

# Labor Project for Working Families

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with unions to  
put families first.

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Dear Friend:

“What time will you be home?” For most Americans headed off to work in the early morning, the answer is beyond their control. Don't you agree that...

- Shift rotations and overtime are often involuntary.
- Most parents can't stay home with a sick child — or take time off for a school appointment.
- The flexibility and autonomy that professionals and managers take for granted remain far beyond the reach of 70 million wage earners.

Think how often you adapt to your job's demands. Yet at every point in our life cycles — from bringing a new child into the family to caring for a partner or frail parent — we also need our jobs to adapt to our needs and responsibilities.

How can unions make jobs more flexible? How easy is it to bargain flextime programs? And — how will you protect job security at the same time? While some employers force workers to “flex” their lives to fit the job, this **Flex Pack** will help you make jobs more flexible — and give workers more control. You'll learn:

- WHY union members want more job flexibility...
- HOW to tell genuine flextime from “fake flex” gimmicks...
- WHAT specific flextime options are worth bargaining for...
- WHEN flextime can be a POWERHOUSE ORGANIZING TOOL...
- WHERE legislation helps U.S. workers take back the clock!

Our labor union movement was born in the struggle for the eight-hour day. During the Industrial Revolution, men and women with no control over their time built unions because they wanted to support their families — and see them in daylight. We've won a great deal. But working families are still under dangerous pressure. With this **Flex Pack**, you're equipped to take action.

In Solidarity,



Netsy Firestein  
Executive Director



**WHY ARE MORE UNIONS PUSHING FOR FLEXTIME?** Because, compared to other advanced economies, American working families are locked in a time vise, working longer hours to maintain the same standard of living. Look at the numbers:

- Americans work nearly *nine weeks* (350 hours) longer each year than Western Europeans.<sup>1</sup>
- In 1970, fewer than half (38 percent) of U.S. women with school-age children were in the labor force. By 2000, more than two-thirds (67 percent) were on the job.<sup>2</sup>
- In the U.S., *two-thirds* of working couples with kids put in overtime.<sup>3</sup>
- 2 out of 3 unionized fathers report that they're unhappy with the amount of time they can give their children. *Half* of mothers feel the same way.<sup>4</sup>
- Nearly *one-third* of all unionized workers report that “not enough family and personal time” is their single biggest work-related concern.<sup>5</sup>

Flexitime helps solve the common conflict between lengthening work hours and our personal obligations. Flexitime gives a worker more control over her or his schedule on an hourly, daily, weekly, seasonal or annual basis. If Workers are expected to flex to the job, the job should flex back.



## Flexitime is a fairness issue

Today, nearly 75 percent of all working U.S. adults have little or no control over their work schedules.<sup>6</sup> No surprise — lower paid workers have the least control. For example, nearly two-thirds of workers making over \$71,000 a year are able to flex their schedules. But only half as many parents earning less than \$28,000 (31 percent) have flexitime options.<sup>7</sup> Low-income workers have strict schedules that are closely supervised. Arriving or leaving even a few minutes late can cost them their jobs.<sup>8</sup> Consider this:

- 1 in 3 hourly workers cannot decide when to take a break...
- Nearly 60 percent cannot choose their starting or quitting times...
- More than half (53 percent) can't take time off for a sick child.<sup>9</sup>

For the most part, lower income women have the least control over their work schedules. On average, women with children and full-time jobs have fewer flex options than fathers do.<sup>10</sup>

## Workers want flex with security

4 out of 5 American workers polled say they want more flexible work options — and will use these flexitime options if they're not penalized. But the same proportion fear supervisors would consider them less committed to the job if they actually exercised flex options.<sup>11</sup>

Most unionized workers in a recent survey said they would take advantage of “high quality” reduced-work schedules, with benefits and job status protected, at some point in their lives. Nearly 40 percent of union members say they have access to flex plans — yet only 23 percent rate their programs as “high quality.”<sup>12</sup>

1 www.timeday.org (10/9/2006) | 2 Win-win flexibility: New American Foundation | 3, 4 One sick child away from being fired: When “opting out” is not an option. Center for WorkLife Law. | 5 Time is of the essence: New scheduling options for unionized employees: Work in America Institute & Labor Project for Working Families. | 6, 7 www.afcio.org/issues/workfamily/workschedules.cfm (10/9/2006) | 8 See citations 3, 4 | 9 The widening gap: Why America's working families are in jeopardy and what can be done about it. 115: Fig. 6.1. | 10 Getting punched: The job and family clock: Center for Law and Social Policy. | 11 Flexible work arrangements: The fact sheet: Workplace Flexibility 2010. Georgetown University Law Center. | 12 See citation 5



