



Understanding Work Family Benefits

Work family benefits are broadly classified under the following categories in the LEARN *WorkFamily* database:

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Assistance/Services

Work family benefits under this category cover a variety of special assistance programs and services for employees ranging from:

- **Adoption Assistance** – cash benefit/reimbursement to offset the costs of adoption
- **Employee Assistance Programs** – counseling, substance abuse treatment and related services
- **Legal Services** – pre-paid legal services, where attorneys give basic advice and write letters for members of the program, and offer discounted rates for additional services
- **Tuition Assistance** – tuition reimbursements or discounts to employees and dependents
- **Training/Education/Professional Development** – time off, tuition, and classes for professional development

To find contract language on **Assistance/Services** programs, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Assistance/Services** programs (www.learnworkfamily.org/techniques/general.html).

Benefits

Work family provisions under this category cover a range of benefits including:

- **Adoption** – cash benefit/reimbursement to offset the costs of adoption
- **Domestic Partner/Survivor Coverage** – continuation of retiree medical and dental benefits for surviving spouse/domestic partner of a deceased employee.
- **Expanded Coverage** – benefits for additional family members, beyond dependents as defined by the IRS (e.g. providing health benefits to the children of employee’s domestic partner).
- **Extended Benefits** –health or other benefits provided for longer periods of time than required by law.
- **Integration of Benefits** – employees supplement government benefits (e.g. state disability insurance) with accrued sick leave or vacation to prevent wage loss.
- **Physical Well-Being** – wellness services such as gym memberships and smoking cessation programs for employees.
- **Retiree Benefits** – pensions, 401ks as well as medical and other benefits after employees retire.

To find contract language on **Benefits**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Benefits** (www.learnworkfamily.org/techniques/general.html).

Child Care

Child care provisions cover a wide variety of programs that assist in the care of children – from subsidies and stipends to care provided in licensed child care centers, by a licensed family child care provider or an informal caregiver. For parents who work shifts, regular overtime or weekends and parents who may have school-age children, child care can also mean extended hour care, before- and/or after-school care, holiday and summer care, back-up care and emergency/sick child care.

- **Back-Up Child Care** – child care service provided when regular child care is not available (e.g. the babysitter is ill or school is closed).
- **Center Slots** – provision of a specific number of slots for employees' children at a local or on-site child care center.
- **Classes** – parenting classes on various topics (e.g. dealing with teenagers, reading readiness, etc.)
- **Dependent Care Assistance Program** – also known as DCAP, this program allows employees to set aside a portion of their earnings in a tax free account for child care expenses (and sometimes elder care expenses – see under **Dependent Care** on p.8 and **Elder Care** on p. 9).
- **Extended Hours/Before/After School** – child care at hours when most child care centers are not open. Useful for parents who work shifts, regular overtime or weekends.
- **Flexible Spending Account** – pre-tax program similar to Dependent Care Assistance Program.
- **Holiday Child Care** – care for children whose parents may be working during school holidays.
- **In-Home Care** – stipends or partial grants to cover the cost of in-home child care.
- **Near-Site Care** – child care located near the work site.
- **On-Site Care** – child care centers located at the work site.
- **Resource & Referral** – information and assistance on child care programs such as day care, pre-school, summer camps and more. Assistance may be provided by phone, online or in person.
- **Sick/Emergency Care** – care for children who are sick and cannot attend regular child care or school (Also see **Back-up Child Care** above).
- **Subsidies** – financial assistance to help with child care expenses.

- **Summer Camp** – programs to provide care and recreation for employees' children during the summer break.
- **Youth Programs** – programs for employees' children who are too old for traditional child care programs, but may need supervision and structure. May also include programs during summer vacations and other school holidays.

To find contract language on **Child Care**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Child Care** (www.learnworkfamily.org/techniques/general.html).

Committees

Forming a committee is often the first step in developing a comprehensive work family program. Unions can bargain for a wide range of committees to provide input or oversee development of work family programs for employees:

- **Child Care** – committee may undertake activities such as surveying the workforce to determine child care needs, overseeing child care service providers as well as developing new child care related programs.
- **Dependent Care/Elder Care** – similar to child care committee described above, but has a larger scope and deal with issues related to care of elderly dependents as well as child care.
- **Work Family** – committee may work on a wide range of approaches to help employees balance work and family.
- **Labor/Management** – such a committee is distinguished from other types of worksite committees by the fact that both labor and management generally have equal control and representation over the committee. The committee can be a decision-making body or make recommendations to management on addressing work family needs of the workforce.

To find contract language on **Committees**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Committees** (www.learnworkfamily.org/techniques/general.html).

