND
REHABILITATIVE SERVICES to which was referred
HB663-FN,**

**AN ACT relative to working families' flexibility. Having
considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. John Knowles

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES
Bill Number:	HB663-FN
Title:	relative to working families' flexibility.
Date:	December 4, 2009
Consent Calendar:	YES
Recommendation:	REFER TO COMMITTEE FOR INTERIM STUDY

STATEMENT OF INTENT

This bill provides for a procedure whereby an employee and employer can consider a request by the employee for flexibility in working conditions. However, that procedure can be followed now, and since there is no enforcement mechanism in the bill, it does not seem that it would necessarily have the effect desired by the sponsors. The committee felt that this needs to be considered further.

Vote 11-2.

Rep. John Knowles
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB663-FN, relative to working families' flexibility. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. John Knowles for LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES. This bill provides for a procedure whereby an employee and employer can consider a request by the employee for flexibility in working conditions. However, that procedure can be followed now, and since there is no enforcement mechanism in the bill, it does not seem that it would necessarily have the effect desired by the sponsors. The committee felt that this needs to be considered further. **Vote 11-2.**

Original: House Clerk

Cc: Committee Bill File

HB 663

INTERIM STUDY

This bill provides for a procedure whereby an employee and employer can consider a request by the employee for flexibility in working conditions. However, that procedure can be followed now, and since there is no enforcement mechanism in the bill, it does not seem that it would necessarily have the effect desired by the sponsors. The committee felt that this needs to be considered further.

John Knowles.

**INTERIM STUDY
COMMITTEE REPORT.**

COMMITTEE: Labor
BILL NUMBER: HP 1663-FN
TITLE: _____
DATE: _____

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____

(If legislation is already
filed, please list LSR no.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

COMMITTEE VOTE: 6-5 (Attach Committee Voting Sheet)

Rep. Jelly Kelly
For the Committee

B 663-FN relative to working families' flexibility
as been recommended by a majority of the committee
for future legislation. A major study conducted
by the Carsey Institute, UNH and New Hampshire
Employment Security based on working parents determine
work-place flexibility to be their #1 ~~priority~~
recommendation for policy

JH

Provided by



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HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

INTERIM STUDY

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: October 13, 2010

LOB ROOM: 307

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____
(If legislation is already filed, list LSR No.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

Moved by Rep. Kelly

Seconded by Rep. Mary Ann Knowles

Vote: 6-5 (Please attach record of roll call vote.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

HOUSE COMMITTEE ON LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

INTERIM STUDY

EXECUTIVE SESSION on HB 663-FN

BILL TITLE: relative to working families' flexibility.

DATE: October 13, 2010

LOB ROOM: 307

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____
(If legislation is already filed, list LSR No.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

Moved by Rep. Kelly

Seconded by Rep. Mary Ann Knowles

Vote: (Please attach record of roll call vote.) 6-5

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Mary Ann Knowles, Clerk

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

Bill #: HB 663 Title: relative to working families' flexibility

PH Date: 21 3 10

Exec Session Date: 10 13 10

Motion: Recommend For Future Legislation Amendment #: _____

MEMBER	YEAS	NAYS
Goley, Jeffrey P, Chairman	✓	
Kelly, Sally H, V Chairman	✓	
Gorman, Mary J	✓	
Hofemann, Roland P		
Knowles, John		
Knowles, Mary Ann, Clerk	✓	
Brennan, William P		
Craig, James W		
Weed, Charles F	✓	
Rice, Chip L		
Mears, Lucy E		
Infantine, William J		✓
Daniels, Gary L		✓
Bishop, Franklin C		
Bridle, Russell D		
Gleason, John P		
Dumaine, Dudley D		
Richardson, Herbert D		✓
Pellegrino, Tony J		✓
Sedensky, John B		✓
Gagnon	✓	
	6	5
TOTAL VOTE:		