**Q: HOW DO WE DEFINE FLEXTIME?** A: Flexitime *equals* worker’s control over job time *plus* security. Workers need more control over the number and scheduling of work hours. But, within negotiated limits, exercising these options must not cost pay, benefits or job security. The European Trade Union Confederation calls it “flexicurity” (flexibility *plus* security).\*

**Q: How many flexitime options are there?**

A: Flexitime means the job adjusts to the worker’s needs on an hourly, daily, weekly, monthly, seasonal, or annual basis. On an hourly scale, negotiate control over breaks. On a daily scale, take time for medical or school appointments and make it up later. On a weekly scale, work longer hours for more days off. On a monthly scale, negotiate hours and an autonomous schedule. On a seasonal scale, volunteer to work part-time without losing seniority or benefits. On an annual basis, share jobs or negotiate a family leave with full job guarantees. These are just a few examples of flexitime solutions.

**Q: What’s in it for employers?**

A: Lower stress, greater productivity, fewer unscheduled absences, easier recruitment and higher retention. Employers know the benefits of flexitime because many managers already take advantage of these options. It’s simply a matter of extending flexibility to more workers who need it at certain points in their lives — pretty much all of us — while unions protect our job status and security.

**Q: Why are unions taking on flexitime issues?**

A: While many unions routinely negotiate on wages, benefits and working conditions, the labor movement’s earliest victories were in the struggle to balance work and family-time. Changes in America’s labor force and economy mean America’s working families are again so stressed for time that *flexitime has a great deal of organizing appeal. Surveys of union members suggest that they do not feel existing flexitime programs offer sufficient job guarantees — a natural opportunity for unions to deliver a highly valued win.* Flexitime is an opportunity for unions to respond to the most deeply felt needs of organized and unorganized workers alike.

**Q: Is flexitime just a way to cheat overtime?**

A: The demand for flexitime is so great that some employers try to wrap regressive and exploitive practices in “flex” terms. But there’s an easy way to tell if flexitime is for real or a fake gimmick. Ask two questions: (1) *Who has control over the change in hours or schedule, the worker or the employer?* And (2) *Can the worker exercise a flexitime option without risking pay, benefits, job security or the chance of advancement?* Real flexitime gives workers more control and protects their security.

**Q: Do we bargain every individual arrangement?**

A: For negotiators, the goal is to develop and implement a menu of lifecycle options. People’s needs and goals change at each stage of life. At each stage, there can be a set of pre-negotiated flexitime options to meet most needs. Flexitime solves problems, it doesn’t create them.

**Q: I have more questions. What next?**

A: You may find the detail you’re after on the Labor Project for Working Families website: [www.working-families.org](http://www.working-families.org). It offers up-to-date information on many of the issues introduced in this toolkit. Have more specific questions about needs assessment, flexitime advocacy, organizing and negotiation? Call us at 510-643-7088 or email: [info@working-families.org](mailto:info@working-families.org).

\* Pilingor J. (Ed.). (2006). Report of the European Trade Union Confederation conference: Challenging times -Innovative ways of organizing working time: The role of unions. Brussels: ETUC.



**FLEXTIME EASES GROWING SOCIAL PROBLEMS.** Workers benefit, their families benefit, employers benefit — and the entire community is better off with flextime.

- **Education suffers** when parents cannot meet with teachers, oversee homework and attend school events.

A national study found that nearly 75 percent of working parents couldn't consistently rely on flexibility at work to take time off to meet with teachers and learning specialists.<sup>1</sup>

- **Health suffers** when kids cannot be cared for at home or treated except at the emergency room after hours.

In one survey, more than 40 percent of parents reported that their working conditions negatively affect their children's health — from a child missing a needed appointment with a doctor to a child failing to receive adequate early care, causing an illness or condition to worsen.<sup>2</sup>

- **Safety suffers** when changing work shifts leave children without consistent adult supervision.

According to the National Institute for Child Health and Human Development, 60 percent of childcare in the U.S. is of “poor or mediocre” quality.<sup>3</sup> Many childcare arrangements are informal and break down often. Lack of flexibility in parents' schedules leads many children from working families to become latchkey kids — home alone after school with no adult or parent present.

<sup>1</sup> Flatley McGuire, J., Kenney K., & Brashler, P. (2006) Promoting children's well-being: The role of workplace flexibility. Washington, DC: Workplace Flexibility 2010 (Georgetown University Law Center)

<sup>2</sup> Flatley McGuire et al.

<sup>3</sup> Williams, J. (2006). One sick child away from being fired: When “opting out” is not an option. San Francisco, CA: UC Hastings College of Law



**ALL FLEXTIME PROGRAMS ARE NOT ALIKE.** Employers' plans too often give workers too little control and no protection against penalties for using flex. If flextime has a bad name in your union because management is pushing "fake flex," here's how to tell the difference: Real flextime is worth fighting for.