Definition of Family

Defining “family” in collective bargaining agreements helps determine whom employees can use their leave for (e.g. bereavement or sick leave) or which family members are eligible for benefits. The definition of family can reflect the diversity of family structures by including domestic partners and extended family members.

- **Domestic Partners** – definition of family that includes domestic partners (same-sex and opposite sex) of unmarried employees.
- **Expanded Definition** – newer, more expansive definitions of family that include family members/relatives such as domestic partners, siblings, grandparents, grandchildren, uncles, aunts, nieces, nephews, significant others and more.

To find contract language on **Definition of Family**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Definition of Family** (www.learnworkfamily.org/techniques/general.html).

Dependent Care

This category covers the host of programs that assist employees with caregiving for children, elderly and other dependents.

- **Dependent Care Assistance Program** – also known as DCAP, this program allows employees to set aside a portion of their earnings in a tax free account for dependent care expenses including child care and elder care (see under **Child Care** on p. 4-5 and **Elder Care** on p. 9).
- **Resource & Referral** – information and assistance on dependent care (child/elder care) programs. Assistance may be provided by phone, online or in person.
- **Support Services** – may include services not covered under Resource & Referral or regular dependent care programs (e.g. respite care, Alzheimer’s day care, etc.).
- **Subsidies** – financial assistance to help with dependent care expenses.

To find contract language on **Dependent Care**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Dependent Care** (www.learnworkfamily.org/techniques/general.html).

Elder Care

Elder care provisions cover a wide variety of programs that assist in the care of an older or disabled parent, spouse or relative. An elderly dependent may live with the caregiver or live separately, even quite far away. With community resources both scarce and expensive, those providing elder care are often left fully responsible for providing assistance and care before and after work, on weekends and during vacation. Contract provisions that help workers with elder care responsibilities include:

- **Dependent Care Assistance Program** – also known as DCAP, this program allows employees to set aside a portion of their earnings in a tax free account for elder care expenses (and sometimes child care expenses – see under **Child Care** on p. 4-5 and **Dependent Care** on p. 8).
- **Long-Term Care** – Some collective bargaining agreements offer insurance policies that deal with long-term care (e.g. nursing homes, in-home services, etc.)
- **Resource & Referral** – information and assistance on elder care programs such as day care, respite care and more. Assistance may be provided by phone, online or in person.
- **Subsidies** – financial assistance to help with elder care expenses.
- **Support Services** – may include services not covered under Resource & Referral or regular dependent care programs (e.g. respite care, Alzheimer’s day care, case managers and related services).

To find contract language on **Elder Care**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Elder Care** (www.learnworkfamily.org/techniques/general.html).

Family Leave

Having the ability to take time away from work allows workers to care for their families, deal with an emergency or recuperate from a serious illness with a guaranteed job when they return. This broad topic covers many types of leaves including leaves guaranteed under federal and some state laws such as the Family Medical Leave Act (FMLA) and the California Paid Family Leave (PFL) as well as broader leave terms negotiated through the collective bargaining process. Leaves may be paid or unpaid. Paid leaves may be funded by the employer, by state programs like the state disability insurance, or through an employee's choice to use accrued sick leave or vacation.

- **Adoption/Maternal or Adoption/Paternal (PAID)** – paid leave for adoptive mothers or fathers or both parents before and after the adoption of a child. Benefits similar to **Parental/Maternal or Parental/Paternal – PAID** (see p. 12).
- **Adoption/Maternal or Adoption/Paternal (UNPAID)** – unpaid leave (generally with guaranteed right of return to employment) for adoptive mothers or fathers or both parents before and after the adoption of a child. Benefits similar to **Parental/Maternal or Parental/Paternal – UNPAID** (see p. 12).
- **Couples** – provisions to clarify how family leave may be earned and utilized when both parents work for the same employer.
- **Dependent Care** – leave to care for dependents including children, disabled and elderly spouse, parent or other relative covered by the collective agreement.
- **Domestic Partners** – contract language to specify whether family leave provisions cover domestic partners (may also depends on the state law in effect),
- **Extended Duration** – Federal law requires employers to grant up to 12 weeks of family leave to employees who meet certain qualifying conditions. Collective bargaining agreements can extend the length of these leaves while guaranteeing the right of return to employment.
- **Family Emergency** – provisions granting unpaid leave to deal with non-medical family emergency situations (e.g. domestic break-up, domestic violence, etc.).
- **FMLA in Contract** – provisions that reference the Family Medical Leave Act, and make these rights enforceable through the grievance procedure, at the option of the employee.
- **FMLA/Expanded Coverage** – contract provisions that expand upon coverage under the Family Medical Leave Act. For instance, the contract language may cover additional relatives or cover employees who may have worked less than the minimum time required to be eligible for FMLA (Also see **Shorter Eligibility Period** on p. 11).
- **FMLA/Expanded Definition of Family** – contract language guaranteeing FMLA rights to provide care for a wider range of family members/relatives such as domestic partners, siblings, grandparents, grandchildren and more (Also see **Definition of Family – Expanded Definition** on p. 7).