### Warning signs of fake flextime

- Force workers to work overtime, then "compensate" workers with time off — instead of overtime pay.
- "Flex" a worker's schedule over a two-week period, loading overtime into the first week and furloughing the worker for the same number of hours the next week.
- Allow a worker to work reduced hours (e.g. part-time), but give them the same amount of workload as a full-time staff person without any comp time or overtime pay.
- Enforce "flexible" work schedules that give workers' no control over scheduling, or cost them their benefits or job security.

These proposals threaten hard-won overtime compensation laws and leave workers with less leverage over schedules. If a so-called flextime proposal leaves a worker with less autonomy and less security, it flunks the test. It's fake flex.

### Real flextime gives workers more control and security

Real flextime is never forced on workers. It expands workers' choices. Real flextime gives workers the power to shape their schedules to achieve work family balance. Does this benefit employers? All the studies say so. But workers and their households feel the benefits of real flextime directly.

- Real flex lets workers flex their schedules within the eight-hour day or forty-hour week without forfeiting overtime pay if they put in more than forty hours.
- Real flex — in practice — means a supportive work environment. Employers should neither penalize workers for exercising flex options to met family responsibilities nor reward workers who do not exercise their options.
- Real flextime programs establish a process for the employer and the worker (or group of workers) to design the schedule that best fulfills workplace priorities and personal and family needs.

Contract language is an efficient way to create and sustain the process of requesting alternate work schedules. If the request is not granted, a labor-management committee, not the employer's human resources office alone, should handle the appeal or grievance.

### Real flextime – Union made!

When workers organize and have a voice on the job, they have more control over their lives — on and off the job. Unions can set an example of responsiveness and flexibility by making flextime a priority in organizing campaigns and contract bargaining agendas.



**Genuine flextime gives workers more control** over their work schedules to meet personal needs and achieve work family balance. But the concept is so popular, companies including Wal-Mart are using the term “flextime” to force workers to twist their lives to fit the corporate bottom-line. That’s backward!

Wal-Mart’s latest anti-worker strategy is to create a cheaper, more “flexible” workforce by capping wages, using more part-time workers, and demanding erratic work schedules.

Workers at a Wal-Mart super store in Hialeah, Florida, complain that Wal-Mart has been cutting back on full-time hours, capping wages, and forcing them to work increasingly irregular schedules — while slapping harsher penalties on workers who fail to show up for shifts.<sup>1</sup>

Forcing more full-time workers to become part-time labor, Wal-Mart is trying to evade employment laws and the responsibility to provide health benefits to its workers. The company is also forcing workers to work more nights and weekends.<sup>2</sup> The company demand that workers be available round the clock puts the company’s needs first and the needs of families last.

## What the workers at Wal-Mart say...

In a letter to CNNMoney.com, Wal-Mart workers from Pensacola, Florida asked, “While working an ever-changing Wal-Mart schedule, how can one arrange day care for young children? The scheduling will [also] make continuing education extremely difficult.”<sup>3</sup>

In a parody of genuine flextime, full-time Wal-Mart workers have been forced to take part-time positions. Henry Gonzalez, a Wal-Mart worker from Hialeah, said, “People were unhappy that they were going to cut all of our hours, and some people in my department were even being cut back to just six hours a week. How is someone supposed to pay the bills on that?”<sup>4</sup>

Wal-Mart’s workers believe that the company’s “flexible scheduling” strategy is intended to force them out of their job or punish them if they are not available for work round the clock.

Sally Wright, 67, a greeter at the Wal-Mart in Ponca City, Oklahoma, said she quit in August after twenty-two years with the company when managers pushed her to make herself available to work any time, day or night. She asked to stay on the day shift, but her manager reduced her schedule from a thirty-two hour week to an eight-hour week and refused her pleas for more hours. If workers are not able to meet Wal-Mart’s demands, instead of firing them, management simply makes it impossible for workers to stay in the job.

Unfortunately, Wal-Mart is only one example of fake flex policies. But we should not let that company’s exploitation of the term “flextime” distract us from the fact that genuine flextime gives working families the power to balance their lives.

To win genuine flextime, unions negotiate strong contracts that win workers the option of flexible scheduling *plus* control over their work schedules *plus* a promise of security. When workers have a strong union contract, their voices are heard and their compelling family and personal needs are truly respected.

<sup>1</sup> New York Times. October 17, 2006.

<sup>2</sup> “Wal-Mart to add wage caps and part-timers,” New York Times. October 2, 2006.

<sup>3</sup> CNNMoney.com (4/25/2006)

<sup>4</sup> New York Times. October 17, 2006.



**AS A UNION ORGANIZER**, you always start where the workers are. Few workers are ever asked by anyone, even family members, how their work lives and home lives collide. By opening up these urgent and emotional issues, workers are empowered to take on other challenges. Uncovering work family conflicts, you will tap a reservoir of frustration — and organizing energy. Start with *open-ended* questions. For example:

- Tell me about the challenges you face holding a job while raising a family or caring for a family member.
- How do you change your schedule when you need to? What support do you get at your workplace?
- How does this work? Fill me in on the details of (e.g., using your own sick time to care for a loved one).
- So, what would make it easier to take time off to care for a loved one or get them to the doctor?
- What control do you have over your work hours? Any? How do your co-workers feel about this problem?
- Why do you think other workers, on other jobs, can flex their hours and you can't do it on this job?
- This feels like a real problem. What do you think you and your co-workers together can do to solve this?

At first, many people are too proud, private or ashamed to complain about life difficulties. Doing so might make them feel powerless. They need to know that they're not alone in their trouble and that they're raising a legitimate issue that organized groups of workers can and do tackle successfully. Make it clear — if this is a problem for them, it's also an issue for their union.

### Four ways to articulate the demand for flextime solutions

Here are some ideas for evaluating and articulating the demand for flextime solutions among unorganized workers. Discuss these ideas with your fellow organizers and explore how they can be integrated into your union's approach:

- 1** From the start, show organizers and leaders emerging among the workers how asking *open-ended* questions can uncover deep grievances never addressed before.
- 2** While respecting personal privacy, share anecdotes about how the lack of flextime keeps workers from taking care of their family and personal responsibilities — and threatens their jobs.
- 3** Give concrete examples of workers already represented by a union whose work family conflicts have been dealt with through more control at the workplace, flexible work options, better pay and family leave, etc
- 4** Describe the damage done on the job, at home and in the larger society when workers are denied flextime.

**We've collected material to get you started in this toolkit — and we'll add to our web site as we hear from more union activists like you!**

### Core message? This isn't about special treatment. It's about dignity and rights.

Opening up about work family balance is new territory for many, but our experience shows it doesn't take much to get people talking about the frustration and helplessness they feel. This is one of those times when the ability to listen is at least as important as the ability to speak. If workers are telling their personal stories, ask others if they can imagine a time in their own lives when they would need their jobs to be more flexible.

Emphasize that people's needs change as time goes by — from finishing school to bringing home their first child to nursing a partner or fragile parent, our jobs need to adjust to our *most important* roles — taking care of the people we care about.



**READY TO MAKE FLEXTIME A PRIORITY?** Here are three steps you can take to put flextime on your organizing, negotiating, and policymaking agenda for working families:

**STEP 1.** Make the need visible. Surveys show that workers want to take back the clock and achieve a better work family balance. Document the need and collect stories.

- Survey to assess workers' needs. (Do not ask workers to disclose personal or family details. Obtain sample questions at [www.working-families.org](http://www.working-families.org).)
- Conduct small group discussions (focus groups) to explore common work and family conflicts and the need for more flexible work options.
- Publicize the results. Workers may be surprised to learn that their personal concerns are widely shared and that these issues are a legitimate topic for union activity. (Check out "Why Flextime?" in this toolkit.)

**STEP 2.** Set up a union committee or negotiate a workplace task force to study members' needs, learn from others, decide on best practices and formulate a strategic agenda. Keep communicating!

- Find out what other unions and other states are doing to encourage flextime in public policy and in the workplace.
- Work with community allies already promoting work and family issues or whose areas of interest — education, health, and safety — are affected by the time squeeze on working families.
- Look for chances within your unions' agenda-setting process to gain recognition and commitment for flextime options. Be ready to answer questions and clarify the difference between real and fake flex.

**STEP 3.** Set clear objectives and launch your campaign. Winning control over time requires a resourceful combination of organizing, negotiation, and policy advocacy. Define achievable, measurable goals and remember — details matter.

- Educate employers about the need for equal access to flexible work options throughout the workplace. Emphasize the win-win nature of work and family balance.
- Negotiate contract language that acknowledges basic principles but also plainly outlines the process for requesting a work option and appealing a refusal. (See sample contract language in this toolkit and our online resources at [www.working-families.org](http://www.working-families.org).)
- Build broad community coalitions in favor of work and family balance. These can support legislation that creates incentives for adopting flextime policies congruent with collective bargaining. Email, call us or check out our web site to learn more about coalitions that may already be at work in your state.