- **FMLA/Expanded Reasons for Leave** – provisions that allow additional reasons for taking leave under FMLA (e.g. preventive medical appointments, moving covered relative to different location, etc.).
- **FMLA/Extended Benefits** – Federal law guarantees continuation of an employee’s medical insurance benefits during the 12 weeks of family medical leave. Collective bargaining agreements can guarantee continuation of benefits for a longer period of time or the continuation of a wider array of benefits while the employee is on family leave.
- **FMLA/Paid Time** – employees taking unpaid leave under FMLA can avoid loss of wages if their collective bargaining agreement contains language on family leave funds (e.g. payment during maternity leave) or integration of benefits such as paid sick leave or vacation to cover wage loss.
- **FMLA/Shorter Eligibility Period** – Under federal law, employees need to have worked at least 1,250 hours over the previous 12 months to be eligible for leave under FMLA. However, contract provisions can shorten the minimum time an employee needs to have worked to be eligible for FMLA to enable more workers to take leave when needed.
- **FMLA/Use of Vacation** – Under federal law, employers can require workers to use paid vacation during family leave. However, some contracts contain provisions giving the employees control over whether or not they use vacation time during family leave.
- **Foster Care (PAID or UNPAID)** – contract provisions that guarantee paid or unpaid leave for foster parents to bond with or care for newly arrived or ill foster children. Some provisions go farther and allow leave for court appearances, meetings with social workers, and related activities benefiting the foster child.
- **Long-term Care** – contract provisions that provide employees job-protected leave (usually for an extended period of time) to provide long-term care to a disabled or elderly dependent.
- **Medical, for Self (PAID or UNPAID)** – provisions that allow an employee to take leave in a event of a serious, personal illness or injury in addition to leave guaranteed under federal or state law or accrued sick leave. This extended medical leave may be paid or unpaid.
- **PFL in Contract** – provisions that reference California’s Paid Family Leave law, and make these rights enforceable through the grievance procedure, at the option of the employee. (NOTE: Similar laws have been passed in Washington state and New Jersey.)
- **Parental/Maternal or Parental/Paternal (PAID)** – provisions guaranteeing pay during parental leave for mothers or fathers or for both parents.
- **Parental/Maternal or Parental/Paternal (UNPAID)** – provisions granting maternity leave for mothers and paternity leave for fathers without pay (with guaranteed right of return to employment and continuation of medical/health benefits for 12 weeks under federal law).

- **Parental – Part-Time Return to Work** – provisions guaranteeing new parents the right to return to work on a part-time basis after parental leave. (Also see **Flexible Work Options – Part-Time Return to Work** on p. 13)
- **Pregnancy Leave (PAID or UNPAID)** – Some contracts provide for pregnancy leave that may be paid or unpaid. Federal and some state laws provide that if an employer offers disability or sick leave, pregnancy cannot be excluded from coverage. If the leave is called for by an expectant or new mother's health condition as certified by her doctor, the mother may use sick leave and other available forms of disability leave to cover periods of pregnancy related disability.
- **Procedures** – provisions that specify reasonable and required procedures for taking/granting family leave (e.g. employee notification to the employer – advance notification for foreseeable leave, short notice in case of emergency, employer response, etc.).
- **Sick Leave for Family** – contract language allowing employees to use sick leave to care for family members. Some states have laws allowing workers to use designated amount of sick leave for care of family members.
- **Sick Leave for Pregnancy** – Some contracts allow expectant or new mothers to use their accrued sick leave for periods of pregnancy related disability.

To find contract language on **Family Leave**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Family Leave** (www.learnworkfamily.org/techniques/general.html).

Flexible Work Options

Worker controlled workplace flexibility helps employees meet their family caregiving responsibilities with less worry. Unions and employers alike are recognizing the benefits of flexible work options. Unions have negotiated contract provisions that allow employees to flex their schedules, work week, and make other work arrangements as outlined below.