**STATE LAWS AND WORKPLACE POLICIES** either encourage or discourage employers from offering flextime options. To give working families more control over their time, with more security, advocate for policies that give employers incentive to offer flextime and working families the power to obtain it. Unions and family advocates have already won legislative and workplace battles to promote flextime. Flextime is becoming a mandatory subject of collective bargaining because it is one of the highest priorities for millions of unionized workers. Want to encourage this progress?

- State and federal laws can protect workers who have a financial, physical or other need for flexible or alternative work schedules.
- Legislators can support measures providing benefits for workers who work less than full time.
- Legislation can reward employers who agree to negotiate flextime options with tax credits and incentives. The incentives should be structured to protect workers and union contracts.
- Laws can expand on the Family and Medical Leave Act to allow workers to use time off for “small necessities” such as taking an elderly relative to the doctor or attending a parent-teacher conference.

### Legislation plus strong contract language

**National:** The proposed Working Families Flexibility Act (backed by Sen. Edward Kennedy) would give workers the right to request flexible work options, assuring that working Americans can modify work schedules to achieve work family balance. The bill is patterned on similar laws in Europe, already implemented with great success.<sup>1</sup>

**Wisconsin:** All state agencies must develop flextime options, more permanent part-time positions, and other workplace alternatives for current and future state workers.

- Strong contract language negotiated by AFSCME Council 24 brings the union into the development process. Both the state employees’ union and state agencies must agree to alternative arrangements.

**New Jersey:** Tax credits subsidize employers providing alternative means of transportation in conjunction with flextime, compressed workweeks, and other work alternatives.<sup>2</sup>

- A creative incentive for private employers, the outcomes would be stronger in unionized workplaces with the following language: “Where there is a collective bargaining agreement, the employer must negotiate with the union on any new policies and practices.”

**California:** Any worker (public or private) may take time off on one day and make it up on another day while forgoing overtime pay requirements if the employee submits a written request to make up work time lost to fulfill a personal obligation. Overtime pay applies to any hours exceeding 11 hours worked on the make-up day.<sup>3</sup>

<sup>1</sup> Proposed Legislation - Senator Edward Kennedy (Not yet introduced as of December, 2006)

<sup>2</sup> Title 27, Subtitle 8, Chapter 26A, 27:26A-15 NJ 27A-15; [Senate 1320, c.150 L. 1993] Amendment to Title 27, Subtitle 8, Chapter 26A, 27:26A-3 NJ ST 27:26-A-3]

<sup>3</sup> California Labor Code §513



## ALTERNATIVE WORK SCHEDULES

**Flexible work hours** offer workers more control over when their workdays begin and end. Workers are often required to be at work during a core period of time, usually the middle of the day or shift.

“The regular County business hours are 8:00 a.m. to 5:00 p.m. and adequate coverage shall be maintained to assure the highest quality of service. Alternate work schedules based on eight (8) hour shifts with either one-half (1/2) hour or one (1) hour lunch periods may be established with starting and quitting times between 6:00 a.m. and 6:00 p.m.” — SEIU Local 715 and Santa Clara County

**Flexible workweek:** Compressed schedules allow full-time workers more days off. There are many variations, including four ten-hour days for an extra day off each week, or eight nine-hour days and an eight-hour day for an extra day off every two weeks.

Flex hours can be four 10-hour days, or other combinations such as four 9-hour days and one 4-hour day. Once a flex hour schedule has been approved, that will be the employee’s work schedule until such time that another change is implemented. An employee may not work more than ten hours in any one day without being in an overtime situation. — NEA and Redwoods Community College District

32- or 35-hour workweek with full benefits; nine days every two weeks with full benefits; 35-, 37-, or 40- hour week with flexible hours. — OPEIU, San Francisco, Marin, Sonoma

**Incremental or proportional reductions:** Workers can choose to work 90 percent of full-time for 90 percent of wages and benefits, 80 percent of a full-time schedule for 80 percent of wages and benefits, and so on. — IBEW Local 1245 and Pacific Gas & Electric, San Francisco

**Variable part-year schedules:** Workers can work a reduced schedule during part of the year (e.g., summer) and full-time for the rest of the year.

**Voluntary furlough:** Workers voluntarily trade income for time off and design reduced work schedules on an annual basis, subject to management concurrence and business needs. Workers receive full benefits and service credit. — CWA Local 1034 and other unions, New Jersey

## FLEXIBILITY ON SHIFTS AND BREAKS

**Shift swap:** Workers voluntarily exchange shifts or workdays to accommodate family responsibilities such as school events, medical appointments or caring for a sick relation.

“The purpose of the Run [Shift] Exchange program is to give bus drivers flexibility in their workweek to take care of personal needs by allowing them to request a run exchange without having to request excused time off or a casual vacation day. It is understood that a run exchange is optional with operators to supplement time off, not supplant it; e.g., an operator may decide not to exchange runs and may request excused time off which may or may not be granted depending on the needs of the District...The operator wishing to exchange a run is responsible for finding the exchange and making certain it is approved. Each operator must know the run he/she is exchanging and must have had eight hours rest between exchanged runs.” — ATU Local 192 and AC Transit

**Voluntary split shifts:** Split shifts, when voluntary, allow workers to put in a certain number of hours in the morning and then return in the early evening. This arrangement is popular in call centers. — CWA and Verizon

**Other shift arrangements:** Five 8-hour shifts, no weekends; two 12-hour shifts on weekends; three 12-hour shifts, two on weekdays and one on the weekend; three 8-hour shifts, two on weekend days and one on a weekday. — AFSCME, Local 1199 Nursing Shifts, greater Pennsylvania area and southern New Jersey

**Break arrangements:** Workers who generally can take only assigned breaks arrange with the employer for more flexibility. For example, a diabetic worker ensures a break for food every three hours.



## WORKERS DESIGN THEIR HOURS ON THE JOB

**Part-time with benefits:** Full-time benefits can make part-time work more affordable to workers.

“Fractional-time assignment shall mean any percentage of time worked between 50 percent and 100 percent. Fractional-time employees shall receive medical and health insurance, and life insurance, in the same manner as would apply to any Employee working full-time. Vacation, illness days, short-term disability benefits shall accrue to fractional-time employees in proportion to the fraction of time worked.” — UAW Local 2071 and Wayne State University

**Job sharing:** Two part-time workers share a single full-time position.

“The Newspaper Guild–CWA negotiated job-sharing options for its members at the Albany Times Union. The 37.5-hour week need not be divided equally. Holidays and benefits are divided pro-rata; the employer pays health care in full. Any hours over the 37.5-hour week are paid as overtime. Job share partners may change their schedules as long as regular work hours are covered.” — Newspaper Guild-CWA and Times Union

**Part-time return to work:** Returning to work full-time is a challenge after birth, adoption or fostering.

“During the first six months of Care of Newborn Child leave of absence, the employee may return to her/his position on a part-time basis with mutual agreement of the immediate supervisor and the employee. This part-time work may also be extended an additional six months.” — CWA Local 7777 and US West

**Limits on mandatory overtime:** Limits protect workers from losing control of their daily schedules.

“Overtime shall continue to be on a voluntary basis; however, the Company may require mandatory overtime of 80 hours per employee per contract year (July 1-June 30), but not to exceed three Saturdays per month. Before designating mandatory overtime the Company shall first attempt to fill the overtime on a voluntary basis from within the department where the overtime is necessary.” — USW Local 9040 and Alto-Shaam, Inc.

**Shorter workweek:** Working fewer hours for the same pay and benefits is often used to cover unpopular shifts.

“The hours of work will be 12 hours (7:00 am to 7:00 pm and 7:00 pm to 7:00 am) on Friday, Saturday and Sunday. The basic workweek will be 36 hours for which the employee will receive 40 hours of pay. All hours worked on the scheduled days in excess of 12 will be voluntary only and paid at time and one half.” — IBEW Local 1060 and Thomas Industries

**Voluntary reduced time or voluntary time off:** Smaller increments (1-20 percent) make reduced time more affordable than traditional part-time to many. Reduced time can mean a shorter workday or workweek, or it can be taken in a block, such as an extended maternity leave.

“Employees in any classification, with the approval of the appointing officer, may voluntarily elect to work a reduced workweek, or take unpaid hours of days off, for a specific period of time with no negative impact on other terms and conditions of employment.” — SEIU Local 250, 535, 790 and The City and County of San Francisco

**Paid time-off banks:** Sick days, personal days, and holidays can be combined and used for any purpose as long as time off is scheduled in advance. Including paid vacation days in time-off banks is not recommended.

**Unpaid time off, with loss spread over twelve months:** Take extra time off without pay, beyond paid vacation days, and have the lost pay spread across the entire year’s paychecks.

**Flexible time off in small increments:** Take vacation and other paid time off in hourly or half-day increments.

## CONTROL OVER PLACE OF WORK

**Telecommuting:** Telecommuting offers workers a great deal of flexibility. But unions should insist on strict guidelines so workers do not end up working more hours or receiving fewer benefits than they would if they worked full-time at the central worksite.



**JUST A LITTLE WORKPLACE FLEXIBILITY** makes all the difference in people’s lives. Listen to the voices of workers and leaders whose unions have negotiated high-quality flextime programs. Real people — real experience:

“Two years ago I gave birth to my son Al-Maalik, who was born two months premature. He was tiny and needed a lot of care. I got to spend time with him because of our six weeks paid maternity leave provision. This was so helpful because Al-Maalik had many doctor visits during his first few months.