- **Advance Notice of Overtime** – provisions to ensure that employees receive advance notice if they are required to work overtime.
- **Break Arrangements** – provisions to allow flexibility with regard to break times. (NOTE: State laws mandating breaks after a certain number of hours may govern this subject.)
- **Exemption from Overtime** – provisions that allow employees with caregiving responsibilities the choice to refuse overtime without being penalized.
- **Flexible Hours** – these provisions include a variety of options such as flexible start and stop times and flexible meal breaks.
- **Flexible Week** – these options include flexibility on days of the week worked as well as working longer hours and fewer days per week.
- **General Statements on Flexibility** – general statements may layout a general principle agreed to in bargaining such as the intention to provide a flexible work environment. Such statements can also provide guidance to managers in dealing with individual requests and influence the arbitration process.
- **Job Sharing** – provisions clarifying work hours, benefits and other details in situations where two workers share one full-time job, each working part-time.
- **Limits on Mandatory Overtime** – contract language limiting an employer’s ability to assign overtime including the number of overtime hours assigned.
- **Non-Traditional Shifts** – provisions allowing employees to create shift arrangements different from traditional work shifts. For instance, an employee may work until 3 pm, pick up her children from school, and work an additional two hours after the children are asleep to complete her daily workload.
- **Overtime Eligibility** – provisions specifying who is eligible for overtime and in what order overtime will be offered or assigned.
- **Part-Time Return to Work** – contract language guaranteeing an employee the right to return to work on a part-time basis after a leave for a period of time mutually agreed upon by the employer and employee (e.g. an employee returns to a three-day weekly work schedule after a parental leave and resumes full-time work after six months).
- **Part-Time with Benefits** – eligibility for benefits is an important consideration for part-time workers. Some contracts provide benefits (or partial benefits) for part-time workers.

- **Rotating Shift** – some workplaces such as factories, public safety agencies and hospitals assign varying shifts for their workers which can be very hard on workers' health and family caregiving responsibilities. Some contracts include special protections or forms of compensation for workers with rotating shifts. However, some workers prefer rotating shifts because it ensures that they don't always get stuck with a particular shift such as nights.
- **Shift Pay Relationship** – contract provisions providing higher rates of pay for certain work shifts.
- **Shift Swap** – provisions allowing employees to switch shifts with each other, usually on a one-time basis.
- **Shorter Week** – these contract provisions can result in several different outcomes such as a shorter total workweek with no cut in pay; or a shorter workweek with a proportional cut in pay; or a shorter workweek in terms of the number of days worked, but longer hours worked each day.
- **Telecommuting** – contracts allowing employees to work from home or a location that is not the office ("telecommute").
- **Temporary Flextime** – provisions allowing workers to elect flexible hours on a temporary basis. This can be useful during gaps in child care or when elderly dependents need care, etc.
- **Time Off for Holidays** – contract language providing employees compensatory time off for working on holidays.
- **Time Off for Overtime** – contract language providing employees compensatory time off for working overtime. (NOTE: state wage and hour law may restrict these options.)
- **Voluntary Reduced Time** – provisions giving employees the choice to work for a reduced number of hours/days for reduced pay.
- **Voluntary Split Shifts** – provisions giving employees the choice to work a split shift (a shift divided into two separate periods of work) such as a morning shift and an evening shift.

To find contract language on **Flexible Work Options**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Flexible Work Options** (www.learnworkfamily.org/techniques/general.html).

Funds

Contracts may include provisions on various types of funds to help workers balance work and family. Generally, funds help workers offset the cost of dependent care by providing either direct cash payments or reimbursement for dependent care expenses. However, some funds also assist employees with professional development or other educational opportunities such as parenting classes. Funds may be based on the number of hours worked (e.g. the employer contributes three cents an hour for each employee hour worked to the fund) or they may be based on specific dollar amounts.

- **Adoption** – cash benefit/reimbursement to offset the costs of adoption. (Also see **Assistance/Services – Adoption Services** on p. 2 and **Benefits – Adoption** on p. 3).
- **Child Care** – funds may provide direct cash payments or reimbursement for child care expenses, as well as fund specific child care programs to address members’ needs (such as resource & referral services, summer camps, SAT prep courses, tutoring programs, etc.). Some child care funds also help conduct preliminary studies of workforce needs such as an on-site child care center. (Also see **Child Care – Dependent Care Assistance Program** on p. 4).
- **Dependent Care/ Elder Care** – funds may provide direct cash payments or reimbursement for dependent/ elder care expenses, as well as fund specific dependent care programs to address members’ needs (such as resource & referral services). Some funds also help conduct preliminary studies of workforce needs regarding dependent care/ elder care. (Also see **Dependent Care – Dependent Care Assistance Program** on p. 8 and **Elder Care – Dependent Care Assistance Program** on p. 9).
- **Education** – this type of fund provides assistance to employees with educational needs. Funds may provide reimbursement for formal education or pay for training or professional development opportunities. Some help employees enroll in educational classes such as English as a Second Language (ESL), parenting, conflict resolution, etc.
- **Family (General)** – general work family funds may have a wide variety of purposes from conducting preliminary workforce surveys to determine the need for work family programs to overseeing existing programs or developing new types of work family services.
- **Legal** – generally provide some type of pre-paid legal services to employees.