“I took advantage of the union’s part-time return-to-work provision and went back three days a week. After a few months I increased to four days a week. Finally, last April, I returned to full-time work. I am so grateful to CWA for giving me the opportunity to enjoy my baby without having to worry about work. I didn’t have to use any of my sick leave or vacation time and my seniority continued to accrue.

“As the chief shop steward in my area, I make sure all our members know about the wonderful work/family provisions that exist in our contract I’ve been at Verizon for fifteen years and I love my job, the people I work with and the benefits the union has won for us!”

— Marie Alston, Chief Shop Steward, CWA Local 1108

“There are only 24 hours in a day. When employers’ demands and economic necessity force workers to spend more of those hours on the job, families are often shortchanged. And when workers’ schedules are inflexible (or can be changed at the employers’ whim), balancing the competing needs of work and home is that much harder.”

— Karla Swift, Work/Family Program, UAW

“I see it as a justice issue. This is a benefit that working families need. It should not be reserved for the upper echelons of society. Sometimes it is a process. You have to work on alleviating fears that the ‘floodgates will open’ and everyone will ask for it at the same time. But if you don’t give up, it will happen. It really benefits union members and management. It makes for healthier families and a healthier work place.”

— André Spearman, SEIU Local 790

“The idea behind flexible scheduling is that it should fit the individual worker’s needs. We negotiated language that allows for members to work out a schedule to fit their circumstances. There are so many options and life circumstances change so schedules [are] renegotiated every year.”

— Kris Rondeau, Harvard Union of Clerical and Technical Workers

“So, what are the solutions? How can we spend time with our family, give them what they need and still be a valuable employee? Two words: Flexible schedule. Without flexibility, I could not meet the needs of two children and still do my job. I value it almost as much as my health benefits.”

— Patricia Gonzalez, Federal Employee



**SOME PEOPLE DON'T SEE THE NEED FOR FLEXTIME** because — at that moment — they don't need it themselves. But we can all identify with people trapped between their jobs and their family obligations. Consider these stories of unionized workers who had no choice...

**Case #1:** “When I was a young bus driver and my children were very small (ages four, two and one), I worked the late shift and my wife went to school during the day. We couldn't afford childcare, and this way one of us was always home. One day in the middle of winter, I was scheduled to work at 4 pm. The baby sitter didn't show up or call to say she wasn't coming. I had to bundle up the kids and take them to work. They had to ride my bus with me. After about two hours I was lucky enough to see my wife studying in a coffee shop, so I stopped the bus and ran in and handed her the kids.”<sup>1</sup>

**Case #2:** A press operator at the Chicago Tribune was the primary caregiver for her mother and her one-year-old child. She came to work late because she said she was up until midnight monitoring her mother's blood pressure, which was dangerously out of control. She returned home to find that her one-year-old was having trouble sleeping. She fell asleep while rocking the child in a rocking chair. The next morning, she overslept, called in to report she would be overdue, but was fired when she arrived twenty minutes late.

**Case #3:** A worker's young son came to live with him when his ex-wife was incarcerated. The father needed the day off to enroll his son in grade school. He called his employer to say that he had a family emergency, but his employer responded that he could not take the day off. When the father reported for work the next morning, he had lost his job.

**Case #4:** A Wal-Mart worker from Pensacola, Florida asks, “While working an ever-changing Wal-Mart schedule, how can one arrange day care for young children? The scheduling will [also] make continuing education extremely difficult.”<sup>2</sup>

**Case #5:** A UPS driver was fired for “theft of time.” He had taken off an hour and fifteen minutes on two different days without telling his supervisor. He explained:

“I took a three-week vacation when my second son was born...Prior to this, my wife had quit her job due to early contraction and had a difficult trimester. I was working up to fifty or sixty hours a week... At times, I was to return...[to work] with just eight hours off in between. Barely enough time to sleep or recuperate.

On my vacation time, with my new baby boy and my two-and-a-half year old, my wife was laid up recuperating. I had even less sleep...I was taking care of my two kids while I let my wife rest...Since [then] things haven't calmed down [but] I returned to work...since I can no longer afford to be off...

One week later my wife got sick due to an infection in her breast...[and] ended up with a temperature of 104. Meanwhile, my older son was coughing and had the flu. As the newborn is still feeding every two hours, I was getting by on two to three hours of sleep a day...I didn't know whether I was coming or going...[I went] home and spent my lunch breaks there to make sure every one at home was okay. But I lost track of time...My intention was [to be] there for my family but not to steal time, as I was accused of.”

<sup>1</sup> A Job and a Life: Organizing and Bargaining for Work Family Issues. Labor Project for Working Families. (2005)

<sup>2</sup> CNNMoney.com (4/25/2006)

Source for cases 2, 3 & 5: Williams, J. (2006). One sick child away from being fired: When “opting out” is not an option. San Francisco, CA: UC Hastings College of Law



**The Labor Project for Working Families** works with unions, union members, community groups, organizations and other activists on work and family issues across the country. We offer trainings and workshops to help unions, labor councils, and labor federations learn about bargaining and policy strategies to improve work-family benefits and programs for their members. We also help forge collaborations between labor and family-focused advocacy groups to advance policy making campaigns to improve the lives of families. We support unions with contract negotiations, and work alongside union leaders to launch innovative work family programs.

**Labor Family News** and more available at [www.working-families.org](http://www.working-families.org):

- **A Job and a Life: Organizing and Bargaining for Work Family Issues** “This guide provides unions with the tools they need for negotiating for critical policies like paid family leave, flexible hours and child care. It also helps unions advocate in state and national arenas for good public policies that benefit all working families, as the union movement did with paid family leave in California.” — John Sweeney, President, AFL-CIO
- **Making It Work Better: A Work Family Curriculum** Incorporate this curriculum’s short modules into existing union trainings or use it in its entirety to train bargaining committees, stewards or rank and file members. Includes group exercises, a PowerPoint presentation, background material and handouts. Customize by industry, union, group size or participants’ leadership level.
- **LPWF’s National database of negotiated contract language on work and family issues.** For examples and negotiation assistance, go to [www.working-families.org](http://www.working-families.org), call 510-643-7088 or email us at [info@working-families.org](mailto:info@working-families.org).

**Web sites and publications:**

AFL-CIO

[www.aflcio.org/issues/workfamily/workschedules.cfm](http://www.aflcio.org/issues/workfamily/workschedules.cfm)

Bargaining@Work, AFL-CIO

[privatenet.aflcio.org/bargaining@work](http://privatenet.aflcio.org/bargaining@work)

Center for Work Life Law

[www.worklifelaw.org](http://www.worklifelaw.org)

Families & Work Institute

[www.familiesandwork.org](http://www.familiesandwork.org)

National Partnership for Working Families

[www.nationalpartnership.org/](http://www.nationalpartnership.org/)

Sloan Work and Family Research Network

[wfnetwork.bc.edu/bills.php](http://wfnetwork.bc.edu/bills.php)

Take Back Your Time

[www.timeday.org](http://www.timeday.org)

Workplace Flexibility 2010

[www.law.georgetown.edu/workplaceflexibility2010/index.cfm](http://www.law.georgetown.edu/workplaceflexibility2010/index.cfm)

- **Challenging times—Innovative ways of organizing working time: The role of unions.** Report of the European Trade Union Confederation (2006) [www.etuc.org/IMG/pdf/Challenging\\_Times\\_brochure\\_EN-2.pdf](http://www.etuc.org/IMG/pdf/Challenging_Times_brochure_EN-2.pdf)

- **Win-win flexibility—A policy proposal.** Karen Kornbluh, New American Foundation (2005). [www.newamerica.net/publications/policy/win\\_win\\_flexibility\\_a\\_policy\\_proposal](http://www.newamerica.net/publications/policy/win_win_flexibility_a_policy_proposal)

- **One sick child away from being fired: When “opting out” is not an option.** Joan Williams, Center for Work Life Law (2006). [www.uchastings.edu/site\\_files/WLL/onesickchild.pdf](http://www.uchastings.edu/site_files/WLL/onesickchild.pdf)

- **Time is of the essence: New scheduling options for unionized employees.** Friedman W., Casner-Lotto J. Work in America Institute & Labor Project for Working Families (2003). [www.working-families.org](http://www.working-families.org)

- **Getting Punched: The job and family clock.** Center for Law and Social Policy (2006). [www.clasp.org/publications/getting\\_punched\\_fullnotes.pdf](http://www.clasp.org/publications/getting_punched_fullnotes.pdf)

- **Flexible work arrangements: The fact sheet.** Workplace Flexibility 2010 (2006). [www.law.georgetown.edu/workplaceflexibility2010/definition/general/FWA\\_FactSheet.pdf](http://www.law.georgetown.edu/workplaceflexibility2010/definition/general/FWA_FactSheet.pdf)

- **Promoting children’s well-being: The role of workplace flexibility.** Workplace Flexibility 2010 (2006). [www.law.georgetown.edu/workplaceflexibility2010/documents/FF\\_Color\\_CD\\_Facts.pdf%20](http://www.law.georgetown.edu/workplaceflexibility2010/documents/FF_Color_CD_Facts.pdf%20)

- **When work works: A status report on workplace flexibility.** Galinsky E., Bond JT., Hill J. Families and Work Institute (2004).