To find contract language on **Funds**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Funds** (www.learnworkfamily.org/techniques/general.html).

Other Leave

Besides family leave benefits, unions have bargained for wide variety of other leaves to help workers deal with family responsibilities.

- **Bereavement** – leave that provides time off to attend funerals or deal with related responsibilities in the event of a death in the family or household.
- **Domestic Violence** – a growing number of collective bargaining agreements (and some state laws) provide for time off to deal with issues related to domestic violence. Time off may be used to deal with medical care, finding safe housing, social work visits, or court appearances.
- **Donated** – provisions may allow workers to donate their accumulated leave to co-workers who have used their leave allocations but are in need of additional leave to deal with their own health condition or the care of a family member.
- **Marriage Leave** – some contract provisions allow workers to take a specified number of days off in the event of their marriage. Others guarantee the right to take vacation during the time before, during and after marriage.
- **Mentoring/Volunteer Work** – provisions that allow time off to participate in mentoring or other forms of volunteer work.
- **Paid Time Off** – some contracts combine all forms of paid time off (primarily sick leave and vacation) into one allocation. Employees may then use the time for any reason.
- **Personal** – some provisions allow for time off for a variety of personal reasons. Frequently, unpaid sick leave is included in this category but other reasons may also form the basis for personal leave.
- **Religious (or Religious Accommodation)** – provisions that allow employees some leeway to engage in religious practices and take time off to mark religious holidays on regular workdays.
- **Sabbaticals** – some contracts provide for periodic sabbaticals based on a preset length of employment giving employees extended time off from work for research, professional development or rejuvenation. Although this kind of leave is most common in academic workplaces, other employers are beginning to see the advantages of this kind of leave.
- **School Visits/Participation** – provisions that specifically employees time off to participate in their children's school related activities such as parent-teacher conferences, school visits, etc. (NOTE: Such provisions may build upon existing state laws on time off for parental participation in schools.)
- **Sick Leave (Cash Out Unused)** – a few contract provisions give employees the opportunity to receive cash payments for unused sick leave upon termination of employment or retirement.

- **Sick Leave (Extended)** – provisions that guarantee additional sick leave in the event of a health condition that outlasts available sick leave. Such provisions are most common in teachers' contracts.
- **Small Increments** – provisions that allow workers to take leave in small amounts of time for family responsibilities. (E.g. an employee who needs a few hours off work to take his/her child to the doctor but does not wish to take the whole day off can use this kind of leave.)
- **Stress** – some union contracts allow employees to take leave to deal with stress (sometimes known as "mental health days"). This generally involves the use of sick leave or vacation time. Such provisions are most common in the contracts involving workers in high stress occupations such as child protective service workers and mental health hospital staff.
- **Training/Education** – provisions that allow employees to take leave to participate in educational programs or trainings. (Also see **Tuition Assistance & Training/Education/Professional Development** under **Assistance/Services** on p. 2)

To find contract language on **Other Leave**, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Other Leave** (www.learnworkfamily.org/techniques/general.html).

Other

Other miscellaneous contract provisions that provide useful work family benefits are listed below.

- **Family Calls at Work** – provisions that allow workers the right to make or receive phone calls related to child or dependent/elder care arrangements during the work day.
- **Lactation/Breast Feeding** – some contracts provide specific protections and rights for mothers who are breast feeding. (NOTE: State laws on lactation rights of mothers may govern this subject. To search state laws, go to: <http://wfnetwork.bc.edu/bills.php>)
- **Resolutions** – these are statements that layout a general principle agreed to in bargaining such as the intention to create a family friendly workplace or provide specific work family benefits to employees. Such statements can help influence future bargaining for work family benefits and programs.
- **Transfers** – contract provisions that deal with specific rights related to employee transfers either in relation to those initiated by the employer or based on an employee's need to transfer for family reasons (e.g. a spouse's job, marriage, special education needs or medical services for children).

To find contract language on **Other** work family benefits, go to the **LEARN WorkFamily database** (www.learnworkfamily.org).

Also see **General Considerations** on bargaining for **Other** work family benefits (www.learnworkfamily.org/techniques/general.html).